

Federal Court



Cour fédérale

**Date: 20221125**

**Docket: IMM-6386-21**

**Citation: 2022 FC 1618**

**St. John's, Newfoundland and Labrador, November 25, 2022**

**PRESENT: The Honourable Madam Justice Heneghan**

**BETWEEN:**

**DAMASO MILAGRO RODRIGUEZ QUINTERO  
BRENDA YADIRA GONZALEZ OSORIO  
SANTIAGO JESUS RODRIGUEZ GONZALEZ  
LUCIANA RODRIGUEZ GONZALEZ**

**Applicants**

**and**

**THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**REASONS AND JUDGMENT**

[1] Mr. Damaso Milagro Rodriguez Quintero (the “Principal Applicant”), his common law spouse Ms. Brenda Yadira Gonzalez Osorio and their minor children Santiago Jesus Rodriguez Gonzalez and Luciana Rodriguez Gonzalez (collectively the “Applicants”) seek judicial review of the decision of the Immigration and Refugee Board, Refugee Protection Division (the “RPD”). In that decision, dated August 20, 2021, the RPD found that the Applicants are not

Convention refugees nor persons in need of protection within the meaning of section 96 and subsection 97(1), respectively, of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27 (the “Act”).

[2] The Applicants are citizens of Colombia. They sought protection on the basis of the claim of the Principal Applicant who alleged a fear of persecution from the paramilitary organization, the Black Eagles, arising from his activities in support of Gustavo Petro’s presidential campaign in 2018.

[3] The RPD denied the claim on credibility grounds. It identified several areas where it found the evidence to lack credibility, including the Principal Applicant’s role as a social leader and his work on Gustavo Petro’s 2018 presidential campaign.

[4] The Applicants argue that the RPD’s credibility findings are unreasonable, making the decision unreasonable.

[5] The Minister of Citizenship and Immigration (the “Respondent”) submits that the decision is reasonable.

[6] The decision of the RPD is reviewable on the standard of reasonableness, pursuant to the decision in *Canada (Minister of Citizenship and Immigration) v. Vavilov*, [2019] 4 S.C.R. 653.

[7] 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 the decision"; see *Vavilov, supra* at paragraph 99.

[8] I agree with the submissions of the Respondent that the Applicants are effectively inviting the Court to re-weigh the evidence that was before the RPD. That is not the role of a court upon judicial review.

[9] The RPD addressed the Principal Applicant's claim and reviewed his status as a social leader and active supporter of a candidate in the 2018 presidential election. It found his evidence to be largely not credible.

[10] The assessment of credibility is the core of the RPD's mandate. I refer to the decision of the Supreme Court of Canada in *Canada (Attorney General) v. Ward*, [1993] 2 S.C.R. 689 at 724-725.

[11] The credibility findings are reasonable and there is no basis for judicial intervention.

[12] The application for judicial review will be dismissed. There is no question for certification.

**JUDGMENT in IMM-6386-21**

**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-6386-21

**STYLE OF CAUSE:** DAMASO MILAGRO RODRIGUEZ QUINTERO  
BRENDA YADIRA GONZALEZ OSORIO  
SANTIAGO JESUS RODRIGUEZ GONZALEZ  
LUCIANA RODRIGUEZ GONZALEZ  
v THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION

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

**DATE OF HEARING:** OCTOBER 5, 2022

**REASONS AND JUDGMENT:** HENEGHAN J.

**DATED:** NOVEMBER 25, 2022

**APPEARANCES:**

Terry S. Guerriero FOR THE APPLICANT

Nicola Shahbaz FOR THE RESPONDENT

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