

Federal Court



Cour fédérale

Date: 20251110

Docket: IMM-23308-24

Citation: 2025 FC 1806

Ottawa, Ontario, November 10, 2025

PRESENT: The Honourable Mr. Justice Régimbald

BETWEEN:

**CLAUDIA IVETH LOPEZ RAMIREZ
LUISA FERNANDA HURTADO LOPEZ
DIEGO XAVIER HURTADO LOPEZ
JUAN LEOPOLDO HURTADO LOPEZ**

Applicants

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] Claudia Iveth Lopez Ramirez Luisa [the Principal Applicant or PA], and the co-Applicants, Luisa Fernanda Hurtado Lopez, Diego Xavier Hurtado Lopez, Juan Leopoldo Hurtado Lopez [collectively, the Applicants], seek judicial review of a decision by the Refugee

Appeal Division [RAD] finding that they are not in need of protection under sections 96 and 97 of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA]. The Applicants claim the decision is unreasonable because the RAD failed to consider the Principal Applicant's ex-husband's [XH] past pattern of abuse and erred in its assessment of the family's financial independence to conclude that they did not face a forward-looking risk of persecution in Mexico.

[2] For the reasons that follow, the application for judicial review is dismissed. Having considered the record before the Court, including the parties' written and oral submissions, as well as the applicable law, I find that the Applicants have failed to discharge their burden and demonstrate that the RAD's decision is unreasonable. The RAD properly examined and considered the PA's ex-husband's past and present behaviour and reasonably concluded that the Applicants would not experience harm or prosecution if they returned to Mexico. The Applicants are essentially asking this Court to re-weigh the evidence that was before the RAD. That is not this Court's role in an application for judicial review on the reasonableness standard of review.

II. Background Facts

[3] The Applicants are a family consisting of the Principal Applicant and her children. They are citizens of Mexico.

[4] The Principal Applicant married XH in 2002. During their relationships, XH was financially, emotionally, and physically abusive towards the PA. He isolated her from her friends and family and forced her to quit her job and work for him. After the births of their children in

2004, 2005, and 2007, XH began to abuse them as well. The Principal Applicant and XH legally separated in 2016 but continued living together.

[5] In 2018, XH moved the Applicants to Canada on student permits to improve the children's educational opportunities. During this time, XH continued to emotionally abuse the Applicants from Mexico, and physically abuse them when he would visit. In June 2020, XH stopped paying their rent. Since moving to Canada, the Principal Applicant began working and sought psychosocial help. She cut contact with XH and only communicated with him by email about topics concerning the children. Her last contact with him was in 2022.

[6] On June 5, 2022, the Applicants submitted a refugee claim. The Refugee Protection Division [RPD] denied their claim. The RAD affirmed the RPD's decision and found that the Applicants did not require protection under sections 96 or 97 of the IRPA because they did not establish a forward-facing risk from XH, if they returned to Mexico. The RAD found that while XH may still be interested in the Applicants, their relationship dynamic had changed since their separation and move to Canada. The PA is now financially independent and the children are no longer minors. XH can therefore no longer control them as he used to be able to.

III. Issues and Standard of Review

[7] The sole issue is whether the RAD's decision is reasonable.

[8] The standard of review in this case is that of reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 10, 25 [Vavilov]; *Mason v*

Canada (Citizenship and Immigration), 2023 SCC 21 at paras 7, 39–44 [*Mason*]). To avoid judicial intervention, the decision must bear the hallmarks of reasonableness – justification, transparency and intelligibility (*Vavilov* at para 99; *Mason* at para 59). A decision may be unreasonable if the decision maker misapprehended the evidence before it (*Vavilov* at paras 125–126; *Mason* at para 73). However, the reviewing Court must refrain from “reweighing and reassessing the evidence considered by the decision maker” (*Vavilov* at para 125). Reasonableness review is not a “rubber-stamping” exercise, it is a robust form of review (*Vavilov* at para 13; *Mason* at para 63). The party challenging the decision bears the onus of demonstrating that the decision is unreasonable (*Vavilov* at para 100).

IV. Analysis

[9] The Applicants’ central claim is that XH is still interested in maintaining contact with them and, given the fact that in the past their relationship has always been abusive, it is unreasonable for the RAD to find that if the Applicants return to Mexico, the relationship would be different.

[10] Notably, they point out that the PA has, through therapy, understood how unhealthy her relationship was (Certified Tribunal Record at p 1390 [CTR]) and has therefore limited her communication with XH to only discussions relating to their children (CTR at p 1407). The Applicants assert that the RAD erred and only considered whether XH is interested in them now, on the basis of his current relationship with them while they are in Canada, as opposed to whether XH would target them in the future. In the Applicants’ view, based on the long-standing abuse that they suffered in the past, XH will certainly persecute them in the future if they return

to Mexico. The Applicants also argue that the RAD unreasonably ruled that the Applicants are financially independent because they are employed, because if they must return to Mexico, that will not be the case. XH will therefore be able to control them as he did before.

[11] The RAD did find that the Applicants have no forward-looking risk based on the fact that they no longer live with XH, the children are now adults, and the Applicants are not in need of XH's financial support because the PA and her adult children are employed (RAD decision at para 27). XH therefore "is no longer in a position to exert significant control over [the Applicants'] lives" (RAD decision at para 27). Moreover, the RAD found that XH had not done anything to separate the PA from her children and that his recent communications with them do not threaten or try to exert control over their lives (RAD decision at paras 28-30). Consequently, the relationship dynamic has significantly changed and there is no evidence that XH would pursue or harm the Applicants; and they are therefore no longer at risk (RAD decision at paras 19, 22, 27).

[12] In my view, the RAD properly considered the entirety of the evidence placed before the RPD in making its assessment, and reasonably concluded that the Applicants had failed to demonstrate a forward-looking risk if they return to Mexico. The RAD properly explained why, on the basis of the evidence adduced, it did not consider that XH presented a risk for the Applicants if they returned to Mexico – because the current situation of the PA and the children is materially different than it was before. The children are adults and while the Applicants argued that even if they are employed in Canada, this does not mean that they will not be financially dependent on XH in Mexico, the RAD properly considered that issue and held that the Applicants can use their skills to gain employment in Mexico (RAD decision at para 27, 33). No

evidence was adduced by the Applicants before the RPD or the RAD to demonstrate the contrary. The Applicants therefore no longer need XH's financial support and XH cannot control them financially or abuse them as he did before. Finally, the RAD properly assessed the communications between XH and the Applicants in ruling that those communications do not indicate that XH continues to attempt to harm them or exert control over their lives (RAD decision at para 28).

[13] The RAD's reasoning on the claims raised by the Applicants is intelligible, transparent and justified in light of the record before it (*Vavilov* at paras 15, 98). The Applicants bear the onus of proving that the decision is unreasonable, and they did not demonstrate that the RAD committed errors, factual or otherwise, that were sufficiently central or significant to render the decision unreasonable (*Vavilov* at para 100).

[14] The Applicants' request is essentially that the Court performs an examination of the evidence *de novo* and re-weigh the RAD's evidentiary assessment. Unfortunately, this is not the Court's role on judicial review (*Zhang v Canada (Citizenship and Immigration)*, 2023 FC 1308 at para 36; *Vavilov* at paras 124-125). I have reviewed the RAD's reasons carefully and find no basis upon which to intervene.

[15] Finally, the Applicants also submit that the RAD erred in ignoring that since the PA's youngest son is still a minor, XH would have the legal means to find out their whereabouts. On this point, however, the RAD was aware of the situation noting that the youngest Applicant would turn 18 eight months after the decision was taken (RAD decision at para 27). He has since then turned 18—effectively extinguishing all legal rights XH would have towards him as a

parent and thereby undermining any claim of forward-looking risk at the hands of XH based on this ground. In any event, even if this were a shortcoming by the RAD, it would not be sufficient for the Court to lose confidence in the outcome (*Vavilov* at para 100, 106).

V. Conclusion

[16] The RAD's decision is reasonable. The RAD conducted a reasonable assessment of the Applicants' forward-looking risk and ruled that the Applicants are not in need of protection. That decision was based on a reasonable assessment of the evidence presented by the Applicants.

[17] The Applicants' application for judicial review is dismissed.

[18] The parties have not proposed any question for certification and I agree that none arises in the circumstances.

JUDGMENT in IMM-23308-24

THIS COURT'S JUDGMENT is that:

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

"Guy Régimbald"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-23308-24

STYLE OF CAUSE: CLAUDIA IVETH LOPEZ RAMIREZ, ET AL. v THE
MINISTER OF CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO (ONTARIO)

DATE OF HEARING: NOVEMBER 6, 2025

JUDGMENT AND REASONS: RÉGIMBALD J.

DATED: NOVEMBER 10, 2025

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