

Federal Court



Cour fédérale

**Date: 20251007**

**Docket: IMM-16799-24**

**Citation: 2025 FC 1652**

**Ottawa, Ontario, October 7, 2025**

**PRESENT: Madam Associate Chief Justice St-Louis**

**BETWEEN:**

**ENRIQUE ALEJANDRO FERRER BARQUET  
IRIS AYDE LOPEZ RIVAS  
ARANTZA SOPHIA FERRER LOPEZ**

**Applicants**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

**I. Overview**

[1] The Applicants, a family, all citizens of Mexico, seek judicial review of the August 21, 2024, decision rendered by the Refugee Appeal Division [RAD] that confirmed the Refugee Protection Division's [RPD] decision and concluded that the Applicants are neither Convention refugees nor persons in need of protection under sections 96 and 97 of

the *Immigration and Refugee Protection Act*, SC 2001, c 27 [the Act]. For both the RPD and the RAD, the determinative issue was one of credibility.

[2] In brief, the Applicants claimed protection in Canada raising fear of *the Cártel de Jalisco Nueva Generación* after the principal applicant allegedly refused to display some politicians' political propaganda in two bars the principal applicant said he owned and operated. In brief, the principal applicant claimed that municipal authorities closed these bars and subjected him to fines when he refused to serve their propaganda, and that he received threats from the cartel after complaining to the authorities.

[3] Prior to the hearing of the Applicants' claim, the RPD disclosed evidence, in the form of various public Facebook posts and articles, that contained information contradicting the principal applicant's allegations and putting in question that he owned these two bars at the relevant period. The RPD questioned the principal applicant on this information at the hearing and found his testimony incoherent and contradictory and that the explanations he provided were unreasonable. The RPD weighed the evidence it disclosed and the evidence adduced by the Applicants, and found its evidence more reliable. Ultimately, the RPD found the principal applicant lacked credibility and dismissed the Applicants' claim. The RAD upheld the RPD's decision, having determined that there was reliable evidence contradicting the principal applicant's central allegations, and determined that the evidence adduced by the Applicants was insufficient to establish their claim.

[4] Before the Court, the Applicants assert that the RAD erred (1) in its determination that the Applicants were not credible, more specifically that the principal applicant did not prove that he was the rightful owner of the two bars at the relevant period, as he alleged; and (2) in its assessment of the evidence to determine that the principal applicant's lack of credibility was fatal to the Applicants' claim.

[5] The Respondent, the Minister of Citizenship and Immigration [the Minister], responds that the RAD's decision is reasonable as it is based on the evidence and is entirely intelligible and justified given the facts and the law.

[6] For the reasons that follow, I will dismiss the application for judicial review. The Applicants have not demonstrated, as was their burden, that the RAD's decision is unreasonable; their argument amounts to simply expressing their disagreement with the outcome and to ask the Court to reweigh the evidence, which it cannot do.

## II. Decision

[7] I agree with the parties that the decision must be reviewed against the reasonableness standard (*Minister of Citizenship and Immigration v Vavilov*, 2019 SCC 65 [Vavilov]).

Particularly, the jurisprudence has confirmed the reasonableness standard applies to assessments of credibility made by the RPD and the RAD (*Lawani v Canada (Citizenship and Immigration)*, 2018 FC 924 at para 13 citing *Aguebor v Canada (Minister of Employment and Immigration)* (1993), 160 NR 315 (FCA) at para 4; *Gomez Florez v Canada (Citizenship and*

*Immigration*), 2016 FC 659 at para 20; *Soorasingam v Canada (Citizenship and Immigration)*, 2016 FC 691 at para 17).

[8] On judicial review, the role of the Court is to examine the reasons and determine whether the decision is based on “an internally coherent and rational chain of analysis” and is “justified in relation to the facts and law that constrain the decision-maker” (*Vavilov* at para 85), and whether the “decision bears the hallmarks of reasonableness—justification, transparency and intelligibility” (*Vavilov* at para 99). The onus is on the Applicants to establish the decision as unreasonable; flaws must be more than superficial for the reviewing court to overturn an administrative decision: the Court must be satisfied that there are “sufficiently serious shortcomings” (*Vavilov* at para 100).

[9] I find important to note in this case that the Supreme Court of Canada held that, absent “exceptional circumstances”, a reviewing court will not interfere with the decision-maker’s factual findings, and that the reviewing court must refrain from reweighing or reassessing the evidence considered by the decision-maker (*Vavilov* at para 125).

[10] During the hearing of this application, the Applicants have confirmed that the evidence disclosed by the RPD was indeed admissible, this is not disputed. It is also not disputed that the Applicants had the chance to respond to the evidence the RPD disclosed, and the record confirms that the principal applicant testified before the RPD that he had not actually read the evidence disclosed by the RPD prior to his hearing. After careful consideration of the record, I am satisfied that the principal applicant’s testimony was in direct contradiction with the publicly

available evidence disclosed by the RPD. Indeed, the evidence disclosed by the RPD confirms that, contrary to the principal applicant's allegations Andre testimony, one of the bars: (1) is open and never shut down; (2) has been owned by the same person, who is not the principal applicant, since 2018; (3) still operates, in the same town and at the same address; and (4) has been serving food since at least 2018.

[11] Contrary to the Applicants' argument, the RAD clearly considered the Applicants' evidence in its reasons. The RAD specifically discussed the licenses, fines, articles, and photos adduced by the Applicants, and explained why this evidence was either insufficient or unreliable to establish the link between the bars and the principal applicant at the relevant period, which is the basis for the Applicants' claim. The Applicants confirmed, at the hearing of this application, that the RAD did not err in describing each piece of evidence and that the RAD's comments on each of the documents were indeed accurate. The RAD also discussed the evidence related to the threats, the text messages and lawyer's letters, and found them insufficient.

[12] In sum, the RAD found the evidence disclosed by the RPD more credible and reliable than the evidence and testimony from the Applicants. As stated in *Tsigehana v Canada (Citizenship and Immigration)*, 2020 FC 426 at para 34, factual findings, assessing credibility, and drawing reasonable inferences all lie at the heart of the RAD's specific expertise and knowledge under the Act; they deserve deference and are entitled to judicial restraint under the reasonableness standard. The Court has also stated that an applicant faced a very high burden of proof when challenging the RPD's or the RAD's conclusions of credibility (*Khelili v Public Safety and Emergency Preparedness*, 2022 FC 188 at para 24, citing *Singh Gill v Canada*

*(Citizenship and Immigration)*, 2011 FC 447 at para 8; *Nijjer v Canada (Citizenship and Immigration)*, 2009 FC 1259 at para 14). I am satisfied that the Applicants are asking the Court to reconsider the record, to reweigh the evidence in order to find that their evidence carries more weight, and to make its own determination of credibility; this is not open to the Court on judicial review.

[13] The Applicants have not established that the RAD ignored contradictory evidence or erred in assessing the evidence; they have likewise failed to establish that the decision is unreasonable. On the contrary, I am satisfied the decision is internally coherent and that it is justified in relation to the facts, the record, and the applicable law. The Applicants suggest alternative explanations for the RAD's findings; their arguments clearly amount to taking issue with the weight given to the evidence. As stated already, on judicial review, it is not the role of the Court to reweigh the evidence.

[14] The application for judicial review will be dismissed. No questions were put forward for certification, and none arise in this case.

**JUDGMENT in IMM-16799-24**

**THIS COURT’S JUDGMENT is that:**

1. The application for judicial review is denied.
2. The style of cause is amended to name the Minister of Citizenship and Immigration as the Respondent.
3. No question is certified, and no costs are awarded.

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“Martine St-Louis”  
Associate Chief Justice

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

**DOCKET:** IMM-16799-24

**STYLE OF CAUSE:** ENRIQUE ALEJANDRO FERRER BARQUET, IRIS  
AYDE LOPEZ RIVAS, ARANTZA SOPHIA FERRER  
LOPEZ v MINISTER OF CITIZENSHIP AND  
IMMIGRATION

**PLACE OF HEARING:** MONTREAL, QC

**DATE OF HEARING:** SEPTEMBER 24, 2025

**JUDGMENT AND REASONS:** ST-LOUIS ACJ.

**DATED:** OCTOBER 7, 2025

**APPEARANCES:**

Peter F. Guarnieri	FOR THE APPLICANTS
Beatrice Courchesne-Mackie	FOR THE RESPONDENT

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