

Federal Court



Cour fédérale

Date: 20150213

Docket: IMM-5027-14

Ottawa, Ontario, February 13, 2015

PRESENT: The Honourable Madam Justice Bédard**BETWEEN:****BASSEY IDE OKOKON****Applicant**

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

and

**THE MINISTER OF PUBLIC SAFETY AND
EMERGENCY PREPAREDNESS****Defendants****ORDER**

UPON considering the application for judicial review of a decision rendered on May 30, 2014 by a Senior Immigration Officer (the PRRA Officer) rejecting the applicant's Pre-Removal Risk Assessment Application (the PRRA Application);

AND UPON recognizing that the issues raised before this Court involve the manner in which the PRRA Officer assessed the risks alleged by the applicant and the evidence submitted

in support of his allegations, and that the PRRA Officer's decision is reviewable under the reasonableness standard of review (*Betoukoumesou v Canada (Minister of Citizenship and Immigration)*, 2014 FC 589 at para 16, [2014] FCJ No 610; *Samuel v Canada (Minister of Citizenship and Immigration)*, 2012 FC 967 at para 8, [2012] FCJ No 1045);

AND UPON reading the parties' submissions and hearing their oral arguments; and

HAVING disregarded the applicant's further affidavit of November 28, 2014, as it was not before the PRRA Officer, the Court is of the view that its intervention is warranted;

One of the allegations raised by the applicant is that he faces risks as a Christian from Boko Haram, whose attacks are spreading throughout the country.

The PRRA Officer erred by stating that the alleged risks would be faced by the applicant as a Christian convert. This was a mistake as the applicant never alleged that he is a Christian convert and he asserts that he is a Christian by birth. The respondent acknowledges that the PRRA Officer erred in that regard, but he argues that it had no impact on the PRRA Officer's analysis since he assessed the country conditions evidence regarding the risks faced by Christians even though he found there was insufficient objective evidence of the applicant's adherence to the Christian faith.

With respect, I am not convinced that the PRRA Officer's error did not have any impact on his analysis. The risk profile of a converted Christian is not necessarily the same as that of a Christian by birth who can be identified as such by his name. Further, the PRRA Officer did not

discuss the allegation that Boko Haram's attacks are spreading throughout the country nor did he refer to the evidence filed in support of that allegation. In fact, the Officer's discussion of the risk to Christians does not mention Boko Haram at all.

While I have refrained from determining whether the country conditions evidence is sufficient to support a finding that a Christian by birth would face risks from Boko Haram, I am not convinced that the evidence regarding the country conditions has been assessed in light of the appropriate risk profile of the applicant. For the same reason, I am not convinced that the PRRA Officer's assessment of state protection would not have been impacted had he assessed the situation in light of the applicant's appropriate risk profile.

Moreover, the applicant alleges that he faces risks as the child of an Exxon Mobil employee and he maintains that as a young adult, he could no longer benefit from the private security offered by Exxon Mobil to their employees' children. While the PRRA Officer is presumed to have considered all the evidence, I am of the view that his assessment of the evidence regarding the risks faced by Exxon Mobil employees generally and by their children is at best cursory.

THIS COURT ORDERS that

1. The application for judicial review is granted;
2. The PRRA Officer's decision of May 30, 2014, is overturned and the applicant's PRRA Application is returned for re-determination by another PRRA Officer;
3. No question is certified.

"Marie-Josée Bédard"

Judge