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Akanni Allimi v. Canada (Public Safety and Emergency Preparedness), 2025 FC 623

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Federal Court Cour fédérale

Date: 20250404

Docket: IMM-6641-25

Citation: 2025 FC 623

2025 FC 623 (CanLII)

Ottawa, Ontario, April 4, 2025

PRESENT: Mr. Justice Sébastien Grammond

BETWEEN:

KAOZARAT KEHINDE AKANNI ALLIMI
FUHAD TAIWO AKANNI ALLIMI

Applicants

and

THE MINISTER OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

Respondent

ORDER AND REASONS

[1] The applicants are seeking a stay of their removal to Nigeria, scheduled for April 7, 2025. I am dismissing their motion, because the evidence they provided in support of their allegations of irreparable harm is fabricated.

I. Background

[2] Mr. and Ms. Akanni Allimi are citizens of Nigeria. They are siblings. They came to Canada in 2022 and claimed refugee protection. They allege that their father has been a long-time leader of the People's Democratic Party [PDP]. Their father would have received various threats culminating in the arson of his house in July 2022, while the applicants were abroad on an exchange program after completing their university degrees. They assert a fear of members of the PDP or the All Progressive Congress Party [APC], who would be responsible for the threats and arson.

[3] The applicants' claim was dismissed by the Refugee Protection Division [RPD] and the Refugee Appeal Division [RAD] of the Immigration and Refugee Board. The RAD noted several inconsistencies in the applicants' evidence. The determinative issue, however, was that the applicants had an internal flight alternative [IFA] in Enugu, largely because they were not involved in politics themselves and they had lived without problems in a different state for four years after their father began to receive threats.

[4] It is important to note that before the RAD, the applicants sought to bring new evidence showing efforts by police officers to search for the applicants' father, who was then in hiding. The RAD found that on a balance of probabilities, this evidence was not authentic, because of irregularities in the affidavit itself, insufficient explanations as to how the applicants obtained the affidavit and suspicious timing—the alleged events occurred less than a month after the RPD's decision.

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[5] The applicants brought an application for leave and for judicial review against the RAD's decision, but leave was denied.

[6] In January 2025, the applicants were informed of their impending removal. On March 12, 2025, they were given a direction to report on April 7, 2025, for their removal. On March 17, 2025, they requested a deferral of their removal based on new evidence of risk, which will be discussed below, as well as Ms. Akanni Allimi's mental health condition. This request was denied on March 30, 2025. On April 1, 2025, they brought an application for leave and for judicial review in respect of the denial of their deferral request. The next day, they brought a motion for a stay of their removal.

[7] I note that the applicants failed to include the RAD's decision in their motion record. Where a motion for a stay of removal is based on a risk that has already been assessed by other decision-makers, such as the RAD, applicants should provide it, as required by paragraph 10 of the Court's *Consolidated Practice Guidelines for Citizenship, Immigration, and Refugee Protection Proceedings*. Such a decision is critically important in deciding whether the test for granting a stay is met. Failure to provide the decision without an acceptable explanation may give rise to an adverse inference.

II. Analysis

[8] I am dismissing the applicants' motion.

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[9] Motions for stay of removal are decided on the basis of the well-known three-part test for interlocutory injunctions: *RJR – Macdonald Inc v Canada (Attorney General)*, [1994] 1 SCR 311 [*RJR*], and *R v Canadian Broadcasting Corp*, 2018 SCC 5, [2018] 1 SCR 196. The Court must determine whether: (1) the applicants have shown that the underlying application raises a serious issue; (2) the applicants will suffer irreparable harm if the stay is not granted; and (3) whether the balance of convenience favours the applicants.

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A. *Serious Issue*

[10] As will soon become clear, the determinative issue in this case is the lack of credible evidence of irreparable harm. For this reason, I am prepared to assume, for the sake of argument, that the applicants have raised a serious issue in respect of the refusal of their deferral request.

B. *Irreparable Harm*

[11] The applicants allege that upon returning to Nigeria, they would be exposed to two forms of irreparable harm, namely a risk of physical harm arising from their father's political activities and a risk to Ms. Akanni Allimi's mental health condition.

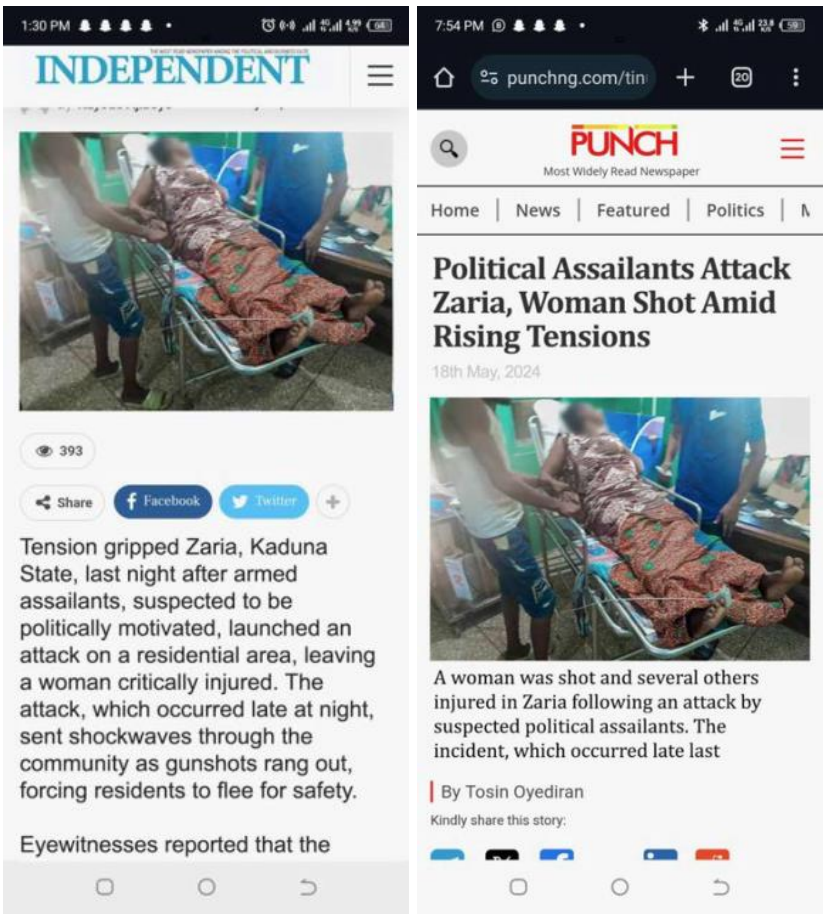
(1) Risk of Being Harmed by Political Opponents

[12] The applicants' first alleged risk is that their father's political opponents will try to harm them. This is essentially the risk that was rejected by the RAD. Usually, an applicant may not rely on a risk that was rejected by previous immigration decision-makers to buttress an allegation of irreparable harm in the context of a motion for a stay of removal. However, the applicants are

bringing new evidence of this risk, in an attempt to overcome the RAD's negative findings. They say that their mother, who was hiding at their uncle's house in Zaria, Kaduna state, was shot by gunmen on May 17, 2024, and died four days later. In appropriate circumstances, an event like this could form the basis of a finding of irreparable harm. For a discussion, see *Melay v Canada (Public Safety and Emergency Preparedness)*, 2022 FC 1406 at paragraphs 14–17. In this case, however, I find that the event did not happen because the evidence is fabricated.

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[13] Ms. Akanni Allimi swore an affidavit and appended several pieces of evidence purportedly proving her mother's murder, including the following clippings from Nigerian newspapers.





[14] The three reports feature the same picture of a woman on a stretcher. In all three cases, the woman's face has been blurred. None of the reports name the victim of the attack nor say explicitly that the woman on the stretcher is the victim.

[15] Counsel for the Minister provided evidence that the exact same picture of a woman on a stretcher is found in articles published on Ghanian news websites on September 21 or 22, 2023, describing an attack in which gunmen shot nine persons dead in the north-eastern region of that

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country. One example, from a web site called Eagle Ghana, is reproduced below. I note that in this case, the face of the woman is not blurred.



The injured persons are currently receiving treatment at nearby hospitals and the deceased have been moved to the morgue.

https://www.eagleghana.com/gunmen-shot-nine-dead-at-pusiga-in-upper-east-region/

[16] The only conclusion that can be drawn from this evidence is that the three newspapers clippings provided by the applicants are fabricated. It is unbelievable that three different professional news organizations would have illustrated a story with an image related to a situation occurring the year before in a different country. At the hearing of this motion, the applicants' counsel did not offer any explanation. It is also an extraordinary coincidence that the three news organizations would all have blurred the woman's face in the same way.

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[17] But there is more. Ms. Akanni Allimi provided an excerpt from the Zaria City police station diary, which purportedly describes the incident. The entry reads as follows:

> POLITICAL ASSAILANTS ATTACK IN ZARIA, WOMAN SHOT:
>
> Zaria, Nigeria – May 17, 2024
>
> A violent attack linked to political tensions rocked Zaria, Kaduna State, late Friday night, leaving a woman critically injured after being shot by unidentified assailants.
>
> The attackers, suspected to be politically motivated, struck at approximately 22:30 hours in a residential area, sending panic through the community.
>
> Eyewitnesses reported that the gunmen arrived on motorcycles, targeting a specific individual. The victim was immediately transported to Ahmadu Bello Teaching Hospital for emergency medical treatment. Medical personnel later confirmed that she was in critical but stable condition.
>
> "We heard loud gunshots and people screaming. It was terrifying. The attackers seemed to know who they were after," said a resident who wished to remain anonymous.
>
> While receiving treatment, the victim reportedly told authorities that she believes the assailants were linked to the All Progressives Congress (APC). "They have been after me because of me and my husband's political stance," she stated while in stable condition.
>
> However, no official confirmation has been made regarding the affiliation of the suspects.
>
> . . .

[18] It is entirely implausible that such an entry would be found in a police diary. It rather reads like a news report or a press release, given its title, its style and the manner in which witnesses are quoted. Indeed, the first two paragraphs are strikingly similar to the excerpt from the Independent reproduced above. The title is similar to that of the articles in the Vanguard and

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the Punch. It is also difficult to understand why the victim is never named in this police report, even though a verbatim statement is attributed to her. I find that this document is fabricated.

[19] Given that these documents purportedly proving the death of the applicants' mother are fabricated, I conclude that the other documents appended to Ms. Akanni Allimi's affidavit are fabricated as well. I also note the RAD's finding that new evidence tendered by the applicants was not authentic. Previous negative credibility findings may be taken into account when assessing evidence of irreparable harm: *Biga v Canada (Public Safety and Emergency Preparedness)*, 2023 CanLII 8318. Hence, I find that the story concerning the death of the applicants' mother was invented to buttress the applicants' motion for a stay of removal and, eventually, their PRRA application. Obviously, fabricated evidence cannot prove irreparable harm.

[20] In reaching this conclusion, I am mindful that the Court should exercise caution before assessing credibility and, by extension, the authenticity of documents in the context of a motion for a stay of removal. Nevertheless, the Court should not shy away from making a negative credibility finding where there are serious and obvious reasons for doing so: *Adel v Canada (Minister of Citizenship and Immigration)*, 2001 FCT 1017 at paragraphs 21–24, [2002] 2 FC 73. This is the case here, especially because the applicants were previously found to have submitted inauthentic evidence.

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(2) Mental Health Condition

[21] Ms. Akanni Allimi states that she is currently receiving treatment for anxiety and depression, and that her mental health condition worsened considerably after learning of her mother's death. The only evidence pertaining to her personal situation is a short note from a doctor saying that she has been under treatment since September 2024, "for anxiety and depression most of it stems from events happened to the family in Nigeria and the fear of going back." There is also a Human Rights Watch report describing the practice of chaining persons with severe mental health problems in Nigeria.

[22] However, I have found that Ms. Akanni Allimi's mother was not murdered. As Ms. Akanni Allimi's alleged mental health condition is based largely on this invented event, there is little reason to believe her assertions. Moreover, there is no evidence she exhibited symptoms or required treatment before September 2024, two years after she arrived in Canada.

[23] Thus, the evidence does not show that Ms. Akanni Allimi's mental health symptoms exceed the usual consequences of removal, which cannot ground a finding of irreparable harm. For the same reasons, the evidence does not show that she would be exposed to the forms of inhumane treatment described in the Human Rights Watch report.

C. *Balance of Convenience*

[24] As there is no evidence of irreparable harm, it is not strictly necessary to assess the balance of convenience. Nevertheless, had it been necessary to do so, the filing of fabricated

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evidence on two occasions shows a total disrespect for the integrity of the Canadian immigration system and judicial process. It would weigh heavily against granting the remedy sought by the applicants.

III. Disposition

[25] For these reasons, the applicants' motion for a stay of their removal to Nigeria is dismissed.

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ORDER in IMM-6641-25

THIS COURT'S ORDER is that the motion is dismissed.

"Sébastien Grammond"
Judge

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FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	IMM-6641-25
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