Federal Court Cour fédérale

Date: 20230310

Docket: IMM-8213-21

Citation: 2023 FC 330

Ottawa, Ontario, March 10, 2023

PRESENT: The Hon Mr. Justice Henry S. Brown

BETWEEN:

LOOKMAN OLAMILEKAN AJAMOLE

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

I. Nature of the matter

[1] This is an application for judicial review of a decision by the Refugee Appeal Division [RAD], dated October 18, 2021, affirming a decision of the Refugee Protection Division [RPD], which found that the Applicant is neither a *Convention* refugee nor a person in need of protection given the availability of a viable Internal Flight Alternative in Nigeria [IFA].

II. Facts

[2] The Applicant is a 52-year-old man of Nigerian citizenship. His claim is based on alleged fear of a relative and the relative's family due to property disputes following his father's death. The Applicant's narrative is as follows.

[3] The Applicant is a Muslim whose father died in 2012 leaving properties to him and his siblings. A relative administered their late father's estate. In 2017, the Applicant and his siblings asked for the properties, but were refused by a relative who claimed he had spent money maintaining the properties. Soon after, his younger brother was killed in an attack where attackers reportedly asked the deceased "if he still wanted his father's properties." This attack was allegedly reported to the police, but no arrests were made.

[4] Following this event, the Applicant, his mother and surviving siblings started receiving threatening phone calls warning them to stop asking for their late father's properties. These threats were also reported, but were not pursued by police.

[5] The Applicant left Nigeria in 2018 for the U.S. His family remained in Nigeria. While in the U.S., he learned his younger brother was attacked by "thugs" sent by the relative. The brother subsequently fled to another city, but continued to receive threatening phone calls. Following these events, the Applicant decided not to return to Nigeria, entered Canada and claimed refugee protection. While in Canada, he says he learned relatives and others unknown attacked his wife

and infant daughter. The Applicant's daughter succumbed to her injuries a few days later. He came to learn that individuals associated with his relative vandalized his mother's house in 2021.

III. Decision under review

[6] The RAD affirmed the RPD's finding that the Applicant had a viable IFA elsewhere in Nigeria. Specifically, the RPD had found that the Applicant did not establish that the agents of harm would have the motive and means to locate him in the IFA and it would not be objectively unreasonable for him to relocate there.

A. *Serious possibility of persecution or risk of harm*

[7] The RAD found no serious possibility of persecution or risk of harm for the Applicant. The RAD noted that there could only be a serious possibility of persecution or risk of harm if the agents of harm have both the means and motivation to locate the Applicant.

[8] First, the RAD found that the RPD was correct in finding the agent of harm does not have the means to locate the Applicant in the IFA. Specifically, the RAD found a lack of sufficient evidence of the Applicant's relative's capacity to locate the Applicant either by way of his social media presence or influential political connections.

[9] Moreover, the Applicant alleged weak personal data protection and mass surveillance in Nigeria that would enable the agent of harm to recognize and discover him through various social services. The RAD rejected this argument, noting that the agent of harm is a non-state

actor and does not have the surveillance capabilities of a government. Neither, the RAD noted, did the Applicant provide any evidence to support his assertion that “mundane everyday activities” in the IFA would allow the agent of harm to easily find him in a city of over 3 million.

[10] The RAD similarly rejected the Applicant’s submission regarding corruption amongst law enforcement authorities and the ability of citizens to bribe police officers into using state resources for private matters. The RAD acknowledged evidence of corruption within the Nigerian police force, but ultimately found that the Applicant was only speculating that his relative might bribe the police and provided no evidence that his relative has done so in the past. Moreover, the RAD noted that the general specter of police corruption throughout Nigeria and mere possibility that his relative might bribe police does not subject the Applicant personally to a danger of torture or risk to life.

[11] The RAD also questions why the Applicant’s relative would still be motivated to find the Applicant despite his having made no request to return the properties since 2017. The RAD restated the Applicant’s oral testimony in which he confirmed that he had abandoned any efforts to obtain the properties and had already moved out with his mother. Despite this, the Applicant was unable to explain why his relative would still be motivated to pursue him.

[12] The totality of these concerns led the RAD to find that the agents of harm do not have the motivation to locate the Applicant in the IFA; necessarily, then, he does not face a serious possibility of persecution or risk of harm there.

B. *Relocation not unreasonable*

[13] To begin, the RAD notes that the Federal Court of Appeal has set a very high threshold for the "unreasonableness test", requiring nothing less than the existence of conditions that would jeopardize the life or safety of the Applicant; moreover, actual and concrete evidence of such conditions must be provided. In the current matter, the RAD found that the Applicant has not done so.

[14] The RAD acknowledged country conditions evidence that referenced difficulties the Applicant may have if relocated to the IFA, but found that these concerns did not make it untenable. Moreover, the Applicant had contended that his inability to speak English will hinder his ability to find work. However, the RAD noted that he himself claimed to speak both Yoruba and English on his Basis of Claim [BOC] form, had a psychotherapy assessment conducted in English and regularly answered questions in English at the RPD hearing. Similarly, the RAD found that the Applicant did not elaborate on apparent circumstances that would cause difficulties in finding and securing employment in the IFA.

[15] The Applicant further argued that the RPD had erred in not addressing his indigeneship. The RAD noted that while non-Indigenes can experience restrictions and discrimination, the evidence suggests that those issues do not apply in the larger urban centres like the IFA.

[16] The RAD further rejected the Applicant's argument that the RPD failed to adequately consider evidence of limited mental health services in Nigeria. The RAD found that the RPD had

specifically addressed the evidence provided by the Applicant's psychiatrist and other documents showing that public services were largely poor. The RAD acknowledged these issues, but noted that the country conditions evidence indicated that the treatment of mental illness was possible in public hospitals, and there is no form of mental illness for which treatment is not available in Nigeria.

[17] Considering the totality of these findings, the RAD concluded that the proposed IFA in the IFA was not objectively unreasonable in the Applicant's circumstances. In conjunction with the finding regarding the lack of a serious risk of persecution, the RAD confirmed that the Applicant has a viable IFA in the IFA.

IV. Issues

[18] The issue on this application is whether the RAD's decision was unreasonable. I will start with the assessment of the new evidence tendered before the RAD.

V. Standard of Review

[19] The standard of review in this matter is reasonableness. In *Canada Post Corp v Canadian Union of Postal Workers*, 2019 SCC 67, issued at the same time as the Supreme Court of Canada's decision in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*], the majority per Justice Rowe explains what is required for a reasonable decision, and what is required of a court reviewing on the reasonableness standard:

> [31] A reasonable decision is "one that is based on an internally coherent and rational chain of analysis and that is justified in

> relation to the facts and law that constrain the decision maker" (*Vavilov*, at para. 85). Accordingly, when conducting reasonableness review "[a] reviewing court must begin its inquiry into the reasonableness of a decision by examining the reasons provided with 'respectful attention' and seeking to understand the reasoning process followed by the decision maker to arrive at [the] conclusion" (*Vavilov*, at para. 84, quoting *Dunsmuir*, at para. 48). The reasons should be read holistically and contextually in order to understand "the basis on which a decision was made" (*Vavilov*, at para. 97, citing *Newfoundland Nurses*).
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> [32] A reviewing court should consider whether the decision as a whole is reasonable: "what is reasonable in a given situation will always depend on the constraints imposed by the legal and factual context of the particular decision under review" (*Vavilov*, at para. 90). The reviewing court must ask "whether the decision bears the hallmarks of reasonableness – justification, transparency and intelligibility – and whether it is justified in relation to the relevant factual and legal constraints that bear on the decision" (*Vavilov*, at para. 99, citing *Dunsmuir*, at paras. 47 and 74, and *Catalyst Paper Corp. v. North Cowichan (District)*, 2012 SCC 2, [2012] 1 S.C.R. 5, at para. 13).
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> [33] Under reasonableness review, "[t]he burden is on the party challenging the decision to show that it is unreasonable" (*Vavilov*, at para. 100). The challenging party must satisfy the court "that any shortcomings or flaws relied on ... are sufficiently central or significant to render the decision unreasonable" (*Vavilov*, at para. 100).
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> [Emphasis added]

[20] That said, the Supreme Court in *Vavilov* makes it clear the role of this Court is not to reweigh and reassess the evidence unless there are "exceptional circumstances". No such circumstances exist in the case at bar. The Supreme Court of Canada instructs as follows:

> [125] It is trite law that the decision maker may assess and evaluate the evidence before it and that, absent exceptional circumstances, a reviewing court will not interfere with its factual findings. The reviewing court must refrain from "reweighing and reassessing the evidence considered by the decision maker": *CHRC*, at para. 55; see also *Khosa*, at para. 64; *Dr. Q*, at paras. 41-42. Indeed, many of the same reasons that support an appellate court's deferring to a

> lower court's factual findings, including the need for judicial efficiency, the importance of preserving certainty and public confidence, and the relatively advantageous position of the first instance decision maker, apply equally in the context of judicial review: see *Housen*, at paras. 15-18; *Dr. Q*, at para. 38; *Dunsmuir*, at para. 53.
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> [Emphasis added]

[21] In addition, the Federal Court of Appeal recently held in *Doyle v Canada (Attorney General)*, 2021 FCA 237 that the role of this Court is not to reweigh and reassess the evidence:

> [3] In doing that, the Federal Court was quite right. Under this legislative scheme, the administrative decision-maker, here the Director, alone considers the evidence, decides on issues of admissibility and weight, assesses whether inferences should be drawn, and makes a decision. In conducting reasonableness review of the Director's decision, the reviewing court, here the Federal Court, can interfere only where the Director has committed fundamental errors in fact-finding that undermine the acceptability of the decision. Reweighing and second-guessing the evidence is no part of its role. Sticking to its role, the Federal Court did not find any fundamental errors.
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> [4] On appeal, in essence, the appellant invites us in his written and oral submissions to reweigh and second-guess the evidence. We decline the invitation.

VI. Analysis

A. *New evidence*

(1) Evidence of alleged attack on Applicant's wife's home

[22] The Applicant tendered additional evidence related to an alleged attack on his wife's home in 2012. The additional documents consisted of a police report, text messages and photographs. The RAD did not find these items to be credible. Firstly, the RAD noted that the

police report was considerably different from the sample police report contained within the country conditions evidence; specifically, there was an assortment of differences in font size, spacing and actual name of the form. Moreover, the RAD found differences in the ribbon banner along the side of the report and in the police logos. The RAD noted that the country condition evidence indicates that police forms across Nigeria have minor discrepancies, but core elements of the logo remain the same. In the RAD's view, the logos on the police report provided by the Applicant have distinctly different visual elements. Given these concerns, the RAD found the police report to be inauthentic. For the same reasons, a police report provided to the RPD about the attack on the Applicant's brother was also found to be inauthentic by the RAD.

[23] With respect, this finding is entirely a matter of assessing and weighing the credibility of documentary evidence. To the extent this is put it issue, I decline to engage in what is in my view outside the Court's role on judicial review as proscribed by both *Vavilov* and *Doyle* cited above. The finding the Applicant filed an unauthenticity police report is reasonable and stands. It is in any event a finding that is well within the scope of deference owed by this Court to the RAD, and I should add the RPD.

(2) WhatsApp exchange and photo

[24] In the panel's view, these findings of inauthenticity also directly impacted the credibility of the text messages and photographs provided by the Applicant regarding the alleged attack on his wife's home. As a result, the RAD found on a balance of probabilities that the event did not happen. In this connection the Applicant submits that the RAD did not properly apply the correct

legal tests to reach its conclusion regarding the admissibility of the new evidence namely WhatsApp text messages and photographs of the alleged attack on the Applicant's wife's home.

[25] The Applicant suggests the RAD improperly imported a negative credibility finding regarding the police report into its assessment of the WhatsApp messages and photographs, concluding then that the attack did not happen and refusing to admit the documents. The Applicant submits that the RAD's failure to engage with the evidence in a meaningful way constitutes a reviewable error. Moreover, the Applicant takes issue with the RAD's lack of thorough analysis of the WhatsApp messages and photos, noting that the police report received a more detailed assessment. In this way, the Applicant submits that the RAD's treatment of the WhatsApp messages and photos fell well below the standard of intelligibility, transparency and justifiability from *Vavilov*. In this connection, the Applicant cites to *Nur v. Canada (Immigration, Refugees and Citizenship)*, 2019 FC 1444, and *Lin v Canada (Minister of Citizenship and Immigration)*, 2012 FC 157.

[26] With respect I am not persuaded. The law in this connection is stated by the Federal Court of Appeal in *Singh v Canada (Citizenship and Immigration)*, 2016 FCA 96 (CanLII), [2016] 4 FCR 230:

> [38] The true crux of the issue here consists in determining whether the implied conditions of admissibility identified in the context of paragraph 113(a) by Justice Sharlow in *Raza* are also applicable to subsection 110(4). Because it goes to the heart of the submissions filed by counsel for both parties and the intervener, it is important to reproduce the following relevant excerpt from that decision [at paragraphs 13 to 15]:
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> > As I read paragraph 113(*a*), it is based on the premise that a negative refugee determination by the RPD must be respected by the PRRA officer,

> unless there is new evidence of facts that might have affected the outcome of the RPD hearing if the evidence had been presented to the RPD. Paragraph 113(*a*) asks a number of questions, some expressly and some by necessary implication, about the proposed new evidence. I summarize those questions as follows:
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> 1. Credibility: Is the evidence credible, considering its source and the circumstances in which it came into existence? If not, the evidence need not be considered.
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> ....

[27] In my view, the RAD was entitled to consider the credibility of the text messages and photos after its findings with respect to the police reports. There is no merit to the submissions of the Applicant that this credibility assessment was made in any sort of error, or that notice was required of the RAD's concerns, or that an oral hearing was required per paragraph 110(6)of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [*IRPA*]. These issues are all resolved contrary to the Applicant's submissions, by the Court's jurisprudence which includes *Marquez Obando v Canada (Citizenship and Immigration)* 2022 FC 441 which McHaffie J summarizes:

> [25] The applicants claim that the RAD should have granted them a hearing before rejecting their new documents and their refugee protection claim. They argue that the fact that the RAD did not do so amounts to a breach of procedural fairness.
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> [26] I reject this argument. Regarding the rejection of documents, according to subsections 110(3), (4), and (6) of the IRPA, the RAD can hold a hearing only if it has already determined that the new documents filed meet the criteria of subsection 110(4), including the credibility criterion. This Court has repeated found that the RAD is not required to hold a hearing to determine whether a document presented as new evidence is credible: *AB v Canada (Citizenship and Immigration)*, 2020 FC 61 at para 17; *Mohamed v Canada (Citizenship and Immigration)*, 2020 FC 1145 at paras 19–21; *Sunday v Canada (Citizenship and Immigration)*, 2021 FC 266 at paras 42–44.

> [27] This does not mean that the RAD cannot request written representations from an appellant if it has questions about new documents. It always has this discretion, even if the appellant already has the obligation to present "full and detailed submissions" on how the new documents meet the requirements of subsection 110(4): *RAD Rules*, s 3(3)(g)(iii). However, I find that the RAD was not required to provide written notice to the applicants that the credibility of the new documents was in question in order to comply with the principles of procedural fairness. Without wanting to define situations in which the RAD could have such an obligation, if any, in the case at hand, the RAD based its credibility findings directly on the form and contents of the letter filed by the applicants themselves, in a case where Mr. Marquez's credibility was already in question. Procedural fairness did not require the RAD to provide the applicants with another opportunity, in addition to the one already provided for by *RAD Rules*, to respond to questions about credibility.
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> [28] Having rejected the new documents, the RAD was required under the IRPA to determine the appeal on the merits without holding a hearing: IRPA, s. 110(3). Even if the RAD made findings on the credibility of Mr. Marquez's account, it is not a breach of procedural fairness for the RAD to follow the procedures set out in the Act: *Singh* at paras 51–52; *Mohamed* at para 22; *Malambu v Canada (Citizenship and Immigration)*, 2015 FC 763 at paras 29–36.
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> [Emphasis added]

[28] I also note the decision of Justice Kelen in *Osayande v Canada (Minister of Citizenship and Immigration)* 2002 FCT 368 which determined many years ago that where a witness is found to have severely damaged his own credibility, such as by supplying a false document (as the Applicant did here), that may reflect on other credibility findings:

> [21] In the present matter, the false newspaper document, its falsity not in issue before this Court, was taken into account by the CRDD, along with the other available evidence, and the tribunal came to a finding that the applicant was not credible. Where a witness before the CRDD is found to have severely damaged his own credibility in a specific instance, such as supplying a false document to the CRDD, that can reflect on other findings regarding his credibility.

> [22] It is plain from the decision that the CRDD evaluated the credibility of the applicant, considered the evidence before it, and made an informed and reasonable decision that the applicant was not credible.

[29] It also seems to me, regarding the Applicant's assertion that refusing to admit unauthentic documents without an oral hearing insulates the RAD from the application of, or renders section 110(6) of the *IRPA* nugatory, that his submissions if accepted would lead to a perverse outcome wherein any applicant could file forged or otherwise unauthentic documents – as this Applicant did– and be rewarded with an oral hearing. No such outcome is supported by either the jurisprudence or *IRPA*.

(3) News articles

[30] The Applicant sought to submit four news articles, three of which pertained to the security situation in the IFA, and another regarding the Nigerian government banning Twitter. These were in my view reasonably rejected by the RAD as not relevant to the underlying claim. The Applicant had stated that the ban would create a hardship in networking or obtaining a job. However, the RAD found no evidence to suggest that the Applicant has ever used Twitter for personal or business purposes. Neither was there evidence before the RAD that other Nigerian tailors use Twitter to secure business. Given these evidentiary gaps, the RAD did not believe the Twitter ban was relevant to the Applicant's claim. All these findings are entitled to deference as matters of weighing and assessing the record, and will not be disturbed.

[31] The RAD found the remaining articles concerning protests in Nigeria were not new evidence nor did they establish a situation that arose after the RPD hearing. Both articles also, in

the RAD's view, refer to an insecurity phenomenon that predated the RPD's decision. With respect, I agree.

(4) Status of agents of harm

[32] The Applicant also sought to admit very recent evidence of his relative's alleged installation as a leader in the very IFA recently identified by the RPD, notwithstanding he resided elsewhere in Nigeria. This included an email chain between the Applicant and a friend who advised him of this alleged recent development. The RAD noted the Applicant had never mentioned nor produced any evidence that would indicate his relative was in line for such a role or that anyone in his family had previously held such a role. Moreover, the RAD took issue with the fact that the Applicant was presenting evidence purporting to establish his relative took this new role a little over two months after the RPD found he had a viable IFA in the same city. The RAD reasonably in my view found the timing was so coincidental as to render it suspect and not credible, also having considered objective country condition evidence that such roles are local matters, and there was no evidence a person from one state could take such a position in a different state or district. I am not prepared to reweigh and reassess the evidence in this respect.

(5) Newspaper publications

[33] The Applicant also submitted additional news articles highlighting rising criminal activity and corruption in the IFA. In the Applicant's view, he could not reasonably have been expected, in the circumstances, to have presented this evidence at the time of his claim rejection. The

Applicant notes that he could not have foreseen that the RPD would view the IFA as a special exception to the general situation throughout Nigeria.

[34] This submission is without merit. The RPD identified the IFA at its hearing. The IFA was clearly put in play with notice to the Applicant. The Applicant was represented by counsel (not counsel at this hearing). No objection was taken. The Applicant gave evidence and was questioned. The Applicant had the full right to be cross-examined in respect of the IFA. Importantly, the Applicant's counsel did not request the filing of any post-hearing evidence or submissions with respect to IFA.

B. *Internal flight alternative*

(1) First prong: Serious possibility of persecution or risk of harm

[35] The RAD affirmed the RPD's finding that the Applicant had a viable IFA elsewhere in Nigeria. Specifically, the RPD had found that the Applicant did not establish that the agents of harm would have the motive or means to locate him in the IFA and it would not be objectively unreasonable for him to relocate there.

[36] I should say at the outset the Applicant heavily relied on overturning the findings with respect to his allegedly new evidence as a precondition to succeeding in his claims against the findings of IFA. As just seen, those submissions have not been accepted.

[37] In my view, which is not disputed by the Applicant, the RAD set out the correct and reasonable legal framework for its analysis and determination of IFA in this case.

[38] The determination of the two prong test is almost entirely a matter of assessing and weighing evidence by the RAD. I am not persuaded to interfere with the RAD's findings in this respect.

[39] I will also note the following.

[40] In essence, the Applicant submits the RAD erred by ignoring significant relevant and objective evidence that the IFA is not available in the proposed location and cannot possibly be viable.

[41] For example, he says the RAD has not put forward any reason to doubt the presumption afforded to his testimony. He submits his testimony constitutes evidence of the lack of safety in the proposed IFA and ought to have been considered as such by the RAD. The Applicant adds the RAD erred in assessing the first prong of the IFA analysis with the whole claim focused on the agent of persecution's motivation and desire to find the Applicant. On this point, I am not persuaded because this submission is not supported by the record. The RAD expressly considered the Applicant's testimony, for example concerning the allegation his relative was well-connected. Moreover, as the Respondent points out, relying on the presumption of truthfulness, as the Applicant has, does not vitiate the need to provide sufficient evidence to

satisfy the decision-maker key elements of a claim. In other words, truthful evidence may be insufficient to satisfy the claimant's burden to establish the claim.

[42] The Applicant alleges weak personal data protection and mass surveillance in Nigeria that would enable the agent of harm to recognize and discover him through various social services. The RAD rejected this argument, noting that the agent of harm is a non-state actor and does not have the surveillance capabilities of a government. Neither, the RAD noted, did the Applicant provide any evidence to support his assertion that "mundane everyday activities" in the IFA would allow the agent of harm to easily find him in a city of over 3 million. The Applicant objects to the assertion that if he wished to conceal his coordinates from alleged agents of persecution, he should restrain some aspects of his social media presence. However, as the Respondent noted, the RAD found no evidence the Applicant ever used Twitter let alone used Twitter to network for business purposes. The Respondent added that there was also no evidence before the RAD that other Nigerians in the Applicant's business used Twitter to secure business. These assessments were open to the RAD.

[43] The RAD also rejected the Applicant's submission regarding corruption amongst law enforcement authorities and the ability of citizens to bribe police officers into using state resources for private matters. The RAD acknowledged evidence of corruption within the Nigerian police force, but ultimately found that the Applicant was only speculating that his relative might bribe the police, and found the Applicant provided no evidence that the relative had done so in the past. Moreover, the RAD again reasonably noted the general specter of police

corruption throughout Nigeria and mere possibility that his relative might bribe police does not subject the Applicant personally to a danger or torture or risk to life in the IFA.

[44] The RAD also reasonably asked why the Applicant's relative would still be motivated to find him despite his having made no request to return the properties since 2017. The RAD restated the Applicant's oral testimony in which he confirmed he had abandoned any efforts to obtain the properties and had already moved out his mother. Despite this, the Applicant was unable to explain why his relative would still be motivated to pursue him.

[45] The totality of these concerns led the RAD to find that the agents of harm do not have the means or motivation to locate the Applicant in the IFA; necessarily, then, he does not face a serious possibility of persecution or risk of harm there. There is no fundamental flaw or unreasonableness in this assessment.

(2) Relocation not unreasonable

[46] The RAD moved to the second part of the two prong test for an IFA. The RAD correctly notes in terms of constraining law, accepted by both parties, that the Federal Court of Appeal sets a very high threshold for the "unreasonableness test", requiring nothing less than the existence of conditions that would jeopardize the life or safety of the Applicant; moreover, actual and concrete evidence of such conditions must be provided. In the current matter, the RAD found that the Applicant had not provided actual and concrete evidence of such conditions to meet this high test.

[47] This again is a matter of weight and assessment of evidence and inferences, which the Court is not to set aside in the absence of exceptional circumstance, in which respect I find there are none.

[48] The RAD acknowledged country conditions evidence referencing difficulties the Applicant may have in relocated to the IFA, but found that these concerns did not make it untenable.

[49] The RAD did not accept the Applicant's argument his inability to speak English will hinder his ability to find work: the RAD noted he himself claimed to speak both Yoruba and English on his BOC form, he had a psychotherapy assessment conducted in English, and regularly answered questions in English at the RPD hearing. Similarly, the RAD found that the Applicant did not elaborate on apparent circumstances that would cause difficulties in finding and securing employment in the IFA. The Applicant also argued the RPD erred in not addressing his indigeneship. The RAD noted that while non-Indigenes can experience restrictions and discrimination, the country condition evidence suggests that those issues do not apply in the larger urban centres like the IFA. I see no basis to intervene in these respects.

[50] The RAD further rejected the Applicant's argument that the RPD failed to adequately consider evidence of limited mental health services in Nigeria. The RAD found that the RPD had specifically addressed the evidence provided by the Applicant's psychiatrist and other documents showing that public services were largely poor. The RAD acknowledged these issues, but noted the country conditions evidence indicated that the treatment of mental illness was possible in

public hospitals, and there is no form of mental illness for which treatment is not available in Nigeria. There is no merit in the submission this was not considered.

[51] The Applicant submits the RAD failed to consider elements of the Applicant's testimony that mentioned his relative's business in the IFA and that his relative is a member of the ruling party in Nigeria. With respect, these submissions were considered and to the extent they are not, it is trite the RAD is deemed to a have considered all submissions and evidence and has no obligation to set out and address every aspect of a claimant's submissions.

[52] Considering the totality of these findings, and given the range of complaints not all of which are assessed in this Reasons, I have come to the conclusion the RAD reasonably determined the proposed IFA in the IFA was not objectively unreasonable in the Applicant's circumstances.

[53] In conjunction with the finding regarding the lack of a serious risk of persecution, the RAD confirmed that the Applicant has a viable IFA.

VII. Conclusion

[54] There being no unreasonableness, this application for judicial review will be dismissed.

VIII. Certified Question

[55] Neither party proposed a question of general importance, and none arises.

JUDGMENT in IMM-8213-21

THIS COURT'S JUDGMENT is that this application for judicial review is dismissed, no question of general importance is certified, and there is no order as to costs.

"Henry S. Brown"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

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