Federal Court  Cour fédérale

Date: 20231212

Docket: IMM-10791-22

Citation: 2023 FC 1672

Ottawa, Ontario, December 12, 2023

PRESENT: Justice Andrew D. Little

BETWEEN:

CRISTOBAL COVA TORRES

Applicants

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

[1] This is an application for judicial review of a decision by the Refugee Appeal Decision (the "RAD"). The RAD dismissed an appeal from the Refugee Protection Division (the "RPD"). Both concluded that the applicant is neither a Convention refugee under section 96 nor a person in need of protection under subsection 97(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 (the *"IRPA"*). The RAD found that the applicant has an internal flight alternative ("IFA") within his home country, Mexico.

[2] The applicant's position on this judicial review application was that the RAD's decision was unreasonable under the principles in *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65, [2019] 4 SCR 653.

[3] For the reasons below, the application is dismissed.

I. Facts and Events Leading to this Application

[4] The applicant is a citizen of Mexico. The applicant suffers from several physical challenges, including a speech impairment that makes communication difficult and other disabilities which have required varying surgical interventions during his life. He has experienced discrimination and harassment since childhood.

[5] The applicant's partner in Mexico was previously married to another man. The applicant claimed that if he returned to Mexico, he will be persecuted by certain members of his partner's ex-husband's family. Around 2016, the ex-husband committed suicide when he realized his ex-wife (now the applicant's partner) would not return to him. His family members blamed the applicant and his partner for the suicide. The applicant alleged the family members of his partner's ex-husband were still looking to hurt or kill him. He alleged the family members have made threatening phone calls.

[6] On March 10, 2020, the applicant left Mexico to come to Canada. His father lives in Ontario with his Canadian partner.

[7] On November 11, 2020, the applicant claimed protection under the *IRPA*. He alleged that nowhere is safe for him in Mexico due to his disability.

[8] By decision dated December 13, 2021, the RPD dismissed the applicant's claim for *IRPA* protection and concluded that he had a viable IFA in Merida, Mexico.

[9] The applicant appealed to the RAD on procedural fairness grounds, related principally to the absence of adequate translation of Spanish to English at the RPD. He also sought to introduce new evidence.

[10] By decision dated October 14, 2022, the RAD dismissed the appeal. The RAD admitted a time-stamped translation analysis as new evidence because it related to procedural fairness. The RAD declined to admit a "Counselling Report" (also described as a "psychological report") prepared after the RPD decision to support the applicant's position on procedural fairness. It did not meet the legal requirements for new evidence, because its contents were not new as the applicant had every opportunity to obtain the report prior to the RPD hearing. He provided no explanation as to why he did not present the report before the RPD hearing or as post-hearing evidence. The RAD found that to accept the report would be to "ambush the RPD decision after the fact".

[11] The RAD concluded that there was no breach of the applicant's procedural fairness rights at the RPD hearing. The RAD's analysis accepted the applicant's alleged corrections in translation and found that there were no serious, non-trivial problems in interpretation.

[12] Reviewing the RPD's substantive decision on a correctness basis, the RAD determined that the discrimination faced by the applicant in Mexico due to his disabilities did not cumulatively amount to persecution.

[13] The RAD found that in any event, the applicant had an IFA elsewhere in Mexico. The applicant made no submissions to the RAD as to why the RPD's analysis of Merida as an IFA was flawed. Because it found that the applicant had not shown a well-founded fear of persecution, the RAD's analysis was based on whether the applicant would face a risk to his life or risk of torture in Merida from his spouse's ex-husband's family members.

[14] The RAD analyzed two questions on IFA: (1) was there somewhere in the applicant's country where he would not be at risk? and (2) would it be reasonable for the applicant to relocate there?

[15] Applying the first prong of the IFA test, the RAD held that the RPD was correct to find that the family members have not demonstrated the means or motivation to track the applicant in Merida. The family members had made no alleged threats since 2016 and there was no evidence that they knew the applicant was in Canada and were waiting for his return. They had taken no steps to harm him or his partner beyond two phone calls and scolding her on the street.

[16] On the second prong of the IFA analysis, the RAD held that it would not be unduly harsh to expect the applicant to relocate to Merida. The RAD stated:

> The test for an IFA to be unreasonable is a high bar. The discrimination Mr. Cova Torres faces in Mexico would not make

> Merida unreasonable. As already mentioned above, Mr. Cova Torres demonstrated discrimination finding employment in the past. It is presumed the same difficulty would occur in or around Merida. Once again, this factor weighs heavily in Mr. Cova Torres' favour. However, he accessed health care and education in past and there is no evidence that discrimination based on disability would prevent him from doing so again in the future. No evidence was presented that Mr. Cova Torres could not find housing in Merida.
>
> I have seriously considered the implications for Mr. Cova Torres of living without family support, including not being able to access employment on the family farm, were he to relocate to Merida. Ultimately, Mr. Cova Torres has not presented sufficient evidence that he requires family for everyday care and survival. The limited information I have before me indicates Mr. Cova Torres is able to travel and live independently. Mr. Cova Torres did not argue any religious, language, transportation or other reasons why he could not relocate. Considering all of the factors combined, Mr. Cova Torres has failed to demonstrate why it would be unduly harsh for him to relocate to Merida.

[17] The RAD dismissed the appeal, concluding that the RPD was correct to find that the applicant was neither a Convention refugee nor a person in need of protection under the *IRPA*.

[18] The applicant raised three issues on this judicial review application:

A. Did the RAD make a reviewable error when it declined to admit the Counselling Report?

B. Did the RAD make a reviewable error by finding the applicant had not suffered cumulative discrimination amounting to persecution?

C. Did the RAD make a reviewable error by concluding that the applicant had a viable IFA?

II. Analysis

[19] The parties agreed that the standard of review for all three issues is reasonableness.

[20] Reasonableness review is a deferential and disciplined evaluation of whether an administrative decision is transparent, intelligible and justified: *Vavilov,* at paras 12-13 and 15; *Mason v. Canada (Citizenship and Immigration),* 2023 SCC 21, at paras 8, 63. The starting point is the reasons provided by the decision maker, which are read holistically and contextually, and in conjunction with the record that was before the decision maker. A reasonable decision is based on an internally coherent and rational chain of analysis and is justified in relation to the facts and law that constrained the decision maker: *Vavilov,* esp. at paras 85, 91-97, 103, 105-106 and 194; *Canada Post Corp v. Canadian Union of Postal Workers*, 2019 SCC 67, [2019] 4 SCR 900, at paras 2, 28-33, 61; *Mason,* at paras 8, 59-61, 66.

[21] The reviewing court focuses on the reasoning process used by the decision maker: *Vavilov,* at paras 83, 84 and 87. The court does not consider whether the decision maker's decision was correct, or what the court would do if it were deciding the matter itself: *Vavilov,* at para 83; *Canada (Justice) v. D.V.,* 2022 FCA 181, at paras 15, 23.

[22] The reviewing court may not re-assess or reweigh the evidence: *Vavilov,* at para 125. The Court may intervene if the decision maker has fundamentally misapprehended the evidence before it, ignored critical evidence, or failed to account for evidence before it that ran counter to its conclusion: *Vavilov,* at para 126; *Federal Courts Act*, paragraph 18.1(4)(*d*); *Maritime Employers Association v. Syndicat des débardeurs (Canadian Union of Public Employees, Local*

375), 2023 FCA 93, at paras 115-117; *Walls v. Canada (Attorney General)*, 2022 FCA 47, at para 41; *Ozdemir v. Canada (Citizenship and Immigration)*, 2001 FCA 331, at paras 7 and 9-11.

A. ***Did the RAD make a reviewable error when it declined to admit the counselling report?***

[23] The RAD declined to admit as new evidence a 5-page Counselling Report dated April 25, 2022, prepared by Family Service Kent to support for the applicant's refugee protection claim.

[24] The applicant submitted that the RAD erred in finding that the Counselling Report was not new evidence. He argued that the report was based on four counselling sessions after the RPD hearing and did not focus on the applicant's disabilities but instead focused on the trauma and depression triggered by the refugee hearing and the RPD's refusal of his claim.

[25] I find no reviewable error in the RAD's conclusion. The applicant did not argue that the RAD applied the wrong test in law. The RAD's reasoning relied on facts and circumstances open to it on the record.

[26] The report found that the applicant was experiencing symptoms of Post-Traumatic Stress Disorder, based on experiences throughout his life. The report was "not a formal diagnosis" but found his symptoms were highly typical of a person who had experienced psychological trauma. As the applicant acknowledged during oral argument, the report did not explicitly analyze the RPD hearing or the refusal of his claim as triggering events, although his responses during the counselling sessions must have reflected his state of mind in April 2022. The references to the RPD hearing or decision concerned how the applicant likely reacted to stressful situations like

the hearing and recommended that someone he trusts who speaks Spanish be present at a future hearing.

[27] While not challenged in this Court, I observe that the RAD's evocative statement that to admit the Counselling Report would somehow "ambush" the RPD decision was inapt. However, it did not fundamentally undermine its otherwise reasonable consideration of the admissibility of the Counselling Report as new evidence on appeal.

B. ***Did the RAD make a reviewable error by finding the applicant had not suffered cumulative discrimination amounting to persecution?***

[28] The applicant contended that the RAD ignored and failed to properly assess the cumulative impact of all the discrimination, harassment and ridicule suffered by the applicant throughout his life in Mexico (citing *Canada (Citizenship and Immigration) v. Munderere,* 2008 FCA 84; *Mete v. Canada (Minister of Citizenship and Immigration),* 2005 FC 840; *Zatreanu v. Canada (Citizenship and Immigration),* 2020 FC 472, at para 17). The applicant submitted that the RAD's conclusion on this issue was not properly justified in its reasons (citing *Bledy v. Canada (Citizenship and Immigration),* 2011 FC 210).

[29] The applicant argued that the RAD's decision was premised on the erroneous belief that the applicant was able or would be able to obtain employment outside his family's farm, which the applicant argued was contrary to the evidence presented, unsupported by evidence, contrary to the systemic discrimination he experienced in seeking work, and ultimately unintelligible. The applicant emphasized that the RAD accepted that he was denied employment because of his

disabilities, arguing that there was no explanation for why his circumstances did not constitute persecution given the extensive evidence of discrimination against him.

[30] The respondent's submissions relied on the findings and analysis in the RAD's reasoning to argue that the RAD understood the difference between discrimination and persecution, and met the standard in the case law to assess the cumulative effects of discrimination. The applicant referred in particular to *Mete*, at paras 4-6; *Portuondo Vasallo v. Canada (Citizenship and Immigration)*, 2012 FC 673, at para 15; and *Sefa v. Canada (Citizenship and Immigration)*, 2010 FC 1190, at paras 3-4 and 34). In response to certain country condition evidence for Mexico cited by the applicant, the respondent noted that the applicant had not experienced violence against him connected to his disability.

[31] Both parties' submissions referred to the underlying evidence before the RAD, in particular the applicant's own narrative filed with his Basis of Claim.

[32] Despite the able submissions made by counsel for the applicant, I find no basis for the Court to intervene.

[33] I agree with the applicant that the RAD's decision had to assess the cumulative effects of discrimination: *Munderere*, at paras 41-42; *Mete*, paras 5-6. The RAD also had to provide sufficient explanation for its conclusions in its reasons: see *Abbass v. Canada (Citizenship and Immigration)*, 2023 FC 628, at para 50; *Bledy*, at para 31; *Gregor v. Canada (Citizenship and*

Immigration), 2011 FC 1068, at para 16; *Maarouf v. Canada (Citizenship and Immigration)*, 2023 FC 787, at paras 47-53 and the cases cited there.

[34] The RAD's reasons in this case did so. The RAD provided detailed reasoning to support its conclusion that it agreed with the RPD and found that the cumulative discrimination experienced by the applicant did not amount to persecution.

[35] The RAD's reasons described persecution and distinguished it from discrimination. The RAD recognized that certain incidents may only be discriminatory when considered in isolation, but there is a requirement to consider whether the cumulative nature of that conduct may amount to persecution. It found that "harassment constitutes persecution if it is sufficiently serious and occurs over such a long period of time that it can be said that the refugee protection claimant's physical or moral integrity is threatened". The RAD referred to decisions of this Court including *Mete* and to the *Handbook on Procedures and Criteria for Determining Refugee Status and Guidelines on International Protection under the 1951 Convention and the 1967 Protocol Relating to Status of Refugees*, HCR/IP/4/Eng/REV.4, reissued February 2019, Geneva. The applicant did not challenge the RAD on these points.

[36] The RAD's reasons also recognized the applicant's testimony about a lifetime of discrimination based on his disabilities. It set out examples. It found two specific factors that weighed in his favour: he was denied employment because of his disabilities (which weighed significantly in his favour) and the length of time he had endured discrimination. Considering those and other indicators as well, the RAD found that the applicant faced discrimination whose

cumulative effects did not amount to persecution. The RAD recognized evidence from the NDP for Mexico about violence against persons with disabilities in Mexico and abuse in institutional settings, which did not match the applicant's personal experience. The RAD concluded that neither the harassment endured by the applicant or the seriousness of the discrimination he experienced rose to the level of threatening his physical or moral integrity.

[37] Finally, I am not persuaded that in reaching its conclusions on cumulative effects, the RAD fundamentally misapprehended the evidence, or that it ignored critical evidence or failed to consider such evidence than ran counter to its conclusions: *Vavilov,* at para 126; *Ozdemir,* at paras 9, 11, citing *Cepeda-Gutierrez v. Canada (Minister of Citizenship and Immigration),* [1999] 1 F.C. D-53, [1998] FCJ No 1425 (see paras 14-17).

[38] Accordingly, the applicant has not shown that the RAD's decision was unreasonable owing to flaws in its reasons concerning the cumulative effect of discrimination amounting to persecution.

C. ***Did the RAD make a reviewable error by concluding that the applicant had a viable IFA?***

[39] Neither party took issue with the legal test applied by the RAD for an IFA, which reflected the two-step approach set out by the Federal Court of Appeal in *Rasaratnam v. Canada (Minister of Employment and Immigration),* [1992] 1 FC 706 (CA), at pp. 710-711 [paras 8-10]. The test required that the RAD be satisfied, on a balance of probabilities, that (1) there was no serious possibility of the applicant being persecuted in the proposed IFA; and (2) in all the circumstances, including circumstances particular to the applicant, conditions in the IFA were

such that it would not be unreasonable for him to seek refuge there. The applicant had the onus to show that the proposed IFA was unreasonable.

[40] The applicant submitted that the RAD erred in both steps of the IFA test. On the first prong, the applicant argued that the RAD failed to consider whether his partner's ex-husband's family would be able to find him in Merida after she and her children joined him there. However, the applicant did not point to any evidence to explain how the presence of his partner and her children would provide her ex-spouse's family members with additional means to find him in Merida. The RAD found that those persons were not associated with any gangs, cartels or the police and had no motivation to find the applicant in Merida. In the circumstances, the RAD's decision on this issue was not unreasonable.

[41] On the second prong, the applicant submitted that the RAD erred because it:

a) failed to consider whether separating the applicant from his spouse and step-children was reasonable, and failed to consider whether it was reasonable for him to live apart from them. (This position is factually converse to his argument in this Court on the first prong);

b) failed to consider the impact of cumulative discrimination on the reasonableness of the IFA;

c) ignored the evidence that his only paid work was on his family's farm. He had been unsuccessful in finding other work in Mexico City as a result of discrimination on the basis of his disability and there was objective evidence about difficulties in finding employment in Merida for persons without

disabilities. The applicant referred to *Omotayo v. Canada (Citizenship and Immigration)*, 2021 FC 39, at para 14, and *Mora Alcca v. Canada (Citizenship and Immigration)*, 2020 FC 236, at paras 12-17; and

d) ignored other evidence, specifically country evidence in the NDP for Mexico including evidence of the high unemployment rate and crime rate in Merida, systemic discrimination and the lack of legal protections for persons with disabilities in Mexico. (The applicant also relied on the Counselling Report, which I have already concluded was not admitted on appeal without reviewable error.)

[42] In support of the reasonableness of the RAD's decision, the respondent referred to the very high threshold for finding that a proposed IFA is unreasonable, which requires actual and concrete evidence of conditions that would jeopardize the life and safety of the applicant in travelling or temporarily locating to the safe area (citing *Ranganathan v. Canada (Minister of Citizenship and Immigration)*, [2001] 2 FC 164 (CA), at para 15).

[43] The respondent also noted that the applicant's appeal to the RAD only concerned alleged procedural unfairness and natural justice. His appeal did not mention any of the documents in the National Documentation Package ("NDP") for Mexico that he raised in his argument to this Court. The respondent contended that the applicant cannot raise new arguments on judicial review that were not made to the RAD, nor could he now fault the RAD for not referring to elements of the NDP that were not identified or argued to it (citing *Singh v. Canada (Citizenship and Immigration)*, 2023 FC 636, at para 15; *Xiao v. Canada (Citizenship and Immigration)*, 2021

FC 386, at para 30; *Riboul v. Canada (Citizenship and Immigration),* 2020 FC 263, at paras 52-53; *Kalonji v. Canada (Attorney General),* 2018 FCA 8, at para 7; *Dakpokpo v. Canada (Citizenship and Immigration),* 2017 FC 580, at para 14).

[44] On the facts, the respondent argued that the discrimination the applicant faced in the past would not make it unreasonable for the applicant to relocate to Merida. There was no evidence that the applicant could not find housing in Merida, or that there were any religious, language, transportation, or other reasons why he could not relocate. The respondent argued that an inability to find suitable work in the proposed IFA does not make that location unreasonable for the applicant (citing *Thirunavukkarasu v. Canada (Minister of Citizenship and Immigration)* (1993), [1994] 1 FC 589 (CA), at pp. 598*h-i* [para 14]).

[45] As noted, the applicant's first argument on the second prong was that the applicant RAD did not consider that he would be living apart from his spouse and step-children. However, the RAD expressly considered the implications for the applicant of living without family support. It concluded based on limited information in the record that he could live independently. There is no basis for the Court to intervene.

[46] The second argument relating to cumulative discrimination does not succeed, substantially for the reasons in Part B, above. The RAD was aware of these issues during its IFA analysis.

[47] The applicant's third submission was that the RAD failed to consider properly that the applicant would not find employment in the IFA. I appreciate the applicant's point on the merits that without employment, he could not sustain himself and that he only had paid work previously on the family farm.

[48] However, after careful consideration, I am not persuaded that there are grounds for the Court to intervene, applying *Vavilov* principles. First, the RAD did expressly consider this issue at several points in its analysis. As the applicant recognized, the RAD accepted that he was denied employment because of his disabilities and gave that factor significant weight in his favour in assessing the discrimination he faced. In its IFA analysis, the RAD found the applicant faced demonstrated discrimination in finding employment in the past and presumed the same difficulty would occur in or around Merida. Again the RAD weighed this factor heavily in his favour, along with his ability in the past to access health care and education and the lack of evidence that he could not find housing in Merida.

[49] In addition, as the applicant's oral submissions fairly recognized, the RAD stated expressly that it had "seriously considered the implications for Mr. Cova Torres of living without family support, including not being able to access employment on the family farm, were he to relocate to Merida" but that ultimately, he had not presented sufficient evidence that he required family for everyday care and survival. He could live and travel independently and did not provide religious, language, transportation reasons why he could not relocate. The RAD found it was not "unduly harsh" for him to relocate to the IFA – which is the language used by the Federal Court of Appeal in *Thirunavukkarasu,* at p. 598*c-d* [para 13].

[50] Although the respondent submitted otherwise, I do not find that the RAD's analysis should be read alongside the RPD's reasons on this issue, as the RAD provided express and detailed reasoning of its own.

[51] I also do not find the Federal Court of Appeal's comments in *Ranganathan* to be conclusive of the issue in this case. While I do not diminish the burden on an applicant as set out in that case, the circumstances here involve noticeably more than living without relatives in the proposed IFA or the undue hardship arising from the loss of employment: *Ranganathan,* at para 15. The Court has recognized the possibility of "exceptional circumstances" beyond the general rule in *Ranganathan*: *Mora Alcca,* at paras 15-16; *Ambroise v. Canada (Citizenship and Immigration),* 2021 FC 62, at paras 36-37.

[52] However, as already quoted, the RAD carefully considered and weighed the issue of employment in the proposed IFA. The RAD's reasons relied in part on the insufficiency of evidence related to this issue. A reviewing court is not permitted to reweigh or reassess evidence or determine the merits for itself.

[53] With the RAD's reasoning, the evidence and the legal principles applicable to IFAs all in mind, I am unable to conclude that the RAD made a reviewable error. In particular, it did not fundamentally misapprehend or otherwise fail to account for the evidence before it on this issue during its assessment of Merida as an IFA: *Vavilov,* at para 126; *Ranganathan,* at para 15.

[54] The applicant's final argument on the second prong was that the RAD ignored objective evidence, particularly country evidence in the NDP for Mexico. The respondent submitted that the Court should not fault the RAD for not addressing documents that were not put to it.

[55] As the RAD itself noted, the applicant made no submissions on appeal concerning why the RPD's analysis of Merida as an IFA was flawed. Issues should be placed before the decision maker or they may be considered new issues on a judicial review of the decision and will not be considered: *Terra Reproductions Inc. v. Canada (Attorney General)*, 2023 FCA 214, at para 6; *Firsov v. Canada (Attorney General)*, 2022 FCA 191, at para 49*; Gordillo v. Canada (Attorney General)*, 2022 FCA 23, at para 99; *Alberta (Information and Privacy Commissioner) v. Alberta Teachers' Association*, 2011 SCC 61, [2011] 3 SCR 654, at paras 5, 23-29.

[56] Although the applicant's appeal to the RAD did not make any submissions related to persecution or IFA, the respondent confirmed at the hearing that this argument concerned only the applicant's position that the RAD ignored documents. The respondent did not object to the entirety of the applicant's judicial review proceeding even though his appeal to the RAD did not raise any substantive errors in the RPD's assessment of persecution and IFA.

[57] I agree with both parties that the failure to appeal or make submissions to the RAD on the persecution and IFA issues does not preclude the Court entirely from reviewing the RAD's conclusions on those issues on an application for judicial review. To do so would insulate a RAD's conclusions on central issues from substantive judicial review even if, in a hypothetical

case, a decision ignored the requirements of the *IRPA* or was otherwise contrary to the rule of law.

[58] I agree with the respondent that in this case, the RAD cannot be faulted for not expressly addressing the points now raised by the applicant based on documents in the NDP, when those points were not made to it during the appeal: *Xiao*, at para 30; *Dakpokpo*, at para 14.

[59] If the applicant had drawn the RAD's attention to all of the evidence he now cites, it might have provided further support to his position on IFA prong two. We do not know whether all of the specific objective evidence now cited was in fact considered. However, it is well established that administrative decision makers are not required to refer to every piece of evidence in their reasons; they are presumed to have considered all the evidence before them unless the contrary is shown: *Kanagendren v. Canada (Citizenship and Immigration)*, 2015 FCA 86, at para 36; *Khan v. Canada (Citizenship and Immigration)*, 2022 FC 1800, at para 22; *Efere v. Canada (Citizenship and Immigration)*, 2022 FC 136, at para 33; *Cepeda-Gutierrez*, at para 16. In addition, a failure to refer to evidence that runs contrary to the decision maker's conclusion does not automatically render the decision unreasonable and cause it to be set aside. Rather, a reviewing court may infer that evidence was ignored if the evidence is both highly probative to, and contradicts, a finding or conclusion by the RAD: see e.g., *Wei v. Canada (Citizenship and Immigration)*, 2023 FC 1125, at para 26; *Manjarres Chavez v. Canada (Citizenship and Immigration)*, 2023 FC 1007, at paras 36-37; *Akbar v. Canada (Citizenship and Immigration)*, 2023 FC 1101, at paras 43, 45, 50; *Olalere-Martins v. Canada (Citizenship and*

Immigration), 2022 FC 982, at para 24-25; *Agbal v. Canada (Citizenship and Immigration)*, 2022 FC 1433, at paras 17-18, 20; *Ozdemir*, at paras 9, 11; *Cepeda-Gutierrez*, at para 17.

[60] The objective evidence that is perhaps most salient to the RAD's conclusion on the reasonableness of the IFA related to the very high unemployment rate in Merida in 2018. In some cases, a failure to consider a critical statistic can lead a reviewing court to find that a decision was made without regard to the material before it: see e.g., *Hinzman v. Canada (Citizenship and Immigration)*, 2007 FCA 171, at para 61. However, the RAD's reasons in this case demonstrated its close attention to the applicant's circumstances and specifically his concern about employment opportunities in Merida. Earlier in its reasons, the RAD accepted his testimony about experiencing a lifetime of discrimination. In its IFA analysis, found that the applicant had demonstrated discrimination specifically in finding employment in the past and presumed that the same difficulty would occur in Merida as the proposed IFA. The RAD noted the "high bar" to show that relocating to Merida would be unreasonable: *Ranganathan*, at para 15. The RAD found that discrimination in employment "weigh[ed] heavily" in the applicant's favour. The RAD accounted for the absence of his family and that he had only worked previously on the family farm, as well as several other factors relating to the prong two assessment. In these circumstances, the absence of additional reasoning to account expressly for country evidence relating to high unemployment, which was not cited to it, did not render the RAD's conclusion on the second IFA prong unreasonable: *Vavilov*, at paras 100, 125.

[61] These factors, particularly the contents of the RAD's express reasoning on the employment issue, differentiate this case from *Omotayo* (esp. at paras 4, 14, 18) and *Mora Alcca*

(esp. at paras 6, 16-18). *Mora Alcca* and *Ambroise* (at paras 34-35) also concerned evidence about the kinds of jobs that were unavailable to the applicant in the IFA, which was not a factor in this case.

[62] Applying *Vavilov* principles of reasonableness review, I conclude that the applicant has not demonstrated that the RAD's IFA analysis was unreasonable.

III. Conclusion

[63] For these reasons, I conclude that the application must be dismissed.

[64] Neither party proposed a question to certify for appeal and none arises.

JUDGMENT in IMM-10791-22

THIS COURT'S JUDGMENT is that:

1. The application is dismissed.
2. No question is certified under paragraph 74(*d*) of the *Immigration and Refugee Protection Act*.

"Andrew D. Little"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	IMM-10791-22
STYLE OF CAUSE:	CRISTOBAL COVA TORRES *v.* THE MINISTER OF CITIZENSHIP AND IMMIGRATION
PLACE OF HEARING:	OTTAWA, ONTARIO
DATE OF HEARING:	OCTOBER 18, 2023
REASONS FOR JUDGMENT AND JUDGMENT:	A.D. LITTLE J.
DATED:	DECEMBER 12, 2023

APPEARANCES:

Richard Wazana	FOR THE APPLICANTS
Ada Mok	FOR THE RESPONDENT

SOLICITORS OF RECORD:

Wazanalaw Toronto, Ontario	FOR THE APPLICANTS
Attorney General of Canada Toronto, Ontario	FOR THE RESPONDENT