Federal Court Cour fédérale

Date: 20211019

Docket: IMM-5716-20

Citation: 2021 FC 1099

Vancouver, British Columbia, October 19, 2021

PRESENT: The Honourable Madam Justice Heneghan

BETWEEN:

RALIAT ABIKE OLUFEMI

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

[1] Ms. Raliat Abike Olufemi (the “Applicant”) seeks judicial review of the decision of an Officer (the “Officer”) who determined that she would not be subject to a risk of torture, persecution or face a risk of cruel and unusual treatment or punishment if returned to Nigeria, her country of citizenship and habitual residence. The Applicant’s Pre-Removal Risk Application (“PRRA”) was refused.

[2] The Applicant claims to be at risk from the militant Boko Haram Terrorist Group, because she witnessed the kidnapping of two friends in Abuja, Federal Capital Territory on February 2, 2014. She fled Nigeria on May 5, 2014 and went to the United States of America. Although she claimed asylum in that country in May 2014, she later abandoned her claim in the United States and came to Canada to claim refugee protection on August 11, 2019.

[3] Following an oral hearing of her PRRA application, the Officer determined that the Applicant has an Internal Flight Alternative ("IFA") in her country of origin. The Officer noted inconsistencies and vagueness in the Applicant's evidence.

[4] The Officer applied the relevant test for an IFA as described in *Rasaratnam v. Canada (Minister of Employment & Immigration)* (1991), [1992] 1 F.C. 706 (Fed. C.A.), at 710-711. The test is two pronged and provides as follows:

- First, the Officer must be satisfied that there is no serious possibility of a claimant being persecuted in the IFA; and
- Second, it must be objectively reasonable to expect a claimant to seek safety in a different part of the country before seeking protection in Canada.

[5] In order to show that an IFA is unreasonable, an applicant must show that conditions in the proposed IFA would jeopardize life and safety in travelling or relocating to that IFA; see *Thirunavukkarasu v. Canada (Minister of Employment & Immigration)* (1993), [1994] 1 F.C. 589 (Fed. C.A.), at 596-598.

[6] The Officer's decision is reviewable on the standard of reasonableness; see the decision in *Canada (Minister of Citizenship and Immigration) v. Vavilov* (2019), 441 D.L.R. (4th) 1 (S.C.C.).

[7] In considering reasonableness, the Court is to ask if the decision under review "bears the hallmarks of reasonableness – justification, transparency and intelligibility – and whether it is justified in relation to the relevant factual and legal constraints that bear on that decision"; see *Vavilov, supra* at paragraph 99.

[8] Upon considering the evidence submitted and the submissions of Counsel, both written and oral, I am satisfied that the Officer's decision meets the applicable standard of review, that is reasonableness.

[9] The Officer reasonably applied the applicable test for an IFA. There is no basis for judicial intervention and this application for judicial review will be dismissed; there is no question for certification arising.

<u>JUDGMENT in IMM-5716-20</u>

THIS COURT'S JUDGMENT is that the application for judicial review is dismissed, there is no question for certification arising.

"E. Heneghan"

Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	IMM-5716-20
STYLE OF CAUSE:	RALIAT ABIKE OLUFEMI v THE MINISTER OF CITIZENSHIP AND IMMIGRATION
PLACE OF HEARING:	HELD BY WAY OF VIDEOCONFERENCE BETWEEN ST. JOHN'S NEWFOUNDLAND AND LABRADOR AND TORONTO, ONTARIO
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APPEARANCES:

Sina Ogunleye	FOR THE APPLICANT
Leanne Briscoe	FOR THE RESPONDENT

SOLICITORS OF RECORD:

Sina Ogunleye Barrister & Solicitor Toronto, Ontario	FOR THE APPLICANT
Attorney General of Canada Toronto, Ontario	FOR THE RESPONDENT