Federal Court  Cour fédérale

Date: 20210303

Docket: IMM-6146-19

Citation: 2021 FC 195

Ottawa, Ontario, March 3, 2021

PRESENT: The Honourable Mr. Justice Brown

BETWEEN:

OLAYENII TOLANI ADE-OGUNADE
ADEMIDE VICTORIA ADE-OGUNADE
ADEMIDARA GEORGE ADE-OGUNADE
ADEMIDOLA EMMANUEL ADE-OGUNADE
ADEMIDIRE TAIWO ADE-OGUNADE
ADEMIDIYUN KEHINDE ADE-OGUNADE
ADESANYA JIMMY OGUNADE
ADEMIDUN ROCKSON ADE-OGUNADE

Applicants

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

I. Nature of the matter

[1] This is an application for judicial review of a decision by the Refugee Appeal Division [RAD] of the Immigration and Refugee Board, which upheld a decision of the Refugee Protection Division [RPD]. The RPD determined the Applicants are not Convention refugees nor persons in need of protection pursuant to section 96 and section 97 of the *Immigration and Refugee Protection Act*, SC 2001, c. 27 [*IRPA*] [Decision].

II. Facts

[2] The Applicants, a mother (the Principal Applicant) [Mother], a father [Father] and their six children are Nigerian citizens. The Father is a potential candidate for high office in his home state.

[3] The Applicants are seeking refugee protection because they allege the lives of their two daughters are endangered due to the Father's family. The main issue is the threat by the Father's family to have female genital mutilation performed on the eldest daughter. This is opposed by the Mother and Father. In 2015, the Father's uncle [Uncle] visited the Applicants' home in Lagos with two unknown men. The Applicants say he had never visited before and they were surprised he knew their address. The Uncle told the Applicants of the family's joint decision requiring they release the eldest daughter for some rites and rituals required by ancient tradition. The Applicants refused. Three months later, the Applicants were visited again by the Uncle and one of the Father's cousin who tried to convince them to "save the family from embarrassment". Eventually, when the threats and unexpected visits became unbearable, the Applicants lodged a complaint with the police. The police said it was a family and traditional matter that would be

best resolved within the family. The Police said the Nigerian Constitution recognized the customs and traditions.

[4] In 2016, the Applicants secretly relocated to a remote part of Lagos but were quickly found and the visits continued. They say they did not consider moving to another part of the country because Lagos seemed to be safer than other regions. They say it would be easier for their daughter to be abducted from another part in the Southwest. They say the terrorism in the North in unprecedented and the East is notorious for ritualistic kidnapping and a looming civil war.

[5] In 2017, the Uncle attempted to abduct the daughter. After realizing the seriousness of the situation, they decided to flee to Canada. Due to financial constraints, the Mother and five children left Nigeria on April 26, 2018 and landed in New York. The Mother said she had some knowledge about the US government and their hatred of refugees so they only used the US as a transit route and arrived at the Lacolle border on April 28, 2018.

[6] The Applicants say their persecutors then assaulted the Father, resulting in an ankle injury. He then went into hiding until he could flee the country. The Father and remaining child eventually left Nigeria in July 2018 and joined the rest of the family in Canada.

[7] The RPD accepted the claims as largely credible, but found the claims regarding moving to another part of Lagos, being found in a different part of Lagos, and the daughter's attempted abduction, were not credible. Neither parent was able to testify with credibility whether the

attempted abduction occurred before or after the alleged move or why the Basis of Claim said they only resided at one address. This lack of credibility was relevant to an availability of an internal flight alternative [IFA].

[8] The RPD found the Applicants had a viable IFA in another city in Nigeria, hundreds of kilometres away. The RPD found it was not likely the agents of persecution had the ability or resources to locate the family in the IFA and it was reasonable for the Applicants' to seek refuge there.

III. Decision under review

[9] The RAD confirmed the finding of the RPD of the viable IFA, and that both requirements of the two-pronged test were met, i.e., with respect to risk and reasonableness. The RAD refused to admit new evidence (a letter from the Mother's father and a police report) concerning ongoing threats to the Applicants in Lagos. The RAD had already accepted the Applicants would be at risk in Lagos, and found therefore that the documents did not have any relevance or probative value to the issue of an IFA.

IV. Issues

[10] The Applicants put forward a great number issues in this case, along with some 60 pages of argument in chief and in reply:

1. Does one component of the reasons fail to meet the standard that reasoning must be transparent, intelligible and provide justification?
2. Does the reasoning err by casting a nebulous cloud over a document without making a credibility finding in clear and unmistakable terms?

3. Did the RAD confuse relevance and materiality?

4. Did the RAD err by weighing evidence to determine admissibility of that evidence?

5. If the decision on admissibility of evidence by the RAD was made in error, was the duty of fairness owed to the applicants breached?

6. Did the RAD reason inconsistently in finding that the applicants should not be required to hide in the IFA?

7. Did the RAD overlook in error who the feared agents of persecution were?

8. Did the RAD err by failing to consider, in addition to ability to locate, the practical impossibility of disassociating from every single component of the family of the husband and those who know them?

9. Was the RAD consideration of the second prong of the IFA analysis unreasonable?

[11] The Respondent submits three broader issues: (a) the reasonableness of the RAD's refusal to admit new evidence; (b) the reasonableness of the RAD's finding they could live safely in the IFA; and (c) the reasonableness of the RAD's finding it was reasonable for them to relocate to the IFA. In my respectful view, the Respondent has identified the main issues, which I will deal with shortly.

V. Standard of Review

[12] In *Canada Post Corp v Canadian Union of Postal Workers*, 2019 SCC 67 [*Canada Post*] Justice Rowe said that *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*] set out a revised framework for determining the applicable standard of review for administrative decisions. The starting point is a presumption that a standard of reasonableness

applies. This presumption can be rebutted in certain situations, none of which apply in this case. Therefore, the Decision is reviewable on a standard of reasonableness.

[13] In *Canada Post*, Justice Rowe explains what is required for a reasonable decision, and what is required of a court reviewing on the reasonableness standard:

> [31] A reasonable decision is "one that is based on an internally coherent and rational chain of analysis and that is justified in relation to the facts and law that constrain the decision maker" (*Vavilov*, at para. 85). Accordingly, when conducting reasonableness review "[a] reviewing court must begin its inquiry into the reasonableness of a decision by examining the reasons provided with 'respectful attention' and seeking to understand the reasoning process followed by the decision maker to arrive at [the] conclusion" (*Vavilov*, at para. 84, quoting *Dunsmuir*, at para. 48). The reasons should be read holistically and contextually in order to understand "the basis on which a decision was made" (*Vavilov*, at para. 97, citing *Newfoundland Nurses*).
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> [32] A reviewing court should consider whether the decision as a whole is reasonable: "what is reasonable in a given situation will always depend on the constraints imposed by the legal and factual context of the particular decision under review" (*Vavilov*, at para. 90). The reviewing court must ask "whether the decision bears the hallmarks of reasonableness – justification, transparency and intelligibility – and whether it is justified in relation to the relevant factual and legal constraints that bear on the decision" (*Vavilov*, at para. 99, citing *Dunsmuir*, at paras. 47 and 74, and *Catalyst Paper Corp. v. North Cowichan (District)*, 2012 SCC 2, [2012] 1 S.C.R. 5, at para. 13).
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> [33] Under reasonableness review, "[t]he burden is on the party challenging the decision to show that it is unreasonable" (*Vavilov*, at para. 100). The challenging party must satisfy the court "that any shortcomings or flaws relied on ... are sufficiently central or significant to render the decision unreasonable" (*Vavilov*, at para. 100).

[14] The Supreme Court of Canada in *Vavilov*, at para 86 states "it is not enough for the outcome of a decision to be justifiable. Where reasons for a decision are required, the decision

must also be justified, by way of those reasons, by the decision maker to those to whom the decision applies." The reviewing court must be satisfied the decision maker's reasoning "adds up":

> [104] Similarly, the internal rationality of a decision may be called into question if the reasons exhibit clear logical fallacies, such as circular reasoning, false dilemmas, unfounded generalizations or an absurd premise. This is not an invitation to hold administrative decision makers to the formalistic constraints and standards of academic logicians. However, a reviewing court must ultimately be satisfied that the decision maker's reasoning "adds up".
>
> [105] In addition to the need for internally coherent reasoning, a decision, to be reasonable, must be justified in relation to the constellation of law and facts that are relevant to the decision: *Dunsmuir*, at para. 47; *Catalyst*, at para. 13; *Nor-Man Regional Health Authority*, at para. 6. Elements of the legal and factual contexts of a decision operate as constraints on the decision maker in the exercise of its delegated powers.

[15] Furthermore, *Vavilov* makes it clear that the role of this Court is not to reweigh and reassess the evidence unless there are "exceptional circumstances":

> [125] It is trite law that the decision maker may assess and evaluate the evidence before it and that, absent exceptional circumstances, a reviewing court will not interfere with its factual findings. The reviewing court must refrain from "reweighing and reassessing the evidence considered by the decision maker": *CHRC*, at para. 55; see also *Khosa*, at para. 64; *Dr. Q*, at paras. 41-42. Indeed, many of the same reasons that support an appellate court's deferring to a lower court's factual findings, including the need for judicial efficiency, the importance of preserving certainty and public confidence, and the relatively advantageous position of the first instance decision maker, apply equally in the context of judicial review: see *Housen*, at paras. 15-18; *Dr. Q*, at para. 38; *Dunsmuir*, at para. 53.
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> [Emphasis added]

[16] See also *Canada (Canadian Human Rights Commission) v. Canada (Attorney General)*, 2018 SCC 31 [Gascon J] relied upon in *Vavilov* at para 125 immediately above:

> [55] In reasonableness review, the reviewing court is concerned mostly with "the existence of justification, transparency and intelligibility within the decision-making process" and with determining "whether the decision falls within a range of possible, acceptable outcomes which are defensible in respect of the facts and law" (*Dunsmuir*, at para. 47; *Newfoundland and Labrador Nurses' Union v. Newfoundland and Labrador (Treasury Board)*, 2011 SCC 62, [2011] 3 S.C.R. 708, at para. 14). When applied to a statutory interpretation exercise, reasonableness review recognizes that the delegated decision maker is better situated to understand the policy concerns and context needed to resolve any ambiguities in the statute (*McLean*, at para. 33). Reviewing courts must also refrain from reweighing and reassessing the evidence considered by the decision maker (*Khosa*, at para. 64). At its core, reasonableness review recognizes the legitimacy of multiple possible outcomes, even where they are not the court's preferred solution.
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> [Emphasis added]

[17] See also *Canada (Citizenship and Immigration) v Khosa*, 2009 SCC 12 [Binnie J]:

> [64] In this case, both the majority and dissenting reasons of the IAD disclose with clarity the considerations in support of both points of view, and the reasons for the disagreement as to outcome. At the factual level, the IAD divided in large part over differing interpretations of Khosa's expression of remorse, as was pointed out by Lutfy C.J. According to the IAD majority:
>
> > It is troublesome to the panel that [*Khosa*] continues to deny that his participation in a "street-race" led to the disastrous consequences. . . . At the same time, I am mindful of [*Khosa's*] show of relative remorse at this hearing for his excessive speed in a public roadway and note the trial judge's finding of this remorse . . . . This show of remorse is a positive factor going to the exercise of special relief. However, I do not see it as a compelling feature of the case in light of the limited nature of [*Khosa's*] admissions at this hearing. [Emphasis added; para. 15.]

According to the IAD dissent on the other hand:

> . . . from early on he [*Khosa*] has accepted responsibility for his actions. He was prepared to plead guilty to dangerous driving causing death . . . .
>
> I find that [*Khosa*] is contrite and remorseful. [*Khosa*] at hearing was regretful, his voice tremulous and filled with emotion. . . .
>
> . . .
>
> The majority of this panel have placed great significance on [*Khosa's*] dispute that he was racing, when the criminal court found he was. And while they concluded this was "not fatal" to his appeal, they also determined that his continued denial that he was racing "reflects a lack of insight." The panel concluded that this "is not to his credit." The panel found that [*Khosa*] was remorseful, but concluded it was not a "compelling feature in light of the limited nature of [*Khosa's*] admissions".
>
> However I find [*Khosa's*] remorse, even in light of his denial he was racing, is genuine and is evidence that [*Khosa*] will in future be more thoughtful and will avoid such recklessness. [paras. 50-51 and 53-54]

It seems evident that this is the sort of factual dispute which should be resolved by the IAD in the application of immigration policy, and not reweighed in the courts.

[Emphasis added]

VI. Analysis

A. *Admissibility of New Evidence*

[18] Before the RAD, the Applicants submitted new evidence namely a letter and police report filed by the father of the Mother pursuant to section 110(4) of *Immigration and Refugee Protection Act*, SC 2001, c 27:

Evidence that may be presented	**Éléments de preuve admissibles**
(4) On appeal, the person who is the subject of the appeal may present only evidence that arose after the rejection of their claim or that was not reasonably available, or that the person could not reasonably have been expected in the circumstances to have presented, at the time of the rejection.	**(4)** Dans le cadre de l'appel, la personne en cause ne peut présenter que des éléments de preuve survenus depuis le rejet de sa demande ou qui n'étaient alors pas normalement accessibles ou, s'ils l'étaient, qu'elle n'aurait pas normalement présentés, dans les circonstances, au moment du rejet.

[19] The RAD did not admit the evidence and did not directly refer to *IRPA* in the Decision. The documents were new evidence in the sense that they concerned matters that took place after the rejection of the claim. However, because these two documents were not filed with the appeal application, the RAD properly considered and applied Rule 29 of *Refugee Appeal Division Rules*, SOR/2012-257 [Rules]:

Documents — new evidence	**Documents — nouvelle preuve**
(3) The person who is the subject of the appeal must include in an application to use a document that was not previously provided an explanation of how the document meets the requirements of subsection 110(4) of the Act and how that evidence relates to the person, unless the document is	**(3)** La personne en cause inclut dans la demande pour utiliser un document qui n'avait pas été transmis au préalable une explication des raisons pour lesquelles le document est conforme aux exigences du paragraphe 110(4) de la Loi et des raisons pour lesquelles cette preuve est liée à la personne, à moins

being presented in response to evidence presented by the Minister.	que le document ne soit présenté en réponse à un élément de preuve présenté par le ministre.
Factors	**Éléments à considérer**
(4) In deciding whether to allow an application, the Division must consider any relevant factors, including	**(4)** Pour décider si elle accueille ou non la demande, la Section prend en considération tout élément pertinent, notamment :
(a) the document's relevance and probative value;	**a)** la pertinence et la valeur probante du document;
(b) any new evidence the document brings to the appeal; and	**b)** toute nouvelle preuve que le document apporte à l'appel;
(c) whether the person who is the subject of the appeal, with reasonable effort, could have provided the document or written submissions with the appellant's record, respondent's record or reply record.	**c)** la possibilité qu'aurait eue la personne en cause, en faisant des efforts raisonnables, de transmettre le document ou les observations écrites avec le dossier de l'appelant, le dossier de l'intimé ou le dossier de réplique.

[20] The RAD agreed the Applicants could not have filed the evidence earlier but found the evidence did not have any relevance to the issue before it. The documents spoke about ongoing risk to the Applicants in their home city of Lagos, something the RAD had already accepted and which therefore was no longer in issue. The RAD considered these documents were neither relevant nor probative, a finding which in my respectful view is reasonable given the only issue before the RAD was an IFA elsewhere in Nigeria.

[21] Moreover, as noted, the RAD also found the documents were of limited probative value noting, in particular, the police report. While a number of errors were suggested in this connection, the finding of irrelevance suffices to permit this Court to find the documents were reasonably rejected.

[22] The Applicants submit the documents in combination with the other evidence may have determined the outcome of the case. I am not persuaded this case could have been determined otherwise had such irrelevant evidence been introduced. Nor am I persuaded there should have been an oral hearing.

B. *Safety of proposed IFA*

[23] In my decision in *Lawal v Canada (Public Safety and Emergency Preparedness)*, 2020 FC 301, the following is said regarding the tests for an IFA:

> [8] First, it is settled law that the two-prong test to be applied in determining whether there is an IFA was established in *Rasaratnam v Canada (Minister of Employment and Immigration)*, [1992] 1 FC 706 (CA), and *Thirunavukkarasu v Canada (Minister of Employment and Immigration)*, [1994] 1 FC 589 (CA). The test was recently outlined by Justice Pamel in *Feboke v Canada (Citizenship and Immigration)*, 2020 FC 155 at para 15:
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> > [15] The decisions in *Rasaratnam v Canada (Minister of Employment and Immigration)*, [1992] 1 FC 706, and *Thirunavukkarasu v Canada (Minister of Employment and Immigration)*, [1994] 1 FC 589, have established a two-prong test to be applied in determining whether there is an IFA: (i) there must be no serious possibility of the individual being persecuted in the IFA area (on the balance of probabilities); and (ii) conditions in the proposed IFA must be such that it would not be unreasonable in all the circumstances for an individual to seek refuge there (*Reci v Canada (Citizenship and Immigration)*, 2016 FC 833 at para 19; *Titcombe v Canada (Citizenship and Immigration)*,

> 2019 FC 1346 at para 15). Both prongs must be satisfied in order to make a finding that the claimant has an IFA. This two-prong test ensures that Canada complies with international norms regarding IFAs (UNHCR Guidelines at paras 7, 24–30).

[24] The parties do not dispute the findings by the RAD (and RPD) that the first prong of the test is met in this case.

[25] Both the RPD and RAD focussed on the ability of the agents of persecution to locate the Applicants in the IFA. This, with respect, is essentially a matter of assessing and weighing the evidence before it. As noted above, *Vavilov* and the Supreme Court of Canada jurisprudence cited above, establishes that "the reviewing court must refrain from reweighing and reassessing the evidence considered by the decision maker'" (*Vavilov*, para 125) [Emphasis added].

[26] The RPD outlined a number of factors that influenced its decision, all but the last of which was upheld by the RAD. The RPD found: the evidence the Applicants had tried to avoid the agents of persecution by relocating elsewhere in Lagos lacked credibility; that the meaning of the Applicants' last name would lead to detection was speculative; the Applicants did not need to reveal their last names in the IFA; there was insufficient evidence the wealth and connection of the agents of persecution extended to the IFA; the Applicants would not have to identify themselves to the tribal chiefs; the suggestion that chiefs across Nigeria all know each other was speculative; and the whereabouts of the Applicants would not be known to the agents of persecution if they did not disclose their whereabouts to family and friends.

[27] The RAD upheld all of the reasons provided by the RPD except the last namely that "the whereabouts of the Applicants would not be known to the agents of persecution if they did not disclose their whereabouts to family and friends." The RAD agreed the RPD relied on this factor in error. The Applicants submit the RAD did not reason through this finding consistently because it accepted the Applicants should not be required to hide from friends and family but also accepted it was reasonable to expect they not tell people in the IFA their real names. They say that hiding one's identity is a form of hiding, but as noted, the RAD agreed. However, as the RAD reasonably found, this was just one of multiple reasons given by the RPD; the RAD expressly found that even without this last argument, the balance were sufficient for it to confirm the findings of the RPD. I am unable to see unreasonableness in this respect.

[28] The Applicants submit disassociating from every relative is a hardship and is a practical impossibility and there may be extended people or friends of family who may recognize the family in the IFA. The Respondent submits it is not in dispute the Applicants' relatives are likely to know the agents of persecution – this is true as some of them were these very agents of persecution. However, the issue in this case is not the proximity and intersection of relationships between the Applicants and their agents of persecution, namely the Uncle and his supporters. The problem for the Applicants is they did not provide the RAD with credible evidence these relationships would undermine their safety in the IFA. Essentially the RAD found on the evidence it was not enough for the Applicants to ask the RAD or this Court to speculate; they needed to provide evidence to support their assertion of the likelihood of their whereabouts being disclosed to the agents of persecution, which they failed to do so. The RAD found "there is no evidence to suggest that the friends or family would reveal the Appellants' location to the agents

of persecution, particularly as they express their support for the Appellants" [Emphasis added]. Again, this is a matter of weight and assessment of evidence, which a reviewing court is instructed to avoid absent exceptional circumstances; I defer to the Supreme Court of Canada jurisprudence in this regard.

C. *Second prong of IFA analysis*

[29] The RAD found:

> 27. …The Federal Court has held that the threshold for the 'objectively unreasonable' standard is very high and requires, at a minimum, the proof, through actual and concrete evidence, of adverse conditions which would jeopardize the life and safety of the Appellants in relocating to a safe area. I find that the Appellants have not provided such evidence, and, as such, the RPD correctly concluded that it would not be unreasonable for the Appellants to relocate to [the IFA]. [Citing *Barinder Singh v. Canada (Citizenship and Immigration)*, 2013 FC 988].
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> [Emphasis added]

[30] The Applicants criticize this finding. They submit the RAD confused the correct test for assessing an IFA and attempted to apply the standard in an unreasonable way as it sets out a higher test of risk to safety.

[31] They say the RAD said the life and safety of the Applicants *must* be jeopardized by using the word "would" rather than "could". There is no merit in this argument because while the RAD did use the word "would", the word "would" is the very word the Federal Court of Appeal uses in setting this test: see its decision in *Ranganathan v Canada (Minister of Citizenship & Immigration)*, [2001] 2 FC 164 [Létourneau JA]:

> 15. We read the decision of Linden J.A. for this Court as setting up a very high threshold for the unreasonableness test. It requires nothing less than the existence of conditions which would jeopardize the life and safety of a claimant in travelling or temporarily relocating to a safe area. In addition, it requires actual and concrete evidence of such conditions. The absence of relatives in a safe place, whether taken alone or in conjunction with other factors, can only amount to such condition if it meets that threshold, that is to say if it establishes that, as a result, a claimant's life or safety would be jeopardized.
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> [Emphasis added]

[32] It seems to me in this respect the RAD was simply relying on constraining jurisprudence, which is not unreasonable.

[33] The Applicants also criticize the RAD's requirement that they needed to establish risk both to life *and* safety in the IFA. They indicated that a requirement to establish more than a risk to life is in effect asking too much, and incoherent. I respectfully disagree. Again, the Applicants take issue with the reasoning of Federal Court of Appeal in the passage just cited, which itself uses the word "and": "It requires nothing less than the existence of conditions which would jeopardize the life and safety of a claimant in travelling or temporarily relocating to a safe area." [Emphasis added]. Again I am not persuaded that the RAD acted unreasonably by applying constraining jurisprudence.

[34] In this respect, I also note the RAD cited to the Federal Court of Appeal decision in *Singh v Canada (Citizenship and Immigration)*, 2013 FC 988 [per Noël J] [*Singh*]:

> [32] The Respondent argues that jurisprudence sets out a two-pronged test to determine whether an IFA exists or not. According to the Respondent, the Applicant's situation is consistent with such jurisprudence and therefore meets the two-pronged test. With

> regards to the foregoing, following the test, the Applicant bore the onus of establishing that an IFA did not in fact exist and that it was objectively unreasonable or unduly harsh for him to relocate to the IFA in question. The 'objectively unreasonable' standard is subject to a very high threshold which was not satisfied by the Applicant.
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> …
>
> [37] The Federal Court of Appeal established a two-pronged test which the courts must follow to determine whether an IFA exists or not. First, the RPD must be satisfied, on a balance of probabilities, that there is no serious possibility of the Applicant being persecuted in the part of the country to which it finds an IFA exists, and second, conditions in that part of the country must be such that it would not be unreasonable, in all the circumstances, for the Applicant to seek refuge there (see *Rasaratnam v Canada (Minister of Employment and Immigration)* (1991), 140 NR 138, 31 ACWS (3d) 139 (FCA); *Thirunavukkarasu v Canada (Minister of Employment and Immigration)* (1993), 1993 CanLII 3011 (FCA), 22 Imm LR (2d) 241, 109 DLR (4th) 682 (FCA)).
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> …
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> [39] ... The Applicant failed to present evidence of undue hardship which could render the second prong of the IFA test unreasonable.
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> …
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> [41] The issue comes down to answering the following question, as previously formulated by this Court: Is it objectively reasonable to expect the Applicant to move to a different part of the country? (*Krasniqi v Canada (Minister of Citizenship and Immigration)*, 2010 FC 350, at para 44, [2010] FCJ No 410) Based on the evidence with which it had been presented, the RPD found that such was not the case for the Applicant, and this 'decision falls within a range of possible, acceptable outcomes which are defensible in respect of the facts and the law' (see *Dunsmuir v New Brunswick*, 2008 SCC 9, [2008] 1 SCR 190 at para 47) despite the Applicant's submissions.

[35] The Applicants indicated that paragraph 32 in *Singh* was the position of the respondent in *Singh* and was similar to the Decision of the RAD in this case, and this case is distinguishable

from the relevant jurisdiction. This is not a basis on which I am persuaded to find unreasonableness.

[36] The Applicants submit the RAD turned a disqualification into a requirement. Courts have said risk to life or safety in transit to an otherwise viable IFA disqualifies that location from being a viable IFA. The RAD reasoned that for an IFA not to be viable, the Applicants must establish the location poses a risk to life and safety. The Applicants submit the reasoning is "incoherent, unsupported by the jurisprudence and guts the second prong of the internal flight alternative analysis of any independent meaning". However in this case, I find no unreasonableness in the RAD summarizing the IFA test and explaining that the RAD had to determine "whether there is a risk in the IFA and whether it is unreasonable for the Appellants to relocate there".

VII. Conclusion

[37] Having reviewed the totality of the Applicants' submissions together with the RAD reasons and relevant record, holistically and not as a treasure hunt for errors, as required, I am not persuaded the RAD acted unreasonably in its analysis. The credibility determinations of the RAD were transparent, intelligible and justified based on the facts and constraining law. While the Applicants disagree with the results of the RAD and RPD decisions, in my respectful view, the Decision is justified on the facts and constraining law. The Decision adds up as it must, and in my view there is no fatal error. Moreover, many of the Applicants' submissions ask this Court to reweigh and or reassess the evidence, which *Vavilov* forbids absent exception circumstance. Therefore, judicial review must be dismissed.

VIII. Certified Question

[38] Neither party proposed a question of general importance, and none arises.

JUDGMENT in IMM-6146-19

THIS COURT'S JUDGMENT is that this application for judicial review is dismissed, no question of general importance is certified, and there is no order as to costs.

"Henry S. Brown"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	IMM-6146-19
STYLE OF CAUSE:	OLAYENII TOLANI ADE-OGUNADE, ADEMIDE VICTORIA ADE-OGUNADE, ADEMIDARA GEORGE ADE-OGUNADE, ADEMIDOLA EMMANUEL ADE-OGUNADE, ADEMIDIRE TAIWO ADE-OGUNADE, ADEMIDIYUN KEHINDE ADE-OGUNADE, ADESANYA JIMMY OGUNADE, ADEMIDUN ROCKSON ADE-OGUNADE v THE MINISTER OF CITIZENSHIP AND IMMIGRATION

HEARING HELD BY VIDEOCONFERENCE ON MARCH 1, 2021 FROM OTTAWA, ONTARIO (COURT) AND WINNIPEG, MANITOBA (PARTIES)

JUDGMENT AND REASONS:	BROWN J.
DATED:	MARCH 3, 2021

APPEARANCES:

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Brendan Friesen	FOR THE RESPONDENT

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