

CANADA / JUDGMENT

MB9-21944

COURT

Refugee Appeal Division

DECIDED

7 January 2020

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Reasons and decision ? Motifs et décision Persons who are the subject of the appeal XXXX XXXX
XXXX XXXXXXXXXX XXXX XXXX XXXXXXXXXX XXXX XXXX Personnes en cause Appeal considered /
heard at Toronto, ON Appel instruit / entendu à Date of decision January 7, 2020 Date de la
décision Panel E. Bobkin Tribunal Counsel for the persons who are the subject of the appeal N/A
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] These are my reasons for dismissing the appeal brought by XXXX XXXX XXXX (the Principal Appellant) and her daughters, XXXX XXXX XXXX and AdXXXX XXXX XXXX (the Associate Appellants). The Refugee Protection Division (RPD) concluded that the Appellants are neither Convention refugees nor persons in need of protection because they have a viable internal flight alternative (IFA). I find the RPD was correct, and therefore I am confirming the decision.
- [2] The Appellants are citizens of Nigeria. They allege that they face a risk of persecution on the basis of their gender. They fear that the Associate Appellants are at risk of female genital mutilation (FGM) and that the Principal Appellant will be killed if she refuses to submit her daughters for FGM. The RPD found that the Appellants have a viable IFA in either Port Harcourt or Abuja.
- [3] The Appellants allege that the RPD erred in its assessment of the IFA and that they have new evidence which demonstrates that an IFA is not viable. I find that the new evidence is inadmissible and that there is no error in the RPD's analysis of IFA. I find that the Appellants have a viable IFA in Abuja. Accordingly, I will not address the arguments about Port Harcourt. THE NEW EVIDENCE IS NOT ADMISSIBLE
- [4] The Appellants submit the following documents as new evidence:
- (a) an affidavit of the Principal Appellant's husband;
 - (b) a psychotherapist report for the Principal Appellant;
 - (c) a legal opinion on FGM in Nigeria; and

- (d) news articles about Port Harcourt and Abuja.
- [5] I can only admit this evidence if the Appellants show that it meets certain criteria. Specifically, it must meet one of three legal tests. First, it is admissible if the content post-dates the rejection of the Appellants' claim. Second, it is admissible if the evidence was not reasonably available when the claim was rejected. Third, it is admissible if the Appellants could not reasonably have been expected to provide the evidence at the time of the rejection of their claim. If one of these conditions is met, then the Appellants must also show the evidence is credible, relevant and new for it to be admitted. If any new evidence is admitted, then I can consider whether to hold an oral hearing.
- [6] For the following reasons, I find that none of the new evidence is admissible. As none of the evidence is admissible I cannot hold an oral hearing. The Affidavit from the Principal Appellant's Husband is not admissible
- [7] The Appellants submitted an affidavit of the Principal Appellant's husband sworn October 3, 2019.¹ The Principal Appellant states that the affidavit speaks to reasons that her husband cannot relocate to Port Harcourt or Abuja and why it is not safe for the Appellants there.² The Appellants argue that this affidavit is new because "[i]t arose after the determination of the Appellants' claim" and "is[sic] speaks to issues that arose after the determination of the Appellants' claim."³ I find this argument is not borne out in the evidence.
- [8] The affidavit was sworn after the Appellants' claims was rejected. However, the contents of the affidavit all deal with things which pre-date the rejection of the claim. The affiant describes what family members he has living in Port Harcourt and Abuja; the affiant asserts that he does not have employment in those cities, so he could not relocate there, and he reiterates the allegations of the Appellants' claim.⁴ None of the allegations in the affidavit post-date the rejection of the claim. I find the Appellants have not established that the contents of the affidavit post-date the rejection of their claim.
- [9] The Appellants have not given any explanation as to why this evidence was not reasonably available to them prior to the rejection of their claim. The Principal Appellant and her husband are married and were married at the time of her hearing.⁵ The husband could have been a witness at the Appellants' hearing but was not called as one. He could have provided an affidavit with this information at the hearing but did not do so. Moreover, the RPD hearing was held on June 14, 2019, and the decision was rendered on August 16, 2019, over two months later. The Appellants' Counsel was given time to make written submissions after the hearing.⁶ The issue of IFA in Port Harcourt and Abuja was set out by the RPD as an issue.⁷ The Appellants have not explained why they did not provide the husband's affidavit as post-hearing evidence either with Counsel's submissions or in the two months between the hearing and the decision. Accordingly, I find that the Appellants have not established that the affidavit was not reasonably available to them prior to the rejection of their claim.

- [10] Finally, the Appellants have not explained why the affidavit is evidence they could not reasonably have been expected to provide prior to the rejection of their claim. As stated above, IFA in Port Harcourt and Abuja was raised as an issue at the hearing, and there was two months between the hearing and the date of the decision. Accordingly, they were aware that this issue was being considered, and it would be reasonable for them to obtain evidence from the Principal Appellant's husband on this issue. The onus is on the Appellants to establish how their proposed evidence meets the test for admission, and they have failed to do so. Therefore, the affidavit will not be admitted. The psychotherapist's report is not admissible
- [11] The Appellants submitted a psychotherapist's psychological assessment of the Principal Appellant.⁸ The report is dated September 26, 2019 and states that the assessment was performed on September 25, 2019.⁹ The Appellants argue this is new because it arose after the determination of the claim.¹⁰ I am not persuaded by this argument.
- [12] As above, while the assessment was conducted after the rejection of the claim, the underlying facts arose prior to the rejection of the claim. The psychotherapist based the assessment on experiences from the Principal Appellant's childhood and adolescence and "a disturbing traumatic event in the past."¹¹ Although the psychotherapist notes that the Principal Appellant reported her anxiety has "been compounded by the outcome of her refugee hearing," this is not the focus of the assessment.¹² Therefore, the Appellants have not established that the underlying facts in the assessment arose after the rejection of the claim.
- [13] Additionally, the Appellants have not established that a psychotherapist's assessment was not reasonably available to them prior to the rejection of their claim. The psychotherapist notes that the Principal Appellant has reported that she "has been worried for some time now."¹³ The Appellants were represented by Counsel at their RPD hearing, who would have been aware of the utility of psychological evidence in a refugee claim.¹⁴ The Appellants have not argued that their Counsel before the RPD was not competent. They have not provided evidence that they could not get an appointment with the psychotherapist prior to the rejection of their claim. They have not given sufficient evidence to show such a report was not reasonably available to them prior to the rejection of their claim.
- [14] Similarly, the Appellants have not established that this was not evidence which they reasonably could have been expected to present prior to the rejection of their claim. As noted above, they have not established that any mental health issues arose after the rejection of the claim. They have not presented any evidence that there was a decompensation in the Principal Appellant's mental health after the rejection of the claim. Again, they had Counsel, whom I would expect to be aware of the use of psychological evidence in the claim. Again, there was a two-month delay between the hearing and the decision. The Appellants have not explained why they could not reasonably have been expected to provide this evidence prior to the rejection of the claim.

- [15] As I stated above, it is the Appellants' onus to establish how the test for admission of new evidence is met. They have failed to do so. The report is inadmissible. The legal opinion on FGM in Nigeria is inadmissible
- [16] The Appellants submitted the legal opinion of XXXX XXXX on FGM in Nigeria.¹⁵ The Appellants argue this is new because it arose after the determination of the claim, and they "did not anticipate that the Panel would find Port Harcourt and Abuja as internal flight alternatives available to them."¹⁶ I do not find these arguments persuasive.
- [17] First, as above, while the report is dated after the rejection of the claim, the contents are not. The content of the report includes general information on FGM in Nigeria, a reiteration of the allegations in the claim, general information about relocating to Port Harcourt and Abuja, and the author's resume.¹⁷ There is reference to news articles which pre-date the rejection of the claim.¹⁸ Therefore, the contents of the opinion do not post-date the rejection of the claim.
- [18] As above, the Appellants have not given any explanation as to why this evidence was not reasonably available to them prior to the rejection of the claim. The Appellants were represented by Counsel. They have not made any argument that their Counsel was not competent. They were aware that IFA in Port Harcourt and Abuja was an issue that the RPD was considering.¹⁹ There was a period of two months after the hearing and prior to the decision where evidence such as this could have been submitted. The Appellants have given no explanation as to why they did not seek such evidence in that time.
- [19] Finally, I am not satisfied that the Appellants could not reasonably have been expected to provide this evidence prior to the rejection of their claim. While the Appellants can state that they "did not anticipate" that the RPD would find an IFA in Port Harcourt or Abuja, the issue was squarely before them. It was their burden to satisfy the RPD that an IFA was not viable. Evidence such as this opinion could have addressed questions raised by the RPD. The Appellants have given no reasonable explanation as to why they could not have been expected to provide this evidence to the RPD.
- [20] The legal opinion is not admissible. The newspaper articles are not admissible
- [21] The Appellants submit five news articles dealing with violence in Port Harcourt, unemployment in Nigeria and the biometric SIM card in Nigeria.²⁰ They argue that this evidence "arose reasonably after the determination of the Appellants' claim and the Appellants did not anticipate the issue raised by the Panel."²¹ I do not find the articles admissible.
- [22] First, with regard to the three articles on Port Harcourt, I am not admitting these articles, as I am not addressing the issue of IFA in Port Harcourt. I find that the Appellants have a viable IFA in Abuja, and therefore the issue of an IFA in Port Harcourt is not determinative. For these reasons, articles about risk in Port Harcourt are not relevant. Even if the articles met the test for admission under subsection 110(4), they are still inadmissible.

- [23] With regard to the article about unemployment in Nigeria, it is dated December 3, 2018, prior to the rejection of the claim. With regard to the issue on the biometric SIM card, this article is undated, and therefore I cannot ascertain if it arose after the rejection of the claim. The Appellants have not explained why they could not have presented this evidence prior to the rejection either because it was not reasonably available or because it was not evidence they could have reasonably been expected to present. My reasons above apply including:
- (a) The Appellants had Counsel at their hearing;
 - (b) There was a two-month delay between the hearing and the decision;
 - (c) The Appellants had the opportunity for post-hearing submissions; and
 - (d) The issue of IFA (which includes employment and whether they could be tracked using a biometric SIM) was raised at the RPD hearing.
- [24] Based on the above, the Appellants have failed to establish how any of the prongs of subsection 110(4) are met, and it is their onus to do so. Therefore, the news articles are not admissible. Conclusion on New Evidence
- [25] As I have not admitted any new evidence, I cannot convene an oral hearing. It bears stating that the new evidence submitted on this appeal, on the whole, appears to be an attempt by the Appellants to improve their claim on appeal. As outlined above, almost all of the evidence was reasonably available to the Appellants in their claim before the RPD and is precisely of the nature which would be reasonable to present to the RPD. The Appellants have failed to provide any persuasive or credible reasons as to why they did not present this evidence to the RPD. They have attempted to circumvent this requirement by masquerading the evidence as evidence which post-dates the rejection by having documents which contain information pre-dating the claim, signed or dated after the rejection. In my view, this is an inappropriate use of the RAD's processes. SCOPE OF THE APPEAL
- [26] Generally, I must review a decision of the RPD on a standard of correctness. There is an exception to this, where the RAD defers to the RPD if the RPD had a meaningful advantage in assessing the credibility of oral evidence. I do not find this case falls into the exception. Therefore, I will be looking at whether the RPD's decision was correct.

ANALYSIS

- [27] The RPD found that the Appellants had a viable IFA in either Port Harcourt or Abuja. The RPD correctly set out the two-pronged test for IFA. As this claim was based on a nexus to the Convention, the RPD considered whether there was a serious possibility of persecution in the IFA and whether it would be objectively unreasonable for the Appellants to relocate there.²² The RPD found that the Jurisprudential Guide on IFA in Nigeria²³ was applicable, but it also conducted a robust assessment of the particular circumstances of the claim to conclude that the IFA was viable.

- [28] Although the RPD concluded that the Appellants have an IFA in either Port Harcourt or Abuja, I do not need to assess both locations as a viable IFA in either city is determinative. For the following reasons, I find that the Appellants have a viable IFA in Abuja, and therefore I am not addressing the Appellants' arguments about an IFA in Port Harcourt. The RPD correctly assessed the first prong of the IFA test
- [29] The RPD concluded that the Appellants had not established a serious possibility of persecution in Abuja because they had not demonstrated that their agents of persecution had the capacity to locate them there, on a balance of probabilities. In coming to this conclusion, the RPD considered that the Jurisprudential Guide on Nigeria generally states that Nigerians fleeing non-state actors can safely relocate, that the Appellants had not hidden their address from the agents of persecution, that the Appellants had not credibly established any threats from 2007 onward, and that the Appellants' evidence of being located in Abuja was speculative.²⁴
- [30] The Appellants argue that the RPD failed to properly consider the evidence. Specifically, the Appellants argue that:
- (a) The Jurisprudential Guide is distinguishable;
 - (b) The RPD erred in failing to accept the profile of the agents of persecution;
 - (c) The presence of family members in Abuja demonstrates that it is not a safe IFA;
 - (d) The RPD elevated the standard of proof;
 - (e) The RPD erred by relying on the length of the risk;
 - (f) The RPD erred in finding a 2016 threat was not credible;
 - (g) The RPD required the Appellants to hide;
 - (h) The RPD speculated about why the Associate Appellants were not located; and
 - (i) The RPD ignored evidence of how the Appellants could be located.
- [31] I do not find these arguments persuasive, and I find that the RPD correctly concluded that the Appellants had not established a serious possibility of persecution in Abuja. The Jurisprudential Guide
- [32] With regard to the argument that the Jurisprudential Guide (JG) is distinguishable from the Appellants' circumstances,²⁵ I find the RPD considered this issue. The RPD specifically addressed how the circumstances were similar to those of the JG and where they diverged (namely, the family composition).²⁶ More importantly, the RPD did not merely apply the JG without any thought. The RPD specifically considered the circumstances of the case and determined that the Appellants have an IFA based on the framework set out in the JG and the Appellants' personal circumstances. This is in line with the manner in which the Federal Court stated the Nigeria JG is intended to be used.²⁷ Accordingly, I see no error in the RPD's

use of the Jurisprudential Guide. The Agents of Persecution's influence

- [33] With regard to the Appellants' argument that the RPD had to accept the influence of their agents of persecution because the RPD accepted their evidence as credible,²⁸ I find this misstates the RPD's decision. First, the RPD did not state that it accepted all of the evidence as credible but rather stated that it had no reason to doubt the credibility of the allegation that the agents of persecution were motivated to perform FGM because the older Associate Appellant was approaching the age of marriage, which is when FGM is performed in their tradition.²⁹ On the contrary, in assessing credibility, the RPD stated "the panel is prepared to accept the claimants' allegations as credible, except where specifically indicated in the analysis of internal flight alternative."³⁰ The RPD then went on to make negative credibility findings related to IFA. Finally, on this point, the Appellants are confusing an issue of credibility and sufficiency of evidence. The Appellants may believe that those whom they fear are influential, but the RPD correctly concluded that this was speculative, as will be discussed below. Accordingly, this argument fails. The Presence of Family Members in Abuja
- [34] The Appellants argue that they testified to the fact that family members reside in Abuja and that this shows the IFA is not safe for them, and therefore it was erroneous for the RPD to conclude they had not provided evidence that they would be at risk in Abuja. I find that the RPD correctly considered this evidence.
- [35] The RPD considered the Principal Appellant's testimony that the son of a chief lives in Abuja and that he could see her and tell his father. The RPD found this speculative because it was speculative that this individual would see the Appellants or find them in a city of Abuja's size and because there was no evidence that the son would share his father's views and therefore report the Appellants to his father if he did see them. The RPD further considered the Jurisprudential Guide which notes that most Nigerians fearing non-state actors can safely relocate to another large urban centre, that Nigeria is a large country, and Abuja has over 2.9 million inhabitants. Based upon this, the RPD concluded it was speculative that the presence of a family member in Abuja would render it an unsafe IFA.³¹ I see no error in these reasons. Contrary to the Appellants' arguments this issue was considered by the RPD. The Standard of Proof
- [36] The Appellants argue that the RPD elevated the standard of proof required as in the Henguva³² case where the Federal Court found it was an error to require a claimant to show their agents of persecution "would be able" to find them.³³ I find no such error. At no point did the RPD require the Appellants to show they would be found. The RPD considered whether the facts alleged had been established on the standard of a balance of probabilities. The RPD stated this saying: "the panel concludes that the claimants have not demonstrated, on a balance of probabilities, that the alleged agents of persecution have the ability to find them in the IFA locations."³⁴ After looking at these allegations, the RPD concluded that the Appellants would not face a serious possibility of persecution in the IFA.³⁵

- [37] The RPD did not elevate the standard as was done in Henguva. I find the RPD applied the correct standard of proof and legal test as required by law. The length of the risk and the 2016 threat
- [38] The Appellants argue that the RPD erred by relying on the length of the threat because this does not detract from the risk and also by finding a 2016 allegation as lacking credibility.³⁶ I am addressing these arguments together, as they relate to the same finding made by the RPD.
- [39] Contrary to the Appellants' argument, the RPD did not rely on the length of the threat alone to conclude that the risk in the IFA was not established. Rather, the RPD concluded that the threat dated back about twenty years but that there was no credible evidence of any attempts to locate the Appellants or enforce the threat since 2007. The reason for this was that the RPD found that an allegation of an incident in 2016 was not credible.³⁷ This is because the Appellants omitted it from their Basis of Claims (BOCs). The RPD considered that the Principal Appellant testified that she was confronted by their agents of persecution in 2016 but that she had omitted this allegation from her BOC. The Principal Appellant explained that the BOC was a summary, but the RPD found that this was not a reasonable explanation given that the Principal Appellant had included an allegation of a 2016 threat against her mother in her BOC, but not one against herself. The RPD concluded that it was incoherent that the Appellants would omit a recent and direct threat and include an indirect threat in their BOCs particularly given that they were represented by Counsel and given the instructions in the BOCs and the fact that the Appellants swore their BOCs were complete.³⁸ I see no error in this.
- [40] The Appellants argue that this finding was an error because refugee claimants are permitted to add details to their BOC narratives through testimony, and this was merely fleshing out the claim.³⁹ I disagree. As noted by the RPD, this was a significant and recent threat. It is more than a mere detail. It is a crucial allegation which goes to the core of the claim. I agree with the RPD that it was a material omission, and therefore the allegation is not credible. I further concur with the RPD that, based on the inconsistency between this testimony and the BOC allegation of a 2016 threat to the Principal Appellant's mother, the allegation of the threat on the mother also lacks credibility.
- [41] The RPD correctly concluded that, based on this credibility issue, the Appellants have failed to establish an attempt by the people they fear to locate them since 2007. I find that this is relevant to the issue of IFA, and it was not an error for the RPD to consider the timeline in this manner. The RPD did not require the Appellants to hide in the IFA
- [42] The Appellants argue that the RPD "seemed to have suggested" that the Appellants hide in the IFA location.⁴⁰ I find this misstates the RPD's decision.

- [43] I agree with the Appellants that an IFA is not viable if they are required to live in hiding, but I do not find that this is what the RPD decided. The RPD commented on a threat that occurred in 2007 while the Appellants were living in Ibadan, and it concluded that the Appellants were not keeping their whereabouts hidden or confidential from those they feared or that the agents of persecution had used any influence to track them to Ibadan.⁴¹
- [44] The RPD was not suggesting that the Appellants live in hiding but rather that they not communicate their address to the people they fear. This is not the same thing. The Appellants can lead an open life in Abuja but not tell those they fear where they are residing. Accordingly, I do not find the Appellants' argument on this point persuasive. The RPD correctly considered the Associate Appellants' circumstances
- [45] The RPD considered the situation of the Associate Appellants, specifically, as they were not always living at home with the Principal Appellant but rather at boarding school and university. The RPD considered the evidence that the Associate Appellants did not receive any visits from the agents of persecution, although the older Associate Appellant received calls. The RPD considered the evidence that the boarding schools did not permit visitors unless approved by the Associate Appellants' parents. The RPD concluded that there was no evidence that the agents of persecution had successfully attempted to find the Associate Appellants, including when they were home in Ibadan for school breaks or when the older Associate Appellant was at university (where there was no restriction on visitors). The RPD concluded that this was another reason to conclude that the Appellants had not shown, on a balance of probabilities, that those they fear have the capacity to locate them.⁴²
- [46] The Appellants argue that the RPD erred in this finding because it is not forward looking, and it required the Appellants to know what was in the mind of their persecutors.⁴³ I do not accept this argument. The RPD considered the past actions of the agents of persecution as evidence about their motivation and capacity to locate the Appellants in an IFA. The RPD concluded that, based on the fact that the agents of persecution had not located the Associate Appellants, this demonstrated they did not have the capacity to do so. I see no error in this conclusion.
- [47] Additionally, I see nothing in the decision showing the RPD required the Appellants to speculate as to the agents of persecution's mindset. The RPD did not require the Appellants to prove why they were not found, but it simply considered the evidence of what happened in the past to determine whether a risk was established in the IFA. The RPD correctly concluded it was speculative that the Appellants would be located in the IFA
- [48] As stated above, the RPD concluded that it was speculative that the Appellants could be located in Abuja. The RPD concluded this because the Appellants had not provided sufficient reliable and credible evidence that the mere presence of a family member in Abuja demonstrated that they would be located, on a balance of probabilities. The Appellants argue that the RPD failed to consider that they could be located through their bank verification number (BVN) or through voter registration as influential individuals can get

access to this information.⁴⁴ I do not find this argument persuasive.

- [49] As noted by the RPD, the Appellants failed to establish that the people whom they fear have any influence outside of their local area. Therefore, the fact that data from the BVN or voter registration may be obtainable to influential individuals is not probative, given that the Appellants have not established the influence of those that they fear. For this reason, it was not a material error for the RPD to fail to mention this information.
- [50] For all of these reasons, I find that the RPD's decision on the first prong of IFA is correct. The RPD correctly concluded that it is not unreasonable for the Appellants to relocate to Abuja
- [51] The RPD considered the personal profiles of the Appellants and concluded that, in their circumstances, it would not be unreasonable for them to relocate to Abuja. The RPD considered that the Appellants are educated, have work experience, are Christian and speak English. The RPD also considered the Appellants' family situation. The RPD applied these circumstances to the areas of employment, indigeneship, education, accommodation and language and determined that the Appellants had not established that it would be unreasonable for them to relocate to Abuja.⁴⁵
- [52] The Appellants argue that the RPD erred in this analysis. They argue that it is speculative to conclude that the adult Appellants could find employment.⁴⁶ They argue that the Appellants would be relocating as a single-woman headed household which impacts the analysis of indigeneship, education and accommodation, and that the RPD's decision is devoid of evidentiary support.⁴⁷ I disagree.
- [53] First, I do not find that the RPD erred in assessing the impact of employment on the reasonableness of relocation. The RPD considered the following factors:
- (a) that the Principal Appellant was employed in Nigeria and secured employment in a different field in Canada;
 - (b) that unemployment is high in Nigeria;
 - (c) that the adult Appellants have more education than the average Nigerian;
 - (d) the Principal Appellant has had a meaningful work history, and the adult Associate Appellant is a recent university graduate; and
 - (e) the Principal Appellant's husband also has work experience.⁴⁸
- [54] Based upon this, the RPD concluded that, given the IFA location was a large, multiethnic, multilingual city, the Appellants would be able to find employment, on a balance of probabilities. I do not find this conclusion speculative, as it is based on evidence. Even if the conclusion was speculative, the onus to establish that relocation is unreasonable is on the Appellants. Based on the same evidence considered by the RPD, which is not disputed by the Appellants, I conclude that the Appellants have not established, on a balance of probabilities, that the high unemployment rate in Nigeria renders relocation unreasonable,

given their personal circumstances. I note that the RPD considered the circumstances of the Principal Appellant's husband in making this decision, and I will address that below.

- [55] With regard to indigeneship, education and employment, the RPD concluded that indigeneship is less important in big cities such as Abuja, that the Principal Appellant is married, and that there was no evidence that they would face obstacles in securing accommodation which would render relocation objectively unreasonable or unduly harsh.⁴⁹ The Appellants' argument that they would be seen as a single-woman headed household is not persuasive.
- [56] First, at the hearing, the Principal Appellant testified that she and her husband were still together⁵⁰ and that, if she returned to Nigeria, her husband would live with the Appellants.⁵¹ On appeal, the Appellants argue that the husband would not relocate with them, and therefore they are a single-woman headed household.⁵² As set out above, I find this evidence inadmissible on appeal. Even if I had admitted it, it would not be persuasive, as the husband does not state that he cannot live in Abuja but rather that the family would be unsafe there and that he cannot move there because he has no employment.⁵³ As stated above, the RPD considered the background of the husband and concluded his employment would not render relocation unreasonable. I find this to be correct. Therefore, even if I had admitted this evidence, I still would not find the Appellants to be a single-woman headed household. There is no evidence that the Principal Appellant's marriage has broken down.
- [57] Beyond this I do not find the RPD's decision speculative on this point. It is grounded in the evidence which states that relocating as a non-indigene is difficult in Nigeria, but not in larger cities. I note that, since the RPD's decision was rendered, the National Documentation Package (NDP) for Nigeria has been updated. However, I find that the most up-to-date NDP for Nigeria shows no change for non-indigenes relocating to Abuja. The documents still indicate that, in Abuja, practices of discrimination against non-indigenes are not implemented and that, in Abuja, non-indigenes are "dominant".⁵⁴ Therefore, while there may be an argument that the evidence about non-indigenes relocating in Nigeria has changed, I find that there is no change in the evidence about Abuja. The RPD's decision on this point is correct.
- [58] Having reviewed the record, I find no reliable and credible evidence which establishes, on a balance of probabilities, that relocating to Abuja would be unreasonable for the Appellants in their personal circumstances.

CONCLUSION

- [59] The Refugee Appeal Division dismisses the appeal and confirms the decision of the Refugee Protection Division that the Appellants are neither Convention refugees nor persons in need of protection, pursuant to paragraph 111(1)(a) of the Immigration and Refugee Protection Act. (signed) "E. Bobkin" E. Bobkin January 7, 2020 Date 1 Exhibit P-2, Appellants' Record, at p. 9. 2 Exhibit P-2, Appellants' Record, at p. 5. 3 Exhibit P-2, Appellants' Record, at p. 80, at

paras. 11 and 12. 4 Exhibit P-2, Appellants' Record, at p. 9. 5 Exhibit P-2, Appellants' Record, at p. 53. 6 Exhibit P-2, Appellants' Record, at p. 75. 7 Exhibit P-2, Appellants' Record, at pp. 51, 65 and 75. 8 Exhibit P-2, Appellants' Record, at p. 11. 9 Exhibit P-2, Appellants' Record, at p. 11. 10 Exhibit P-2, Appellants' Record, at p. 80. 11 Exhibit P-2, Appellants' Record, at pp. 11-14. 12 Exhibit P-2, Appellants' Record, at p. 13. 13 Exhibit P-2, Appellants' Record, at p. 13. 14 Exhibit RPD-1, RPD Record, RPD's Reasons and Decision, at p. 5. 15 Exhibit P-2, Appellants' Record, at p. 17. 16 Exhibit P-2, Appellants' Record, at p. 81, at para. 16. 17 Exhibit P-2, Appellants' Record, at pp. 17-22. 18 Exhibit P-2, Appellants' Record, at p. 21. 19 Exhibit P-2, Appellants' Record, at pp. 51, 65 and 75. 20 Exhibit P-2, Appellants' Record, at pp. 23-43. 21 Exhibit P-2, Appellants' Record, at p. 82, at para. 20. 22 Exhibit RPD-1, RPD Record, RPD's Reasons and Decision, at pp. 4, 10. 23 Jurisprudential Guide TB7-19851, identified by the Chairperson, pursuant to paragraph 159(1)(h) of the IRPA, effective date: July 6, 2018. 24 Exhibit RPD-1, RPD Record, RPD's Reasons and Decision, at pp. 4-10. 25 Exhibit P-2, Appellants' Record, at p. 84. 26 Exhibit RPD-1, RPD Record, at pp. 3-4. 27 Canadian Association of Refugee Lawyers v. M.C.I. (F.C., nos. IMM-3433-17, IMM-3373-18), Crampton, September 4, 2019, 2019 FC 1126, at para 119. 28 Exhibit P-2, Appellants' Record, at p. 84. 29 Exhibit RPD-1, RPD Record, at p. 9, RPD's Reasons and Decision, at p. 4. 30 Exhibit RPD-1, RPD Record, at p. 8, RPD's Reasons and Decision, at para 14. 31 Exhibit RPD-1, RPD Record, RPD's Reasons and Decision, at pp. 8-9. 32 Henguva, Ngeseuako v. M.C.I. (F.C., no. IMM-7403-12), Tremblay-Lamer, May 8, 2013, 2013 FC 483. 33 Exhibit P-2, Appellants' Record, Appellants' Memorandum, at pp. 85-86. 34 Exhibit RPD-1, RPD Record, at p. 14, RPD's Reasons and Decision, at para. 34. 35 Exhibit RPD-1, RPD Record, RPD's Reasons and Decision, at para. 34. 36 Exhibit P-2, Appellants' Record, at pp. 86-88. 37 Exhibit RPD-1, RPD Record, RPD's Reasons and Decision, at pp. 5-6. 38 Exhibit RPD-1, RPD Record, RPD's Reasons and Decision, at p. 6. 39 Exhibit P-2, Appellants' Record, at pp 85-87. 40 Exhibit P-2, Appellants' Record, at p. 88, at para. 46. 41 Exhibit RPD-1, RPD Record, RPD's Reasons and Decision, at p. 5. 42 Exhibit RPD-1, RPD Record, RPD's Reasons and Decision, at p. 7. 43 Exhibit P-2, Appellants' Record, at p. 89. 44 Exhibit P-2, Appellants' Record, at pp. 90-91. 45 Exhibit RPD-1, RPD Record, RPD's Reasons and Decision, at pp. 10-13. 46 Exhibit P-2, Appellants' Record, at p. 92. 47 Exhibit P-2, Appellants' Record, at pp. 92-96. 48 Exhibit RPD-1, RPD Record, RPD's Reasons and Decision, at pp. 10-11. 49 Exhibit RPD-1, RPD Record, RPD's Reasons and Decision, at pp. 12-13. 50 Exhibit P-2, Appellants' Record, at pp. 53. 51 Exhibit P-2, Appellants' Record, at pp. 63-64. 52 Exhibit P-2, Appellants' Record, at pp. 93-96. 53 Exhibit P-2, Appellants' Record, at p. 9. 54 NDP for Nigeria (November 29, 2019), item 1.8, Australia: Department of Foreign Affairs and Trade, DFAT Country Information Report: Nigeria, March 9, 2018, at pp. 15-16; and item 13.1, Immigration and Refugee Board of Canada (IRB), Response to Information Request (RIR) NGA106361.E, Nigeria: Role of indigeneship in obtaining employment, housing and social services; how indigeneship is established and identified; ability of non-indigenes to relocate to Abuja, Lagos or Port Harcourt; assistance available to those who relocate, October 30, 2019.

RAD File / Dossier de la SAR : MB9-21944 MB9-21945 MB9-21946 RAD.25.02 (April 04, 2019)
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Commission de l'immigration et du statut de réfugié du Canada Section d'appel des réfugiés
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