

CANADA / JUDGMENT

MB9-01957

COURT

Refugee Appeal Division

DECIDED

5 March 2020

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RAD File / Dossier de la SAR : MB9-01957

MB9-01958 / MB9-01959 / MB9-01960

MB9-01961 / MB9-01962

Private Proceeding / Huis clos

Reasons and decision ? Motifs et décision

Persons who are the subject of the appeal

XXXX XXXX XXXX XXXXXXXXXXX XXXX XXXX XXXXXXXXXXX XXXX XXXX XXXXXXXXXXX XXXX XXXX
XXXXXXXX XXXX XXXX XXXXXXXXXXX XXXX XXXX

Personnes en cause

Appeal considered / heard at

Toronto, ON

Appel instruit / entendu à

Date of decision

March 5, 2020

Date de la décision

Panel

S. Thompson

Tribunal

Counsel for the persons who are the subject of the appeal

Joseph W. Allen

Conseil des personnes en cause

Designated representative

XXXX XXXX XXXX

Représentant(e) désigné(e)

Counsel for the Minister

N/A

Conseil du ministre

REASONS FOR DECISION

OVERVIEW

[1] XXXX XXXX XXXX (the principal Appellant) his spouse XXXX XXXX XXXX (the associate Appellant) and their children XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX (the minor Appellants), all citizens of Nigeria, are appealing a decision of the Refugee Protection Division (RPD) dated December 21, 2018, rejecting their claims for refugee protection.

BACKGROUND AND OVERVIEW OF APPEAL

The Appellants' claim, the RPD's decision, and the Appellants' arguments before the Refugee Appeal Division (RAD)

- [2] Before the RPD the Appellants alleged that they faced a risk of persecution in Nigeria after the principal Appellant was threatened with death by elders of his community for refusing to assume a traditional kingship role after his father's death. The principal Appellant alleged that his first female child would be subjected to female genital mutilation (FGM) and tribal markings as a consequence of his ascension to the kingship.
- [3] The RPD refused the Appellants' claim on the grounds of credibility. The RPD found that the credibility of the Appellants' testimony was undermined by material omissions and contradictions. The RPD found further that the Appellants' failure to inquire about seeking asylum in the US undermined the credibility of their subjective fear of persecution.
- [4] In their memorandum filed on XXXX XXXX XXXX 2019 as part of their RAD appeal record, the Appellants submit that the RPD erred in assessing the risk of FGM faced by the minor female Appellants, and that it failed to consider information in the National Documentation Package (NDP) for Nigeria as part of its analysis.
- [5] In a further RAD appeal memorandum filed on February 28, 2019 the Appellants submit further that the RPD erred in finding discrepancies and omissions in their evidence, and in drawing an adverse inference about the credibility of their subjective fear from their time in the US.¹

DETERMINATION

- [6] The RAD dismisses the appeal and confirms the decision of the RPD that the Appellants are neither Convention refugees nor persons in need of protection, pursuant to section 111(1)(a) of the Immigration and Refugee Protection Act (IRPA).

THE ROLE OF THE RAD

- [7] The role of the RAD is to review RPD decisions by applying the correctness standard of review after conducting its own analysis of the record with a view to determining whether, as the appellant submits, the RPD erred.² The RAD will only show deference to RPD findings based on the assessment of the credibility or weight to be granted to the oral evidence given before it, in situations where it enjoys a particular advantage. If the RAD finds that the RPD had a particular advantage, the reasons will indicate as much.

ADMISSIBILITY OF NEW EVIDENCE ON APPEAL

- [8] The Appellants have not asked the RAD to admit any documents as new evidence in these proceedings in accordance with subsection 110(4) of the IRPA. Nor have the Appellants requested an oral hearing in accordance with subsection 110(6) of the IRPA.
- [9] They have, however, applied to admit the following documents as new evidence in accordance with Rule 29 of the Refugee Appeal Division Rules ("RAD Rules")³:
- An article dated May 2, 2019 from Punch News entitled "Oyo communities punishing families that shun genital mutilation, NGO laments"; and
 - An excerpt from the United Kingdom (UK) Home Office's August 2019 Country Police and Information Note entitled "Nigeria: Female Genital Mutilation (FGM) - Version 2.0".

Legal test for admitting evidence under Rule 29 of the RAD Rules

- [10] Rule 29 of the RAD Rules allows for the submission of documents and/or written submissions not previously provided with the appellant's record, subject to certain criteria. Under sub-Rule 29(3) the subject of the appeal "must include in an application to use a document that was not previously provided an explanation of how the document meets the requirements of subsection 110(4) of the [IRPA] and how that evidence relates to the person, unless the document is being presented in response to evidence presented by the Minister."
- [11] Sub-Rule 29(4) requires the RAD to consider "any relevant factors" in deciding whether to allow the application, including: 1) the relevance and probative value of the documents; 2) any new evidence the document brings to the appeal; and 3) whether "the subject of the appeal, with reasonable effort, could have provided the document or written submissions" as part of their record.

Legal test for admitting evidence under s. 110(4) of IRPA

- [12] Pursuant to subsection 110(4) of the IRPA, new evidence will only be admitted where that evidence: 1) arose after the rejection of the claim by the RPD; 2) was not reasonably available; or 3) the appellant could not reasonably have been expected in the circumstances to have presented the evidence, at the time of the rejection. The RAD has no discretion to admit new evidence unless it falls under one of these three statutory categories.
- [13] If the new evidence meets the above statutory requirements, the RAD must then go on to assess whether the new evidence is credible, relevant, and new in deciding whether to admit it.

The legal test applied to the evidence and secision on Rule 29 applicaiton

- [14] The Appellants' Rule 29 application states that the documents corroborate "their statement with regards to the risk of female genital mutilation faced by their minor daughters."⁴ They describe the documents as "evidence regarding the prevalence of FGM in Nigeria" and explain that both items "arose after the date of their RPD hearing refusal."⁵
- [15] Both the May 2, 2019 Punch News article "Oyo communities punishing families that shun genital mutilation, NGO laments" and the United Kingdom (UK) Home Office's August 2019 Country Police and Information Note "Nigeria: Female Genital Mutilation (FGM) - Version 2.0" postdate the RPD's decision in the Appellants' claim. As such they were not reasonably available to the Appellants prior to the RPD's refusal of their claim. As I also consider that they satisfy the criteria for admissibility under subsection 110(4) of the IRPA I admit them into evidence in these proceedings.

ANALYSIS

- [16] My independent assessment of the evidence before is based on my review of: the records prepared by the RPD and the Appellants; an audio recording of the Appellants' RPD hearing on November 22, 2018; and documents contained in the current compilation of the National Documentation Package (NDP) for Nigeria.

Internal Flight Alternative (IFA)

- [17] A recent Federal Court judgment confirms that claimants bear the onus of establishing "that they are at serious risk of being persecuted throughout the country."⁶ As well, the Federal Court of Appeal has confirmed that claimants also bear the onus of demonstrating that relocation to a proposed IFA location would be unreasonable, which requires them to demonstrate "nothing less than the existence of conditions which would jeopardize the life and safety of a claimant in travelling or temporarily relocating to a safe area" as well as "actual and concrete evidence of such conditions."⁷

- [18] In my independent assessment, the Appellants have a viable IFA in the Nigerian city of Lagos. My assessment incorporates and applies the July 2018 jurisprudential guide (JG) on the availability of IFA in Nigeria. The Federal Court of Canada has recently affirmed the legitimacy of this JG.⁸

First Prong of the IFA Test

- [19] In assessing whether the Appellants face a serious possibility of persecution in Lagos, I have considered the March 2019 UK Country Policy and Information Note entitled Nigeria: Internal relocation.⁹ This document states that "[i]n general a person fearing a non-state actor is likely to be able to relocate to another part of Nigeria depending on the nature of the threat from the non-state agent(s) and the individual circumstances of the person."¹⁰
- [20] Concerning persons at risk of gender-based violence and FGM in particular, the UK's August 2019 Country Policy and Information Note entitled Nigeria: Female Genital Mutilation (FGM)¹¹ states that "[i]n general, it will not be unduly harsh for a child, with accompanying family, to internally relocate to escape localised threats from other members of their family or other non-state actors."¹²
- [21] My assessment focuses on the risk of persecution faced by the Appellants in the proposed IFA location of Lagos, Nigeria's largest urban centre with a population of almost 13.5 million people.¹³ While the size and density of Lagos's population alone cannot be presumed to make Lagos a viable IFA, the Appellants bear the onus of showing that they will be persecuted in the prospective IFA location.
- [22] During the hearing the principal Appellant testified that his agents of persecution would find him and his family in Lagos because it was not far from the community of Kota-Ekiti where his agents of persecution lived. The principal Appellant testified further that he was chosen by the king-makers because he was the best-educated of his siblings, and that although he did not know Kota-Ekiti's customs and cultural traditions, he began to learn them after he relocated to Kota-Ekiti from his home in the neighbouring town of Egbuge-Omuo.¹⁴
- [23] The principal Appellant identified his alleged agents of persecution, which include: the community in Kota-Ekiti, the town's king-makers (effectively a council of chiefs who are in charge of Kota-Ekiti), Kota-Ekiti's age groups, who acted as the king-makers enforcers¹⁵, and members of the principal Appellant's extended family, specifically his father's younger brother.¹⁶ The principal Appellant testified that the age groups are instructed by the king-makers, and that the former will do whatever the latter tell them to do.¹⁷

- [24] As well, the principal Appellant identified "the people in his street where he lived" in Kota-Ekiti as those who would report back to the king-makers about his whereabouts, and that they number more than 50 - in his words, "there is no way that I would go back they won't see me there. They would see me."¹⁸ For her part, the associate Appellant testified that she feared the king-makers, age groups and the people on the street in Kota who would report back to the king-makers and the PA's paternal uncle.¹⁹
- [25] The principal Appellant testified that his agents of persecution would be able to locate him all over Nigeria using black magic.²⁰ As well, the principal Appellant testified also that Kota-Ekiti's age groups would find him in Lagos because there were persons from Kota-Ekiti who lived in the city²¹, having relocated there to work as traders. In her oral submissions, the Appellants' then counsel submitted that the fact that FGM is practised in southern Nigeria meant that it would not be safe for the Appellants, in particular the minor female Appellants, to relocate there.
- [26] The Appellants provided little to no information about how these agents would locate them, beyond the principal Appellant's twice-repeated allegation that he and his family would be located by the king-makers and the age groups using black magic.²² The principal Appellant's testimony about being located by black magic is speculative.
- [27] I am not satisfied that the Appellants have discharged their onus of demonstrating with credible and trustworthy evidence that their agents of persecution would be able to locate them in Lagos. Based on my independent assessment of the evidence I am not persuaded that the Appellants would be located in Lagos by their alleged agents of persecution, and I find that the proposed IFA of Lagos satisfies the first prong of the IFA test.

Second Prong of the IFA Test

- [28] The issue is whether it would be reasonable to expect the Appellants, in all their circumstances, to expect them to relocate to Lagos. In my independent assessment it is neither unduly harsh nor unreasonable for the Appellants to so relocate. My assessment considers that the Appellants are a family and that the female Appellants, in particular, would be able to rely on the principal Appellant for support. My consideration of the factors outlined at paragraphs 23 through 29 inclusive of the July 2018 JG follows.

Transportation and Travel

- [29] I adopt the observations at paragraph 23 of the July 2018 JG concerning the Nigeria's travel infrastructure and networks. During the hearing the Appellants' then counsel submitted orally, however, that the Appellants would not be able to take refuge anywhere in Nigeria, because Nigeria's authorities have restricted freedom of movement in certain areas because of sectarian violence and terrorist attacks.²³

- [30] Numerous sources in the March 2019 version of the UK Country Policy and Information Note entitled Nigeria: Internal relocation²⁴, including the European Asylum Support Office (EASO) and Australia's Department of Foreign Affairs and Trade (DFAT), state that Nigeria's constitution guarantees the country's citizens freedom of movement within the country, and that authorities sometimes restrict internal movement "by imposing curfews in areas experiencing terrorist attacks and ethnoreligious violence".
- [31] The Note specifies that "[i]n-country movement was restricted by curfews and other free movement-restrictive measures [...] in "Adamawa, Borno and Yobe in connection with operations against Boko Haram"". ²⁵ These three states are in the extreme north-east and east of Nigeria. ²⁶ There is no indication in the Note that freedom of movement is restricted in the city of Lagos or Lagos State, such that the Appellants would be unable to get to Lagos or would be unable to move between the city of Lagos and other areas in Lagos State. Moreover, the city of Lagos hosts Nigeria's largest international airport, which would allow them to return to that city directly.

Language

- [32] The Appellants identified their ethnicity as Yoruba and indicated that they speak English and Yoruba. ²⁷ While English is not Nigeria's official language, it is widely spoken throughout the country and is the language of public administration and Nigeria's federal legislative assembly. ²⁸ According to the document Nigeria: Internal relocation²⁹, the main languages spoken in Nigeria include English and Yoruba, and southern Nigeria "is divided into a Yoruba-speaking area in the west and an Igbo-speaking area in the east." ³⁰ A document in the current NDP compilation for Nigeria situates Lagos in Yoruba-dominated territory. ³¹ The country evidence favours a finding that Lagos would be a reasonable IFA location for the Appellants in their circumstances.

Education and Employment

- [33] The principal Appellant testified to the RPD that after completing four years in the XXXX secondary school in Nigeria he completed an 18-month post-graduate diploma in XXXX. ³² The Appellant testified further that he was employed as a XXXX XXXX in Nigeria's XXXX XXXX XXXX Agency from XXXX 2007 until his departure from Nigeria. ³³ The associate Appellant also has a post-graduate diploma in XXXX and was employed at the same agency as her spouse for the same length of time and during the same period. ³⁴
- [34] Both adult Appellants are well-educated as compared to many other Nigerians, and have consistent work experience in their shared field, and both factors militate strongly in favour of their employability in the proposed IFA location of Lagos.

Accommodation

[35] The document Nigeria: Internal relocation observes that Lagos is affected by Nigeria's overall lack of adequate housing. The documents quote a report from the EASO concerning government efforts to alleviate Lagos's housing shortage:

[I]n Lagos, where the housing deficit is of 2.5 million, investors and government are interested in urban development and building houses in order to sell or rent. In the rental market, the government has launched a 'Rent-to-Own' program [...], making the housing process potentially easier for the population.³⁵

[36] Absent submissions from the Appellants' then counsel about the likelihood that the Appellants would face accommodation-related challenges in Lagos, I find that the high employability of the adult Appellants as compared with other Nigerians increases the likelihood that they would be able to find adequate accommodation for themselves and their children in Lagos upon relocating there.

Religion

[37] The Appellants identify as Christians.³⁶ During the RPD hearing the Appellants' then counsel submitted that it would be difficult for the Appellants as Christians to relocate safely to Lagos because of ongoing terrorist activity by Boko Haram in Nigeria, and referred to Response to Information Request (RIR) NGA105320.E to support her submissions.³⁷

[38] I note that while sources quoted in this document report that Boko Haram targets both Christians and non-Christians in northern Nigeria, the report also states the following under the heading "3. Situation of Christians and Boko Haram Activity in Lagos":

In correspondence with the Research Directorate, the Executive Director of the Human Rights and Justice Group International (HRJGI), a Lagos-based NGO that "seeks to enhance knowledge, respect and observance of human rights," stated that the situation for Christians in Lagos State is "normal" and that they live "peacefully" along with people of other religions (HRJGI 31 Oct. 2015). He further indicated that the Lagos State authorities and Nigerian police have "strengthened the security situation" to ensure that people can practice their religion in Lagos (ibid.). In correspondence with the Research Directorate, an associate professor in the Department of Religion at the University of Vermont, who is researching the relationships between different religious communities in Lagos, stated that there have been "isolated occurrences" of violence based on religion in Lagos, including against Christians, Muslims and "traditionalists," but that these acts are "relatively few" (Associate Professor 21 Oct. 2015) [emphasis added]. ³⁸

- [39] Another document in the current NDP compilation for Nigeria states that "Christians and Muslims reside in approximately equal numbers in the central part of the country and in the southwestern states, including Lagos, where the Yoruba ethnic group, whose members include both Muslims and Christians, predominates."³⁹ Thus, in relocating to Lagos the Appellants would be able to integrate themselves into the Christian religious community in that city.
- [40] I find in light of the country evidence quoted immediately above that it would not be unduly harsh to expect the Appellants, as Christians, to resettle in Lagos upon their return to Nigeria.

Indigeneship

- [41] Although one item in the current NDP compilation for Nigeria situates Lagos in Yoruba territory⁴⁰, the fact that they are from Ekiti state does not mean that the Appellants would face discrimination on account of their non-indigene status.
- [42] While the Appellants identify as Yoruba⁴¹, and all of them were born in Ekiti state, in the Yoruba-dominated south-west of Nigeria, Lagos is one of only two states in Nigeria (along with the Federal Capital Territory of Abuja) that, according to the UK Note entitled Nigeria: Internal relocation, does not "require individuals to identify their state of origin, or their indigeneity, before they can access public services."
- [43] The same document reports that "[n]on-indigenes are legally able to vote in federal, state or local government elections" and are also "entitled to access essential public services, including health care, primary and secondary education", notwithstanding social norms that might discourage such access.⁴²
- [44] In light of the foregoing I find that indigeneship status is not a factor militating against the Appellants' successful relocation to Lagos, and that relocation to Lagos would not be unduly harsh for the Appellants, notwithstanding their non-indigenous status in Lagos State.

Availability of Medical and Mental Health Care

- [45] In addition to consulting documents in the current NDP compilation for Nigeria, which state that Nigerians have poor health care access and outcomes⁴³, I have also reviewed paragraph 29 of the July 2018 JG, which I adopt in these Reasons and apply to the Appellants' claim.
- [46] In my independent assessment neither the Appellants' evidence nor the country conditions evidence supports a finding that it would be unduly harsh for the Appellants, in all the circumstances, to relocate to Lagos upon returning to Nigeria. This is because challenges in accessing medical care are faced by all Nigerians, and the Appellants' evidence does not explain how their particular circumstances would make dealing with challenges in accessing adequate healthcare in Nigeria particularly harsh.

Appellants' arguments concerning the risk of FGM are not determinative

- [47] The Appellants submit that the RPD "erred in its analysis of the minor female appellants' risk of being victims of female genital mutilation by only focusing on the risk caused by their father's status and not evaluating the risks based on the country conditions in Nigeria".⁴⁴
- [48] I agree with the Appellants that the RPD did not believe "that the principal [Appellant] was being forced to accept a nomination to be king and [did] not accept that his daughter[s] would face female genital mutilation as a result of his nomination."⁴⁵ I will therefore assess the risk of FGM faced by the minor Appellants.
- [49] Both the principal Appellant's original and amended BOC narratives, which all the Appellants relied on to establish their claims, state that XXXX, the eldest of the minor female Appellants, would be subjected to FGM only if the principal Appellant was to assume the traditional kingship of Kota Ekiti town.⁴⁶
- [50] During the hearing, however, the principal Appellant testified that if he returned to Nigeria his daughter would be subjected to FGM whether or not he assumed Kota Ekiti's kingship: either as punishment for his refusal or as part of the rituals associated with his ascension to the throne.⁴⁷
- [51] The Appellants' then counsel's submissions emphasized that those who perform FGM in Nigeria benefit from a climate of impunity for offenders that is worsened by the fact that federal legislation criminalizing FGM is not applied consistently throughout the country. ⁴⁸
- [52] My independent assessment of the risk of FGM faced by the minor female Appellants has considered the new evidence disclosed by the Appellants as a result of their Rule 29 application. The Appellants submitted a May 2019 article from Punch News in Nigeria which discusses the prevalence of FGM in Ekiti State. According to an NGO director quoted in the article, "those who hide their children or even run away with them so as not to undergo the act are compelled to bring the children back home to carry out the rite or risk being excommunicated and ostracized".⁴⁹
- [53] Similarly, other country conditions documents suggest that relocation to an IFA to avoid FGM is feasible in cases where a child's parents are opposed to the practice. For example, an October 2018 RIR in the current Nigeria NDP discusses the consequences faced by parents who refuse FGM for their children. Various sources in this RIR state that such parents face neither retaliation nor threats, but rather exclusion and ostracism by their social and cultural peers.⁵⁰ Other sources in the same RIR state that girls in more traditional communities who do not undergo FGM would similarly face social exclusion, including denial of marriage, and even assault as a consequence of not being subjected to FGM.⁵¹

- [54] I find that this article, which discusses the risks faced by those who oppose FGM in Ekiti State, fails to show that the Appellants would face a serious risk of persecution up to and including death or physical harm as a consequence of refusing FGM for their minor daughters. Moreover, in light of my finding at paragraphs 20 to 48 above, that the Appellants have a viable IFA in Lagos, I find that this item of new evidence warrants low weight.
- [55] The Appellants rely also on paragraphs 2.4.15 and 2.4.16 of the August 2019 UK Home Office Country Policy and Information Note entitled Nigeria: Female Genital Mutilation (FGM), which discusses the treatment of FGM in Nigeria as culturally normative and observes that "[t]he act of enforced FGM on a child, where the parents are opposed to the act, could result in the child's parents being subject to persecution or serious harm."⁵²
- [56] This same Note also states, however, that "it will not be unduly harsh for a child, with accompanying family, to internally relocate to escape localized threats from other members of their family or non-state actors."⁵³ Given my earlier finding that the Appellants have a viable IFA in Lagos, I give this article some weight for the purpose of establishing that relocation within Nigeria is a viable option for those who oppose FGM in Nigeria, as do the Appellants in this case.
- [57] Concerning the risk of FGM in Lagos, the representative of a Nigerian NGO who contributed to a separate September 2016 RIR about the prevalence of FGM in Nigeria stated that the practice of FGM in Lagos State was "very high". By contrast, several other Nigeria-based sources who contributed to the same RIR stated variously: that "FGM is not prevalent in Lagos at all"; that "Lagos is 'urban' and 'western'" and that "residents of Lagos could refuse FGM" as they are "simply too far away from their ancestral towns/villages and from familial pressure".
- [58] Likewise, a university professor in Nigeria quoted in the same RIR "expressed doubt that FGM is widely practiced in a 'metropolitan' state such as Lagos".⁵⁴ A preponderance of sources agree later on in the same RIR that notwithstanding that "laws in Lagos State which concern the practice of FGM" and criticized as being "weak [...] and most times not even implemented"⁵⁵, parents living in Lagos State and in the city of Lagos are free to refuse FGM for their children.⁵⁶
- [59] I short, given that both the principal and associate Appellants testified repeatedly that they were opposed to FGM⁵⁷, I find in light of the country conditions evidence and the new evidence disclosed by the Appellants that they have failed to show that the risk of FGM faced by their minor daughters, and XXXX in particular, is serious. In any event, my IFA analysis has shown that any minimal risk of FGM faced by the minor female Appellants is mitigated by the availability of a viable IFA in Lagos. The Appellants' appeal therefore fails.

CONCLUSION

[60] The RAD dismisses the appeal and confirms the decision of the RPD that the Appellants are neither Convention refugees nor persons in need of protection, pursuant to section 111(1)(a) of the Immigration and Refugee Protection Act (IRPA).

(signed)

"S. Thompson"

S. Thompson

March 5, 2020

Date

1 Exhibit P-3, Appellants' Further Memorandum of Argument.

2 M.C.I. v. Huruglica, Bujar (F.C.A., no. A-470-14), Gauthier, Webb, Near, March 29, 2016, 2016 FCA 93.

3 Refugee Appeal Division Rules, SOR/2012-257.

4 Exhibit P-4, Appellants' Rule 29 Application of September 24, 2019, p. 1.

5 Exhibit P-4, Appellants' Rule 29 Application of September 24, 2019, p. 1.

6 Photskhverashvili v Canada (Citizenship and Immigration), 2019 FC 415 at para. 28.

7 Ranganathan v Canada (Minister of Citizenship and Immigration), [2001] 2 FC 164 (FCA) at para. 15.

8 Canadian Association of Refugee Lawyers v Canada (Citizenship and Immigration), 2019 FC 1126.

9 National Documentation Package (NDP) for Nigeria (20 August 2019), item 1.17. United Kingdom. Home Office. March 2019.

10 NDP for Nigeria (20 August 2019), item 1.17 at para. 2.2.5.

11 NDP for Nigeria (20 August 2019), item 5.34. United Kingdom. Home Office. August 2019.

12 NDP for Nigeria (20 August 2019), item 5.34 at para. 2.6.4

13 NDP for Nigeria (20 August 2019), item 1.17 at para. 3.2.2.

14 Audio recording of hearing in RPD file MB7-18580 on November 22, 2018 at timestamps 01:35:11 to 01:37:49.

15 Audio recording of hearing in RPD file MB7-18580 on November 22, 2018 at timestamps 00:28:04 to 00:33:16, 02:12:49 to 02:14:26, 02:14:51 to 02:15:19 and 02:42:28 to 02:44:21.

16 Audio recording of hearing in RPD file MB7-18580 on November 22, 2018 at timestamps 00:34:20 to 00:35:19.

17 Audio recording of hearing in RPD file MB7-18580 on November 22, 2018 at timestamps 00:28:04 to 00:33:16.

18 Audio recording of hearing in RPD file MB7-18580 on November 22, 2018 at timestamps 00:28:04 to 00:33:16.

19 Audio recording of hearing in RPD file MB7-18580 on November 22, 2018 at timestamps 00:35:28 to 00:36:15.

20 Audio recording of hearing in RPD file MB7-18580 on November 22, 2018 at timestamps 01:39:34 to 01:42:03.

21 Audio recording of hearing in RPD file MB7-18580 on November 22, 2018 at timestamps 01:37:52 to 01:39:30.

22 Audio recording of hearing in RPD file MB7-18580 on November 22, 2018 at timestamps 01:37:52 to 01:39:30 and 01:39:34 to 01:42:03.

23 Audio recording of hearing in RPD file MB7-18580 on November 22, 2018 at timestamps 03:14:16 to 03:14:56. The Appellants' then counsel referred to item 1.7 in the 21 December 2018 NDP compilation for Nigeria. United Kingdom. Home Office. August 2016. See Exhibit RPD-1, RPD Record, Exhibit 10, p. 309 at para. 2.2.3.

24 NDP for Nigeria (20 August 2019), item 1.17.

25 NDP for Nigeria (20 August 2019), item 1.17 at paras. 5.2.1 to 5.2.2.

26 NDP for Nigeria (20 August 2019), item 1.2, United Nations. Cartographic Section. August 2014, item 1.17 at para 3.1.2.

27 Exhibit RPD-1, RPD Record, Exhibits 2-7, Basis of Claim (BOC) forms, pp. 15, 26, 37, 47, 57, 67 at question 1g).

28 NDP for Nigeria (20 August 2019), item 1.15, L'aménagement linguistique dans le monde, 4 July 2017. at p. 10/16.

29 NDP for Nigeria (20 August 2019), item 1.17.

30 NDP for Nigeria (20 August 2019), item 1.17. at para. 3.3.1.

31 NDP for Nigeria (20 August 2019), item 1.15 at p. 6/16.

32 Audio recording of hearing in RPD file MB7-18580 on November 22, 2018 at timestamps 02:26:00 to 02:27:11. See also Exhibit RPD-1, RPD Record, Exhibit 1, p. 90 at question 7.

33 Audio recording of hearing in RPD file MB7-18580 on November 22, 2018 at timestamps 01:44:31 to 01:49:40. See also Exhibit RPD-1, RPD Record, Exhibit 1, p. 90 at questions 8 and 10.

34 Exhibit RPD-1, RPD Record, Exhibit 1, p. 119 at questions 7, 8 and 10.

35 NDP for Nigeria (20 August 2019), item 1.17 at para. 4.4.1.

36 Exhibit RPD-1, RPD Record, Exhibits 2-7, BOC forms, pp. 15, 26, 37, 47, 57, 67 at question 1f). See also audio recording of hearing in RPD file MB7-18580 on November 22, 2018 at timestamps 02:25:10 to 02:25:59, and 02:27:13 to 02:28:29

37 NDP for Nigeria (21 December 2018), item 12.5. Immigration and Refugee Board of Canada (IRB), Response to Information Request (RIR), NGA105320.E. 17 November 2015.

38 NDP for Nigeria (21 December 2018), item 12.5 at pp. 9/17-10/17.

39 NDP for Nigeria (20 August 2019), item 12.1 at pp. 2/14 to 3/14.

40 NDP for Nigeria (20 August 2019), item 1.15 at p. 6/16.

41 Exhibit RPD-1, RPD Record, Exhibits 2-7, BOC forms, pp. 15, 26, 37, 47, 57, 67 at question 1e).

42 NDP for Nigeria (20 August 2019), item 1.17. at para. 3.5.1.

43 NDP for Nigeria (20 August 2019), item 1.17. at para. 4.5.1.

44 Exhibit P-2, Appellants' Record, Appellant's Memorandum (15 February 2019), p. 64 at para. 5.

45 Exhibit RPD-1, RPD Record, RPD Reasons for Decision, pp. 8-9 at para. 18.

46 Exhibit RPD-1, RPD Record, Exhibit 2, p. 12, Exhibit 10, p. 206 (principal Appellant's original and amended BOC narratives, respectively).

47 Audio recording of hearing in RPD file MB7-18580 on November 22, 2018 at timestamps 01:55:42 to 01:57:37.

48 Audio recording of hearing in RPD file MB7-18580 on November 22, 2018 at timestamps 03:09:24 to 03:11:58.

49 Exhibit P-4, Appellants' Rule 29 Application (24 September 2019), pp. 7-8.

50 NDP for Nigeria (20 August 2019), item 5.12, IRB, RIR, NGA106183.FE, 29 October 2018, at pp. 2-3 ("2. Consequences of a Refusal - 2.1 For the Parents").

51 NDP for Nigeria (20 August 2019), item 5.12 at pp. 4-5 ("2. Consequences of a Refusal - 2.2 For the Girl").

52 Exhibit P-4, Appellants' Rule 29 Application (24 September 2019), p. 11 at paras. 2.4.15 to 2.4.16.

53 NDP for Nigeria (20 August 2019), item 5.34 at p. 11 at para. 2.6.4.

54 NDP for Nigeria (20 August 2019), item 5.28, IRB, RIR, NGA105628.E, 13 September 2016, at pp. 3-4 ("1.2 Lagos State").

55 NDP for Nigeria (20 August 2019), item 5.28 at p. 9 ("3. State Protection and Recourse").

56 NDP for Nigeria (20 August 2019), item 5.28 at pp. 10-11 ("4. Ability of a Family to Refuse a Ritual Practice Such as FGM and Consequences for Refusal, Particularly in Lagos State and Among the Edo People").

57 Audio recording of hearing in RPD file MB7-18580 on November 22, 2018 at timestamps 01:57:42 to 01:58:03.

RAD File / Dossier de la SAR : MB9-01957

MB9-01958 / MB9-01959 / MB9-01960

MB9-01961 / MB9-01962

RAD.25.02 (April 04, 2019)

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Immigration and Refugee

Board of Canada

Refugee Appeal Division

Commission de l'immigration

et du statut de réfugié du Canada

Section d'appel des réfugiés

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