

Federal Court



Cour fédérale

Date: 20250506

Docket: IMM-6917-24

Citation: 2025 FC 826

Ottawa, Ontario, May 6, 2025

PRESENT: Madam Justice Sadrehashemi

BETWEEN:

**FUNMILAYO ESTHER ADEOYE-SONOIKI
ADEOYE OLANREWaju SONOIKI
ADEOLA DEBORAH SONOIKI
ADEBUKOLA HAVILLA SONOIKI
ADEKUNLE DAVID SONOIKI**

Applicants

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] The Applicants are a family of five. They made a claim for refugee protection because of their fear of an individual, A.M.A., who has targeted them due to their ownership of land. The Refugee Protection Division (“RPD”) refused their claim. They appealed to the Refugee Appeal Division (“RAD”). The RAD also dismissed the family’s refugee claims. The RAD found the

Applicants had not established a forward- facing risk because, if they relinquished the land and any property rights to it, their risk would be eliminated. The Applicants challenge this determinative finding on judicial review.

[2] It is well-established that where a claimant can avoid risk, they ought to, unless to do so would involve a deprivation of their fundamental human rights: see *Canada (Attorney General) v Ward*, 1993 CanLII 105 (SCC) at 738-39; *Sanchez v Canada (Citizenship and Immigration)*, 2007 FCA 99 at paras 18-19; *Malik v Canada (Citizenship and Immigration)*, 2019 FC 955 at para 30; and *Singh v Canada (Citizenship and Immigration)*, 2021 FC 595 at paras 16-17.

[3] The Applicants did not claim that relinquishing their land would cause a deprivation of their fundamental human rights. Their central claim is that, even if they relinquish the land, they would still be at risk from those who have been targeting them. On judicial review, the Applicants argue that the RAD failed to properly consider this aspect of their claim.

[4] I do not agree. The RAD comprehensively addressed the argument that the Applicants would still be at risk even if they relinquish their interest in the land. The RAD explained the only basis for the Applicants' view that A.M.A. would continue to target them is because he is "that kind of person." The RAD considered that the stated reason for the attacks had been that A.M.A. wanted to use the land in dispute for development. Since the Applicants had left, and A.M.A. had come to possess the disputed land, there had been no further contact with the Applicants' family from A.M.A. The RAD weighed this evidence and came to the conclusion

that the Applicants had not established forward-facing risk under sections 96 or 97 of the *Immigration and Refugee Protection Act*, SC 2001, c 27.

[5] The Applicants' arguments amount to a request for the Court to reweigh the evidence, which is not the Court's role on judicial review (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 125). They have not pointed to any specific errors made by the RAD in considering their circumstances. I am not satisfied that there is any significant shortcoming in the RAD's analysis. Accordingly, the application for judicial review is dismissed.

JUDGMENT in IMM-6917-24

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is dismissed; and
2. No serious question of general importance is certified.

"Lobat Sadrehashemi"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-6917-24

STYLE OF CAUSE: FUNMILAYO ESTHER ADEOYE-SONOIKI,
ADEOYE OLANREWAJU SONOIKI, ADEOLA
DEBORAH SONOIKI, ADEBUKOLA HAVILLA
SONOIKI, AND ADEKUNLE DAVID SONOIKI v THE
MINISTER OF CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: MARCH 31, 2025

JUDGMENT AND REASONS: SADREHASHEMI J.

DATED: MAY 6, 2025

APPEARANCES:

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Pavel Filatov	FOR THE RESPONDENT

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