

Federal Court



Cour fédérale

Date: 20140708

Docket: IMM-5027-14

Ottawa, Ontario, July 8, 2014

PRESENT: The Honourable Mr. Justice O'Reilly

BETWEEN:

**BASSEY IDE OKOKON**

**Applicant**

and

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION AND THE MINISTER OF  
PUBLIC SAFETY AND EMERGENCY  
PREPAREDNESS**

**Respondents**

**ORDER**

**UPON MOTION** of the applicant for an order staying his removal from Canada on July 10, 2014 for Nigeria;

**AND UPON** reviewing the material filed by the parties;

**AND UPON** hearing the parties' oral submissions at a hearing on July 7, 2014;

**AND UPON** being satisfied that the applicant has met the three-part test for a stay, as follows:

I. Serious Issue:

[1] The applicant, Mr Bassey Okokon, contends that serious issues arise from the decision of a pre-removal risk assessment (PRRA) officer who found that Mr Okokon did not face a risk of serious personal harm in Nigeria and that he had not shown that state protection was unavailable to him there. Mr Okokon maintains that the officer failed to consider evidence showing that persons in his situation – children of persons employed by oil companies in the Niger Delta, Christians, and persons educated in the West – are at grave risk of serious harm in Nigeria.

[2] In my view, Mr Okokon has raised a serious issue.

[3] The documentary evidence shows that employees of oil companies in the Niger Delta face a risk of harm from violent militants. The attacks are often directed at persons who occupy senior positions. For example, the Head of the school owned by Exxon-Mobil was abducted in 2010. Her late husband was a senior official at the company. However, the company itself regularly advises all employees of the risks to which they are exposed and offers them security protection on request. Mr Okokon's mother sometimes asks for a police escort.

[4] The officer noted that Mr Okokon's mother has worked for Exxon-Mobil as a staff house coordinator since 1997, and that there is no evidence that she or Mr Okokon were ever targeted personally by militants. The officer also found that there was no evidence to corroborate their fears. However, the officer did not refer to the evidence showing a risk to employees generally,

and did not cite Mr Okokon's written narrative in which he mentions incidents in which children of Exxon-Mobil employees have been targeted.

[5] Therefore, I am satisfied that a serious issue arises from the officer's treatment of the evidence, both in relation to the assessment of risk and the availability of state protection. I need not consider the other issues Mr Okokon raised in his motion.

II. Irreparable Harm:

[6] In light of my finding that a serious issue arises from the officer's risk assessment, it follows that Mr Okokon would face irreparable harm if he were returned to Nigeria before the reasonableness of the officer's analysis can be evaluated on judicial review.

III. Balance of Convenience:

[7] In the circumstances, the balance of convenience lies in allowing Mr Okokon to remain in Canada to pursue his application for leave and judicial review.

**THIS COURT ORDERS that**

1. The motion is allowed.
2. Mr Okokon's removal is stayed until his application for leave and judicial review is finally determined.

“James W. O’Reilly”

---

Judge