

Federal Court



Cour fédérale

Date: 20250922

Docket: IMM-17655-24

Citation: 2025 FC 1550

Toronto, Ontario, September 22, 2025

PRESENT: Mr. Justice Brouwer

BETWEEN:

MOSES UGOCHUKWU NWOBİ

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] Moses Ugochukwu Nwobi seeks judicial review of the decision of the Refugee Appeal Division [RAD] rejecting his appeal. For the reasons that follow, I dismiss the application.

I. Background

[2] Mr. Nwobi is a national of Nigeria. Prior to coming to Canada, he ran a business dealing in spare auto parts and worked part-time as a journalist. Although he claims no political profile, membership, or history, he says that in September 2022, in the lead up to the primary elections in Nigeria, he made three posts on the social media platform then known as Twitter accusing political candidates from the ruling All Progressives Congress (APC) of negligence and/or incompetence. He submits that the candidates went on to win the primaries and then the elections in 2023. According to Mr. Nwobi, his three social media posts came to the attention of thugs (“alaye”), who he says are well-organized and closely connected to the APC. He asserts that these thugs threatened him directly and through his sister because of his expressed opposition to the APC and his ethnicity as member of the Igbo community. Mr. Nwobi also asserts that as a journalist he wrote at least two articles expressing similar criticism of the APC that were published by Nigerian news outlets.

[3] According to Mr. Nwobi, when he started receiving threats he fled to neighbouring Benin and then to Senegal, spending three or four weeks in each country before returning to Nigeria and flying to Canada to seek refugee protection.

[4] In support of his refugee claim Mr. Nwobi submitted a September 2021 letter from the National Union of Journalists confirming his registration as a member since April 2019; a March 2024 letter from his sister describing a visit and search of her home by unidentified thugs looking for and threatening Mr. Nwobi; and two pages purporting to be published articles written by Mr.

Nwobi, one missing any actual text of the article and the other with text that was illegible. As Mr. Nwobi alleged that he had closed his Twitter account when he started receiving threats, he did not provide copies of the posts that he says got him into trouble, or any other corroboration that they had existed or resulted in threats from government-affiliated thugs. When questioned by the Refugee Protection Division [RPD] about the content of the three Twitter posts at the core of his case, he said he “couldn’t really remember all the posts” but that the messages were centred on the lack of credibility of the presidential candidate and his wife, and their incompetence. He said he had never posted anything like this before and had no interest in doing so in the future were he to return.

[5] The RPD rejected Mr. Nwobi’s refugee claim, finding that his evidence regarding central elements of his claim was not credible, and drawing a negative inference from his failure to claim refugee protection in either Benin or Senegal before coming to Canada. On appeal, the RAD confirmed the decision of the RPD. The RAD agreed with Mr. Nwobi that the RPD had erred by failing to explain what weight it was giving to the letter from the National Union of Journalists, but found the error was not determinative. The RAD agreed with the RPD that Mr. Nwobi had failed to establish the central elements of his claim on a balance of probabilities based on credible evidence. Mr. Nwobi seeks judicial review of the RAD’s decision.

II. Issues

[6] Mr. Nwobi alleges that the RAD erred in its assessment of his credibility and in the inference it drew from his failure to claim refugee protection in Benin or Senegal.

[7] RAD decisions are reviewed by this Court on a standard of reasonableness (*Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65 [*Vavilov*]). Reasonableness review entails an assessment of whether the decision is based on an internally coherent and rational chain of analysis and is justified in relation to the facts and law bearing upon it (*Vavilov* at para 85). The hallmarks of reasonableness are justification, transparency and intelligibility (*Vavilov* at para 99). The reasons must reflect the stakes, which in RAD decisions are very high (*Vavilov* at para 133).

III. Analysis

[8] Mr. Nwobi argues that the RAD erred by drawing a negative credibility inference from his failure to adduce any evidence to corroborate the existence and content of the three Twitter posts, or his claim that thugs from an organized *alaye* group tied to the APC were seeking to harm him because of the political content of the posts, and his inability to provide any details about the posts in question. He relies on the legal presumption of truthfulness from *Maldonado v. Canada (Minister of Employment and Immigration)*, [1980] 2 FC 302 [*Maldonado*], asserting that the RAD had no reason to doubt the truthfulness of his sworn evidence and therefore erred by unreasonably requiring corroborating evidence.

[9] As important as the *Maldonado* principle is, I do not agree that the RAD's decision runs afoul of it. As the RAD member explained, refugee decision makers are entitled to "draw negative inferences from the lack of corroborative evidence that it reasonably expects should be available in the Appellant's circumstances and for which the claimant did not provide a reasonable explanation for failing to produce," citing *Luo v. Canada (Citizenship and*

Immigration), 2019 FC 823, at paragraphs 18-22. The RAD considered and explicitly rejected as not credible Mr. Nwobi's explanation for his failure to submit "any evidence to establish the central allegations of his claim," and provided a reasonable justification for that finding. Mr. Nwobi has not established that the RAD made a reviewable error.

[10] Mr. Nwobi cites *Mahmud v Canada (Minister of Citizenship and Immigration)*, 1999 CanLII 8019 (FC) [*Mahmud*] to argue that the RAD, like the RPD before it, came to an unreasonable credibility finding by relying on what the letter from Mr. Nwobi's sister does not say (that the "group of thugs" who came to her home and threatened Mr. Nwobi were targeting Mr. Nwobi for political reasons due to the Twitter posts), rather than considering what it does say (that the thugs were looking for Mr. Nwobi). What the RAD actually found, however, is that the RPD was right that the letter supports a finding that the "thugs" were criminals, but not that they "came looking for him at his sister's place ... because of Twitter posts of a political content that he allegedly posted. Hence, it does not establish the objective basis of his claim." Mr. Nwobi has not persuaded me that this finding was unreasonable or inconsistent with the Court's teaching in *Mahmud*.

[11] Mr. Nwobi also challenges the RAD's confirmation of the RPD's finding that his failure to seek refugee protection in Benin or Senegal supported its finding that he lacked subjective fear. Mr. Nwobi had testified that he spent a total of about seven weeks in the two countries but did not seek refugee protection because he believed "the thugs" would be able to find him wherever he went in Africa. The RAD agreed with the RPD that this explanation was unpersuasive and unsupported by objective evidence, but determined that even absent this

consideration Mr. Nwobi had failed to establish a serious risk of persecution under s. 96 or a risk of harm under section 97(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27, due to his political opinion (real or imputed), and that the appeal therefore must fail. Again, Mr. Nwobi has not convinced me that there was anything unreasonable about this conclusion given the evidence on the record.

[12] I therefore dismiss the application.

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

JUDGMENT in IMM-17655-24

THIS COURT'S JUDGMENT is that:

1. The application is dismissed.
2. No question of general importance is certified.

"Andrew J. Brouwer"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-17655-24

STYLE OF CAUSE: MOSES UGOCHUKWU NWOBI v THE MINISTER
OF CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: VIDEOCONFERENCE

DATE OF HEARING: SEPTEMBER 2, 2025

JUDGMENT AND REASONS: BROUWER J.

DATED: SEPTEMBER 22, 2025

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