



IMMIGRATION AND REFUGEE BOARD
(REFUGEE DIVISION)

LA COMMISSION DE L'IMMIGRATION
ET DU STATUT DE RÉFUGIÉ
(SECTION DU STATUT DE RÉFUGIÉ)

IN CAMERA
HUIS CLOS
T99-09887

CLAIMANT(S)

XXXXX XXXXXXXXXXX XXXXXXXX

DEMANDEUR(S)

DATE(S) OF HEARING

May 17, 2000

DATE(S) DE L'AUDIENCE

DATE OF DECISION

**May 17, 2000 (rendered orally)
June 5, 2000 (written reasons)**

DATE DE LA DÉCISION

CORAM

Diane Smith

CORAM

FOR THE CLAIMANT(S)

**Kingsley Jesuorobo
Barrister and Solicitor**

POUR LE(S) DEMANDEUR(S)

REFUGEE CLAIM OFFICER

Charles Hawkins

AGENT CHARGÉ DE LA REVENDICATION

DESIGNATED REPRESENTATIVE

REPRÉSENTANT DÉSIGNÉ

MINISTER'S REPRESENTATIVE

REPRÉSENTANT DU MINISTRE

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On May 17, 2000, the panel heard the claim of XXXXX XXXXXXXX XXXXXXXX to be a Convention refugee. At the conclusion of the hearing, the panel rendered an oral positive decision. These are the written reasons which have been edited for syntax and grammar with added references to the appropriate documentary evidence and case law.

The claimant is citizen of Nigeria, born there on September XXXX, 1980. She is from the Yoruba tribe and she is the eldest daughter of a family of five children. She is fleeing Nigeria in fear of a forced arranged marriage under the Yoruba tradition. This arranged marriage was arranged by her father. She was supposed to be married to XXXXX XXXXXXX, a man that already had six wives and is 60 years of age.

Her evidence is that this XXXXX was from the same village her father is from; has been supporting her family for the last 25 years; paid for her education and for her business that she opened up in the market; and, took care of her entire family. She advises that in 1998 when she was 18, her father told her that she was betrothed to him and she had to marry him. She objected since she had a boyfriend for the last two years. Despite her objections, her father insisted that she marry this XXXXX.

She went to the police with her boyfriend. The next day the police arrested her boyfriend and held him without charge until he was bailed out about a week later by his family. The police told her boyfriend to stay away from the claimant as she was betrothed to the XXXXX. She continued to see her boyfriend secretly.

She intentionally got pregnant in order to avoid having to marry the XXXXX. This did not deter the XXXXX or her father. She was locked up in a room; the XXXXX beat her up, she lost a tooth and he raped her. She therefore went into hiding at the church and fled Nigeria for Canada.

I have before me a church letter,¹ a dental report,² and Dr. XXXXXXXXXXXX report,³ all with details consistent with the claim.

In addition, I found this claimant generally credible; her evidence is generally consistent with the Personal Information Form⁴ (herein "PIF), the Port of Entry documents and Dr. XXXXXXXXXXXX report.

I have looked at the documentary evidence⁵ on arranged marriages. Although arranged marriages of educated women are less prevalent in urban areas, considering the claimant's particular background, namely: both her parents are from small villages in Ogun state; they are both Yoruba, that this is an Yoruba arranged marriage, that the family is indebted to the XXXXX (her father has not even worked since 1994 and the XXXXX has been supporting the entire family), I find it plausible that this marriage could have been arranged in her case.

The documentary evidence⁶ discusses the problems of forced marriages among young girls, that polygamy is practised, even in the Christian community in Nigeria, and that Yoruba, traditional marriages do take place.

I find that the claimant does face serious possibility of persecution in Nigeria by being forced to marry this , should she return.

In addition, I find that no adequate protection is available to this claimant in her particular circumstances, given her past history with the police and since there is no law outlawing traditional marriages in Nigeria.

¹ Exhibit C-5.

² Exhibit C-6.

³ Exhibit C-2.

⁴ Exhibit C-1.

⁵ Exhibit R-2.

⁶ Exhibits R-1 to R-4.

Given what happened to the claimant and the documentary evidence, I find that she would not be able to access an Internal Flight Alternative (IFA) in Nigeria in her situation.

Therefore, having also considered the Gender Guidelines,⁷ for all these reasons the Refugee Division determines the claimant, XXXXX XXXXXXXXX XXXXXXXX, to be a Convention refugee.

“Diane Smith”
Diane Smith

DATED at Toronto this 5th day of June, 2000.

KEYWORDS - REFUGEE DIVISION – WOMEN REFUGEES – GENDER – PARTICULAR SOCIAL GROUP - GENDER-RELATED PERSECUTION - MARRIAGE - FEMALE – BENCH REASONS - POSITIVE - NIGERIA

⁷ Women Refugee Claimants Fearing Gender-Related Persecution: Update, Guidelines Issued by the Chairperson Pursuant to Section 65(3) of the Immigration Act, IRB, Ottawa, November 25, 1996.