



Date: 20221020

Docket: IMM-9243-21

Citation: 2022 FC 1438

[ENGLISH TRANSLATION]

Ottawa, Ontario, October 20, 2022

PRESENT: The Honourable Mr. Justice Gleeson

BETWEEN:

**MICHEAL OLUSEGUN ADEBAYO
ADEYEMI**

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] The applicant, Michael Olusegun Adebayo Adeyemi, a citizen of Nigeria, arrived in Canada in April 2018 and then filed a refugee protection claim. He alleged that he feared for his life in Nigeria at the hands of nomadic Fulani herdsmen. The Refugee Protection Division [RPD]

found that the applicant was not credible in relation to certain aspects of his account and that he had an internal flight alternative [IFA] in Lagos. The RPD determined that the applicant is neither a Convention refugee nor a person in need of protection.

[2] In its decision dated November 17, 2021, the Refugee Appeal Division [RAD] dismissed the applicant's appeal, concluding that the determinative issue was that of the IFA. The applicant seeks judicial review of the RAD decision under section 72 of the *Immigration and Refugee Protection Act*, SC 2001, ch 27 [IRPA].

[3] I am not satisfied that the intervention of the court is warranted. The application is dismissed for the following reasons.

II. Background

[4] The applicant stated that he worked as an auditor for the Oyo State House of Assembly and as a subsistence and commercial farmer on land in the village of Fiditi.

[5] In November 2016, his farm workers informed him of an invasion by Fulani nomads and their livestock. In response to the invasion, the applicant and his workers injured a few animals. He filed a complaint with the police.

[6] In December 2016, the applicant's farm was set on fire. According to the applicant's account, the nomads were found at the scene by the police. In the following days, they returned

to the farm to find the applicant, who, fearing the nomads, had left the premises after the fire to stay at his home in Ayegun, Ibadan.

[7] In February 2017, the nomads were reportedly seen in his neighbourhood in Ayegun, according to the applicant. He therefore fled from Ayegun but did not file any other complaint with the police. He stayed in a guesthouse of the Oyo House of Assembly and obtained a visa for the United States. He arrived in the United States in June 2017 and Canada in April 2018.

III. Issue and applicable standard of review

[8] The proceeding raises only one issue: Is the RAD decision on the viability of the IFA reasonable?

[9] A reasonable decision has several hallmarks, such as justification, transparency and intelligibility (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 99 [*Vavilov*]). Moreover, a reasonable decision is “based on an internally coherent and rational chain of analysis and is justified in relation to the facts and law that constrain the decision maker” (*Vavilov* at para 85).

IV. Analysis

[10] The applicant alleges that the RAD did not complete an independent analysis of the evidence and failed to assess subjective and objective fear in the refugee protection claim. In addition, he alleges that the RAD ignored objective evidence, such as the threats and the attack

on the farm, which support the applicant's fear that he faced a serious risk of being persecuted in Lagos. I disagree.

[11] The RAD clearly understood its role, which is to review all the evidence and determine whether the RPD's decision is correct (*Canada (Citizenship and Immigration) v Huruglica*, 2016 FCA 93 at para 78). The decision reflects an independent analysis of the issues identified by the applicant.

[12] The concept of an IFA is an inherent part of the definition of "Convention refugee" (*Henao v Canada (Citizenship and Immigration)*, 2020 FC 84 at para 11). Once the issue of an IFA is raised, the burden of proof rests with the claimant to establish, on a balance of probabilities, (1) that there is a serious possibility of being persecuted in the proposed IFA; or (2) that the conditions in the proposed IFA make it unreasonable for the claimant to relocate there, taking into consideration all the circumstances, including his or her personal circumstances. The burden for establishing that an IFA would be unreasonable is heavy, and the claimant must present actual and concrete evidence of conditions that would jeopardize his or her life and safety (*Adebayo v Canada (Immigration, Refugees and Citizenship)*, 2019 FC 330 at para 53; *Olusola v Canada (Citizenship and Immigration)*, 2020 FC 799 at paras 8-9).

[13] The RAD reasonably concluded that the applicant had failed to demonstrate that the Fulani had the means or motivation to locate and target him in Lagos.

[14] The RAD reviewed and dismissed the applicant's testimony that the Fulani were motivated to locate him, having sought him at his residence in Ayegun after his farm was set on fire. In dismissing this testimony, the RAD specifically concluded that it did not believe that the Fulani had pursued the applicant to his residence in Ayegun, noting that this significant and highly relevant information had been omitted from the applicant's account. I am satisfied that the RAD's conclusion in this regard was one of the possible outcomes that could be justified by the evidence and that the RAD provided a transparent explanation of why it reached this conclusion.

[15] The applicant argues that the National Documentation Package [NDP] contains evidence that the Fulani have the ability to locate him in Lagos, citing tab 7.31 of the NDP: Responses to Information Requests, Nigeria - *Fulani herdsmen, including motivations, modus operandi and recruitment methods; raids by Fulani herdsmen in schools in Benin City in October 2016 (2016-August 2018)*. I find no basis for this argument, for two reasons. First, the RAD specifically reviewed the documentary evidence, noting that it indicated that the Fulani attacks were local in nature and concentrated in agricultural areas, and that these disputes were instead the result of a co-existence problem. Second, the RAD reviewed tab 7.31 and rightly noted that the disputes with the Fulani were occurring in Nigeria's Middle Belt. The RAD did not misinterpret the objective written evidence.

[16] For the second prong of the test, the applicant did not present any evidence to support the claim that his living conditions in Lagos would pose a risk to him. In the absence of specific evidence regarding his personal situation, the RAD did not err in its analysis.

V. Conclusion

[17] The RAD's decision is reasonable. The application for judicial review is dismissed. There is no question of general importance to be certified.

JUDGMENT in IMM-9243-21

THIS COURT'S JUDGMENT is as follows:

1. The application for judicial review is dismissed.
2. No question is certified.

“Patrick Gleeson”

Judge

Certified true translation
Michael Palles

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-9243-21

STYLE OF CAUSE: MICHEAL OLUSEGUN ADEBAYO ADEYEMI v
THE MINISTER OF CITIZENSHIP AND
IMMIGRATION

PLACE OF HEARING: HELD BY VIDEOCONFERENCE

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JUDGMENT AND REASONS: GLEESON J.

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APPEARANCES:

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