

Federal Court



Cour fédérale

Date: 20110725

Docket: IMM-6609-10

Citation: 2011 FC 928

Ottawa, Ontario, July 25, 2011

PRESENT: The Honourable Mr. Justice Harrington

BETWEEN:

SANDRA SIKIRATU IYILE

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

REASONS FOR ORDER AND ORDER

[1] Ms. Sikiratu Iyile is a Nigerian citizen. Her claim for refugee status was denied on the grounds that there was a viable internal flight alternative, the city of Lagos, where she had in fact lived for many years. This is the judicial review of that decision.

[2] According to Ms. Sikiratu Iyile, she was given in forced marriage to a much older man who subsequently died. Apparently she and his other wives were to be inherited by her late husband's

older brother, who not only intended to marry her but also to have her subjected to female circumcision. Her own family would not help her.

[3] She moved to Benin City where she stayed for two years with an “auntie”. However, once her family tracked her down, the auntie said she could keep her no longer.

[4] Lacking an education, she went to Lagos and became a street person. Although she was able to live with a friend from time to time, for the most part she lived under a bridge, begged, and finally turned to prostitution. There was a silver lining in this because a customer, a “sugar daddy”, took pity on her and financed her trip to Canada. As implausible as this may seem, no adverse credibility finding was made against her.

[5] During the approximately five years she was in Lagos, neither her late husband’s brother nor her family found her.

[6] It is a fundamental principle of refugee law that one cannot seek international protection if there is a viable alternative in another part of one’s own country. Indeed, the concept of a viable IFA is inherent in the process, with the burden resting on the applicant (*Rasaratnam v Canada (Minister of Employment and Immigration)* (1991), [1992] 1 FC 706 (FCA) and *Thirunavukkarasu v Canada (Minister of Employment and Immigration)* (1993), [1994] 1 FC 589 (FCA)).

[7] There is no evidence whatsoever that those who she thinks would do her harm, namely her late husband's family and her own family, would have the will and the capacity to track her down in Lagos. This is borne out by her previous experience in that city.

[8] Ms. Sikiratu Iyile submits that it would be inhumane to send her back to Lagos, to return her to a life of begging and prostitution, particularly since she now has a Canadian-born daughter. However, that is a situation in which any young uneducated female might find herself in the big city. It does not give rise to a refugee claim or a claim for international protection under sections 96 and 97 of the *Immigration and Refugee Protection Act*. Furthermore, as the tribunal member pointed out, she professed that she had no knowledge of help available in Lagos from non-government organizations. She now does. These organizations can help to find her shelter and employment. She need not return to the streets.

[9] The tribunal's conclusion that an IFA was a realistic option for Ms. Sikiratu Iyile in her particular circumstances and would not likely jeopardise her life and safety was not unreasonable and should not be set aside by this Court.

ORDER

FOR REASONS GIVEN;

THIS COURT ORDERS that:

1. This application for judicial review is dismissed.
2. There is no serious question of general importance to certify.

“Sean Harrington”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-6609-10

STYLE OF CAUSE: SIKIRATU IYILE v MCI

PLACE OF HEARING: Montreal, Quebec

DATE OF HEARING: July 19, 2011

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

DATED: July 25, 2011

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