

CANADA / JUDGMENT

Iwuchukwu v. Canada (Citizenship and Immigration)

2026 FC 312

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Federal CourtDECIDED
6 March 2026

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Iwuchukwu v. Canada (Citizenship and Immigration)

Court (s) Database

Federal Court Decisions

Date

2026-03-06

Neutral citation

2026 FC 312

File numbers

IMM-6339-25

Decision Content

Date: 20260306

Docket: IMM-6339-25

Citation: 2026 FC 312

Ottawa, Ontario, March 6, 2026

PRESENT: The Honourable Mr. Justice Fothergill

BETWEEN: UGOCHINYERE JULIA IWUCHUKWU
Applicant
and
THE MINISTER OF CITIZENSHIP
AND IMMIGRATION
Respondent
JUDGMENT AND REASONS

[1] Ugochinyere Julia Iwuchukwu is a citizen of Nigeria. She seeks judicial of a decision of the Refugee Appeal Division [RAD] of the Immigration and Refugee Board [IRB]. The RAD confirmed the determination of the Refugee Protection Division [RPD] of the IRB that Ms. Iwuchukwu is neither a Convention refugee nor a person in need of protection pursuant to ss 96 and 97(1) of the Immigration and Refugee Protection Act, SC 2001, c 27.

[2] Ms. Iwuchukwu was born in Lagos, Nigeria on April 21, 1993. Her former husband was a member of the Indigenous People of Biafra [IPOB], a separatist organization that advocates for the independence of a region of Nigeria inhabited primarily by the

Igbo people. The IPOB has been designated as a terrorist organization by the Nigerian government. Ms. Iwuchukwu says that her former husband was killed by the Nigerian authorities in August 2021.

[3] On October 10, 2022, Nigerian police visited Ms. Iwuchukwu's mother's home in Umuaka, Nigeria. She says they intended to arrest her, but she was attending a wedding elsewhere. Her mother informed her of the visit and advised her against returning home. Ms. Iwuchukwu fled to Lagos. She stayed there until May 2023, when she was smuggled out of Nigeria with the help of a travel agent.

[4] Ms. Iwuchukwu arrived in Canada in May 2023 and claimed refugee protection. She says that the Nigerian police have continued to pursue her due to her imputed political opinion as a perceived member or supporter of the IPOB.

[5] The RPD rejected Ms. Iwuchukwu's refugee claim. The RPD found that her former husband's death certificate did not establish his membership in the IPOB. Ms. Iwuchukwu testified that the police attended her mother's home in December 2022, January 2023, and March 2023, but her basis of claim [BOC] form and her mother's supporting letter did not indicate the same dates. The RPD concluded that the visits from the police did not happen. The RPD also found that Ms. Iwuchukwu did not fit the profile of a person the Nigerian government would consider a threat.

[6] Ms. Iwuchukwu appealed to the RAD. The RAD accepted that Ms. Iwuchukwu's former husband was a member of the IPOB and was killed by the Nigerian authorities. The RAD nevertheless agreed with the RPD that Ms. Iwuchukwu does not face a forward-facing risk in Nigeria. The RAD noted that her BOC form did not mention visits from the police in December 2022, January 2023, and March 2023, and there was no reasonable explanation for their omission. The RAD accepted that the police had visited her mother's home in October 2022, but found there was insufficient evidence of ongoing interest by the authorities. Finally, the RAD concluded that the preponderance of the documentary evidence suggested that relatives of IPOB members are not considered threats by the Nigerian authorities.

[7] The RAD's decision is subject to review by this Court against the standard of reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov] at para 10). The Court will intervene only where "there are sufficiently serious shortcomings in the decision such that it cannot be said to exhibit the requisite degree of justification, intelligibility and transparency" (Vavilov at para 100).

[8] The criteria of "justification, intelligibility and transparency" are met if the reasons allow the Court to understand why the decision was made, and determine whether the decision falls within the range of acceptable outcomes defensible in respect of the facts and law (Vavilov at paras 85-86, citing *Dunsmuir v New Brunswick*, 2008 SCC 9 at para 47).

[9] Ms. Iwuchukwu submits that the RAD failed to reassess her credibility and forward-looking risk after it accepted that her former husband was a member of the IPOB and killed by the Nigerian authorities. She says that the RAD's acceptance that the police visited her mother's home in October 2022 should have been sufficient to establish a serious possibility of future harm. She maintains that the RAD failed to properly consider the risks she faced not only as a relative of an IPOB member, but also as someone who was perceived to be a member herself. She argues that the RAD misconstrued the documentary evidence in the National Documentation Package [NDP], and unreasonably insisted she provide evidence that she is currently being targeted by the Nigerian authorities.

[10] The Respondent replies that the RAD properly reassessed Ms. Iwuchukwu's credibility and forward-looking risk after reversing some of the RPD's findings. The

RAD reasonably found that the single police visit to her mother's house in October 2022 was not sufficient to establish a forward-looking risk. The RAD reasonably rejected the argument that Ms. Iwuchukwu would be persecuted on the ground of her imputed political opinion as a perceived supporter or member of the IPOB, and the RAD's interpretation of the NDP documentation was reasonable.

[11] I agree with the Respondent.

[12] Once the RAD accepted that Ms. Iwuchukwu's former husband was a member of the IPOB and killed by the Nigerian authorities, it proceeded to conduct a new assessment of her credibility and forward-looking risk. The RAD, like the RPD, found that Ms. Iwuchukwu's inability to explain why her BOC form did not mention the police visits in December 2022, January 2023, and March 2023 undermined her credibility. It was open to the RAD to draw an adverse credibility inference from the omission of these core allegations (*Gholami v Canada (Citizenship and Immigration)*, 2022 FC 1732 at para 25).

[13] The RAD did not dispute that the Nigerian police had visited Ms. Iwuchukwu's mother's home in October 2022, but found this to be insufficient to establish a forward-looking risk of persecution. The RAD explained and justified its conclusion as follows:

However, all things considered, this single visit does not establish a forward-looking risk of persecution or serious harm. There is insufficient credible evidence that the Nigerian police or authorities made any further enquiries about her, or searched for her, during the more than two years that have passed since the police went to her mother's home. The Appellant was never a member of the IPOB or involved with the organization in any fashion, and she has not established that the Nigerian police or authorities perceive her to be a member of the organization or movement. The balance of the objective documentary evidence indicates that relatives of IPOB members, even relatives who are considered IPOB supporters, are not perceived by the Nigerian authorities as a threat.

[14] Contrary to Ms. Iwuchukwu's submissions, the RAD's reasons do not suggest that it required her to provide evidence that she is currently being targeted by the Nigerian authorities. Rather, the RAD found that a single police visit was insufficient to establish a forward-looking risk. This conclusion was reasonably open to the RAD.

[15] The RAD also found there was no evidence that the Nigerian authorities perceive Ms. Iwuchukwu to be a supporter or member of the IPOB. Again, it was reasonable for the RAD to conclude that a single police visit to her mother's home was insufficient to establish that state authorities had imputed her former husband's political opinions to her.

[16] The RAD reasonably assessed the documentation in the NDP to support its conclusion that relatives of IPOB members are not considered threats by the Nigerian authorities. The RAD noted that there was only one source that stated relatives of low-level IPOB members may be arrested and detained by the Nigerian authorities. The source was the Movement for the Actualization of the Sovereign State of Biafra, also known as MASSOB, an advocacy organization. The RAD found that the remaining evidence indicated that only IPOB members involved in violence and criminal activities would be of interest to the authorities, and ordinary IPOB members or sympathizers are not at risk. This evidence came from reliable sources, such as the United Kingdom Home Office.

[17] The Court's role is not to reweigh the country condition evidence (*Olusola v Canada (Citizenship and Immigration)*, 2020 FC 799 at para 39). The RAD's conclusions were reasonable and justified by its reasons.

[18] The application for judicial review is dismissed. Neither party proposed that a question be certified for appeal.

JUDGMENT

THIS COURT'S JUDGMENT is that the application for judicial review is dismissed. "Simon Fothergill" Judge FEDERAL COURT SOLICITORS OF RECORD DOCKET: IMM-6339-25 STYLE OF CAUSE: UGOCHINYERE JULIA IWUCHUKWU v THE MINISTER OF CITIZENSHIP AND IMMIGRATION PLACE OF HEARING: Toronto, Ontario DATE OF HEARING: February 19, 2026 JUDGMENT AND REASONS: FOTHERGILL J. DATED: March 6, 2026 APPEARANCES: Oltion Toro For The Applicant Nicole Rahaman For The Respondent SOLICITORS OF RECORD: Lewis & Associates LLP Barristers and Solicitors Toronto, Ontario For The Applicant Attorney General of Canada Toronto, Ontario For The Respondent

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Prepared on 26 October 2026 · Esheria