

Federal Court



Cour fédérale

Date: 20250723

Docket: IMM-16878-24

Citation: 2025 FC 1320

Toronto, Ontario, July 23, 2025

PRESENT: The Honourable Mr. Justice A. Grant

BETWEEN:

MAURICIO RENDON VENTURA

Applicant

and

**THE MINISTER OF PUBLIC SAFETY AND
EMERGENCY PERPAREDNESS**

Respondent

JUDGMENT AND REASONS

I. OVERVIEW

[1] Mauricio Rendon Ventura was scheduled to be removed from Canada to Mexico on September 17, 2024. He requested a deferral of his removal, which was denied. He now seeks judicial review of this denial. On September 16, 2024, my colleague Justice Southcott granted Mr. Rendon Ventura's motion for a stay of removal, pending the outcome of this application.

[2] For the reasons that follow, this application will be dismissed.

II. BACKGROUND

[3] Mr. Rendon Ventura entered Canada in February 2022 and submitted a claim for refugee protection based on his fear of the Jalisco New Generation Cartel [CJNG] and the Gulf Cartel. Later, in November 2022, the Applicant's wife and children joined him in Canada, where they also initiated claims for refugee protection.

[4] Mr. Rendon Ventura's refugee claim was heard in December 2022. The Refugee Protection Division [RPD] accepted that he had been targeted and threatened on one occasion in Mexico, but concluded that the Applicant had not established that his assailants were members of the CJNG or any other cartel. In any event, the RPD concluded that the Applicant had a safe and viable internal flight alternative [IFA] in Merida. On appeal of this decision, the Refugee Appeal Division [RAD] found that the Applicant had been targeted by the CJNG, but confirmed the finding that he could safely relocate to Merida. An application for leave and judicial review of this decision was dismissed by this Court in December 2023.

[5] This led to the scheduling of the Applicant's removal from Canada. The Applicant requested that his removal be deferred based on three considerations. First, he requested that his removal be deferred until the refugee claims of his wife and children could be heard. Second, he submitted evidence that, tragically, his brother-in-law had recently been murdered. Finally, he sought deferral based on the short-term best interests of his children.

[6] As noted above, this deferral request was denied, but the Applicant remains in Canada due to the stay of removal granted by this Court: *see Rendon Ventura v Canada (Public Safety*

and Emergency Preparedness), 2024 CanLII 87138 (FC). I am also told that Mr. Rendon Ventura is now eligible for a Pre-Removal Risk Assessment, so his removal from Canada would not appear to be imminent.

III. ANALYSIS

[7] As noted above, the Applicant based his deferral request on three key elements. I have concluded that the Enforcement Officer [Officer] reasonably considered each of these elements.

[8] On the question of the pending refugee claims of the Applicant's family members, the Officer noted that: i) the submission of a refugee claim by a family member does not automatically stay removal from Canada; ii) there was no indication in the Applicant's request that a decision on the family's refugee claims was imminent; and iii) there was no indication that the decision on the claim was likely to be positive. I see nothing unreasonable in the above findings, and the Applicant has not strenuously argued the contrary.

[9] On the question of the Applicant's fear of returning to Mexico, and the new evidence related to his brother-in-law's death, the Officer observed that the risks raised by the Applicant were essentially the same as those considered at the RAD and RPD. As noted above, those tribunals concluded that, irrespective of the risks faced by the Applicant in his hometown of Tlapacoyan, he had a safe and viable internal flight alternative in Merida. In sum, the Officer found that the Applicant had not submitted sufficient evidence to show that he would personally be at risk.

[10] I find in the circumstances, and based on the quality of the evidence before the Officer, that the above conclusions were reasonable. First, contrary to the Applicant's suggestion, the Officer did not refuse to consider the evidence related to the death of his brother-in-law, but instead found it insufficient to displace the previous risk assessments that had been undertaken.

[11] Before the Officer were a death certificate of the Applicant's brother-in-law, which indicated that he had been shot and killed, and a letter from the Applicant's wife, indicating that he had been killed by unnamed criminal groups. Tragic as this is, there was simply no evidence before the Officer that tied the brother-in-law's killing to the Applicant. His death also occurred in the Applicant's home state and not in the IFA location identified by the RPD and the RAD. Finally, there was no evidence in the record to indicate that the brother-in-law's death had anything to do with the CJNG or the Gulf Cartel. All of this being the case, it was reasonable for the Officer to conclude that this evidence was insufficient to warrant a deferral of the Applicant's removal.

[12] Finally, the Officer reasonably considered the short-term best interests of the Applicant's children. As the Respondent notes, there was no issue in this case of the children's school years being disrupted, as they had just begun. The Applicant's evidence and submissions indicated a profound and understandable desire to remain with his family while they awaited their refugee determination, but this on its own does not necessarily warrant a deferral of removal, as noted by the Officer. In any event, the Officer duly considered the submissions and evidence submitted by the Applicant on this issue, and the reasons provided were responsive and adequately justified.

IV. CONCLUSION

[13] For the above reasons, this application for judicial review will be dismissed. The parties did not propose a question for certification, and I agree that none arises.

JUDGMENT in IMM-16878-24

THIS COURT'S JUDGMENT is that:

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

"Angus G. Grant"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-16878-24

STYLE OF CAUSE: MAURICIO RENDON VENTURA v THE MINISTER
OF PUBLIC SAFETY AND EMERGENCY
PREPAREDNESS

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: JULY 17, 2025

JUDGMENT AND REASONS: GRANT J.

DATED: JULY 23, 2025

APPEARANCES:

Christian Julien	FOR THE APPLICANT
Rachel Hepburn Craig	FOR THE RESPONDENT

SOLICITORS OF RECORD:

Kingwell Immigration Law Barrister and Solicitor Toronto, Ontario	FOR THE APPLICANT
Attorney General of Canada Toronto, Ontario	FOR THE RESPONDENT