

Federal Court



Cour fédérale

Date: 20240403

Docket: IMM-5671-22

Citation: 2024 FC 513

Ottawa, Ontario, April 3, 2024

PRESENT: Mr. Justice Sébastien Grammond

BETWEEN:

CLEMENT TEMITOPE AKINJISOLA

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

(Delivered from the bench by videoconference on April 3, 2024)

[1] Mr. Akinjisola, a citizen of Nigeria, claimed refugee protection based on threats made by his uncle in relation to the use of farmland. The Refugee Appeal Division [RAD] of the Immigration and Refugee Board dismissed his claim, because Mr. Akinjisola had an internal flight alternative [IFA] in Lagos.

[2] Mr. Akinjisola is now seeking judicial review of the RAD's decision. He is challenging two specific aspects of the decision. First, he says that the RAD did not mention evidence suggesting that his uncle could, through corruption, access databases that would allow him to locate him. Second, he argues that the RAD should have concluded that it would not be reasonable for him to relocate to Lagos, because he is not indigenous to that State. In my view, however, the RAD's treatment of these two issues was reasonable.

[3] With respect to the first issue, while the RAD acknowledged the existence of databases maintained by banking or communications authorities, it noted the lack of any evidence that Mr. Akinjisola's uncle had the connections required to access the information contained in these databases. Mr. Akinjisola failed to show that this finding is unreasonable. The RAD was not required to mention every piece of information that would support the contrary view, in particular, excerpts from the national documentation package [NDP] that suggest that non-state actors might access these databases. I note that Mr. Akinjisola did not draw the RAD's attention to these excerpts.

[4] Moreover, the RAD's decision must be read holistically. The RAD stated that Mr. Akinjisola did not receive any threats from his uncle since he left his home region in 2015. It drew the inference that his uncle did not have the means and motivation to pursue him. Given this context, it was reasonable for the RAD to give little weight to Mr. Akinjisola's fear of being located through the use of banking or communications databases.

[5] Mr. Akinjisola also argues that the RAD failed to mention specific excerpts from the NDP when discussing the issue of indigeneity. The document he relies upon contains a thorough discussion of the issue of indigeneity. It states that obtaining employment or accessing government services may be more difficult for persons who are not indigenous to a particular state or region. However, it also states that these issues are far less prevalent in large cities such as Lagos. In my view, the RAD's finding that indigeneity issues did not prevent Mr. Akinjisola from relocating to Lagos is amply buttressed by the evidence.

[6] For these reasons, Mr. Akinjisola's application for judicial review will be dismissed.

JUDGMENT in file IMM-5671-22

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is dismissed.
2. No question is certified.

"Sébastien Grammond"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-5671-22

STYLE OF CAUSE: CLEMENT TEMITOPE AKINJISOLA v THE
MINISTER OF CITIZENSHIP, AND IMMIGRATION

PLACE OF HEARING: BY VIDEOCONFERENCE

DATE OF HEARING: APRIL 3, 2024

JUDGMENT AND REASONS: GRAMMOND J.

DATED: APRIL 3, 2024

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