

Federal Court



Cour fédérale

**Date: 20250610**

**Docket: IMM-9107-24**

**Citation: 2025 FC 1026**

**Montréal, Québec, June 10, 2025**

**PRESENT: The Honourable Madam Justice Ferron**

**BETWEEN:**

**NELSON EFAMEHULE**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

**I. Overview**

[1] Mr. Nelson Efamehule, the Applicant, seeks judicial review of a Refugee Appeal Division [RAD] decision dated May 3, 2024 [Decision]. The RAD dismissed his appeal from the Refugee Protection Division [RPD]’s decision and confirmed the RPD’s findings that he is neither a Convention refugee under section 96 of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [the Act], nor a person in need of protection under subsection 97(1) of the *Act*. The RAD

accepted the RPD's conclusion that the Applicant had a viable internal flight alternative [IFA] in Port Harcourt, Nigeria. The reasonableness of that IFA was the central and determinative issue of the appeal.

[2] The Applicant submits that the Decision is unreasonable because the RAD: (1) conducted a selective, "microscopic" reading of Tab 1.45 of the National Documentation Package [NDP], ignoring evidence on the crime rate in Port Harcourt; and (2) failed altogether to address Tab 7.48 of the NDP, which, he says, contradicts the RAD's conclusion that relocation would not jeopardize his life or safety.

[3] The Respondent, the Minister of Citizenship and Immigration [Minister], submits that the sole ground advanced by the Applicant constitutes an impermissible new argument, as the Applicant never raised the issue of crime in Port Harcourt before either the RPD or the RAD. In any event, the Respondent contends that the RAD's IFA analysis is transparent, intelligible, and justified: the evidence cited by the Applicant does not amount to actual and concrete proof of life-jeopardizing conditions, and that the Applicant's submissions invite the Court to reweigh the record contrary to the deferential reasonableness standard.

[4] For the reasons that follow, this application for judicial review will be dismissed.

II. Facts

[5] The Applicant is a male Nigerian citizen, born February 16, 1981. He identifies as Christian, is of Igbo ethnicity, and speaks English and Ika.

[6] In or around August 2018, herdsmen from the Fulani people assaulted the Applicant and his girlfriend in rural Nigeria. The Applicant was reportedly beaten severely and hospitalised, while his girlfriend was kidnapped and never found. He remained in hospital until December 2018.

[7] The girlfriend's father, one "FO", allegedly blamed the Applicant for the kidnapping and, according to the Applicant, wielded political influence and enjoyed connections with the Black Axe group sufficient to harm him anywhere in Nigeria.

[8] However, between the eight months from December 2018 to August 2019, the Applicant's evidence described no encounter with threats from either FO or Fulani herdsmen. Still, in August 2019, using his own official Nigerian identifications, the Applicant left Nigeria by air to travel to the United States, and soon thereafter entered Canada and claimed refugee protection.

[9] The RPD heard the claim on August 28, 2023, and October 23, 2023. On December 27, 2023, the RPD refused the claim, finding that the Applicant had a viable IFA in Port Harcourt, Rivers State, Nigeria. The RPD held that IFA viability was determinative of status. The Applicant appealed.

III. Submissions of the Applicant to the RAD

[10] The Applicant asked the RAD to overturn the RPD's refusal and either substitute a positive protection finding or remit the matter for a new hearing. He advanced a single ground of error: the RPD's conclusion that a viable IFA exists in Port Harcourt was unreasonable.

[11] Addressing the **first prong** of the two-pronged test, the Applicant maintained that both alleged agents of harm, the girlfriend's father, FO, and Fulani herdsmen, possess the means and motivation to locate him anywhere in Nigeria, including Port Harcourt. He described FO as an influential Delta State politician with Black Axe links, capable of bribing police and airport officials to obtain passenger information. The Applicant supplied screenshots of social media posts and recounted FO's threats to him when he was hospitalized, the forced signing of a document, and an attack on his mother in January 2023 to prove continuing interest of persecution. Specifically, any evidentiary gaps were, he argued, reasonably explained by the loss of data on a reformatted phone, and sworn testimony remained presumptively credible absent cogent contrary evidence.

[12] Turning to the **second prong**, the Applicant asserted that Port Harcourt is objectively unsuitable given his personal circumstances and prevailing country conditions. The supporting evidence submitted from the NDP material include: (1) a very high cost of living driven by the oil industry; (2) limited job prospects for a 42-year-old farmer with only secondary school education amid rising unemployment; (3) acute housing shortages and exorbitant rents requiring multi-year advance payment; and (4) restricted access to public services for non-indigenes, including higher

fees for education and healthcare. He argued the RAD was bound to conduct “a proper analysis” of the cumulative effect of the listed hardships of cost, employment, housing, social services, language, indigeneity, and that failure in any element renders the overall IFA finding unreasonable.

[13] Notably, nowhere in the Applicant’s submissions to the RAD is there any mention of crime rate in Port Harcourt or that the crime level would make the IFA unreasonable.

[14] The Applicant also contested the RPD’s credibility ruling, claiming they rested on minor or collateral omissions in the narrative set out by his Basis of Claim. He argued that this approach was directly contrary to Federal Court guidance in cases such as *Feradov v Canada (Minister of Citizenship and Immigration)*, 2007 FC 101 at paras 18-19, and *Warnakulasuriya v Canada (Citizenship and Immigration)*, 2008 FC 885 at para 7 that narratives are not meant to be encyclopedic.

#### IV. Decision under Review

[15] On May 3, 2024, the RAD dismissed the Applicant’s appeal and confirmed the RPD’s conclusions. It found the central issue on appeal was whether the Applicant had a viable IFA in Port Harcourt, Nigeria. The RAD agreed with the RPD’s analysis on this point, adopting Port Harcourt as a reasonable IFA and again treating that determination as decisive in dismissing the appeal.

[16] Before diving into the substantive IFA analysis, the RAD first addressed evidentiary issues related to the Applicant’s allegations concerning FO’s profile and ongoing ability to cause harm.

It noted a material omission, namely the Applicant's failure to mention the alleged January 2023 attack on his mother in his Basis of Claim, and the lack of corroborating evidence. Based on these deficiencies, the RAD drew a negative inference and concluded that the Applicant had not established FO's motivation and means to harm him. It also found that the Applicant had provided insufficient evidence to demonstrate FO's power or influence, namely that FO was associated with the Black Axe, was or is now politically influential, or controls the police or state agents.

[17] In the first-prong of the IFA analysis, the RAD concluded that neither FO nor Fulani herdsmen had the means or motivation to locate the Applicant in Port Harcourt. With respect to FO, the RAD found no credible evidence of a nationwide reach. It noted that the Applicant suffered no harm during his hospitalization between August and December 2018, nor after his release until his departure from Nigeria in August 2019. The RAD also observed that the Applicant exited Nigeria through an airport without interference, which it found inconsistent with his claim of being under active surveillance.

[18] Regarding the threat from Fulani herdsmen, the RAD characterized the incident involving them as isolated and random. It emphasized the absence of any ransom demand and reasoned that the actual target appeared to be the Applicant's girlfriend, not the Applicant himself. Based on these findings, the RAD concluded there was no serious possibility of persecution in the proposed IFA of Port Harcourt.

[19] As for the second prong of the test from *Rasaratnam v Canada (Minister of Employment and Immigration)* (C.A.), 1991 CanLII 13517 (FCA) [*Rasaratnam*] at 711, the RAD concluded

that relocation to Port Harcourt would not jeopardize the Applicant's life or safety. It emphasized several factors supporting the reasonableness of the proposed IFA. Most importantly, the RAD noted that the Applicant shared language (English), religion (Christianity), and ethnicity (Igbo) with significant segments of Port Harcourt's population, which the RAD described as ethnically and religiously diverse with a Christian majority and a sizeable Igbo community.

[20] The RAD also considered the Applicant's adaptability and prospects for self-sufficiency. It pointed to his 12 years of education and varied employment history, including experience in farming, food service, warehouse work, and entrepreneurship, as evidence of his ability to secure employment, whether in skilled or menial jobs. The RAD concluded that the Applicant's background suggested he could reasonably integrate into the urban economy of Port Harcourt.

[21] In terms of services and infrastructure, the RAD found that urban housing and healthcare were available in Port Harcourt. While it acknowledged that the cost of living may present challenges, the RAD held that financial hardship is a common feature of internal migration and does not, in this case, reach the threshold of life-jeopardizing conditions. The RAD also highlighted the absence of legal barriers to internal relocation within Nigeria and the availability of direct international travel to and from Port Harcourt via an international airport.

[22] Having found both prongs of the IFA test satisfied, the RAD held that Port Harcourt is a viable IFA and, on that basis, dismissed the appeal and confirmed that the Applicant is neither a Convention refugee nor a person in need of protection.

V. Submissions of the Parties

A. *Applicant's Submissions*

[23] The Applicant organizes his challenge around what he says is a single, fatal defect in the RAD's treatment of the second prong of the *Rasaratnam* IFA test. He maintains that the RAD's reasons are unreasonable because they rest on an "overly microscopic" reading of the country material at Tab 1.45 of the NDP, a Tab that the RAD itself brought up, and a complete silence with respect to Tab 7.48. Both Tabs, he argues, contain evidence that relocation to Port Harcourt would expose him to life-jeopardizing criminal violence.

[24] Notably, the Applicant did not advance any arguments related to the first prong of the IFA test or challenge the RAD's findings on credibility.

[25] First, the Applicant points to section 2.4 of NDP Tab 1.45, which states that crime is "rampant throughout Southern Nigeria" and that the Niger Delta, where Port Harcourt is situated, experiences civil unrest and even low-level armed militancy. In the Applicant's view, the RAD cited this same document only for its labour-market and economic data concerning education and employment, and never grappled with the portion that directly addressed personal safety. Relying on *Hamdar v Canada (Citizenship and Immigration)*, 2011 FC 382 at para 58, citing *Cepeda-Gutierrez v Canada (Minister of Citizenship and Immigration)*, [1998] FCJ No 1425 at para 17 [*Cepeda-Gutierrez*], he argues that a tribunal may not pick and choose the excerpts that support its preferred conclusion while ignoring passages that point the other way.

[26] Second, he submits that the RAD committed an additional reviewable error by failing altogether to mention Tab 7.48 of the NDP, a 2022 security-situation analysis that records “increasing... violent secession agitations in the Southeast, and gang wars in the... South-South zones.” Because Port Harcourt lies in the South-South zone, the Applicant says this evidence squarely contradicts the RAD’s finding that relocation would not jeopardize his safety. Under *Cepeda-Gutierrez and Anand v Canada (Citizenship and Immigration)*, 2007 FC 234 at paragraph 22, the greater the relevance of unacknowledged evidence, the stronger the inference that the tribunal overlooked it. Here, silence on a document that speaks directly to the determinative issue is, he submits, unreasonable.

[27] Third, the Applicant argues that the RAD’s failure to consider key pieces of evidence undermines the reasonableness of its decision. For the Applicant, although the RAD correctly cited the legal standard from *Ranganathan v Canada (Minister of Citizenship and Immigration)*, 2000 CanLII 16789 (FCA) [*Ranganathan*], that an IFA is unreasonable only where conditions would jeopardize life or safety, it failed to properly apply that standard to the record before it. By ignoring the crime data, the RAD, he says, could not have undertaken the holistic, context-driven assessment that *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*] demands. Instead, it substituted a bare conclusion unsupported by the “actual and concrete evidence” the *Ranganathan* requires.

#### B. *The Respondent’s Submissions*

[28] The Respondent’s first argument is procedural in nature. It asserts that the only ground now being advanced, the allegation that the RAD ignored country-condition evidence of criminality in

Port Harcourt, is an impermissible “new issue.” Nothing in either the RPD proceedings or the RAD appeal indicates that the Applicant ever argued that crime in Port Harcourt would jeopardize his life or safety, or even drew the tribunals’ attention to Tabs 1.45 or 7.48 of the NDP for that purpose. The Respondent stresses that even when both levels of the Immigration and Refugee Board identified the reasonableness of the IFA as determinative, the Applicant did not elect to raise the point. Citing *Isomi v Canada (Citizenship and Immigration)*, 2006 FC 1394 at para 6, and *Alberta (Information and Privacy Commissioner) v Alberta Teachers' Association*, 2011 SCC 61 [*Alberta Teachers*] at paras 22-26, the Respondent contends that judicial review is confined to the record and arguments actually made before the administrative decision-makers, and the Court should decline to entertain a wholly fresh contention.

[29] Second, on the merits, the Respondent argues that the RAD’s decision comfortably meets the *Vavilov* hallmarks of justification, transparency and intelligibility. The Respondent contends the RAD reasonably found that the Applicant’s circumstances did not meet the high bar for rejecting the reasonableness of an IFA, which the RAD reached by relying on credible, up-to-date evidence showing improved security in Port Harcourt.

[30] In the Respondent’s view, the RAD properly conducted a detailed assessment of the Applicant’s personal circumstances — including language, religion, ethnicity, education, employment history, prior success obtaining housing, and lack of specific medical needs — against the objective evidence on conditions in Port Harcourt. It concluded that any difficulties the Applicant might face are the ordinary hardships of internal migration, well short of the life-jeopardizing threshold articulated in *Ranganathan*. Those factual findings, the Respondent says, are squarely supported by the record and attract deference.

[31] The Respondent further submits that the RAD had no duty to mention every piece of evidence in the voluminous NDP. Under well-settled authority such as *Kauhonina v Canada (Immigration, Refugees and Citizenship)*, 2018 FC 1300 at para 15, and *Senat v Canada (Public Safety and Emergency Protection)*, 2020 FC 353 at para 34, silence on a document does not mean it was ignored, and the Applicant bears the onus of demonstrating that the RAD have overlooked decisive evidence, which is a burden he has not met.

[32] Even if the RAD had expressly addressed the documents the Applicant now relies on to build its arguments before this Court, the Respondent submits that such documents do not show sufficiently specific life-threatening risk for him personally. For instance, the Respondent notes that section 2.4 of NDP Tab 1.45, while describing rampant crime in Southern Nigeria, immediately cites more recent sources indicating that crime in Rivers State has “nosedived” and security has been “restored.”

[33] Likewise, Tab 7.48 of the NDP records only isolated “cultism” incidents in Port Harcourt and confirms that hundreds of gang members surrendered arms in 2020. Such information, according to the Respondent, even if it had been addressed by the RAD, falls far short of the “actual and concrete evidence” required to invalidate an IFA. Where the country material is conflicting, the Respondent emphasizes, immigration authorities are entitled to choose which evidence to credit, and a reviewing court may not interfere with those evidentiary choices (citing *Magonza v Canada (Citizenship and Immigration)*, 2019 FC 14 at para 92).

[34] Finally, the Respondent points to recent Federal Court jurisprudence upholding Port Harcourt as a reasonable IFA for claimants who, like the Applicant, fear Fulani herdsmen or other

non-state actors (*Idoko v Canada (Citizenship and Immigration)*, 2022 FC 1756 at paras 24 and 34). For the Respondent, this means that the Applicant, having provided no personalized evidence on how ordinary crime in the city exposes him to a life-threatening risk, cannot overcome what the Court has called the “strong presumption of reasonableness” attaching to a RAD’s IFA findings.

## VI. Analysis

### A. *The Two-Pronged Framework for Internal Flight Alternative Analysis*

[35] The test for establishing the viability of an IFA is two-pronged (*Rasaratnam* at 711; *Thirunavukkarasu v Canada (Minister of Employment and Immigration) (CA)*, 1993 CanLII 3011 (FCA) [*Thirunavukkarasu*] at 597). Both must be satisfied for the decision-maker to determine that an applicant has a viable IFA.

[36] The burden of proof lies with the Applicant to demonstrate, on a balance of probabilities, that at least one prong of the test is not met (*Yafu v Canada (Minister of Citizenship and Immigration)*, 2014 FC 293 at para 8; *Ogunjinmi v Canada (Minister of Citizenship and Immigration)*, 2021 FC 109 at para 26; *Thirunavukkarasu* at 590).

[37] The threshold for establishing unreasonableness of an immigration authority’s IFA analysis is high (*Adeleye v Canada (Citizenship and Immigration)*, 2022 FC 81 at para 38 [*Adeleye*] citing *Elusme v Canada (Citizenship and Immigration)*, 2020 FC 225 at para 25; *Jean Baptiste v Canada (Citizenship and Immigration)*, 2019 FC 1106 at para 21; *Pineda v Canada (Citizenship and*

*Immigration*), 2019 FC 1446 at para 14). It requires concrete evidence that conditions in the proposed IFA would endanger the applicant's life or safety (*Ranganathan* at para 15).

[38] The first prong requires establishing that there is no serious possibility of the applicant facing persecution in the proposed IFA (*Rasaratnam* at 710). In the context of section 97 of the *Act*, it must be established that applicants would not be personally subjected to a section 97 danger or risk in the proposed IFA.

[39] The second prong assesses whether conditions in the proposed IFA would make relocation unreasonable, considering all relevant circumstances, including the applicant's personal situation (*Thirunavukkarasu* at 597-598).

B. *The Law on Impermissible "New" Arguments on Judicial Review*

[40] An argument is "new" and therefore impermissible on judicial review when a party has failed to present its factual underpinning or legal reasoning to the administrative decision-maker, despite having had adequate notice and a reasonable opportunity to do so. Jurisprudence identifies two main rationales for this prohibition.

[41] First, respect for the separation of powers and legislative intent demands that courts defer to the tribunal designated by the legislature as the primary decision-maker. This approach ensures that "the tribunal [has] the opportunity to deal with the issue first and to make its views known." (*Alberta Teachers* at para 24) Second, principles of fairness and maintaining the integrity of the record require that parties not be ambushed by new, last-minute arguments, nor should courts be

tasked with adjudicating disputes based on incomplete or inadequately developed records (*Alberta Teachers* at para 26).

[42] This prohibition bars parties from raising entirely new legal grounds on judicial review that were never advanced before the administrative decision-maker. For example, in *Zamor v Canada (Citizenship and Immigration)*, 2021 FC 672 at paragraph 7, this Court refused a challenge to the immigration authority's section 96 analysis by its failure to consider section 97 of the *Act* as it was an argument that had not been presented to the decision-maker. Similarly, in *Flores Romero v Canada (Citizenship and Immigration)*, 2025 FC 206 at paragraphs 21–24, this Court declined to consider a challenge to the identity of the agent of persecution because that issue had not been pursued in the appeal to the RAD.

[43] The prohibition also applies to attempts to reframe issues by introducing additional factual material. As confirmed by the Federal Court of Appeal in *Association of Universities and Colleges of Canada v Canadian Copyright Licensing Agency (Access Copyright)*, 2012 FCA 22 at paragraphs 19–20, such efforts offend the principle that judicial review is not a forum for fact-finding on the merits of the case.

[44] This prohibition further applies even when the evidence invoked on judicial review was in the record before the administrative decision-maker. If the applicant did not clearly link specific portions of the record to a live issue during the administrative proceedings, the decision-maker would not have had the opportunity to assess that evidence properly. A reviewing court may only assess whether the decision maker was responsive to the central issues and concerns raised by the parties (*Vavilov* at paras 94, 127; see also *Mason v Canada (Citizenship and Immigration)*, 2023

SCC 21 at para 74). Further, if the Court considered this evidence and related arguments for the first time on review, it would improperly engage in first-instance fact-finding and evidence-weighting, which are tasks expressly reserved for the administrative decision-makers rather than reviewing courts (*Vavilov* at para 125).

[45] This Court’s reasoning in *Naeini v Canada (Citizenship and Immigration)*, 2024 FC 899 [Naeini] confirms this point: a key factor in determining whether a newly-raised issue can be considered is whether “all of the facts and matters relevant to the new issue were known (or available with reasonable diligence) at the time” of the original proceeding (*Naeini* at bullet point (i) of para 12, citing *Al Mansuri v Canada (Public Safety and Emergency Preparedness)*, 2007 FC 22 at para 12). If there was “no reason why the Applicant could not have raised these new issues in a timely manner” during the administrative proceedings, then there is little reason to allow their introduction at the judicial review stage (*Naeini* at para 14).

[46] Exceptions permitting the introduction of genuinely new arguments on judicial review are narrow. They are generally limited to jurisdictional errors or unforeseeable breaches of procedural fairness that could not reasonably have been raised earlier (*Alberta Teachers* at para 22). Apart from these rare exceptions, parties are expected to clearly present their factual bases and legal theories during the administrative process itself. Judicial review is not meant to be an opportunity for parties to supplement, refine, or correct inadequately presented arguments after the administrative decision-making process has concluded.

### C. *Standard of Review*

[47] Both parties submit that the applicable standard of review is reasonableness. The Court agrees.

[48] In *Smajlaj v Canada (Citizenship and Immigration)*, 2025 FC 821, Justice Gascon provides a good summary of the role of a reviewing Court when the standard of review is reasonableness:

[11] Where the applicable standard of review is reasonableness, the role of a reviewing court is to examine the reasons given by the administrative decision maker and to determine whether the decision is based on “an internally coherent and rational chain of analysis” and is “justified in relation to the facts and law that constrain the decision maker” (*Vavilov* at para 85; *Mason* at para 64). The reviewing court must therefore ask whether the “decision bears the hallmarks of reasonableness—justification, transparency and intelligibility” (*Vavilov* at para 99). Both the outcome of the decision and the decision maker’s reasoning process must be considered in assessing whether these hallmarks are met (*Vavilov* at paras 15, 95, 136).

[12] Such a review must include a rigorous evaluation of administrative decisions. However, as part of its analysis of the reasonableness of a decision, the reviewing court must take a “reasons first” approach and begin its inquiry by examining the reasons provided with “respectful attention,” seeking to understand the reasoning process followed by the decision maker to arrive at its conclusion (*Mason* at paras 58, 60; *Vavilov* at para 84). The reviewing court must adopt an attitude of restraint and intervene “only where it is truly necessary to do so in order to safeguard the legality, rationality and fairness of the administrative process” (*Vavilov* at para 13), without “reweighing and reassessing the evidence” before it (*Vavilov* at para 125).

[13] The onus is on the party challenging the decision to prove that it is unreasonable. Flaws must be more than superficial for the reviewing court to overturn an administrative decision. The court must be satisfied that there are “sufficiently serious shortcomings” (*Vavilov* at para 100).

D. *The Applicant's Arguments Are Impermissibly "New"*

[49] I accept the Respondent's contention that the Applicant's arguments on criminality built upon Tab 1.45 and Tab 7.48 are impermissible "new arguments." The Applicant never presented arguments about crime and security concerns related to these materials before the RAD. In his appeal memorandum, the Applicant argued the second prong of the IFA test solely on socio-economic grounds. He did not assert that general criminal activity in Port Harcourt posed a threat to his life or safety, nor did he specifically link the two NPD Tabs (Tab 1.45 and Tab 7.48) to any arguments made before the RAD. The RAD therefore had no chance to weigh those excerpts in the way framed by the Applicant.

[50] At the hearing, the Applicant stressed that the documentary excerpts in question were already before the RAD and that his current critique is directed at the extent of the RAD's own use and non-use of that evidence in its analysis of the second-prong of the IFA test. Because he could not know in advance how the RAD would weigh the country documentation, especially since it is the RAD who brought up Tab 1.45, he argues that it would have been impossible to raise the specific error until the decision was issued. Accordingly, he maintains that the submissions now before the Court are properly within the scope of judicial review.

[51] The Court disagrees. The mere fact that these tabs were physically part of the NDP does not automatically render his new arguments permissible. In fact, given that such materials were already "known (or available with reasonable diligence)" to the Applicant when he appealed the RPD's decision, it is only proper that this Court refuses to entertain his arguments raised for the first time on judicial review.

[52] While the RAD does briefly use Tab 1.45 for its labour-market and economic data concerning education and employment, in the context of its analysis of the Applicant's submissions on these issues, this does not permit the Applicant to now raise entirely new arguments based on other sections of the NDP regarding criminal activity in Port Harcourt.

[53] To answer the Applicant's question of "How would it be possible to attack the RAD's analysis of the objective documentary evidence before the RAD has made its determination," this Court emphasizes that a tribunal's reliance on a document for one specific purpose does not impose a duty on that tribunal to anticipate every other possible interpretation or use of the material. Rather, the burden remains with the party advancing an argument to clearly identify and rely upon specific passages it considers determinative. The Applicant failed to satisfy this burden.

[54] In all, allowing these crime-based arguments would effectively require this Court to usurp the RAD's role as the primary decision-maker by engaging in first-instance fact-finding and weighing evidence. None of the narrow exceptions articulated in relevant precedents apply. Accordingly, the crime and security arguments based in Tab 1.45 and Tab 7.48 constitute impermissibly "new" arguments and will not be considered by this Court on judicial review.

E. *The RAD's IFA Analysis is Reasonable*

[55] While this is sufficient to dismiss the judicial review, the Court nonetheless finds the RAD's IFA analysis reasonable.

[56] Let's not forget that the question before this Court is not whether the Court might have reached a different conclusion on the evidence, but whether the RAD's reasons and outcome are reasonable in light of its factual and legal constraints (*Vavilov* at paras 83, 85).

[57] Before diving into the substantive analysis, I emphasize that the second-prong of the *Rasaratnam* test sets a **high bar for the Applicant**, requiring him to demonstrate that conditions in the proposed IFA specifically jeopardize his life or safety (*Adeleye* at para 38 citing *Ranganathan* at para 15).

[58] The Applicant argues the RAD unreasonably ignored security information in **Tab 1.45** and **Tab 7.48** of the NDP. However, a review of these tabs reveals that the information does not rise to the level of specific and concrete proof required by established jurisprudence.

[59] More specifically, the Court agrees with the Respondent that section 2.4 of Tab 1.45 contains a broad assertion that "crime is rampant throughout Southern Nigeria" and references "civil unrest and low-level armed militancy in parts of Southern Nigeria...", but immediately qualifies these assertions by noting recent police statistics indicating declining crime rates. Further, Tab 7.48 records five cult-related deaths in Port Harcourt in 2021 and notes that 557 gang members surrendered arms. These isolated snippets, without any supporting arguments linking them to the Applicant's personal circumstances, are far too general to establish that relocation would specifically jeopardize his life or safety. The RAD was thus entitled to find that ordinary urban crime does not meet the *Ranganathan* threshold. To conclude otherwise would effectively require the Court to **reweigh** the record, a step expressly forbidden by the Supreme Court of Canada (*Vavilov* at para 125).

[60] Moreover, the RAD's silence on those passages does not render its reasons unreasonable. Administrative decision-makers are **not obliged to** "respond to every argument or line of possible analysis" (*Vavilov* at para 128, citing *Newfoundland and Labrador Nurses' Union v Newfoundland and Labrador (Treasury Board)*, 2011 SCC 62 at para 16).

[61] What the RAD found most important, and what it grappled with in detail, were the factors the Applicant actually pressed on appeal, such as language, religion, indigeneity, employment prospects, cost of living, housing and access to services. This approach demonstrates responsiveness to the Applicant's core arguments during the internal appeal process.

[62] While the two Tabs relied on by the Applicant suggests that Christians, Ika- or Igbo-speakers, or returnees from abroad are specifically targeted or troubled by the cited crime issues, they do not contradict the RAD's finding that Port Harcourt provides reasonable economic prospects and living conditions. Such evidence was not sufficiently contradictory or directly relevant to the Applicant's personal circumstances to demand explicit consideration pursuant to *Cepeda-Gutierrez*.

[63] Reviewing the NDP alongside the RAD's decision, this Court concludes that the RAD's factual findings are well-supported. Specifically, the RAD reasonably determined that the population of Port Harcourt aligns linguistically and religiously with the Applicant's profile, that his educational background and adaptable work experience surpass the average qualifications within Rivers State, that the costs of housing and healthcare, though relatively high, do not threaten his life or safety, and that direct air travel sufficiently mitigates risks associated with relocation. Collectively, these findings adequately justify the RAD's conclusion that the hardships the

Applicant might encounter are those typically experienced by individuals required to relocate and do not approach the threshold of life-threatening conditions required to negate an IFA.

[64] In sum, the RAD's reasons permit this Court to assess the Decision against the record and to understand why the RAD reached its conclusion. The Applicant has not demonstrated that the RAD fundamentally misapprehended the evidence or failed to account for a key, live argument.

## VII. Conclusion

[65] For the above reasons, the Decision is reasonable and the application for judicial review will be dismissed.

**JUDGMENT in IMM-9107-24**

**THIS COURT'S JUDGMENT is that:**

1. The application for judicial review is dismissed.
2. No question of general important is certified.

"Danielle Ferron"

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Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-9107-24

**STYLE OF CAUSE:** NELSON EFAMEHULE v THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** MONTRÉAL, QUEBEC

**DATE OF HEARING:** MAY 29, 2025

**REASONS FOR JUDGMENT  
AND JUDGMENT:** FERRON J.

**DATED:** JUNE 10, 2025

**APPEARANCES:**

|                         |                                                                      |
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| Shalene Curtis-Micaleff | FOR THE RESPONDENT<br>THE MINISTER OF CITIZENSHIP AND<br>IMMIGRATION |

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