

Federal Court



Cour fédérale

Date: 20250728

Docket: IMM-6699-24

Citation: 2025 FC 1334

Ottawa, Ontario, July 28, 2025

PRESENT: The Honourable Madam Justice Turley

BETWEEN:

JEFFERSON REBOLLEDO LOPEZ

Applicant

and

**THE MINISTER OF IMMIGRATION AND
CITIZENSHIP**

Respondent

JUDGMENT AND REASONS

[1] The Applicant seeks judicial review of a Refugee Appeal Division [RAD] decision refusing his application for refugee protection under section 96 and subsection 97(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA], due to the availability of an internal flight alternative [IFA]. I am dismissing the application because the Applicant has failed to establish that the RAD's analysis of the motivation of his agents of persecution is unreasonable.

[2] A two-pronged test is applicable to determining the viability of an IFA. The first prong considers whether a claimant would be subject to a serious possibility of persecution under section 96 or to a risk of harm under subsection 97(1) of the *IRPA* in the proposed IFA. Under this prong, the agent of persecution's means and motivation to locate the claimant in the proposed IFA are considered: *Singh v Canada (Citizenship and Immigration)*, 2023 FC 996 at para 8 [*Singh*]; *Adeleye v Canada (Citizenship and Immigration)*, 2022 FC 81 at para 21 [*Adeleye*].

[3] The second prong assesses whether, in the circumstances, it is reasonable to expect the claimant to seek safety in the IFA: *Singh* at para 10; *Olusola v Canada (Citizenship and Immigration)*, 2020 FC 799 at para 8 [*Olusola*].

[4] Once an IFA is proposed, the onus is on the claimant to prove, on a balance of probabilities, that there is a serious possibility of persecution throughout the country, including in the proposed IFA: *Adeleye* at paras 20, 24; *Olusola* at para 9. In this case, the Applicant only challenges the RAD's determination on motivation under the first prong. He argues that the RAD, like the Refugee Protection Division [RPD], failed to consider his risk profile as an informant. I do not agree.

[5] The RAD explicitly dealt with this argument in its assessment of motivation. It did not accept that the RPD's misapprehension of his risk profile was "fatal to the motivation analysis of its IFA finding": Applicant's RAD Memorandum of Argument at para 33, Certified Tribunal

Record [CTR] at 108. Rather, the RAD found that despite the RPD's error, its motivation analysis was correct:

[13] The Appellant argues that the RPD's motivation analysis failed to take into account his risk profile. He submits that the RPD believed that his claim was based on his refusal to comply with the extortion demands of the Espartanos and the ELN. He submits that he relayed information to his supervisors about the demand that he cooperate with the agents of harm to allow them access to Port facilities. He argues that the agents of harm are motivated to find him because he was a snitch and, therefore, a dangerous liability who needed to be silenced.

[14] I have reviewed the record and agree that the RPD only indicated in the decision that the evidence did not establish that the agents of harm have the motivation to locate the Appellant outside of Buenaventura as a result of his inability to fulfil their demands for payment. The RPD did not address the other aspects of the threats that were made. However, even when taking into consideration the allegation that the Appellant was believed to be a snitch, I find that the RPD's analysis regarding the motivation of the agents of harm was correct.

[Emphasis added]

[6] The RAD then considered the Applicant's evidence of motivation. The Applicant had testified before the RPD that two unidentified men approached his nephew in June 2023 looking for him. The RAD observed, however, that "[t]here is no evidence regarding who these people were and whether they belonged to any criminal organization": Reasons and Decision – Refugee Appeal Division, March 25, 2024 at para 15 [RAD Decision].

[7] The Applicant further testified that no other family members had been approached about his whereabouts since he left Colombia. Furthermore, the Applicant stated that he had lived in the same building as his mother and that threatening pamphlets had been sent to his mother's apartment on two occasions prior to him leaving Colombia. The RAD held that despite the agents

of harm knowing where the Applicant's parents lived, they had never approached them seeking information about him: RAD Decision at para 15.

[8] Based on this evidence, the RAD found that there were no "ongoing attempts to find out his location other than from the unidentified individuals who questioned his nephew once in 2023". It therefore concluded that the Applicant had failed to establish "on a balance of probabilities, that the agents of harm are motivated to seek [him] all over the country": RAD Decision at para 16.

[9] The Applicant argues that the RAD erred in basing a lack of motivation on the fact that there was no evidence of ongoing attempts to locate the Applicant through his family. I disagree. This Court has held that a lack of evidence of efforts by the agent of persecution to locate a claimant by contacting their family members can reasonably support that there is no ongoing motivation to pursue them: *Lorenzana Villafuerte v Canada (Citizenship and Immigration)*, 2024 FC 1448 at para 24; *Jamal v Canada (Citizenship and Immigration)*, 2023 FC 1633 at para 27; *Ocampo v Canada (Citizenship and Immigration)*, 2021 FC 1058 at para 28; *Leon v Canada (Citizenship and Immigration)*, 2020 FC 428 at paras 16, 18, 23.

[10] Notably, the Applicant relied on the attempt to locate him through his nephew as proof of ongoing motivation. Indeed, before the RAD, he argued that the RPD had "ignore[d] that his nephew has been contacted as recently as June 2023": Applicant's RAD Memorandum of Argument at para 41, CTR at 110.

[11] The Applicant further argues that the RAD's means analysis demonstrates that it fell into the same error as the RPD and misapprehended his risk profile in assessing motivation. In that vein, he relies on the following paragraph in the RAD's means analysis:

[18] [...] I, therefore, agree with the Appellant that the Esparanos have the means of locating him in other areas of Colombia, if they are motivated to search for him all over the country. However, as noted earlier, the evidence does not show that the Esparanos are motivated to find the Appellant. Though I accept that the Esparanos are connected to larger criminal organizations and that they could potentially use those organizations' networks to track the Appellant, there is little evidence of any lasting interest in the Appellant. The Appellant was among many individuals being extorted in Buenaventura. The Appellant was also just one of many workers at the Port of Buenaventura. The documentary evidence indicates that Esparanos collect extortion fees on all types of products sold at the Port of Buenaventura and exercise a monopoly over different supplies there, even imposing fines on suppliers and merchants who bought from people who were not authorized by them. I have considered the control they exercise over the port area, and that the Appellant no longer works at the port and I find there is insufficient evidence as to why the Esparanos would expend resources to locate the Appellant in other parts of Colombia, especially since the evidence does not suggest that they or the larger organizations are motivated to pursue him.

[12] I do not agree with the Applicant. While I recognize that the RAD refers to the Applicant being extorted in this paragraph of its means analysis, it does not undermine its motivation analysis (as set out in paragraphs 5 to 8 above). The RAD determined that, regardless of the Applicant's risk profile, he had failed to prove that there was a continuing interest in him.

[13] Ultimately, the RAD found that the Applicant had failed to meet his burden and establish, on a balance of probabilities, that the agents of persecution would be motivated to look for him in the proposed IFA. The RAD's reasoning is intelligible, transparent, and justified.

[14] Based on the foregoing, this application is dismissed. The parties did not propose a question for certification, and I agree that none arise.

JUDGMENT in IMM-6699-24

THIS COURT’S JUDGMENT is that:

1. The application for judicial review is dismissed.
2. There is no question for certification.

“Anne M. Turley”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-6699-24

STYLE OF CAUSE: JEFFERSON REBOLLEDO LOPEZ v THE MINISTER
OF CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: JULY 22, 2025

JUDGMENT AND REASONS: TURLEY J.

DATED: JULY 28, 2025

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