

Federal Court



Cour fédérale

Date: 20250828

Docket: IMM-1666-24

Citation: 2025 FC 1436

Ottawa, Ontario, August 28, 2025

PRESENT: The Honourable Madam Justice Saint-Fleur

BETWEEN:

JOHN OLUGBENGA HUGHES

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] The Applicant, Mr. John Olugbenga Hughes [Applicant], seeks judicial review of the decision dated January 5, 2024, of the Refugee Appeal Division [RAD] to dismiss his appeal of the Refugee Protection Division [RPD] decision refusing his refugee claim, primarily due to credibility concerns.

[2] For the reasons that follow, this application for judicial review is dismissed.

II. Background Facts

[3] The Applicant is a citizen of Nigeria. His occupation in Nigeria was deputy director at the Federal College of Complimentary and Alternative Medicine, under the Ministry of Health.

[4] In 2013, he and his colleagues lodged a complaint with the Complaint and Federal Service Commission Bureau against the government officials in his department, alleging corruption and embezzlement of funds in connection with a gang called “Badu.”

[5] The Applicant alleged in his initial basis of claim that, after making his complaint, he started to receive threatening phone calls and being followed by unknown persons. He said that one of his colleagues, K, was attacked and injured, and that he overheard staff members planning to kidnap him and his other colleagues. Accordingly, he left for the United States before coming to Canada and claiming protection.

[6] However, prior to his RPD hearing, the Applicant updated his basis of claim and the attached Schedule A to indicate that: a) between 2007 and 2012, he was not only a resident of Abuja, but also had a residence in Lagos, which he occasionally visited; b) he was attacked and injured at his residence in Lagos; c) he had been followed and attacked while in Abuja also; and d) his colleague, K, was not only attacked and injured, but killed.

[7] The RPD hearing was held over two days, October 23 and November 10, 2020. The RPD refused the Applicant's claim on December 18, 2020. The Applicant appealed the RPD refusal to the RAD, who remitted it for redetermination.

[8] The second RPD hearing was also held over two days, October 25 and December 15, 2022. The RPD once again refused the Applicant's refugee claim on July 19, 2023, and the Applicant appealed its redetermination decision to the RAD.

III. Decision Under Review

[9] The RAD refused the Applicant's second appeal by decision dated January 5, 2024.

[10] The RAD independently reviewed the evidence and testimony on the record with respect to each of the grounds of error raised by the Applicant. It upheld the negative credibility finding for the following reasons:

- A. The Applicant failed to credibly describe the embezzlement scheme. His testimony not only lacked detail but was contradictory and oblique – he stated at times that he knew specifically how the embezzlement was carried out, and at other times that he had no direct knowledge of the scheme;
- B. Similarly, the Applicant's allegation of being attacked by the Badu in Lagos was found not to be credible because he gave contradictory testimony. He initially testified that his attackers only asked him to identify himself before hitting him over the head. He later said that they warned him he could not escape. Again, his

story changed to say that they threatened him in his own language. Lastly, he contradicted himself by testifying that they said nothing before attacking him;

- C. The undated letters submitted by the Applicant from his former colleagues, P and G, asserting they heard, from other employees, that there was a conspiracy to kidnap him did not substantiate his testimony because they were second-hand information and did not overcome the previous credibility concerns with his testimony;
- D. The RPD did not err in finding that the passage of time, and the change in government from the Peoples Democratic Party [PDP] at the time of the 2013 embezzlement scheme to the Action Democratic Party from 2015 onwards, means he has no reason to fear public officials currently in power. The Applicant failed to show that those put in power by the PDP in 2013 (and whom he claimed had threatened his life) remain in positions of power and influence;
- E. The two doctor reports on the Applicant's mental health refer to the Applicant as having delusions, but only serve to demonstrate that the Applicant told the doctor the same story he told the RPD, and does not, as the Applicant contends, establish that the source of his delusions is trauma suffered while in Nigeria; and
- F. The RPD did not err in considering that the Applicant would not have been able to obtain a passport and gain approval to travel for department work as easily as he did, had he accused his department superiors of embezzlement. This is notwithstanding that the branch of government that issued passports in Nigeria was separate from his department.

[11] The Applicant now brings the present application, alleging that the RAD's decision was unreasonable because it failed to account for his background as a layperson in media relations when impugning his credibility due to his testimony on the embezzlement scheme, did not account for the memory issues arising from his post-traumatic stress disorder [PTSD] and how they would have impacted his testimony, and did not account for the objective evidence on government corruption with respect to his fear of those in positions of power.

IV. Standard of Review and Issues

[12] The parties agree and I concur that reasonableness is the standard of review for the merits of the RAD's decision, including the specific credibility findings (*Abdelgadir v Canada (Citizenship and Immigration)*, 2020 FC 721 at para 8).

[13] Therefore, the only issue is whether the RAD's decision was unreasonable.

V. Submissions and Analysis

[14] The Applicant submits that the RAD's assessment of his credibility with respect to his account of the embezzlement scheme was unreasonable because it failed to account for his background and overall profile as an individual in media and public relations, rather than an accountant with technical knowledge. He says that the tribunals pressed him for information on the exact structure of the scheme, which he would not have been privy to.

[15] I would not accept the Applicant's argument on this issue. The RAD did not fault the Applicant because he did not have information he could not reasonably be expected to know

about. Rather, it was concerned with the contradictions in his testimony about how he came to know about the scheme, and the level or types of details he was aware of. It was the Applicant who would suggest he learned certain information but later say that he had no direct knowledge on the same issues. It was not unreasonable for the RAD to find these inconsistencies concerning and conclude that they undermined his credibility as a result (*Glen v Canada (Citizenship and Immigration)*, 2011 FC 488 at para 35).

[16] With respect to the attack in Lagos by the Badu, the Applicant argues that the RAD erred in finding that the evolving nature of his story made it more likely than not that the attack did not take place. He says that the RAD should have accounted for the fact that his PTSD would have caused him to forget certain details. The Applicant also submits that the RAD erred in noting that he was accommodated at the hearings by being given multiple breaks, because no amount of breaks could fully remedy his memory issues.

[17] In my view, the RAD did not note the breaks given in the RPD hearings to suggest that it would entirely negate any memory issues, only to acknowledge there was an accommodation given. Furthermore, the RAD did not fault the Applicant for failing to remember specific details, but was concerned about the evolving nature of the story – “it is not unusual for tribunals to find ‘evolving’ evidence gives rise to concerns about weight and credibility” (*Jawara v Canada (Citizenship and Immigration)*, 2024 FC 1334 at para 50).

[18] I disagree with the Applicant’s contention that the RAD “did not in fact consider the [PTSD] diagnosis at all in its analysis of the applicant’s testimony regarding the most stressful incidents he lived through.” Rather, the RAD explicitly stated at paragraph 12 of its reasons that

it “considered whether the post-traumatic stress disorder (PTSD) which the Appellant’s psychiatrist diagnosed, could be responsible for the contradictions in the Appellant’s testimony.”

[19] It was open to the RAD, after considering the possible effect of the Applicant’s diagnosis, to conclude at paragraph 12 of its reasons that the “vast divergence between the differing accounts of the assault cannot be reasonably explained by PTSD.” This was also the case in *Okoro v Canada (Citizenship and Immigration)*, 2023 FC 834 at paragraph 34.

[20] Furthermore, and as noted by the Respondent, this Court’s jurisprudence has established that “a psychiatric report ‘cannot possibly serve as a cure-all for any and all deficiencies in a[n Applicant’s] testimony’” (*Mico v Canada (Citizenship and Immigration)*, 2011 FC 964 at para 34, citing *Arizaj v Canada (Minister of Citizenship and Immigration)*, 2008 FC 774 at para 26).

[21] Finally, the Applicant maintains that, to conclude he faces no current risks from powerful government officials in Nigeria, fails to consider objective evidence corroborating his claim with respect to government corruption. The submissions before the Court on this issue are identical to those made before the RAD, and cite the exact same portions of the objective evidence in the National Document Package [NDP] that were highlighted for the RAD. It is not for the Court to re-weigh this evidence (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 125 [*Vavilov*]).

[22] Other than repeat his submissions on this issue, the Applicant has not identified any error in how the NDP evidence was assessed or the RAD’s analysis of the risk he faces from Nigerian public officials.

[23] The RAD accepted the objective evidence stating that public officials are often appointed based on family and kinship rather than merit, and that bribery and corruption are common. However, the pertinent part of its analysis concerned the passage of time; like the RPD, the RAD considered that the NDP evidence did not assist the Applicant because the public officials he said threatened him were from a government party that has not been in power since 2015, and he adduced no evidence to show that they nevertheless remain in a position of power such that he would still face a risk in Nigeria. In my view, this analysis was not unreasonable.

[24] The Decision complies with the requirements of justification, transparency and intelligibility imposed by the Supreme Court in *Vavilov*.

VI. Conclusion

[25] The Applicant has not met his burden of establishing that the RAD's decision was unreasonable either in outcome or in the reasons provided. Therefore, this application for judicial review is dismissed.

[26] Neither party proposed a question for certification, and I agree none arises.

JUDGMENT in IMM-1666-24

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is dismissed.
2. There is no question to be certified.

"L. Saint-Fleur"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-1666-24

STYLE OF CAUSE: JOHN OLUGBENGA HUGHES v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: MONTRÉAL (QUÉBEC)

DATE OF HEARING: AUGUST 25, 2025

JUDGMENT AND REASONS: SAINT-FLEUR J.

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