

Federal Court



Cour fédérale

**Date: 20221116**

**Docket: IMM-5621-21**

**Citation: 2022 FC 1565**

**St. John's, Newfoundland and Labrador, November 16, 2022**

**PRESENT: The Honourable Madam Justice Heneghan**

**BETWEEN:**

**JEAN-CLAUDE NDIKUM NGOLLE**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**REASONS AND JUDGMENT**

[1] Mr. Jean-Claude Ndikum Ngolle (the “Applicant”) seeks judicial review of the decision of an officer (the “Officer”), rejecting his Pre-removal Risk Assessment Application (“PRRA”), made pursuant to section 112 of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27 (the “Act”).

[2] The Applicant, a citizen of Cameroon, entered Canada on April 17, 2016. He submitted a claim for refugee protection on April 18, 2016 but subsequently withdrew that application on October 17, 2016.

[3] On February 15, 2019, the Applicant submitted his PRRA application. He alleged that as a Cameroonian citizen with a French-sounding name, he is at risk from Anglophone separatists since Cameroon is involved in civic unrest on the basis of linguistic-political divisions. He submitted that his family, through his grandfather and father, had a known association with the Southern Cameroon National Council (the “SCNC”) for many years, and that this association exposed him to the risk of violence. He also submitted that his family lives in Buea, a primarily Anglophone area that is “mired” in political violence.

[4] The Applicant also submitted that as a “failed” refugee claimant, he would be targeted. He claimed that effective state protection is not available in Cameroon.

[5] The Officer found that there was insufficient objective evidence to support the Applicant’s claim to be at risk from the SCNC or that the authorities in Cameroon would learn that he was a failed refugee claimant.

[6] The Officer also found insufficient objective evidence to show, on a balance of probabilities, the lack of state protection. The Officer concluded that the Applicant had failed to establish a well-founded fear of persecution on the basis of political opinion “both imputed and actual”.

[7] The Applicant now argues that the Officer failed to consider the totality of the evidence about risk and state protection, made veiled credibility findings, and fettered the exercise of discretion.

[8] The Minister of Citizenship and Immigration (the “Respondent”) submits that the Officer made no reviewable errors.

[9] The decision of the Officer is reviewable on the standard of reasonableness, pursuant to the decision in *Canada (Minister of Citizenship and Immigration) v. Vavilov*, [2019] 4 S.C.R. 653 (S.C.C.).

[10] In considering reasonableness, the Court is to ask if the decision under review “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”; see *Vavilov, supra* at paragraph 99.

[11] In my opinion, upon consideration of the evidence contained in the Certified Tribunal Record, the written and oral submissions of the parties, and of the applicable standard of review, the decision is unreasonable.

[12] The Officer’s repeated statements about the insufficiency of objective evidence do not meet the standard of transparency and justifiability, as required by *Vavilov, supra*. The statements do not show due consideration of the evidence submitted.

[13] In my opinion, the Officer failed to grapple with the evidence submitted by the Applicant. This failure makes the decision unreasonable; see *Vavilov, supra* at paragraph 128.

[14] It is not necessary to address the other arguments raised by the Applicant.

[15] In the result, the application for judicial review will be allowed and the matter remitted to a different officer for redetermination. There is no question for certification arising.

**JUDGMENT in IMM-5621-21**

**THIS COURT'S JUDGMENT is that** the application for judicial review is allowed, the decision of the Officer is set aside and the matter remitted to another officer for redetermination.

There is no question for certification arising.

"E. Heneghan"

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Judge

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

**DOCKET:** IMM-5621-21

**STYLE OF CAUSE:** JEAN-CLAUDE NDIKUM NGOLLE v THE  
MINISTER OF CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** HELD BY WAY OF VIDEOCONFERENCE  
BETWEEN CALGARY, ALBERTA AND ST. JOHN'S,  
NEWFOUNDLAND AND LABRADOR

**DATE OF HEARING:** JULY 21, 2022

**REASONS AND JUDGMENT:** HENEGHAN J.

**DATED:** NOVEMBER 16, 2022

**APPEARANCES:**

Faraz Bawa FOR THE APPLICANT

David Shiroky FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

Stewart Sharma Harsanyi FOR THE APPLICANT  
Barristers and Solicitors  
Calgary, Alberta

Attorney General of Canada FOR THE RESPONDENT  
Calgary, Alberta