

CANADA / JUDGMENT

Paez Munoz v. Canada (Citizenship and Immigration)

2026 FC 373

COURT

Federal Court

DECIDED

20 March 2026

Source: norma.lexum.com · Research copy typeset by Esheria. Not court-issued or certified.

Paez Munoz v. Canada (Citizenship and Immigration)

Court (s) Database

Federal Court Decisions

Date

2026-03-20

Neutral citation

2026 FC 373

File numbers

IMM-5617-25

Decision Content

Date: 20260320

Docket: IMM-5617-25

Citation: 2026 FC 373

Ottawa, Ontario, March 20, 2026

PRESENT: The Honourable Mr. Justice Duchesne

BETWEEN:

KEVIN RONALDO PAEZ MUNOZ

AMALIA BONILLA PINEDA

JESSICA VANESA BUITRAGO BONILLA

JOSSER SLEVIN ACERO BUITRAGO

YEREMI PAEZ BUITRAGO

MIGUEL ANGEL BUITRAGO CARO

Applicants

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

- [1] The Applicants seek judicial review of a decision made by the Immigration and Refugee Board of Canada's [IRB] Refugee Protection Division [RPD] on February 24, 2025 [Decision]. In its Decision, the RPD rejected the Applicants' refugee protection claims made pursuant to sections 96 and 97 of the Immigration and Refugee Protection Act, SC 2001, c 27 [IRPA].
- [2] The Applicants alleged that they feared the Black Eagles, a paramilitary group in Colombia, because the Principal Applicant Kevin Ronaldo Paez Munoz [PA] failed to repay a loan obtained from a Black Eagles member. The RPD rejected the Applicants' refugee claims because the PA's allegations were considered as lacking credibility and the documentary evidence led was insufficient to overcome the RPD's credibility concerns.
- [3] The RPD analyzed the Applicants' claims for refugee protection in light of country conditions in Colombia, including gender-based violence as it pertains to the female Applicants and the forcible recruitment of minors by paramilitary groups as it relates to the minor Applicants, and found that their claims had not been established. It also considered the adult male Applicants' claims in light of the country conditions and reached the same conclusion.
- [4] In my view the Applicants have not demonstrated that the RPD's Decision was unreasonable. Their application for judicial review is dismissed for the reasons that follow.

I. Background [5] The Applicants are all citizens of Colombia. The Applicant Jessica Vanesa Buitrago Bonilla [AA] is the PA's spouse. The Applicant Amalia Bonilla Pineda is the PA's mother-in-law. The Applicants Josser Slevin Acero Buitrago and Yeremi Paez Buitrago are the Applicant's stepson and son, respectively [minor Applicants]. The Applicant Miguel Angel Buitrago Caro is the PA's father-in-law.

- [6] All of the Applicants adopted the narrative set out in the PA's Basis of Claim [BoC] form, which he updated on two occasions. Accordingly, there is but one specific claim advanced for the benefit of all of the Applicants.

A. PA's declaration upon entry into Canada [7] The PA's Port-of-Entry [PoE] interview occurred on July 6, 2022. The PA explained at that time that he and his family were business owners in Colombia. He asserted that they had obtained a loan from the paramilitary before the COVID-19 pandemic. However, the COVID-19 pandemic forced them into bankruptcy. He further asserted that the paramilitary subsequently started extorting them through threats sent to his home and to him. The PA and his family fled Colombia because of the threats and extortion.

[8] The PA identified the paramilitary group National Liberation Army [ELN] as his lender and his agent of harm. He stated that he became aware of his persecutors' identity because they identified themselves as such when they began to threaten him.

[9] The PA alleged that he owed the ELN 80 million Colombian pesos, of which he had paid back 10,000 Colombian pesos.

B. The Basis of Claim [10] The PA and the remainder of the Applicants had legal representation when they prepared and submitted their BoC forms and the PA's accompanying narrative on September 21, 2022, two months after the PA's PoE interview.

[11] The PA alleged that he and the other Applicants fled to Canada because their lives were—and remain—at serious risk in Colombia from a paramilitary group known as the “Black Eagles” (Aguilas Negras). The PA alleged that he and his family come from a very marginalized neighbourhood in Bogotá called “Las Cruces”, known for its prevalence of social problems and crime, as well as for the presence of criminal and paramilitary groups. The PA alleged that he stopped attending school after the 9th grade because he had to financially support his family. He did so by selling clothes in the center of the city.

[12] The PA alleged that in September 2019, he borrowed 40 million Colombian pesos (approximately 12,000 CAD at the time) at a 20 % interest rate from an unnamed lender [UL]. The PA alleged that he gave the UL his personal information, including his address. The PA had been making biweekly loan payments of 500,000 pesos until the government imposed restrictions due to the COVID-19 pandemic. The payments were made to a tall man on a motorcycle who wore a helmet and did not let the PA see his face.

[13] The COVID-19 restrictions pushed the PA and his family into further financial strain. He alleged that he did not make a payment against his loan for a period of six months. He alleged having received several telephone calls asking for the payment of the money owed. He also alleged receiving threats that he and his family would be killed if he did not repay the loan soon. The Court observes that the PA did not identify the caller in his BoC.

[14] Once COVID-19 restrictions were eased in or about October 2020, the PA resumed his business activity. The PA claims he paid 350,000 pesos rather than 500,000 pesos biweekly for the next 12 months because his financial institution would not allow him to pay the full 500,000 pesos on a bi-weekly basis during that time.

- [15] The PA claimed that he received several telephone calls from an unknown number on September 18, 2021. He answered one of the calls. He alleged that what he heard on the call was an unidentified voice that threatened him to repay the money owed, or else he and his family members would all be shot. The PA stopped sending his children to school after the call and began selling his wares at a different location.
- [16] The PA alleged that he found a pamphlet in his home on October 10, 2021. He alleged that the pamphlet more or less said that if he did not repay what he owed, a grenade would be put inside his house to kill its occupants. The PA and his family fled to his mother's house, two hours of travel away from their home. A short time later, the PA and his family returned to their home, and he eventually began selling wares on the street again.
- [17] On November 25, 2021, when the PA arrived at his home, he observed that the front door was open. He saw graffiti on the walls inside. The graffiti message was that unidentified persons would kill them all.
- [18] The Applicants fled Colombia. They assert that they cannot return to Colombia because the paramilitaries have put their lives at serious risk, and they believe that the paramilitaries will harm them if they are returned to Colombia.

C. Updated Narrative dated October 29, 2024 [19] The Applicants updated their common BoC narrative under the PA's name on October 29, 2024, more than two years after the date of their original BoC narrative.

[20] Without being exhaustive, they added the following allegations:

a)The PA's mother-in-law arrived in the municipality of Yacopi, a 6-hour drive from Bogotá, one month before the PA and his family arrived there after they fled their home in Bogotá. The updated narrative does not specify when the mother-in-law or the PA and his family fled to Yacopi;

b)While in Yacopi, the PA and others (unspecified) spoke by telephone with some of their acquaintances who continued to work in the locale where the PA used to sell his wares. These acquaintances told the PA that individuals had asked about the PA and his family's whereabouts on multiple occasions;

c)Knowing that persons were asking about their whereabouts caused the PA and his family to be concerned about updating their citizenship cards to reflect that they were now in Yacopi. They were concerned that they could be tracked to Yacopi;

d)Their concerns about being tracked to Yacopi through their citizenship cards caused the PA and his family to leave Colombia on December 25, 2021. They fled to the United States of America [USA] and remained there until July 2022. They then fled to Canada;

e) In February 2022, while some of the Applicants were in the USA, the AA called her father and disclosed to him that she and her family had been threatened by paramilitaries in Colombia and that the threats were the reason they fled;

f) Several other family members of various degrees of closeness to the Applicants had been confronted and beaten by unidentified paramilitaries who conveyed the message that they continued to look for the PA and to seek payment from him, and that they would kill the PA and his family if they returned to Colombia; and,

g) It appeared to the Applicants that the PA's refusal to pay the money demanded has triggered a highly personalized vendetta against their family.

[21] The Applicants explained in their updated narrative that they were proceeding with the update because a) it had been some time since they arrived in Canada; b) they had been "extremely rushed" to complete their original BoC forms; and c) the hearing of their claims was approaching and they wished to add details "which are relevant".

[22] The updated narrative was drafted by Jerson Rubiano, an employee of the Applicants' solicitor of record's firm, and interpreted to the Applicants prior to their signature on October 29, 2024.

D. Second Updated Narrative dated January 6, 2025 [23] The PA delivered a second updated narrative on January 6, 2025. This updated narrative was submitted after the first day of the hearing before the RPD and prior to the second day of hearing. The allegations contained in the January 6, 2025, updated narrative are reproduced below:

Many members of our family have faced threats from various paramilitary groups in Colombia. The reality is that all of us were involved in informal commerce in downtown Bogotá, including my sister Karen. We have all been targeted by the Black Eagles, a paramilitary group with a complex structure. This group operates under various factions, and many different individuals use the same name, making it easier for them to target and harm Colombians without leaving clear traces or being easily identified.

Karen, in particular, was threatened by individuals linked to this group. We believe these individuals communicate within their network and give orders to harm members of our family. Due to our poverty and lack of higher education, it is difficult for us to fully understand and express how the Black Eagles operate.

We suspect that our family was targeted by this group, for reasons we are still trying to understand. Given the widespread influence of this group, they likely knew Karen was my sister and used this information to threaten us. My mother was attacked in October 2022, and again in November 2023, which we believe are direct consequences of our refusal to comply with their demands.

[...]

[...]

In our initial narrative, we stated that on November 25. 2021. I fled with my family to Amalia's farm in Yacopi, Cundinamarca but the reality is that only Jessica and the children made it there on the 26. That day when my family and I came home, I told my wife to take the children and immediately just leave and go to the bus station and leave for the farm. I stayed a few more minutes as I was trying to take just a few clothing and our documents knowing that most likely we would never return.

New Information that I was too traumatized to disclose before

I want to disclose something that I tried hard to block from my mind and I coped by trying to forget it and pretend it did not happen. I did not disclose this to my lawyer before as I try not to think about it and talk about it, I have been so terrified and traumatized. I happened to mention it to one of my lawyer's Spanish speaking staff who is Colombian and knows the awful things that the paramilitaries do to Colombians. His name is Jerson and over the Christmas holidays while my lawyer was away, I came into her office and I met Jerson. We began talking and when I started crying about what happened to me in Colombia he urged me to tell him everything and not to be afraid. Little by little I disclosed the details below and with Jerson's support and urging I am disclosing this for the first time.

While looking for the documents approximately 20 to 30 minutes after Jessica left with the children, two individuals broke into my house again. I was terrified as the individuals forced me to get into a black truck where 2 more individuals were waiting. Once inside of the vehicle they put a black capucha (like a black face covering) on my head so I could not see where they were taking me. I could only hear the sound of what seemed like a walkie-talkie (radio). I only heard when one of the individuals said my commander I got him. I lost the sense of time, but it seemed very far from Bogotá.

The men tied me by the feet and hands and after an hour they got me out of the vehicle and left me on the floor, after a moment the men took off my hood. A man who did not identify himself but told me that he was one of the black eagles wearing military pants with a verte shirt and rubber boots asked me if I wanted to save my family from being killed. I was very scared, and I said yes. When I looked around. I saw many mountains and children between about 10 or 14 years old. The children were dressed in military clothes and were being trained. It looked like it was a training camp. The man told me that my task would be to bring/recruit children from the poor areas of the city into the ranks of the paramilitaries and that they were going to give me 15 million pesos to give/ distribute among some poor families to convince them to hand over one of their children and that in exchange for that the paramilitaries would send them 1.5 million pesos a month and groceries so that no one in the family would go hungry. As a poor person and a father of three minor children, it filled me with a lot of terror to see that children had been abducted and were trafficked. I am pretty sure that these children are also being sexually exploited. Colombia is famous for sexual exploitation of children, and I did not want to be part of it. A movie named Sound of Freedom was made based on the sexual exploitation of children in

Colombia. We have heard of the movie but we are too traumatized to watch it. The man told me that if I didn't cooperate, he had no choice but to kill me right then and there and the rest of my family. Out of fear and dread I told him if I would help him, as I had no choice. The men put a hood back on and took me to my house and left me 15 million pesos in a big envelope and they said they would return.

I was very scared and I went quickly to my mother-in-law's house. When I arrived, I confessed to my wife and her parents what had happened to me. I decided to use the 15 million pesos and escape from Colombia on December 25, 2021.

If we were to return, the risks are very real and serious, as the paramilitaries would see us as betraying them. What fills me with terror is the knowledge that I was shown their child trafficking sites and given knowledge of what they are doing to young, innocent poor Colombian children. We fear being killed to silence us. We cannot live safely anywhere in Colombia as the paramilitaries are powerful and have ties with many in high positions.

[...]

II. The Decision [24] The RPD heard the Applicants' evidence and argument on November 8, 2024, and January 16, 2025.

[25] The RPD considered the evidence led before it, as well as the allegations set out in the Applicants' BoC forms and twice updated narrative. The RPD rejected the Applicants' refugee claims. The RPD concluded that the presumption of truthfulness that applied to the PA and the Applicants had been rebutted due to the numerous negative credibility findings it made against them.

[26] The RPD found that the Applicants had not established that the PA borrowed money from the Black Eagles or that the Applicants were being pursued by the Black Eagles. The RPD has also found the Applicants' documentary evidence was insufficient to overcome its credibility concerns or to establish the Applicants' allegations.

[27] The RPD found the Applicants' testimony lacked credibility due to:

- a) the late disclosure of the PA's alleged abduction by the Black Eagles;
- b) the PA's testimony that his family had become a "military target" of the Black Eagles;
- c) the inconsistencies and discrepancies between the PA's PoE interview and subsequent BoC narrative and amendments thereto;
- d) the PA's failure to establish that his circumstances are connected to his sister Karen's accepted refugee claim; and,
- e) the supporting documents produced were not sufficient to overcome the cumulative credibility concerns.

A. The alleged abduction [28] The RPD found that the PA's statements in his second updated narrative dated January 6, 2025, that he was abducted by members of the Black Eagles on November 25, 2021, and told to recruit children as opposed to being with his spouse and children at his mother-in-law's home as indicated in his original narrative was not credible. The alleged abduction was not mentioned in the Applicants' original narrative, in their first updated narrative dated more than two years after they signed their first narrative, or during their first hearing at the RPD on November 8, 2024, despite the panel having provided the PA and the Applicants with an opportunity to provide further information that was not discussed after completing its questions.

[29] While the RPD panel stated that it was sympathetic to the PA's explanation that he had not disclosed the kidnapping earlier because he did not want to remember the event and wanted to erase it from his memory, it remained that there was an expectation that refugee claimants would inform the panel of crucial details for seeking protection in Canada.

[30] The RPD considered that the alleged abduction was material to the claim as it significantly altered the Applicants' narrative and significantly increased their risks if it were to be believed. After summarizing the various narrative elements and testimony given by the PA with respect to the actual amount of the loan, his whereabouts on the day that the alleged abduction took place, and the fact that the only direct interaction the PA had with his agent of harm was during the alleged abduction, but never before, the RPD found that it would have been reasonable for the Applicants to have mentioned the abduction in their prior narratives. The RPD drew a negative inference from the omission and found that it significantly undermined the Applicants' credibility regarding their experiences with the Black Eagles, including their allegation that the PA owes the Black Eagles money.

B. Being a "military target" [31] The PA testified during the hearing that he had been told that his family had become a "military target" for the Black Eagles because of the outstanding loan and the Black Eagles wanting to instill fear in other business people. "Military target" is a specific expression of threat used when a target is to be killed within a 24 to 72-hour deadline of being marked as such. The PA contradicted himself later in his testimony that he had not been told that he or his family had become "military targets". He simply assumed it to be case.

[32] Given the deadly ramifications of being a "military target", the RPD reasoned that it would have been reasonable for such an allegation to be included in the PA's BoC form or in his prior narratives given that it directly relates to the level of danger the Applicants faced in Colombia. The PA's failure to provide a satisfactory explanation for omitting this type of allegation from his BoC form and prior narratives led the RPD to draw a negative inference.

[33] The RPD considered that the PA's omission of the "military target" allegation from his BoC and updated narratives combined with the contradictions during his testimony on this issue demonstrated that the PA's testimony was evolving and changing over time. The RPD drew another negative inference against the PA with respect to his allegations and testimony that the Black Eagles were pursuing him and other Applicants for an outstanding loan. The PA's overall credibility was detrimentally affected as a result.

C. Port of Entry, Basis of Claim and testimonial inconsistencies [34] The Applicants' claims were initially based on events related to the PA's loan and his repayment of the said loan. The PA specifically and without question identified his agents of harm upon his arrival in Canada during his PoE interview as being the ELN [the National Liberation Army] paramilitary group and not the Black Eagles. The PA did not mention the Black Eagles at all during his PoE interview. The inconsistencies in the PA's allegations were put to him during the RPD hearing. He stated that maybe the ELN's self-identification as his lender and agent of harm was something that just passed him. The RPD did not find the PA's explanation of the changing identity of his agents of harm to be persuasive. The RPD drew additional negative inferences with respect to the PA's allegations regarding whom he alleges he borrowed money from and that the Applicants were threatened by the Black Eagles.

[35] The RPD also drew negative inferences from the PA's allegations in his PoE interview that the ELN had informed him that he and his family would be recruited if they did not repay the loan he took out. These allegations were entirely omitted from the BoC, the updated narratives, and the PA's testimony before the panel.

[36] The RPD found that the discrepancies between the PA's statements during his PoE interview and the allegations made elsewhere in the proceeding significantly undermined the Applicants' credibility regarding whether the PA borrowed money from the Black Eagles or that all of the Applicants are being pursued by the Black Eagles as a result of that outstanding loan.

D. Karen's accepted refugee claim [37] The Applicants relied on the PA's sister Karen's accepted refugee claim as a basis for their own claims. The RPD considered the documentary evidence and the RPD reasons from Karen's matter as produced before it and noted that the two matters were factually quite distinguishable. The RPD also found that the PA's testimony regarding events that were recounted in Karen's proceeding was inconsistent with the evidence presented in that proceeding. Karen testified at the PA's hearing and her testimony was inconsistent with the PA's allegations and narrative with respect to his loan and the Black Eagles. The RPD found that Karen's case and her testimony before the RPD were not enough to establish a connection between the circumstances of her proceeding and the Applicants' alleged experiences with the Black Eagles.

E. The documentary evidence was insufficient [38] The RPD considered the content of a criminal complaint that had been made by the PA's father. The content of the complaint was inconsistent with the PA's allegations, written narratives and testimony. Furthermore, the PA had taken pains to allege that his father was mentally unwell. The father was not called as witness despite being in Canada. The RPD therefore gave the complaint no weight.

[39] The RPD also considered a letter from the PA's father that reiterated much of what had been included in the criminal complaint he had filed, but with some of the inconsistencies noted in the criminal complaint. The RPD gave the letter little weight in establishing that the PA or any of the Applicants had borrowed money from the Black Eagles or were being pursued by them.

[40] The RPD considered a letter from the Young Indigenous People of Colombia Foundation, which includes a statement from the PA's father-in-law and the Applicant, Miguel. The RPD found that the content of the letter was premised on the alleged loan from the Black Eagles. The panel found that the letter was insufficient to overcome its credibility concerns and accordingly gave it little weight in establishing the existence of the loan or the PA's alleged pursuit by the Black Eagles.

[41] Finally, the several photographs provided by the Applicants depicted various bodily injuries but were devoid of context. The RPD gave no weight to them in establishing that the Applicants are being pursued by the Black Eagles.

III. Issues [42] The Applicant submits that there are four issues before the Court:

- a) the applicable standard of review;
- b) whether the RPD's credibility assessments were flawed and most unreasonable;
- c) whether the RPD unreasonably transferred its negative credibility findings to all of the Applicants, including the minor children; and
- d) whether the RPD failed to conduct a risk assessment.

[43] The Respondent does not take issue with the Applicants' submitted list of issues.

IV. Arguments and Analysis A. The standard of review is the reasonableness standard [44] The parties argued in their memorandum of argument that the applicable standard of review is the reasonableness standard as articulated in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov]. I agree with the parties that the applicable standard of review is the presumptive standard of reasonableness.

- [45] On a reasonableness review, the reviewing court considers the reasons provided by the administrative decision-maker and asks whether the decision bears the hallmarks of reasonableness (i.e., justification, transparency and intelligibility) in relation to the relevant factual and legal constraints that bear on the decision (Vavilov at para 99). The Court's role is not to reweigh, reassess or second-guess the evidence (Vavilov at para 124; *Doyle v Canada (Attorney General)*, 2021 FCA 237 at para 3).
- [46] The challenging party bears the burden of establishing that the decision under review is unreasonable due to "sufficiently serious shortcomings in the decision such that it cannot be said to exhibit the requisite degree of justification, intelligibility and transparency" (Vavilov at para 100). This is not a "line-by-line treasure hunt for error" (Vavilov at para 102). Rather, where "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" the reviewing court will not intervene (Vavilov at para 102). The Court will interfere with the decision under review where it is satisfied that the shortcomings or flaws relied on by the party challenging the decision are more than merely superficial or peripheral to the merits (Vavilov at para 100). They must be sufficiently central or significant to render the decision unreasonable (Vavilov at para 100).

B. The RPD's credibility findings were reasonable [47] The Applicants argue that the RPD's credibility findings are unreasonable because they were based solely on the PA's PoE interview, failed to adopt a trauma-informed approach, and did not consider the PA's explanations for his evidence or the discrepancies within it. The Applicants rely on a number of decisions of this Court to support their arguments.

- (1) The Point-of-Entry interview notes [48] The Applicants argue that the RPD only considered the PA's PoE interview notes as the basis for making negative credibility findings. The argument presented is factually flawed because even a narrow reading of the Decision shows that the RAD considered the PA's PoE notes along with the PA's BoC, narrative, updated narrative and further updated narrative, as well as his testimony before the RPD in coming to its credibility findings.

- [49] The RPD's credibility findings that were informed by the PA's PoE interview notes are consistent with this Court's jurisprudence that one or more material omissions and inconsistencies among an applicant's PoE interview notes, BoC narrative and oral testimony at an RPD hearing can properly form the basis of an adverse credibility finding where the omission(s) or inconsistency(ies) is or are central to the claim (*Gaprindashvili v Canada (Citizenship and Immigration)*, 2019 FC 583 at para 24; *Baloch v Canada (Citizenship and Immigration)*, 2022 FC 1373 at paras 51 to 57; *Guyen v Canada (Citizenship and Immigration)*, 2018 FC 38 at para 39).

- [50] In this case, the PA had specifically and explicitly identified the Applicants' lender and agent of harm during his PoE interview as being the ELN and that his agent of harm and pursuer was the ELN because they identified themselves to him as such. The PA later stated that his

agents of harm were the Black Eagles, despite also stating that he had taken out a loan from an unidentified man and received threats from persons who remained unidentified but were believed by the PA to be the Black Eagles. The inconsistencies noted by the RPD are central to the Applicants' claim as they bear on whether a loan was taken out by the PA, the identity of the lender, and the identity of the pursuers.

- [51] The Applicants' argument does not establish that the RPD's credibility findings were unreasonable in light of the PA's PoE interview notes.
- (2) A trauma-informed approach was not required [52] The Applicants argue that the RPD did not meaningfully grapple with the PA's trauma related explanations for having failed to disclose his November 2021 abduction by the Black Eagles. They contend that this failure renders the RPD's credibility finding regarding the alleged abduction unreasonable. In support of this position, the Applicants rely on *Cruze v Canada* (Citizenship and Immigration), 2015 FC 1256 at para 3 [Cruze], *Garcia v Canada* (Citizenship and Immigration), 2014 FC 871 at para 43 [Garcia], *Del Carmen Aguirre Perez v Canada* (Citizenship and Immigration), 2019 FC 1269 at para 23 [Perez], *Lubana v Canada* (Minister of Citizenship and Immigration), 2003 FCT 116 at para 12 [Lubana], and *Olah v Canada* (Citizenship and Immigration), 2019 FC 401 at para 26 [Olah].
- [53] The Applicants' argument is based on a recasting of the evidence led before the RPD to attempt to have these decisions apply. The decisions relied upon consider claimant explanations for omissions or evolutions in their narratives, as well as how such omissions or evolutions should be considered in light of a claimant's cultural or psychological background. There was no objective evidence of trauma or significant emotional distress led to explain the PA's late disclosure of the alleged abduction other than his own statements. He stated that he did not want to remember the event and sought to erase it from his memory because he had seen a lot of things he did not wish to recall and remained traumatized and terrified. The PA also testified that he disclosed the information between hearing dates to his counsel's employee because the employee is Colombian and speaks Spanish, which made him feel more comfortable. These explanations were considered by the RPD and were grappled with, although not in the manner desired by the Applicants. Their attempt at recasting the PA's evidence fails.
- [54] *Cruze* is distinguishable on the facts. In *Cruze*, the claimant had led ample evidence of a culture of silence that affected the claimant and explained many of his actions. There is no similar type of evidence led by the Applicants in this case.
- [55] *Garcia* is equally distinguishable on the facts. The claimant in *Garcia* had led evidence that corroborated the offered explanation, and that corroborating evidence had not been considered by the decision-maker. There was no evidence led in this case to corroborate the explanation provided by the PA.

- [56] Perez is also distinguishable on the facts. Perez was concerned with shame as an explanation under the IRB's Chairperson Guidelines 4: Women Refugee Claimants Fearing Gender-Related Persecution [Gender Guidelines] as to why a female claimant would not have obtained a medical report after a sexual assault. It also addressed the RPD decision to ignore relevant proven facts in favour of a fictionalized caricature of trauma. Perez does not apply here.
- [57] Lubana cuts against the Applicants' argument when correctly read. In Lubana, the Court found that a decision maker should not be quick to apply North American logic and reasoning to the claimant's behaviour. Instead, consideration should be given to the claimant's age, cultural background and previous social experiences. Likewise, a lack of coherence or consistency in the claimant's testimony should be viewed in light of the claimant's psychological condition, especially where it has been medically documented. In this case, however, no documentation had been led with respect to the PA's alleged psychological condition. Furthermore, no evidence had been led that the PA suffered from any psychological condition until a few days before the last day of hearing before the RPD. Therefore, Lubana does not apply to suggest that the RPD's credibility findings are unreasonable.
- [58] Finally, Olah concerned the application of the IRB's Gender Guidelines and the need to recognize that individuals' experiences of the events that underlie their claims for protection can be shaped by cultural norms or backgrounds that are not shared by the decision-maker, especially in hearings where women are advancing claims based on gender-related persecution. There are no allegations of gender-based persecution in this case. Olah does not apply.
- [59] The RPD considered the PA's explanation and acknowledged that claimants may not wish to think of or discuss certain events that they experienced and that are crucial elements of their claims. The RPD grappled with the PA's explanation and new allegations in light of his other allegations as made through his BoC, narrative, updated narratives, and his testimony before the RPD. The RPD also considered how the new allegations were inconsistent with essential details of his narrative as updated until the second hearing day, and that the new allegations arose between evidentiary hearing days and after the PA and other Applicants had been provided with the opportunity to testify and to add additional testimony or documents to complete their evidence in support of their claims but declined to do so.
- [60] The RPD was appropriately sensitive to the PA's explanations given the context, the evidence led, and the absence of reliable and non self-serving evidence of trauma. The Applicants have not established that the RAD should have conducted itself differently in light of the evidence or that its failure to do so makes the Decision unreasonable.
- (3) The narrative updates were fairly considered [61] The Applicants rely on *Verin v Canada* (Citizenship and Immigration), 2016 FC 631 at para 8 [Verin]. They argue that this decision assists them through the proposition that claimants are permitted to provide further details

at their hearings, need not include every single potentially material fact in their Basis of Claim and narratives, and that the decision-maker acts unreasonably if they consider that the addition of details through an amended narrative suggests that the initial narrative was not credible.

- [62] Verin as cited by the Applicants does not stand for the proposition they argue. The decision is also distinguishable.
- [63] In Verin, a claimant had included allegations in his narrative regarding a stabbing incident at the hands of Turkish ultra-nationalists in 1999 that supported his claim. The claimant subsequently amended his narrative to include details of the injuries sustained in the stabbing incident, and that the Turkish police had refused to lay charges in relation to the stabbing. The decision-maker found that the applicant had not adequately explained why these details had been omitted in the first place and drew a negative inference and concluded that the attack had not occurred. The Court found that the decision-maker's credibility finding was unreasonable because the amended narrative provided additional details of an already alleged event. The Court found that negating the occurrence of a crucial event alleged in the first narrative because of the provision of additional details that elaborate on the elements already alleged was unreasonable.
- [64] The Applicants' case here is factually very different from the case in Verin. The narrative updates in this case, and particularly the last update, introduced entirely new bases of claim that had not been previously alleged or disclosed, as well as new details that were inconsistent with previously alleged details. Verin does not apply.
- (4) Deference is generally due on credibility findings [65] Madam Justice Vanessa Rochester, as she then was, explained in *Onwuasoanya v Canada (Citizenship and Immigration)*, 2022 FC 1765 at para 10, that a reviewing court owes deference to the RPD and the RAD and their credibility findings as follows:
- [9] The central issue is the RAD's determination as to Mr. Onwuasoanya's credibility.
- [10] Credibility determinations are part of the fact-finding process, and are afforded significant deference upon review (*Fageir v Canada (Citizenship and Immigration)*, 2021 FC 966 at para 29 [Fageir]; *Tran v Canada (Citizenship and Immigration)*, 2021 FC 721 at para 35 [Tran]; *Azenabor v Canada (Citizenship and Immigration)*, 2020 FC 1160 at para 6). Such determinations by the RPD and the RAD demand a high level of judicial deference and should only be overturned "in the clearest of cases" (*Liang v Canada (Citizenship and Immigration)*, 2020 FC 720 at para 12). Credibility determinations have been described as lying within "the heartland of the discretion of triers of fact [...] and cannot be overturned unless they are perverse, capricious or made without regard to the evidence" (*Fageir* at para 29; *Tran* at para 35; *Edmond v Canada (Citizenship and Immigration)*, 2017 FC 644 at para 22, citing *Gong v Canada (Citizenship and Immigration)*, 2017 FC 165 at para 9).

[66] The Applicants have not demonstrated that the RPD's credibility findings fall within the clearest of cases to be overturned. I find that there is no demonstrated basis for this Court to interfere with the RPD's credibility findings.

C. The RPD reasonably transferred its negative credibility findings to all of the Applicants, including the minor children regarding the claims advanced [67] It is well-established law that a refugee claimant has the evidentiary burden of establishing the facts that give rise to a claim under section 96 or section 97 IRPA for refugee protection (*Li v Canada (Minister of Citizenship and Immigration)*, 2005 FCA 1). This extends to applicants who are minors.

[68] It is equally well-established law that claimants have the burden of establishing a link between general country conditions and their specific circumstances if they wish to rely on country condition evidence in support of their claims (*Balogh v Canada (Citizenship and Immigration)*, 2016 FC 426 at para 19 [Balogh]; *Prophète v Canada (Citizenship and Immigration)*, 2008 FC 331 at para 17 [Prophète]; *Ould v Canada (Minister of Citizenship and Immigration)*, 2007 FC 83 at para 21 [Ould]; *Jarada v Canada (Minster of Citizenship and Immigration)*, 2005 FC 409 at para 28 [Jarada]; *Ahmad v Canada (Minister of Citizenship and Immigration)*, 2004 FC 808 at paras 21 and 22 [Ahmad]).

[69] The Applicants cite no applicable jurisprudence in support of their argument that the RPD unreasonably transferred its negative credibility findings to all of the Applicants, including the minor children.

[70] The Applicants chose to present a single narrative as the sole and governing narrative for each of their respective claim, regardless of their personal characteristics and/or relationship to the facts and issues. That single narrative was the PA's narrative as attached to his original BoC form and its subsequent updates.

[71] The AA's BoC form set out that she relied exclusively and completely on the narrative attached to her form as the basis of her refugee claim. The narrative that was attached was the PA's narrative which titled "Narrative of Kevin Ronaldo Paez Munoz and Family". The Applicant Jessica Vanessa Buitrago Bonilla's BoC form also sets out that she relied exclusively and completely on the narrative attached to her form as the basis of her refugee claim. The narrative that was attached was the PA's narrative. The same is true for the minor Applicants Jossier Slevin Acero Buitrago and Yeremi Paez Buitrago. The same is also true for the Applicant Miguel Angel Buitrago Caro.

[72] The RPD panel acknowledged that this was the case when it noted that, "the claimants' allegations are fully set out in their Basis of Claim (BOC) forms, their updated narrative, and a subsequent updated narrative".

[73] The corollary of the Applicants' choice to have their allegations set out in a single narrative, updated as it may have been, is that no Applicant other than the PA offered a personal narrative or individualized allegations in support of each of their respective claim. Despite being asked several times during the RPD hearing if they had information to add to the PA's testimony, none provided further evidence to substantiate their refugee claims.

[74] Given these circumstances it is logical and rational for the RPD to make its credibility findings on the sole narrative provided. Since all Applicants explicitly relied upon this single narrative as the basis for each of their respective claim, the findings related to the PA's narrative properly apply to all of them.

D. The RPD conducted a risk assessment pursuant to sections 96 and 97 of the IRPA [75] The Applicants argue that the RPD failed to conduct risk assessments for the minor Applicants despite having an obligation to do so. They contend that the assessment should have addressed the risk of the minor Applicants being forcibly recruited by armed groups in Colombia. In support of this, the Applicants relied on general country condition evidence regarding the recruitment of minors by paramilitary groups. No effort appears to have been made by the Applicants to link the minor Applicants' personal circumstances to the country condition evidence other than by asserting that the minor Applicants are from Colombia and are minors.

[76] The minor Applicants did not allege that they are at risk of forced recruitment by any paramilitary group in Colombia. They also did not lead any evidence that that they had been approached to be recruited, or that they exhibited the personal characteristics of minors at risk of forced recruitment in Colombia as outlined in the country condition evidence. The RPD assessed the minor Applicants' forward-looking risk of forced recruitment in light of the content of the objective country condition evidence and of the record generally. It concluded that the minor Applicants did not fit the profiles for heightened risks of recruitment by criminal groups in Colombia.

[77] The RPD determined that the minor Applicants did not face a serious possibility of persecution under section 96 of the IRPA or personalized risks under section 97 of the IRPA. While the RPD may be criticized for not articulating its analysis more explicitly in reaching its conclusion that the minor Applicants had not established their claims under sections 96 or 97 of the IRPA, the Applicants have not demonstrated, and I cannot find, that the Decision is unreasonable in light of the record. The RPD's reasoning is clear and justified when one considers the record as a whole.

[78] The Applicants argue that the RPD failed to conduct risk assessments for the adult Applicants despite having an obligation to do so. The Decision and the record reflect otherwise.

[79] The RPD conducted analyses under section 96 and section 97 IRPA regarding the female Applicants' claims based on their gender and reports of violence or persecution by paramilitary groups. It acknowledged that women in Colombia can be victims of crime, including sexual violence, but that there was insufficient evidence to establish that women

are targeted simply because of their gender. The RPD also concluded there was an absence of specific evidence pointing to individualized factors that might aggravate the female Applicants' risks of gender-based violence from paramilitary or criminal groups in Colombia. The RPD found that the female Applicants had not adduced sufficient evidence to establish a serious possibility of persecution based upon their gender. The RPD also concluded that the female Applicants had not established that their removal would expose them personally to a danger of torture or to a risk to life or of cruel and unusual treatment or punishment under section 97 of the IRPA based on their personal profiles. The Applicants have not demonstrated that the Decision is unreasonable with respect to these analyses in light of the record.

[80] The adult male Applicants also made no effort to establish a link between general country condition evidence and their specific circumstances. While the RPD may be criticized for not articulating its analysis more explicitly in reaching its conclusion that the adult male Applicants had not established their claims under sections 96 or 97 of the IRPA, the Applicants have not demonstrated that there was evidence before the RPD that could have led it to conclude that any of the adult male Applicants were persons in need of protection under either sections 96 or 97 of the IRPA. I cannot find that the Decision is unreasonable in this regard.

[81] The Applicants have not established the basis of the claim they had advanced because of the negative credibility findings the RPD made. The RPD did not act unreasonably by not engaging in a separate and distinct analysis under section 96 or section 97 of the IRPA with respect to the specific claims based on the loan taken out by the PA from the Black Eagles as there was no evidentiary basis for the alleged risk. In the circumstances, the negative credibility findings were sufficient to foreclose a section 96 or section 97 analysis focussed on the alleged loan (*Lopez v Canada (Citizenship and Immigration)*, 2014 FC 102 at paras 41 to 46). The Applicants have not demonstrated that the Decision is unreasonable on this basis.

V. Conclusions [82] The Applicants have not demonstrated that the Decision is unreasonable on any of the grounds that they have alleged and argued. Considered in light of the record and the law, I find that the Decision and its findings are reasonable and justified.

[83] The Applicants' application for judicial review is therefore dismissed.

[84] The parties have not suggested that a question of general importance to be certified arises from the facts of this proceeding. I agree with the parties in this regard. No question of general importance will be certified.

JUDGMENT in IMM-5617-25

THIS COURT'S JUDGMENT is that:

The Applicants' application for judicial review is dismissed.

There is no question of general importance to be certified.

No costs shall be awarded to any party.

“Benoit M. Duchesne”

Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:

IMM-5617-25

STYLE OF CAUSE:

KEVIN RONALDO PAEZ MUNOZ ET AL. v. MCI

PLACE OF HEARING:

toronto, ontario

DATE OF HEARING:

february 25, 2026

judgment AND REASONS:

duchesne, j.

DATED:

march 20, 2026

APPEARANCES:

Adela Crossley

For The ApplicantS

Charles Jubenville

For The Respondent

SOLICITORS OF RECORD:

Crossley Law

Toronto, Ontario

For The ApplicantS

Attorney General of Canada

Toronto, Ontario

For The Respondent

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://norma.lexum.com/fc-cf/decisions/en/item/530196/index.do>

CASE PAGE <https://chat.esheria.ai/case-law/canada/paez-munoz-v-canada-citizenship-and-immigration-2026>

Prepared on 26 October 2026 · Esheria