

Federal Court



Cour fédérale

**Date: 20151223**

**Docket: IMM-3932-14**

**Citation: 2015 FC 1418**

**Ottawa, Ontario, December 23, 2015**

**PRESENT: The Honourable Mr. Justice Annis**

**BETWEEN:**

**AUGUSTINE EBANE IYAMU  
(a.k.a. AUGUSTINA EBANEHITA IYAMU)**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

[1] This is an application for judicial review pursuant to section 72(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA or the Act] challenging a Refugee Protection Division [the Board or RPD] decision finding that Augustine Ebane Iyamu's [the Applicant] claim does not have a credible basis and is manifestly unfounded and pursuant to sections 107(2) and (3) of the Act, and that she is neither a Convention refugee nor a person in need of protection in the meaning of sections 96 and 97(1) of the Act. The Applicant is seeking to have the decision

set aside and referred back to a different panel for redetermination. For the reasons that follow, the application is dismissed.

[2] The principal submission of the Applicant, who is a citizen of Nigeria, is that the Board erred in its credibility finding in concluding that the Applicant radically departed from her original narrative. The Board found that the Applicant changed her narrative after a break in the hearing from one where her husband's family persecuted her on allegations of witchcraft despite her husband's efforts to protect her, including urging her to leave the country to avoid harm, to a version whereby the husband would be one of the persecutors, should she return to Nigeria.

[3] It is common ground that the applicable standard of review of the Board's credibility finding is one of reasonableness to which deference is owed: (*Dunsmuir v New Brunswick*, 2008 SCC 9; *Tariq v Canada (Minister of Citizenship and Immigration)*, 2015 FC 692, para 10)

[4] In reply to the Applicant's submissions, in examining the testimony I find that the disputed evidence was led in answers to questions by her counsel and did not reflect a hypothetical scenario, but rather an expression of the fear that she would face on return to Nigeria from her husband. Moreover, in answers to her counsel she clearly stated that her husband would turn against her by taking her before the Oracle, being conduct relating to accusations of witchcraft made against her.

[5] I also do not find any meaningful basis for the Applicant's claim that the affidavits filed in support of her application identified her husband as one of her future persecutors. For

example, in the affidavit of Ms. Nkechi Alabi the deponent states that her husband supported the Applicant to the point of asking her to leave him in reply to which suggestion she stated that “life would not be it without her beloved McDonald [the husband] and their love will trump their travails.” Similarly in the affidavit of the Olorogun Harrison Ome, the deponent makes reference to “her kind husband.”

[6] There are other areas where serious discrepancies were pointed out in her testimony. Most importantly, the existence of “Abigail”, the daughter born out of wedlock who was said to be the cause of much of the persecution, is not substantiated inasmuch as the Applicant failed to mention her in multiple visa applications where she was required to describe all family members. She also omitted important details from her narrative regarding her reavilment to Nigeria and her immigration history. As well, the Applicant failed to claim protection at the first reasonable opportunity, including various travels over the years to the United Kingdom and the United States, as late as 2013.

[7] Accordingly, the Court finds that the Board’s decision is reasonable in concluding that the Applicant’s claim had no credible basis and was manifestly unfounded, and in rejecting the Refugee protection claim pursuant to sections 96 and 97 of the Act. No question is certified for appeal.

**JUDGMENT**

**THIS COURT'S JUDGMENT is that** the application is dismissed. No question is certified for appeal.

"Peter Annis"

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Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-3932-14

**STYLE OF CAUSE:** AUGUSTINE EBANE IYAMU v THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** NOVEMBER 26, 2015

**JUDGMENT AND REASONS:** ANNIS J.

**DATED:** DECEMBER 23, 2015

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