

Federal Court



Cour fédérale

**Date: 20250909**

**Docket: IMM-6723-24**

**Citation: 2025 FC 1492**

**Ottawa, Ontario, September 9, 2025**

**PRESENT: Madam Justice Sadrehashemi**

**BETWEEN:**

**RIUBER JOSE REYES CABRERA**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

**I. Overview**

[1] The Applicant, Riuber Jose Reyes Cabrera, made a claim for refugee protection in Canada based on his fear that the police in Venezuela would not protect him from two criminal gangs. The Applicant’s refugee claim was refused by the Refugee Protection Division (“RPD”) and he appealed that decision to the Refugee Appeal Division (“RAD”). The RAD dismissed the

appeal, finding the Applicant not credible about ongoing threats and therefore without a forward-facing section 97 risk in Venezuela.

[2] The Applicant challenges the RAD's decision on judicial review. The Applicant principally argues the RAD's credibility finding was vague and failed to address his evidence.

[3] I do not agree. I find the RAD was thorough in its evaluation of the evidence and explained the basis of its credibility determination and the Applicant's risk of return. Accordingly, I dismiss the application for judicial review.

## II. Procedural History and Background Facts

[4] The Applicant is a citizen of Venezuela. He was threatened by a criminal gang in 2017 and fled to Colombia soon after. The Applicant's partner who remained in Venezuela was threatened by the same gang in 2018 and then joined the Applicant in Colombia. The Applicant alleged that he received further threats in Colombia.

[5] The RAD found the Applicant's oral testimony at the RPD hearing about the frequency and timing of the ongoing threats to be not credible. The RAD found the Applicant's oral testimony on this point to be significantly inconsistent with the version given in the Applicant's refugee narrative and subsequent written amendments. The RAD then found given the lack of contact since the last threat that the Applicant did not face a forward-facing risk.

### III. Analysis

[6] The parties agree, as do I, that I ought to review the merits of the RAD's decision on a reasonableness standard.

[7] The Applicant argues that the RAD's decision is vague and confusing because it simultaneously states that the Applicant is credible and not credible. I do not agree that the RAD was vague or confusing in its credibility analysis.

[8] I see no issue with the RAD finding that particular aspects of the Applicant's narrative were credible and others were not. This is part of the fact-finding exercise. The RAD explained that while they generally accepted the Applicant's version of events, they found he had embellished the frequency and timing of the threats in Colombia in his oral testimony. The RAD was not vague about this finding but specifically referenced the Applicant's responses in his testimony as compared to the refugee narrative and multiple subsequent amendments. The RAD also considered the corroborative evidence and found it did not establish the ongoing threats referenced in the Applicant's oral testimony.

[9] At the judicial review hearing, Applicant's counsel also argued that the RAD had not considered in its credibility assessment the Applicant's memory issues referenced in his psychological report. The Applicant did not raise this issue in his written memorandum on judicial review. The Applicant also did not raise the concern about his memory before the RPD or the RAD.

[10] In any case, I do not find this submission has merit. The reference to memory concerns in the psychological report is fairly general. The Applicant has provided no explanation for the stark difference between the version of events provided in his narrative, subsequent written amendments and his oral testimony. The RAD provided a detailed explanation as to why it found the Applicant's account on this particular issue to not be credible. The Applicant did not raise his memory issues as a relevant consideration in evaluating the RPD's credibility assessment, nor provide any explanation as to how it may have affected the evidence. In these circumstances, I cannot find that the RAD's failure to mention the psychological report to be a significant shortcoming of its credibility analysis.

[11] The Applicant's last argument on forward-facing risk essentially assumes that the RAD was unreasonable in its credibility assessment about the most recent threats. Since I have found that the Applicant has not established a significant shortcoming with the RAD's credibility assessment, there is no basis for the Court's intervention on the forward-facing risk issue.

[12] Overall, I find the RAD's decision is intelligible, transparent and justified. Neither party raised a question for certification and I agree none arises. The application for judicial review is dismissed.

**JUDGMENT in IMM-6723-24**

**THIS COURT'S JUDGMENT is that:**

1. The application for judicial review is dismissed; and
2. No serious question for general importance is certified.

"Lobat Sadrehashemi"

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Judge

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

**DOCKET:** IMM-6723-24

**STYLE OF CAUSE:** RIUBER JOSE REYES CABRERA v THE MINISTER  
OF CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** APRIL 3, 2025

**JUDGMENT AND REASONS:** SADREHASHEMI J.

**DATED:** SEPTEMBER 9, 2025

**APPEARANCES:**

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