

Federal Court



Cour fédérale

Date: 20230406

Docket: IMM-4451-22

Citation: 2023 FC 490

Toronto, Ontario, April 6, 2023

PRESENT: The Honourable Madam Justice Heneghan

BETWEEN:

OMOWALE ISMAEEL MAKANJU

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

REASONS AND JUDGMENT

[1] Mr. Omowale Ismaeel Makanju (the “Applicant”) seeks judicial review of the decision of an Officer (the “Officer”) refusing his Pre-Removal Risk Assessment (“PPRA”) application made pursuant to section 112 of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27 (the “Act”).

[2] The Applicant is a citizen of Nigeria. Following his arrival in Canada on October 5, 2018, he claimed refugee protection on the basis of a dispute with a man in Nigeria about a local kingship. His claim was rejected by the Immigration and Refugee Board, Refugee Protection Division on May 22, 2019, on grounds of credibility.

[3] The Applicant appealed to the Immigration and Refugee Board, Refugee Appeal Division. His appeal was dismissed by a decision dated September 20, 2019.

[4] The Applicant submitted his PRRA application on June 21, 2021. He raised a new risk, that is a claim of risk from the authorities due to his involvement with the Indigenous People of Biafra (“IPOB”) movement in Niagara. He did not raise this risk in connection with his claim for refugee protection.

[5] The Officer denied the Applicant’s PRRA application on the grounds that the evidence submitted was insufficient to establish his claim.

[6] The Applicant argues that the Officer failed to consider the evidence he submitted in support of the new risk. That evidence consisted of text messages from his wife.

[7] The decision is reviewable on the standard of reasonableness, following the decision in *Canada (Minister of Citizenship and Immigration) v. Vavilov*, [2019] 4 S.C.R. 653 (S.C.C.).

[8] In considering reasonableness, the Court is to ask if the decision under review "bears the hallmarks of reasonableness -justification, transparency and intelligibility - and whether it is justified in relation to the relevant factual and legal constraints that bear on the decision"; see *Vavilov, supra* at paragraph 99.

[9] Upon considering the evidence submitted and the submissions, both written and oral, of the parties, I am not persuaded the Officer made a reviewable error. The decision reflects an appreciation of the evidence submitted by the Applicant. It is the task of the Officer, not of the Court, to weigh the evidence. The decision meets the applicable standard of review and the application for judicial review will be dismissed.

JUDGMENT in IMM-4451-22

THIS COURT'S JUDGMENT is that the application for judicial review is dismissed.

There is no question for certification.

“E. Heneghan”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-4451-22

STYLE OF CAUSE: OMOWALE ISMAEEL MAKANJU v. THE MINISTER
OF CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: APRIL 4, 2023

REASONS AND JUDGMENT: HENEGHAN J.

DATED: April 6, 2023

APPEARANCES:

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