

CANADA / JUDGMENT

Gonzalez Vargas v. Canada (Citizenship and Immigration)

2025 FC 419

COURT

Federal Court

DECIDED

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Gonzalez Vargas v. Canada (Citizenship and Immigration)

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Decision Content

Date: 20250306

Docket: IMM-5588-24

Citation: 2025 FC 419

Montréal, Quebec, March 6, 2025

PRESENT: Mr. Justice Gascon

BETWEEN:

CARLOS ALBERTO GONZALEZ VARGAS MARIA DEL ROSARIO MARTINEZ CACALOT MARIA JOSE
GONZALEZ MARTINEZ

CARLOS GONZALEZ MARTINEZ

JESUS ALBERTO GONZALEZ MARTINEZ

Applicants

and

THE MINISTER CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

I. Overview [1] The principal applicant, Carlos Alberto Gonzalez Vargas, accompanied by his wife Maria Del Rosario Martinez Cacalot and their three children [together, the Gonzalez Family], are seeking judicial review of a decision dated March 12, 2024 [Decision] whereby the Refugee Appeal Division [RAD] dismissed their appeal and confirmed the Refugee Protection Division's [RPD] decision. The Gonzalez Family's claim for refugee protection under sections 96 and 97(1) of the Immigration and Refugee Protection Act, SC 2001, c 27 [IRPA] was rejected because the RAD — similarly to the RPD before it — identified a viable internal flight alternative [IFA] in Mérida, a Mexican city in the state of Yucatán.

[2] The Gonzalez Family submit that the RAD erred in its determination of a viable IFA. They challenge the Decision on both prongs of the IFA test. Under the first prong, they assert that the RAD erred in finding that the Cartel Jalisco Nueva Generación [CJNG] were not motivated to track and harm them in Mérida, by failing to consider Mr. Gonzalez's profile as someone skilled at bartering prices. As for the second prong, they mainly argue that the RAD selectively ignored the objective country condition evidence on the discrimination of Mayan peoples in Mexico — Ms. Martinez is of Mayan origin, that it erroneously held that the lack of family members in an IFA location does not automatically render the IFA unreasonable, and that it disregarded the alleged presence of generalized criminality in Mérida.

[3] For the reasons that follow, this application for judicial review will be dismissed. Further to my assessment, I find that the RAD's Decision was responsive to the evidence and that its findings regarding the IFA location have the qualities that make the RAD's reasoning logical and consistent in relation to the relevant legal and factual constraints. The Gonzalez Family have failed to discharge their onus to convince the RAD that the CJNG's *modus operandi* or Mr. Gonzalez's profile gave the CJNG the necessary motivation to pursue them in Mérida. Moreover, the Gonzalez Family have not convincingly demonstrated that the RAD erred in its analysis of the reasonableness of relocating to Mérida.

II. Background A. The factual context [4] The Gonzalez Family are Mexican citizens. While living in Mexico, Mr. Gonzalez operated a lemon business and paid monthly extortion fees to the CJNG until May 2022. Ms. Martinez, a woman of Mayan descent, did not work while in Mexico.

[5] In May 2022, the CJNG demanded payment of increased extortion fees and threatened Mr. Gonzalez. Because he could no longer afford the payments demanded, Mr. Gonzalez stopped working in the lemon business, changed his phone number, and ceased making payments.

- [6] In August 2022, the CJNG demanded that Mr. Gonzalez resume making the extortion payments and threatened his family.
- [7] In September 2022, Mr. Gonzalez was kidnapped and threatened unless he resumed the extortion payments. He was released the next day after his family made the payment and was warned not to file a police report. Mr. Gonzalez nevertheless filed a police report for the theft of his identity documents during the kidnapping.
- [8] Near the end of September, one of Mr. Gonzalez's friends warned him that there was allegedly an order out against him by the CJNG because they knew he had gone to the authorities.
- [9] On October 4, 2022, the Gonzalez Family left Mexico and came to Canada. They subsequently filed claims for refugee protection upon their entry to Canada.
- [10] On December 8, 2023, the RPD rejected the Gonzalez Family's refugee claims, as it found that they could avail themselves of an IFA in the city of Mérida.

B. The RAD's Decision [11] The Gonzalez Family appealed the RPD's decision to the RAD, arguing that the RPD erred in its IFA analysis. They did not, however, contest the RPD's finding that they do not possess a nexus to any Convention ground pursuant to section 96 of the IRPA.

- [12] The RAD conducted its own IFA analysis and dismissed the appeal. It ruled that the RPD was correct in finding that a valid IFA exists in Mérida.
- [13] As a preliminary issue, the RAD considered hearsay evidence received by Mr. Gonzalez from his friend indicating that there was an order out against him from the CJNG. Upon review, the RAD agreed with the RPD that, even though hearsay is admissible in refugee proceedings, the hearsay at hand was not reliable and therefore carried no weight because the source of the friend's information was not established.
- [14] Regarding the first prong of the IFA test, the RAD found that the Gonzalez Family failed to establish a serious possibility of harm in Mérida due to insufficient evidence that their profile would motivate the CJNG to seek them. The RAD noted that Mr. Gonzalez testified that he was targeted for monetary payments because he was engaged in a profitable local business. However, since his departure for Canada, Mr. Gonzalez's brother-in-law continues to make the extortion payments. There have also been no updates regarding the CJNG's interest in Mr. Gonzalez, and the latter declined to name the local CJNG leader as his kidnapper or file a police report, despite police encouragement. The RAD therefore concluded that the CJNG did not hold a personal vendetta against Mr. Gonzalez, and that any objective the local CJNG had in relation to M. Gonzalez is more likely than not achieved through the ongoing extortion payments the cartel continues to receive from his brother-in-law.

- [15] Turning to the second prong of the IFA test, the RAD determined that the Gonzalez Family had not successfully proven that relocation to Mérida would be objectively unreasonable or unduly harsh for them in their circumstances.
- [16] The RAD first considered Ms. Martinez's allegations of discrimination based on her Mayan ethnicity, and recognized that the evidence demonstrated that she experienced discrimination while she was of school age. However, the RAD noted that she has regardless been able to complete high school, and that she did not provide enough evidence that she would be unable to obtain employment or be denied access to any required health services in Mérida. The RAD consequently concluded that there was insufficient evidence that any discrimination experienced by Ms. Martinez based on her ethnicity rises to the level of persecution.
- [17] Furthermore, the RAD found that Mr. Gonzalez could obtain employment and access health care services given his education and work experience, and that there was insufficient evidence to establish that the Gonzalez Family could not find housing or that the children would be unable to access education, childcare, and/or health care.
- [18] Finally, the RAD held that an absence of family members in an IFA, in and of itself, is insufficient to render a prospective IFA unreasonable. The RAD acknowledged that Ms. Martinez had familial support in her hometown when dealing with Mr. Gonzalez's kidnapping. However, it was not established that she would face such a situation in Mérida. The RAD concluded that the Gonzalez Family may face some hurdles, but that there was insufficient evidence that these would be insurmountable, unduly harsh, or objectively unreasonable.

C. Standard of review [19] It is not disputed that the standard of reasonableness applies to the Decision and to findings regarding the existence of a viable IFA (*Singh v Canada (Citizenship and Immigration)*, 2024 FC 1483 at para 22 [Singh 2024]; *Khosla v Canada (Citizenship and Immigration)*, 2023 FC 1557 at para 16; *Valencia v Canada (Citizenship and Immigration)*, 2022 FC 386 at para 19 [Valencia]; *Adeleye v Canada (Citizenship and Immigration)*, 2022 FC 81 at para 14; *Ambroise v Canada (Citizenship and Immigration)*, 2021 FC 62 at para 6; *Singh v Canada (Citizenship and Immigration)*, 2020 FC 350 at para 17 [Singh 2020]). This is confirmed by the Supreme Court of Canada's landmark decision in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov], where the Court established a presumption that the standard of reasonableness is the applicable standard in judicial reviews of the merits of administrative decisions (*Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21 at para 7 [Mason]).

- [20] Where the applicable standard of review is reasonableness, the role of a reviewing court is to examine the reasons given by the administrative decision maker and to determine whether the decision is based on "an internally coherent and rational chain of analysis" and is "justified in relation to the facts and law that constrain the decision maker" (Vavilov at para 85; Mason at para 64). The reviewing court must therefore ask whether the "decision

bears the hallmarks of reasonableness—justification, transparency and intelligibility” (Vavilov at para 99). Both the outcome of the decision and its reasoning process must be considered in assessing whether these hallmarks are met (Vavilov at paras 15, 95, 136).

- [21] Such a review must include a rigorous evaluation of administrative decisions. However, as part of its analysis of the reasonableness of a decision, the reviewing court must take a “reasons first” approach and begin its inquiry by examining the reasons provided with “respectful attention,” seeking to understand the reasoning process followed by the decision maker to arrive at its conclusion (Mason at paras 58, 60; Vavilov at para 84). The reviewing court must adopt an attitude of restraint and intervene “only where it is truly necessary to do so in order to safeguard the legality, rationality and fairness of the administrative process” (Vavilov at para 13), without “reweighing and reassessing the evidence” before it (Vavilov at para 125).
- [22] The onus is on the party challenging the decision to prove that it is unreasonable. Flaws must be more than superficial for the reviewing court to overturn an administrative decision. The court must be satisfied that there are “sufficiently serious shortcomings” (Vavilov at para 100).

III. Analysis [23] The Gonzalez Family challenges the RAD’s analysis under both prongs of the IFA test.

- [24] With respect to the first prong, the Gonzalez Family contends that the RAD erred in finding that the CJNG lacked the motivation to track and harm them in Mérida.
- [25] First, the Gonzalez Family contest the RAD’s finding that Mr. Gonzalez’s hearsay evidence is unreliable and carries no weight. They submit that news travels quickly in Mr. Gonzalez’s hometown in Mexico due to its small population, which would increase the reliability of the hearsay evidence.
- [26] Second, the Gonzalez Family argue that the country condition evidence on Mexico reveals that the CJNG are desensitized to violence and employ a business model purely based on profit. They therefore assert that the RAD’s analysis could not be grounded in an “ethical business model,” since the CJNG itself are without ethical standards.
- [27] Third, the Gonzalez Family allege that the RAD failed to consider Mr. Gonzalez’s profile as someone who is skilled at bartering prices with regional lemon growers. They believe that the CJNG are not simply extorting lemon farmers but are rather entering the lemon business in their portfolio of business interests. As a result, Mr. Gonzalez’s ability to barter lemon prices would be of value to the CJNG, meaning that they would be motivated in tracking him down.

- [28] Moreover, the Gonzalez Family explain in great detail the CJNG's capacity to track individuals throughout Mexico, but I underline that the RAD did not contest this reality. The CJNG's tracking abilities are thus irrelevant in the present case.
- [29] As for the second prong of the IFA test, the Gonzalez Family offer various arguments in support of their assertion that the RAD erred in finding a relocation to Mérida reasonable.
- [30] First, the Gonzalez Family argue that the RAD selectively ignored the objective evidence at Tab 13.9 of the National Documentation Package for Mexico [NDP] on the discrimination of Indigenous peoples in Mexico. They accuse the RAD of limiting its reasons to noting that Ms. Martinez, a Mayan woman, was able to finish high school despite being discriminated at school.
- [31] Second, the Gonzalez Family assert that the RAD erred in finding that the lack of family members in an IFA location should not automatically render the IFA unreasonable. They highlight that, in Mexican and Mayan culture, relatives play an important role in childcare.
- [32] Finally, the Gonzalez Family submit that the RAD disregarded the alleged presence of generalized criminality in Mérida, citing this Court's recent decision in *Vazquez Cruz v Canada (Citizenship and Immigration)*, 2023 FC 684 [Vazquez Cruz].
- [33] With respect, I am not persuaded by any of the submissions put forward by the Gonzalez Family. Similarly to the respondent, the Minister of Citizenship and Immigration [Minister], I find that the RAD correctly applied the two-prong IFA test and reasonably concluded that the Gonzalez Family may avail themselves of a viable IFA in Mérida.

A. The applicable test on IFA determinations [34] In *Singh 2020*, the Court reminded that “the analysis of an IFA is based on the principle that international protection can only be offered to refugee protection claimants in cases where the country of origin is unable to provide to the person requesting refugee protection adequate protection everywhere within their territory” [emphasis added] (*Singh 2020* at para 26). If a refugee claimant has a viable IFA, this will negate a claim for refugee protection under either section 96 or 97 of the IRPA, regardless of the merits of other aspects of the claim (*Olusola v Canada (Citizenship and Immigration)*, 2020 FC 799 at para 7).

- [35] The test to determine the existence of a viable IFA comes from *Rasaratnam v Canada (Minister of Employment and Immigration)*, 1991 CanLII 13517 (FCA), [1992] 1 FC 706 (FCA) and *Thirunavukkarasu v Canada (Minister of Employment and Immigration)*, 1993 CanLII 3011 (FCA), [1994] 1 FC 589 (FCA) [Thirunavukkarasu]. These decisions from the Federal Court of Appeal [FCA] state that two criteria must be established, on a balance of probabilities, in order to find that a proposed IFA is reasonable: (i) there must be no serious possibility of the claimant being subject to persecution or harm in the part of the country in which the IFA exists; and (ii) it must not be unreasonable for the claimant to seek refuge in the IFA, upon consideration of all their particular circumstances.

[36] Importantly, the threshold to satisfy the second prong of the IFA test and determine that an IFA is unreasonable is very high: there must be actual and concrete evidence of conditions that would jeopardize an applicant's life and safety in travelling or temporarily relocating to the proposed safe area (*Ranganathan v Canada (Minister of Citizenship and Immigration)*, 2000 CanLII 16789 (FCA), [2001] 2 FC 164 (FCA) at para 15 [Ranganathan]; *Sachdeva v Canada (Citizenship and Immigration)*, 2024 FC 1522 at para 63 [Sachdeva]).

[37] When an IFA is established, the onus is on the refugee claimant to demonstrate that the IFA is inadequate (*Thirunavukkarasu* at para 12; *Salaudeen v Canada (Citizenship and Immigration)*, 2022 FC 39 at para 26; *Manzoor-Ul-Haq v Canada (Citizenship and Immigration)*, 2020 FC 1077 at para 24; *Feboke v Canada (Citizenship and Immigration)*, 2020 FC 155 at paras 43–44).

B. The RAD did not err in assigning no weight to the hearsay evidence [38] The Gonzalez Family contest the RAD's finding that Mr. Gonzalez's hearsay evidence is unreliable and carries no weight. In essence, they submit that news travels quickly in Mr. Gonzalez's hometown in Mexico due to its small population, which would increase the reliability of the hearsay evidence. In consequence, say the Gonzalez Family, it was unreasonable for the RAD to dismiss this evidence.

[39] I am not persuaded by this argument. In my opinion, the RAD reasonably determined that the hearsay evidence at issue was not reliable and should thus receive no weight, since the source of the information was never established. Mr. Gonzalez could neither confirm whether his friend is or is not a CJNG member, nor who passed this information to his friend. While news travels quickly in a small community, rumours and fabrications do as well. It was therefore open to the RAD to conclude at it did.

C. The CJNG are not motivated to pursue the Gonzalez Family in Mérida [40] It is well established "that there is a difference between a persecutor's ability to pursue an individual throughout a country and his desire to do so or interest in doing so. The fact that a persecutor is able to pursue an individual is not decisive evidence that he is motivated to do so. If the persecutor has no desire to find, pursue and/or persecute an individual, or interest in doing so, it is reasonable to conclude that there is no serious possibility of persecution" [emphasis in original] (*Leon v Canada (Citizenship and Immigration)*, 2020 FC 428 at para 13; see also: *Fuentes Hernandez v Canada (Citizenship and Immigration)*, 2024 FC 1682 at paras 22, 24; *Cely Tiria v Canada (Citizenship and Immigration)*, 2024 FC 422 at para 30).

[41] In this case, the RAD did not dispute that the CJNG had the means or ability to trace the Gonzalez Family throughout Mexico. However, it reasonably determined that the Gonzalez Family had not successfully proven the CJNG's desire or interest to do so, as it continues to achieve its apparent goal of receiving extortion payments from Mr. Gonzalez's lemon business.

[42] As explained by the RAD, the CJNG's ruthlessness and lack of ethical standards in its operations do not, in and of itself, establish that they would be motivated to seek Mr. Gonzalez and his family out in Mérida. In reality, the NDP indicates that the CJNG will only

be motivated to pursue certain individuals outside of their area of operation. These individuals include those who have filed a complaint to a state authority against the cartel, those with “valuable” or “sensitive” information, those who have betrayed the cartel, and those against whom the cartel holds a personal animosity — such as previous romantic partners, leaders or high-ranking members of rival criminal groups, journalists, former government employees, and former police officers (Decision at paras 31–32).

- [43] In the Decision, the RAD provided detailed and defensible reasons for its conclusion that the CJNG would not be motivated to pursue the Gonzalez Family to Mérida. Indeed, the record supports that Mr. Gonzalez was targeted for extortion payments — as opposed to other reasons such as a personal vendetta, and that his brother-in-law continues to make these payments to this day. There have also been no signs of the CJNG’s interest since the Gonzalez Family departed Mexico. What is more, in spite of encouragement from the police, Mr. Gonzalez refused to name the local CJNG leader as his kidnapper or to file a police report. He merely filed a police report on his missing documents, referring to this event as a “theft” by unknown persons.
- [44] On judicial review, the Gonzalez Family raise an error with the RAD’s analysis on the basis of Mr. Gonzalez’s profile as someone who is skilled at bartering prices. In response, the Minister pointed out that the RAD cannot be faulted for not discussing this aspect of Mr. Gonzalez’s profile, as the Gonzalez Family did not raise this specific point in their submissions on appeal. The Gonzalez Family reply, however, that this argument was raised before the RPD, meaning that it is not a truly new argument invoked for the first time on judicial review.
- [45] While I accept that this is not a new argument, I agree with the Minister that it is speculative and not based on any evidence in the record. Mr. Gonzalez testified that the CJNG was only interested in him because he managed the money generated from his wife’s family’s lemon business. While his position required him to barter with lemon producers, he did not adduce any evidence that he is particularly skilled at bartering prices or that the CJNG was interested in recruiting him for his bartering or economic skills. On the contrary, the evidence points that the lemon business was only a target due to its profitability, therefore exposing it to extortion payments. In other words, the evidence supports a conclusion that the CJNG’s interest was never directed at Mr. Gonzalez in his personal capacity, but rather at his in-laws’ lemon business, which continues to this day considering his brother-in-law’s continued extortion payments.
- [46] In short, the RAD reasonably concluded that the CJNG did not hold any kind of personal vendetta against Mr. Gonzalez, and that any objective the local CJNG had in relation to him was more likely than not achieved through the ongoing extortion payments made by his brother-in-law. I thus find that this matter is similar to my recent decision in *Begum v Canada (Citizenship and Immigration)*, 2024 FC 1517 [Begum], where I found that there could be no motivation to pursue the claimant, since her agents of harm had already achieved their stated goal (Begum at para 23).

[47] The issue before the Court is not whether the interpretation proposed by the Gonzalez Family might be defensible, acceptable, or reasonable. Rather, the Court must examine this issue in respect of the interpretation made by the RAD in the Decision (Vavilov at para 86). The fact that there may be other reasonable interpretations of the facts does not mean that the RAD's interpretation was unreasonable (Sachdeva at para 58, citing Moonshiram v College of Immigration and Citizenship Consultants, 2024 FC 1212 at para 71). The purpose of review on a reasonableness standard is to understand the basis on which the decision is made, and to identify whether there are sufficiently central or significant deficiencies or whether the decision reveals an unreasonable analysis (Vavilov at paras 96–97, 101). Here, the Gonzalez Family has not convinced me that “any shortcomings or flaws relied on [...] are sufficiently central or significant to render the decision unreasonable” (Vavilov at para 100). In this case, I am satisfied that the RAD's reasoning can be followed without a decisive flaw in rationality or logic and that the reasons were analyzed in such a way that could reasonably lead the decision-maker, having regard to the evidence and the relevant legal and factual constraints, to conclude as they did (Vavilov at para 102).

D. Relocation to Mérida is not unreasonable [48] Under the second prong of the IFA test, the Gonzalez Family offer various arguments in support of their position that the RAD could not find relocation to Mérida to be reasonable in their circumstances. Upon review, none of these arguments have persuaded me that the Gonzalez Family has met the “very high” bar set by the FCA for the unreasonableness of an IFA (Ranganathan at para 15). In my opinion, it was open to the RAD to conclude that, while the Gonzalez Family may encounter some obstacles, Mérida is a reasonable destination to relocate.

(1) The RAD reasonably considered Ms. Martinez's profile as a Mayan woman [49] As mentioned earlier, the Gonzalez Family submit that the RAD selectively ignored the objective evidence in the NDP regarding the discrimination of Indigenous peoples in Mexico. They claim that the RAD limited its reasons to noting that Ms. Martinez, a Mayan woman, was able to complete high school in spite of suffering discrimination at school.

[50] I do not agree. The RAD did not discuss Tab 13.9 of the NDP, as it determined that Ms. Martinez had not provided sufficient evidence demonstrating that her discrimination during school persisted once she graduated. Indeed, the RAD noted that Ms. Martinez had only offered evidence of discrimination while she was at school, and that she only testified that the mentality of discrimination continues and is still a reality in their lives. The RAD's finding is that Ms. Martinez did not provide enough evidence that she would be unable to obtain employment or be denied access to any required health services in Mérida.

[51] I sympathize with Ms. Martinez's situation, and I can certainly conceive that she may face some degree of discrimination in Mexico, including in Mérida. The objective country evidence indeed confirms that Indigenous peoples (including Mayans) suffer from discrimination in Mexico, which is regrettable. That said, bare allegations that a claimant is discriminated and that there is a discriminatory climate or mentality in the country of origin do not suffice (Riboul v Canada (Citizenship and Immigration), 2020 FC 263 at para 39; see

also *Lopez de Armas c Canada (Citoyenneté et Immigration)*, 2024 CF 1519 at para 28). It was up to Ms. Martinez to offer instances of discrimination experienced in her adult life, which was not done.

- [52] Put another way, the RAD was entitled to find that Ms. Martinez offered insufficient evidence that, in the present day — instead of during her days in school, she would personally be at risk of suffering discrimination in Mérida. The onus is on refugee claimants to establish a link between the general documentary evidence and their personal situations. General documentary evidence alone is not enough (*Begum* at para 34; *Rodriguez Sanchez c Canada (Citoyenneté et Immigration)*, 2023 CF 426 at para 46; *Zamor v Canada (Citizenship and Immigration)*, 2021 FC 672 at para 17; *Ayikeze v Canada (Citizenship and Immigration)*, 2012 FC 1395 at para 22).
- [53] In any event, an administrative decision maker's failure to mention evidence does not necessarily make a decision unreasonable (*Singh* 2024 at para 46; *Valencia* at para 25; *Khair v Canada (Citizenship and Immigration)*, 2021 FC 160 at para 48 [*Khair*]). It is well-settled law that administrative decision makers are presumed to have weighed and considered all the evidence before them unless proven otherwise, even though they did not make an explicit finding on every individual piece of evidence (*Newfoundland and Labrador Nurses' Union v Newfoundland and Labrador (Treasury Board)*, 2011 SCC 62 at para 16; *Kanagendren v Canada (Citizenship and Immigration)*, 2015 FCA 86 at para 36). The failure to consider specific evidence must be viewed in context. It is only when the evidence is critical and squarely contradicts the decision maker's conclusion that the reviewing court may determine that the tribunal disregarded the material before it (*Singh* 2024 at para 46; *Khair* at para 48; *Torrance v Canada (Attorney General)*, 2020 FC 634 at para 58). In this matter, there is no such crucial omission of evidence.
- (2) The lack of family members in Mérida does not render relocation unreasonable [54] The Gonzalez Family further assert that the RAD erred in finding that the lack of family members in an IFA location should not automatically render the IFA unreasonable. They highlight that, in Mexican and Mayan culture, relatives play an important role in childcare.
- [55] Again, I disagree. While the presence of relatives may be of special importance in Mexican and Mayan culture, the absence of family members does not inherently make an IFA unreasonable. In *Ranganathan*, the FCA clearly stated that "[t]he absence of relatives in a safe place, whether taken alone or in conjunction with other factors, can only amount to such condition if it meets that threshold, that is to say if it establishes that, as a result, a claimant's life or safety would be jeopardized" (*Ranganathan* at para 15; see also *Osoja v Canada (Citizenship and Immigration)*, 2022 FC 314 at para 24).
- [56] In the present case, in the words of Justice Létourneau, the Gonzalez Family has not presented any "actual and concrete evidence" that their life or safety would be put in jeopardy due to the inability of relying on relatives in Mérida (*Ranganathan* at para 15).

- (3) There is no generalized risk of criminality in Mérida [57] Finally, the Gonzalez Family submit that the RAD disregarded the alleged presence of generalized criminality in Mérida, citing this Court's recent decision in Vazquez Cruz. More specifically, they believe that the RAD should have considered generalized criminality in Mérida under the second prong of the IFA test, even though it had already dismissed this argument under the first prong.
- [58] In Vazquez Cruz at paragraph 35, Justice John Norris found a RAD decision to be unreasonable for the following reason:
- [35] In my view, in so concluding, the RAD has conflated the first and second branches of the IFA test. It is true that, under the first branch, the applicants would not be able to discharge their onus of establishing that they would be at risk under section 97 of the IRPA simply by pointing to how dangerous Culiacan is. That is because this would be a risk faced generally by others, which paragraph 97(1)(b)(ii) stipulates is not sufficient. Under the second branch of the IFA test, however, the prevalence of violent crime in Culiacan is surely relevant to whether the lives or safety of the applicants would be jeopardized if they relocated there to avoid the personalized risk they faced in Apizaco. The RAD's failure to address this issue because of its conflation of the two branches of the IFA test undermines the reasonableness of its adverse determination under the second branch of the IFA test and, as a result, its ultimate conclusion that the applicants are not persons in need of protection because they have a viable IFA in Culiacan.
- [59] In my opinion, the Gonzalez Family's reliance on Vazquez Cruz is misplaced, as this case is demonstrably distinguishable from the present matter. In the Decision, the RAD expressly noted that the NDP establishes that Mérida is not an area with an elevated threat, and that the CJNG and its affiliates' activities in the state of Yucatán as a whole are limited. Indeed, Mérida is mostly used as a haven for families of organized crime and cartel groups, who send their relatives to Mérida to protect them from violence present in other parts of the country. While criminal groups may be present in the state of Yucatán or in Mérida, they "try to keep a low-profile," and there does not seem to be any single dominant criminal entity establishing a foothold in the region (Decision at paras 36–37).
- [60] In contrast, in Vazquez Cruz, Justice Norris stressed that the RAD accepted that Culiacan — the contemplated IFA in that case — is one of the most dangerous municipalities in Mexico (Vazquez Cruz at para 34). In other words, there was no sufficiently widespread criminality in Mérida to examine it as an issue under the second prong, unlike the situation in Vazquez Cruz. This conclusion is similar to that of Chief Justice Paul Crampton in *Hamdan v Canada* (Immigration, Refugees and Citizenship), 2017 FC 643 [Hamdan], where he found that the general criminality in the Venezuelan city of Maracaibo did not rise to the "very high" level contemplated by the second prong of the IFA test (Hamdan at paras 25–28).
- [61] The RAD looked and considered the relevant objective evidence, including the profile of Mr. Gonzalez, but was not convinced that Mérida would be an unsafe place for the Gonzalez Family. The RAD's reasoning can be followed without a decisive flaw in rationality or logic.

At paragraph 102 of Vavilov, the Supreme Court held that the reviewing court “must be satisfied that ‘there is [a] line of analysis within the given reasons that could reasonably lead the tribunal from the evidence before it to the conclusion at which it arrived.’” In the case of the Gonzalez Family, it is easy to trace and to follow the RAD’s line of analysis of the situation they face, and the Decision bears the hallmarks of reasonableness, which are justification, transparency, and intelligibility (Vavilov at para 99). My review of the RAD’s analysis does not cause me “to lose confidence in the outcome reached” by the decision maker (Vavilov at para 122).

IV. Conclusion [62] For the reasons set forth above, this application for judicial review is dismissed. I am satisfied that the Decision was responsive to the evidence, and that its findings regarding the IFA in Mérida have the qualities that make the RAD’s reasoning logical and consistent in relation to the relevant legal and factual constraints. The Gonzalez Family have failed to discharge their onus of demonstrating that there are fundamental flaws in the RAD’s analysis. There are no grounds for the Court to intervene.

[63] There are no questions of general importance to certify.

JUDGMENT in IMM-5588-24

THIS COURT’S JUDGMENT is that:

This application for judicial review is dismissed, without costs.

There is no question of general importance to be certified.

“Denis Gascon”

Judge

FEDERAL COURT

SOLICITORS OF RECORD

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