

Federal Court



Cour fédérale

Date: 20240322

Docket: IMM-2022-22

Citation: 2024 FC 450

Ottawa, Ontario, March 22, 2024

PRESENT: Mr. Justice Pentney

BETWEEN:

JOHAN SEBASTIAN LOZANO ORJUELA

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

[1] The hearing in this matter was held on March 20, 2024. The Applicant did not attend, despite efforts by the Registry to contact him both by email and telephone. The Applicant's counsel was previously granted an Order to be removed from the file, because of his inability to communicate with his client.

[2] At the hearing, the Respondent indicated their consent to judgment in the terms requested in the submissions of the Applicant's former counsel, on the basis that the decision-maker failed

to observe a principal of natural justice, procedural fairness or other procedure that it was required by law to observe.

[3] I find that the decision of the Refugee Appeal Division is unreasonable because its conclusion that the Applicant had a viable Internal Flight Alternative (“IFA”) was reached based on faulty credibility findings, and apparently without consideration of the entirety of the factual record regarding the presence of the agents of persecution in the IFA location.

[4] Considering the consent of the Respondent, and the absence of any submissions by the Applicant, the Court finds that it is in the interests of justice to grant the Judgment.

JUDGMENT in IMM-2022-22

THEREFORE, THIS COURT ORDERS that:

1. The application for judicial review is granted.
2. The decision of the Refugee Appeal Division dated February 8, 2022, is quashed and set aside.
3. The matter is remitted back to the Refugee Appeal Division for reconsideration by a different panel.
4. There is no question of general importance for certification.

"William Pentney"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-2022-22

STYLE OF CAUSE: JOHAN SEBASTIAN LOZANO ORJUELA v THE
MINISTER OF CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: MARCH 20, 2024

JUDGMENT AND REASONS: PENTNEY J.

DATED: MARCH 22, 2024

APPEARANCES:

No one appeared

FOR THE APPLICANT

SIMARROOP DHILLON

FOR THE RESPONDENT

SOLICITORS OF RECORD:

Attorney General of Canada
Toronto, Ontario

FOR THE RESPONDENT