

Federal Court



Cour fédérale

**Date: 20250203**

**Docket: IMM-718-24**

**Citation: 2025 FC 211**

**Ottawa, Ontario, February 3, 2025**

**PRESENT: The Honourable Mr. Justice Zinn**

**BETWEEN:**

**GREISY NATHSIELLY SELEN SALAZAR BARRERA  
ARTURO DOMINGUEZ MEDINA  
JIREH SAMA DOMINGUEZ SALAZAR  
LEILANY JOCABED DOMINGUEZ SALAZAR**

**Applicants**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION CANADA**

**Respondent**

**JUDGMENT AND REASONS**

[1] Notwithstanding the able submissions of counsel for the Applicant, to persuade me otherwise, I find that the decision under review is reasonable and accords with our jurisprudence.

[2] The Applicants challenge the decision of the Refugee Appeal Division [RAD] that they are neither Convention refugees pursuant to section 96 of the *Immigration and Refugee Protection*

*Act*, SC 2001, c 27 [*Act*], nor persons in need of protection pursuant to section 97(1) of the *Act*, because they have a viable Internal Flight Alternative [IFA] in Mérida, Mexico.

[3] The Applicants are citizens of Mexico. They are the Principal Applicant, Greisy Nathsielly Selen Salazar Barrera, her husband the Associate Applicant, Arturo Dominguez Medina, and the Minor Applicants, their two children.

[4] The RAD accepted that on July 1, 2021, while visiting Lagunas de Zempaoala, the Principal Applicant, Minor Applicants, and the Principal Applicant's sister and her children were kidnapped and robbed. The Principal Applicant testified that five individuals were involved: two armed individuals captured them and led them to an abandoned cabin in the forest, where three others later arrived. At the cabin, they were tied up, separated into different rooms, and threatened with physical harm. The area where the incident occurred is documented as one of Mexico's most dangerous highways, with Lagunas de Zempaoala known as a tourist destination frequently targeted by criminals for robberies.

[5] Following the incident, the Principal Applicant and her sister filed a complaint of aggravated express kidnapping with police. The Principal Applicant testified that she subsequently identified one of the kidnappers as a leader of the Jalisco Nueva Generación Cartel [JNG Cartel], when she saw him in news coverage. This identification formed her sole basis for attributing the kidnapping to the JNG Cartel.

[6] The Principal Applicant and her children remained in Mexico until August 2021, when they departed for the United States. In September, while in the United States, the Associate

Applicant began receiving threatening phone calls from unknown numbers. The callers demanded money and claimed knowledge of the family's movements. The Principal Applicant testified that the Associate Applicant received between three and four calls, during which the callers neither identified themselves nor referenced the July 2021 incident.

[7] The Principal Applicant and her children moved from New York to Canada and filed their Canadian refugee claims in February 2022.

[8] On April 30, 2023, the Principal Applicant and Minor Applicants underwent psychological assessments conducted by Toronto Mental Health & Well Being Service via videoconference with Spanish interpretation assistance. These assessments documented symptoms of Post-Traumatic Stress Disorder [PTSD], anxiety, fatigue, and difficulty sleeping.

[9] The Refugee Protection Division [RPD] heard the Applicants' refugee claims and rejected them on the basis of credibility concerns.

[10] The RAD conducted a *de novo* assessment; rejected the RPD's negative credibility findings and identified the determinative issue as the availability of an IFA in Mérida.

[11] The RAD used the proper test for establishing the viability of an IFA – the two-pronged approach used in *Rasaratnam v Canada (Minister of Employment and Immigration)* (C.A.), [1992] 1 FC 706 (FCA) [*Rasaratnam*] and *Thirunavukkarasu v Canada (Minister of Employment and Immigration)* (C.A.), [1994] 1 FC 589 (FCA) [*Thirunavukkarasu*] at 597. Both prongs must be satisfied to find that an applicant has an IFA.

[12] The first prong of the test requires an applicant to demonstrate on a balance of probabilities that there is a serious possibility of persecution in the area alleged to constitute an IFA. To satisfy this test, an applicant must establish that the agent of persecution has the means to locate the applicant in the IFA, and the motivation to do so.

[13] The RAD accepted that JNG Cartel would have the means to locate the Applicants in Mérida if motivated; however, the RAD found insufficient evidence of motivation.

[14] The RAD characterized the July 2021 kidnapping as a crime of opportunity, noting it occurred in a known high-risk area frequently targeted for “express kidnappings.” The RAD found particularly telling that the Principal Applicant’s sister, who was co-kidnapped and co-filed the police complaint, continues to reside unmolested in the same area despite the kidnappers possessing her identification documents and personal information.

[15] The Applicants submit that the JNG Cartel is motivated to pursue them in Mérida. First, they assert that their cooperation with authorities through the police complaint and attempted identification of the Cartel’s ringleader make them a significant target, given the Cartel’s well-documented pattern of retribution against those who assist law enforcement. Second, they argue that the Cartel’s demonstrated willingness to kill for minor infractions, such as non-payment of extortion, indicates a high likelihood of persecution for more serious perceived offenses. Third, they contend that the RAD erred in requiring evidence of family contact as proof of ongoing interest. They argue that sophisticated criminal organizations, such as the JNG Cartel, have access to multiple tracking methods, as demonstrated by item 7.8 of the National Documentation Package on Mexico [NDP]. This, in the Applicants’ view, suggests that the absence of family

contact does not negate the Cartel's ability to track them through other means, nor does it reduce the ongoing threat they face.

[16] The Respondent maintains that the RAD reasonably concluded the July 2021 kidnapping was a crime of opportunity rather than targeted persecution. It cites two key factors to support this position. First, it points to the fact that the kidnapping occurred in a high-risk area known for express kidnappings, where individuals are often abducted for financial gain rather than targeted due to personal circumstances. Second, it points to the lack of any subsequent contact with the Principal Applicant's sister, who was also kidnapped and co-filed the police complaint, despite continuing to reside in Morelos State. The Respondent reasons that if the JNG Cartel were motivated by retribution, it would have taken further action against her. The fact that she remains unharmed and uncontacted suggests that the Cartel does not view the Applicants' actions as a significant threat warranting continued pursuit.

[17] I agree with the Respondent. The RAD's conclusion that JNG Cartel lacks motivation to pursue the Applicants in Mérida stems from a reasonable assessment of the evidence and accords with this Court's jurisprudence on evaluating cartel motivation in IFA contexts.

[18] It was open to the RAD to conclude that the complete absence of contact with the Principal Applicant's sister provides compelling evidence against ongoing interest to persecute. As the RAD noted, despite being co-kidnapped, co-filing the police complaint, and continuing to reside in the same state with her identification in the kidnappers' possession, the sister remains unmolested. The RAD's inference aligns with this Court's jurisprudence in *Leon v Canada (Citizenship and Immigration)*, 2020 FC 428 at para 23 and *Rodriguez Llanes v Canada*

(*Citizenship and Immigration*), 2013 FC 492 at para 10, where the absence of contact with accessible family members indicated lack of motivation to pursue targets across jurisdictions.

[19] The second prong requires that the conditions in the proposed IFA be such that it would not be unreasonable, given all the circumstances, including the applicant's personal situation, for the applicant to seek refuge in the proposed IFA.

[20] The Applicants offer three arguments regarding the unreasonableness of relocation to Mérida. First, they contend their documented mental health conditions, including PTSD, anxiety, and mood disorders, require specialized care that is inadequately available in Mérida. They cite evidence indicating the presence of only two community mental health facilities in the state. Second, they argue the prevalence of cartel activity in Mérida creates a substantial risk of re-traumatization. Third, they assert that documented discrimination against individuals with mental health conditions in Mexico, particularly from healthcare providers, further undermines the reasonableness of relocation given their specific mental health vulnerabilities.

[21] The Respondent submits that the RAD's reasonableness analysis appropriately balanced all relevant factors. They emphasize that the RAD's conclusion was based on three key findings: (1) the psychological reports offer no insight to the impact of relocation to a safer region within Mexico; (2) the Applicants possess substantial professional qualifications, which would facilitate their successful integration; and (3) Yucatán State is documented as the most peaceful state in Mexico. The Respondent contends that these factors, when considered collectively, support the RAD's conclusion that relocation to Mérida is a viable option.

[22] I find the Respondent's position persuasive. The RAD's conclusion that relocation to Mérida would not be unreasonable reflects a proper and balanced consideration of the Applicants' psychological evidence alongside objective factors, consistent with established jurisprudence.

[23] The RAD's analysis demonstrates thorough consideration of psychological evidence consistent with established jurisprudential requirements. Following *Cartagena v Canada (Citizenship and Immigration)*, 2008 FC 289, it explicitly acknowledged the documented mental health conditions, including PTSD, anxiety, and mood disorders. Pursuant to *Ahsan v Canada (Citizenship and Immigration)*, 2023 FC 146, these conditions were evaluated within the broader context and against objective evidence. It was appropriate for the RAD to identify the psychological reports' lack of consideration on the differential impact between a general return to Mexico versus relocation to a safe area within Mexico as a material limitation in the psychological assessments. I am of the view that this finding reasonably lowered the weight the RAD assigned to these reports, given the broader context to the reasonableness prong analysis.

[24] The RAD then conducted a proper evaluation of the Applicants' ability to establish themselves in Mérida. It highlighted their specific qualifications in various professional sectors like law, finance, and engineering. Beyond the Applicants' personal strengths, the RAD also noted the broader, objective regional conditions, particularly Yucatán's documented status as Mexico's most peaceful state with the lowest femicide rate. In my view, this evidence-based analysis of the Applicants' professional capacity and the region's safety metrics supports the RAD's conclusion that relocation would not meet the high threshold for jeopardizing life or

safety established in *Ranganathan v Canada (Minister of Citizenship and Immigration)* (C.A.), [2001] 2 FC 164 [Ranganathan].

[25] While the Applicants voice concerns about the availability and quality of mental health services in Mérida, the RAD's assessment of this issue within the broader IFA analysis appears reasonable. The RAD acknowledged the Applicants' psychological conditions based on the multiple reports detailing their risk of re-traumatization if returned to Mexico. However, the RAD reasonably noted that these reports did not assess whether relocating to a safer area, such as Mérida, could mitigate the risk of decompensation and further trauma.

[26] In sum, the RAD's analysis of both IFA prongs demonstrates the needed degree of justification, intelligibility, and transparency set out in the *Vavilov* reasonableness framework. On the safety prong, it evaluated the JNG Cartel's by appropriately weighing contextual evidence of opportunistic criminality against claims of targeted persecution. For the reasonableness prong, it balanced psychological evidence against objective factors, observing the high threshold established in *Ranganathan*. Both prongs of analysis fall squarely within the range of acceptable outcomes defensible in fact and law. The Applicants' arguments mostly constitute disagreement with the RAD's weighing of evidence rather than identification of reviewable errors. Under the robust yet deferential standard articulated in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov], the reviewing courts cannot entertain requests to reweigh evidence.

[27] I will dismiss this application for judicial review. Neither party proposed a question for certification and there is none.



**JUDGMENT in IMM-718-24**

**THIS COURT'S JUDGMENT is that** this application is dismissed, and no question is certified.

"Russel W. Zinn"

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Judge

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

**DOCKET:** IMM-718-24

**STYLE OF CAUSE:** GREISY NATHSIELLY SELEN SALAZAR  
BARRERA, ARTURO DOMINGUEZ MEDINA, JIREH  
SAMA DOMINGUEZ SALAZAR, LEILANY  
JOCABED DOMINGUEZ SALAZAR v THE  
MINISTER OF CITIZENSHIP AND IMMIGRATION  
CANADA

**PLACE OF HEARING:** HELD BY VIDEOCONFERENCE

**DATE OF HEARING:** JANUARY 30, 2025

**JUDGMENT AND REASONS:** ZINN J.

**DATED:** FEBRUARY 3, 2025

**APPEARANCES:**

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