

Federal Court



Cour fédérale

**Date: 20190503**

**Docket: IMM-5151-18**

**Citation: 2019 FC 577**

**Ottawa, Ontario, May 3, 2019**

**PRESENT: Madam Justice Mactavish**

**BETWEEN:**

**EMWANTA MARIS AMADIN-IRORO,  
AISOSA ANDRE AMADIN-IRORO,  
OSAIYEKEMWEN DERICK  
AMADIN-IRORO AND OSAYUKI GABRIELA  
AMADIN-IRORO**

**Applicants**

**and**

**THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

[1] Emwanta Maris Amadin-Iroro and her three children are citizens of Nigeria whose refugee claims were found to have no credible basis. Their subsequent application for a Pre-Removal Risk Assessment was refused, and they now seek judicial review of that decision.

[2] Before the Refugee Protection Division of the Immigration and Refugee Board, Ms. Amadin-Iroro claimed to fear the family of her deceased husband, who allegedly blamed her for her husband's death. She also claimed that her in-laws wanted to subject her young daughter to female genital mutilation, and to have her eldest son participate in traditional rituals. The Board found that Ms. Amadin-Iroro had fabricated her claims and that she had provided fraudulent documents to support them. Leave to judicially review the Board's decision was subsequently refused by this Court.

[3] In her PRRA submissions, Ms. Amadin-Iroro essentially restated her claim that she and her children were at risk at the hands of her late husband's family. For the first time, however, she also alleged that she would be at risk in Nigeria because of her status as a widow.

[4] The PRRA officer found that the documentary evidence from third parties that had been provided by Ms. Amadin-Iroro was insufficient to overcome the negative credibility findings made by the Refugee Protection Division. While acknowledging that single women, including widows, face some discrimination in Nigeria, the Officer concluded that Ms. Amadin-Iroro had failed to link her personal circumstances to the discrimination discussed in the country condition information.

[5] Ms. Amadin-Iroro asserts that the Officer erred in concluding that she was not at risk in Nigeria because she was a widow, and that the Officer's assessment of the third party evidence was unreasonable. For the reasons that follow, I am satisfied that the Officer's decision was reasonable, with the result that the application for judicial review will be dismissed.

**I. The Risk Allegedly Faced by Ms. Amadin-Iroro Because She is a Widow**

[6] In support of the assertion in her PRRA submissions that she would be at risk in Nigeria because she is a widow, Ms. Amadin-Iroro provided the PRRA Officer with a Response to Information Request from 2012.

[7] Although this country condition document would have been available at the time of Ms. Amadin-Iroro's refugee hearing, she did not claim to face a risk in Nigeria based upon her status as a widow at that time. Moreover, as the PRRA officer noted, no explanation was provided by Ms. Amadin-Iroro for her failure to assert that she faced such a risk in the context of her refugee claim. Indeed, the entire focus of Ms. Amadin-Iroro's refugee claim was the risk that she claimed to face at the hands of her late husband's family.

[8] It is well-established in the jurisprudence that for the purposes of section 96 of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27, the notion of risk has both an objective and a subjective component: see, for example, *Kaur v. Canada (Citizenship and Immigration)*, 2014 FC 505 at para. 40, 455 F.T.R. 220. Ms. Amadin-Iroro's failure to identify the risk that she now claims to face based on the fact that she is a widow when she had the opportunity to do so in the context of her refugee claim suggests that she lacks a subjective fear on this basis.

[9] The Response to Information Request document relied on by Ms. Amadin-Iroro notes that "it is very difficult to generalize" about the risks that widows may face in Nigeria, and that many factors have to be considered in assessing whether a particular individual may be at risk for this reason. Amongst other things, these factors include the individual's level of education and

their access to family support, as well as their tribe, sub-clan, geographical location and socio-economic status.

[10] The PRRA Officer examined the evidence adduced by Ms. Amadin-Iroro in relation to this issue, and considered her own personal circumstances. Amongst other things, the Officer observed that Ms. Amadin-Iroro had lived in Nigeria for almost a year after her husband's death, yet she provided no evidence to indicate that she lacked family support in that country, or that she had encountered any difficulty in obtaining or maintaining housing for her family. Ms. Amadin-Iroro also had not provided the Officer with any evidence to suggest that had she chosen to work, she would have had any difficulty in obtaining suitable employment. Consequently, there was no evidence that Ms. Amadin-Iroro had encountered the difficulties described in the country condition information prior to leaving Nigeria.

[11] The Officer further observed that Ms. Amadin-Iroro's mother (who lived in the same area as Ms. Amadin-Iroro and presumably shared her tribe and sub-clan) had been a widow for some 32 years. While the mother provided an affidavit in support of her daughter's refugee claim, and a further affidavit in support of Ms. Amadin-Iroro's PRRA submissions, she did not mention ever having encountered any difficulties in Nigeria simply because she was a widow.

[12] While the refugee analysis is forward-looking, and claimants do not have to demonstrate that they have suffered persecution in the past, members of a particular social group do need to link their personal situation to the risks described in country condition information.

[13] In this case, the PRRA Officer accepted that the situation for single women in Nigeria was "not ideal" and that some single women, including widows, face discrimination in that

country. However, the Officer found that Ms. Amadin-Iroro had provided insufficient evidence to demonstrate that she herself would be at risk in Nigeria because of her status as a widow. This was a conclusion that was reasonably open to the Officer on the basis of the evidence provided by Ms. Amadin-Iroro.

## **II. The Officer's Treatment of the Documents from Third Parties**

[14] The focus of much of Ms. Amadin-Iroro's PRRA submissions was on the risk that she claimed to face in Nigeria at the hands of her late husband's family – a story that had been soundly rejected by the Refugee Protection Division as having no credible basis.

[15] Ms. Amadin-Iroro provided the Officer with several documents to support this claim. These included a further affidavit from her mother in which she stated that she had been attacked by her daughter's in-laws. She also produced a medical report describing the leg injury that the mother had allegedly sustained in the attack, and an extract from a "crime diary" documenting a complaint that the mother had allegedly made to the police with respect to the attack.

[16] Each of these documents was carefully considered by the PRRA Officer, who explained why each of the documents was being afforded little weight. While Ms. Amadin-Iroro takes issue with certain comments made by the Officer in relation to each document, the fact is that the Officer offered several reasons for rejecting the probative value of each of the documents. The Officer's conclusion that the documents had little probative value was thus arrived at in an intelligible and transparent manner, and the result was one that was well within the range of possible, acceptable outcomes that are defensible in respect of the facts and the law: *Dunsmuir v. New Brunswick*, 2008 SCC 9 at para. 47, [2008] 1 S.C.R. 190.

[17] At the end of the day, what Ms. Amadin-Iroro is essentially asking the Court to do is to reweigh the evidence that was before the PRRA Officer to come to a different conclusion. That is not the role of the Court sitting in review of a decision such as this.

**III. Conclusion**

[18] For these reasons, the application for judicial review is dismissed. I agree with the parties that the case is fact-specific, and does not raise a question that is suitable for certification.

**JUDGMENT IN IMM-5151-18**

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

"Anne L. Mactavish"

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Judge

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

**DOCKET:** IMM-5151-18

**STYLE OF CAUSE:** EMWANTA MARIS AMADIN-IRORO, AISOSA  
ANDRE AMADIN-IRORO, OSAIYEKEMWEN DERICK  
AMADIN-IRORO AND OSAYUKI GABRIELA  
AMADIN-IRORO v THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** APRIL 30, 2019

**JUDGMENT AND REASONS:** MACTAVISH J.

**DATED:** MAY 3, 2019

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