

Federal Court



Cour fédérale

Date: 20260402

Docket: IMM-18936-24

Citation: 2026 FC 431

Ottawa, Ontario, April 2, 2026

PRESENT: Mr. Justice McHaffie

BETWEEN:

CHRISTIAN CHINEDU ODOR

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] On this application for judicial review, Christian Odor challenges the reasonableness of a finding by the Refugee Appeal Division [RAD] of the Immigration and Refugee Board of Canada [IRB] that he could safely and reasonably seek refugee within Nigeria. The RAD found Mr. Odor could avail himself of such an internal flight alternative [IFA] and was therefore

neither a Convention refugee nor a person in need of protection within the meaning of sections 96 and 97 of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA].

[2] Mr. Odor argues that in reaching this conclusion, the RAD ignored both his testimony and the corroborative evidence in respect of the means and motivation of his agents of harm, a violent group called the Unknown Gunmen. Most centrally, he argues that the RAD unreasonably concluded that he had not established that the Unknown Gunmen were responsible for his sister's death, which occurred two months after he moved from his home village to live with her. He also argues that the RAD erred in its assessment of the country condition evidence when it concluded that he could reasonably relocate to the proposed IFA city.

[3] For the reasons that follow, I conclude the RAD's decision was reasonable. The RAD did not ignore either Mr. Odor's testimony or the corroborative evidence relevant to means and motivation, and in particular the evidence related to his sister's death. Rather, the RAD reasonably concluded that neither Mr. Odor's own belief nor the other evidence established that the Unknown Gunmen were in fact responsible for his sister's death. While Mr. Odor argues it is highly unlikely in all the circumstances that someone unrelated to the Unknown Gunmen killed his sister, this argument effectively asks the Court to reassess the evidence and draw its own conclusions, which is not its role on judicial review. It is also not an argument that was presented to the RAD. Mr. Odor's criticisms of the RAD's conclusion that he could reasonably relocate to the proposed IFA also fail to identify a reviewable error.

[4] Mr. Odor's application for judicial review is therefore dismissed.

II. Issues and Standard of Review

[5] In his challenge to the RAD's decision, Mr. Odor raises the following issues:

- A. Did the RAD err in finding there was no serious possibility of persecution in the IFA city, and in particular did it disregard Mr. Odor's testimony or the corroborative evidence?
- B. Did the RAD err in assessing whether it was reasonable for Mr. Odor to relocate to the IFA city, and in particular by failing to take his particular situation into consideration as it relates to the objective country condition evidence?

[6] The parties agree that the RAD's decision on these issues is reviewable on the reasonableness standard: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 16–17, 23–25; *Singh v Canada (Citizenship and Immigration)*, 2021 FC 459 at para 11. The reasonableness standard is a deferential standard, but it remains a “robust form of review”: *Vavilov* at para 13.

[7] When reviewing a decision on this standard, the Court does not hold a new hearing, assessing the evidence for itself and reaching its own determinations. Rather, the Court reviews the decision that has been made by the body tasked by Parliament with making the decision—here the RAD—to assess whether the decision is internally coherent and shows the hallmarks of a reasonable decision, namely transparency, intelligibility, and justification: *Vavilov* at paras 15, 83, 99, 125–128. While the RAD's assessment of the evidence is subject to judicial review, this does not mean that the Court can conduct its own reweighing or reassessment of the evidence: *Vavilov* at para 125. However, if an applicant can show that the decision maker fundamentally

misapprehended or failed to account for the evidence before it on a sufficiently central issue, the decision may be unreasonable: *Vavilov* at paras 100, 126.

III. Legal Framework: The Two-Pronged Test for the Existence of an IFA

[8] The protection Canada provides to Convention refugees and persons in need of protection is offered as a surrogate or substitute protection for those who cannot find refuge or protection in their country of citizenship: *Canada (Attorney General) v Ward*, 1993 CanLII 105, [1993] 2 SCR 689 at p 709. As a result, those who can safely and reasonably move to another location within their own country to avoid the dangers they face are expected to do so: *Thirunavukkarasu v Canada (Minister of Employment and Immigration)*, 1993 CanLII 3011, [1994] 1 FC 589 (CA) at pp 592–593, 597; *Deb v Canada (Citizenship and Immigration)*, 2015 FC 1069 at para 15.

[9] The term “internal flight alternative” (IFA) is used as a shorthand way of describing such a situation, where a person may be in danger of persecution in one part of a country but not another: *Thirunavukkarasu* at p 592. The notion of an IFA is inherent in the definition of Convention refugee under section 96 of the *IRPA*: *Thirunavukkarasu* at paras 592–593; *Rasaratnam v Canada (Minister of Employment and Immigration)*, 1991 CanLII 13517, [1992] 1 FC 706 (CA) at p 710. It is similarly relevant to the definition of a person in need of protection under section 97 of the *IRPA*, which requires that a person be at risk “in every part of” their country of nationality: *Sanchez v Canada (Citizenship and Immigration)*, 2007 FCA 99 at para 16; *Barragan Gonzalez v Canada (Citizenship and Immigration)*, 2015 FC 502 at paras 45–46; *IRPA*, s 97(1)(b)(ii). As a result, a claimant who has a viable IFA will not qualify for refugee

protection in Canada as either a Convention refugee or a person in need of protection, regardless of the merits of other aspects of their claim: *Olusola v Canada (Citizenship and Immigration)*, 2020 FC 799 at para 7.

[10] The legal framework for assessing whether a refugee claimant has a viable IFA has not changed in the 35 years since it was set out by the Federal Court of Appeal in *Rasaratnam*. The assessment has two branches or “prongs” which, in essence, assess whether the IFA location is safe and reasonable. The first prong asks whether the claimant would be free from risk (*i.e.*, a serious possibility of persecution under section 96 of the *IRPA* or a danger or risk described in section 97 of the *IRPA*) in the IFA. The second prong asks whether it is reasonable for the claimant to seek refuge in the IFA in all the circumstances, including the conditions in the IFA and circumstances particular to the claimant: *Rasaratnam* at pp 709–710; *Thirunavukkarasu* at pp 595–597.

[11] Both of these prongs must be met, with the burden ultimately being on the claimant to prove their claim. Thus, where the possibility of an IFA is raised, a claimant must show they would be at risk in the IFA and/or that it would be unreasonable for them to move there: *Thirunavukkarasu* at pp 594–595; *Olusola* at para 9. In assessing whether an IFA is reasonable under the second prong, the threshold is high, in that there must be concrete evidence of conditions that would jeopardize the claimant’s life or safety in travelling or relocating to the IFA: *Ranganathan v Canada (Minister of Citizenship and Immigration)* 2000 CanLII 16789, [2001] 2 FC 164 (CA) at para 15.

IV. Analysis

A. *The RAD's decision with respect to the risk of persecution in the IFA city was reasonable*

(1) Mr. Odor's claim for refugee protection

[12] As noted at the outset, Mr. Odor's refugee claim is based on his fear of a terrorist group known as the Unknown Gunmen. Mr. Odor testified that he worked as a security guard in the house of a prominent politician in his home village. In mid-January 2020, members of the Unknown Gunmen sought to recruit him as a member, since the information he had due to his employment could be useful to them. When Mr. Odor refused, the men threatened to kill him.

[13] About three weeks later, in early February, men came to the house where Mr. Odor lived with his father, looking for him. Since Mr. Odor was at work at the time, the men shot and killed his father. The following day, the men returned and burned the Odors' house down. After the fire, Mr. Odor moved to another city to stay with his elder sister. About two months later, in early April, men came to his sister's house while he was away and killed her. Mr. Odor believes that the men who killed his father, burned the house, and killed his sister were all from the Unknown Gunmen group and were targeting him.

[14] Following his sister's death, Mr. Odor remained in his sister's city, living with a church member. Eight months to a year later, in either January or April 2021, he received a text message from the Unknown Gunmen, stating that they had a tracking device and would find Mr. Odor wherever he went. With the assistance of a neighbour and the church, Mr. Odor raised money

and fled to Guyana. He later left for Brazil where he made an initial refugee claim. However, due to other threats, he left and travelled north, through various countries including the United States. He crossed into Canada in April 2022 and filed his refugee claim in September 2022.

[15] The Refugee Protection Division [RPD] of the IRB heard Mr. Odor's claim in December 2023 and April 2024. In a decision dated May 21, 2024, the RPD rejected the claim on the basis that Mr. Odor had a viable IFA. Mr. Odor appealed the RPD's decision to the RAD.

(2) The RAD's conclusions on risk in the IFA

[16] The RAD adopted the RPD's conclusion that Mr. Odor's testimony was credible. However, the RAD also agreed with the RPD's application of the two-part test for an IFA, concluding that Mr. Odor had a viable IFA within Nigeria. In looking at Mr. Odor's risk under the first prong of the IFA test, the RAD accepted Mr. Odor's account of the factual events that occurred. However, it did not accept the conclusions or inferences that Mr. Odor drew from the events in respect of the means and motivation of the Unknown Gunmen to locate him in the IFA location. The RAD therefore found that Mr. Odor had not established that he faced a serious possibility of persecution or any section 97 risks in the IFA location.

[17] Central to this conclusion was the RAD's finding that Mr. Odor had not established that the Unknown Gunmen had killed his sister while looking for him. As a result, the RAD did not accept the sister's death as evidence that the Unknown Gunmen had tracked Mr. Odor to a location outside his home village.

[18] The RAD noted that Mr. Odor himself had no direct knowledge or evidence regarding who killed his sister. Rather, he had simply testified that he thought it was the Unknown Gunmen since “there is not [any] other body or group that would have been responsible.” The RAD found that this testimony was speculative and noted that a contemporaneous report on insecurity in the sister’s city noted a rising number of abductions and attacks at that time.

[19] In reaching this finding, the RAD rejected Mr. Odor’s argument that his evidence that the Unknown Gunmen had killed his sister should be accepted since no adverse credibility findings had been made about his testimony. Relying on the jurisprudence of this Court, the RAD found that accepting a claimant’s evidence regarding the facts that they have witnessed did not require it to accept the inferences that the claimant wished to draw from those facts: *Contreras Callado v Canada (Citizenship and Immigration)*, 2024 FC 79 at para 10; *Adeleye v Canada (Citizenship and Immigration)*, 2020 FC 640 at para 11. It found that while Mr. Odor may have a sincere belief that he is not safe anywhere in Nigeria, there must be sufficient evidence that the belief is objectively founded.

[20] Having concluded that the evidence did not establish that the agents of harm *had* in fact tracked Mr. Odor to another city, the RAD also found that the evidence did not establish that they had the motivation or the means to do so. On the issue of motivation, the RAD referred to the single text message sent in 2021, the absence of any further communication from the Unknown Gunmen, and the fact that neither Mr. Odor’s siblings who live in the IFA city, nor any other family or friends in Nigeria, had been contacted concerning his whereabouts. On the issue of means, the RAD considered the National Documentation Package [NDP] for Nigeria

published by the IRB, finding that it did not indicate that the agents of harm had a network or other means to track Mr. Odor in the IFA location. The RAD therefore concluded that Mr. Odor had not shown that he would face a risk in the IFA.

(3) The RAD did not disregard Mr. Odor's testimony

[21] On this application for judicial review, Mr. Odor argues the RAD unreasonably dismissed his unchallenged testimony that the Unknown Gunmen wanted to kill him and would be able to locate him throughout Nigeria. He asserts that he credibly testified that he would be in danger throughout Nigeria and argues that the RAD failed to take his testimony and personal experience with the Unknown Gunmen into consideration when considering the issues of motivation and means.

[22] I am not persuaded. As the RAD reasonably concluded, accepting that Mr. Odor was credible in recounting what he experienced and saw does not mean that his subjective beliefs or the conclusions he inferred from what he experienced and saw are objectively true: *Contreras Callado* at para 10; *Singh v Canada (Citizenship and Immigration)*, 2021 FC 1410 at para 16; *Olusola* at para 25. It was reasonable for the RAD not to simply accept Mr. Odor's conclusion that, in his view, it must have been the Unknown Gunmen who killed his sister, particularly given the RAD's reference to evidence that showed increased violence from other sources in the area. Ultimately, Mr. Odor's argument amounts to a request that the Court reassess the evidence and substitute its own view of the inferences to be drawn from it for those of the RAD. As set out above, this is not the role of the Court on judicial review.

[23] Mr. Odor asserts that his case is like that in *Correa v Canada (Citizenship and Immigration)*, 2014 FC 252. There, the evidence demonstrated a “clear pattern of escalating threats that put Mr. Correa and his family in extreme danger”: *Correa* at paras 87–88. As a result, the Court concluded that the fact that one incident may have been unconnected to these events “hardly seems to matter”: *Correa* at para 88. Mr. Odor contends that he was similarly subject to a pattern of escalating threats and violence that put him in extreme danger, which justifies the inference that the Unknown Gunmen were responsible for his sister’s death.

[24] However, in *Correa*, the evidence *did* establish that the same agents of harm were behind a series of escalating violent events. In the present case, the sister’s death was the only event that occurred outside Mr. Odor’s home village. It was therefore of particular importance to assessing whether the Unknown Gunmen were able and motivated to track Mr. Odor outside his village, and thus to his risk in an IFA, a matter that was not in issue in *Correa*. In other words, unlike in *Correa*, whether the sister’s death was connected to the other events clearly does matter. As a result, the RAD had to consider whether the evidence established that the Unknown Gunmen had in fact tracked Mr. Odor to his sister’s house and killed her when they did not find him.

[25] Mr. Odor also argues the RAD should have given greater consideration to the likelihood that his sister’s death, occurring two months after Mr. Odor arrived to stay with her, and in the wake of the violent events in his own village, was caused by the same agents of harm, rather than being an unrelated or random event of violence. He argues that it would be an unbelievable coincidence for this string of events to have occurred independently, and that the RAD should have considered this in reaching its conclusion.

[26] I cannot accept this proposition, for two reasons. First, it again amounts to a request that the Court substitute its own assessment of the evidence and the inferences to be drawn from it for those of the RAD. This is not the Court's role, absent an indication that the RAD fundamentally misapprehended or failed to account for the evidence, which it did not do: *Vavilov* at paras 125–126. This is not a situation in which the evidence can only reasonably lead to one possible inference or conclusion, and it was open to the RAD to reach the conclusion that the connection between the sister's death and the agents of harm was not established.

[27] Second, this argument was not put before the RAD for its consideration. Mr. Odor did ask the RAD to accept that the Unknown Gunmen were responsible for his sister's death, but his arguments were limited to the submissions that (a) his testimony was found credible; (b) the RPD had accepted his evidence that the Unknown Gunmen had murdered his sister and the RAD should similarly accept this; and (c) corroborative evidence was not required. The RAD directly addressed these arguments in its reasons. The RAD cannot generally be faulted for failing to consider an argument that was not put to it, such that applicants are generally precluded from raising new arguments on judicial review: *Canada (Citizenship and Immigration) v RK*, 2016 FCA 272 at para 6, citing *Alberta (Information and Privacy Commissioner) v Alberta Teachers' Association*, 2011 SCC 61 at paras 23–25; *Vavilov* at paras 127–128.

[28] I am therefore not satisfied that Mr. Odor has established that the RAD's decision was unreasonable in its treatment of his testimony.

(4) The RAD did not disregard the other evidence

[29] Mr. Odor also contends that his testimony was corroborated by other evidence, and that the RAD disregarded that evidence in reaching its conclusion on his risk in the IFA city. Again, I am not persuaded.

[30] The corroborative evidence Mr. Odor presented came in a number of forms: death certificates in respect of his father and sister; a police report recording his statements after his sister's death; and statements and affidavits from a number of relatives, neighbours, and friends. A number of these statements attributed his sister's death to the Unknown Gunmen (or to "unknown gunmen terrorists").

[31] Contrary to Mr. Odor's arguments, the RAD did not disregard this evidence. Rather, it assessed the evidence and found that it did not establish the inference Mr. Odor sought to draw, namely that the Unknown Gunmen killed his sister. The RAD made specific reference to the evidence that pertained directly to his sister's death—her death certificate, the police report, and an affidavit from a neighbour. The RAD noted that the neighbour's affidavit did not say how they knew, or why they believed, that those who killed Mr. Odor's sister were with the Unknown Gunmen or that they were after Mr. Odor. Similarly, the information in the police report came directly from Mr. Odor, who did not witness the death. The RAD therefore found that there was insufficient evidence to establish that the sister's death demonstrated that the agents of harm had tracked Mr. Odor to another city. The fact that the RAD reached a contrary conclusion to the one Mr. Odor argues should have been made does not mean that it disregarded the evidence.

[32] Mr. Odor is quite right that a refugee claimant will not always have to produce corroborative evidence of every aspect of their claim, particularly where their own evidence is not doubted: *Senadheerage v Canada (Citizenship and Immigration)*, 2020 FC 968 at paras 24–26. However, this does not mean that it is unreasonable for the RAD to review all of the evidence, including both Mr. Odor’s testimony and the corroborative evidence presented, to determine whether a central allegation has been established on the evidence or whether it is only the subject of supposition or speculative inference.

[33] I therefore conclude that the RAD did not disregard or fundamentally misapprehend the evidence before it relevant to the risk Mr. Odor might face in the proposed IFA: *Vavilov* at paras 125–126. Its conclusion with respect to the first prong of the IFA test was reasonable.

B. *The RAD’s decision with respect to the reasonableness of the IFA was reasonable*

(1) The RAD’s conclusions on the reasonableness of the IFA

[34] Before the RAD, Mr. Odor argued that his personal circumstances and the documentary evidence showed it would be unreasonable for him to relocate to the proposed IFA. He referred to the rampant unemployment and poverty in the proposed IFA and his own limited education; to housing shortages in the proposed IFA; and to the fact that he would be a non-indigene in the IFA, which would limit his access to services, housing, and employment. The RAD recognized the challenges posed by these factors but found they did not render the IFA unreasonable within the meaning of the jurisprudence.

[35] On the issue of employment, the RAD referred to the objective evidence in the NDP and to Mr. Odor's history of consistent employment, including as a vendor and security guard. It recognized that he might have difficulty finding employment but that this did not rise to the level of undue hardship. The RAD further noted that the jurisprudence indicates that poor job prospects and a high unemployment rate were not enough to render an IFA objectively unreasonable: *Jean Baptiste v Canada (Citizenship and Immigration)*, 2019 FC 1106 at para 28; see also *Ranganathan* at paras 14–15; see also *Ogungbemi v Canada (Citizenship and Immigration)*, 2025 FC 1418 at paras 7, 30–34.

[36] Similarly, the RAD considered the evidence in the NDP regarding housing in the IFA, but concluded that Mr. Odor's housing prospects did not render relocation unreasonable. It noted that there was a transitional housing centre in the IFA where returnees can stay in the short term, and that Mr. Odor had two siblings there, who could assist in securing housing.

[37] With respect to indigeneity, the RAD recognized it was an important consideration, but found it did not render the IFA unreasonable, either alone or cumulatively with the other factors. The RAD noted that all big cities in Nigeria have large migrant communities, and that according to the NDP, indigeneity facilitated settling in an area but was not a requirement and was less important in big cities. In particular, the RAD referred to the long history of the proposed IFA accommodating non-indigenes, including those of Mr. Odor's ethnic group, and to evidence in the NDP indicating that government services, employment in the civil sector, and healthcare were available without distinction based on indigeneity.

(2) The RAD did not fail to consider Mr. Odor's circumstances

[38] Mr. Odor argues that the RAD's analysis of the second prong of the IFA test was unreasonable, as the RAD repeated the errors of the RPD in respect of the issues of employment, housing, and indigeneity. However, Mr. Odor's arguments essentially just repeat his submissions regarding these concerns and ask the Court to reach a different conclusion on the reasonableness of the IFA. Again, this is not the role of the Court on judicial review.

[39] In this regard, a number of Mr. Odor's submissions—such as his assertion that non-indigenes “do not have access to employment” and “do not have access to housing” in the IFA—overstate the evidence and do not account for the elements of the NDP referred to by the RAD with respect to the proposed IFA. Other submissions ascribe conclusions to the RAD that it simply did not reach, such as that the possibility of working in the informal economy would resolve “[a]ll of the employment issues” identified in the objective evidence, or that the 400-bed transitional housing centre would “solve the housing crisis.” The RAD reached no such broad conclusions. Rather, it considered the various elements of the evidence, and concluded that on balance, Mr. Odor had not met the high onus to demonstrate that conditions in the proposed IFA were such that they would jeopardize Mr. Odor's life or safety.

[40] Having reviewed the arguments made to the RAD, the evidence referred to by the RAD and Mr. Odor, and the arguments Mr. Odor now raises, I am not satisfied that Mr. Odor has identified any unreasonableness in the RAD's analysis of the second prong of the IFA test.

V. Conclusion

[41] For the foregoing reasons, I conclude that Mr. Odor has not demonstrated that the RAD's decision was unreasonable in respect of either aspect of its IFA analysis. The application for judicial review is therefore dismissed.

[42] Neither party proposed a question for certification pursuant to paragraph 74(d) of the *IRPA*. I agree that no question meeting the requirements for certification arises in the matter.

JUDGMENT IN IMM-18936-24

THIS COURT'S JUDGMENT is that

1. The application for judicial review is dismissed.

“Nicholas McHaffie”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-18936-24

STYLE OF CAUSE: CHRISTIAN CHINEDU ODOR v THE MINISTER OF
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PLACE OF HEARING: MONTREAL, QUEBEC

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DATED: APRIL 2, 2026

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