

Federal Court



Cour fédérale

Date: 20220518

Docket: IMM-2733-22

Citation: 2022 FC 740

Ottawa, Ontario, May 18, 2022

PRESENT: The Honourable Mr. Justice Bell

BETWEEN:

**THE MINISTER OF PUBLIC SAFETY AND
EMERGENCY PREPAREDNESS**

Applicant

and

CHRIS OSHO OKO-OBOH

Respondent

ORDER AND REASONS

I. Overview

[1] In *Canada (Public Safety and Emergency Preparedness) v Oko-Oboh*, 2022 FC 581 [“my April 21, 2022 decision”], the Court granted the Applicant’s Application for Judicial Review of the decision of a Member of the Immigration Division (“ID”) dated March 23, 2022 which ordered the Respondent’s release from detention. The Court quashed the ID’s decision. In

addition, the Court advised the parties that it was willing to consider their written submissions on costs.

[2] On April 25, 2022, the Court received the Applicant's written submissions.

[3] On May 16, 2022, the Court received the Respondent's written submissions.

[4] The Court has considered the parties' submissions and concludes that costs should be awarded to the Applicant for the following reasons.

II. Relevant facts

[5] While the Respondent is identified in the pleadings as "Chris Osho Oko-Oboh alias Andrew Ighiehon", his true identity is unknown. The Respondent has used at least 12 aliases in Canada. As I did in my April 21, 2022 decision, I set them out only to demonstrate the seriousness with which the Respondent has attempted to defraud and undermine the Canadian immigration system:

- Christopher COLUMBUS, born 16 August 1958;
- James AIGBE, born 23 September 1960;
- Friday ADUN, born 25 September 1968;
- Andrew Agbe IGIEHON, born 22 June 1957;
- Andrew Egbe IGIEHON, born 19 August 1958;
- Okojie LUGARD, born 16 August 1958;
- Chris Osho OKOH-OBOH, born 16 August 1958;

- Christopher Osho OKOH-OBOH, born 16 August 1958;
- Lugard OKOJIE, born 16 August 1958;
- Chris Osho OKOOBAOK, born 16 August 1958;
- Marek ORSZULA, born 16 August 1958;
- Lionel Sinclair SMITH, born 16 August 1958

[6] The Respondent has filed five different refugee claims in Canada using five different names. He admittedly did so to defraud Canadian social welfare agencies.

[7] The Respondent entered Canada illegally in 1991 where he claimed and obtained refugee protection under an alias. During his 21-year tenure in Canada, the Respondent committed multiple crimes, for which he was convicted. The Respondent's refugee status was revoked in 2007. He was deported in 2012. In February 2022, the Respondent returned to Canada using a fraudulent travel document. He alleged, without any evidence, that Canadian officials working at the Canadian Embassy in Ghana perpetrated the fraud.

[8] I find it useful here to review the Respondent's case history, as outlined by Inland Enforcement Officer, Patrick Auger. I note that this is a summary, not at all inclusive, of the Respondent's interactions with Canadian immigration and law enforcement personnel:

1991-03-12: Subject entered Canada illegally on this date.

1991-07-02: Subject is convicted of fraud over 1000\$ in Toronto
(Under the name IGIEHON, Andrew)

1992-02-25: The subject presents a refugee claim inland Toronto
under the identity of IGIEHON, Andrew

1992-03-16: The subject IGIEHON, Andrew is recognized refugee in Canada

1993-04-27: The subject is convicted of fraud (Over 1000\$)

1995-12-25: The subject is reported for false declaration

1995-02-11: S.27 report for serious criminality

1996-01-12: Released on 6000\$ performance bond

1997-04-08: Deportation issued

2000-04-13: Attempted fraud

2004-01-29: Personation, uttering forged documents, false pretences

2006-05-23: Assault

2007-06-12: Mischief

2007-09-29: Refugee protection nullified

2007-09-20: Judicial review initiated

2007-12-13: Judicial review denied

2009-01-14: Attempt fraud, possession of credit card, counterfeit mark, attempt obstruct peace officer

2010-06-24: Fraud over 5000\$, obstruction, affixing a mark, failure to comply

2010-08-09: PRRA initiated

2010-09-14: PRRA refused

2012-02-13: Removed from Canada escorted

2022-02-09: The subject returned to Canada without authorization

2022-02-09: The subject is arrested and detained for identity

2022-02-10: Refugee claim is found to be ineligible. Deportation order issued

2022-02-11: 48 hours detention review took place. Detention for identity is maintained

2022-02-15: Telephone interview conducted

2022-02-16: PRRA program was explained to subject and offered to client

2022-02-18: 7 days detention review was held. Detention for identity is maintained

2022-03-18: 30 days detention review is scheduled to take place

III. Analysis

[9] Section 22 of the *Federal Courts Citizenship, Immigration and Refugee Protection Rules*, SOR/93-22 reads as follows:

22 No costs shall be awarded to or payable by any party in respect of an application for leave, an application for judicial review or an appeal under these Rules unless the Court, for special reasons, so orders.

22 Sauf ordonnance contraire rendue par un juge pour des raisons spéciales, la demande d'autorisation, la demande de contrôle judiciaire ou l'appel introduit en application des présentes règles ne donnent pas lieu à des dépens.

[10] The threshold for establishing the existence of “special reasons” is high, and each case will turn on its own particular circumstances (*Khizar v Canada (Public Safety and Emergency Preparedness)*, 2021 FC 641 at para 37). Special reasons may be found if one party has unnecessarily or unreasonably prolonged proceedings, or where one party has acted in a manner that may be characterized as unfair, oppressive, improper or actuated by bad faith (*Taghiyeva v Canada (Citizenship and Immigration)*, 2019 FC 1262 at para 18). Conduct which undermines the integrity of our judicial system has been recognized as justifying an award for costs (*Mayorga v Canada (Citizenship and Immigration)*, 2010 FC 1180 at paras 21 and 47). There

exists no exhaustive list of grounds which may justify an award of costs in immigration proceedings (*King v Canada (Citizenship and Immigration)*, 2011 FC 1193 at para 2).

[11] The Applicant submits that special reasons justifying an order of costs exist in the present case, noting that the Respondent lived unlawfully in Canada, committed fraud upon the Canadian immigration and welfare systems, and engaged in numerous other criminal activities.

Furthermore, it notes that due to the Respondent's use of numerous identities and his extensive criminality, it took years to process his removal. The Applicant contends that the Respondent placed a significant financial burden on it over the years. It also notes that the Respondent failed to reimburse the government for the costs incurred for his removal as prescribed in s. 243 of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 ["IRPA"], before unlawfully returning to Canada in 2022. The Applicant seeks costs of \$3,000.00.

[12] The Respondent essentially submits that he does not have sufficient funds to pay the costs sought by the Applicant. It is somewhat ironic that he pleads his insolvability while at the same time he is able to travel the world to unlawfully enter Canada.

[13] I am satisfied that special reasons exist for awarding costs to the Applicant. The Respondent has exhibited conduct, both in the context of the underlying proceeding and during his previous tenure in Canada, that is highly improper and greatly undermines the integrity of Canada's immigration, law enforcement, social welfare and judicial systems. The Respondent has shown a blatant disrespect and disregard for Canadian law. It is apparent the criminal law procedures have been unsuccessful in deterring the Respondent's unlawful conduct. It is also

apparent that laws such as s. 243 of the IRPA have been unsuccessful in deterring the Respondent's unlawful conduct. There is an evident need to deter the Respondent's unlawful conduct in relation to immigration matters. Canadian taxpayers should expect Canada to take all steps necessary to discourage those who would tarnish its generous immigration system. Canadian taxpayers should expect Canada to take all means necessary to recoup a portion of the costs it incurs in relation to its participation in court proceedings, which are the result of unfair, oppressive or improper conduct, or, conduct which undermines the integrity of our judicial system. The Respondent's conduct, unfortunately, meets all of those categories.

[14] I am satisfied that special reasons exist which justify an award of costs. I am also satisfied that the Applicant's request for costs in the amount of \$3,000.00 is reasonable in the circumstances.

ORDER in IMM-2733-22

THIS COURT ORDERS that costs in the amount of \$3,000.00, all inclusive of taxes and disbursements, be paid forthwith by the Respondent to the Applicant.

“B. Richard Bell”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-2733-22

STYLE OF CAUSE: THE MINISTER OF PUBLIC SAFETY AND
EMERGENCY PREPAREDNESS v CHRIS OSHO
OKO-OBOH

PLACE OF HEARING: OTTAWA, ONTARIO

DATE OF HEARING: APRIL 19 AND 20, 2022

ORDER AND REASONS : BELL J.

DATED: MAY 18, 2022

APPEARANCES:

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