

CANADA / JUDGMENT

MC0-08637

COURT

Refugee Appeal Division

DECIDED

22 February 2021

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RAD File / Dossier de la SAR : MC0-08637 MC0-08638 / MC0-08639 / MC0-08640 MC0-08641 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 XXXXXXXXXXX XXXX XXXX Personnes en cause Appeal considered / heard at Toronto, ON Appel instruit / entendu à Date of decision February 22, 2021 Date de la décision Panel Ritu Gambhir Tribunal Counsel for the persons who are the subject of the appeal Mbong Elvira Akinyemi Conseil des personnes en cause Designated representative XXXX XXXX XXXX XXXX (for XXXX XXXX XXXX) XXXX XXXX XXXX (for XXXX XXXX XXXX) Représentant(e) désigné(e) Counsel for the Minister N/A Conseil du ministre REASONS FOR DECISION DECISION

[1] I allow the appeals.

BACKGROUND

- [2] XXXX XXXX XXXX ("Principal Appellant"), XXXX XXXX XXXX ("Associate Appellant 1"), XXXX XXXX XXXX ("Associate Appellant 2"), XXXX XXXX XXXX ("Associate Appellant 3") and XXXX XXXX XXXX ("Associate Appellant 4") are citizens of Nigeria. They fear persecution by the Badoo cult. On appeal, Associate Appellant 2 also alleges he is gay and Associate Appellant 3 also alleges he fears persecution by the Eiye cult.
- [3] The Principal Appellant is the great uncle of Associate Appellant 1. She is a minor and her Designated Representative ("DR") is XXXX XXXX XXXX XXXX XXXX The Refugee Protection Division ("RPD") found that the Principal Appellant had established a familial relationship between himself and Associate Appellant 1. Neither the Minister nor the DR raised any concerns about this before the RPD or on appeal to the Refugee Appeal Division ("RAD").
- [4] The Principal Appellant is the father of Associate Appellants 2, 3 and 4. He was appointed the DR for Associate Appellants 2, 3 and 4 at the RPD, however Associate Appellants 2 and 3 are now adults and no longer require a DR. Associate Appellant 4 is a minor and the Principal Appellant remains her DR.

- [5] The Principal Appellant has 3 wives: * His first wife FAI lives in XXXX, Ondo state. They have a son and daughter who are not subjects of this appeal. * His second wife MKI lives in XXXX, Lagos state. She is the mother of Associate Appellant 3. * His third wife AII, who is his current wife, moved from XXXX to XXXX, Benin. She is the mother of Associate Appellants 2 and 4 and the Principal Appellant's two eldest sons who are not subjects of this appeal.
- [6] The Appellants travelled to the United States on XXXX XXXX, 2017, allegedly on holiday. They crossed the border into Canada at Lacolle, Quebec on XXXX XXXX, 2018.
- [7] The RPD heard their claims on January 20, 2020 and February 13, 2020 and rejected their claims on July 3, 2020. The determinative issue before the RPD was internal flight alternative ("IFA") and the RPD found the Appellants had a viable IFA in Abuja.
- [8] The Appellants were represented by experienced counsel before the RPD (Stéphanie Valois) and the RAD (Mbong Elvira Akinyemi). SOME NEW EVIDENCE IS ADMITTED
- [9] Subsection 110(4) of the Immigration and Refugee Protection Act ("IRPA") provides that an appellant may only present evidence that arose after the rejection of their claim, or that was not reasonably available, or that they could not reasonably have been expected in the circumstances to have presented at the time of the rejection.¹ Where evidence meets one of these criteria, the RAD will then go on to consider whether the evidence is credible, relevant, and new, as per Singh/Raza.²
- [10] If an appellant is relying on Rule 29 of the Refugee Appeal Division Rules, I must also consider the document's relevance and probative value; any new evidence the document brings to the appeal; and whether the appellant, with reasonable effort, could have provided the document with the Appeal Record.³
- [11] The Appellants submitted new evidence along with a Rule 29 application.⁴ The Appeal Record was perfected as of XXXX XXXX XXXX 2020 and the new evidence was filed two days later on XXXX XXXX, 2020. Counsel provided no explanation in her application for the delay in filing the new evidence. Nevertheless, in view of the short time period between the perfection of the Appeal Record and the filing of the Rule 29 application, I am exercising my discretion to excuse the Appellants from the requirements of Rule 29 of the Refugee Appeal Division Rules.
- [12] The list of new evidence is as follows:
- (1) affidavit of ONA dated XXXX XXXX, 2020 and identity document of XXXX;
 - (2) undated photos of ONA and Associate Appellant 2;
 - (3) undated letter from the Principal Appellant's eldest son OSTI and partial copy of his Nigerian passport with passport stamps;
 - (4) undated partial copy of rental agreement between OSTI and landlord in XXXX, Benin;

- (5) copy of the deposit receipt for a rental agreement dated XXXX XXXX XXXX 2020;
 - (6) affidavit of the Principal Appellant's second wife MKI dated XXXX XXXX, 2020 and copy of biodata page of her Nigerian passport;
 - (7) XXXX XXXX XXXX XXXX academic report for Associate Appellant 3 for the 3rd term of the 2016/2017 session, dated XXXX XXXX (year illegible);
 - (8) Newspaper article from The Nation dated XXXX XXXX XXXX 2020;
 - (9) undated letter from the Principal Appellant's second eldest son OSGI, and partial copy of his Nigerian passport with passport stamps and Dubai visas; and
 - (10) Medical report from XXXX XXXX XXXX XXXX for OSGI dated XXXX XXXX, 2020. New Evidence: Items 1, 2, 3, 4, 5, 7, 9 and 10 are not admitted Items 1 and 2
- [13] The Appellants have provided an affidavit from ONA dated XXXX XXXX, 2020 who states that he began a same-sex relationship with Associate Appellant 2 in XXXX 2020.⁵ ONA's identity document dated XXXX XXXX, 2018 was issued by the Government of Canada and indicates he has claimed refugee protection in Canada.⁶ The photos of ONA and Associate Appellant 2 are undated and were printed on XXXX XXXX, 2020.⁷ The contents of the affidavit and identity document predate the rejection of the claim on XXXX XXXX XXXX 2020. It is not clear when most of the photos were taken. Counsel states in her submission that Associate Appellant 2 could not provide the evidence earlier as a result of the virus epidemic and at the time he began his relationship, all Immigration and Refugee Board of Canada ("IRB") offices were closed, and he could not reach or retain new counsel.⁸
- [14] I note that IRB offices remained open throughout the relevant time period and information was posted on the IRB website explaining how claimants could submit documents to the IRB. Associate Appellant 2 was represented by experienced counsel before the RPD and has not alleged his former counsel was incompetent. It is reasonable to expect Associate Appellant 2 to have contacted his former counsel and requested her to provide this evidence to the RPD before his claim was rejected. For these reasons I find these documents, items 1 and 2, do not meet the statutory requirements of subsection 110(4) of the IRPA and will not be considered with the appeal. Items 3 and 9
- [15] The eldest son OSTI states as follows in his undated letter: (1) he was not attacked in his home in XXXX on XXXX XXXX, 2018; (2) Associate Appellant 2 has confided to him that he is in a same-sex relationship with ONA; (3) Associate Appellant 2 has not confided to his brother OSGI because he is intolerant of gays and lesbians; (4) he moved to XXXX, Benin on XXXX XXXX, 2018 with his mother and OSGI to escape the Badoo cult; and (5) it would not be safe for the Appellants to return to Nigeria.⁹ OSTI's identity document, a partial copy of his Nigerian passport with passport stamps, was issued in Lagos on XXXX XXXX XXXX 2019.¹⁰

- [16] The second eldest son OSGI states as follows in his undated letter: (1) he was attacked in his home in XXXX on XXXX XXXX, 2018, taken to hospital and released on XXXX XXXX XXXX 2018; (2) he moved to XXXX, Benin on XXXX XXXX, 2018 with his mother and OSTI to escape the Badoo cult; (3) he moved to Dubai on XXXX XXXX, 2019 because of lack of financial assistance to survive in XXXX; and (4) although the activities of the Badoo cult have been curtailed due to the information provided by the Principal Appellant's group, they have gone underground and are continuing their vendetta against his family.¹¹ OSGI's identity document, a partial copy of his Nigerian passport with passport stamps and Dubai visas, was issued in Lagos on XXXX XXXX, 2018.¹²
- [17] Although the letters are undated, the information contained in them predate the rejection of the claims by the RPD. The passports were issued prior to the rejection of the claims by the RPD. It is reasonable to expect the Appellants to have provided this evidence to the RPD before their claims were rejected. The Appellants do not set out any arguments in their application about why these documents would meet the statutory requirements in subsection 110(4) of the IRPA. For these reasons I find these documents, items 3 and 9, do not meet the statutory requirements of subsection 110(4) and will not be considered with the appeal. Items 4 and 5
- [18] The Appellants do not set out any arguments in their application about why the undated partial copy of a rental agreement and the copy of the deposit receipt for a rental agreement dated XXXX XXXX, 2020¹³ would meet the statutory requirements in subsection 110(4) of the IRPA. Given this, I find that the Appellants have not established how these documents, items 4 and 5, meet the requirements of new evidence and they will not be admitted. Item 7
- [19] The Appellants do not set out any arguments in their application about why the XXXX XXXX XXXX XXXX academic report for Associate Appellant 3 would meet the statutory requirements in subsection 110(4) of the IRPA.¹⁴ Given this, I find that the Appellants have not established how item 7 meets the requirements of new evidence and it will not be admitted. Item 10
- [20] The medical report is dated XXXX XXXX, 2020 and states that on XXXX XXXX, 2018 OSGI was brought to the hospital by the Nigerian police for treatment, was admitted to the intensive care unit and was discharged on XXXX XXXX, 2018.¹⁵ Counsel submits the Appellants had difficulty obtaining the medical report.¹⁶ I am not persuaded by this explanation for the more than two-year delay in obtaining the medical report. It is reasonable to expect the Appellants to have provided this evidence to the RPD before their claims were rejected. For these reasons I find item 10 does not meet the statutory requirements of subsection 110(4) of the IRPA and will not be considered with the appeal. New Evidence: Items 6 and 8 are admitted
- [21] Associate Appellant 3's mother, MKI, provided an affidavit dated XXXX XXXX, 2020 stating that when Associate Appellant 3 was in Senior Secondary School class 2, he reported to her that he was being pressured by two classmates to join the Eiye cult.¹⁷ She withdrew him

from the school and enrolled him in a different secondary school, XXXX XXXX XXXX XXXX. She further states she read in a XXXX XXXX XXXX 2020 article from the newspaper The Nation that the XXXX XXXX XXXX XXXX XXXX XXXX, and she then communicated this to Associate Appellant 3. MKI's identity document, a partial copy of her Nigerian passport, was issued in Lagos on XXXX XXXX XXXX 2016.¹⁸ The newspaper article from The Nation is dated XXXX XXXX XXXX 2020, two days before the rejection of the claim.¹⁹

[22] I find Associate Appellant 3 could not have been reasonably expected to present the affidavit and newspaper article prior to the rejection of his claim. As such they meet the statutory requirements in subsection 110(4) of the IRPA. As for the affidavit, most of the information refers to events that occurred in 2017 or earlier. The only information that is credible, relevant and new is found in paragraphs 6 and 7 of the affidavit, which state that the mother became aware of the arrest of former classmates of Associate Appellant 3 by reading the newspaper article and that she told him about it. I will admit paragraphs 6 and 7 of the affidavit, item 6. The information in the newspaper article, item 8, is credible, relevant and new as it speaks to the arrest of suspected cult/gang members in XXXX and I will admit it.
ORAL HEARING IS NOT REQUIRED

[23] The Appellants have requested that an oral hearing be held pursuant to subsection 110(6) of the IRPA. Although I have allowed some of the new evidence to be admitted with the appeal, I will not hold an oral hearing. The evidence that has been accepted does not raise a serious issue with respect to the credibility of the Appellants. As such, the conditions for an oral hearing have not been met. GROUNDS OF APPEAL

[24] In their memorandum, the Appellants argue the RPD erred as follows: * The RPD erred in finding that the IFA is safe (the RPD dismissed the Associate Appellants' concerns that they could be traced through social media; the objective evidence states that the Badoo cult is known for ritual killings and ritual killings are prevalent in Abuja; the Principal Appellant had a visible profile; the RPD failed to consider the totality of the evidence and ignored the Appellants' corroborative documentation, including the police report). * The RPD erred in finding that the IFA is reasonable (it prioritized language commonality in Abuja; it unreasonably assumed the Appellants would benefit from government sponsored programs; it failed to consider that Associate Appellants 2 and 3 would have difficulty finding employment; and it did not adequately take into account the factor of indigeneity).

[25] On appeal, Associate Appellant 2 also alleges he is gay and Associate Appellant 3 also alleges he fears persecution by the Eiye cult.

ANALYSIS

[26] My role is to look at all the evidence and decide if the RPD made the correct decision.²⁰

[27] I conducted an independent assessment of the record and the most recent National Documentation Package ("NDP") for Nigeria (November 30, 2020).

- [28] When assessing the evidence in this appeal, I also considered Chairperson's Guideline 3 on Child Refugee Claimants,²¹ Chairperson's Guideline 4 on Women Refugee Claimants Fearing Gender-Related Persecution²² and Chairperson's Guideline 9 on Sexual Orientation and Gender Identity and Expression.²³
- [29] I find the RPD erred in some aspects of its analysis, and after conducting my own assessment, I come to a different conclusion than the RPD. The Appellants do not have a viable IFA in Abuja. Credibility Associate Appellant 2's sur place claim that he is gay is not established
- [30] I am aware that many individuals with diverse sexual orientation conceal their sexual orientation in their country of reference out of mistrust or fear of repercussion by state and non-state actors, or due to previous experiences of stigmatization and violence. These circumstances may manifest themselves as an individual being reluctant to discuss, or having difficulty discussing, their sexual orientation with a decision maker such as the RPD.²⁴ However, this is not the situation here. No reasonable explanation has been provided for the failure of Associate Appellant 2 to disclose his alleged sexual orientation earlier. The Appellants simply argue that Associate Appellant 2 should be granted refugee protection given "the mistreatment, ill treatment and dangers/threats that homosexuals face and the gay community in Nigeria face living out their sexuality."²⁵ Since there is no affidavit from Associate Appellant 2 asserting a sur place claim of fear of persecution on account of his sexual orientation and no other supporting evidence of his sexual orientation, I find there is insufficient evidence to establish the claim. Associate Appellant 3's sur place claim of persecution by the Eiye cult is not established
- [31] The Appellants argue that Associate Appellant 3 became afraid after reading the XXXX XXXX XXXX 2020 newspaper article about the arrest of suspected members of the Eiye cult that if he returns to Nigeria, he will be profiled coming from Canada and forced into cultism.²⁶ Aside from this, the only evidence in the record from the Appellants to support the claim are paragraphs 6 and 7 of the affidavit of the mother of Associate Appellant 3 and the newspaper article. In her affidavit, the mother does not state she is concerned that Associate Appellant 3 will be forced into cultism. Rather, she says that she saved him from this fate by enrolling him in a different school: "if my Son has [sic] not been taken away from that former school then they would have succeeded in initiating him."²⁷ The newspaper article does refer to the arrest of two boys who allegedly tried to recruit Associate Appellant 3 into the cult in high school but this alone does not amount to evidence of any current risk to Associate Appellant 3. I find there is insufficient evidence to establish the claim. Appellants' claim of persecution by Badoo cult is established
- [32] The RPD assessed the credibility of the Appellants' claim of persecution by the Badoo cult as part of its IFA analysis. I will address credibility before moving on to an IFA analysis. Principal Appellant's profile as an activist

- [33] The RPD made no adverse credibility findings about the Principal Appellant's testimony that because local authorities were failing to live up to their responsibilities, in 2016 he and some other community members formed an activist group to oversee development and security in XXXX. The activist group repeatedly reported the activities of the Badoo cult to local authorities and requested them to act. They also gave money to a self-defence group whose role was to patrol the community, apprehend suspected members of the Badoo cult and turn them over to the Nigerian police. The Principal Appellant testified that the Nigerian police, after detaining suspected members of the Badoo cult, let them go. The Badoo cult continued its activities, including targeting the activist group and their families. On XXXX XXXX XXXX 2017, the Badoo cult killed XXXX XXXX XXXX and his family. On XXXX XXXX, 2017, the community took matters into its own hands, XXXX and XXXX XXXX suspected members of the Badoo cult. After these incidents, as a safety measure, the Principal Appellant engaged two security personnel to guard his home. I find the Principal Appellant's testimony to be credible. Retaliatory attacks against the Principal Appellant's family and relocation to XXXX
- [34] The RPD did not find credible the Principal Appellant's evidence about the retaliatory attack on his son by the Badoo cult on XXXX XXXX, 2018. The RPD further found it had not been established by the Principal Appellant's testimony and the letter from his current wife that she and her son had moved to XXXX, Benin as a desperate measure to protect their lives.²⁸ The RPD found there was a discrepancy between the Principal Appellant's testimony and the letter from his current wife and the police report as to which member of his family filed the police report. Although the RPD did not explicitly say so, it is clear from the reasons that the RPD did not believe that the son who was attacked and allegedly fell into a coma could have also filed the police report.²⁹ The RPD drew a negative credibility inference against the Principal Appellant and for this reason, also gave no weight to the letter from his current wife or to the police report.
- [35] The Appellants argue that the RPD erred in not considering the totality of the evidence and by focusing on how the police report was obtained as opposed to its contents.³⁰ Having reviewed the Principal Appellant's Basis of Claim Form ("BOC") narrative and audio recording of the RPD hearing, I find that RPD erred in assessing the Principal Appellant's testimony and the supporting documents. As such, I am not relying on the RPD's findings.
- [36] I note the Principal Appellant testified about two different attacks that took place on two different days involving two different sons. The first attack occurred on XXXX XXXX, 2018 and involved his son OSGI. The second attack occurred on XXXX XXXX XXXX 2018 and involved his son XXXX. The Principal Appellant's testimony about the attacks was jumbled and difficult to follow and the RPD, in its reasons, referred to one attack and one son.
- [37] Having reviewed the Principal Appellant's BOC narrative and his testimony, my understanding of the sequence of events is as follows: * on XXXX XXXX, 2017, the Appellants travelled to the United States. The Principal Appellant's current wife and two oldest sons remained behind in Nigeria. * On XXXX XXXX XXXX 2018, the Principal Appellant's friend called him to inform him the spiritual leader of the Badoo cult had been arrested and the

Badoo cult had posted notices around the community that they were planning to take revenge on the activist group. The notices identified the activists by name. The Principal Appellant called his current wife and told her and his sons to leave XXXX. They went to XXXX (Lagos state). * On XXXX XXXX, 2018, his son OSGI's friend XXXX called to inform him that OSGI had returned to his home to collect some items, was attacked by members of the Badoo cult, fell into XXXX XXXX and was taken to hospital. The Principal Appellant called his current wife and told her to make a report to the police, and she subsequently advised him she did so after paying a bribe. * On XXXX XXXX, 2018, his neighbour called to inform him that his son OSTI's home had been XXXX XXXX. OSTI was not there but his housemate was injured. The Principal Appellant called his current wife and told her and his sons to relocate to XXXX, Benin. * The Principal Appellant told the Associate Appellants he wanted to go back to Nigeria but the Associate Appellants were afraid and on XXXX XXXX, 2018 they decided to travel to Canada and claim asylum.

- [38] The letter from the Principal Appellant's current wife is dated XXXX XXXX, 2019. She stated that she went to the police station on XXXX XXXX, 2018 and the police demanded a bribe before she was allowed to give her statement "on the attack of the popular cult members known as Badoo guy".³¹ She further stated that she and her sons relocated to XXXX for safety reasons.³²
- [39] The police report is dated XXXX XXXX, 2018. It stated OSGI was brought to the police station by friends at around 11:20 p.m. According to the report, OSGI told the police he was attacked and beaten by suspected Badoo cult members when he went to retrieve some valuables from his home. The attackers wanted OSGI to take them to the Principal Appellant's home, but he managed to escape. Near the end of the report, after the word action, it stated that the case was referred to a Sergeant to investigate and report. The next few words are illegible but there is a reference to "the victim to the nearest hospital for treatment".³³
- [40] The Appellants also submitted a newspaper article from the XXXX XXXX section of a local newspaper called the XXXX XXXX, which covered the period XXXX XXXX, 2017-XXXX 2018. The article described the role of the activist group and various self-defence groups in combatting the Badoo cult. It stated that the Badoo cult was targeting activists who had collaborated with the self-defence groups and the police. It referred to the Principal Appellant as having gone underground and to OSTI's house having been set on fire as well as his housemate having been injured and taken to the hospital for treatment.³⁴
- [41] I find the Principal Appellant's testimony to be credible. The letter from his current wife corroborates some aspects of his testimony. In light of their admission that the police report was written after the payment of a bribe, I do not give it much weight. I give more weight to the newspaper article, which corroborates some aspects of the Principal Appellant's testimony, in particular about his activism and the attack on his son OSTI. Having weighed the evidence, I am persuaded that the Badoo cult targeted the Principal Appellant because of his activism, they retaliated against his family, and his current wife and sons relocated to XXXX, Benin as a result. State protection

- [42] The Appellants argue the RPD misunderstood the objective evidence about the Badoo cult and that the cult is very much alive and operating in Nigeria.³⁵ The objective evidence, in particular the Response to Information Request ("RIR") NGA106397.E dated XXXX XXXX, 2020, affirms that the Badoo cult is a criminal group primarily operating in the area of XXXX, Lagos state.³⁶ Incidents relating to the Badoo cult have been reported in the city of Lagos, Ogun state and Oyo state.³⁷ The Badoo cult's modus operandi of violence, which includes rape and killing, is ritualistic in nature.³⁸ The information in the RIR about the ability of the state to protect the population against the Badoo cult is mixed. As the RPD noted in its decision, state authorities claimed to have arrested hundreds of cult members resulting in a significantly reduced number of incidents.³⁹ On the basis of this, the RPD concluded that the Badoo cult had been dismantled because of the severe crackdown.⁴⁰ This is an overstatement. The objective evidence indicated that the capacity of the Badoo cult had been significantly degraded in Lagos state and the Nigerian police had issued an arrest warrant for the leader of the Badoo cult.⁴¹ It also stated that in XXXX 2019 there continued to be reports of incidents in Oyo state suggesting the Badoo cult may still have been operational in this area.⁴²
- [43] The RPD found that nowhere was it mentioned in the objective evidence that the police were complicit with the Badoo cult, releasing them after taking bribes from them.⁴³ While this finding is not incorrect, the objective evidence indicated that the Nigerian police were generally ineffective and corrupt. The payment of bribes in order to release suspects from detention was common.⁴⁴ In regard to the Badoo cult, the objective evidence contained information that due to a lack of faith in the police, residents of affected areas had resorted to keeping vigil and lynching.⁴⁵
- [44] At the RPD hearing, the Principal Appellant testified the police could not protect him. He said he had read that many members of the Badoo cult had been arrested and that the police let Badoo cult members go after they paid bribes and told them to relocate to a distant state.⁴⁶ I find the Appellant's testimony to be credible and I give it some weight. It is corroborated to a limited extent by the newspaper article from the XXXX XXXX. The article stated that "[t]here are ... allegations that arrested Badoo suspects are being released by the police without due investigation and that the released suspects returned to the community where they were apprehended to unleash violence on those they suspected to have exposed and handed them over to the police."⁴⁷
- [45] Having considered the objective evidence and the Appellants' evidence, I find that state protection is not available to the Appellants. Internal flight alternative
- [46] The agents of persecution are members of the Badoo cult, a non-state actor. The objective evidence contains information that internal relocation to escape ill-treatment from non-state agents is likely an option for most individuals. However, relocation may be more difficult for single women and non-indigenes without access to support networks.⁴⁸

- [47] The law is clear that once an IFA has been identified, which in this case was initially proposed by the RPD to be Benin City, Port Harcourt or Abuja (and found by the RPD to be Abuja), the burden shifts to the claimant to show that the IFA is either unsafe or unreasonable. First Prong of IFA Test: The IFA is Safe
- [48] For the reasons below, the evidence does not establish that the agents of persecution have the means to search for and locate the Appellants throughout Nigeria, a country with an estimated 221 million inhabitants, or, more specifically, in Abuja. Nor does the evidence establish that the Appellants are at specific risk from cultists in Abuja. Motivation: Badoo cult motivated to find Appellants
- [49] The Appellants argue that the Principal Appellant has a XXXX XXXX as an XXXX against the activities of the Badoo cult and that he has built a haven of enemies who blame him for the arrest of members of the Badoo cult.⁴⁹ The Principal Appellant testified that in Nigeria, revenge is a very serious matter. He said that in XXXX 2019, the Badoo cult had taken revenge on XXXX XXXX XXXX XXXX XXXX XXXX whose name was on the notices that had been posted around the neighbourhood in XXXX 2018. XXXX had also escaped and believing there was peace and no longer any danger, he had returned to XXXX and was XXXX XXXX.⁵⁰ I find the Principal Appellant's testimony to be credible and I give it some weight. The incident is also mentioned in the letter from the Principal Appellant's current wife.⁵¹
- [50] Associate Appellant 2 testified that the police were corrupt, accepted bribes and might for a price, turn a blind eye to revenge against the Principal Appellant. He said if they went back, the Principal Appellant would have to pay people to guard him and also have to pay the police to protect him and this was not a reasonable way to live. He said he kept in touch with his friends in Nigeria and everyone knew the Badoo cult was still doing stuff underground, killing people, and taking revenge on people who exposed them in the past. He said the Principal Appellant would be in the same situation if he went to Port Harcourt, Benin or Abuja. Associate Appellant 3 testified that some Badoo cult members who were arrested were released after paying bribes and they went to Port Harcourt and Benin and other states that are considered secure and if they returned to those states, there could be silent revenge from those Badoo cult members who were released after paying bribes.⁵² I find their testimony to be credible and I give it some weight. Some aspects of their testimony are corroborated by the objective evidence on the lack of state protection (see paragraphs 42-44 above).
- [51] I acknowledge that apart from the testimony of the Appellants and the letter from the Principal Appellant's current wife, there is no other evidence of an ongoing resolve by the Badoo cult to locate the Appellants. Having considered the evidence, I accept the Principal Appellant's evidence that revenge is a powerful motivator and I give some weight to the local knowledge of Associate Appellants 2 and 3 about the Badoo cult. I find they have established that the Badoo cult would be motivated to find them if it somehow came to their knowledge that the Appellants had returned to Nigeria. Means: The Appellants will not be tracked to Abuja through social media, the Badoo Cult is not operational in Abuja, and the Appellants

are not at specific risk from cultists in Abuja

- [52] The RPD found that the Appellants had not established that the Badoo cult had the means to find them in Abuja. As set out below, after having conducted my own independent assessment, I come to the same conclusion as the RPD. Appellants can manage their online presence on social media
- [53] The RPD was not persuaded by the Appellants' arguments that the Badoo cult would track them to Abuja because of the Associate Appellants' online presence on social media.⁵³ The Appellants argue the RPD's finding was unreasonable.⁵⁴ Having reviewed the Appellants' testimony on this point and considering the ages of the Associate Appellants (two are young adults aged 20 and 18 and two are teenagers aged 16 and 15), I agree with the finding of the RPD. The Federal Court has held that the use of social media is not a fundamental right and if an individual chooses to use social media, keeping certain information private is reasonable.⁵⁵ The Associate Appellants are old enough to make responsible choices and can use platforms that do not require individuals to disclose their location: such details can be kept confidential through the privacy settings. Badoo Cult does not have the means to physically locate Appellants in Abuja
- [54] I am not satisfied that the Badoo cult has the means to pursue and locate the Appellants in Abuja. The aforementioned objective evidence about this specific group speaks to the area of operations of the Badoo cult as having been limited to Lagos, Ogun state and Oyo state and to its capacity having been substantially reduced as of 2019. Although there continued to be reports of suspected Badoo cult activity in Oyo state, there were no reports of such activity in Abuja (see paragraphs 42-44 above). In their testimony, the Principal Appellant and Associate Appellants did not say that after going underground, the Badoo cult had expanded their area of operations to Abuja nor did they give examples of attacks that the cult had carried out in Abuja (see paragraphs 49-50 above). Appellants are not at specific risk from cults in Abuja
- [55] The Appellants argue that ritual killing is prevalent in Abuja and that this is a relevant consideration.⁵⁶ They rely on a 2012 RIR (NGA104218.E) about the prevalence of ritual murder and human sacrifice in Nigeria.⁵⁷ The information in the RIR about the prevalence of such activities is mixed. It is also dated and there is no reference to the Badoo cult being operational in Abuja. The RIR speaks at most to a risk that all residents of Abuja face. The Appellants have not established a specific link to any of the cults referred to in the RIR, or the possibility that these cults are targeting them. Conclusion: IFA is safe
- [56] After weighing the evidence, I find the Appellants have failed to establish that the Badoo cult has the means to locate them in Abuja, through social media or otherwise, or that they are at specific risk from other cults in Abuja. I am therefore satisfied that the Appellants do not face a serious possibility of persecution or a risk to life or a risk of cruel and unusual treatment or punishment or a danger of torture in Abuja. I now turn to the second part of the test to consider the reasonableness of the Appellants relocating. Second Prong of IFA

Test: The IFA is not reasonable

- [57] The test for reasonableness is whether it would be unduly harsh to expect a refugee claimant to move to another part of the country before seeking status abroad.⁵⁸ As I stated earlier, the burden is on a claimant to show that a proposed IFA location is unreasonable. The threshold is very high and requires proof of adverse conditions, which would jeopardize the life and safety of the claimant in travelling to or in living in the proposed IFA location.⁵⁹
- [58] The reasonableness test is a flexible one that takes into account the particular situation of the claimant and the particular country involved.⁶⁰ RAD decision TB7-1985I, which has been identified as Reasons of Interest, addresses IFA locations in major cities in south and central Nigeria, including Abuja, for claimants fleeing non-state actors.⁶¹ It offers a useful framework for analysis and insight into various factors that may be relevant when determining if there is a viable IFA location.
- [59] In this case, the RPD initially proposed three IFA locations to the Appellants: Port Harcourt, Benin City and Abuja. The Principal Appellant testified that Port Harcourt was not viable because of the problem of kidnapping, it would be difficult for him to enroll the children in school and it would be difficult for him to find work. Associate Appellant 2 said the same applied for the other cities. Associate Appellant 4 said there would be a language barrier for the Principal Appellant to find work in Port Harcourt because he did not speak Igbo. The Principal Appellant also said that generally the security situation in Nigeria was problematic and referred to Boko Haram as active in some parts of Nigeria, kidnapping to be prevalent in eastern Nigeria and Fulani herdsmen to be active in Lagos. The RPD considered the evidence adduced by the Appellants and found they had not demonstrated that the proposed IFA in Abuja would be unreasonable in their circumstances.
- [60] On appeal, the Appellants argue the RPD erred in its assessment of their testimony: it prioritized language commonality in Abuja and it unreasonably assumed the Principal Appellant would benefit from government sponsored programs for the self-employed.⁶² They also argue that they will be discriminated against because of their ethnic group and because they are not indigenous to Abuja.⁶³ In addition, Associate Appellants 2 and 3 say that they are not graduates, they lack work experience and they will not be able to obtain employment or accommodation in Abuja.⁶⁴ For the reasons below, I agree with the Appellants that the IFA is unreasonable. Age and Family Status
- [61] Age: The Principal Appellant was born in 1962 and is 58 years old. According the United Nations Office for the Coordination of Humanitarian Affairs, "Nigeria ranked 157 out of 189 countries and territories on the 2018 Human Development Index, which is well below the average for sub-Saharan Africa."⁶⁵ Life expectancy is one of three indicators used to measure human development and the estimated average life expectancy for a Nigerian male is low in comparison to most countries in the world: as per sources in the objective evidence, it varies from 51.2 years to 53 years to 58.6 years.⁶⁶ It is fair to say that in the Nigerian context, the Principal Appellant would be considered to have a limited future life

expectancy.

- [62] Family status: There is no evidence in the record that the Principal Appellant is estranged from the Associate Appellants. The evidence is that the family unit remains unified and that the Associate Appellants are dependent on the Principal Appellant.
- [63] The continued presence of the Principal Appellant in the IFA and his ability to care for the Associate Appellants are factors that contributed to my analysis of whether the IFA is reasonable for the Associate Appellants. Ethnicity and Indigeneity
- [64] The Appellants are of Yoruba ethnicity. According to the objective evidence, Yoruba make up the second largest ethnic group in the country.⁶⁷ The Appellants argue that the RPD failed to consider "the real practical hardship and the cost of living the Appellants will have in finding employment as a result of the indigeneship status".⁶⁸ The RIR (NGA104216.E) from 2012 cited by the Appellants in their memorandum stated that Nigerians reported frequent ethnic discrimination if they live in areas where they are considered an ethnic minority or where their ethnic group is not considered indigenous.⁶⁹ The current NDP contains an updated RIR on the subject.⁷⁰ It notes that Abuja in particular has a diverse population because it is the capital of the country and attracts people from all over Nigeria. The updated RIR describes the additional barriers that non-indigenes may face in obtaining employment and housing and accessing government and other public services in various IFA locations. The updated RIR states that due to internal migration, in particular to big cities such as Abuja, there are many non-indigenes living in these cities and settlement has become easier, though discriminatory practices against non-indigenes do persist.⁷¹ In light of the more recent objective evidence, I am not persuaded by the Appellants' arguments that their ethnicity or non-indigeneity alone would render the IFA unreasonable. Language
- [65] The RPD found that because Yoruba is spoken in Abuja and English is used for most governmental functions, these were factors that made the IFA more likely to be reasonable.⁷² The Appellants argue the RPD erred and that language is offset by other factors.⁷³ After having conducted my own independent assessment, I agree with the RPD's conclusion.
- [66] The Principal Appellant speaks Yoruba and testified at the RPD hearing that he understood English even though he testified using an interpreter. The Associate Appellants are bilingual in English and Yoruba. According to the objective evidence, Yoruba is spoken in the southern two thirds of the country, including in populous cities such as Abuja.⁷⁴ The RIR on indigeneity contains mixed information with respect to language. One source stated that there was no language barrier in cities such as Abuja unless the person is not English speaking, while another stated that the difference in language could lead to the inability to maintain good relations with people.⁷⁵ I find that in this case the ability of all the Appellants to understand both Yoruba and English is a factor that contributes to the reasonableness of the IFA. Employment

- [67] The RPD found that given the Principal Appellant's extensive work history in XXXX (XXXX XXXX XXXX XXXX XXXX) and the XXXX XXXX and his newly acquired skills to run a XXXX XXXX XXXX, along with the objective evidence that there are government sponsored opportunities in Abuja to start small scale businesses, weighed in favour of the reasonableness of the IFA location.⁷⁶ The Appellants argue that the RPD erred in concluding that the Principal Appellant is qualified or would benefit from such opportunities.⁷⁷ After conducting my own independent assessment of the objective evidence, I agree with the Appellants that the RPD's finding that he would be able to take advantage of government sponsored opportunities to launch a new business is speculative. Given his age, he might not be eligible for such programs as the objective evidence suggests they tend to be geared to young entrepreneurs.⁷⁸ I note also that the updated RIR on indigeneship contains information about discrimination by state and local governments against non-indigenes and difficulties they have in securing employment opportunities within the public service. The Principal Appellant testified that his XXXX XXXX relied primarily on government XXXX from Ogun state and that he had never been to Abuja. While it is possible he could restart his businesses in Abuja, as a non-indigene he would not have the same political connections as he did in Ogun state for his XXXX XXXX nor community connections as he did in XXXX for his XXXX XXXX. The difficulty for the Principal Appellant to capitalize on his previous work experience given his age and non-indigeneity is a factor that weighs against the reasonableness of the IFA for all the Appellants.
- [68] Associate Appellants 2 and 3 are males aged 20 and 18 and did XXXX XXXX from XXXX XXXX. A recent RIR (NGA200338.E) stated that: [a]n August 2020 report on the labour force by Nigeria's National Bureau of Statistics (NBS), responsible for providing "reliable and timely information" to the government and policymakers, indicates that the unemployment rate in Nigeria was 27.1 percent in the second quarter of 2020, compared to 23.1 percent in the third quarter of 2018. According to the same source, the unemployment rate for individuals aged 15 to 34 was 34.9 in the second quarter of 2020, compared to 29.7 percent in the third quarter of 2018. [citations omitted]⁷⁹ Youth unemployment is high in Nigeria: as per the statistics cited above, an estimated one in three youths is unemployed. A source quoted in the RIR explained that "[t]here are no ready jobs for people who relocate to the city, they have to search for openings and apply. ... However, skilled people with experience stand higher chances of getting jobs".⁸⁰ Another source in the objective evidence indicated that many youths who are not able to access the formal labour market turn to the informal sector, which comes with insecure income, no benefits and no social protection, with the result that such youths are more likely to end up living in poverty.⁸¹ Associate Appellants 2 and 3, who are not well educated and lack work experience, are likely to have difficulties finding work in the formal sector and to have to turn to the informal sector. This is a factor that weighs against the reasonableness of the IFA for Associate Appellants 2 and 3.
- Education

- [69] Education is an important consideration for Associate Appellants 1 and 4, who are 16 years old and 15 years old, respectively. Associate Appellant 1 testified that she had attended school in Nigeria and was attending high school in Canada. Associate Appellant 4 did not give testimony on this issue. The Generic Application form stated she had completed XXXX years of education upon arriving in Canada in XXXX 2018.
- [70] The objective evidence contains information that the right to free basic education is enshrined in the Constitution of Nigeria and that as a matter of policy, this includes 6 years of primary education and 3 years of junior secondary education.⁸² This having been said, education is not always free and costs may vary depending on the type of school, on the quality of education it offers and, sometimes, on the location.⁸³ The Principal Appellant testified at the RPD hearing that because he is not from Abuja, he would have difficulty enrolling his children in school. The objective evidence notes that Abuja is an exception when it comes to accessing public services and education in that discrimination does not exist.⁸⁴
- [71] Bearing in mind Chairperson's Guidelines 3 and 4, I have considered the gender of Associate Appellants 1 and 4. According to the objective evidence, there is a gender gap in Nigeria with respect to schooling and many girls who enrol in school drop out early due to perceptions of families that it is less important to educate girls than boys.⁸⁵ In this case, there is no credible evidence that the Principal Appellant has such attitudes. This reduces the risk for the female Associate Appellants that they will be disadvantaged in their education if they return to Nigeria.
- [72] I find the Appellants have not provided sufficient credible evidence that the Associate Appellants 1 and 4 will be precluded from accessing education in Abuja. This is a factor that weighs in favour of the reasonableness of the IFA. Housing
- [73] I am mindful of the arguments of the Appellants and the objective evidence about the high cost and scarcity of housing in Abuja. The updated RIR on indigeneship contains mixed evidence about whether it is more difficult for non-indigenes to secure housing.⁸⁶ Sources indicate that seeking accommodation becomes a major hurdle when an individual is not "financially strong".⁸⁷ I have already found that the Principal Appellant would have difficulty to secure employment in Abuja. This puts him in a disadvantageous position to access housing as he would not have a steady source of income. This is a factor that weighs against the reasonableness of the IFA for all the Appellants. Criminality
- [74] The Appellants did not contest the RPD's finding that the risks of criminality they raised pertain to a risk that all residents of Abuja face. After conducting my own independent assessment of the record, I agree with the RPD that the Appellants have not established that they face an elevated risk. Ability to travel safely to the IFA
- [75] In analyzing the viability of a proposed IFA, consideration must be given to Chairperson's Guideline 4, which states in part: "[i]n determining the reasonableness of a woman's recourse to an internal flight alternative (IFA), decision-makers should consider the ability

of women, because of their gender, to travel safely to the IFA and to stay there without facing undue hardship."⁸⁸ The objective evidence indicates Abuja is serviced by an international airport,⁸⁹ which would allow the Appellants, including the minor female Appellants, to return there safely. This factor contributes to the reasonableness of the IFA location. Conclusion: IFA is not reasonable

- [76] After considering and weighing the various factors, I give more weight to the factors of age, family status and employment. The Associate Appellants are dependent on the Principal Appellant. His ability to care for them in the future is uncertain given his advanced age and limited life expectancy, as well as the difficulty he is likely to have in securing employment in Abuja because of his age and inability to capitalize on his previous work experience due to his non-indigeneity. Associate Appellants 1 and 4, who are 16 years old and 15 years old, respectively, have not yet completed high school. Associate Appellants 2 and 3, who are 20 years old and 18 years old, respectively, XXXX XXXX XXXX XXXX XXXX. As the Associate Appellants are not well educated and lack work experience, according to the objective evidence they will have difficulty accessing the formal labour market. Youths who are not able to access the formal labour market turn to the informal sector, with the result that they are more likely to end up living in poverty. As such, I find the Appellants have established that it would be objectively unreasonable for them to relocate to Abuja.

CONCLUSION

- [77] The appeals are allowed. Pursuant to paragraph 111(1)(b) of the IRPA, I substitute my own decision that the Appellants are persons in need of protection. (signed) Ritu Gambhir Ritu Gambhir February 22, 2021 Date 1 Immigration and Refugee Protection Act, S.C. 2001, c. 27, subsection 110(4). 2 Canada (Citizenship and Immigration) v. Singh, 2016 FCA 96, [2016] 4 FCR 230; Raza v. Canada (Citizenship and Immigration), 2007 FCA 385. 3 Refugee Appeal Division Rules, SOR/2012-257, rule 29. 4 Exhibit P-3, Application to Submit New Evidence, dated August 19, 2020, received August 21, 2020. 5 Exhibit P-3, Application to Submit New Evidence, Affidavit ONA, at p. 5. 6 Exhibit P-3, Application to Submit New Evidence, Identity Document ONA, at p. 6. 7 Exhibit P-3, Application to Submit New Evidence, Photos, at pp. 7-14. 8 Exhibit P-3, Application to Submit New Evidence, at p. 3, para. 13. 9 Exhibit P-3, Application to Submit New Evidence, Letter OSTI, at p. 15. 10 Exhibit P-3, Application to Submit New Evidence, Passport OSTI, at pp. 16-17. 11 Exhibit P-3, Application to Submit New Evidence, Letter OSGI, at p. 25. 12 Exhibit P-3, Application to Submit New Evidence, Passport OSGI, at pp. 26-29. 13 Exhibit P-3, Application to Submit New Evidence, Rental Agreement and Receipt, at pp. 18-19. 14 Exhibit P-3, Application to Submit New Evidence, Academic Report, at p. 22. 15 Exhibit P-3, Application to Submit New Evidence, Medical Report, at p. 30. 16 Exhibit P-3, Application to Submit New Evidence, at p. 4, para. 16. 17 Exhibit P-3, Application to Submit New Evidence, Affidavit MKI, at p. 20. 18 Exhibit P-3, Application to Submit New Evidence, Passport MKI, at p. 21. 19 Exhibit P-3, Application to Submit New Evidence, Newspaper article, at pp. 23-24. 20 Canada (Citizenship and Immigration) v. Huruglica, 2016 FCA 93; Rozas del Solar v. Canada (Citizenship and

Immigration), 2018 FC 1145. 21 Chairperson's Guideline 3: Child Refugee Claimants: Procedural and Evidentiary Issues, Guidelines issued by the Chairperson pursuant to section 65(3) of the Immigration Act, Effective date: September 30, 1996, as continued in effect by the Chairperson on June 28, 2002 pursuant to paragraph 159(1)(h) of the Immigration and Refugee Protection Act. 22 Chairperson's Guideline 4: Women Refugee Claimants Fearing Gender-Related Persecution: Update, Guidelines issued by the Chairperson pursuant to section 65(3) of the Immigration Act, Effective date: November 13, 1996, as continued in effect by the Chairperson on June 28, 2002 pursuant to paragraph 159(1)(h) of the Immigration and Refugee Protection Act. 23 Chairperson's Guideline 9: Proceedings Before the IRB Involving Sexual Orientation and Gender Identity and Expression, Guidelines issued by the Chairperson pursuant to paragraph 159(1)(h) of the Immigration and Refugee Protection Act, Effective date: May 1, 2017. 24 Ibid., at section 3.3. 25 Exhibit P-3, Application to Submit New Evidence, at p. 3, para. 13. 26 Exhibit P-3, Application to Submit New Evidence, at p. 4, para. 15. 27 Exhibit P-3, Application to Submit New Evidence, Affidavit MKI, at p. 20, para. 6. 28 Exhibit RPD-1, Fourth Amended RPD Record, RPD Decision, at p. 11, para. 41. 29 Exhibit RPD-1, Fourth Amended RPD Record, RPD Decision, at pp. 10-11, paras. 35-40. 30 Exhibit P-2, Appellants' Record, Memorandum, at p. 12, para. 17. 31 Exhibit RPD-1, Fourth Amended RPD Record, Exhibit 4, Letter from Current Wife, at p. 346. 32 Ibid. 33 Exhibit RPD-1, Fourth Amended RPD Record, Exhibit 4, Police report, at pp. 319-320. 34 Exhibit RPD-1, Fourth Amended RPD Record, Exhibit 4, Newspaper article, at pp. 328-329. 35 Exhibit P-2, Appellants' Record, Memorandum, at pp. 7-12, paras. 10-12, 16. 36 Exhibit RPD-1, Fourth Amended RPD Record, Exhibit 3. This document is included in the current National Documentation Package ("NDP") for Nigeria (November 30, 2020) at item 7.33. 37 Ibid. 38 Ibid. 39 Exhibit RPD-1, Fourth Amended RPD Record, RPD Reasons, at p. 9, para. 29. 40 Exhibit RPD-1, Fourth Amended RPD Record, RPD Reasons, at p. 9, para. 30. 41 Exhibit RPD-1, Fourth Amended RPD Record, Exhibit 3. This document is included in the current NDP for Nigeria (November 30, 2020) at item 7.33. 42 Ibid. 43 Exhibit RPD-1, Fourth Amended RPD Record, RPD Reasons, at p. 9, para. 32. 44 NDP for Nigeria (November 30, 2020), item 1.4, at pp. 20-21, 30-31; item 1.11, at pp. 20-26; item 1.22, at pp. 12-14; item 10.2, at p. 2. 45 Exhibit RPD-1, Fourth Amended RPD Record, Exhibit 3. This document is included in the current NDP for Nigeria (November 30, 2020) at item 7.33. 46 Audio recording of RPD Hearing (February 13, 2020), at minutes 02:27:00-02:29:00. 47 Exhibit RPD-1, Fourth Amended RPD Record, Exhibit 4, Newspaper article, at p. 329. 48 NDP for Nigeria (November 30, 2020), item 1.17, at section 2.2.5. 49 Exhibit P-2, Appellants' Record, Memorandum, at p. 11, para. 14. 50 Audio recording of RPD Hearing (February 13, 2020), at minutes 01:02:00-01:06:00. 51 Exhibit RPD-1, Fourth Amended RPD Record, Exhibit 4, Letter from Current Wife, at p. 346. 52 Audio recording of RPD Hearing (February 13, 2020), at minutes 02:29:00-02:37:00. 53 Exhibit PRD-1, Fourth Amended RPD Record, RPD Decision, at p. 9, paras. 27-28. 54 Exhibit P-2, Appellants' Record, Memorandum, at pp. 13-14, paras. 23-24. 55 Rizwan v. Canada (Citizenship and Immigration), 2017 FC 456, at para. 14. 56 Exhibit P-2, Appellants' Record, Memorandum, at p. 10, para. 13. 57 NDP for Nigeria (November 30, 2020), item 7.13. 58 Thirunavukkarasu v. Canada (Minister of Employment

and Immigration), 1993 CanLII 3011 (FCA), [1994] 1 FC 589. 59 Ranganathan v. Canada (Minister of Citizenship and Immigration), 2000 CanLII 16789 (FCA), at para. 15. 60 Ramachanthran v. Canada (Minister of Citizenship and Immigration), 2003 FCT 673, at para. 74, quoting Thirunavukkarasu v. Canada (Minister of Employment and Immigration), 1993 CanLII 3011 (FCA), [1994] 1 FC 589. 61 X (Re), 2018 CanLII 52123 (CA IRB). 62 Exhibit P-2, Appellants' Record, Memorandum, at pp. 11-12, paras. 15, 18. 63 Exhibit P-2, Appellants' Record, Memorandum, at pp. 14-15, paras. 26-27. 64 Exhibit P-2, Appellants' Record, Memorandum, at p. 13, paras. 21-22. 65 NDP for Nigeria (November 30, 2020), item 1.21, at p. 13. 66 NDP for Nigeria (November 30, 2020), item 1.6; item 1.8, at p. 9; item 1.19, at p. 19. 67 NDP for Nigeria (November 30, 2020), item 1.7, at p. 6, section 1.1.6. 68 Exhibit P-2, Appellants' Record, Memorandum, at p. 17, para. 28. 69 Exhibit P-2, Appellants' Record, Memorandum, at pp. 14-17. 70 NDP for Nigeria (November 30, 2020), item 13.1. 71 NDP for Nigeria (November 30, 2020), item 13.1, at pp. 12-16. 72 Exhibit RPD-1, Fourth Amended RPD Record, RPD Reasons, at p. 13, paras. 49-53. 73 Exhibit P-2, Appellants' Record, Memorandum, at p. 11, para. 15. 74 NDP for Nigeria (November 30, 2020), item 1.4, at pp. 17-18, section 1.4.1. 75 NDP for Nigeria (November 30, 2020), item 13.1, at p. 14. 76 Exhibit RPD-1, Fourth Amended RPD Record, RPD Reasons, at p. 12, paras. 46-48. 77 Exhibit P-2, Appellants' Record, Memorandum, at p. 12, para. 18. 78 NDP for Nigeria (November 30, 2020), item 1.19, at pp. 26-27. 79 NDP for Nigeria (November 30, 2020), item 1.26. 80 NDP for Nigeria (November 30, 2020), item 1.26. 81 NDP for Nigeria (November 30, 2020), item 1.19, at pp. 28-29. 82 NDP for Nigeria (November 30, 2020), item 1.19, at p. 45. 83 Ibid. 84 NDP for Nigeria (November 30, 2020), item 13.1, at pp. 12-17; item 1.17, at pp. 12-13. 85 NDP for Nigeria (November 30, 2020), item 1.19, at pp. 46-47, section 2.7.2. 86 NDP for Nigeria (November 30, 2020), item 13.1, at pp. 8-9, section 4.2. 87 NDP for Nigeria (November 30, 2020), item 13.1, at pp. 13-14, section 5.1. 88 Chairperson's Guideline 4: Women Refugee Claimants Fearing Gender-Related Persecution: Update, Guidelines issued by the Chairperson pursuant to section 65(3) of the Immigration Act, Effective date: November 13, 1996, as continued in effect by the Chairperson on June 28, 2002 under the authority found in paragraph 159(1)(h) of the Immigration and Refugee Protection Act, at section C. 89 NDP for Nigeria (November 30, 2000), item 1.19, at pp. 62-64.

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