

Federal Court



Cour fédérale

**Date: 20241001**

**Docket: IMM-13574-23**

**Citation: 2024 FC 1540**

**Toronto, Ontario, October 1, 2024**

**PRESENT: The Honourable Madam Justice Furlanetto**

**BETWEEN:**

**RAMIRO EVELO VASQUEZ CORREA  
ISABEL LOAIZA DE VASQUEZ**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

[1] The Applicants, Ramiro Evelio Vasquez Correa and Isabel Loaiza De Vasquez, are married citizens of Colombia who made a claim for refugee protection based on allegations that they were identified as military targets by dissidents of the Revolutionary Armed Forces of Colombia [FARC].

[2] The Applicants claim that on April 13, 2022 after doing volunteer social work with their son and daughter-in-law they went for dinner and when arriving home were approached by a man on a motorcycle. The man allegedly pointed a gun at them and declared them to be military targets of the FARC dissidents. The man threatened to kill the Applicants if the group reported the incident to authorities.

[3] On April 26, 2022, the Applicants' son and daughter-in-law made a denunciation for the group and registered it with various authorities in Colombia as a record of what happened. The group fled Colombia the day after, first travelling to Mexico, and then to the United States before the Applicants arrived in Canada on May 17, 2022.

[4] In a decision dated October 10, 2023 decision [Decision], the Refugee Protection Division [RPD] rejected the Applicants' claim for refugee protection under section 96 and subsection 97(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 on credibility grounds as the RPD found that there were inconsistencies between the Applicants' testimony and their supporting documentation that undermined the core allegations of their claim.

[5] The sole issue on this judicial review is whether the RAD's credibility finding was reasonable. This requires consideration of whether the Decision is "based on an internally coherent and rational chain of analysis" that is "justified in relation to the facts and law that constrain the decision maker" and whether it bears the hallmarks of justification, transparency, and intelligibility: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at

paras 85-86, 91-95, 99-100; *Canada Post Corp v Canadian Union of Postal Workers*, 2019 SCC 67 at paras 2, 31.

[6] In the Decision, the RPD found that there were significant credibility concerns with the heart of the Applicants' claim in view of an inconsistency between the Applicants' testimony (given by the associate Applicant) and their Basis of Claim [BOC], and the denunciation, particularly around the April 13, 2022 events. The RPD found that the Applicants had not established that they were declared military objectives of the FARC dissidents as neither this assertion nor the details of the incident on April 13, 2022 with the man on the motorcycle were in the denunciation. The denunciation stated only that the Applicants had received direct threats from a group on April 13, 2022 while conducting their volunteer work who told them not to file any complaints. This concern was compounded by there being no evidence of threats to the Applicants at their home or by phone and by additional inconsistencies between the denunciation and the associate Applicant's testimony and BOC relating to where the claimants fled after the April 13, 2022 incident and the claimants' addresses that added to the RPD's credibility concerns.

[7] The Applicants argue that the RPD erred by focussing their analysis on what the denunciation did not say instead of considering what it did say and by failing to consider the whole of the evidence. They assert that as the denunciation was written by the Applicants' daughter-in-law it should have been given less weight than the associate Applicant's testimony and BOC. I do not find either of these arguments persuasive.

[8] The central allegation in the Applicants' claim is that FARC dissidents declared the Applicants to be military objectives. I agree with the Respondent, it was reasonable for the RPD to expect that the Applicants' strongest supporting document would include this allegation and be consistent with the Applicants' testimony.

[9] As noted by the Respondent, while the RPD does not have an obligation to provide claimants with an opportunity to explain discrepancies in documents, in this case they did so. However, the Applicants failed to provide a plausible explanation for the omission of this critical information.

[10] The Applicants refer to the Court's decision in *Mahmud v Canada (Minister of Citizenship and Immigration)*, (1999) 167 FTR 309 [*Mahmud*] wherein the Court stated:

[9] In *Maldonado v. Canada (MEI)*, [1980] 2 F.C. 302, the Federal Court of Appeal held that when an applicant swears to the truth of certain allegations, a presumption is created that those allegations are true unless there is reason to doubt their truthfulness. The Court held that a Board acts arbitrarily in choosing to disbelieve an applicant's [*sic*] testimony where there exists no valid reason to doubt the truthfulness of it. Thus, while it is open to the CRDD as the trier of fact to evaluate the evidence and accord weight, any inconsistencies it finds must be supported by the evidence.

[10] In *Ahortor v. Canada (MEI)* (93-A-237, 14 July 1993), Mr. Justice Teitelbaum held that the CRDD erred in finding an applicant not credible because he was not able to provide documentary evidence corroborating his claims. Thus, while a failure to offer documentation may be a valid finding of fact, it cannot be related to the applicant's [*sic*] credibility, in the absence of evidence to contradict the allegations.

[11] In the present case, in effect, the CRDD found the letters submitted by the applicant to be contradictory of the applicant's [*sic*] evidence, not for what they say, but for what they do not say. To follow established authority, the letters must be considered for

what they do say. On their face they support the applicant's [sic] evidence, and do not provide evidence contradicting that evidence.

[11] However, I do not consider this decision to be of assistance. In *Mahmud*, the Court was considering letters submitted in support of the applicant's claim by other family members and third parties which did not include all of the details of the applicant's claim. Here, the document of consideration is a denunciation that was filed *on behalf of the Applicants* in the country of origin as an intended record of the events that had taken place.

[12] Although the Applicants did not prepare the denunciation, as noted by the RPD, the associate Applicant testified that it was agreed that only one statement was necessary, that the daughter-in-law would prepare the denunciation on the group's behalf, and that she would act as their representative in filing the document. The Applicants were there when the denunciation was made and the group left copies of the denunciation with the Defensoria de Pueblo, the UN High Commissioner for Refugees, and the Comité Internacional de la Cruz Roja in Colombia as a documentary record of what happened. Based on this testimony, it was reasonable for the RPD to conclude that the denunciation was made on behalf of the group and that the Applicants held it out as their own.

[13] Similarly, flowing from these facts and this finding, it was reasonable for the RPD to find that there was an inconsistency between the associate Applicant's testimony and the BOC, and the denunciation that undermined the heart of the Applicants' claim (*i.e.*, the alleged basis for their fear of residing in Colombia) and in turn their credibility.

[14] With respect to the alleged inconsistencies relating to the location where the Applicants fled on April 13, 2022 and the Applicants' addresses, I agree these details are determinative of the Applicants' claim and are insufficient to support a negative credibility finding on their own (*Lawani v Canada (Citizenship and Immigration)*, 2018 FC 924 at para 23). Indeed, this was admitted by the RPD. However, in my view, it was not unreasonable for the RPD to identify these further discrepancies and the inability of the Applicants to explain the inconsistency in the address information as further support for the RPD's concern regarding the Applicants' evidence and their overall credibility.

[15] The Applicants' argument amounts to an improper request for the Court to reweigh the evidence. As I do not find the Applicants have identified a reviewable error, the application shall be dismissed.

[16] There was no question for certification proposed by the parties and I agree none arises in this case.

**JUDGMENT IN IMM-13574-23**

**THIS COURT'S JUDGMENT is that:**

1. The application for judicial review is dismissed.
2. No question of general importance is certified.

"Angela Furlanetto"

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Judge

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

**DOCKET:** IMM-13574-23

**STYLE OF CAUSE:** RAMIRO EVELIO VASQUEZ CORREA ISABEL  
LOAIZA DE VASQUEZ V THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** SEPTEMBER 17, 2024

**JUDGMENT AND REASONS:** FURLANETTO J.

**DATED:** OCTOBER 1, 2024

**APPEARANCES:**

Terry S. Guerriero FOR THE APPLICANT

Sarah Merredew FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

Terry S. Guerriero FOR THE APPLICANT  
Barrister and Solicitor  
London, Ontario

Attorney General of Canada FOR THE RESPONDENT  
Toronto, Ontario