Federal Court  Cour fédérale

Date: 20120125

Docket: IMM-2081-11

Citation: 2012 FC 99

Ottawa, Ontario, January 25, 2012

PRESENT: The Honourable Mr. Justice Harrington

BETWEEN:

EDWIN CHINEDU M OKAFOR

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

REASONS FOR ORDER AND ORDER

[1] If Mr. Okafor killed a sacred python near the Igbona Village, Ibadan, Nigeria, it may be that he is at risk of persecution, torture or death throughout the country at the hands of the Ogboni Fraternity who consider the python to be one of their gods. However, the member of the Refugee Protection Division of the Immigration and Refugee Board of Canada who heard his case did not believe him and so had no need to characterize the risk he allegedly faced or to determine whether state protection or an internal flight alternative was available to him.

[2] The only issue in this judicial review of that decision is whether the member's decision was reasonable. I find that it was.

[3] According to Mr. Okafor, he was invited to attend a wedding ceremony by a friend of the groom. He was not an official guest. As they were early for the ceremony, he and his friend went hunting in the bushes, whereupon he killed a python. The villagers apparently consider the python a sacred animal and detained him for the purpose of killing him in an elaborate ceremony. He managed to escape back to Lagos where he lived, was tracked down, and then made his way to Port Harcourt from where he came to Canada.

[4] Mr. Okafor's counsel makes much of the fact that the member may have gone into too great detail about the wedding and the village in question and what he should have known about it. However, the main thrust of her decision was that she was not even satisfied that the claimant lived in Nigeria at the time of this incident, which was in July 2008. He did not produce a single document establishing that he lived in Nigeria after 2005. He claims to have arrived in Toronto by air on KLM from Amsterdam in September 2008, but, of course, was unable to produce the false British passport on which he claims to have flown, his boarding pass or baggage tags, as they were all taken back by the facilitator. What I find difficult to fathom is that none of the forms he filled in asked him for the name under which he flew, and he was not asked that question at the refugee hearing, or why he could not have obtained his own passport.

[5] The member rightly relied upon the decision of Mr. Justice Nadon, as he then was, in *Elazi v Canada (Minister of Citizenship and Immigration)*, 191 FTR 205, [2000] FCJ No 212 (QL) where he said at paragraphs 17 and 18:

> [17] I take this opportunity to add that it is entirely reasonable for the Refugee Division to attach great importance to a claimant's passport and his air ticket. In my opinion, these documents are essential to establish the claimant's identity and his journey to come to Canada. Unless it can be assumed that a refugee status claimant is actually a refugee, it seems unreasonable to me to ignore the loss of these documents without a valid explanation. In my view, it is to easy for a claimant to simply state that he has lost these documents or the facilitator has taken them. If the Refugee Division insists on these documents being produced, the facilitators may have to change their methods.
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> [18] Minimizing the importance of the passport and air ticket as documents to be produced or ignoring their non-submission for all sorts of reasons in my opinion only serves to encourage all those whose only purpose is to take advantage of a system which is intended solely to enable genuine refugees to come to Canada.

[6] It is also noteworthy that Mr. Okafor did not apply for refugee status at the airport, but rather at an in-land office the day after he allegedly arrived here. Had he been required to give his “nom de vol”, that could have been checked out against the passenger manifest.

[7] Having found the applicant’s story not to be credible at its core, the member was justified in discounting the documentation he produced: see *Mejia v Canada (Minister of Citizenship and Immigration)*, 2009 FC 1091, [2009] FCJ No 1313 (QL), and the cases cited therein.

[8] All in all, the decision falls well within the reasonableness parameters as described by the Supreme Court in *Dunsmuir v New Brunswick*, 2008 SCC 9, [2008] 1 SCR 190.

ORDER

FOR REASONS GIVEN;

THIS COURT ORDERS that:

1. The 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-2081-11
STYLE OF CAUSE:	OKAFOR v MCI
PLACE OF HEARING:	OTTAWA, ONTARIO
DATE OF HEARING:	JANUARY 23, 2012
REASONS FOR ORDER AND ORDER:	HARRINGTON J.
DATED:	JANUARY 25, 2012

APPEARANCES:

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