



Immigration and
Refugee Board

Refugee Protection
Division

Commission de l'immigration
et du statut de réfugié

Section de la protection
des réfugiés

RPD File No.: TA5-00154

NOTICE OF DECISION
[Immigration and Refugee Protection Act, ss.107(1)]
[Refugee Protection Division Rules, Rule 61]

L. FOURNIER

Member

In the claim for refugee protection of:

DOB:

ID:

s.19(1)

The Refugee Protection Division determines that the claimant

**IS A PERSON IN NEED OF PROTECTION AND THEREFORE THE REFUGEE
PROTECTION DIVISION ACCEPTS THE CLAIM.**

October 24, 2005


Smail
Registrar

RPD.15.3 (April 2002)
Disponible en français

Canada



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**IN CHAMBERS DECISION FORM
DÉCISION RENDUE EN CABINET**

IRB File No(s) N° dossier CISR	Name of Claimant(s) Nom du(des) revendicateur(s)	Country(ies) of Alleged Persecution Pays de la persécution prétendue
TA5-00154		NIGERIA
Counsel of Record Conseil inscrit au dossier	RPO/APR	
ELVIRA Membership ID: _____ Fee(Y/N) <input type="checkbox"/> AKINYEMI	Counsel M. HILL	
Date of Hearing Date d'audience	Wednesday, October 19, 2005	
Hearing De Novo/Nouvelle audition <input type="checkbox"/> YES/OUI <input checked="" type="checkbox"/> NO/NON	Hearing of Motion/Audition de la requête <input type="checkbox"/> YES/OUI <input checked="" type="checkbox"/> NO/NON	
RE: CONCERNANT :	RE: CONCERNANT :	
Consent Single Members/Consentement à un tribunal formé d'un seul commissaire <input checked="" type="checkbox"/> YES/OUI <input type="checkbox"/> NO/NON	Received by: Reçu par :	
<p>B) Notes in support of decision/Notes à l'appui de la décision. The claimant has supplied ample identity documents to establish that he is a 36-year old Nigerian national. I am also satisfied that he is probably a medical doctor. However, the claimant's sexual identity has been determined based entirely upon his testimony. I am persuaded that the claimant is a bi-sexual male and that the influential family of his sexual partner has detected him. That relationship has probably led to the type of risks that he has alleged. Moreover, given that homosexuality is illegal in Nigeria, it is improbable that he could seek protection from the authorities. In doing so, he would have had to acknowledge that he had taken part in an illegal activity in Nigeria. It is also probable that the claimant is bi-sexual and that his sexual identity is now known in Nigeria. The claimant's un-contradicted testimony has established credible allegations and I therefore find that there is more than a mere possibility that if the claimant returns to Nigeria, he would be persecuted based upon his membership in a particular social group: bi-sexual (and therefore, homosexual) men. For these reasons, I accept this claim and find that the claimant is a Convention refugee.</p>		
<p>DECISION/DÉCISION Found to be a Convention refugee, claim accepted.</p>		
Member's Signature Signature du commissaire		Member's Signature Signature du commissaire
Member's Name Nom du commissaire	L. Fournier	Member's Name Nom du commissaire
Date	October 21, 2005	Date

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