

Date: 20071127

Docket: IMM-5494-06

Citation: 2007 FC 1248

Vancouver, British Columbia, November 27, 2007

PRESENT: The Honourable Madam Justice Heneghan

BETWEEN:

MARY ELUMUNOR MEBELE

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

REASONS FOR ORDER AND ORDER

[1] Ms. Mary Elumunor Mebele (the “Applicant”) seeks judicial review of the decision of the Immigration and Refugee Board, Refugee Protection Division (the “Board”), dated September 19, 2006. In its decision, the Board determined that the Applicant is neither a Convention refugee nor a person in need of protection pursuant to section 96 and subsection 97(1) of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27 (the “Act”), respectively.

[2] The Board found that the Applicant has access to an Internal Flight Alternative (“IFA”) in her country of citizenship, Nigeria. She based her claim for refugee status in Canada on her membership in a particular social group, that is, widows in Nigeria who are accused of having been implicated in the deaths of their husbands.

[3] According to the Applicant, there is a rural custom in Nigeria that women who are suspected of having caused the death of their husbands must participate in a certain tribal cleansing ritual which would require her to perform rites such as dancing naked around the village square. The Applicant claimed that she was warned that she would have to participate in such rituals. When she tried to escape, she was beaten.

[4] Ultimately, the Applicant managed to escape her village in southern Nigeria and move to the northern state of Sokoto. Prior to leaving her village for Sokoto, the Applicant’s brothers contacted the village police. The police declined to offer assistance, on the grounds that it does not interfere with local customs.

[5] The Applicant stayed in Sokoto for about three months. She left that area after she met some people from the village. She then moved to Lagos until leaving for Canada in August 2005.

[6] The Board acknowledged the Applicant’s distaste for participation in old post-mortem customs, and further acknowledged that failure of a widow to conform with social customs may lead to such consequences as physical assault, banishment from the family or loss of access to her

husband's property. Nonetheless, the Board concluded that such consequences do not amount to persecution or serious harm.

[7] The Board determined that Lagos represented an IFA for the Applicant, notwithstanding her belief that people from her village can be found in all parts of Nigeria. The Board found the Applicant's claim of being threatened with serious harm to lack credibility.

[8] Having regard to the evidence that was submitted to the Board, the Board's conclusions meet the standard of review that applies here. The finding of an IFA is essentially one of fact. The Board's conclusions are not patently unreasonable. The decision shows an appreciation and analysis of the relevant evidence. There is no basis for judicial intervention.

[9] Accordingly, the application for judicial review is dismissed. There is no question for certification arising.

ORDER

The application for judicial review is dismissed, no question for certification arising.

"E. Heneghan"

Judge

FEDERAL COURT

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: IMM-5494-06

STYLE OF CAUSE: Mary Elumunor Mebele v. The Minister of
Citizenship and Immigration

PLACE OF HEARING: Toronto, Ontario

DATE OF HEARING: October 17, 2007

**REASONS FOR ORDER
AND ORDER:** HENEGHAN J.

DATED: November 27, 2007

APPEARANCES:

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Gordon Lee FOR THE RESPONDENT

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