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- [1] XXXX XXXX XXXX (Principal Appellant or Mr. XXXX) and XXXX XXXX XXXX (Associate Appellant or Mrs. XXXX), XXXX XXXX XXXX, XXXX XXXX XXXX (Minor Associate Appellants) are citizens of Nigeria.¹ Together, they appealed a decision of the Refugee Protection Division (RPD), dated May 28, 2019, rejecting their claims for refugee protection.
- [2] Mr. XXXX is a Nigerian resident of XXXX in XXXX State. He was employed by the company XXXX XXXX XXXX XXXX XXXX XXXX XXXX as an XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX, to conduct checks and maintenance of the XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX.² He alleges that he, his wife and his children face threats to their lives, including death threats, because of Mr. XXXX refusal to commit fraud at the request of Mr. XXXX, who is allegedly a senior staff member at the XXXX.³ Mr. XXXX also claims that the alleged agent of harm is a politician with the XXXX XXXX XXXX XXXX XXXX XXXX of Nigeria.⁴ According to the Principal Appellant, Mr. XXXX sought to embezzle money in order to bankroll grass-roots political elections that were scheduled to take place in 2019.⁵
- [3] In its decision, the RPD found that the determinative issues are the availability of a viable Internal Flight Alternative (IFA) for the Appellants in the city of Ibadan, and credibility as it relates to IFA.⁶
- [4] On appeal, the Appellants submit that the RPD conducted a microscopic examination of the evidence, with the objective of using contradictions and omissions regarding peripheral aspects of the claim, to make a global adverse finding as to credibility.⁷ In addition, they submit that the RPD failed to assess the testimony from a Nigerian perspective,⁸ to examine all of the evidence before it,⁹ including the objective evidence that it had requested,¹⁰ and

to respect the Appellants' presumption of truthfulness as underscored in Maldonado.¹¹
DECISION

- [5] I dismiss the appeal. I find that the RPD was correct in finding that the Appellants are neither Convention refugees nor persons in need of protection.

BACKGROUND

- [6] Mr. XXXX alleges that on XXXX XXXX, 2017, he went to repair XXXX at the XXXX. According to the Principal Appellant, it was then that Mr. XXXX first asked him to manipulate the configuration of the XXXX XXXX, XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX.¹²
- [7] On XXXX XXXX, 2017, Mr. XXXX went to conduct another inspection at the XXXX. During his visit, Mr. XXXX allegedly repeated the request in person, and promised him a share of the dispensed cash if he complies.¹³ Mr. XXXX allegedly rejected the request on the ground that it was outside his job description, immoral,¹⁴ and against his religious beliefs.¹⁵ When Mr. XXXX allegedly warned Mr. XXXX that he would report him to his management, the agent of harm pleaded with him not to expose him and promised to desist with his requests.¹⁶
- [8] On XXXX XXXX, 2017, five masked men allegedly appeared on Mr. XXXX doorstep, armed with axes and guns. They proceeded to threaten him and the Minor Associate Appellants with their weapons. They also informed him that if he does not heed the request of reconfiguring the XXXX XXXX, they will search for him and his family and then kill them.¹⁷ The following day, Mr. XXXX claims to have filed a complaint with the police in XXXX, XXXX State where he resides, but that police authorities did not take his allegations seriously.¹⁸
- [9] Subsequently, Mr. XXXX claims that he went with the Minor Associate Appellants to stay with his mother-in-law XXXX in XXXX, for Christmas, before leaving the children behind for safety.¹⁹ He then claims to have spent the following month moving from one friend's apartment to another, while requesting that Mrs. XXXX, who was in the USA for business/holidays, remain there.²⁰ He also claims that efforts to report any of these events to his company were met with inaction.²¹
- [10] On XXXX XXXX, 2018, Mr. XXXX and the Minor Associate Appellants travelled to the USA to join Mrs. XXXX.²² The Appellants then entered Quebec, Canada on XXXX XXXX, 2018.²³
SCOPE OF THE RAD REVIEW
- [11] My role is to conduct an independent analysis of all of the evidence before me and decide if the RPD made the correct decision in relation to each alleged error of law, fact or mixed fact and law.²⁴ I may defer to the RPD's credibility assessment of oral testimony, if I find that the RPD had a meaningful advantage in the circumstances. Reasons will be provided in my analysis if I find that the RPD had a meaningful advantage.²⁵

[12] I took into consideration the IRB Guideline 4 concerning Women Refugee Claimants: Fearing Gender-Related Persecution and Guideline 3 concerning Child Refugee Claimants: Procedures and Evidentiary Issues.

[13] The Appellants have not submitted new evidence, nor have they requested an oral hearing.²⁶

ANALYSIS

[14] I have established that the determinative issue in this case is whether or not the Appellants have a viable IFA in the city of Ibadan.

[15] For the reasons detailed below, I conclude that the RPD panel did not err in finding that the Appellants would have a viable IFA in Ibadan. I have conducted my analysis of the availability of a viable IFA in Ibadan under both section 96 and section 97(1) of the Immigration and Refugee Protection Act (IRPA). This is because Mr. XXXX alleges that one reason he rejected the request of the agent of harm to commit fraud is because of his religious beliefs, which, if credible, establishes a link between his claim and a Convention ground. Was an IFA available to the Appellants in Ibadan?

[16] To establish that an Appellant has an IFA under sections 96 and 97(1), a two-prong test must be satisfied. For the first prong of the IFA analysis, the panel must be satisfied that there is no serious possibility that the claimants would be persecuted or that, on a balance of probabilities, the claimants would not be personally subjected to a danger of torture or a risk to life or of cruel and unusual treatment or punishment in the IFA locations.²⁷ The second prong is that conditions in the IFA area must be such that it would not be unreasonable, in all the circumstances, including those particular to the Appellants, for them to seek refuge there.²⁸

[17] In terms of an IFA, the RPD established that the Appellants have a viable IFA in Ibadan. This is because the RPD found that they have failed to establish that, on a balance of probabilities, the agent of harm has both the means and motivation to find them there.²⁹ It also found that they also have not discharged their burden of proving that Ibadan is objectively unreasonable.³⁰

[18] Here, and before determining whether the RPD's conclusion with respect to the availability of a viable IFA in Ibadan for the Appellants was correct, I address the Appellants' allegations on appeal that the RPD erred because it first found that the jurisprudential guide (JG) on Nigeria did not apply, but then arbitrarily chose Ibadan as the IFA. This, they allege, the RPD did at the outset of the hearing, before any oral evidence was adduced.³¹

[19] I disagree with the Appellants that the RPD erred. With respect to notice, refugee claimants must be put on notice that the issue of IFA will be raised by the panel or the Minister, before or during the hearing. The question of the availability of an IFA in Ibadan was expressly raised by the RPD panel at the beginning of the hearing.³² In addition, there are no rules

that stipulate that it is an error to do so at the beginning of the hearing.³³ Furthermore, I find that the RPD extensively questioned the Appellants on the subject of Ibadan as an IFA, and afforded the Appellants and their Counsel the opportunity to demonstrate that there is no viable IFA for them there.³⁴

- [20] With respect to the JG, I do not agree with the Appellants that the RPD decided not to apply the JG on Nigeria. Rather, the panel has noted that in contrast to the situation of the appellant in the JG, who was a single woman, the current Appellants are a family. Consequently, the RPD noted that while taking this JG into account, "the panel has not followed the exact reasoning suggested by the Guide for concluding that there is a viable IFA for the claimants in Nigeria."³⁵ In other words, the RPD decided to be guided by the JG on Nigeria, but to take into consideration the particular circumstances of the Appellants.
- [21] For the following reasons, I concur with the RPD panel's findings that the Appellants have not satisfied the aforementioned two-prong test in relation to the availability of an IFA in Ibadan.
- (a) First Prong: Is there a serious possibility that the Appellants would be persecuted or that, on a balance of probabilities, they would be personally subjected to torture, a risk to life or of cruel and unusual treatment or punishment in Ibadan?
- [22] In its decision, the RPD panel concluded that Mr. XXXX failed to provide concrete evidence to establish that, on a balance of probabilities, the agent of harm has both the means and the motivation to find and harm the Appellants in Ibadan.³⁶
- [23] The RPD made a few credibility findings with respect to Mr. XXXX allegations that events central to his claim took place in the manner that he describes. In making these findings, the RPD relied on contradictions between Mr. XXXX written narrative attached to his Basis of Claim (BOC) Form and his oral testimony,³⁷ and which were relevant to the panel's IFA assessment.³⁸ In lights of these credibility finding, the RPD found that the Principal Appellant had failed to establish why and how the agent of harm would still be interested in harming him and his family if they would return to Nigeria.³⁹
- [24] In terms of credibility, the RPD made two negative credibility findings with respect to Mr. XXXX allegations that events central to his claim took place in the manner that he describes. The first finding, relates to contradictions concerning the manner in which the request to commit fraud was made by Mr. XXXX.⁴⁰ While in his written narrative, he alleged that Mr. XXXX called him several times to speak to him about this request,⁴¹ during the RPD hearing Mr. XXXX testified that during these phone calls, the agent of harm did not allude to his request for him to commit fraud. Instead, he allegedly complimented the Principal Appellant concerning the quality of the services that his company XXXX was rendering.⁴² The RPD did not find Mr. XXXX explanation that he forgot that the agent of harm had also made these requests over the phone persuasive, and concluded that these contradictions negatively affect Mr. XXXX credibility.⁴³

- [25] The second credibility finding by the RPD concerns Mr. XXXX oral testimony alleging that his mother-in-law had received one or two phone calls from his neighbours, informing her that men had come looking for the Principal Appellant. In this regard, the RPD notes that this allegation was absent from Mr. XXXX written narrative. When confronting Mr. XXXX with this omission during the RPD hearing, he testified that he did not know that he had to provide such information as proof. Consequently, the RPD concluded that the explanation for the omission is not reasonable and that the Principal Appellant is seeking to exaggerate the interest of Mr. XXXX to find and harm him.⁴⁴
- [26] The RPD made a number of other conclusions during its assessment of the IFA's first prong. The first one is that Mr. XXXX was unable to provide information as to the nature of Mr. XXXX alleged political role or level of political involvement with the XXXX.⁴⁵ Secondly, it concluded that his explanations with respect to the following allegations were unpersuasive, namely: that even though the XXXX did not win the 2019 elections, Mr. XXXX (who harbours political ambitions to run for higher political office) would want to kill him and his family so he does not reveal to anyone his past attempts to commit fraud; that politicians in Nigeria are generally determined and motivated to harm their enemies; and that politicians in Nigeria have connections everywhere, especially those living in Lagos, given that it is the centre of economic and political activity in the country.⁴⁶ Thirdly, the RPD found that the objective evidence which the Appellants have provided to support their allegations that killings of political supporters and voters took place during the 2019 elections, does not, on a balance of probabilities, corroborate their allegations that the agent of harm has the means and motivation to find them in the proposed IFA of Ibadan.⁴⁷
- [27] On appeal, the Appellants submit that the first prong of the IFA test has not been satisfied. This, they claim, is the case because the alleged agent of harm has both interest and the necessary resources to pursue them.⁴⁸ During the RPD hearing, Counsel for the Appellants argued that the agent of harm was able to locate them in their home in XXXX, a city that is close to Ibadan, and that this is a pivotal factor that underscores that he has the resources to harm them and to persecute them if they were to relocate to the IFA of Ibadan.⁴⁹
- [28] For the following reasons, I find that the RPD conclusion with respect to the first prong of the IFA was correct.
- (a) Concerning the RPD's Credibility findings that are relevant to its IFA assessment
- [29] During the RPD hearing, Mr. XXXX maintained that none of Mr. XXXX demands for him to commit fraud were made over the phone. When he did call Mr. XXXX, it was allegedly to compliment him on the services that he was rendering.⁵⁰ By contrast, in his written narrative, he had maintained that "Mr. XXXX kept calling me as regard the request but I refused to oblige his request."⁵¹ When the RPD panel confronted the Principal Appellant with the contradiction between his oral and written testimony, Mr. XXXX responded that it is because he is overwhelmed and mixed up.⁵² I find that the RPD was correct in concluding that Mr. XXXX explanation was not persuasive, and that this undermines the credibility of

his allegations that Mr. XXXX was persistent, both in person and over the phone, in demanding that he comply with his request. I therefore find that the RPD did not err with respect to its first IFA-related credibility finding.

- [30] With respect to the second credibility finding, the RPD questioned Mr. XXXX if anything happened after he left for Canada. He responded that the Appellants' neighbour, who is on friendly terms with his mother-in-law, called once or twice (around late XXXX, early XXXX) to inform her that some men came to the house asking about the Principal Appellant. This is because they had knocked on the Appellants' door and not found anyone. As a result, the Principal Appellant believed that going back there is not safe because the threat is still there.⁵³
- [31] Subsequently, when the RPD inquired why he did not come forward with the information regarding these phone calls, he responded that he did not know he would need so much evidence, otherwise he would have done so a long time ago. He also added that once he found out about the information he called his mother-in-law to ask for a sworn statement, which he has submitted to the RPD.⁵⁴ I find that the RPD was correct in its conclusion that the explanation is not persuasive. The RPD inquired at the very beginning of the hearing why the Appellant sought to get this proof only two weeks before the date of the RPD hearing. In response, Mr. XXXX testified that he did not know it was relevant, but that after hearing from other refugee claimants that there would be a need for the document, he made a request for it.⁵⁵ I find that if these phone calls constitute a central element of his claim as he alleges, Mr. XXXX would have mentioned them in his written testimony attached to his BOC. In this regard, I also highlight that the BOC was received by the IRB on March 16, 2019; i.e. after the neighbour allegedly contacted his mother-in-law. Moreover, the Appellant was represented by Counsel.
- [32] In this regard, the RPD also decided to give no probative value to the affidavit by Mr. XXXX mother-in-law, because it found that the document remains vague about the phone calls and it does not serve to surpass the credibility problems detected by the panel regarding the allegations that these phone calls took place.⁵⁶ In this regard, I find that the RPD erred in giving no probative value to the document on the grounds that it was too vague about the phone calls. Nor do I find that this was the case. The document specifically refers to the affiant having received "phone calls from their neighbors that four men came asking for my son-in-law at their apartment about two times after their initial visit."⁵⁷
- [33] However, for the following reasons, I do not find that the error is fatal to the correctness of the RPD's overall conclusion with respect to the second IFA-related credibility finding. This is because I do not find that the affidavit outweighs the RPD's negative credibility finding arising from Mr. XXXX failure to mention these phone calls in his written testimony, and the unpersuasive explanation that he provided for why he did not do so.

- [34] In addition, even if I were to find that the affidavit corroborates the Appellants' allegations that men came looking for them at their habitual place of residence twice, I do not find that, on a balance of probabilities, it corroborates the Appellants' allegations that the agent of harm has the interest to harm the Appellants in the proposed IFA of Ibadan. In the affidavit, the affiant states that the Appellants "are in Canada for safety because some hoodlums are after their lives;"⁵⁸ and that the attackers are still looking for her son-in-law and his family.⁵⁹ Hence, it is not clear on what basis the affiant has concluded that the men who came to look for them at their home in Nigeria, are the same ones who paid the 'initial visit' to the Appellants or that they were indeed responsible for the attack on the Appellants there. Nor does the affidavit corroborate the Appellants' allegations that the agent of harm is Mr. XXXX as the Appellants allege, or that he is the one who had sent these men to look for the Appellants in order to harm them.
- (b) The Nature of Mr. XXXX alleged political role and level of involvement with the XXXX
- [35] In its conclusion, the RPD found that the reason which Mr. XXXX furnished for why the Appellants allege that the agent of harm has the means to harm them, namely the agent of harm's political role in the XXXX and his involvement in Nigerian local politics, is speculative and general.⁶⁰ I find that the RPD's conclusion with respect to the above is correct.
- [36] In his testimony, Mr. XXXX claims that Mr. XXXX is actively involved in politics with the XXXX. The RPD inquired what information the Principal Appellant had regarding the identity of the alleged agent of harm. In response, Mr. XXXX testified that he did not know Mr. XXXX first name, nor how long he has been working at the XXXX.⁶¹ He further explained that what he does know is that Mr. XXXX is a senior XXXX staff member responsible for overseeing XXXX XXXX XXXX XXXX XXXX XXXX XXXX; that he was the head of XXXX XXXX at the XXXX and that he is a politician, with the XXXX, who is "deep into politics." ⁶²
- [37] The RPD then inquired with Mr. XXXX, if he knew at what level Mr. XXXX was politically involved, Mr. XXXX testified that "I don't know how far he has gone,"⁶³ and that "for the little I know it is at grassroots/local government level."⁶⁴ When the RPD asked him to elaborate how he knows that the agent of harm is 'deep into politics' Mr. XXXX stated that it is because of the manner in which Mr. XXXX makes his phone calls while at the XXXX, calling a lot of people and conversing extensively about politics,"⁶⁵ including about having meetings with local governor chairpersons.⁶⁶
- [38] In response to further questions by the RPD, Mr. XXXX testified that other than knowing that Mr. XXXX operates within the State of Lagos, he does not have more details as to what other regions he operates in, or what position or title he allegedly holds within the XXXX.⁶⁷ In this regard, Mr. XXXX testifies that when doing his work at the XXXX, he overheard Mr. XXXX four to five times converse in phone calls about politics,⁶⁸ and that based on what he overheard, he thinks that Mr. XXXX mobilizes people in Lagos State to vote for the XXXX.⁶⁹

- [39] However, when the RPD inquired whether he had heard about the agent of harm prior to meeting him at the XXXX, Mr. XXXX responded that he had not.⁷⁰ Subsequently, when the RPD inquired whether Mr. XXXX tried to conduct research in order to find out more information about Mr. XXXX before deciding to leave Nigeria,⁷¹ Mr. XXXX testified that he did not because the threat was overwhelming, and that all that was on his mind was the safety of his family.⁷²
- [40] I find that the Mr. XXXX responses are not sufficiently persuasive and do not indicate that he made a concentrated effort to find out more information about the identity of the agent of harm that the Appellants allegedly fear, and the extent of his alleged reach and political influence outside of Lagos. I therefore draw a negative inference. Given the Appellants' claim that the agent of harm would continue to have the influence and means to harm them if they were to relocate to Ibadan in the future, I find that, if it were true, the Appellants would have provided more information regarding Mr. XXXX identity, or at the very least, persuasive evidence to establish that his political influence and outreach would, on a balance of probabilities, enable him to find the Appellants in Ibadan and to harm them.
- (c) The Allegation that Mr. XXXX wants to kill the Appellants if they were to move to Ibadan in order not to reveal the agent of harm's past attempts to commit fraud
- [41] The RPD inquired with the Principal Appellant if there were any reasons for why he fears the alleged agent of harm.⁷³ One reason put forward by Mr. XXXX for why he fears Mr. XXXX is because he refused to comply with the alleged agent of harm's requests, and because politicians in Nigeria get very desperate when they make requests that do not get fulfilled.⁷⁴ Moreover, he claims that even though the elections have already taken place, the politicians who have lost would still want to go after everyone who had 'offended them', especially when they have already taken steps to go after individuals like him.⁷⁵
- [42] In addition, Mr. XXXX alleges that because of Mr. XXXX ambitions as a politician, and as someone who aspires to run for presidency, governorship or other political positions, he would want to get him 'out of the way'. This, the Principal Appellant claims, is the case because the agent of harm wants to ensure that he does not go public with Mr. XXXX attempts to commit fraud.⁷⁶ In relation to this, Mrs. XXXX claims that even though the XXXX lost the elections, the Appellants' life is not safe because there is no safety anywhere in Nigeria for the less privileged people who are not involved in politics, and who therefore do not have the power and protection to fend off threats.⁷⁷
- [43] While I accept that there is a general presumption that the refugee claimant's allegations are true unless there are reasons to doubt their truthfulness, and that the Appellants believe that the agent of harm would locate them anywhere in Nigeria, "there is a difference between evidence based upon the direct knowledge of an applicant, and inferences that an applicant seeks to draw from such evidence."⁷⁸ Moreover, the Federal Court has recognized that even when a claimant is found credible, it is not an error to require corroborative evidence regarding the reach of the agents of harm or persecution.⁷⁹ In the specific case of the

Appellants, I do not find that they have submitted credible and persuasive evidence to substantiate their allegations that the agent of harm has political ambitions or that these ambitions would motivate him to find the Appellants and to harm them in the proposed IFA of Ibadan.

(d) The Documentary Evidence provided by the Appellants regarding acts of violence taking place during and after the 2019 Elections

[44] During the RPD hearing, the panel asked Mr. XXXX why he thinks that the agent of harm would still come after the Appellants, now that the elections are over.⁸⁰ In response, he testified that the Appellants' lives are still at risk, because those who lost in the elections will still go after their enemies.⁸¹ He also claims that as a result of the violence during and after the elections had taken place, people were killed.⁸²

[45] I have conducted my own independent assessment of the objective evidence submitted by the Appellants on appeal.⁸³ They consist of newspaper articles dated between February and March 2019. They highlight that violence marred the federal and state elections in Nigeria and that the representative of Oyo State (Olatoye Sugar) to the federal house of representatives, and who represented the Accord Party, was killed, an act that was to be investigated. Other articles state that one boy was killed by thugs in Ibadan and that there has been bloodshed and violence in the Rivers State during that period and militarization of the electoral process. None of these articles discuss potential violations by the XXXX, or shed light on the role that the alleged agent of harm has played during the elections. In addition, the Appellants have testified that they are not involved in politics. I therefore find that these documents are not sufficient to prove that there is a serious possibility that the Appellants would be persecuted by the agent of harm or that, on a balance of probabilities, they would be personally subjected to torture, a risk to life or of cruel and unusual treatment or punishment by him if they relocate to the IFA of Ibadan.

(d) The Allegation that since the agent of harm was able to locate them and to harm them in XXXX, he will be able to find them in the nearby City of Ibadan.

[46] The Principal Appellant claims that he fears the alleged agent of harm because the five men who had attacked him and his children at home in XXXX threatened to kill them if he does not manipulate the configuration of the XXXX. According to Mr. XXXX, given that Mr. XXXX is the only person who had made this request, he alleges that they must have been sent by him to harm the Appellants.⁸⁴

[47] Even if I am to accept Mr. XXXX allegations that Mr. XXXX orchestrated the attack against him and the Minor Associate Appellants at their home in XXXX, I do not find that he provided persuasive evidence that the alleged agent of harm has sufficient influence, reach and motivation to harm the Appellants outside of Lagos to find them in Ibadan and harm them. Below are the reasons for my findings.

- [48] The first one is that when the RPD inquired with Mr. XXXX if the alleged agent of harm had connections outside of Lagos, the Principal Appellant responded that "I'm positive."⁸⁵ When the RPD asked him to clarify why he thought this was the case,⁸⁶ he responded that Lagos is the central town of everything that is economic or political, and that therefore, anyone in Lagos has affiliates in every other Nigerian state, especially in politics.⁸⁷ I do not find that this explanation provides persuasive evidence to corroborate his allegation that Mr. XXXX has the means, influence and connections that extend beyond Lagos to the extent that he would be able to find the Appellants and harm them if they were to relocate to Ibadan.
- [49] Secondly, Mr. XXXX stated in his written narrative that following the XXXX 2017 attack against him and the Minor Associate Appellants, he took them to stay with his mother-in-law in XXXX, and that he spent Christmas with them.⁸⁸ The allegation was corroborated by Mr. XXXX mother-in-law who in her affidavit stated that her grandchildren stayed with her from XXXX XXXX, 2017, to XXXX XXXX, 2018.⁸⁹ When the RPD inquired if, following their decision to stay with Mr. XXXX in-laws, there were any subsequent attempts to harm the Principal Appellant and the children, I take note of the following dialogue: RPD: So, what happened between XXXX XXXX and XXXX XXXX, is there any problem you've encountered? Mr. XXXX: No problems...I was just...no problems. RPD: Your girls are in XXXX? Mr. XXXX: Yeah, they're in XXXX. I was calling from time to time to know about their safety and well-being. RPD: So why do you think you're not...a month goes on and you don't hear anything... Mr. XXXX: Because politicians they are very cunning... RPD: They are very what? Mr. XXXX: They are very cunning people...cunny RPD: What does that mean? Counsel: Sly.... Mrs. XXXX: Like dubious... RPD: Like dubious...you wouldn't know when the next line of action...you don't know when they are going to take the next step.⁹⁰
- [50] I find that Mr. XXXX responses underscore that from the time that the Appellants' home was allegedly attacked in XXXX, and up until their departure from Nigeria, the Appellants were not threatened nor harmed. Hence, I also find that the Appellants have not provided persuasive evidence to establish a serious possibility of persecution, or on a balance of probabilities, a danger of torture, a risk to life, or a risk of cruel and unusual treatment or punishment if they were to move to Ibadan.
- [51] I therefore conclude that the Appellants have not discharged their onus of showing that the prospective IFA in Ibadan failed the first prong of the IFA test.
- (b) Second Prong: Is the Relocation of the Appellants to Ibadan objectively reasonable, in all the Circumstances, including those Particular to the Appellants?
- [52] Determining that an IFA is unreasonable is a very high threshold, and requires "nothing less than the existence of conditions which would jeopardize the life and safety of a claimant".⁹¹ The question is whether, in light of personal circumstances of the Appellants,⁹² an IFA is objectively reasonable in all the circumstances. It is not whether or not the IFA is convenient or attractive to the Appellants.

- [53] In its decision, the RPD concluded that Ibadan is an objectively reasonable IFA, in all of the circumstances, including those particular to the Appellants. In relation to this, the RPD highlighted that in the past, Mr. XXXX had lived in Ibadan for more than 20 years, and therefore, would, despite difficulties, be able to find work.⁹³ The RPD also highlighted that the Appellants' extended families lived in Ibadan and that Mrs. XXXX had testified that she would be able to continue running her own business in Ibadan.⁹⁴
- [54] On appeal, the Appellants submit that the RPD's choice of Ibadan is faulty because Mr. XXXX had lived there for more than 20 years, and that therefore relocation to Ibadan is neither safe nor reasonable.⁹⁵
- [55] Ibadan, XXXX XXXX XXXX XXXX XXXX XXXX,⁹⁶ is a large urban centre with an estimated 3.383 million inhabitants.⁹⁷ When the RPD inquired if Mr. XXXX would be able to find work in Ibadan,⁹⁸ he testified that he would not be able to do so, because Ibadan is not as industrious as Lagos. In addition, he states that since all of the firms in his area of specialization are based in Lagos, it is there that all the job opportunities are concentrated.⁹⁹ Furthermore, he alleges that although he did work in Ibadan from 2006-2011, it was only because he was sent there on behalf of his company (XXXX).¹⁰⁰ In response to further questions as to whether or not he could work in information technology (IT), he stated that 85-90% of all IT companies based in Ibadan recruit from Lagos, where he was threatened.¹⁰¹
- [56] While I agree with Mr. and Mrs. XXXX that they might face some economic hardship in relocating to Ibadan, their individual profiles, as well as the objective country documentation, does not establish that these hardships would rise to a level that would render their relocation to that IFA unreasonable. Unemployment is high in Nigeria but mostly affects youth.¹⁰² Moreover, formal employment data from the United Nations (2017) indicates that 14.7% of the population worked in industry, while another 57.4% worked in services.¹⁰³ In addition, the main economic sectors contributing to the Nigerian GDP include information and communication (10.1%).¹⁰⁴
- [57] The appellants are both highly educated people. Mr. XXXX has experience working in XXXX XXXX, a sector in which a significant percentage of all employed Nigerians work. In addition, Mr. and Mrs. XXXX both speak English and Yoruba, which are amongst the main languages spoken in Nigeria. Moreover, Yoruba is widely spoken across Southern Nigeria, including in Ibadan.¹⁰⁵ In addition, Mr. XXXX has an estimated 16 years of schooling,¹⁰⁶ and has obtained a higher national diploma in XXXX XXXX.¹⁰⁷ Furthermore, he has an estimated 11 years of work-related experience as an XXXX XXXX XXXX.¹⁰⁸
- [58] In the case of Mrs. XXXX, I note that she has approximately 16 years of schooling and has obtained a higher national diploma in XXXX and XXXX.¹⁰⁹ In addition, she has an estimated five years of work experience in XXXX.¹¹⁰ Moreover, when the RPD then questioned her if she would be able to operate in Ibadan the business that she had prior to leaving Nigeria,¹¹¹ namely that of selling XXXX XXXX and XXXX, she responded in the

affirmative.¹¹² Furthermore, I highlight that she will not be alone to support herself and her children, as her husband and father of the children will be with her. Moreover, while relocating to a different state can be difficult for non-indigenes who do not have familial connections or financial means,¹¹³ I note that Ibadan is located in the same region as XXXX, where the Appellants had lived. In addition, Mrs. XXXX has testified that she has extended family still living in the city.¹¹⁴ Therefore I find that, although finding employment might prove difficult, Mr. and Mrs. XXXX are in a better position than the average Nigerian to find employment opportunities, including in the proposed IFA of Ibadan.

- [59] In addition, during their oral testimony and on appeal, the Appellants have not highlighted any other elements that would render the proposed IFA of Ibadan unreasonable. When the RPD inquired with Mr. XXXX whether there were any additional factors that would allegedly render the proposed IFA of Ibadan unreasonable, including in the areas of schooling for his daughters, housing, availability of social services and ability to practise religion,¹¹⁵ he responded that there could be, but did not elaborate further on what they may be.¹¹⁶
- [60] Similarly, when the RPD inquired with Mrs. XXXX whether she had any concerns about relocating to Ibadan,¹¹⁷ she only highlighted that she foresees conflict with her in-laws XXXX XXXX XXXX, and that she does not want to face those again.¹¹⁸ Given that the Appellants have not argued that relocation to Ibadan is unreasonable, I see no evidence that these factors render relocation unreasonable for the Appellants based on their personal circumstances.
- [61] For all of the aforementioned reasons, I conclude that the Appellants have not established that the relocation of the Appellants to Ibadan is unreasonable in all of the circumstances, including those particular to the Appellants.

DETERMINATION

- [62] I dismiss the appeal and confirm the decision of the RPD panel that the Appellants are neither Convention refugees nor persons in need of protection. Rouba Al-Salem Rouba Al-Salem March 5, 2020 Date RAS/in 1 The Principal Appellant was appointed as the designated representative of the two Minor Associate Appellants, XXXX and XXXX. RDP Record, RPD Decision at para. 2. 2 RDP Record, Principal Appellant's Narrative attached to the Basic of Claim (BOC) Form, p. 1. 3 RDP Record, Principal Appellant's Narrative, p. 1. 4 RPD hearing at 0:17:53 (March 28, 2019). 5 RDP Record, Principal Appellant's Narrative, p. 1. 6 RPD Decision at para. 10. 7 Appellants' Record, Appellant's Memorandum, at para. 1, 5 and 7. 8 Appellants' Record, Appellant's Memorandum, at para. 8. 9 Appellants' Record, Appellant's Memorandum, at para. 11. 10 Appellants' Record, Appellant's Memorandum, at para. 24. 11 Appellants' Record, Appellant's Memorandum, at paras. 1-2. 12 RDP Record, Principal Appellant's Narrative, p. 1. RPD hearing at 0:26 :06 and 1:03:27 (March 28, 2019). 13 RDP Record, Principal Appellant's Narrative, p. 1. RPD hearing at 1:09:09 (March 28, 2019). 14 RDP Record, Principal Appellant's Narrative, p. 1. RPD hearing at 1:07:21 (March 28, 2019).

15 RDP Record, Principal Appellant's Narrative, p. 1. 16 RDP Record, Principal Appellant's Narrative, p. 2. RPD hearing at 1:09:45 (March 28, 2019). 17 RDP Record, Principal Appellant's Narrative, p. 2. RPD hearing at 0:57:07 and 0:26:52 (March 28, 2019). 18 RPD hearing at 1:01:27 (March 28, 2019). 19 RDP Record, Principal Appellant's Narrative, p. 2. RPD hearing at 0:29:42 (March 28, 2019). 20 RDP Record, Principal Appellant's Narrative, p. 2. RPD hearing at 0:29:42 and 0:30:13 (March 28, 2019). See also Associate Appellant's Schedule A, item 8. 21 RPD hearing at 1:42:11-1:44:50 (March 28, 2019). 22 RDP Record, Principal Appellant's Narrative, p.2. RPD hearing at 0:53:31- 0:53:39 (March 28, 2019). 23 RDP Record, Schedule A for the Principal Appellant, item 6. Schedule 12, item 9. 24 Canada (Citizenship and Immigration) v. Huruglica, 2016 FCA 93; Rozas del Solar v. Canada (Citizenship and Immigration), 2018 FC 1145. 25 X (Re), 2017 CanLII 33034. 26 Appellants' Record, Appellant's Memorandum, Part III (Conclusion). 27 Rasaratnam v. Canada (Minister of Employment and Immigration), [1992] 1 F.C. 706 (C.A.). 28 Ranganathan v. Minister of Citizenship and Immigration, [2001] 2 F.C. 164 (C.A.), at paras 15-16. 29 RPD Decision at para. 21. 30 RPD Decision at para. 25. 31 Appellants' Record, Appellant's Memorandum, at para. 13. 32 RPD Decision at para. 19. RPD hearing at 0:13:09. 33 Scott v. Canada (Citizenship and Immigration), 2012 FC 1066. 34 RPD hearing from 0:39:05-44:14; 1:50:40-1:53:56; 1:59:36-02:08:11; 2:14:55-02:19:26. 35 RPD Decision at para. 18. 36 RPD Decision at para. 21. 37 RPD Decision at para. 13. 38 RPD Decision at paras. 10-11. 39 RPD Decision at para. 17. 40 RPD Decision at para. 13. 41 RPD Decision at para. 13. RDP Record, Principal Appellant's Narrative, p. 1, para. 3. 42 RPD Decision at para. 13. 43 RPD Decision at para. 14. 44 RPD Decision at para. 15. 45 RPD Decision at para. 22. 46 RPD Decision at paras 22-23. 47 RPD Decision at para. 24. 48 RPD Decision at para. 15. 49 RPD hearing at 2:14:55-2:17:35. 50 RPD hearing from 1:10:33-1:11:55. 51 RDP Record, Principal Appellant's Narrative, p. 1. 52 RPD hearing from 1:17:59-1:22:50. 53 RPD hearing from 1:14:18-1:17:58. 54 RDP Record, Exhibit 4. C1-Sworn Affidavit of XXXX XXXX 55 RPD hearing at 0:5:06-0:5:32. 56 RPD Decision at para. 16. 57 RDP Record, Exhibit 4, C-1, at para. 7. 58 RDP Record, Exhibit 4, C-1, at para. 4. 59 RDP Record, Exhibit 4, C-1, at para. 8. 60 RPD Decision at paras. 22 and 23. 61 RPD hearing at 0:13:47. 62 RPD hearing at 0:14:19; 0:14:47; 0:15:05 and 0:18:02. 63 RPD hearing at 0:15:37. 64 RPD hearing at 0:15:3 and 0:16:55. 65 RPD hearing at 0:15:47. 66 RPD hearing at 0:16:31. 67 RPD hearing at 0:17:28 and 0:19:12. 68 RPD hearing at 0:22:17. 69 RPD hearing at 0:20:25. 70 RPD hearing from 0:19:18-0:19:28. RPD Decision at para. 23. 71 RPD hearing at 1:52:49. 72 RPD hearing at 1:52:56. 73 RPD hearing at 0:28:49. 74 RPD hearing at 0:28:54. 75 RPD hearing at 0:34:19. 76 RPD hearing at 1:48:41. 77 RPD hearing at 0:32:37 and 0:33:12. 78 Rahman v. Canada (Citizenship and Immigration), 2020 FC 138, at para. 68. 79 Kassim v. Canada (Citizenship and Immigration), 2018 FC 621, at para. 22. 80 RPD hearing at 0:34:04. 81 RPD hearing at 0:35:35. 82 RPD hearing at 0:36:25-0:36:38. 83 RDP Record, Exhibit C-2 submitted to the RPD. 84 RPD hearing at 0:26:52. 85 RPD hearing at 1:52:14. 86 RPD hearing at 1:52:16. 87 RPD hearing at 1:52:18. 88 RDP Record, Principal Appellant's narrative, p. 2. 89 RDP Record, Exhibit C1, Testimony of XXXX XXXX submitted by the Appellants to the RPD. 90 RPD hearing from 1:53:26-1:54:24. 91 Ranganathan v. Canada (Minister of Citizenship and Immigration), [2001] 2 FC 164 (FCA), at para. 15. 92 Rasaratnam v. Canada (MEI), [1992] 1 FC

706, at p. 710. 93 RPD Decision at para. 25. 94 RPD Decision at para. 25. 95 Appellants' Memorandum of appeal at para. 13. 96 RDP Record, Generic Application form of the Principal Appellant, item 8. 97 National Document Package (NDP) for Nigeria (29 November 2019), tab 1.17: "Country Policy and Information Note. Nigeria: Internal Relocation," (Version 1.0) United Kingdom Home Office, (March 2019). 98 RPD hearing at 1:59:56. 99 RPD hearing at 2:00:00. 100 RPD hearing at 2:00:23. 101 RPD hearing at 2:02:43; 02:03:40. 102 National Document Package (NDP) for Nigeria (December 21, 2018) Tab 1.23: EASO, "Country of Origin Information Report: Key Socio-Economic Indicators," European Union. European Asylum Support Office. (November 2018) listed as tab 1.23 of the NDP for Nigeria available to the Appellants. It is listed as tab 1.19 of the updated NDP (29 November 2019). 103 EASO, "Country of Origin Information Report: Key Socio-Economic Indicators," *ibid.* 104 EASO, "Country of Origin Information Report: Key Socio-Economic Indicators," *ibid.* 105 NDP for Nigeria (November 29, 2019), Tab 1.6: "Nigeria: The World Factbook". United States. Central Intelligence Agency. (13 November 2019). 106 RDP Record, Schedule A of the Principal Appellant, item 7. 107 RDP Record, Schedule A of the Principal Appellant, item 7. RPD hearing at 2:02:13. 108 RDP Record, Schedule A of the Principal Appellant, item 8. 109 RDP Record, Schedule A of the Associate Appellant, item 7. 110 RDP Record, Schedule A of the Associate Appellant, item 8. 111 RPD hearing at 2:07:19-02:07:30. 112 RPD hearing at 2:07:34. 113 NDP for Nigeria (November 29, 2019), Tab 1.19: EASO, "Country of Origin Information Report: Key Socio-Economic Indicators" European Union. European Asylum Support Office. (November 2018). 114 RPD hearing at 0:43:33-0:43:38. 115 RPD hearing at 2:04:21-02:04:41 116 RPD hearing at 2:05:09. 117 RPD hearing at 2:05:39. 118 RPD hearing at 2:06:02

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