

Federal Court



Cour fédérale

Date: 20231129

Docket: IMM-5822-22

Citation: 2023 FC 1599

[ENGLISH TRANSLATION REVISED BY THE AUTHOR]

Montréal, Quebec, November 29, 2023

PRESENT: Mr. Justice Sébastien Grammond

BETWEEN:

**DIEGO ALEJANDRO VEGA GODINEZ
ALEXIA SOFIA VEGA GODINEZ**

Applicants

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

(Delivered from the bench at Montréal, Quebec, on November 29, 2023)

[1] The applicants are seeking judicial review of a decision by the Refugee Appeal Division [RAD] of the Immigration and Refugee Board dismissing their claim for refugee protection.

[2] The applicants are minor children and citizens of Mexico. Their father is a police officer in Mexico. The father states that he received threats after arresting a person who was allegedly a

cartel member. Moreover, the female applicant was allegedly the subject of an attempted kidnapping, during which the perpetrator uttered threats against the father. The applicants' father and mother then arranged to have them come to Canada, where the mother was already residing. The applicants then claimed refugee protection.

[3] To show that the RAD's decision was unreasonable, the applicants first submit that it should have recognized that they fear persecution by reason of their membership in a "particular social group" within the meaning of the definition of a refugee, since they are the children of Mexican police officers. However, the RAD applied the analytical framework developed by the Supreme Court of Canada in *Canada (Attorney General) v Ward*, [1993] 2 SCR 689, to determine whether a group is a "particular social group." It analyzed the information in the national documentation package and found no evidence to support the finding that the children of Mexican police officers constituted such a group. In my opinion, this finding was reasonable and is similar to this Court's finding in *Ashgar v Canada (Minister of Citizenship and Immigration)*, 2005 FC 768. By cross-referencing various pieces of evidence, the applicants argue for a contrary finding. However, it is not for the Court to substitute its assessment of the evidence for that of the RAD if the latter is reasonable.

[4] The applicants also state that the RAD should have recognized that they are part of the "family social group." However, to reach this finding, a member of their family must be the victim of persecution for one of the grounds stated in the definition of refugee: *Zreiki v Canada (Citizenship and Immigration)*, 2023 FC 932. In this case, the RAD found that the applicants'

father had been threatened because of his work as a police officer and not because of an imputed political opinion. This is a reasonable factual finding.

[5] Lastly, the applicants allege that the RAD should have been less demanding regarding the evidence needed to show that they risk being sought and attacked by the cartel, because the tense relationship between their mother and father would explain why the father's statement is lacking in detail. In my opinion, however, the RAD reasonably found that the father could have provided more detailed evidence.

[6] For these reasons, the application for judicial review is dismissed.

JUDGMENT

THIS COURT'S JUDGMENT is as follows:

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

“Sébastien Grammond”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-5822-22

STYLE OF CAUSE: DIEGO ALEJANDRO VEGA GODINEZ, ALEXIA
SOFIA VEGA GODINEZ v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: MONTRÉAL, QUEBEC

DATE OF HEARING: NOVEMBER 29, 2023

JUDGMENT AND REASONS: GRAMMOND J.

DATED: NOVEMBER 29, 2023

APPEARANCES:

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