

An Ottawa woman says her daughter will be harmed if they're sent back to Nigeria. But Canada is deporting them anyway

Titi and her mother, Anna Omokhaye, have exhausted most of their avenues of appeal to challenge Canada's decision to deport them back to Nigeria, whence they fled three years ago.

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Anna Omokhaye and her 10-year-old daughter, Titi, are desperately trying to reverse a decision ordering them deported back to Nigeria. PHOTO BY TONY CALDWELL /Postmedia

No one took it lightly when 10-year-old Titilayo Omokhaye arrived at CHEO's emergency department on Saturday morning showing symptoms of depression and post-traumatic stress disorder. For Titi, as her friends and Grade 5 classmates at St. Luke School call her, is under far more emotional pressure than anyone her age should have to endure.

She and her mother, Anna Omokhaye, have exhausted most of their avenues of appeal to challenge Canada's decision to deport them back to Nigeria, whence they fled three years ago. And, because Titi's father, according to her mother, is ultra traditional, there's concern Titi may be married off or face genital mutilation if she goes back.

"He wants to use her, the first-born girl, in a traditional ceremonial sacrifice to the gods. And, if that happens, she's not going to be like she used to. After the sacrifice, she might become, God forbid, barren or mentally not balanced," says Anna, who works in the environmental service department at The Ottawa Hospital, where she's been since shortly before the pandemic.

Both, though, are real possibilities. According to the United Nations Population Fund's 2020 State of World Population report, 19 per cent of Nigerian women between 15 and 49 have undergone female genital mutilation. That rate is even higher — 24 per cent — in urban areas such as Lagos, where Anna and Titi are from.

Early forced marriages, meanwhile, are even more common, with 43 per cent of Nigerian girls married off before their 18th birthdays, the 11th-highest rate in the world, while 16 per cent of such marriages occur before they've turned 15, according to Girls Not Brides, a global network of organizations that aims to end child marriages. (By comparison, only three per cent of boys in Nigeria are married before they turn 18.)

It was Anna's opposition to a ceremonial sacrifice that initially led her to flee Nigeria in 2018, exacerbated by unrelated violence in the country in which two of her siblings were slain in 2011 and 2017, she said. She arrived first in Maryland, spending four months there, before coming to Montreal. A month later, she moved to Ottawa.

In her basis for claim for refugee status, Anna cited the killings of her siblings in what amounted to another family trying to take over her family's property. That claim was denied in March 2019, with the judge deciding on an internal flight alternative, or IFA, a common response suggesting that Anna and Titi were not in grave danger and could move to a different city in Nigeria — Abuja, for example, about 700 kilometres from Lagos — and be safe there.

"I told them, 'These people are everywhere and in charge of everything. There's nowhere safe in Nigeria. I can't go back. It's such a horrible country.'"

Indeed, the Global Affairs website warns against non-essential travel to Nigeria "due to the unpredictable security situation throughout the country and the significant risk of terrorism, crime, inter-communal clashes, armed attacks and kidnappings."

Nigeria, says Warren Creates, head of Perley-Robertson, Hill & McDougall's immigration law group, has been a significant source of refugee claimants in Canada in recent years. Last year

alone, more than 4,400 claims from Nigeria were either ruled on, withdrawn or abandoned — 1,902 were accepted and 1,376 were rejected, for a success rate of 58 per cent — while more than 4,500 other cases involving Nigerian claimants are pending.

“It’s a very dangerous country,” Creates says. “It’s politically unstable, it’s corrupt; it’s among the top countries in the world in terms of corruption.”

According to Transparency International’s 2020 Corruption Perceptions Index, Nigeria ranks as the 25th-most corrupt among 180 countries.

“Usually, if a person’s testimony is found to be believable,” Creates notes, “their refugee claim is granted.”

Jamie Liew, a University of Ottawa law professor and director of the school’s Institute of Feminist and Gender Studies, says the refugee board’s IFA rulings often don’t consider the psychological dimension of returning to a place where it’s easier to come into contact with someone who might harm you.

“If you look at this from a Western lens, it’s like going back to a place where your abuser has freedom of movement, whereas here she’s protected by borders, where there are some barriers for him to reach them.

“I think it is wholly unreasonable that, in cases where there is a clear risk of gender-based violence, you think that a potential abuser will just stay within their own home territory,” Liew adds. “It seems insensitive to how gender-based violence is conducted.”

A subsequent appeal was dismissed by the Refugee Appeal Division of the Immigration and Refugee Board of Canada, as was a request for a judicial review. Last summer, an appeal to federal court was also dismissed.



Anna Omokhaye and her daughter Titi were scheduled to be deported last Saturday, but, because of Titi's hospital visit as well as Anna's own anxiety and suicidal ideation that saw her at the General campus of The Ottawa Hospital, they didn't get the necessary COVID-19 tests. PHOTO BY TONY CALDWELL /Postmedia

Reached on Wednesday, a spokesperson with Immigration, Refugees and Citizenship Canada said that, due to privacy laws, it cannot comment on specific cases without the person's consent.

Anna notes the documentation from these earlier proceedings are with her former lawyer in Montreal, with whom she hasn't been able to get in touch. Unable to afford a lawyer and told she doesn't qualify for legal aid, she is now being helped by Seun Adegunwa, an Ottawa law student.

Anna and Titi were scheduled to be deported last Saturday, but, because of Titi's hospital visit as well as Anna's own anxiety and suicidal ideation that saw her at the General campus of The Ottawa Hospital, they didn't get the necessary COVID-19 tests. Through Adegunwa, she has applied for an emergency stay based on humanitarian and compassionate grounds.

"We have to get (Canada Border Services Agency) to stop the deportation order so we can make the humanitarian request," Anna says.

Adegunwa says the decision to deny Anna refugee status “doesn’t take into consideration that the whole of Nigeria is a time bomb. Everybody is telling their citizens not to go there, so how can we then say that she could just move to another part of the country?”

Adegunwa says an application for a judicial review filed in November is still pending, while an application for a stay of removal is expected to be filed this week so Anna and Titi can remain in Canada pending the federal court’s decision. A social worker at CHEO is helping with that process.

The suggestion, meanwhile, that they be returned to Nigeria and fight their case from there, Adegunwa adds, is ludicrous.

“I don’t know where they’re planning to drop her off, but to drop her off in Nigeria is to drop her off to go and die. So at least let her finish her case in the courts. Let her finish the process before you take her away.”

Adegunwa has also sent letters and messages to agency heads, ministers and the prime minister, asking them to intervene.

In the meantime, instead of concentrating on her schoolwork or hanging out with friends at a playground near her Elmvale Acres home, Titi awaits a very uncertain future. “I don’t want to go back,” she whispers.

As it all unfolds, Anna says she just wants to stay in Canada and make a life for herself and Titi. “I want to get my sanity back and go back to my normal life. I want to be able to take care of my daughter and live my life in Canada. I want to be given the opportunity to be able to contribute more.”

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