

Federal Court



Cour fédérale

**Date: 20220726**

**Docket: IMM-1689-21**

**Citation: 2022 FC 1113**

**Ottawa, Ontario, July 26, 2022**

**PRESENT: The Honourable Madam Justice Heneghan**

**BETWEEN:**

**GELY SANCHEZ ALVARADO  
LUIS MIGUEL CANO LOPEZ  
LUISA MICHELLE CANO SANCHEZ  
AND NATHAN ALEXIS CANO SANCHEZ**

**Applicants**

**and**

**THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**REASONS AND JUDGMENT**

[1] Ms. Gely Sanchez Alvarado (the “Principal Applicant”), Mr. Luis Miguel Cano Lopez, and their minor children Luisa Michelle Cano Sanchez and Nathan Alexis Cano Sanchez (collectively, the “Applicants”) seek judicial review of the decision of the Immigration and Refugee Board, Refugee Appeal Division (the “RAD”), finding that they are not Convention

refugees or persons in need of protection within the meaning of section 96 and subsection 97(1) of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27 (the “Act”).

[2] The Applicants are citizens of Mexico. They asserted a fear of persecution from members of an alleged cartel. The Immigration and Refugee Board, Refugee Protection Division (the “RPD”) found that an Internal Flight Alternative (“IFA”) is available to them in Mexico City and Guadalajara.

[3] The RAD confirmed the finding that an IFA is available in Mexico City and Guadalajara.

[4] The determinative issue for the RAD was the availability of an IFA. In my opinion, that is the determinative issue upon this application for judicial review.

[5] The decision of the RAD is reviewable upon the standard of reasonableness, following the decision in *Canada (Minister of Citizenship and Immigration) v. Vavilov*, [2019] 4 S.C.R. 653.

[6] In considering reasonableness, the Court is to ask if the decision under review "bears the hallmarks of reasonableness — justification, transparency and intelligibility — and whether it is justified in relation to the relevant factual and legal constraints that bear on that decision"; see *Vavilov, supra* at paragraph 99.

[7] The Applicants submit that the RAD erred in concluding that there was no continued risk of persecution.

[8] The Minister of Citizenship and Immigration (the “Respondent”) argues that there is no reviewable error. He submits that in finding no continued risk of persecution, the RAD reasonably considered the fact that the Applicants could not identify their agents of persecution, and that there was only one in-person altercation.

[9] I agree with the submissions of the Respondent.

[10] In my opinion, the RAD reasonably concluded that there was no continued risk of persecution on the basis of the evidence before it. There is no reviewable error in the decision.

[11] In the result, the application for judicial review is dismissed. There is no question for certification.

**JUDGMENT in IMM-1689-21**

**THIS COURT'S JUDGMENT is that** the application for judicial review is dismissed.

There is no question for certification.

"E. Heneghan"

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Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-1698-21

**STYLE OF CAUSE:** GELY SANCHEZ ALVARADO, LUIS MIGUEL  
CANO LOPEZ, LUISA MICHELLE CANO SANCHEZ,  
AND NATHAN ALEXIS CANO SANCHEZ v THE  
MINISTER OF CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** HELD BY WAY OF VIDEOCONFERENCE  
BETWEEN TORONTO, ONTARIO AND ST. JOHN'S,  
NEWFOUNDLAND AND LABRADOR

**DATE OF HEARING:** JULY 20, 2022

**REASONS AND JUDGMENT:** HENEGHAN J.

**DATED:** JULY 26, 2022

**APPEARANCES:**

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Melissa Mathieu FOR THE RESPONDENT

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