

Federal Court



Cour fédérale

Date: 20240510

Docket: IMM-3376-23

Citation: 2024 FC 728

[ENGLISH TRANSLATION]

Ottawa, Ontario, May 10, 2024

PRESENT: Associate Chief Justice Gagné

BETWEEN:

**NAA ADOLEY ANKRAH
NELLWYN OWUSUA BOAMAH
NICOLE ADOM BOAMAH**

Applicants

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] Naa Adoley Ankrah, a citizen of Ghana, and her two American minor children, are seeking judicial review of a decision of the Refugee Appeal Division [RAD], by which their claim for refugee protection was rejected on the basis of a lack of credible evidence of a prospective risk or serious possibility of persecution should they return to Ghana.

[2] Ms. Ankrah tells us that she fears a Ghanaian man to whom she was married for 6 years almost 17 years ago.

[3] For the following reasons, the judicial review application is dismissed.

I. Facts

[4] According to her story, the applicant was forced into a violent marriage from 2001 to 2007.

[5] In 2007, she was able to flee to the United States; she obtained a Ghanaian divorce in 2009.

[6] She remained in the United States from 2009 to 2018, during which time she had two consecutive spouses and gave birth to her two children.

[7] Following an unsuccessful sponsorship application by her then spouse due to her divorce, the applicant applied for asylum in the United States in 2010. Fearing removal to Ghana after the latter claim was rejected, the applicants crossed the Canadian border and sought refugee protection on May 18, 2018.

II. Refugee Protection Division decision

[8] The Refugee Protection Division (RPD) rejected the claim on the grounds that the applicants had not established more than a mere possibility of persecution or a prospective risk should they return to their country of citizenship. The RPD rejected the applicants' arguments based on humanitarian and compassionate grounds, as it had no jurisdiction to make a determination on those arguments.

III. Decision under review

[9] The RAD was of the opinion that the determinative issue in the disposition of the refugee protection claim was the principal applicant's credibility with regard to her alleged prospective fear.

[10] After its independent analysis of all the evidence, and considering *Guideline 4*, the RAD confirmed the RPD's conclusion that the principal applicant had not credibly demonstrated the existence of post-2007 threats. It also confirmed that the principal applicant had not established the existence of a serious possibility of persecution on the basis of her status as a divorced single mother.

IV. Issue and standard of review

[11] The only issue that arises in this application for judicial review is whether the RAD committed a reviewable error in failing to assess the availability of state protection in Ghana.

[12] The standard of review applicable to the Court's analysis is that of reasonableness: (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65).

V. Analysis

[13] The applicants argue that the RAD was required to examine the availability of state protection in Ghana to determine whether their fear of persecution was objectively well-founded (*Aviles Yanez v Canada (Citizenship and Immigration)*, 2010 FC 1059 at para 31) and that its failure to do so renders the decision unreasonable.

[14] The applicants also argue that the RAD not only failed to consider the relevant documentation on Ghana, but also failed to recognize the seriousness of the applicants' situation.

[15] I cannot accept the applicants' arguments.

[16] The RAD conducted an independent and detailed analysis of all the evidence and summarized several elements that undermined the principal applicant's credibility, including her vague, evasive and variable testimony and the numerous contradictions between her testimony and the statements made in support of her claim for asylum in the United States. The applicants did not dispute that analysis, or the conclusions drawn from it by the RAD. It was therefore reasonable for the RAD to find that the applicants had not established a prospective fear of persecution or the existence of a prospective risk in the event of their return to Ghana.

[17] It is well established that the RAD, and the RPD before it, are under no obligation to consider the issue of state protection when they have found a lack of credibility in the allegations supporting the claim for refugee protection.

[18] The question of state protection is secondary when the RPD and RAD find that a refugee protection claim lacks credibility (*Gomez Florez v Canada (Citizenship and Immigration)*, 2016 FC 659 at para 39), or when they find that there is no prospective fear of persecution or no serious possibility of persecution on the basis of the claimant's status as a divorced single mother.

[19] Refugee protection claimants who have not demonstrated that they face a risk if they returned to their country do not require the protection of that country (*Muotoh v Canada (Minister of Citizenship and Immigration)*, 2005 FC 1599 at para 13).

VI. Conclusion

[20] Given that the applicants have submitted no evidence that they will face more than a mere possibility of persecution should they return to Ghana, they have not demonstrated that the Court's intervention is required in this case. The parties have not proposed any question of general importance for certification, and no such question arises from the facts of this case.

[21] Lastly, the style of cause is amended to correctly identify the respondent as the Minister of Citizenship and Immigration.

JUDGMENT in IMM-3376-23

THIS COURT’S JUDGMENT is as follows:

1. The application for judicial review is dismissed.
2. No question of general importance is certified.
3. The style of cause is amended so as to identify the Minister of Citizenship and Immigration as respondent.

“Jocelyne Gagné”

Associate Chief Justice

Certified true translation
Sebastian Desbarats

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-3376-23

STYLE OF CAUSE: NAA ADOLEY ANKRAH, NELLWYN OWUSUA
BOAMAH, NICOLE ADOM BOAMAH v THE
MINISTER OF CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: HELD VIA VIDEOCONFERENCE

DATE OF HEARING: MAY 7, 2024

JUDGMENT AND REASONS: GAGNÉ A.C.J.

DATED: MAY 10, 2024

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