

Federal Court



Cour fédérale

Date: 20251016

Docket: IMM-21298-24

Citation: 2025 FC 1699

Ottawa, Ontario, October 16, 2025

PRESENT: Mr. Justice McHaffie

BETWEEN:

LUCKY BIDE MI OLORUNFEMI

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] The Refugee Protection Division [RPD] of the Immigration and Refugee Board of Canada concluded that Lucky Bidemi Olorunfemi’s application for refugee protection was simply not credible. It found he had filed a large number of fraudulent documents, added new allegations before and at his refugee hearing, and gave vague, contradictory, evolving, evasive, and deceptive testimony. The RPD ultimately found that the only matters Mr. Olorunfemi had

credibly established were his identity as a Nigerian citizen, and that he travelled to Canada in 2023 and sought refugee protection. It rejected Mr. Olorunfemi's application, and further found that it had no credible basis, pursuant to subsection 107(2) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA].

[2] Mr. Olorunfemi challenges the RPD's credibility findings and its no credible basis finding on this application for judicial review. For the following reasons, I conclude that Mr. Olorunfemi has not met his onus to demonstrate that the RPD's decision was unreasonable or unfair. The application for judicial review is therefore dismissed.

II. Standard of Review

[3] The RPD's assessment of the evidence, its credibility findings, and its no credible basis finding are subject to judicial review on the reasonableness standard: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 16–17, 23–25. This means that the Court does not conduct its own assessment of the evidence or reach its own conclusions. It is limited to assessing whether the RPD's decision meets the requirements of a reasonable decision, *i.e.*, one that is internally coherent, responds to the evidence and submissions made, and is transparent, intelligible, and justified in light of the relevant factual and legal constraints: *Vavilov* at paras 15, 82–86, 99–105, 125–128.

[4] Issues of procedural fairness are reviewable on a standard described as correctness or akin to correctness: *Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69 at paras 54–56; *Canadian Association of Refugee Lawyers v Canada (Immigration,*

Refugees and Citizenship), 2020 FCA 196 at para 35. A court assessing a procedural fairness argument asks itself “whether the procedure was fair having regard to all of the circumstances”: *Canadian Pacific* at para 54.

III. Analysis

A. *Mr. Olorunfemi’s refugee claim*

[5] Mr. Olorunfemi filed an application for refugee protection in July 2023. The narrative he filed with his basis of claim form stated that his work as a Christian pastor in Akure drew the ire of a group of local Muslims, who set his church on fire in March 2022 and then chased him to a police station. He claims he fled to another city and hid for about a year while seeking a visa, which he obtained and used to travel to Canada in June 2023.

[6] In a subsequent amendment to his narrative, Mr. Olorunfemi asserted that one of the major reasons for the attacks on him was that the “Muslim Jihadis” wanted to kill him and destroy his church for preaching and encouraging same-sex relationships, since most of the people in his church were members of the LGBT community. The amendment further asserted that Nigerian police came looking for him in October 2023 because they were investigating his encouragement of same-sex practices at his church.

[7] In support of his allegations, Mr. Olorunfemi filed documents relating to his identity and marriage; four supporting letters referring to the March 2022 attack on his church; an excerpt from a newspaper reporting on the attack; a medical report from a clinic pertaining to an attack

on his wife in June 2024; a letter from the Nigeria Police Force dated in April 2022, inviting him to report to the station in connection with an investigation of the March 2022 incident; a wanted poster said to be “Issued by the Authority of the Odoua [*sic*] Peoples Congress”; and a number of photographs. From Canadian sources, he filed a letter regarding his current employment; a support letter from his pastor; a psychotherapist’s report; and a letter from the Metropolitan Community Church of Toronto confirming that Mr. Olorunfemi registered with their LGBTQ+ Refugee Programs in July 2024.

B. *The RPD’s decision*

[8] In a thorough decision, the RPD considered Mr. Olorunfemi’s allegations, testimony, and documentary evidence. After making numerous adverse credibility findings, the RPD concluded Mr. Olorunfemi had not credibly established his claim and that there was no credible basis for the claim.

[9] The RPD found that Mr. Olorunfemi had filed a large number of fraudulent documents. These included the four support letters, which revealed a number of credibility issues, including apparent alterations to accompanying voter ID cards and an inconsistency between the date of birth on his father’s ID card and the one Mr. Olorunfemi reported in his basis of claim form. M. Olorunfemi’s responses to the RPD’s questions on these concerns not only failed to reasonably explain them but also raised further credibility issues.

[10] The RPD next set out why it considered it more likely than not that the newspaper report, which was “riddled with spelling and grammatical errors and recounts the claimant’s allegations

using language obviously similar to that of his narrative,” was an example of “brown envelope journalism,” fabricated at Mr. Olorunfemi’s direction. It made similar conclusions regarding the letter from the Nigeria Police Force, the medical report, and the wanted poster, each of which had glaring authenticity concerns. With respect to the wanted poster, the RPD noted inconsistencies and misspellings (including in the name of the Oodua Peoples Congress and their ethnicity, misspelled as “youruba”), and found the entire document had the appearance of having been “poorly prepared in a word processing application.” This led the RPD to conclude that the poster was fraudulent even without having to note that the poster, which bears Mr. Olorunfemi’s picture, identifies him as someone with a different name entirely.

[11] These fraudulent documents led the RPD to draw significant adverse inferences in respect of Mr. Olorunfemi’s credibility. So, too, did his own testimony. This included changes and contradictions in his testimony, as well as an apparent assertion of limited English abilities when the RPD had itself seen Mr. Olorunfemi respond to his own counsel in flawless spoken English.

[12] The RPD considered the other evidence, including the photographs and other letters, finding that none of them provided any credible support or corroboration for Mr. Olorunfemi’s allegations.

[13] The RPD concluded that Mr. Olorunfemi’s nationality and the fact he had travelled to Canada in 2023 and sought refugee protection were the only points he had credibly established. Taking all of the evidence into account, the RPD found that Mr. Olorunfemi lacked “any credibility whatsoever as a witness” due to the inconsistencies, contradictions, and evolutions in

his evidence, and the large volume of fraudulent documents he presented. The RPD further found there was no credible or trustworthy evidence on which it could have made a favourable decision, and there was therefore no credible basis for the claim pursuant to subsection 107(2) of the *IRPA*.

C. *Mr. Olorunfemi has not established that the RPD's decision is unreasonable or unfair*

[14] Mr. Olorunfemi makes a number of overlapping arguments challenging the reasonableness of the RPD's decision and contending that its no credible basis finding breached his right to procedural fairness. As I will explain, none of these arguments are persuasive.

(1) The RPD did not accept the core allegations of the claim

[15] Mr. Olorunfemi relies on two paragraphs in the RPD's decision, which he contends show that the RPD accepted the core allegations of his claim. He therefore alleges that it is unreasonable and inconsistent for the RPD to reject his claim and find it had no credible basis. Those paragraphs, with their respective headings, read as follows:

Identity

[12] I am satisfied on a balance of probabilities that the claimant's personal identity and Nigerian nationality were credibly established based on a copy of his Nigerian passport, and his testimony.

Nexus

[13] The claimant alleges to face persecution in Nigeria from vaguely-described "Jihadis," police, and/or a community group, because of aggressive proselytizing to local Muslims, and/or for his church being supportive of LGBTQ persons. I am satisfied that this scenario would constitute being targeted for harm for the reason of religion, and/or as a member of a particular social group

on the basis of being supportive of LGBTQ persons. I have therefore assessed the allegations against Nigeria under both IRPA s. 96 and 97(1)(b).

[Emphasis added.]

[16] The first paragraph above (para 12) clearly reflects the RPD's finding that Mr. Olorunfemi had established his identity. Mr. Olorunfemi submits that the underlined sentence in the second paragraph (para 13) shows it accepted he was targeted for harm because of his religion and/or social group.

[17] I disagree. The RPD's use of the word "would" indicates that the RPD's conclusion is that the scenario described in the prior sentence would, if established on the evidence, constitute a risk based on a Convention ground, such that the allegations are to be assessed under both section 96 and section 97 of the *IRPA*. This is particularly clear from the context of the paragraph under the heading "Nexus," which plainly relates to considering whether there is a nexus between the claim and a Convention ground. Mr. Olorunfemi's reading of this paragraph also requires the Court to ignore the remainder of the decision, in which the RPD expressly states that Mr. Olorunfemi had not credibly established his allegations.

[18] There is therefore no merit to Mr. Olorunfemi's argument that the RPD accepted his allegations in paragraph 13 and that its no credible basis finding was unreasonable or in breach of procedural fairness as a result.

(2) The RPD's credibility findings were reasonable

[19] Mr. Olorunfemi raises a number of attacks on the RPD's credibility findings. Most of these are expressed in generality, rather than being directed at the RPD's numerous specific findings of credibility or the reasons for them. For the following reasons, I find none of these attacks to be justified.

[20] Mr. Olorunfemi contends that the RPD improperly focused on minor inconsistencies and discrepancies in his oral testimony and the documents, suggesting that the main contents of his narrative were not impugned. He cites cases such as *Bushati* and *Lalegbini* for the principle that minor inconsistencies should not lead to a finding that an applicant lacks general credibility: *Bushati v Canada (Citizenship and Immigration)*, 2018 FC 803; *Lalegbini v Canada (Citizenship and Immigration)*, 2015 FC 1399.

[21] This argument is unsustainable. There is no doubt that the RPD should not base an adverse credibility finding on an overly zealous or microscopic analysis of insignificant or secondary matters: *Attakora v Canada (Minister of Employment and Immigration)*, [1989] FCJ No 444, 99 NR 168 (CA) at paras 3–7, 10; *Lawani v Canada (Citizenship and Immigration)*, 2018 FC 924 at para 23. However, that is not what occurred in this case. The RPD's findings were focused on the central aspects of Mr. Olorunfemi's claim and testimony, including the March 2022 burning of his church, the agents of persecution, the 2024 attack on his wife, and the ongoing interest of both the Nigerian police and the Oodua Peoples Congress. The RPD assessed the primary documents submitted by Mr. Olorunfemi to support his allegations, including the

letters of support, the newspaper article, the letter from the Nigeria Police Force, and the wanted poster. These are not peripheral issues or documents. They reflect the core of Mr. Olorunfemi's claim. It was open to the RPD to find that inconsistencies on these issues and the fraudulent documents submitted had a significant negative effect on his credibility as a whole.

[22] Nor do I accept Mr. Olorunfemi's contention that the RPD's credibility findings were based on speculation or personal opinion. The RPD clearly identified its concerns with the content of the documents, concerns that are readily understandable and, in many cases, positively leap off the page when examining the documents submitted by Mr. Olorunfemi. Matters such as apparent tampering, internal inconsistency or plausibility, discrepancies with an applicant's testimony or other evidence, inconsistency with examples of genuine documents in the National Documentation Package [NDP], and uncanny similarity in language are all reasonable grounds on which to question the authenticity of a document.

[23] Contrary to Mr. Olorunfemi's arguments, the RPD cannot be faulted for not making further inquiries to those who authored or issued the documents to verify their truthfulness. I need not address in this case the broader question of whether, or when, there might be a general obligation on the part of the RPD to contact either (i) witnesses that an applicant chose not to call to give oral testimony, or (ii) institutions or entities who are said to have issued documents, if they have concerns about their credibility or authenticity. Recent jurisprudence suggests a divergence in the case law on these questions: see *Moses v Canada (Citizenship and Immigration)*, 2024 FC 67 at paras 53–55; *Jankovic v Canada (Citizenship and Immigration)*, 2022 FC 857 at paras 31–38, and the cases cited therein.

[24] In the present case, many of the documents had little or no contact information that might either count as indicia of credibility or allow for contact. The newspaper report contains only a general website address for the publication, while the medical report has a mailing address and a gmail address but no telephone number. The wanted poster, while it contained some telephone numbers, was said to have been issued by one of the identified agents of persecution. With respect to the letter from the Nigeria Police Force, not only was it issued by an identified agent of persecution, but the very credibility issue raised by the RPD was that the letter filed by Mr. Olorunfemi lacked any contact information whatsoever, unlike the example specimens found in the NDP. Given the nature of the RPD's credibility findings and Mr. Olorunfemi's inadequate explanations regarding these documents and the support letters, I cannot conclude that it was unreasonable for the RPD not to undertake independent efforts to contact their authors or issuing bodies.

[25] Mr. Olorunfemi also criticizes the RPD's reference to the availability of forged and fraudulent documents in Nigeria. He submits that the mere fact that documents can be forged in Nigeria does not mean all documents emanating from Nigeria are fraudulent: *Gbemudu v Canada (Citizenship, Refugees and Immigration)*, 2018 FC 451 at para 79. However, the RPD did not simply rely on the availability of fraudulent documents in Nigeria. It noted this availability in addition to undertaking a detailed examination of the documents themselves before concluding they were fraudulent. Such an analysis is reasonable: *Awonuga v Canada (Citizenship and Immigration)*, 2024 FC 27 at para 17; *Azenabor v Canada (Citizenship and Immigration)*, 2020 FC 1160 at paras 32–34.

[26] I therefore conclude that Mr. Olorunfemi's arguments do not demonstrate that the RPD's credibility findings were unreasonable.

(3) There was no basis to make a finding under sections 96 or 97 of the *IRPA*

[27] Mr. Olorunfemi argues that an adverse credibility finding is not necessarily fatal to a claim. As this Court has held, even an applicant who is found not to be a credible witness may be a Convention refugee or a person in need of protection if the accepted evidence establishes that they face a risk: *Neupane v Canada (Citizenship and Immigration)*, 2010 FC 1237 at para 31; *Asu v Canada (Minister of Citizenship and Immigration)*, 2005 FC 1693 at paras 9, 11; *Bouaouni v Canada (Minister of Citizenship and Immigration)*, 2003 FC 1211 at para 41.

[28] However, as noted in those cases, there must be some accepted or credible evidence establishing the grounds on which a positive finding that an applicant is a Convention refugee or a person in need of protection could be made. Contrary to Mr. Olorunfemi's submissions, the allegations that he was threatened by Muslim jihadists due to his preaching and that his wife was attacked in 2024 were not accepted by the RPD. Indeed, the RPD underscored that the only things that Mr. Olorunfemi had credibly established were his national identity and that he travelled to Canada and made a refugee claim. There was no "accepted evidence" on which a positive determination under either section 96 or section 97 could be made: *Neupane* at para 31; *Bouaouni* at para 42; *Hoyos Soto v Canada (Citizenship and Immigration)*, 2019 FC 127 at paras 22–23; *Rahaman v Canada (Minister of Citizenship and Immigration)*, 2002 FCA 89 at paras 19–20.

(4) The RPD's no credible basis finding raises no procedural fairness issue

[29] Finally, Mr. Olorunfemi contends that the RPD's finding that there was no credible basis for his claim breached his right to procedural fairness since it deprived him of the ability to appeal to the Refugee Appeal Division [RAD].

[30] This argument has no merit.

[31] Paragraph 107(2) of the *IRPA* requires the RPD to state in its reasons that there is no credible basis for the claim where it is of the opinion that there was no credible or trustworthy evidence on which it could have made a favourable decision. The RPD clearly, and reasonably, was of that opinion. It is paragraph 110(2)(c) of the *IRPA*, and not the RPD, that provides that no appeal lies to the RAD where the rejection of a claim states that the claim has no credible basis. To the extent that the unavailability of an internal administrative appeal can be considered a matter of procedural fairness, which is far from clear, a statutory regime prevails over any common law principle of fairness or natural justice: *Ocean Port Hotel Ltd v British Columbia (General Manager, Liquor Control and Licensing Branch)*, 2001 SCC 52 at paras 19–22.

[32] The RPD's credibility findings were clear, justified, and reasonable. Its assessment that there was no credible basis for Mr. Olorunfemi's claim considered the relevant statutory provision and jurisprudence. That assessment was reasonable and raises no breach of procedural fairness.

D. *The RPD's discussion of the psychotherapist's report*

[33] Before concluding, I consider it worth making a brief observation with respect to two aspects of the RPD's discussion of the report from a psychotherapist filed by Mr. Olorunfemi.

[34] The RPD made a number of cogent and reasonable observations regarding this report, including that the report's repetition of Mr. Olorunfemi's claim did not corroborate those events or make them credible, and that the report appeared to raise an allegation—that Mr. Olorunfemi himself was sexually assaulted—that he did not himself make and that he denied raising with the psychotherapist.

[35] However, the RPD also made a series of observations regarding the professional role of a psychotherapist. Citing the *Psychotherapy Act, 2007*, SO 2007, c 10, Sched R, and the *Regulated Health Professions Act, 1991*, SO 1991, c 18, the RPD purported to conclude that the psychotherapist who wrote the report had gone beyond their professional role by “[c]ommunicating [...] a diagnosis identifying a disease or disorder as the cause of symptoms.” The psychotherapist's report does not purport to issue a diagnosis, indicating only that Mr. Olorunfemi presented with “symptoms indicative of post-traumatic stress disorder (PTSD), including severe anxiety, depression, and recurrent nightmares” [emphasis added].

[36] Despite recognizing that what constitutes misconduct by a psychotherapist was a matter for their College and not the RPD, the RPD nonetheless purported to conclude that the psychotherapist *had* “clearly communicated diagnoses of anxiety, post-traumatic stress disorder

and depression,” and that there had been “an apparent serious breach of professional ethics.”

Such findings are well beyond the RPD’s purview and, in my view, should not have been made by the RPD, particularly on a record that did not include any expert or other evidence regarding the scope of a psychotherapist’s professional role; when a diagnosis is considered “communicated” for purposes of the *Regulated Health Professions Act, 1991*; and/or the difference, if any, between communicating a diagnosis and the “assessment and treatment of cognitive, emotional or behavioural disturbances,” which falls within the practice of psychotherapy under section 3 of the *Psychotherapy Act, 2007*: see, e.g., *DG v Mackiw*, 2025 CanLII 37102 (ON HPARB) at paras 42–45. It was thus reasonable for the RPD to conclude that there was no evidence that Mr. Olorunfemi had been diagnosed with PTSD or depression, but unreasonable for it to have gone beyond this to purport to make findings within the purview of psychotherapists’ regulatory body.

[37] Second, the RPD made a number of observations about the psychotherapist being unqualified to assess the credibility or accuracy of Mr. Olorunfemi’s allegations. It is entirely true that a psychotherapist or any other health professional cannot usurp the fact-finding role of the RPD, including as to credibility. However, the psychotherapist’s report filed by Mr. Olorunfemi made no reference whatsoever to the credibility or accuracy of his allegations. In this regard, the RPD appears to have read too much into the psychotherapist’s report in order to then criticize it for something it does not do.

[38] The foregoing having been said, these aspects of the RPD’s decision do not in any way affect the reasonableness of its overall conclusion that the psychotherapist’s report did nothing to

corroborate or establish the veracity of Mr. Olorunfemi's allegations, nor the reasonableness of its overall decision.

IV. Conclusion

[39] For the foregoing reasons, I conclude Mr. Olorunfemi has not met his onus to establish that the RPD's decision was either unreasonable or unfair, either in respect of its credibility findings or in respect of its ultimate conclusion that his claim had no credible basis. The application for judicial review is therefore dismissed.

[40] Neither party proposed a question for certification. I agree that no question meeting the requirements for certification arises in the matter.

JUDGMENT IN IMM-21298-24

THIS COURT’S JUDGMENT is that

1. The application for judicial review is dismissed.

“Nicholas McHaffie”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

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