

Federal Court



Cour fédérale

**Date: 20250814**

**Docket: IMM-15154-24**

**Citation: 2025 FC 1376**

**Toronto, Ontario, August 14, 2025**

**PRESENT: Madam Justice Whyte Nowak**

**BETWEEN:**

**JANET BIH FOKWAH**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

**I. Overview**

[1] The Applicant, Janet Bih Fokwah [Applicant], is a citizen of Cameroon who fears persecution by the Cameroon military [Military] and Anglophone separatist rebels in her local village known as the Amaba boys. She claims to have been identified as an Anglophone separatist by the Military who accused her of supplying information to the Amba boys who attended her restaurant. After being smuggled out of jail upon payment of a bribe, she fled

Cameroon and came to Canada seeking refugee protection. By decision dated July 26, 2024 [Decision], the Refugee Appeal Division [RAD] found that the Applicant is neither a Convention refugee nor a person in need of protection by reason that she has viable internal flight alternatives [IFAs].

[2] The Applicant submits that the Decision is unreasonable as the RAD ignored clear evidence on the record that supports the Applicants' fear that she faces a danger of being identified and taken into custody by the Military upon her arrival in Cameroon. I agree. As the Decision is not justified on the record, it is unreasonable, and this application is granted.

## II. Facts

### A. *The Applicant's immigration history*

[3] The Applicant is an English-speaking divorced woman and mother of adult children and an adopted minor child. She lived and worked in Kotto village in the Southwest Region of Cameroon where she ran her own restaurant and sold commercial goods. The Amba boys and members of the Military were patrons of her restaurant. The Military arrested her after identifying her as a separatist supporter. She was smuggled out of prison and fled the country coming to Canada.

### B. *The RPD Decision*

[4] The Refugee Protection Division [RPD] found that the Applicant is neither a Convention refugee nor a person in need of protection with the determinative issue being that she has an IFA

in Yaoundé, Mutengene and Bamenda. The RPD did not find support in the country condition documents for the Applicant's subjective fear of persecution given that there was no evidence that being an Anglophone without more of a political profile would put her at future risk.

[5] The RPD considered the agents of harm to have neither the means nor the motivation to pursue the Applicant to the proposed IFAs and it was not unreasonable for the Applicant to relocate there considering her circumstances.

C. *The RAD Decision*

[6] The RAD dismissed the Applicant's appeal. While the RAD considered that the RPD had erred by not considering the Chairperson's Guideline 4: *Gender Considerations in Proceedings Before the Immigration Refugee Board*; even doing so, this did not change the RAD's view that the Applicant could safely and reasonably be expected to relocate to the proposed IFAs. The RAD's analysis was restricted to the issue of whether she has a reasonable and safe IFA with only the Military considered as an agent of harm in light of the Applicant's testimony that the Amba boys were not safe from the control and impunities of the Military.

[7] The RAD agreed with the RPD that the Applicant had not demonstrated that the Military had the means and motivation to pursue her to the IFAs. The RAD found that the country evidence demonstrates that the Applicant will not face risk of persecution or harm throughout Cameroon. The RAD noted that according to the documentary evidence, the Military are professional, politically independent and largely focused on internal security and insurgency from armed-Anglophone separatist groups. The RAD considered there to be no evidence the

Military would seek to locate her in any of the IFAs. The RAD agreed with the RPD that merely being Anglophone, was not sufficient to make the Applicant a target and the Applicant failed to show that she had been identified as a separatist or that the Military were looking for her.

[8] The RAD considered that it was not unreasonable for the Applicant to either travel or relocate to the IFAs considering her personal circumstances.

### III. Issues and Standard of Review

[9] The Applicant has raised a number of issues with the RAD's Decision, however, I find that this application may be disposed of based on the sole issue of the RAD's failure to account for critical evidence.

[10] The applicable standard of review of the merits of a decision of the RPD is that of reasonableness as set out in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*]. A reasonable decision bears the hallmarks of justification, transparency and intelligibility with the burden resting on the challenging party to show that the decision is unreasonable (*Vavilov* at paras 99-100).

### IV. Analysis

[11] I find that the RAD ignored evidence in assessing the risk the Applicant would face upon her return to Cameroon. These errors undermine the reasonableness of the RAD's finding that

the Applicant can safely travel to the proposed IFAs (*Ranganathan v Canada (Minister of Citizenship and Immigration)*), [2001] 2 FC 164 (CA) at para 15 and *Vavilov* at paras 85, 126).

[12] The Applicant gave the following testimony before the RPD which highlighted the risk she believes she faces before she even attempts to travel to the IFAs:

Claimant: ... But me, how when I get to Cameroon from airport will I even get to Bamenda? They are going to get me right away.

Presiding Member: How would they get you right away?

Claimant: Yes, I'll be picked up immediately maybe right from the airport for two main reasons. First, I have my identification paper. My I.D, the name is in the books. Secondly, the manner in which I left Cameroon, I was in detention when the officers smuggled me out. So that illegal smuggling that other officers weren't possibly informed of my release could equally be a factor of them arresting me right away if I ever returned.

[13] The RAD acknowledged that while the Applicant would need to provide her identity at the airport, the RAD considered there to be “no proof the Military monitor’s airports and passengers.” I agree with the Applicant that the record contains objective evidence that squarely contradicts this finding.

[14] The National Documentation Package [NDP] includes evidence that the Cameroon Military and armed forces are responsible for internal security and “other missions” which notably include customs as well as air and maritime surveillance, and road traffic control.

[15] The Responses to Information Requests – Immigration and Refugee Board of Canada package [RIR] also includes the following objective country condition evidence:

- “... Anglophone Cameroonians returning to Yaoundé or Douala are not safe, as they might be taken from the airport to prison to an unknown destination.”
- “...Anglophone deportees, including failed asylum seekers, can be imprisoned and fined, unless [they] bribe [their] way out.”
- “The International Crisis Group representative said that most of those who advocate for federalism or [who] have not been tagged as sponsors or supporters of armed separatists, move in and out of Cameroon as they wish...However, according to the researcher, since October 216, there is danger across the national territory for all Anglophones.”
- “Anglophone Cameroonians who live abroad and have a link with the [separatist] crisis, will be ... tracked down and arrested, wherever they are.”
- “...failed asylum seekers can be submitted to violence upon their return.”

[16] The NDP and RIR evidence shows the risk of persecution that the Applicant faces from the moment she attempts to clear customs, applies not only to those persons identified as separatists as the RAD suggested, but separatist supporters, failed asylum seekers and also to Cameroonians identified simply as Anglophones. Importantly, there is evidence in the RIR that “Anglophone names are easily identified.”

[17] The RIR evidence was highlighted in the Applicant’s written submissions to the RAD and given that it squarely contradicts the RAD’s finding with respect to her risk profile and forward-facing risk, the RAD was required to address it (*Vavilov* at para 126 and *Cepeda-Gutierrez v Canada (Minister of Citizenship and Immigration)*, 1998 CanLII 8667 (FC) at para 17).

V. Conclusion

[18] The Applicant has met her burden of showing that the RAD's Decision is not justified based on the objective evidence that was before it. As the Decision is unreasonable, this application is granted.

**JUDGMENT in IMM-15154-24**

**THIS COURT'S JUDGMENT is that:**

1. The application for judicial review is granted;
2. The decision of the Refugee Appeal Division dated July 26, 2024, is hereby quashed and the matter shall be remitted back for redetermination by a different decision makers; and
3. There is no question for certification.

"Allyson Whyte Nowak"

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Judge



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

**DOCKET:** IMM-15154-24

**STYLE OF CAUSE:** JANET BIH FOKWAH v THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** AUGUST 13, 2025

**JUDGMENT AND REASONS:** WHYTE NOWAK J.

**DATED:** AUGUST 14, 2025

**APPEARANCES:**

|                 |                    |
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| Saudia Samad    | FOR THE RESPONDENT |

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