

Federal Court



Cour fédérale

Date: 20220713

Docket: IMM-2281-21

Citation: 2022 FC 1033

Ottawa, Ontario, July 13, 2022

PRESENT: Mr. Justice James W. O'Reilly

BETWEEN:

ADEGBOYEGA BELLO

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] In 2017, Mr Adegboyega Bello fled Nigeria out of fear of persecution by members of a cult called Badoo. Mr Bello had been chairman of a community organization that hired vigilantes in an effort to stop Badoo cultists from attacking people in the area. He says that cult members threatened him and tried to harm him. He travelled to the United States in 2017 and then to Canada a year later.

[2] Mr Bello presented a claim for refugee protection to the Refugee Protection Division. The RPD found him generally to be credible, but concluded that he could live safely either in Abuja or Port Harcourt; in other words, he had an internal flight alternative (IFA) in those locations. Mr Bello appealed to the Refugee Appeal Division, which upheld the RPD's decision.

[3] Mr Bello contends that the RAD's decision was unreasonable because evidence showed that he would not be safe in either Abuja or Port Harcourt. In addition, he maintains that he could not reasonably relocate to either of those cities because of high unemployment and poor health care there. He asks me to quash the RAD's decision and order another panel to reconsider his claim.

[4] I can find no basis for overturning the RAD's decision. It reasonably concluded that Mr Bello had an IFA in Nigeria because he could escape persecution from the Badoo cult in either Abuja or Port Harcourt. Further, the RAD reasonably found that employment and health conditions in those cities did not present a significant obstacle to Mr Bello's taking up residence there. I must, therefore, dismiss this application for judicial review.

[5] The sole issue is whether the RAD's IFA conclusion was unreasonable.

II. Was the RAD's IFA Conclusion Unreasonable?

[6] In order to conclude that Mr Bello had an IFA, the RAD had to make two findings. First, it had to find that Mr Bello could safely avoid persecution by the Badoo cult in the two locations

under consideration – Abuja and Port Harcourt. Second, it had to find that Mr Bello could reasonably relocate to those cities.

[7] On the first question, Mr Bello points out that members of the Badoo cult had traced him from his community of Ikorodu in Lagos to his friend's home about a half-hour away. There, his friend received a threatening call from a cult member. Mr Bello relocated to Osun State for several months, but then had to return to Lagos for medical treatment. According to Mr Bello, this showed that the cult was intent on finding him, and that it would likely pursue him to Abuja or Port Harcourt if he moved there.

[8] On the second question, Mr Bello argues that the RAD failed to take adequate account of his need for proper medical attention. He had been misdiagnosed in Nigeria as having tuberculosis – in Canada, doctors believed he may have a condition called sarcoidosis. Mr Bello also contends that the RAD did not understand the difficulty that he would face trying to find employment in Abuja or Port Harcourt. He says that the evidence shows that it would be almost impossible for him to find a job.

[9] I disagree with Mr Bello's submissions.

[10] The evidence did not show that Badoo members had the means or motivation to pursue him to Abuja or Port Harcourt. After he left Ikorodu, his friend received a threatening phone call, indicating that the cult may have located him nearby. However, he had no further contact from the cult during the ensuing 11 months when he was living elsewhere in Nigeria. While Mr Bello

provided evidence that cults are widespread in Nigeria, nothing in that documentation connected him to any particular risk.

[11] I see nothing unreasonable in the RAD's finding that Mr Bello could likely live safely beyond the reach of the Badoo cult if he moved to Abuja or Port Harcourt.

[12] As for the reasonableness of expecting Mr Bello to relocate to one of the IFAs, the RAD took into account that Mr Bello's personal qualities favoured his chances of finding employment – his age, experience, education, language skills, and gender. Regarding Mr Bello's medical circumstances, the RAD noted that his condition has been managed without medication or treatment and that, if necessary, he would have access to pulmonologists at public hospitals in Abuja or Port Harcourt. The medical evidence showed that Mr Bello's condition did not seriously affect his health or ability to work.

[13] Again, I see no error in the RAD's conclusion that it would be reasonable to expect Mr Bello to move to Abuja or Port Harcourt. Therefore, the RAD's IFA conclusion was not unreasonable.

III. Conclusion and Disposition

[14] The RAD's findings that Mr Bello could live safely in Abuja or Port Harcourt, and that it would be reasonable for him to relocate there, were supported by the evidence. Its IFA conclusion was, therefore, not unreasonable. I must, therefore, dismiss this application for

judicial review. Neither party proposed a question of general importance for me to certify, and none is stated.

JUDGMENT IN IMM-2281-21

THIS COURT'S JUDGMENT is that

1. The application for judicial review is dismissed.
2. No question of general importance is stated.

"James W. O'Reilly"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-2281-21

STYLE OF CAUSE: ADEGBOYEGA BELLO v. THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: HEARING HELD BY VIDEOCONFERENCE IN
TORONTO, ONTARIO

DATE OF HEARING: FEBRUARY 22, 2022

JUDGMENT AND REASONS O'REILLY J.

DATED: JULY 13, 2022

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