

Federal Court



Cour fédérale

Date: 20250618

Docket: IMM-10939-24

Citation: 2025 FC 1098

Toronto, Ontario, June 18, 2025

PRESENT: Mr. Justice Gascon

BETWEEN:

**SARAH OMOBOSEDE MBA
JASMINE CHIZARA MBA**

Applicants

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] The principal applicant, Sarah Omobosedede Mba, accompanied by her daughter Jasmine Chizara Mba [together, the Mba Family], are seeking judicial review of a decision dated May 30, 2024 [Decision] whereby the Refugee Protection Division [RPD] dismissed their claim for

refugee protection. The Mba Family's claim under both sections 96 and 97(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA] was rejected because the RPD identified a viable internal flight alternative [IFA] in Abuja, the capital of Nigeria.

[2] The Mba Family submit that the RPD erred in its determination of a viable IFA. They challenge the Decision on both prongs of the IFA test. Under the first prong, they assert that the RPD erred in finding that their agents of harm have neither the means nor the motivation to track and harm them in Abuja. As for the second prong, they offer various arguments related to Ms. Mba's employment prospects, housing, social services, and Ms. Mba's status as a single mother. Incidentally, the Mba Family also fault the RPD for referring in its reasons to a jurisprudential guide that was partially revoked in 2020.

[3] For the reasons that follow, the Mba Family's application for judicial review will be dismissed. Further to my assessment, I find that the RPD reasonably concluded that the Mba Family may avail themselves of a viable IFA in Abuja. The Mba Family failed to discharge their onus to convince the RPD that their agents of harm have the means to pursue them in Abuja. The RPD's analysis as to the reasonableness of relocating to Abuja is also devoid of any reviewable error. Moreover, the RPD's references to the revoked jurisprudential guide do not undermine the reasonableness of the Decision. There are therefore no grounds to intervene.

II. Background

A. *The factual context*

[4] The Mba Family are citizens of Nigeria. When living in Nigeria, they resided in the village of Ohafia, located in the state of Abia. In Ohafia, the father of Ms. Mba's husband [Husband] held a traditional leadership role within the village.

[5] In 2021, the Mba Family began receiving anonymous calls with no prior notice, saying that the Husband's father was failing in his role in the village due to ill health, and that the Husband was expected to take over the traditional leadership role. Ohafia's village elders [Elders] tried to force the Husband into this leadership role, but he refused because it would be against his Christian beliefs. The Elders believed that Ms. Mba was responsible for her Husband's conversion to Christianity, and they identified this as the main impediment to him accepting the traditional role. The Elders and kinsmen of the village then started harassing the Mba Family and threatening Ms. Mba with death.

[6] In May 2021, the Mba Family received a letter from the Elders, informing the family that they did not accept the Husband's refusal to take up the leadership role.

[7] As a result of these threats, the Mba Family made a report to the local police in June 2021. A few months later, in December 2021, three men arrived at their home and assaulted Ms. Mba for not persuading her Husband to accept the traditional role. The Mba Family made a

further report to the police. The Husband was forced to stop working, Jasmine and her sister stopped going to school, and the family lived off their savings.

[8] In September 2022, the Mba Family relocated to the state of Lagos. They continued to receive similar threats. In October 2022, two unknown men broke into the Mba Family's home and attacked Ms. Mba, saying that she was holding her Husband back from accepting his role. In January 2023, Ms. Mba found a car window shattered along with a note threatening her and her family with death. In February 2023, her other daughter Olivia was kidnapped from her daycare. In April 2023, during a threatening call from her Husband's uncle, someone threw a Molotov cocktail into the back seat of her car while her children were present.

[9] On June 15, 2023, the Mba Family arrived in Canada and claimed refugee protection. The Husband did not join the Mba Family because they were unable to afford travel for him, and he allegedly faces no serious risks in Nigeria.

B. *The RPD's Decision*

[10] On May 30, 2024, the RPD dismissed the Mba Family's claim for refugee protection due to a viable IFA in Abuja, the capital of Nigeria.

[11] Regarding the first prong of the IFA test, the RPD concluded that the Mba Family had not established that the Elders have the means and motivation to locate them in Abuja. The RPD did not agree with the Mba Family's inference that the Elders' ability to locate them in the states of Abia and Lagos demonstrated their ability to find them in Abuja. In its view, the Mba Family

had not provided evidence on the resources available to the Elders that would enable them to find the Mba Family in Abuja. Likewise, the RPD found that the Mba Family had not provided persuasive evidence on the Elders' motivation to track them to Abuja. For instance, the RPD noted that the Mba Family had not explained the specific tensions between the Husband's Christian faith and the traditional role the Elders want him to assume.

[12] Turning to the second prong of the IFA test, the RPD determined that the Mba Family had not successfully proven that relocation to Abuja would be objectively unreasonable for them in their circumstances. The RPD observed that Ms. Mba holds a bachelor's degree in accounting and has an employment history that affords transferable skills. Given Ms. Mba's background and resiliency, the RPD found that she would be able to secure a livelihood, employment, and housing in Abuja. Ms. Mba also did not adduce persuasive evidence in relation to any problems or inability to secure employment or access to social services, healthcare, and accommodation. Finally, the RPD concluded that there was no evidence that Ms. Mba's status as a single mother would jeopardize the Mba Family's lives and safety.

C. *Standard of review*

[13] It is not disputed that the standard of reasonableness applies to the Decision and to findings regarding the existence of a viable IFA (*Singh v Canada (Citizenship and Immigration)*, 2024 FC 1483 at para 22 [*Singh* 2024]; *Khosla v Canada (Citizenship and Immigration)*, 2023 FC 1557 at para 16; *Valencia v Canada (Citizenship and Immigration)*, 2022 FC 386 at para 19 [*Valencia*]; *Adeleye v Canada (Citizenship and Immigration)*, 2022 FC 81 at para 14; *Ambroise v Canada (Citizenship and Immigration)*, 2021 FC 62 at para 6; *Singh v Canada (Citizenship and*

Immigration), 2020 FC 350 at para 17 [*Singh 2020*]). This is confirmed by the Supreme Court of Canada’s landmark decision in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*], where the Court established a presumption that the standard of reasonableness is the applicable standard in judicial reviews of the merits of administrative decisions (*Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21 at para 7 [*Mason*]).

[14] 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 its reasoning process must be considered in assessing whether these hallmarks are met (*Vavilov* at paras 15, 95, 136).

[15] 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).

[16] 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).

III. Analysis

A. *The RPD’s IFA determination is reasonable*

[17] The Mba Family challenge the RPD’s analysis under both prongs of the IFA test. With respect to the first prong, the Mba Family contend that the RPD erred in finding that the Elders lacked the means and motivation to track and harm them in Abuja. In their view, the Elders’ ability to locate them in the past speaks directly to their ability to locate them throughout Nigeria in the future, including in Abuja. Similarly, they argue that the fact that the Elders were willing to search and locate them in multiple different locations in Nigeria reflects their continued motivation to find them. Moreover, the Mba Family submit that the proposed IFA location of Abuja is unreasonable based on its proximity to their previous homes in Abia and Lagos. This proximity would also establish the Elders’ means and motivation, as little effort would be required to locate the Mba Family in a city so close to their previous addresses.

[18] As for the second prong, the Mba Family assert that the RPD did not conduct a proper analysis of their situation based on employment prospects, housing, access to social services, and Ms. Mba’s status as a single mother. Instead, they believe that the RPD provided vague and generalized statements that failed to consider the current conditions in Nigeria.

[19] I am not persuaded by the submissions put forward by the Mba Family.

[20] As observed by the respondent, the Minister of Citizenship and Immigration [Minister], the RPD correctly applied the two-prong IFA test and reasonably concluded that the Mba Family may avail themselves of a viable IFA in Abuja. The Mba Family failed to discharge their onus to convince the RPD that the Elders have the means to pursue them in Abuja. Likewise, the Mba Family have not convincingly demonstrated that the RPD erred in its analysis of the reasonableness of relocating to Abuja.

(1) The applicable test on IFA determinations

[21] In *Singh 2020*, the Court reminded that “the analysis of an IFA is based on the principle that international protection can only be offered to refugee protection claimants in cases where the country of origin is unable to provide to the person requesting refugee protection adequate protection everywhere within their territory” [emphasis added] (*Singh 2020* at para 26). If a refugee claimant has a viable IFA, this will negate a claim for refugee protection under either section 96 or 97 of the IRPA, regardless of the merits of other aspects of the claim (*Olusola v Canada (Citizenship and Immigration)*, 2020 FC 799 at para 7).

[22] The test to determine the existence of a viable IFA comes from *Rasaratnam v Canada (Minister of Employment and Immigration)*, 1991 CanLII 13517 (FCA), [1992] 1 FC 706 (FCA) and *Thirunavukkarasu v Canada (Minister of Employment and Immigration)*, 1993 CanLII 3011 (FCA), [1994] 1 FC 589 (FCA) [*Thirunavukkarasu*]. These decisions from the Federal Court of Appeal [FCA] state that two criteria must be established, on a balance of probabilities, in order to

find that a proposed IFA is reasonable: (i) there must be no serious possibility of the claimant being subject to persecution or harm in the part of the country in which the IFA exists; and (ii) it must not be unreasonable for the claimant to seek refuge in the IFA, upon consideration of all their particular circumstances.

[23] The threshold to satisfy the second prong of the IFA test and determine that an IFA is unreasonable is high: there must be actual and concrete evidence of conditions that would jeopardize an applicant's life and safety in travelling or temporarily relocating to the proposed safe area (*Ranganathan v Canada (Minister of Citizenship and Immigration)*, 2000 CanLII 16789 (FCA), [2001] 2 FC 164 (FCA) at para 15 [*Ranganathan*]; *Verma v Canada (Citizenship and Immigration)*, 2025 FC 693 at para 13).

[24] I am aware of the recent decision from my colleague, Justice Angus G. Grant, where he nuances the applicable threshold developed by the FCA for the second prong (*Murati v Canada (Citizenship and Immigration)*, 2025 FC 818 at paras 31–36 [*Murati*]). Unlike in *Murati*, I do not find this issue to be determinative in the present case. There is therefore no need to discuss this specific element of the IFA test any further.

[25] When an IFA is established, the onus is on the refugee claimant to demonstrate that the IFA is inadequate (*Thirunavukkarasu* at para 12; *Salaudeen v Canada (Citizenship and Immigration)*, 2022 FC 39 at para 26; *Manzoor-Ul-Haq v Canada (Citizenship and Immigration)*, 2020 FC 1077 at para 24; *Feboke v Canada (Citizenship and Immigration)*, 2020 FC 155 at paras 43–44).

[26] The Mba Family reject the very concept of the IFA. They argue that it is an outdated principle in today's digital world, where the rise of social media and surveillance technologies have become increasingly sophisticated. This heightened interconnection, they say, would make it ever more difficult for asylum seekers to protect their identities, would arguably make them unsafe in any place, and would erode the assumption that they may move to another region in their home country while remaining anonymous from their persecutors.

[27] Respectfully, this is not the appropriate case for bringing these concerns. By virtue of vertical *stare decisis*, I am bound to follow the FCA rulings in *Rasaratnam* and *Thirunavukkarasu* on IFAs. It is true that this Court may reconsider appellate decisions where there is a change in the circumstances or evidence that “fundamentally shifts the parameters of the debate” (*Carter v Canada (Attorney General)*, 2015 SCC 5 at para 44). Yet, the Mba Family did not provide any concrete evidence that would permit the Court to even entertain the possibility of reconsidering the FCA jurisprudence on IFAs. Where a party argues that certain circumstances or evidence fundamentally undermine the reasoning of an appellate decision, said party cannot expect the Court to decide this issue in the face of a factual vacuum.

[28] Moreover, if, as claimed by the Mba Family, social media and digital technology would have effectively made it much easier to track them throughout Nigeria, it would arguably have been easier to obtain evidence to that effect. However, as explained below, the Mba Family were unable to provide any persuasive evidence or facts demonstrating — at the very least — the Elders' means to locate them in Abuja.

(2) The means to track the Mba Family in Abuja was not established

[29] The Mba Family argue that the RPD erroneously refused to recognize that the Elders' ability to locate them in Abia and Lagos speaks to their ability to find them anywhere in Nigeria. In my view, it was not unreasonable for the RPD to reject this factual inference.

[30] An agent of harm's ability to locate refugee claimants in one part of the country does not necessarily demonstrate their ability to track them down anywhere in the country. In this case, while the Mba Family were found to be credible, the RPD validly observed that Ms. Mba's testimony was not especially informative. Among other things, Ms. Mba testified that she was unaware of the specific profile or composition of her agents of harm, and only knew that they are a group of village elders or kinsmen related to her Husband. The RPD also noted that there is no evidence on the resources available to the Elders that would help them to find them in Abuja. Such evidence is especially relevant when dealing with non-state actors like the Elders.

[31] It is trite law that the presumption of truth or reliability of statements made by refugee claimants cannot be equated with a presumption of sufficiency (*Sagbohan v Canada (Citizenship and Immigration)*, 2024 FC 804 at para 18; *Blidee v Canada (Citizenship and Immigration)*, 2019 FC 244 at para 16; *Huang v Canada (Citizenship and Immigration)*, 2018 FC 940 at para 43). In other words, the RPD did not question the Mba Family's credibility, but was entitled to find that they provided insufficient evidence on the Elders' means.

[32] As explained by the Minister, the Mba Family do not raise any genuine errors of fact regarding the RPD's rejection of their proposed factual inference. They rather seek to dispute the

lesser weight the RPD assigned to the earlier encounters with the Elders in Abia and Lagos as to the establishment of the Elders' means to track them to Abuja. It is not the task of a reviewing court to reweigh the evidence on the record, or to reassess the decision maker's findings of fact and substitute its own. As a result, absent exceptional circumstances, a reviewing court should not overturn findings of fact (*Vavilov* at para 125). Rather, it must consider the reasons as a whole, together with the record (*Agraira v Canada (Public Safety and Emergency Preparedness)*, 2013 SCC 36 at para 53), and limit itself to determining whether they are irrational or arbitrary. In this case, there are no such irrational or arbitrary conclusions.

[33] Furthermore, the Mba Family assert that, since Abuja is 500 kilometres from their 2021 home in Abia — and 700 kilometres from Lagos where they relocated in 2022, this wholly undermines the city as an IFA. I do not agree. Geographic proximity between an IFA and an agent of harm may be a relevant consideration but it is not, in and of itself, a basis to reject an IFA location (*Okohue v Canada (Citizenship and Immigration)*, 2016 FC 1305 at para 16). Geographic proximity may help the Mba Family's claim that the Elders would have an easier time finding them, but it is not enough.

[34] The Mba Family had the onus of convincing the RPD that the Elders likely had the means of tracking them down in Abuja, a rather large city with a population of around 4 million. The RPD reasonably concluded that the Mba Family did not satisfy their burden. In light of this, there is no need to consider the RPD's conclusion on the lack of motivation.

(3) Relocation to Abuja was not unreasonable

[35] Under the second prong of the IFA test, I am equally unconvinced that the Mba Family's arguments hold much weight. In my opinion, it was open to the RPD to conclude that it was not unreasonable for the Mba Family to seek refuge in Abuja.

[36] First, I do not agree with the Mba Family that the RPD erred in its analysis of Ms. Mba's employment prospects in Abuja. On the contrary, they were duly analyzed by the RPD. The RPD noted that Ms. Mba holds a bachelor's degree in accounting and has an employment history that affords transferable skills. This is not disputed by the Mba Family.

[37] The Mba Family also point to Tab 1.26 of the National Documentation Package for Nigeria [NDP] as proof that it is impossible to get a job in Nigeria, but they did not raise this piece of evidence before the RPD. It is well established that the RPD cannot be faulted for not treating specific elements of the NDP that were not identified or argued by the applicant (*Canada (Citizenship and Immigration) v Hasebelah*, 2025 FC 898 at para 8; *Stoliarov v Canada (Citizenship and Immigration)*, 2024 FC 1882 at para 11; *Islam v Canada (Citizenship and Immigration)*, 2024 FC 320 at para 26; *Cova Torres v Canada (Citizenship and Immigration)*, 2023 FC 1672 at paras 43, 58; *Xiao v Canada (Citizenship and Immigration)*, 2021 FC 386 at para 30; *Dakpokpo v Canada (Citizenship and Immigration)*, 2017 FC 580 at para 14). I therefore fail to see how the RPD's analysis on Ms. Mba's job prospects could be found unreasonable.

[38] Second, the RPD did not err in concluding that Ms. Mba's status as a single mother would not jeopardize her family's lives and safety in Abuja. I recognize that Tab 5.9 of the NDP discusses the treatment of single women and of women who head their own households in Nigeria, including women who are separated. The RPD did not explicitly examine this objective evidence in its reasons. However, this is insufficient to render the Decision unreasonable.

[39] An administrative decision maker's failure to mention some evidence does not necessarily make a decision unreasonable (*Singh 2024* at para 46; *Valencia* at para 25; *Khiri v Canada (Citizenship and Immigration)*, 2021 FC 160 at para 48 [*Khiri*]). It is well-settled law that administrative decision makers are presumed to have weighed and considered all the evidence before them unless proven otherwise, even though they did not make an explicit finding on every individual piece of evidence (*Newfoundland and Labrador Nurses' Union v Newfoundland and Labrador (Treasury Board)*, 2011 SCC 62 at para 16; *Kanagendren v Canada (Citizenship and Immigration)*, 2015 FCA 86 at para 36). The failure to consider specific evidence must be viewed in context. It is only when the evidence is critical and squarely contradicts the decision maker's conclusion that the reviewing court may determine that the decision maker disregarded the material before them (*Smajlaj v Canada (Citizenship and Immigration)*, 2025 FC 821 at para 22; *Khiri* at para 48; *Torrance v Canada (Attorney General)*, 2020 FC 634 at para 58). In this matter, there is no such crucial omission of evidence.

[40] In its reasons, the RPD also found insufficient evidence to establish that the Mba Family would be left unsupported by the Husband upon return to Nigeria. When asked how her relationship with her Husband would be if she returned to Nigeria, Ms. Mba stated that it is hard to predict and that to answer such a question would require her to guess (Decision at para 49). In

consequence, it is unclear whether the country condition evidence on the situation of single women in Nigeria (Tab 5.9 of the NDP) actually applies to Ms. Mba.

[41] Third, the Mba Family refer to Tabs 13.1 and 1.39 of the NDP to argue against the IFA's reasonableness based on a shortage of affordable housing and on a lack of social services. As with Tab 1.26, these specific elements of the NDP were not brought to the RPD's attention, meaning that the RPD cannot be faulted for not referring to them.

[42] Considering the above, I am satisfied that the RPD's analysis under the second prong is reasonable.

B. *Revoked jurisprudential guide*

[43] The Mba Family finally submit that the RPD improperly relied on the Refugee Appeal Division's [RAD] decision in file no. TB7-19851, May 17, 2018 [Guide]), which was revoked as a jurisprudential guide in 2020 in an Immigration and Refugee Board [IRB] Notice of Revocation [Notice]. In the Notice, the IRB noted that developments in Nigeria "including those in relation to the ability of single women to relocate to the various internal flight alternatives proposed in the Nigeria jurisprudential guide, have diminished the value of the decision as a jurisprudential guide." The Mba Family therefore argue that the Decision cannot stand, as it is unclear how much of it is tainted by the RPD's reliance on the Guide.

[44] I am not persuaded by this argument. This Court has repeatedly upheld IFA findings where the Guide was mentioned but the decision maker's analysis of the facts at hand was

nevertheless sound (*Ajekigbe v Canada (Citizenship and Immigration)*, 2023 FC 1017 at paras 6–8 [Ajekigbe]; *Obasuyi v Canada (Citizenship and Immigration)*, 2022 FC 508 at para 69; *Ganiyu v Canada (Citizenship and Immigration)*, 2022 FC 296 at para 7; *Adegbenro v Canada (Citizenship and Immigration)*, 2021 FC 290 at para 3; *Olusesi v Canada (Minister of Citizenship and Immigration)*, 2021 FC 1147, at para 34).

[45] Importantly, the Notice also specifies that the analytical framework of the revoked Guide, which included the legal test for identifying a viable IFA, is preserved as a RAD Reasons of Interest decision. The practical implication of this is that IRB members are still allowed to use the Guide’s analytical framework, provided that they consider the facts of each case and the most current country condition evidence (*Ajekigbe* at para 7).

[46] The mere mention of the Guide does not suffice to render the Decision unreasonable. The RPD’s reference to the Guide would only cause me to lose confidence in the Decision if it were clearly tainted by the use of the revoked parts of the Guide. This is not the case here.

[47] In my view, the RPD’s reasons confirm that the decision maker only made an oblique reference to the Guide and conducted its own independent analysis of the record put forward by the Mba Family, before coming to its own conclusions. In the Decision, the RPD refers to paragraphs 16, 17 and 19 of the Guide in the introductory paragraphs of its IFA analysis. However, nowhere does it cite the Guide in the parts of its reasons analyzing the first and second prongs of the IFA test and applying them to the factual matrix of this case. The Mba Family also do not argue that paragraphs 16, 17 and 19 contain any outdated facts. In short, the RPD’s

references to the Guide had no impact whatsoever and do not undermine the reasonableness of the Decision.

IV. Conclusion

[48] For the reasons set forth above, the Mba Family's application for judicial review is dismissed. I am satisfied that the Decision was responsive to the evidence, and that its findings regarding the IFA in Abuja have the qualities that make the RPD's reasoning logical and consistent in relation to the relevant legal and factual constraints. The RPD's references to the Guide are also not a reviewable error. The Mba Family have failed to discharge their onus of demonstrating that there are fundamental flaws in the RPD's analysis.

[49] There are no questions of general importance to be certified.

JUDGMENT in IMM-10939-24

THIS COURT’S JUDGMENT is that:

1. This application for judicial review is dismissed, without costs.
2. There is no question of general importance to be certified.

“Denis Gascon”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-10939-24

STYLE OF CAUSE: SARAH OMOBOSEDE MBA ET AL v THE
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PLACE OF HEARING: HELD BY VIDEOCONFERENCE

DATE OF HEARING: APRIL 29, 2025

JUDGMENT AND REASONS: GASCON J.

DATED: JUNE 18, 2025

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