

Federal Court



Cour fédérale

Date: 20111201

Docket: IMM-3446-11

Citation: 2011 FC 1400

Toronto, Ontario, December 1, 2011

PRESENT: The Honourable Madam Justice Mactavish

BETWEEN:

PRINCE DAYO ABIONA

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

REASONS FOR JUDGMENT AND JUDGMENT

[1] Prince Dayo Abiona claims to fear persecution in Nigeria at the hands of his father's wife and her son, as a result of a succession dispute regarding the leadership of the Ipodo community. The Immigration and Refugee Board dismissed his refugee claim. At the conclusion of the hearing of Mr. Abiona's application for judicial review, I advised the parties that I would be dismissing the application. These are my reasons for that decision.

[2] I am satisfied that the Board's finding that Mr. Abiona did not face a prospective risk in Nigeria was reasonable, given that he had no interest in becoming the king of his community. Moreover, his lack of prospective risk is confirmed by the admission made today that all Mr. Abiona has to do to put an end to the matter is to publicly renounce the throne.

[3] There is a second, independent basis for dismissing the application. The Board found that Mr. Abiona had an internal flight alternative (IFA) in both Port Harcourt and in Ibadan. This finding was entirely reasonable insofar as it relates to Ibadan.

[4] The burden is on the individual seeking refugee protection to establish on a balance of probabilities that there is a serious possibility of persecution throughout the country, including the area which is alleged to afford an IFA: see *Rasaratnam v. Canada (Minister of Employment and Immigration)*, [1992] 1 F.C. 706 (F.C.A.). While Mr. Abiona explained why Port Harcourt was not a viable IFA, he did not provide any evidence to show why he could not live safely in Ibadan, beyond his general assertion that he would not be safe anywhere in Nigeria.

[5] I agree with counsel that this case does not raise an appropriate question for certification.

JUDGMENT

THIS COURT ORDERS AND ADJUDGES that this application for judicial review is dismissed.

“Anne Mactavish”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-3446-11

STYLE OF CAUSE: PRINCE DAYO ABIONA v.
THE MINISTER OF CITIZENSHIP
AND IMMIGRATION

PLACE OF HEARING: Toronto, Ontario

DATE OF HEARING: December 1, 2011

**REASONS FOR JUDGMENT
AND JUDGMENT:** MACTAVISH J.

DATED: December 1, 2011

APPEARANCES:

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