
CANADA / JUDGMENT

Paque Ceja v. Canada (Citizenship and Immigration)

2026 FC 334

COURT

Federal Court

DECIDED

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Date: 20260312

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Toronto, Ontario, March 12, 2026

PRESENT: The Honourable Mr. Justice A. Grant

BETWEEN:

ALFONSO PAQUE CEJA

SERGIO ULISES PAQUE CORONA

Applicants

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

I. OVERVIEW [1] The Applicants, Alfonso Paque Ceja and Sergio Ulises Paque Corona, are seeking judicial review of a decision by the Refugee Appeal Division [RAD] of the Immigration and Refugee Board [IRB] affirming the finding of the Refugee Protection Division [RPD] that they are not Convention refugees or persons in need of protection.

[2] For the reasons that follow, I will dismiss this application.

II. BACKGROUND A. Facts [3] Dr. Alfonso Paque Ceja is the father of Sergio Paque Corona. They are both citizens of Mexico, from the state of Michoacán.

[4] There are active cartels in the Applicants' home community, particularly La Familia Michoacana [LFM]. Staff from Los Reyes Regional Hospital, where Dr. Paque Ceja worked, had been kidnapped by cartel members in the past, and one doctor had been killed.

[5] On April 7, 2018, during his shift at the hospital, Dr. Paque Ceja was threatened by armed men. The men knew his address and the names of his children, and they told him to leave the community within 48 hours. The men did not identify themselves, but he recognized the LFM logo on their truck.

[6] After the attack, Dr. Paque Ceja made a denunciation at the Public Ministry Agency and requested a transfer to another hospital. The transfer was refused, and so he left his job at Los Reyes Regional Hospital.

[7] On July 30, 2018, Dr. Paque Ceja was kidnapped from the parking lot of a shopping centre by LFM members who brutally beat him and threatened his family. They forced Dr. Paque Ceja to provide his banking information, and his bank account was later emptied. They also questioned him about his property and jewellery. After six days, Dr. Paque Ceja was left bleeding and unconscious at a highway intersection.

[8] Dr. Paque Ceja survived and made a complaint to the police. After taking two months to recover from his injuries, he returned to work at a hospital near a military base that was meant to be relatively safe from the cartels. At this point he also started to consider leaving Mexico.

[9] After his abduction, Dr. Paque Ceja was chased on the highway on multiple occasions. He testified that he saw the LFM symbol on the cars that were chasing him.

[10] The Applicants came to Canada in June 2019, however, Dr. Paque Ceja soon after went back to Mexico. He returned to Canada in September 2019.

[11] According to Dr. Paque Ceja, at some point after he came to Canada, his wife started a relationship with an LFM cartel member named Jesus Vallejo. Both Dr. Paque Ceja and Sergio believe that Mr. Vallejo was implicated in Dr. Paque Ceja's kidnapping. Dr. Paque Ceja's two daughters, who were still living in Mexico with his wife, fled to live with their aunt in Morelia after Mr. Vallejo sexually harassed them. Dr. Paque Ceja has not spoken with his wife since May 2021.

B. Procedural History [12] The Applicants did not file their refugee claims until more than three years after they first arrived in Canada. The Applicants' claims were based on the circumstances set out above, namely their fear of the LFM generally, and Mr. Vallejo specifically. However, in submissions to the RPD, counsel for the Applicants referred to documentary evidence indicating that the LFM may have some strategic cooperation with other cartels, such as the Cartel de Jalisco Nueva Generación (CJNG). As such, counsel suggested that the Applicants would also be at risk from these criminal groups. The Applicants themselves did not assert a fear of the CJNG.

[13] The Applicants' hearing took place on June 10, 2024, and on July 10, 2024, the RPD rejected their claim. The RPD found that the Applicants' narrative and testimony were credible, but that there was insufficient evidence to demonstrate that they would be targeted on a forward-facing basis, in part because there was little evidence to demonstrate that the LFM had sufficient influence within the larger CJNG organization.

[14] The RPD also determined that the Applicants had a viable internal flight alternative [IFA] in Merida based on its findings that Dr. Paque Ceja had not been specifically targeted, that Dr. Paque Ceja did not fit the profile of the kind of person that LFM or other cartels would pursue throughout Mexico, and that there was no evidence that LFM had a significant presence in the IFA location. Relatedly, although the Applicants both expressed fear that the cartel would pursue them at Mr. Vallejo's behest if they returned to Mexico, the RPD found that there was insufficient evidence that Mr. Vallejo was linked with organized crime or that he had demonstrated either motive or means to pursue the Applicants should they return to the IFA location in Mexico.

[15] The Applicants appealed the RPD decision to the RAD, in support of which they submitted new evidence, specifically: 1) copies of five handwritten anonymous notes dated between June and October 2024 that had been left at Dr. Paque Ceja's sister's home threatening Dr. Paque Ceja and his family; and 2) a letter from Dr. Paque Ceja's sister stating that armed men had come to her dental office seeking Dr. Paque Ceja on multiple occasions between January 2024 and October 2024. Dr. Paque Ceja's sister explained that she had previously concealed this information to "avoid worrying."

[16] In addition to providing new evidence, the Applicants also submitted that the evidence before the RPD showed that LFM would be motivated to pursue the Applicants within Mexico.

- [17] The RAD refused to admit the new evidence, finding, amongst other things, that the threatening notes and the letter from the Applicant's sister were not credible given the "coincidental and fortuitous timing" of their appearance. The RAD concluded that the sister's explanation as to why she did not share the news of these threats earlier was inadequate and, therefore, not credible.
- [18] Additionally, the RAD found that the notes were not credible because they threatened Sergio, who had not been directly threatened by the cartel before; because they were signed as being from various cartels, including the CJNG, the "Viagras," and LFM, whereas the Applicants had only claimed to be threatened by LFM; and because there was no reason given for why the cartels would have suddenly become interested in the Applicants more than five years after their first contact with Dr. Paque Ceja. The RAD also observed that the threatening notes were dated, which appeared to serve no purpose, "besides to demonstrate that they occurred after the decision." Finally, the RAD noted that the notes indicated that the cartels would look for the Principal Applicant all over Mexico, including specifically in the identified IFA location, which, according to the RAD, "coincidentally addresses the issue of an IFA."
- [19] Having rejected the new evidence, the RAD ultimately agreed with the RPD's findings and dismissed the appeal.

III. ISSUES and STANDARD OF REVIEW [20] The Applicants have argued that the decision under review is unreasonable and was tainted by procedural unfairness. More specifically, they argue that:

- 1) The Member erred in questioning the credibility of the new evidence.
- 2) The Member breached procedural fairness by failing to provide the Applicants with notice and an opportunity to respond to the concerns related to the new evidence.
- 3) The Member erred in finding that there was insufficient evidence to establish that the agents of harm had the motivation to locate the Applicants in the IFA location.

- [21] The standard of review for the first and third of these issues is reasonableness: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65. The standard for the Applicants' procedural fairness arguments is akin to correctness. The reviewing court must ask whether the procedure was fair having regard to all the circumstances: *Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69 at para 54.

IV. ANALYSIS A. Assessing the Credibility of the New Evidence [22] The bulk of the Applicants' argument on judicial review relates to the RAD's consideration of the new evidence submitted on appeal.

- [23] The Applicants submit that the RAD “provided no explanation or reasoning supporting an inauthenticity finding.” They further submit that it was incoherent for the RAD to find the Applicants to be credible, but to question the credibility of the documents they submitted on appeal.
- [24] This is particularly the case, the Applicants maintain, because the RAD’s credibility findings are findings related to the plausibility of the circumstances that gave rise to the new evidence. Citing longstanding jurisprudence from this Court, the Applicants assert that such plausibility findings should only be made in the clearest of cases, which is not the situation here.
- [25] In advancing these arguments, the Applicants have carefully critiqued each of the RAD’s findings in relation to the new evidence. This fact reveals the frailty of their argument that the RAD failed to provide an explanation for questioning the authenticity of the documents. In fact, the RAD provided various reasons for questioning these documents, which I have outlined above. This being the case, the question is not so much about the absence of reasons, but the quality of the reasons that were provided.
- [26] I also do not accept the argument that it was incoherent or contradictory for the RAD to find that the Applicants were generally credible, but to also question the credibility of the documents they had provided. Read holistically, the RAD’s reasons in this regard can easily be reconciled. The RAD’s general credibility findings were brief and were provided under the following heading: “The Appellants were credible at the [RPD] hearing.” When reviewed in context, the RAD’s credibility findings clearly related to the testimony that the Applicants had provided at the RPD hearing – it accepted, in other words, the allegations of past mistreatment that Dr. Paque Ceja had experienced and the subjective fear that led the Applicants to leave Mexico. In short, the RAD agreed with the RPD that the Applicants’ testimony was credible.
- [27] This being the case, there is nothing incongruous about the RAD’s unrelated findings on the credibility of the new evidence submitted on appeal. In questioning the credibility of these documents, the RAD did not call into question the credibility of the Applicants’ testimony before the RPD, or the details provided in their Basis of Claim forms. Indeed, the RAD did not make any adverse credibility findings against the Applicants themselves but merely evaluated the credibility of the documents submitted on appeal, as it was required to do. In these circumstances, I see nothing unreasonable about this aspect of the RAD’s decision.
- [28] I also find that the question of whether the RAD’s findings on the new evidence were general credibility findings or plausibility findings is, in these circumstances, a distinction with little by way of a difference. This is because, in my view, the RAD explained in clear and unmistakeable terms precisely why it found the evidence in question to lack credibility.

- [29] Even if the RAD's rejection of the new evidence did rest, at least in part, on a plausibility finding, I have concluded that its justification for these findings was consistent with the applicable jurisprudence: *Valtchev v Canada (Minister of Citizenship and Immigration)*, 2001 FCT 776; *Ariyibi v Canada (Citizenship and Immigration)*, 2023 FC 478 at paras 48-53; *Gutierrez Medina v Canada (Citizenship and Immigration)*, 2023 FC 591 at paras 39-40.
- [30] Critically though, the RAD provided other reasons for questioning the credibility of the new evidence that were unrelated to the question of 'fortuitous' timing. I have concluded that these other findings were also reasonable, and they provide a separate, if interrelated, basis on which the RAD could reasonably reject the new evidence. To this extent, I find the facts of this case to be distinct from the cases cited by the Applicants, such as *Egenti v Canada (Citizenship and Immigration)*, 2023 FC 639.
- [31] In addition to the above, the Applicants argue that in rejecting the new evidence as being implausibly timed, the RAD ignored and misconstrued the relationship between Dr. Paque Ceja's ex-wife and the LFM member, Mr. Vallejo. I disagree. As the Respondent points out, the RAD did consider this relationship in its reasons, but saw no reason why this relationship, which began in 2021, would give rise to threats in 2024. I do not view this as an unreasonable conclusion.

B. Procedural Fairness: Notice of Credibility Concerns [32] The Applicants submit that the RAD breached procedural fairness because they did not have a meaningful opportunity to know and respond to the credibility concerns about the new evidence. In advancing this argument, the Applicants acknowledge the jurisprudence suggesting that notice of credibility concerns regarding new evidence is not generally required. They distinguish these cases by noting that the Applicants in this case were found credible by the RPD, so they could not have anticipated that the credibility of their documents would be at issue. Once again, I disagree.

- [33] First, as a general rule, it cannot be a surprise that the RAD would carefully assess the credibility of new documents submitted in support of an appeal, because it is obligated by the jurisprudence to do so: *Singh v Canada (Citizenship and Immigration)*, 2016 FCA 96 at paras 38-44 [Singh]. Beyond this, it is also important to recall that the onus is always on appellants to establish that new evidence meets the statutory requirements set out at subsection 110(4) of the Immigration and Refugee Protection Act, and the jurisprudential requirements established in *Singh*: see for example *Teclebrhan v Canada (Citizenship and Immigration)*, 2025 FC 228 at para 36 and Refugee Appeal Division Rules, s 3(3)(g)(iii).
- [34] Second, while I acknowledge that the Applicants had, to that point, been found credible, it was entirely foreseeable—indeed it was inevitable—that the RAD would carefully consider the credibility of the new evidence, particularly given the timing issue and the degree to which the new evidence appears to be directly responsive to the RPD decision. There is an entire body of jurisprudence on the credibility concerns that often arise with the precise kind of evidence that the Applicants provided in this case. The Applicants were represented by counsel at both the RPD and the RAD and so I respectfully see no basis on which to

conclude that they were deprived of their right to make submissions on the admissibility of the new evidence. The time for making such submissions, however, was at the point the appeal record was submitted, not following notice from the RAD of an issue that was plainly apparent from the very nature of the evidence in question.

C. Did the Member Err in Their Analysis of the Motivation of the Cartels to Pursue the Applicants to the Proposed IFA? [35] Finally, the Applicants submit that the RAD failed to consider relevant evidence when assessing the profile of those who the cartel is likely to pursue, and failed to consider several aspects of Dr. Paque Ceja's risk profile. They point to evidence indicating that anyone who poses a threat to the operations of the cartels is at risk of harm. Once again, I cannot agree. The RAD's findings were supported with references to the documentary evidence, which suggests that the risk faced by an individual from the cartels is highly context dependent, but is usually limited to "high value" targets and is generally the product of a cost-benefit analysis. Taking this into account, I believe it was reasonable for the RAD to conclude that the Applicants did not likely have the kind of profile that would lead the cartel to try to find them in the IFA location.

[36] I would add that the Applicants consistently identified the LFM as being the group whom they feared. The documentary evidence before the RAD supported the finding that this group would be unlikely to track the Applicants to the identified IFA location. While counsel for the Applicants suggested that the Applicants' risk of harm could include a risk at the hands of the more expansive CJNG, this was entirely speculative.

[37] In reviewing the RAD's decision holistically, I have concluded that its IFA analysis was certainly not perfect, but it was reasonable. It was rooted in the evidence, and on a reasonable (if again imperfect) assessment of the Applicants' circumstances. The Applicants' arguments amount to a disagreement with the RAD's conclusions, and a suggestion that the evidence could have been interpreted differently. True as this may be, this alone does not render the decision unreasonable.

V. CONCLUSION [38] Before concluding, I will add the following. Both the RPD and the RAD rejected the Applicants' claims for refugee protection on relatively narrow grounds, finding only that they could find safety in another location within Mexico. In arriving at this conclusion, the IRB accepted the credibility of the Applicants' experiences. It accepted that Dr. Paque Ceja was a dedicated physician, who frequently worked 7 days a week to provide care in his communities. It accepted that Dr. Paque Ceja appears to have been targeted because he was a physician, as the first attack that he experienced took place in the emergency room of the hospital where he worked. It did not question that Dr. Paque Ceja was kidnapped, robbed, beaten, and tortured over the course of six days in 2018. It is no surprise, therefore, that Dr. Paque Ceja has experienced genuine trauma arising from these experiences, which was apparent in his testimony before the RPD. While these facts do not render the RAD decision unreasonable, it is important to acknowledge them, as they may well be relevant in future immigration processes.

[39] For the above reasons, I will dismiss this application for judicial review. The parties did not propose a question for certification and I agree that none arises.

JUDGMENT in IMM-341-25

THIS COURT'S JUDGMENT is that:

The application for judicial review is dismissed.

There is no question for certification.

No costs.

"Angus G. Grant"

Judge

FEDERAL COURT

SOLICITORS OF RECORD

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