Federal Court  Cour fédérale

Date: 20210512

Docket: IMM-1039-20

Citation: 2021 FC 430

Ottawa, Ontario, May 12, 2021

PRESENT: Mr. Justice Norris

BETWEEN:

OLUWASEYI FUNMILAYO SADIQ
BOLANLE OLUWATOYIN SADIQ
DARASIMI AYOMIDE SADIQ
DAMISI OLAMIDE SADIQ

Applicants

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

I. OVERVIEW

[1] The applicants are a Nigerian family of four – a married couple and their minor children. They sought protection in Canada on the basis of the risks faced by the principal claimant, Oluwaseyi Sadiq, as a result of his having assisted his former employer in a legal action against

two employees it had accused of embezzling funds from the company. The Refugee Protection Division ("RPD") of the Immigration and Refugee Board of Canada ("IRB") denied the claims. The applicants appealed this decision to the Refugee Appeal Division ("RAD") of the IRB. The RAD dismissed the appeal in a decision dated January 20, 2020. The determinative issue for the RAD was the availability of a viable internal flight alternative ("IFA") in Abeokuta, Nigeria.

[2] The applicants now apply for judicial review of the RAD's decision under subsection 72(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 ("*IRPA*"). They seek to have the RAD's decision set aside on the basis that it is unreasonable.

[3] For the reasons that follow, I do not agree that the decision is unreasonable. This application must, therefore, be dismissed.

II. BACKGROUND

[4] Before coming to Canada, the Sadiq family's home was in Lagos. Mr. Sadiq is a licensed civil engineer. He had worked for Jumbol Engineering in Lagos as a project director since April 2011.

[5] In February 2018, auditors discovered that the costs of one of the company's projects were exceeding what had been budgeted. Although the project was only half-completed, the entire budget had been spent. The company investigated and discovered that two of the site engineers had been colluding with suppliers to inflate invoices in return for kickbacks. The pair was alleged to have defrauded the company of approximately $400,000.00 CAD.

[6] Jumbol reported the fraud to the police. It also commenced a lawsuit against the two employees. Mr. Sadiq was to be a witness for the company.

[7] Before the first day of the court proceeding, Mr. Sadiq received threatening phone calls and Ms. Sadiq received threatening text messages. They reported these threats to the police.

[8] Mr. Sadiq attended court in March 2018 for the commencement of the proceeding. It does not appear that he provided any evidence on that date. When he drove home from the court house another car followed him and his car was shot at. He was able to escape unharmed. Mr. Sadiq reported the incident to his employer and to the police.

[9] Being doubtful that the police would be able to protect them, the family left Lagos for Port Harcourt in early April 2018. They stayed for several months in the home of a friend of Mr. Sadiq's. While they were there, Mr. Sadiq received a threatening phone call. Mr. Sadiq continued to work on a project for Jumbol. He would return to Lagos from time to time for work.

[10] Mr. Sadiq returned to Lagos to testify in court on June 13, 2018. His evidence was not completed so the case was adjourned to September 20, 2018. Mr. Sadiq returned to Port Harcourt. A few days later, his friend, who was driving Mr. Sadiq's car, was stopped and beaten by a gang. The friend suffered serious injuries that required medical treatment. According to the friend, his attackers had threatened to kill him for "having the nerve" to come to court. They fled at the sound of an approaching siren. The friend reported the incident to the

police. Mr. Sadiq believes that the attackers mistook his friend for him and that he was the intended target.

[11] Mr. Sadiq tried to persuade Jumbol's lawyers to relieve him of the obligation to return to court in September but they refused. They told him that if he did not appear on the next date they would obtain a summons to force him to attend. They also told him that protection was not available from the police because it was a private matter.

[12] Before any of this had happened, Mr. Sadiq and his wife had been planning a trip to the United States and they had applied for US visas in February 2018.

[13] Fearing for his safety, Mr. Sadiq decided to leave Nigeria with his family. In July 2018, the family purchased airline tickets to the United States. They could not afford tickets with an earlier departure date so they arranged to leave in September.

[14] The family left Nigeria on September 4, 2018, with the intention of seeking asylum in the United States. After they arrived in the United States, a friend advised them that they would be better off making a claim for refugee protection in Canada rather than the United States. The applicants entered Canada irregularly near Lacolle, Quebec, on or about September 11, 2018, and made claims for protection.

[15] Mr. Sadiq himself never followed up with anyone about what had happened with the court case after he left Nigeria. At the request of his brother in Nigeria, a lawyer for Jumbol

provided a letter confirming that Mr. Sadiq had not attended the continuation of the trial. The lawyer wrote that he "had to proceed with the case" in Mr. Sadiq's absence but does not say what happened with the case.

[16] The RPD rejected the claims in a decision dated September 26, 2019. Since the applicants were alleging that they were at risk of being victims of criminal activities and they did not allege a fear of persecution on Convention grounds, the RPD considered the claims only under subsection 97(1) of the *IRPA*. In rejecting the claims, the RPD found that several aspects of Mr. Sadiq's account were not credible, that the applicants had not rebutted the presumption of state protection, and that they had a viable IFA in Abeokuta.

[17] The applicants appealed the RPD's determination to the RAD. They submitted that the RPD had erred in its adverse credibility findings and in determining that they had a viable IFA. The applicants did not seek to file any new evidence in support of their appeal, nor (as a result) did they request an oral hearing.

III. DECISION UNDER REVIEW

[18] The RAD explained that it was "required to undertake an independent assessment of the evidence and reach its own determination on a standard of correctness." The RAD acknowledged that it may show deference to the RPD's determinations where the RPD had a "meaningful advantage" in assessing evidence but found in this case that there was no reason to show deference to the RPD's findings.

[19] After reviewing the background circumstances giving rise to the claims for protection, the RAD observed that the applicants did not allege a fear of persecution based on a Convention ground. Rather, they alleged that their lives were in danger because of criminal activity by or at the instigation of the two Jumbol employees who had been accused of wrongdoing. Consequently, like the RPD, the RAD found that the claims were properly considered only under subsection 97(1) of the *IRPA*.

[20] The RAD noted that the applicants had argued that the RPD erred in its assessment of Mr. Sadiq's credibility and in finding that they had a viable IFA in Nigeria. The RAD considered that the existence of a viable IFA was determinative of the appeal and, as a result, it was not necessary to address the alleged errors in the RPD's credibility assessment. For the purposes of its analysis of the IFA, the RAD disregarded the RPD's adverse findings concerning the credibility and plausibility of the claims and, instead, assumed without deciding that Mr. Sadiq's description of the material events was credible and that the police reports and the letter from the Nigerian lawyer relied on by the applicants were genuine and credible.

[21] The RAD also noted that, in conducting its independent analysis, it was guided by the Jurisprudential Guide (JG) TB7-19851, which outlines considerations for internal flight alternatives for Nigerians fleeing non-state actors. The RAD member explained how he employed this Jurisprudential Guide as follows:

> While the JG is not binding and is only a guide, I find that the framework of analysis in the JG is appropriate because, like this case, it involves the consideration of IFAs in Nigeria for persons fleeing non-state actors. While I agree that it is appropriate to apply the JG, I do so through the lens of the evidence presented by these particular Appellants and the objective evidence before me.

[22] As will be discussed below, this Jurisprudential Guide was revoked by the IRB on April 8, 2020, a few months after the RAD rendered its decision in this case.

[23] The RAD then stated the general test for assessing an IFA as follows:

> (1) The Board must be satisfied on a balance of probabilities that there is no serious possibility of the claimant being persecuted in the part of the country to which it finds an IFA exists and/or the claimant would not be personally subject to a risk to life or a risk of cruel and unusual treatment or punishment or danger, believed on substantial grounds to exist, of torture in the IFA.
>
> (2) Moreover, the conditions in the part of the country considered to be an IFA must be such that it would not be unreasonable in all the circumstances, including those particular to the claimant, for them to seek refuge there.

[24] The RAD found that the RPD had "correctly stated that the burden of proof was on the claimants to establish that they do not have a viable IFA."

[25] Turning to the circumstances of the case before him, the RAD member began by stating the following:

> Under the first prong of the IFA analysis, the onus is on the Appellants to establish that they would be personally subject to a risk to life or a risk of cruel and unusual treatment or punishment or danger, believed on substantial grounds to exist, of torture in the IFA. This involves a consideration of whether the agent of persecution has both the (a) interest and motivation to pursue the Appellants in the proposed IFA, and (b) the ability to locate and harm the Appellants in the proposed IFA.

[26] On the basis of an analysis of the evidence which is articulated in the decision, the RAD concluded that Mr. Sadiq had failed to establish on a balance of probabilities that the former

Jumbol employees had any continuing interest in him or the motivation to locate and harm him. The RAD also concluded that Mr. Sadiq had not established on a balance of probabilities that the former employees had the capacity to track him and locate him in the proposed IFA. Thus, the RAD concluded that the first prong of the IFA test was met.

[27] Turning to the second prong of the IFA test, the RAD framed the issue as follows:

> The issue is whether it is reasonable, in the Appellants' circumstances, for them to relocate to Abeokuta. The onus is on the Appellants to demonstrate that an IFA is unreasonable. The threshold to find an IFA unreasonable is very high. It requires concrete evidence and "nothing less than the existence of conditions which would jeopardize the life and safety of a claimant in travelling or temporarily locating to a safe area"; it is not met by employment, education, or residential preferences. Hardship or reduced economic circumstances, alone, do not render an IFA unreasonable or "unduly harsh." The Court has reiterated the importance of not lowering that threshold. [Footnotes omitted.]

[28] The RAD found that the RPD correctly concluded that Abeokuta was a reasonable IFA in the applicants' specific circumstances. In addition to the RPD's analysis of the issue, which the RAD found to be free of error, the RAD conducted its own independent analysis. In doing so, the RAD noted that the Jurisprudential Guide had identified a range of issues that inform the analysis of the reasonableness of a proposed IFA, "the most common and prominent of which include: transportation and travel, language, education and employment, accommodation, religion, indigeneship status, and the availability of medical and mental health care." The RAD noted that the applicants had not presented any evidence to suggest that the factors of transportation and travel, language, religion, indigeneship, and medical/health care would constitute barriers to relocation that would render the proposed IFA unreasonable or unduly harsh. Thus, the RAD focused on the issues of employment and accommodation.

[29] Based on an analysis of the evidence which is articulated in the decision, the RAD concluded that the applicants had not established on a balance of probabilities that their ability to find employment was a significant barrier to relocation that would render the proposed IFA unreasonable or unduly harsh. The RAD also concluded that the applicants had not established that the cost of living or accommodation in the proposed IFA would render it unreasonable or unduly harsh. Thus, the second prong of the IFA test was found to be satisfied as well.

[30] The RAD member summarized his analysis and overall conclusions as follows:

> Having reviewed the totality of the evidence, including listening to the entire recording of the hearing, and having considered the arguments of the Appellants, I find that the RPD properly considered and assessed the evidence regarding the availability of a viable IFA and that its findings regarding the availability of a viable IFA were correct. I agree with the RPD that the Appellants have a viable IFA in Abeokuta.
>
> The Appellants have not established that there is a serious possibility of persecution on a Convention ground, or that, on a balance of probabilities, they would personally be subjected to a danger of torture or face a risk to life or a risk of cruel and unusual treatment or punishment on return to Nigeria.

[31] Accordingly, the RAD dismissed the appeal and confirmed the decision of the RPD that the applicants are neither Convention refugees nor persons in need of protection.

IV. STANDARD OF REVIEW

[32] It is well-established that the substance of the RAD's decision is reviewed on a reasonableness standard (*Canada (Citizenship and Immigration) v Huruglica*, 2016 FCA 93 at para 35). This includes the RAD's determination as to the availability of an IFA (*Tariq v*

Canada (Citizenship and Immigration), 2017 FC 1017 at para 14; *Singh v Canada (Citizenship and Immigration)*, 2019 FC 727 at para 7). That this is the appropriate standard has been reinforced by *Canada (Citizenship and Immigration) v Vavilov*, 2019 SCC 65. Reasonableness is now the presumptive standard of review for administrative decisions, subject to specific exceptions "only where required by a clear indication of legislative intent or by the rule of law" (*Vavilov* at para 10). There is no basis for derogating from this presumption here.

[33] A reasonable decision "is one that is based on an internally coherent and rational chain of analysis and that is justified in relation to the facts and law that constrain the decision maker" (*Vavilov* at para 85). A decision that displays these qualities is entitled to deference from the reviewing court (*ibid.*).

[34] As discussed in *Vavilov*, the exercise of public power "must be justified, intelligible and transparent, not in the abstract but to the individuals subject to it" (at para 95). For this reason, an administrative decision maker has a responsibility "to justify to the affected party, in a manner that is transparent and intelligible, the basis on which it arrived at a particular conclusion" (*Vavilov* at para 96).

[35] The onus is on the applicants to demonstrate that the RAD's decision is unreasonable. Before a decision can be set aside on this basis, the reviewing court must be satisfied that "there are sufficiently serious shortcomings in the decision such that it cannot be said to exhibit the requisite degree of justification, intelligibility and transparency" (*Vavilov* at para 100). Importantly, when applying the reasonableness standard, it is not the role of the reviewing court

to reweigh or reassess the evidence considered by the decision maker or to interfere with factual findings unless there are exceptional circumstances (*Vavilov* at para 125).

V. ANALYSIS

[36] The applicants challenge the RAD's decision on two grounds. First, they contend that the RAD applied the wrong standard of proof in determining that the first part of the IFA test was satisfied. Second, they contend that the RAD placed undue reliance on the now-revoked Jurisprudential Guide in determining that the second part of the IFA test was satisfied.

[37] As I will explain, I do not agree that the RAD erred in either of these respects. Before addressing the applicants' contentions, however, it may be helpful to review some general principles.

[38] The test under Canadian law for determining whether a claim for protection under either section 96 or 97 of the *IRPA* should be rejected because the claimant has a viable IFA in their country of nationality derives primarily from three decisions of the Federal Court of Appeal: *Rasaratnam v Canada (Minister of Employment and Immigration)*, [1992] 1 FC 706; *Thirunavukkarasu v Canada (Minister of Employment and Immigration)*, [1994] 1 FC 589 (CA); and *Ranganathan v Canada (Minister of Citizenship and Immigration)*, [2001] 2 FC 164 (CA).

[39] Stated broadly, the test engages two questions: (1) is there somewhere in the country of reference (usually the country of nationality) where the claimant would not be at risk? and (2) if so, would it be reasonable for the claimant to relocate there? This is not a free-standing test that

is independent of the underlying test for refugee protection under section 96 of the *IRPA*. For Canada to be obliged to extend protection to a claimant, it must be the case that the claimant would not be safe anywhere in their country of nationality. This is because, to be entitled to Canada's surrogate protection, the claimant must be a refugee from a country and not only from a particular part of the country: see *Feboke v Canada (Citizenship and Immigration)*, 2020 FC 155 at para 14 and the authorities cited therein. Even so, international law does not consider asylum to be a last resort; a claimant need not exhaust all options within their own country before seeking protection elsewhere: see UNHCR *Guidelines on International Protection: "Internal Flight or Relocation Alternative" within the Context of Article 1A (2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees*, HCR/GIP/03/04, 23 July 2003, at para 4. That being said, another state's duty to offer protection to a refugee is engaged only if the claimant has a well-founded fear of persecution everywhere in their country of nationality to which it would be reasonable for them to relocate.

[40] While the IFA test as it has developed in the law of refugee protection has not been imported directly into subsection 97(1) of the *IRPA*, its underlying rationale is still helpful in assessing a risk of harm under that provision: see *Sanchez v Canada (Citizenship and Immigration)*, 2007 FCA 99 at para 16; and *Barragan Gonzalez v Canada (Citizenship and Immigration)*, 2015 FC 502 at para 46. In fact, the first part of the IFA test tracks closely paragraph 97(1)(b)(ii) of the *IRPA*, which provides that, to be a person in need of protection under paragraph 97(1)(b), the claimant must, among other things, personally be at risk in every part of the country to which they would be removed. While not stated expressly in relation to the risk of torture under paragraph 97(1)(a), this risk must also be present in every part of the

country to which the claimant would be removed to entitle a claimant to protection on that basis: see Sasha Baglay and Martin Jones, *Refugee Law* (2nd ed.) (Toronto: Irwin Law, 2017) at 244. The second part of the IFA test is also incorporated into the assessment under subsection 97(1). A claimant can be entitled to protection under this provision even if there is a place where they would not be at risk as long as it is a place to which it would be unreasonable to expect them to relocate.

[41] Whether protection is sought under section 96 or 97 of the *IRPA*, it is neither feasible nor fair to expect every claimant, in advancing their claim, to establish with respect to every part of their country of nationality either that they would be at risk there or that it would be unreasonable for them to relocate there (even if they would be safe there). Further, in some cases this will simply not be a live issue: it may be obvious that if the claimant is at risk anywhere in their country of nationality, they would be at risk everywhere. On the other hand, if the claim could be rejected because the decision maker determines that there is a particular place where the claimant would be safe and that it would reasonable for them to relocate there, procedural fairness requires that the claimant be alerted that this issue is in play so that they have a reasonable opportunity to address it with evidence and submissions: see *Thirunavukkarasu* at 596. In this way, an issue that is implicit in the general tests for protection can be engaged explicitly in a given case.

[42] Once the issue of an IFA has been raised and potential IFA(s) have been identified, the onus rests on the claimant to show that they do not have a viable IFA: see *Thirunavukkarasu* at 594-95. Since both parts of the test must be satisfied to find that a claimant has an IFA, to

establish that a proposed IFA is not viable, a claimant need only persuade the decision maker that at least one part of the test is not made out: see *Aigbe v Canada (Citizenship and Immigration)*, 2020 FC 895 at para 9, and *Obotuke v Canada (Citizenship and Immigration)*, 2021 FC 407 at para 16.

[43] Under the first part of the test, what a claimant must establish to demonstrate that a particular place is not a viable IFA depends on the nature of the claim for protection. If the claimant is seeking protection as a Convention refugee under section 96 of the *IRPA*, they must establish that they have a well-founded fear of persecution in the proposed IFA. This includes establishing on a balance of probabilities that there is a serious possibility of persecution in the IFA. If the claimant is seeking protection under section 97 of the *IRPA*, they must establish on a balance of probabilities that they would be personally subject to a risk to life, to a risk of cruel and unusual treatment or punishment, or that there is a danger, believed on substantial grounds to exist, of torture in the proposed IFA. Obviously these are not mutually exclusive and many claims involve both section 96 and section 97 of the *IRPA.* This part of the test is simply a reiteration of the burden borne generally by a claimant seeking protection under sections 96 or 97, as the case may be, only now focused specifically on the proposed IFA. See *Olusola v Canada (Citizenship and Immigration)*, 2020 FC 799 at para 8.

[44] With respect to the second part of the IFA test, the onus is on the claimant to establish that, in all the circumstances (including the claimant's personal circumstances), it is unreasonable to expect them to relocate to the proposed IFA. This has been described as a high threshold for a claimant to meet: see *Ranganathan* at para 15; see also *Hamdan v Canada*

(Immigration, Refugees and Citizenship), 2017 FC 643 at para 12. The conditions in the proposed IFA that would make relocating there unreasonable must be something other than the risks that form the basis of the claim for protection. This is because, to even reach the second prong of the test, it must have been determined under the first prong that those risks are absent in the proposed IFA. If the claimant establishes on the applicable standard that the risks are present in the proposed IFA, that is the end of the IFA analysis, at least with respect to the location under consideration.

[45] Although the onus in these respects is on the claimant, the jurisprudence is clear that rejecting a claim on the basis that there is a viable IFA is not simply a matter of concluding that the claimant has not met their onus. Rather, the decision maker must conclude affirmatively on a balance of probabilities that the claimant *does* have an IFA – in other words, that there is a place where the claimant would not be at risk (in the relevant sense and on the applicable standard) and to which it would be reasonable for the claimant to relocate: see *Rasaratnam* at 710; see also *Hamdan* at paras 11-12 and *Khan v Canada (Citizenship and Immigration)*, 2020 FC 1101 at para 10. One way to understand this is to consider the existence of a place where the claimant would be safe and that is realistically accessible to the claimant to raise a presumption that it would be reasonable for the claimant to relocate there instead of seeking international protection. A claimant may rebut this presumption by showing that it would be unreasonable to expect them to seek safety in the proposed IFA; however, if they fail to do so this is a sufficient basis on which to conclude that there is a viable IFA and, as a result, the claim should be rejected. See Baglay and Jones at 160; see also *Thirunavukkarasu* at 598-99.

[46] Turning, now, to the first ground on which the applicants challenge the RAD's decision, they submit that the RAD erred in requiring the applicants to "establish" that they would personally be at risk of cruel and unusual treatment or punishment or would be in danger of torture. They submit that the RAD erred in the same way as was identified in *Lawal v Canada (Public Safety and Emergency Preparedness)*, 2020 FC 301 at para 10. There Justice Brown concluded that, by using the word "establish", the decision maker had erroneously increased the burden on the claimants by requiring them to prove that they would be at risk in the IFA in order to discharge their onus under the first prong of the IFA test. In the present case, the applicants submit that the RAD likewise effectively required them to provide proof that harm "would definitely occur" in order to show that the first prong of the IFA test was not satisfied and this is a reviewable error.

[47] I do not agree that the RAD's reasons bear the interpretation the applicants seek to attribute to them or that the RAD erred as the applicants submit. *Lawal* is distinguishable because it concerned a claim for protection under section 96, where the issue is whether there is a serious possibility of persecution. In the present case, the RAD, like the RPD, limited its consideration of the claims to subsection 97(1). The applicants have not suggested that this was an error. The RAD properly focused its assessment of risk under the first prong of the IFA test on the risks identified in subsection 97(1) as determined in accordance with the onus and standard of proof applicable to claims for protection under that provision. I agree with the respondent that the RAD's use of the term "establish" in the decision simply reflects the onus of proof, which rested on the applicants. I also agree that the term must be understood with

reference to the applicable standard of proof. Standing on its own, it does not dictate any particular standard of proof.

[48] The RAD did not misunderstand the legal test under the first prong of the IFA test. It understood correctly that the onus was on the applicants to show that they would be at risk in the proposed IFA. It also understood correctly that this issue was to be determined on the standard of a balance of probabilities. This standard was reiterated at every key juncture of the RAD's analysis. The RAD did not erroneously increase the burden on the applicants to show that they did not have an IFA. The question of whether a risk is a serious possibility in the IFA only arises with respect to claims under section 96 of the *IRPA*. The RAD did not err in not addressing that question under the first prong of the IFA test.

[49] The applicants also take issue with the RAD's factual determinations under the first prong of the test but they have failed to demonstrate that any of those determinations are unreasonable. Those determinations were reasonably open to the RAD on the basis of its assessment of the evidence. There is no basis for me to interfere with them.

[50] Secondly, the applicants submit that the RAD erred in relying on the subsequently revoked Jurisprudential Guide for Nigeria in determining that the second prong of the IFA test was satisfied. In their written submissions, they contend that the RAD ignored their evidence and relied entirely on the Jurisprudential Guide in concluding that Abeokuta was a viable IFA.

[51] Once again, I do not agree. When pressed at the hearing of this application, counsel for the applicants could not identify any finding of fact which the RAD made on the basis of the Jurisprudential Guide as opposed to the evidence on the record in this case. Nor could counsel point to any erroneous or outdated factual finding in the Jurisprudential Guide that formed part of the decision in issue. It is clear from the decision that the RAD viewed the Jurisprudential Guide as providing a framework within which to consider relevant factors. The reason the Chairperson of the IRB gave for revoking the Jurisprudential Guide – that some of its factual determinations were no longer sound given changing circumstances in Nigeria – does not call into question the relevance of any of the factors identified in the decision or the general analytical framework for determining an IFA set out there. On the contrary, the Chairperson endorsed the general framework, stating that "the framework of analysis of the revoked jurisprudential guide, absent any of the factual findings, will be identified as a RAD Reasons of Interest decision." See Immigration and Refugee Board of Canada, Notice of Revocation of Jurisprudential Guide – Nigeria dated April 8, 2020, and the accompanying Policy Note.

[52] In the present case, the manner in which the RAD relied on the revoked Jurisprudential Guide does not render the decision unreasonable. Following the general analytical framework in the Jurisprudential Guide, the RAD's assessment of the relevant factors was grounded in the evidence pertaining to the applicants' specific circumstances. The applicants submit that the present situation is analogous to the one I considered in *Liu v Canada (Citizenship and Immigration)*, 2020 FC 576, a case concerning a revoked Jurisprudential Guide for China. I do not agree. Unlike in that case, in the present case there is no basis for any concern that the RAD failed to conduct an independent analysis, that it reached erroneous factual conclusions because

of the Jurisprudential Guide, or that it was in any other way unduly influenced by the factual findings in the Jurisprudential Guide.

[53] Finally, I note that in *Agbeja v Canada (Citizenship and Immigration)*, 2020 FC 781 at paras 77-79, Justice Little reached a similar conclusion with respect to a RAD decision relying on the revoked Jurisprudential Guide for Nigeria, as did Justice Elliott in *AB v Canada (Citizenship and Immigration)*, 2021 FC 90 at paras 47-66, and Justice Grammond in *Adegbenro v Canada (Citizenship and Immigration)*, 2021 FC 290. Like the present case, these cases also concerned IFA determinations.

VI. CONCLUSION

[54] For these reasons, the applicants have not persuaded me that the RAD's decision is unreasonable. This application for judicial review must, therefore, be dismissed.

[55] The parties did not suggest any serious questions of general importance for certification under paragraph 74(d) of the *IRPA*. I agree that none arise.

JUDGMENT IN IMM-1039-20

THIS COURT'S JUDGMENT is that

1. The application for judicial review is dismissed.

2. No question of general importance is stated.

"John Norris"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	IMM-1039-20
STYLE OF CAUSE:	OLUWASEYI FUNMILAYO SADIQ ET AL v THE MINISTER OF CITIZENSHIP AND IMMIGRATION

HEARING HELD BY VIDEOCONFERENCE ON FEBRUARY 15, 2021 FROM OTTAWA, ONTARIO (COURT) AND TORONTO, ONTARIO (PARTIES)

JUDGMENT AND REASONS:	NORRIS J.
DATED:	MAY 12, 2021

APPEARANCES:

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