

Federal Court



Cour fédérale

**Date: 20181030**

**Docket: IMM-5488-17**

**Citation: 2018 FC 1093**

**St. John's, Newfoundland and Labrador, October 30, 2018**

**PRESENT: The Honourable Madam Justice Heneghan**

**BETWEEN:**

**TRACY ISOKEN IYAMU**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

[1] Ms. Tracy Isoken Iyamu (the “Applicant”) seeks judicial review of the decision of the Immigration and Refugee Board, Refugee Appeal Division (the “RAD”) whereby her claim for protection was dismissed.

[2] The Applicant is a citizen of Nigeria. She sought protection on the basis of her membership in a particular social group, that is women fearing domestic violence.

[3] The Immigration and Refugee Board, Refugee Protection Division (the “RPD”) dismissed the Applicant’s claim on the grounds that an Internal Flight Alternative (“IFA”) was available to her. Upon appeal, the RAD confirmed the findings of the RPD and concluded that the Applicant is neither a Convention refugee nor a person in need of protection, pursuant to section 96 and subsection 97(1), respectively, of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27 (the “Act”).

[4] The Applicant’s main argument is that the RAD ignored her evidence about the period of time that she spent in hiding in the area that the RAD found to constitute an IFA.

[5] The Minister of Citizenship and Immigration (the “Respondent”) submits that the RAD did not err in finding the existence of an IFA and reasonably considered the evidence before it, including the Applicant’s education and demonstrated resourcefulness in life.

[6] A finding as to the availability of an IFA is subject to review on the standard of reasonableness; see the decision in *Verma v. Canada (Minister of Citizenship and Immigration)*, 2016 FC 404 at paragraph 14.

[7] According to the decision in *Dunsmuir v. New Brunswick*, [2008] 1 S.C.R. 190, the standard of reasonableness requires that a decision be transparent, justifiable and intelligible, falling within a range of possible, acceptable outcomes that is defensible on the law and the facts.

[8] Upon reviewing the evidence in the Certified Tribunal Record and considering the submissions of the parties, I am not persuaded that the RAD's decision is unreasonable.

[9] The decision of the RAD shows an appreciation of the evidence and there is no basis for judicial intervention.

[10] In the result, the application for judicial review is dismissed. There is no question for certification arising.

**JUDGMENT in IMM-5488-17**

**THIS COURT'S JUDGMENT is that** the application for judicial review is dismissed.

There is no question for certification arising.

“E. Heneghan”

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Judge

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

**DOCKET:** IMM-5488-17

**STYLE OF CAUSE:** TRACY ISOKEN IYAMU v. THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** AUGUST 16, 2018

**JUDGMENT AND REASONS:** HENEGHAN J.

**DATED:** OCTOBER 30, 2018

**APPEARANCES:**

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FOR THE APPLICANT

Maria Burgos

FOR THE RESPONDENT

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