

Federal Court



Cour fédérale

**Date: 20260306**

**Docket: IMM-4379-25**

**Citation: 2026 FC 314**

**Toronto, Ontario, March 6, 2026**

**PRESENT: The Honourable Mr. Justice A. Grant**

**BETWEEN:**

**PROMISE WOBILU WORLU**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

**I. OVERVIEW**

[1] The Applicant, Promise Wobilo Worlu, seeks judicial review of the decision by the Refugee Appeal Division [RAD] of the Immigration and Refugee Board refusing the appeal of his claim for refugee protection.

[2] For the reasons that follow, I believe that this application should be dismissed.

## II. BACKGROUND

### A. *Facts*

[3] The Applicant is a 48-year-old Christian man of Igbo ethnicity from Eneka, River State, Nigeria. His wife and children still reside in Eneka.

[4] The Applicant's father owned 77 hectares of land in River State. In 1994, the Applicant's uncle claimed that this land was actually owned by the Eneka community. The Applicant believes that this act was part of a larger scheme by his uncle to claim the land for himself. The Applicant also believes that his uncle is part of a violent cultist gang called the Icelanders.

[5] In 1995, the Applicant's mother died suddenly following an angry confrontation with the Applicant's uncle about the land dispute. The Applicant believes that his uncle killed his mother using voodoo.

[6] In 2014, the Applicant's father died and divided his land between his children. The Applicant's siblings sold him their shares to avoid further issues with their uncle or being implicated in local conflicts that were brewing in connection with the land dispute.

[7] Subsequently, elders from the Rukpokwu community approached the Applicant saying they wanted to buy the land and threatening that they would take it by force if the Applicant did not agree to sell. The Applicant believes that his uncle is somehow involved in the Rukpokwu community's interest in the land. The Applicant refused to sell.

[8] Members of the Rukpokwu community continued to pursue the Applicant, including harassing and physically attacking him on several occasions. The Applicant stated that he reported some of these incidents to the police, but the perpetrators were never punished.

[9] In 2022, violence broke out between the Eneka and Rukpokwu communities. The Applicant's daughter was killed in an incident when Rukpokwu community members started shooting at a community market. Although he testified that his daughter was hit by a stray bullet, and that others were injured or killed that day, the Applicant believes that her death was associated with the land dispute.

[10] In February 2023, the Applicant's brother was shot and killed while collecting a delivery that was meant for the Applicant.

[11] After his brother was killed, the Applicant decided he had to flee Nigeria. He submitted a visa application and arrived in Canada on September 24, 2023.

[12] At his Refugee Protection Division [RPD] hearing, the Applicant reported that sometime around Easter 2024, armed men arrived at his family's home in Nigeria looking for him.

#### B. *Procedural History*

[13] The RPD denied the Applicant's claim based on the availability of an internal flight alternative [IFA] in Abuja and based on credibility issues related to the Applicant's evidence and testimony about the proposed IFA.

[14] On appeal, the RAD upheld the RPD's findings on the IFA in Abuja and the Applicant's credibility. The RAD also found that many documents that the Applicant had submitted to support his claim were inauthentic.

### III. ISSUES and STANDARD OF REVIEW

[15] The Applicant claims that it was unreasonable for the RAD to find that he had an IFA in Abuja. In making this argument, he also argues that the RAD erred in rejecting the new evidence that he had provided on appeal. Mr. Worlu also makes arguments about the fairness of the process – he claims that the RAD acted unfairly in making new credibility findings without providing notice or an opportunity to respond.

[16] There is no dispute that the standard of review for the substance of the RAD's decision is reasonableness: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 10.

[17] On questions of procedural fairness, reviewing courts must take “an approach resembling the correctness standard”: *Kambasaya v Canada (Minister of Citizenship and Immigration)*, 2022 FC 31 at para 19, citing *Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69 at para 54.

### IV. ANALYSIS

[18] I have concluded that the decision under review is reasonable, and there was no unfairness in the process that led to that decision.

[19] It is well-established that the test for considering an IFA involves two steps. In the first, the decision-maker must assess whether a claimant would be exposed to the kinds of risks set out at sections 96 and 97 of the *Immigration and Refugee Protection Act*. The second prong assesses whether, in the circumstances, it is reasonable to expect the claimant to seek safety in the IFA.

A. *The RAD Reasonably Rejected the New Evidence*

[20] The RAD's rejection of the new evidence provided by the Applicant on appeal was reasonable. In concluding that it would not admit this evidence, the RAD considered the applicable criteria, and reasonably observed that the new documents lacked credibility and were therefore inadmissible. The RAD pointed to the suspiciously convenient timing of the new evidence, to contradictions between these documents and the Applicant's own evidence, and to certain questionable characteristics in the documents themselves. These were all reasonable findings.

B. *The RAD's Findings on Risk in the IFA Location*

[21] On the first prong of the IFA test, the RAD reasonably affirmed the RPD's conclusions that the Applicant's claim lacked credibility, and that he has reasonable options to reduce his risk of persecution in the IFA.

(1) *Credibility of the Applicant's Evidence*

[22] The key evidence that the Applicant provided to rebut the viability of the proposed IFA was that he had moved three times within Nigeria to escape his agents of persecution—to Enugu,

then Lagos, and finally Abuja—and that he had been tracked down in each location. The RAD reasonably concluded that this claim was not credible.

[23] In his basis of claim forms, the Applicant explicitly answered “No” to the question of whether he had moved within Nigeria to escape his agents of persecution. He also never amended his basis of claim, despite being represented by counsel and having nearly a year to do so. Moreover, the letters from the Applicant’s friends indicating that he had stayed with them during his moves to Enugu, Lagos, and Abuja were only sent to the RPD two weeks before his hearing in September 2024, when they were dated April and May 2024.

[24] This inconsistency in the Applicant’s evidence is not insignificant because, as the RAD correctly noted, his having been pursued to various locations in Nigeria was central to his claim. Additionally, however, the RAD also found that the letters from the Applicant’s friends showing that he had fled within Nigeria were of questionable legitimacy. This was in addition to the earlier finding that the new documents that the Applicant produced on appeal also lacked credibility. All of these conclusions were reasonably open to the RAD.

[25] It may be that none of these findings were sufficient, on their own, to ground a generally adverse credibility finding against the Applicant. However, the accumulation of credibility concerns that individually may not be sufficient to impugn an individual’s credibility, can cumulatively support a finding that the person’s credibility is “fatally undermined”: *Asashi v Canada (Minister of Citizenship and Immigration)*, 2005 FC 102 at para 8.

[26] The RAD made further findings with respect to the evidence that the Applicant had submitted to the RPD. For example, the RAD acknowledged that the Applicant had provided death certificates in relation to certain family members but reasonably concluded that this evidence did not establish that his uncle or people related to him were responsible for those deaths.

[27] The RAD also questioned the reliability of a newspaper article and a police report, both of which contained what I can only describe as obvious signs of inauthenticity. The RAD's concerns in this regard lead to the Applicant's procedural fairness argument, because the RPD made no findings related to the authenticity of these documents. In this circumstance, the Applicant says that it was unfair that he was not given notice and an opportunity to respond to the RAD's findings.

[28] The Applicant is correct that the RAD has an obligation to provide an opportunity for appellants to respond to any new issues the RAD identifies on appeal. Over the years, a considerable body of jurisprudence has developed over what, precisely, constitutes a new issue.

[29] Taking this jurisprudence into consideration, it is clear to me that the evidentiary concerns identified by the RAD do not constitute a new issue. The Applicant's credibility as it relates to the proposed IFA was squarely before the RAD. As the Respondent pointed out in oral submissions, one of the main grounds of appeal identified by the Applicant before the RAD was that the RPD had taken an overly microscopic approach to his testimony and had failed to adequately consider his supporting documents.

[30] To this extent then, the Applicant put the credibility and authenticity of his documents squarely to the RAD as a basis for his appeal. The RAD cannot subsequently be faulted for assessing those very documents and determining that various concerns with them undermined their weight. It is well established that “the RAD is not required to give notice when it merely supports a negative credibility finding with facts that were already in the record”: *Savit v Canada (Citizenship and Immigration)*, 2023 FC 194 at para 17.

(2) Reasonable Options to Reduce Risk

[31] The RAD also found that the Applicant’s agents of persecution would not be motivated to pursue him to Abuja if he sold or surrendered his land. In *Sanchez v Canada (Citizenship and Immigration)*, 2007 FCA 99, this Court found that claimants are expected to make reasonable choices—when they are available—to reduce or eliminate their risk of persecution.

[32] On the specific facts of this case, I find this to be a reasonable conclusion. The evidence before the tribunal was that Mr. Worlu does not live on or derive his livelihood from this land, and he did not raise any arguments suggesting that it would be wrong to expect him to dispose of it to avoid future persecution. When asked whether he could sell the land, the Applicant asserted that it would be too difficult to do so from abroad, which the RAD reasonably found was not a sufficient argument given that the Applicant is a real estate professional with contacts in the region.

[33] The Applicant also argues that selling the land would not, in fact, eliminate his risk of persecution, because his brother was killed after already relinquishing his own land. The RAD

reasonably rejected that argument, given that the Applicant's written and oral testimony had been that his siblings had no trouble with his uncle or the Rukpokwu community after selling their land, and that his brother was killed in an incident of mistaken identity by persons intending to kill the Applicant.

[34] While I find the RAD's findings on this issue to be reasonable, I will reiterate that this conclusion is confined to the facts. I could well imagine other scenarios where the *Sanchez* rationale would not apply to the potential sale or relinquishment of land.

C. *The Proposed IFA Was Not Unreasonable or Unduly Harsh*

[35] Finally, and briefly, the Applicant also made submissions on the second prong of the IFA test based on general evidence of country conditions. The RAD weighed these submissions and reasonably found that, while there may be some challenges involved in relocating to Abuja, it would not be unreasonable or unduly harsh for the Applicant to move there. The Applicant's submissions on this point amount to a request for the Court to reweigh the evidence, which is not the role of the Court on judicial review.

V. CONCLUSION

[36] For these reasons, I believe this application for judicial review must be dismissed.

**JUDGMENT in IMM-4379-25**

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

1. The application for judicial review is dismissed.
2. There is no question for certification.
3. No costs.

**"Angus G. Grant"**

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Judge

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

**DOCKET:** IMM-4379-25

**STYLE OF CAUSE:** PROMISE WOBILO WORLU v. THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** FEBRUARY 11, 2026

**JUDGMENT AND REASONS:** GRANT J.

**DATED:** MARCH 6, 2026

**APPEARANCES:**

Talar Chitjian FOR THE APPLICANT

Hannah Shaikh FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

Lewis & Associates LLP FOR THE APPLICANT  
Barristers and Solicitors  
Toronto, Ontario

Attorney General of Canada FOR THE RESPONDENT  
Toronto, Ontario