

Federal Court



Cour fédérale

**Date: 20240516**

**Docket: IMM-935-23**

**Citation: 2024 FC 747**

**Ottawa, Ontario, May 16, 2024**

**PRESENT: The Honourable Madam Justice Heneghan**

**BETWEEN:**

**MARTINS CHUKWUEMEKA ILO**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**REASONS AND JUDGMENT**

[1] Mr. Martins Chukwuemeka Ilo (the “Applicant”) seeks judicial review of the decision of the Immigration and Refugee Board, Refugee Appeal Division (the “RAD”) dismissing his appeal from the decision of the Immigration and Refugee Board, Refugee Protection Division (the “RPD”). The RPD had dismissed the Applicant’s application for Convention refugee status.

[2] The Applicant is a citizen of Nigeria. He sought protection on the basis of his political activities and his refusal to subject his daughter to female genital mutilation. The RAD dismissed his appeal on the basis of negative credibility findings and a lack of evidence, relative to his fears for his daughter.

[3] The Applicant argues that the credibility findings were unreasonable, on many grounds.

[4] The Minister of Citizenship and Immigration (the “Respondent”) submits that the decision is reasonable and shows no legal error.

[5] Following the decision in *Canada (Minister of Citizenship and Immigration) v. Vavilov*, [2019] 4 S.C.R. 653 (S.C.C.), the applicable standard of review is reasonableness.

[6] 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.

[7] The RAD reviewed the evidence, as contained in the Certified Tribunal Record, and addressed the arguments of the Applicant.

[8] Upon considering the materials filed and the written and oral submissions of the parties, I am not persuaded that the decision fails to meet the standard of reasonableness.

[9] In the result, the application for judicial review will be dismissed. There is no question for certification.

**JUDGMENT IN IMM-935-23**

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

There is no question for certification.

“E. Heneghan”

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Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-935-23

**STYLE OF CAUSE:** MARTINS CHUKWUEMEKA ILO v. THE MINISTER OF CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** FEBRUARY 28 AND APRIL 12, 2024

**REASONS AND JUDGMENT:** HENEGHAN J.

**DATED:** MAY 16, 2024

**APPEARANCES:**

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Bradley Gotkin FOR THE RESPONDENT

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