Federal Court  Cour fédérale

Date: 20250819

Docket: IMM-14011-24

Citation: 2025 FC 1368

Ottawa, Ontario, August 19, 2025

PRESENT: The Honourable Mr. Justice Roy

BETWEEN:

MARIELO MORA VALERIO
ALDO JAIR GONZALEZ SANTOS ALDO
EZEQUIEL GONZALEZ MORA MELANY
MICHEL GONZALEZ MORA

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

[1] This is a judicial review application brought pursuant to ss. 72(1) of *Immigration and Refugee Protection Act*, SC 2001, c. 27 [IRPA]. The Principal Applicant, Marielo Mora Valerio, the Co-Principal Applicant, Aldo Jair Gonzalez Santos Aldo, and their two children (the Minor Applicants), contest the decision of the Refugee Appeal Decision [RAD], which confirmed the decision of the Refugee Protection Division [RPD], finding the Applicants to be neither

Convention Refugees, nor persons in need of protection. The RAD rejected the Applicants' claim, finding that the Applicants have an internal flight alternative [IFA] in a large metropolitan area in Mexico.

[2] The issue before this Court is the reasonableness of the impugned decision.

[3] For the reasons that follow, the application must be dismissed.

I. Facts

[4] The Applicants claim that they are in danger in Mexico from the Cartel Jalisco Neuvo Generacion ["CJNG" or "the cartel"].

[5] In February 2021, the Principal Applicant started a business fixing up and selling used vehicles.

[6] In November 2021, the Applicants claim that the CJNG began targeting them. Members of the cartel visited the Applicants while they were selling the vehicles at a lot in Veracruz on November 13th, 2021. The Applicants explained that one individual, who identified himself by name, test-drove a vehicle with the Principal Applicant. During that test drive, this individual identified himself as being with the CNJG and wanted to extort the claimants for part of their profits, and for ongoing access to vehicles. The Applicants stated that following this incident, they began receiving threatening messages on the Principal Applicant's phone.

[7] The Applicants claim that on the 26th and 27th of November 2021, the CJNG visited the Applicants' home and threatened them directly, yelling from outside the house. They claimed that the police were unresponsive to their calls. The Applicants allege that out of fear, they immediately sold their remaining vehicles as part of their inventory of vehicles for sale, never visited the sales lot again, and contacted the prosecutor's office for protection.

[8] On November 29th, 2021, on the advice of their lawyer, they made a police complaint and moved into hiding.

[9] In January 2022, the police advised the Applicants that they were still investigating. There continued to be phone threats. Soon after going to the police, when their situation had not improved, the Applicants decided that the Principal Applicant would be safer outside of Mexico. He arrived in Canada on February 14th, 2022.

[10] It is alleged that on May 10th, 2022, the Co-Applicant began receiving threatening calls and messages to her cell phone. Shortly following, in June of 2022, the Co-Principal Applicant and minor Applicants moved once again, this time to a home owned by the Co-Applicant's parents. The Principal Applicant made a further police complaint on June 15th, 2022.

[11] In August 2022, the Co-Principal Applicant received Electronic Travel Authorizations (ETA) for her and her children to travel to Canada, but refrained from immediately booking flights.

[12] The Applicants allege that on October 24th, 2022, the police closed their investigation into the extortion allegations against the Applicants.

[13] On November 12th, 2022, the Co-Principal Applicant and her two children arrived in Toronto, Ontario. Immediately upon arrival, they requested protection. Since their arrival in Canada, there have been no more threats from the cartel. The Co-Principal Applicants and Minor Applicants claim that the CJNG remain motivated to harm them.

[14] The claim involving the whole family was rejected by the RPD and the RAD. The only decision before the Court is that of the RAD, which concluded that the Applicants have a viable IFA in a major city in Mexico. For the reasons that follow, the Court finds that there is no reason to intervene because the RAD's decision is reasonable.

II. Decision Subject to Judicial Review

[15] The RAD confirmed the conclusion of the RPD, finding that it was correct in determining that the Applicants had an IFA in a large city in Mexico.

[16] The RAD accepted new evidence on appeal. It accepted all the evidence presented, except for a full transcription of the hearing before the RPD as it was already part of the record. The RAD concluded that the evidence presented aligned with ss.110(4) of the IRPA and all the sources were credible, relevant, and from reputable media organizations. The RAD proceeded to decide the appeal on the record as amplified by the new evidence.

[17] The RAD concluded that the RPD correctly articulated the analysis for finding that a claimant has a viable IFA. Was applied the analysis repeated in *Ranganathan v. Canada (Minister of Citizenship and Immigration) (C.A.)*, 2000 CanLII 16789 (FCA), [2001] 2 FC 164 [*Ranganathan*], for an IFA to be a viable alternative. The RAD explained that after an IFA is proposed by the RPD, the onus is on the Appellants to establish that they do not have an IFA. In order to defeat the availability of IFAs, a foreign national would have to show either that 1) the person does face harm or a serious possibility of persecution in the proposed IFA, or 2) conditions in the IFA are such that it would be unreasonable for the appellant to seek refuge there.

A. *First Prong: The Appellants have not established the CJNG's motivation to track them*

[18] Under the first prong of the analysis, the RAD explains that the Applicants do not face s. 97 harm or a reasonable chance of persecution in the IFA as the CJNG would not be motivated, on account of their failed extortion and/or recruitment attempts, to harm the Applicants.

[19] The RAD accepted the Applicants' arguments that the RPD erred in its analysis by summarily determining that the CJNG's interest in the Applicants was extortion rather than recruitment. However, notwithstanding the error, the RAD determined that the RPD was correct to find that the Applicants did not establish that they had the profiles of individuals who the CJNG were likely to pursue.

[20] The RAD examined the National Documentation Package (NDP) where we find that for the CJNG to be motivated to expend the resources to track someone in another region of Mexico,

the target must be someone special such as high-profile individuals or witnesses of their crimes. The RAD concluded that in the case at hand, the CJNG's extortion attempts were insufficient to establish motivation.

[21] With respect to recruitment, the Applicants cited sources from the NDP demonstrating deadly consequences for those who refused to be recruited. However, the RAD concluded that these situations do not apply to the Applicants' circumstances, as the sources refer specifically to the forced recruitment of children and teenagers, and transportation drivers. Thus, with respect to recruitment, the RAD concluded that the NDP did not provide significant enough evidence to establish that the Applicants have the profiles of individuals that the CJNG would deem worthwhile to pursue on account of their extortion or recruitment efforts.

[22] Continuing with the first prong of the analysis, the RAD deemed that the CJNG would not be motivated to locate the Applicants in the IFA on account of their complaint to the police. The RAD noted that according to the Applicants' testimony, the police never followed up with the complaint, they were not advised of any updates, and when their lawyer inquired about the status, the police advised him that it would be temporarily closed for lack of evidence. There is nothing to establish that the complaint was ever investigated, that it has since been reopened, or that the authorities have contacted the Applicants as witnesses to pursue the case, motivating the CJNG to target them.

[23] Nevertheless, the RAD did agree in part with the Applicants' argument that it was speculative for the RPD to conclude, without explanation, that there was no threat from the cartel

due to the complaint closing. The Applicants submitted that their complaint was temporarily closed by corrupt police, and they argued that the RPD failed to consider their testimony and the objective evidence demonstrating police corruption on this issue. The RAD acknowledged the Applicants' references to police corruption in the NDP but concluded that there was insufficient evidence in this case to establish that the police handling their case were corrupt. The RAD noted that the presumption of truth for witnesses appearing before the Board (*Maldonado v Minister of Employment and Immigration*, [1980] 2 FC 302 (FCA)) does not apply to conclusions of a speculative nature. On this point, the RAD concluded that even if the complaint was indeed closed due to police corruption, this would only make it more likely that nothing would come of their complaint, thereby minimizing any potential threat posed by the Applicants.

[24] On the basis of the CJNG's motivation, or lack thereof, the RAD concluded that while the NDP states that cartels may pursue individuals who act as witnesses or informants, there is no evidence in this case to establish that the CJNG made any reference to the complaint in their threats to the Applicants, which would demonstrate that they felt threatened by it. Although the Applicants identified a CJNG leader by name in their complaint, there was no evidence to establish that this individual was part of the CJNG's threats, which also weighed in favour of establishing that the cartel was not sufficiently threatened by the Applicants' complaint such that they considered the Applicants to be witnesses or informants worth tracking to the proposed IFA.

[25] The RAD also noted that the CJNG's interest in them was localized in nature since the CJNG did not attempt to contact the Applicants after they moved, and their attempts to harm the Applicants were limited to already known, local, targets. The RAD noted that the CJNG

similarly could have used their Applicants' lawyer to locate them, as their lawyer assisted them throughout their time in hiding and followed up with the police regarding their complaint. At least four separate police documents filed by the Applicants clearly indicate the name of the lawyer representing them, with at least one stating that he could be contacted on their behalf. If the police were corrupt, as alleged by the Applicants, their lawyer's identity could have been shared with the persecutor. Overall, the RAD concluded that the fact that none of these potential sources of information were contacted to assist the cartel in locating the Applicants weighed heavily in establishing that they would not be motivated to track and harm the Applicants if they were to relocate to the proposed IFA.

[26] Further, under the first prong of the analysis, the RAD examined the CJNG's presence in the proposed IFA. But the issue is motivation to seek to locate the applicants. While the RAD agreed that the CJNG has presence in the proposed IFA, the RAD concluded that the cartel's presence did not establish that the Applicants would face a serious possibility of persecution there, as the CJNG has not shown to be motivated to locate them. The RAD cites the fact that the Applicants lived in Veracruz for one year in hiding without being located. The fact that the cartel did not expend their resources to locate them while they were living in Veracruz weighs in favour of establishing that they would not have the motivation to seek out the Applicants if they were to move to the proposed IFA (which is not Veracruz). The lack of evidence in the record to establish that the CJNG has demonstrated any interest in the Applicants since their move to Canada, over two years ago, constitutes a further indication of an absence of motivation.

[27] The RAD concluded that having found that CJNG does not have the motivation to track the Applicants to, or within the proposed IFA, there is no need for the RAD to examine the means by which they might do so, and the Applicants have not satisfied their burden that there is a serious possibility of persecution throughout the country.

B. *Second Prong: It would not be objectively unreasonable for the Appellants to relocate to the proposed IFA*

[28] The RAD concluded that the RPD correctly concluded that it would not be objectively unreasonable, in all the circumstances, including those particular to the Applicants, for them to relocate to the proposed IFA. The RAD noted that the Applicants both speak Spanish, they are educated, have work experience in professional settings, and have operated their own small business. By their own admission, it would not be objectively unreasonable, in all the circumstances, including those particular to them, to relocate to the proposed IFA.

[29] The RAD dismissed the appeal and confirmed the decision of the RPD.

III. Issue and Standard of Review

A. *Issue*

[30] The only issue upon judicial review is whether the RAD unreasonably determined the first prong of the test for an IFA. The second prong is not in issue (Memorandum of fact and law, para 22).

B. *Standard of Review*

[31] The parties share the view that the standard of review is that of reasonableness and I agree. It is not surprising given the presumption that the standard of review is reasonableness, with the exception of a few circumstances that find no application here (*Vavilov v Canada (Minister of Citizenship and Immigration),* 2019, SCC, 65; [2019] 4 SCR 653, para 25). The case law is abundant to that effect. Paragraph 6 of Ambroise v Canada (Citizenship and Immigration), 2021 FC 62, constitutes an adequate summary of the considerations in cases where an applicant challenges a decision concerning an IFA:

> [6] The first issue relates to the merits of the RAD's determination regarding an IFA. The parties agree that this issue must be reviewed on a standard of reasonableness (Canada (Minister of Citizenship and Immigration) v Vavilov, 2019 SCC 65 at paras 16, 23–25; Tariq v Canada (Citizenship and Immigration), 2017 FC 1017 at para 14). A reasonable decision is one that is justified, transparent and intelligible from the perspective of the individuals to whom the decision applies, "based on an internally coherent and rational chain of analysis" read holistically and with sensitivity to the administrative setting, from the record before the decision maker and the submissions of the parties (Vavilov at paras 81, 85, 91, 94–96, 99, 127–128). The justification of the decision is in light of the evidence that was before the decision maker (Vavilov at paras 125–26). Administrative decision makers are not required to respond "to every argument or line of possible analysis" raised by the parties, but the reasonableness of a decision may be compromised if the decision maker fails to consider relevant evidence (Vavilov at paras 125–28).

[32] The reviewing Court does not decide on the merits of the decision but rather on its reasonableness (asserted once again by the Federal Court of Appeal in Canada (Public Safety and Emergency Preparedness) v Bafakih, 2022 FCA 18 at para 52).

[33] The applicant is required to show by virtue of the burden of proof resting on him (*Vavilov,* para 100), that the decision rendered was unreasonable. To make this determination, consideration is given to whether the decision bears the hallmarks of reasonableness—justification, transparency and intelligibility—and whether it is justified in relation to the relevant factual and legal constraints.

IV. Parties' Arguments

A. *The Applicants' arguments before the Court relating to the case under review*

[34] The Applicants submit that the RAD's decision is unreasonable. The RAD erred by speculating as to the motivations and perceptions of the CJNG, and in overlooking the extraordinary and unsustainable precautions undertaken by the Applicants to survive and evade detection while in Mexico, such that the RAD member's finding as to an IFA would essentially demand that the Applicants live in hiding even from their own families.

[35] The Applicants allege errors committed by the RAD with respect to the IFA test. First, regarding the RAD's determination that the CJNG did not have the motivation to pursue the Applicants in the IFA, they submit that the RAD's findings were unreasonable and speculative. The Applicants state that the evidence strongly indicates that the Applicants' survival was predicated upon their absolute secrecy and the precautions they took. The Applicants cite *Mittal v. Canada (Minister of Citizenship and Immigration)*, 2023 FC 1270, at paragraph 18 [*Mittal*] to contend for caution against speculating as to the rational actions of agents of persecution. The

Applicants go on to state that if they were to return to Mexico, they would effectively be forced back into hiding to maintain the level of secrecy required to keep them safe.

[36] The Applicants rely on *Zamora Huerta v. Canada (Minister of Citizenship and Immigration)*, 2008 FC 586 at paragraph 29 [*Zamora Huerta*] as well as *Singh v. Canada (Minister of Citizenship and Immigration)*, 2023 FC 851 at paragraph 16 to argue that the RAD unreasonably interpreted the evidence, such that they will need to go into hiding in the IFA, rendering the IFA unreasonable.

[37] The Applicants advance that the decision is unreasonable because the RAD accepted and acknowledged that the CJNG cartel has the means to locate the Applicants elsewhere in Mexico, including in the proposed IFA location, and the RAD accepted as evidence that CJNG and other cartels often use victims' families to locate and harm them. The Applicants raise that the fact that their families were not attacked by the cartel itself rests upon speculation. The Applicants argue that CJNG's past actions to locate the Applicants does not colour the CJNG's future actions, especially after acknowledging that the cartel has, and may use any number or variety of tools at its disposal.

[38] With respect to the evidence, the Applicants submit that the RAD's comment on a lack of evidence of ongoing threat to the Applicants or their families is itself flawed, as the Applicants took many precautions to live in hiding, such as changing their phone numbers and fleeing the country in secret. The Applicants think it would be unreasonable for them to present evidence of

continued threats, as they state that those threats could only have come from retaining sufficient connection across national borders to their agents of harm.

[39] Finally, the Applicants argue that the RAD erred in finding that the Applicants were not considered to have been "recruited" by the CJNG. The Applicants explain that this argument is based on the RAD's own speculation as to what the CJNG would consider recruitment and not any concrete evidence.

B. *The Respondent's arguments before the Court relating to the case under review*

[40] Overall, the Respondent submits that the RAD reasonably determined that the IFA was viable. The Respondent explains that the Applicants did not challenge the RAD's second-prong analysis, and a plain reading of the reasons does not disclose any arguable issue.

[41] The RAD made no errors in its first prong findings and analysis. The RAD reasonably found insufficient evidence of a serious risk of persecution to the Applicants from any CJNG motivation to track them throughout the country or in the IFA. The Respondent highlighted the RAD's findings in support of its conclusion such as: (1) the Applicants are not "someone special", "high profile", or having some other profile of individuals that the CJNG would expend resources to pursue further to extort or recruit them; (2) the police complaint would not motivate the CJNG to pursue the Applicants; (3) there is no evidence supporting claims that the police handling the complaint were corrupt, nor evidence that the CJNG considers the Applicants a threat or even knew about the complaint; (4) there is no evidence that the CJNG's motivation toward the Applicants extends beyond Veracruz; and (5) there is no evidence of CJNG

motivation to seek out the Applicants if they relocate to the proposed IFA. The CJNG made no contacts, threats, and have demonstrated any interest in the Applicants since 2022, nor is there evidence the CJNG escalated or expanded a search or contacted the Applicants' coworkers or family members elsewhere in Mexico.

[42] The Respondent relied on the following cases to highlight that these findings are consistent with Federal Court case law: *Rodriguez Sanchez v Canada (MCI)*, 2023 FC 426, at paras 42–47; *Lorenzana Villafuerte v Canada (MCI)*, 2024 FC 1448 [*Villafuerte*] at paras 24–37; *Cortes v Canada (MCI)*, 2025 FC 597 [*Cortes*] at paras 15–19; *Guillen v Canada (MCI)*, 2025 FC 151 at paras 4–7; *Salazar Barrera v Canada*, 2025 FC 211 at paras 16–18; *Blancarte v Canada (MCI)*, 2025 FC 618 at para 22; *Martinez Guzman v Canada*, 2024 FC 1688 at para 23; *Hernandez Gutierrez v Canada*, 2024 FC 1676 at paras 20–25; *Torres Zamora v Canada*, 2022 FC 1071 at paras 11–14; and *Ortiz Ortiz v Canada*, 2022 FC 1066 at paras 19–27. The Respondents highlighted that *Villafuerte* and *Cortes* were dismissed based on nearly identical facts.

[43] The RAD reasonably addressed the evidence and arguments presented by the Applicants on the first prong of the IFA test and concluded that the Applicants did not meet their burden to demonstrate the CJNG's motivation to expend resources to track them in the IFA. The Respondent goes on to submit that contrary to the Applicants' arguments, the RAD did not speculate or disregard evidence or hinge itself on a singular finding about the CJNG's motivation. The absence of evidence of threats or contacts can reasonably support a finding of a lack of ongoing interest in pursuing an applicant.

[44] It is submitted that there is no evidence in the record about CJNG agents in the proposed IFA holding an interest in the Applicants.

[45] The Respondent goes on to address the Applicants' argument with respect to *Mittal*, stating that there is no merit to their argument, as the Applicants' memorandum itself asks for speculation: that the police handling their complaint were corrupt. The RAD decision is no more speculative than the Applicants' claims about the CJNG's interest in them.

[46] The Applicants' argument with respect to *Zamora Huerta* is not analogous to this case, as the approval of the proposed IFA was contingent on continued secrecy, which was not the case here. In the case at bar, the RAD did not find the IFA contingent on secrecy; it explicitly found that the Applicants would not have to live in hiding in the proposed IFA.

[47] In sum, the Respondent requests that this application for leave and for judicial review be dismissed.

V. Analysis

[48] The standard of review being reasonableness, an applicant must show sufficiently serious shortcomings such that the decision does not exhibit the hallmarks of reasonableness that are justification, transparency and intelligibility, and whether the decision is justified as a function of the relevant legal and factual constraints (*Vavilov*, para 99-100). Hence, where are the failures of rationality internal to the reasoning process? How can it be said that the decision is untenable in light of the legal and factual constraints? (*Vavilov*, para 101).

[49] One thing a review court is not doing is reassess the evidence to reach its own conclusion. That is however what these Applicants are raising with the Court. In their telling of their story, they are the ones who speculate well beyond the evidence they marshalled. The burden on applicants is to satisfy the reviewing court that an administrative decision is not reasonable, not that the reviewing court ought to reach a different conclusion. The reasonable decision standard of review ought not to become a correctness standard. The law still recognizes that reviewing courts start off from the principle of restraint and adopt an appropriate posture of respect (*Vavilov*, para 13-14). "The role of the courts in these circumstances is to review, and they are, at least as a general rule, to refrain from deciding the issue themselves" (*Vavilov*, para 83). The Applicants have not offered any argument as to what may be an exception to the general rule.

[50] It was established a long time ago in Canadian law that the "IFA concept is inherent to the Convention refugee definition" (*Rasaratnam V Canada (MEI)*, [1992] 1 FC 706 [FCA], p. 710 a). The Court of Appeal expanded on the rationale by saying this:

> As to the third proposition, since by definition a Convention refugee must be a refugee from a country, not from some subdivision or region of a country, a claimant cannot be a Convention refugee if there is an IFA. It follows that the determination of whether or not there is an IFA is integral to the determination whether or not a claimant is a Convention refugee. I see no justification for departing from the norms established by the legislation and jurisprudence and treating an IFA question as though it were a cessation of or exclusion from Convention refugee status. For that reason, I would reject the appellant's third proposition.

[51] In *Thihunsvukksrasee v Canada (MEI)*, [1994], 1 FC 589, the Court of Appeal was even more explicit where it states that "the onus of proof rests on the claimant to show on a balance of

probabilities, that there is a serious possibility of persecution throughout the country, including the area which is alleged to afford an IFA" (p. 594). That has been the state of our law for more than 30 years, with case law that is binding on this Court. On its face, an applicant must show on a balance of probabilities, which is generally recognized as the standard of proof, that there is a serious possibility of persecution everywhere in the country. As the Supreme Court of Canada put it in *Canda (AG) v Fairmont Hotels Inc.*, 2016 SCC 56, [2016] 2 SCR 720, the standard of proof is one thing, but it is "not the quality of evidence by which the standard is to be discharged". Thus, it remains that the "evidence must always be sufficiently clear, convincing and cogent" (para 36). Because the test is whether, on a balance of probabilities, there is a serious possibility of persecution throughout the country, the first step should be, at least, that the evidence must be clear, cogent and convincing. Speculation on the part of an applicant cannot suffice, especially in view of the fact that it is an applicant's burden to show a serious possibility of persecution. Once the evidence is established, we can then assess if it reaches the level of not being merely possible, but rather attain the level of serious possibility.

[52] It seems to me to be a common sense proposition (and common sense is not left at the courtroom's door, *R v Kruk*¸ 2024 SCC 7) that if a persecutor does not have the means or the motivation to locate someone throughout the country, it will be difficult to reach the conclusion that, on a balance of probabilities, there exists a serious possibility of persecution throughout the country. It must be remembered that it is an applicant's burden to establish serious possibility of persecution on a balance of probabilities. It is not the other way around, for the government to establish the absence of means and motivation. If the test articulated by the Court of Appeal

means anything, it must be at least that the quality of evidence must, as always, be sufficiently clear, convincing and cogent to reach such conclusion.

[53] The required quality of evidence will therefore be a function of the facts that are brought in evidence. What is the reach of the persecutors? Have applicants beem pursued? How far? How often? What was the nature of the threats? Were they in person? How believable are they? Where are the perpetrators? Do we know, through corroboration, that they are who they claim they are? What evidence is there that there is interest in finding the applicant? Why would the persecutors go to lengths to find and reach the applicant? These questions and many more might enlighten the decision maker in ascertaining if the test is met. On a balance of probabilities, is there a serious possibility of persecution if that requires the ability to locate the applicant and there is sufficient evidence of the will to do so?

[54] Accordingly, have these applicants satisfied their burden to show, on a balance of probabilities, that there is a serious possibility of persecution in the identified IFA?

[55] On judicial review, the Applicants bear again the burden. They are to establish that the decision of the administrative tribunal, which is, in this case, that the persecutors have not shown the motivation to pursue the Applicants in a completely different area of a country of 130 million people, is not a reasonable decision. That implies that the Applicants establish that the decision is not justified in relation to the relevant factual and legal constraints, the decision being transparent and intelligible.

[56] The Applicants' principal argument is that the RAD speculated about the availability of an IFA. I must respectfully disagree. I repeatedly inquired of Counsel what was the understanding of the facts such that the decision can be shown to be speculative. Speculation is a function of the evidence presented. A person who speculates reaches an opinion without a firm factual basis, while an inference is a conclusion which stems from premises based on evidence and reasoning. If the link between the evidence and the conclusion is tenuous, it may be that the conclusion is speculative. Counsel did not provide the Court, in the memorandum of fact and law or at the hearing, how, given the evidence, it can be said that there was speculation as opposed to a solid inference. The Applicants did not establish that the inference drawn from the principal Applicant's low profile and the limited attempts at intimidation was in reality speculation such that the Applicants have somehow established on the balance of probabilities that there is a serious possibility of persecution throughout Mexico.

[57] Here, the Applicants' profile has been found to be a low one, with no propensity shown by the persecutors to find the Applicants. Surely it is upsetting to receive telephone calls of a threatening nature, but that does not suffice to deny the availability of an internal flight alternative in what is no more than limited circumstances. Clearly in this case the threats were in a limited geographical area. The Principal Applicant's profile is of someone operating, on the side, a since abandoned small business dealing used cars. Even assuming that the persecutors were members of, or affiliated with, the cartel, the evidence does not tend to show motivation to pursue the matter and especially to pursue the Applicants well outside the area in which they resided a few years ago. The Court cannot see how the RAD decision can be said to be unreasonable. At the very least, the Applicants did not discharge their burden of showing on a

balance of probabilities that there existed a failure of rationality or that the decision is untenable in light of legal or factual constraints.

VI. Conclusion

[58] It follows that the judicial review application must be dismissed. There is no serious question of general importance that could be certified according to the parties. The Court agrees.

JUDGMENT in IMM-14011-24

THIS COURT'S JUDGMENT is as follows:

1, The judicial review application is dismissed.

2. There is no question to be certified pursuant to S. 74 of the *IRPA*.

"Yvan Roy"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

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