

CANADA / JUDGMENT

Castillejo v. Canada (Citizenship and Immigration)

2025 FC 1920

COURT

Federal Court

DECIDED

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Date:20251202 Docket: IMM-19666-24 Citation: 2025 FC 1920 Ottawa, Ontario, December 2, 2025
PRESENT: Madam Justice Azmudeh BETWEEN: MARJORIE AGUINALDO CASTILLEJO IMRAN
CASTILLEJO ALI Applicants and THE MINISTER OF CITIZENSHIP AND IMMIGRATION
Respondent JUDGMENT AND REASONS I. Overview [1] In a decision dated September 27, 2024
(Decision), the Refugee Appeal Division (RAD) of the Immigration and Refugee Board of Canada
(IRB) rejected Marjorie Aguinaldo Castillejo and Imran Castillejo Ali's (Applicants) appeal from a
decision by the Refugee Protection Division (RPD) of the IRB. The Applicants seek judicial review
of the Decision under section 72(1) of the Immigration and Refugee Protection Act, SC 2001 c 27
[IRPA].

- [2] In accordance with the Guidelines, the parties have agreed this matter to be decided in writing, without an oral hearing (Amended Consolidated Practice Guidelines for Citizenship, Immigration and Refugee Protection Proceedings, June 20, 2025, ss 65–70 [Guidelines]).
- [3] The Applicants are mother and son. They are dual citizens of Pakistan and the Philippines. The mother's husband, who is also the son's father, is a citizen of Pakistan. The family claimed refugee protection together. The RPD heard the family's claim, accepted the father's claim against his only country of nationality, Pakistan, and rejected the mother and son's claim against the Philippines.
- [4] The father was originally a Sunni Muslim who had married the Applicant, a Shia Muslim, and as such, he feared Sunni extremists in Pakistan. The couple married after the father's first marriage to a Sunni woman dissolved that triggered a vendetta by her family. The family had alleged that the father's ex-wife's family members used their considerable influence with the local government and the Taliban in Pakistan. As a result, whenever the husband returned to Pakistan, he was subjected to beatings and death threats. The Applicants were also assaulted and insulted when they visited Pakistan.

- [5] The Applicants alleged that their fear extended to them in the Philippines. They alleged that the mother's brother-in-law was stabbed to death in the Philippines by individuals who had mistaken him for her husband. As family members, they too faced a serious possibility persecution and a personal risk of harm at the hand of Islamic extremists. The mother also alleged that without her husband in the Philippines, and as a single mother, she would face discrimination amounting to persecution.
- [6] The RAD rejected the Applicants' claim and upheld the RPD's finding that they are neither Convention Refugees nor persons in need of protection. II. Decision [7] I dismiss the Applicants' judicial review application because I find that the RAD's decision was reasonable. III. Standard of Review [8] The Applicants identify several errors committed by the RAD, that in their opinion, have rendered the decision unreasonable.
- [9] I agree that the standard of review for the RAD's decision is reasonableness. Reasonableness review is a deferential standard that requires evaluating the outcome of an administrative decision in light of its rationale to determine whether the decision is transparent, intelligible, and justified (*Vavilov v Canada (Minister of Citizenship and Immigration)*, 2019 SCC 65 at paras 12–15, 95 [Vavilov]). The reasons are the primary mechanism by which administrative decisionmakers show that their reasons are reasonable (Vavilov at para 81). Under Vavilov, a reasonable decision is “based on an internally coherent and rational chain of analysis” and is “justified in relation to the facts and law” (Vavilov at para 85).
- [10] The party challenging the decision must prove that it is unreasonable. For a reviewing court to overturn an administrative decision, the applicant must establish that there are “sufficiently serious shortcomings” such that it “cannot be said to exhibit the requisite degree of justification, intelligibility, and transparency” (Vavilov at para 100). IV. Analysis A. Was the RAD's conclusion that the Applicants do not face a serious possibility of persecution or a personal risk of harm in the Philippines reasonable? (1) Was it reasonable for the RAD not to conclude that the Applicants face a serious possibility of persecution or a personal risk of harm as members of the husband's family members given that it accepted the brother-in-law's murder in the Philippines? [11] The RAD accepted the husband's claim against his only country of nationality, Pakistan. Since a refugee claimant must demonstrate that they have a well-founded fear of persecution, or a personal risk of harm, in all countries of nationality before getting protection in Canada, it was reasonable for the RAD to assess the Applicants' claim against their second country of nationality, the Philippines.
- [12] The RAD accepted that the brother-in-law was murdered by stabbing in the Philippines but found that the Applicants had not established that the murder had been carried out by Islamic extremist hitmen, or that the murder was connected to the father. Effectively, while the RAD accepted as a credible fact that the murder happened, it found that the Applicants' related inferences were conjecture.

- [13] In this case, the RAD provided a clear chain of reasoning as to why it disagreed with the Applicants' deductions on the identity or motives of the murderer. The RAD engaged with the record and noted that prior to the stabbing, the brother-in-law was having a friendly conversation with four people. He stepped aside briefly to urinate when the suspect approached and stabbed him. The suspect and his companions fled but were arrested the next day. The RAD referred to the RPD's questioning on why the mother thought the murder was ideologically driven against the family. She had testified that when she was in Dubai, her father called her to advise her of what had happened and confirmed that the men had been arrested. The husband also called her to tell her what happened. One of them also told her that the men had rented a place near the family home and the family believed they had done so to spy on the husband. The husband had also testified at the RPD that he had first learnt of the stabbing when he was told that there was a fight between two groups and the brother-in-law was stabbed. He also received a threatening call from an unknown number, telling him that "you have been missed one time, and anywhere you are, we will find you, and we will execute you".
- [14] Given the RPD's finding and the RAD's accepted finding that the husband faced a serious possibility of persecution in Pakistan, it was reasonable for the RAD to conclude that the evidence did not establish a continuing or targeted risk in the Philippines. The anonymous phone call provided no information linking the threat to actors between Pakistan and the Philippines or showing capacity or intent to pursue the husband abroad. Likewise, the family's belief that the brother's killing in the Philippines was a mistaken attempt on the husband's life lacked any evidentiary foundation.
- [15] In these circumstances, the RAD's conclusion that the alleged link was speculative falls within a range of acceptable and defensible outcomes and is justified, transparent, and intelligible in light of the record. I find that the Applicants are in effect asking this Court to reweigh the evidence, which is not this Court's role (Vavilov at para 125).
- [16] The RAD did not agree with the Applicants' speculation as to the murderer's ideological motivation or that the Applicants would face a serious possibility of persecution in the Philippines because of the husband. I find that the RAD's conclusion was reasonable. The RAD explained why it did not find one anonymous call from an unknown number to be sufficient to connect the agents of persecution with the suspect of the brother-in-law's killing when the husband's evidence was that he was a target of unsuccessful attempts on his life in Pakistan.
- [17] The starting point for assessing credibility comes from Maldonado, where the Federal Court of Appeal stated that when a claimant swears that certain facts are true, these facts are presumed true unless there is valid reason to doubt their truthfulness (*Maldonado v Canada (Minister of Employment and Immigration)*, 1979 CanLII 4098 at p 305). However, though this presumption of truthfulness applies to facts alleged by refugee claimants, it does not apply to deductions they make based on those facts (*Hernandez v Minister of Employment and Immigration*, [1994] FCJ No 657 at paras 5–6). The record is quite clear that the

Applicants had speculated as to the identity and motives of the murderer, and it was reasonable for the RAD not to have accepted their speculation when the Applicants led no evidence to substantiate it.

- [18] In their reply memorandum, the Applicants rely on Senadheerage to argue that it was unreasonable for the RAD to have expected corroboration of the phone call (Senadheerage v Canada (Citizenship and Immigration), 2020 FC 968 at para 36 [Senadheerage]). I find that the Applicants have missed the point of the RAD's reasons. The RAD accepted the phone call, as described, to be a credible fact. For this, there was no need for corroboration. However, it deemed the phone call, alone, to be insufficient to directly imply the Applicants' inference. The question of corroboration does not arise in the circumstance. This conclusion was consistent with and responsive to the record before the RAD, and it was therefore reasonable.
- [19] The Applicants also agree that even though the murder suspects were arrested by the Filipino police, nothing linked them to the Islamic extremists. However, the Applicants argue that it was unreasonable for the RAD to have rejected their fears in relation to the murder, i.e., their inference. Accepting the Applicants' subjective fear has nothing to do with expecting an objective evidentiary foundation to link their belief to a logical conclusion. The Applicants accuse the RAD of speculation. However, the RAD clearly articulated that it had insufficient reliable evidence to agree with the Applicants' inferences, and it reasonably decided not to speculate.
- (2) Was it reasonable for the RAD to find that the Applicants do not face a serious possibility of persecution because of their connection to their husband/father? [20] Before the RAD, the Applicants had also submitted that there is a serious possibility Islamist militant groups in the Philippines might target them because the groups have links with Pakistani groups that targeted the Applicants' family member, such as the brother-in-law.
- [21] The RAD reasonably dealt with the two interpretations of the Applicants' arguments. It was reasonable for the RAD to highlight a logical contradiction in the Applicants' argument that if the brother-in-law was murdered by mistake when the husband was the intended victim, then, it is really not the family that faces a serious possibility of persecution or a personal risk of harm.
- [22] The RAD also engaged with the objective documentary evidence on the Philippines to conclude that the Filipino Islamic groups are geographically limited to the South and are causing low-intensity internal conflicts, mostly in central and western Mindanao, and that they do not necessarily share goals or resources. Through this analysis, the RAD reasonably concluded that the evidence was insufficient to establish that the Filipino Islamic extremist groups would target the Applicants at the behest of the Pakistani extremists. The RAD's conclusions are rationally connected to the evidence before it, and its chain of reasoning is intelligible, transparent and justifiable. It was reasonable for the RAD not to accept the Applicants' speculations as fact, and it reasonably rejected their argument.

- [23] I disagree with the Applicants that the RAD failed to consider documentary evidence regarding extremist groups operating in the Philippines and the potential for future persecution. The RAD considered and addressed the country conditions in detail, including the presence of extremist groups, and it was reasonable for the RAD not to speculate on risk to the Applicants when the documents pointed to tension in a geographically contained location, far from the Applicants' home region. Once again, the RAD was not bound to accept the Applicants' speculations, which were not sufficiently supported by reliable evidence.
- (3) Did the RAD ignore the Applicants' residual profile in assessing the risk? [24] The RAD fully considered the Applicants' submissions that without the mother's husband, she would be considered a single mother, and as such, she would face discrimination amounting to persecution, or that either of the Applicants would face any other risk including a personal risk of harm.
- [25] No evidence before the RAD suggested that the relationship between the mother and her husband has broken down. The RAD considered both her ability to return to the Philippines with her husband, as he would have access to residency, and the objective country documents on the conditions of single mothers in the Philippines. The RAD's findings on country conditions were reasonable and grounded in the evidence presented. Through its analysis, the RAD concluded that the Applicants had not established that their return to the Philippines without the husband would expose them to a serious possibility of persecution or a personal risk of harm. The RAD also noted that in her refugee intake forms, the mother had stated that she did not fear returning to the Philippines, and that the RPD had specifically invited her to make additional submissions on this point. However, her counsel at the RPD elected not to ask further questions or present further evidence. I find that the RAD's chain of analysis is clear, and that this Court cannot be asked to reweigh evidence (Vavilov at para 125).
- [26] I agree with the Applicants that the RAD's comments on the possibility that the father might sponsor or include the Applicants on his permanent residence application is irrelevant to the RAD's reasons and to this judicial review. V. Conclusion [27] I find the RAD's reasons to be reasonable, clear, sufficient and responsive to the entirety of the record. Accordingly, I dismiss the application for judicial review.
- [28] There is no question to be certified. JUDGMENT IN IMM-19666-24 THIS COURT'S JUDGMENT is that The application for Judicial Review is dismissed. There is no question for certification. blank "Negar Azmudeh" blank Judge FEDERAL COURT SOLICITORS OF RECORD Docket: IMM-19666-24 STYLE OF CAUSE: MARJORIE AGUINALDO CASTILLEJO et al. v THE MINISTER OF CITIZENSHIP AND IMMIGRATION DISPOSITION IN WRITING DECIDED IN OTTAWA, ONTARIO REASONS FOR JUDGMENT AND JUDGMENT: AZMUDEH J. DATED: DECEMBER 2, 2025 SOLICITORS OF RECORD: Jeffrey Nadler Montréal, QC For The ApplicantS Aboubacar Touré Department of Justice Canada Montréal, QC For The Respondent

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