

Date: 20080326

Docket: IMM-3127-07

Citation: 2008 FC 378

Ottawa, Ontario, March 26, 2008

PRESENT: The Honourable Mr. Justice O'Reilly

BETWEEN:

PAUL EDOBOR ERUABOR

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

REASONS FOR JUDGMENT AND JUDGMENT

[1] Mr. Paul Edobor Eruabor asked an immigration officer to conduct a pre-removal risk assessment (PRRA) before being returned to his home country of Nigeria. He had previously failed in his application for refugee status, but presented new grounds for the officer to consider. In particular, he alleged that he was at risk of harm because of his marriage to Ms. Sandra Omorodion, who was a successful refugee claimant. Ms. Omorodion was found to be a Convention refugee on the basis that she would likely be harmed in Nigeria for failing to marry the son of her late husband. Mr. Eruabor claimed that he, as Ms. Omorodion's husband, was equally at risk in Nigeria.

[2] The officer concluded that there was insufficient evidence to support Mr. Eruabor's claim to be at risk. Mr. Eruabor submits that the officer erred by not considering his claim on the same basis as his wife's. He asks me to order another officer to conduct a new risk assessment. However, I can find no basis for overturning the officer's decision and must, therefore, dismiss this application for judicial review.

I. Issue

[3] Did the officer fail to conduct an adequate analysis of Mr. Eruabor's claim to be at risk in Nigeria?

1. Standard of Review

[4] Mr. Eruabor submits that I can overturn the officer's decision if I find that it is incorrect. He argues that the officer failed to discharge his statutory duty to analyze his risk allegations thoroughly and that this amounts to an error of law. In my view, Mr. Eruabor's argument, essentially, is that the officer's conclusion was unreasonable in light of the evidence before him. Accordingly, to overturn the officer's decision, I must find that it was unreasonable.

2. The Officer's Decision

[5] The officer reviewed the evidence underlying Mr. Eruabor's failed refugee claim, which had been based on an allegation of political persecution, and concluded that there was no new evidence to support it. He went on to consider Mr. Eruabor's claim to be at risk because of his marriage to Ms. Omorodion, but found that there was insufficient evidence to support it.

[6] The primary evidence Mr. Eruabor relied on was a letter from his wife's sister in Nigeria. The letter stated that Ms. Omorodion's late husband's son is still pursuing her because of her refusal to marry him and that he intends to kill Ms. Omorodion and her new husband if they return to Nigeria. The officer pointed out that there was no evidence that the author of the threats knew that Mr. Eruabor was Ms. Omorodion's husband. He had never been threatened directly. Accordingly, the officer concluded that there was no more than a mere possibility of Mr. Eruabor's being persecuted or subjected to a risk of cruel and unusual treatment or punishment on return to Nigeria.

3. Discussion and Conclusion

[7] Mr. Eruabor argues that the officer had an obligation to carry out an extensive analysis of his new risk claim given that it had never been presented to a panel of the Immigration and Refugee Board. His previous refugee claim had been based on different grounds and was governed by different legislation (*i.e.*, the *Immigration Act*, R.S.C. 1985, c. I-2).

[8] I agree that the officer had a duty to consider the new risk alleged by Mr. Eruabor. However, the officer did as much as could be done with the evidence before him. The only evidence to

support Mr. Eruabor's claim was the letter mentioned above. It was not directed to Mr. Eruabor personally. There was no evidence that his wife's family knew whom she had married.

[9] Mr. Eruabor also submits that the officer should have relied on the conclusion of the Immigration and Refugee Board that Ms. Omorodion was a Convention refugee in order to find that he was equally at risk. However, the fact that she was at risk of persecution or personal harm in Nigeria did not help decide whether Mr. Eruabor was at risk. Only if they traveled together to Nigeria could there be any conceivable risk to him. I cannot find any error in the officer's treatment of the evidence or his conclusion.

[10] Therefore, I must dismiss this application for judicial review. No question of general importance is stated.

JUDGMENT

THIS COURT’S JUDGMENT is that

1. The application for judicial review is dismissed;
2. No question of general importance is stated.

“James W. O’Reilly”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-3127-07

STYLE OF CAUSE: PAUL EDOBOR ERUABOR v. M.C.I.

PLACE OF HEARING: Toronto, ON

DATE OF HEARING: March 18, 2008

**REASONS FOR JUDGMENT
AND JUDGMENT:** O'REILLY J.

DATED: March 26, 2008

APPEARANCES:

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