

CANADA / JUDGMENT

Romo Lopez v. Canada (Citizenship and Immigration)

2026 FC 529

COURT

Federal Court

DECIDED

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Romo Lopez v. Canada (Citizenship and Immigration) Court (s) Database Federal Court Decisions
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20240423 Docket: IMM-9293-25 Citation: 2026 FC 529 Ottawa, Ontario, April 23, 2026 PRESENT:
Madam Justice Conroy BETWEEN: JACOB EDUARDO ROMO LOPEZ LILIANA MICHELLE
PACHECHO REYES Applicants and THE MINISTER OF CITIZENSHIP AND IMMIGRATION
Respondent JUDGMENT AND REASONS

- [1] The Applicants are citizens of Mexico. They seek judicial review of a decision of the Refugee Appeal Division [RAD] that was rendered on March 31, 2025. The RAD upheld the decision of the Refugee Protection Division [RPD] rejecting the Applicants' claim for refugee protection. The determinative issue was the existence of a viable Internal Flight Alternative [IFA] in Merida, Mexico.
- [2] For the reasons that follow, the judicial review is dismissed.
- [3] While I have no reason to doubt that the Applicants genuinely fear Cartel Jalisco Nueva Generacion [CJNG], they have not established that the RAD's decision was unreasonable. I. MATERIAL FACTS LEADING TO THIS APPLICATION [4] The following is a summary based on the Applicants' basis of claim forms. There was no suggestion by the RAD or the RPD that the Applicants lacked credibility.
- [5] The Applicants, a common-law couple, both previously worked for a government transportation department in their hometown in Mexico.
- [6] The CJNG began targeting the Principal Applicant after the Transportation Department and the police carried out a highway operation in March of 2023. The Principal Applicant worked on this operation. The operation resulted in the discovery and seizure of weapons and drugs in vehicles operating as Ubers and taxis. The drivers of these vehicles orchestrated a highway blockade with other taxi and Uber drivers, which surrounded the authorities, including the Principal Applicant. Eventually, the authorities managed to de-escalate the blockade.

- [7] In April 2023, the Principal Applicant started noticing suspicious cars parked in front of the home he shared with the Associate Applicant.
- [8] In May 2023, several armed men who identified themselves as members of the CJNG, followed him and then forced him out of his car. They held a gun to his head and said they knew the Associate Applicant worked with him at Transportation Department, and that they knew he was involved in the highway operation. They demanded that he and the Associate Applicant work for the cartel within the department. He was told they would kill both of them if either refused to comply. They also told him that he had to pay for the lost “merchandise”, which he understood to mean the drugs seized by the police during the highway operation. The men told the Principal Applicant that the police worked for the cartel. The Principal Applicant recognized one of the armed men as a police officer who worked on the highway operation with him. They beat the Principal Applicant, confiscated his identification and forced him to share his family’s contact information stored in his phone.
- [9] Thereafter, the Applicants describe being stalked to the extent that they put significant limits on leaving their home. The Applicants eventually moved in with a family member that lived in a gated community.
- [10] The Principal Applicant fled for Canada in June of 2023.
- [11] In July 2023, the Associate Applicant’s car was surrounded by two trucks. Nine masked men emerged with large guns, demanding to know where the Principal Applicant was. She told them she did not know. The men told her that if she didn’t cooperate with them at the Transportation Department, they would kill her, the Principal Applicant, and her whole family. The men banged on her car and shot guns in the air. The men told her she would not be given a second chance to comply.
- [12] The Associate Applicant fled to Canada in August of 2023.
- [13] Each of the Applicants claimed refugee protection at the airport upon landing in Canada. A. RPD Decision [14] The RPD found that the determinative issue was the existence of an IFA in Merida, Yucatan.
- [15] Regarding the first prong of the IFA test, the RPD found that there was insufficient evidence to establish that the agents of persecution are actively seeking the Applicants. It noted: ... that the PC testified that the agents of persecution possess the claimants’ personal details, photos of personal contacts, and have the power and connections to locate them, however, they have made no effort to approach the claimants’ relatives, even though the claimants were, at one point, living in [a family member’s] home. The panel notes that if a cartel in Mexico wishes to locate a target, it has the capacity to do so. However, there must be clear evidence of motivation on the part of the agents of persecution to actively seek out the claimants and harm them in the proposed IFA location. In this case, the panel finds insufficient evidence to establish that the cartel in question is the CJNG or that they are

motivated to locate and harm the claimants in the IFA location.

- [16] Regarding the second prong of the IFA test, the RPD referenced the “very high threshold” to establish that an IFA is unreasonable. The Applicants testified that, in addition to their fear that the CJNG would find them in Merida, they cannot move to Merida because there are limited employment opportunities and it has a high cost of living. The PRD considered these explanations, the Applicants’ work experience, and the objective evidence and found that the Applicants should be able to find employment in the IFA. The RPD also considered that both Applicants speak Spanish, the predominant language in the IFA, and that Merida is in one of the “safest areas in Mexico and has effective legal governance.”
- [17] Overall, the RPD found that “the claimants do not face a serious possibility of persecution or a risk of cruel and unusual treatment or punishment or a danger of torture in Merida.” B. Decision Under Review - RAD [18] The RAD agreed with the RPD and found that the existence of a viable IFA was the determinative issue.
- [19] Regarding the first prong of the IFA test, the RAD acknowledged that the CJNG has the means to find the Applicants in the IFA. However, it went on to explain that the “CJNG’s means to find the Appellants is not enough to establish that there is a risk of harm in the proposed IFA” and “the fact the CJNG operates throughout Mexico speaks to the CJNG’s capacity to track the Appellants, not their motivation to do so.” The RAD stated that “[w]hile the general country condition evidence refers to the fact that cartels might be motivated to pursue individuals that defy their orders, who are subject to a personal vendetta or who lose them money, the specific facts in the Appellants’ circumstances do not support that the CJNG is motivated to pursue the Appellants for those reasons.”
- [20] The RAD relied on the following to conclude the CJNG lacked the motivation to pursue the Applicants in the IFA: None of the Applicants family members had been approached by the CJNG. An absence of contact with Applicants’ co-workers. While the Principal Applicant testified that he knew of two of his co-workers that were approached by the CJNG, this was “given little weight” because he testified that he could not provide any details of those alleged incidents. The Applicants’ profile would change if they moved to the IFA as they would no longer be working for the Transportation Department and therefore would not be seen by the CJNC as valuable to collaborate with. Merida is a city of about 1 million residents and is located more than 1500 kms from the Applicants’ hometown. The significant passage of time: it had been about two years since the Applicants last heard from the CJNG.
- [21] Regarding the second prong of the IFA test, the RAD considered the Applicants’ submissions that the IFA was unreasonable because of their lack of finances, limited employment opportunities and an absence of social support networks. Overall, the RAD concluded that the Applicants had not established that these circumstances would jeopardize their lives or safety in relocating to Merida. The RAD said that the fact that the Applicants “may face some hardship in relocating to the proposed IFA, including some difficulty in finding new work or housing, is not a basis for attaining refugee protection in Canada.”

- [22] The RAD also considered the argument that the RPD overlooked that being a woman will limit the Associate Applicant's ability to access employment, healthcare, and essential services and that there is a pervasive culture of abuse, domestic violence, and harassment against women and most incidents go unreported due to the widespread belief that the authorities will not respond. The RAD considered the Chairperson's Guideline 4: Gender Considerations in Proceedings Before the Immigration and Refugee Board and concluded that the Associate Applicant failed to demonstrate she faces more than "a mere possibility of persecution." II. ISSUES AND STANDARD OF REVIEW [23] The Applicant raises the following issues: a) Was the RAD reasonable in concluding that agents of persecution lacked the motivation to locate the Applicants in the IFA? b) Was the RAD reasonable in concluding that the IFA was objectively reasonable?
- [24] The parties agree, as do I, that the standard of review is reasonableness: *Canada (Minister of Citizenship and Immigration) v. Vavilov*, [2019] 4 SCR 653 [Vavilov]. III. ANALYSIS A. IFA – First Principles [25] Refugee protection is only available when a person cannot find protection anywhere in their country of origin: *Canada (Attorney General) v Ward*, 1993 CanLII 105 (SCC), [1993] 2 SCR 689, at 709. If a claimant can safely and reasonably relocate within their country of origin, they are expected to do so rather than seek refugee protection in Canada: *Olusola v. Canada (Citizenship and Immigration)*, 2020 FC 799 [Olusola] at para 7. If they are safe in certain parts of their home country, they are said to have an internal flight alternative or IFA: *Gomez Dominguez v. Canada (Citizenship and Immigration)*, 2020 FC 1098 at para 14. The existence of a viable IFA in the claimant's country of origin will negate a claim for refugee protection regardless of the merits of the other aspects of their refugee claim: *Olusola* at para 7.
- [26] An IFA will exist where: 1) the claimant will not be subject to a serious possibility of persecution nor to a risk of harm under sections 96 and 97 of the Immigration and Refugee Protection Act, SC 2001, c 27 in the proposed IFA location; and,
- 2) it would not be objectively unreasonable for the claimant to seek refuge there, taking into account all the circumstances (*Rasaratnam v Canada (Minister of Employment and Immigration)*, 1991 CanLII 13517 (FCA) at 709-710; *Thirunavukkarasu v. Canada (Minister of Employment and Immigration)*, 1993 CanLII 3011 (FCA), [1994] 1 FC 589 [Thirunavukkarasu] at 595-97; *Olusola* at para 8; *Bassi v Canada (Citizenship and Immigration)*, 2024 FC 910 at para 15).
- [27] Once a potential IFA is identified by the RPD or RAD, the refugee claimant bears the onus of establishing that it is not viable: *Thirunavukkarasu* at 594-595. To rebut the viability of an identified IFA, a claimant must satisfy the RAD, on a balance of probabilities, that at least one of the prongs of the IFA test is not met: *Ullah v Canada*, 2022 FC 1777 at para 22.

- [28] To succeed on the first prong of the IFA test, a claimant must establish with objective evidence that the agents of persecution have both the means and the motivation to find them in the IFA and cause them harm: *Singh v. Canada (Citizenship and Immigration)*, 2023 FC 996 at para 8. This involves a prospective analysis, and it is considered from the perspective of the agents of persecution, not from the claimant's perspective: *Adeleye v. Canada (Citizenship and Immigration)*, 2022 FC 81 at para 21 [Adeleye].
- [29] On the second prong, the threshold to establish that an IFA is unreasonable is very high. It requires "actual and concrete evidence" of conditions that would jeopardize the applicant's life and safety: *Ranganathan v. Canada (Minister of Citizenship and Immigration)*, 2000 CanLII 16789 (FCA), [2001] 2 FC 164 [Ranganathan] at para 15. B. Assessment of Motivation was Reasonable [30] The Applicants submit that the RAD was unreasonable in finding that the agents of persecution lacked the motivation to find them in Merida.
- [31] First, they argue that the RAD erred in relying on the absence of CNJC contact with the Applicants' family members. They submit that the case law confirms that a lack of contact by the agents of persecution is not determinative of motivation, citing *Rivera Benavides v. Canada (Citizenship and Immigration)*, 2020 FC 810 [Rivera Benavides] at para 75 and *Monsalve v. Canada (Citizenship and Immigration)*, 2022 FC 4 at para 17 [Monsalve].
- [32] *Rivera Benavides* and *Monsalve* stand for no such general legal proposition. Indeed a number of cases have found that it is reasonable for the RAD to consider whether the agent of persecution has contacted a claimant's family in assessing ongoing motivation: see for example, *Villareal Martinez v. Canada (Citizenship and Immigration)*, 2025 FC 1948 at para 27, citing *Padro v Canada (Citizenship and Immigration)*, 2024 FC 427, para 16; *Jamal v Canada (Citizenship and Immigration)*, 2023 FC 1633 at para 27; *Ocampo v Canada (Citizenship and Immigration)*, 2021 FC 1058 at para 28; *Chavez Perez v Canada (Citizenship and Immigration)*, 2021 FC 1021 at para 10; *Torres Zamora v Canada (Citizenship and Immigration)*, 2022 FC 1071, para 14; *Leon v Canada (Citizenship and Immigration)*, 2020 FC 428 at para 16.
- [33] Ultimately, the assessment of motivation is fact-specific and considers many factors "including, among others: the reason the claimants were initially targeted, the steps the agents of persecution have taken, the length of time that has passed without contact, and the relationship the agents of persecution have to the applicants": *Ramirez v. Canada (Citizenship and Immigration)*, 2024 FC 561 at para 7.
- [34] In the present case, the RAD listed several factors to support its conclusion. One of which was the absence of contact between CJNG and the Applicants' family members who still reside in the Applicants' hometown. It is not disputed that there has been no such contact. This is a relevant consideration in determining forward-looking motivation and there was nothing unreasonable about the RAD's reliance on this fact.

- [35] Second, I have considered the RAD's treatment of the evidence about the CJNG's contact with the Applicants' former co-workers. On this point, the RAD stated: There has also been an absence of contact with the Appellants' former co-workers in an attempt to locate the Appellants. The Associate Appellant testified that none of her coworkers were approached by the CJNG. The Principal Appellant's testimony that two friends were approached is of little weight given that, as the Principal Appellant testified, he cannot provide details of those alleged incidents.
- [36] I am not persuaded that the statement above was a veiled credibility finding. Having reviewed the RPD transcript, the Principal Applicant was forthright in stating he could not provide details about contacts by the cartel with his coworkers because these coworkers didn't want to share any information with him and wanted nothing to do with him.
- [37] The RAD's comment that there has been an absence of contact with the Applicants' co-workers is arguably an overstatement. As acknowledged by the RAD in the same paragraph, there was in fact some evidence of cartel contact with co-workers, but given the lack of detail, the RAD gave this evidence little weight. Reading this paragraph as a whole, along with the reasons, I am not satisfied that the imprecise wording in the first sentence of the RAD paragraph quoted above is sufficiently central to the overall conclusion to render its decision unreasonable: Vavilov at para 100.
- [38] Relatedly, the Applicants argued that the RAD was wrong to dismiss the evidence of cartel contact with coworkers as it demonstrates motivation. This is effectively an invitation for me to reweigh the evidence, which is not the court's role on judicial review: Vavilov at para 125. The RAD was entitled to assign little weight to this information and explained its rationale for doing so.
- [39] Third, the Applicants make many of the same arguments before me that were made before the RAD including that they are at high-risk because they refused to collaborate with the CJNG and that the cartel held the Principal Applicant personally responsible for losses resulting from the highway operation. The RAD considered these arguments but was not persuaded that the specific facts supported a conclusion that the CJNG was motivated to locate the Applicants in Merida. The RAD enumerated several factors to support its conclusion. Again, absent exceptional circumstances, it is not for a judicial review court to reweigh and reassess the evidence that was before the RAD: Vavilov at para 125. C. Assessment of reasonableness of the IFA [40] On the second prong of the IFA test, the Applicants submit that it was objectively unreasonable for the RAD to conclude that the Applicants could travel to and live in the IFA without risking their lives and safety.
- [41] The Applicants have not identified a reviewable error in the RAD's assessment of the reasonableness of the IFA. The RAD considered the arguments and personal circumstances of the Applicants and addressed them in its reasons. As required by the case law, the RAD considered that there was no "actual and concrete evidence" evidence that the Applicants would be unable to find employment or accommodation in Merida: Ranganathan at para 15.

An IFA is no unreasonable simply because a claimant lacks family support in the area or may have difficulty finding suitable employment: Thirunavukkarasu at 598.

- [42] Finally, there is no merit to the Applicants' assertion that the RAD failed to consider the profile of the Associate Applicant as a woman. The RAD expressly considered this issue and concluded that she failed to show how the general country condition evidence on the treatment of women in Mexico was specific to her such that she faces more than a mere possibility of persecution. IV. CONCLUSION [43] The RAD's reasons reflect an analysis that is transparent, justifiable and intelligible, and is not tainted by any reviewable error. The judicial review is therefore dismissed.
- [44] No question for certification was proposed and none arises. JUDGMENT in IMM-9292-25 THIS COURT'S JUDGMENT is that judicial review is dismissed. There is no question for certification. "Meaghan M. Conroy" Judge FEDERAL COURT SOLICITORS OF RECORD DOCKET: IMM-9293-25 STYLE OF CAUSE: JACOB EDUARDO ROMO LOPEZ, LILIANA MICHELLE PACHECHO REYES v THE MINISTER OF CITIZENSHIP AND IMMIGRATION PLACE OF HEARING: Held by way of videoconference DATE OF HEARING: April 9, 2026 JUDGMENT AND REASONS: CONROY J. DATED: april 23, 2026 APPEARANCES: Proshat Babaeian For The Applicant Arielle Neil For The Respondent SOLICITORS OF RECORD: Lewis & Associates LLP Barristers and Solicitors Toronto, Ontario For The Applicant Attorney General of Canada Toronto, Ontario For The Respondent

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