

Federal Court



Cour fédérale

**Date: 20260326**

**Docket: IMM-5923-25**

**Citation: 2026 FC 406**

**Ottawa, Ontario, March 26, 2026**

**PRESENT: The Honourable Madam Justice Saint-Fleur**

**BETWEEN:**

**JORGE ALBERTO TORRES PONCE**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

I. Overview

[1] The Applicant, Jorge Alberto Torres Ponce [Applicant], is a citizen of Mexico. He reports his fear of being killed by the *Los Zetas* cartel and his father-in-law RV, a corrupt politician influenced by the cartel.

[2] The Refugee Appeal Division [RAD] refused the Applicant's appeal on February 18, 2025, finding the Applicant was neither a Convention refugee nor a person in need of protection [Decision]. The determinative issue for the RAD was credibility.

[3] The Applicant now seeks judicial review of the Decision under subsection 72(1) of *Immigration and Refugee Protection Act*, SC 2001, c 27 arguing the RAD made improper credibility determinations based on a microscopic analysis of the evidence.

[4] For the reasons that follow, the application for judicial review is dismissed.

## II. Background

[5] In October 2019, while working for a municipality in Veracruz, the Applicant was kidnapped, beaten, and extorted by a group of men claiming to be the *Los Zetas* cartel. The Applicant made extortion payments for two months until he left Veracruz for Mexico City. On January 18, 2020, the Applicant flew to Canada where he commenced his refugee claim.

[6] The Applicant filed for refugee protection on February 6, 2020. The Refugee Protection Division [RPD] refused the Applicant's claim, finding the omissions and inconsistencies in his evidence undermined the credibility of his allegations.

III. Decision Under Review

[7] The RAD rejected the Applicant's appeal, noting the inconsistencies and omissions in the Applicant's evidence undermined his credibility and were not sufficiently addressed by his explanations and evidence.

[8] Firstly, the RAD found the amended basis of claim form [BOC], submitted on the day of his RPD hearing, contained omissions which undermined his credibility. In it, the Applicant identifies his agents of persecution, his father-in-law and the *Los Zetas* cartel, for the first time. Also for the first time, the Applicant alleges he was contacted by the *Los Zetas* cartel in 2017, two years earlier than he initially claimed. The RAD accepted the Applicant's explanation of fear and his lack of knowledge on security measures as a justification for why he did not provide these details immediately upon his arrival in Canada at the port of entry, however, the RAD did not accept this same explanation when considering why this information was omitted from his original BOC.

[9] The RAD also found the additional allegations, which appeared for the first time in the amended BOC, were significant and central to the Applicant's claim:

- a) The previously unidentified agents of persecution were members of the *Los Zetas* cartel;
- b) The Applicant was employed by the municipality on the recommendation of RV, who was a corrupt politician in the municipality;
- c) RV had trouble with the *Los Zetas* cartel which began as early as 2017;
- d) The Applicant was threatened by the *Los Zetas* cartel multiple times leading up to the attack in October 2019 because of RV; and

- e) RV threatened the Applicant's life in September 2022 because the Applicant blamed him for the end of his relationship with RV's daughter.

[10] The RAD found the credibility concerns arising from these omissions were not adequately dealt with by the documentary evidence. The letter from the Applicant's sister only identifies his agents of persecution as "they" and does not personally identify the *Los Zetas* cartel. The Applicant's sister also alleges "the assailants" have targeted her, an allegation absent from the Applicant's own amended BOC. The RAD gave no weight to this letter and noted the Applicant's credibility had been impugned. The Applicant's explanation that he did not believe it would be necessary to include this information in his amended BOC was not satisfactory.

[11] Secondly, the RAD concluded the RPD had not relied on peripheral or immaterial inconsistencies and had therefore not undertaken a microscopic analysis of the Applicant's evidence.

[12] The RAD found the RPD erred by failing to confront the Applicant with the inconsistency and the negative inference drawn in respect of his contact with his children. To remedy this error, the RAD determined the Applicant could address this issue directly on appeal. Despite raising the error himself, the Applicant provided no explanation or evidence to address this inconsistency. Therefore, the RAD confirmed the conclusion of the RPD, finding the Applicant's testimony that he spoke to his children within 10-15 days was inconsistent with his amended BOC which states that his children's mother did not want him to have further contact with his children (and he did not).

IV. Issues and Standard of Review

[13] The sole issue on this judicial review is whether the Decision was reasonable.

[14] Accordingly, the standard of review, as agreed by the parties, is reasonableness. In this respect, the role of the reviewing court is to examine the decision maker's reasoning 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" (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 85-86 [*Vavilov*]; *Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21 at para 64). A decision will be reasonable if, when read as a whole and taking into account the administrative setting, it bears the hallmarks of justification, transparency, and intelligibility (*Vavilov* at paras 91-95, 99-100). It is also not the role of this Court to reweigh and reassess the evidence or factual findings of a decision maker absent exceptional circumstances (*Vavilov* at para 125).

[15] The internal rationality of the decision may be called into question where "the reasons exhibit clear logical fallacies, such as circular reasoning, false dilemmas, unfounded generalizations or an absurd premise" (*Vavilov* at para 104). However, the Supreme Court of Canada warns administrative decision makers should not be held to formalistic or academic standards. Instead, the focus of this review is to determine whether the reasoning "adds up" (*Vavilov* at para 104).

V. Analysis

[16] The Applicant argues the RAD confirmed the RPD's improper credibility determinations which he alleges relied on a microscopic analysis of the evidence. According to the Applicant, the RAD first erred by impugning his credibility because he omitted the identities of his agents of persecution. While the RAD accepted his explanation for this omission at the port of entry, they did not accept the same explanation for this omission from his original BOC. The Applicant alleges the RAD has relied on a false dilemma, finding he was both afraid to reveal his agents of persecution and yet detailed enough to provide information peripheral to the core of his claim. The Applicant further submits the RAD selectively examined this peripheral evidence without considering the clear contradictory evidence.

[17] In support of his submissions, the Applicant cites jurisprudence from this Court confirming it is an error to selectively address an applicant's explanations, fail to consider contradictory corroborative evidence, and engage in a microscopic analysis (*Hamdar v Canada (Citizenship and Immigration)*, 2011 FC 382 at para 58; *Chen v Canada (Citizenship and Immigration)*, 2012 FC 510 at para 68). This Court has further confirmed minor or peripheral inconsistencies should not lead to a finding of a general lack of credibility where documentary evidence supports the plausibility of the applicant's story (*Mohacsi v Canada (Minister of Citizenship and Immigration) (T.D.)*, 2003 FCT 429 at para 20).

[18] The Applicant submits the RAD committed a second error in respect of its assessment of the Applicant's sister's letter by assessing it for what it does not say, particularly because it allegedly does not corroborate aspects of the Applicant's claim (*Adeleye v Canada (Citizenship*

*and Immigration*), 2020 FC 640 at paras 8-9; *Belek v Canada (Citizenship and Immigration)*, 2016 FC 205 at para 21). Instead, the Applicant submits the sister's letter confirmed both the Applicant and his sister were being persecuted. Considering the source and content of the letter were not discredited, the Applicant argues the RAD should have attributive probative value to this letter.

[19] The Respondent submits the RAD properly conducted an independent assessment of the evidence and found no significant errors with the RPD's conclusion. These late amendments to the Applicant's original BOC were sufficient to confirm his allegations were not credible. I agree with the Respondent.

[20] Considering the Applicant provided peripheral details and omitted central aspects of his claim in his original BOC, I find the RAD's findings in respect of the omissions from the Applicant's original BOC were reasonable. Furthermore, while the two versions of the Applicant's BOC are not necessarily incompatible, the updated BOC is not a clarification of the original as it significantly altered the central aspects of his claim. The Applicant provided evolving explanations, blaming his former counsel before accepting responsibility for the mistake, and there was no indication there were issues with interpretation.

[21] It is reasonable for the RAD to draw a negative inference as to an applicant's credibility in respect of late amendments to their BOC, particularly when these amendments are central to their claim (*Oketokun v Canada (Citizenship and Immigration)*, 2022 FC 232 at para 17).

[22] Furthermore, it was reasonable for the RAD to find the Applicant was afraid to disclose the identities of his agents of persecution at the port of entry while also finding the explanation provided did not adequately explain why he waited three years to ultimately disclose their identities in his amended BOC. Not only was the Applicant's original BOC detailed, but it included peripheral information.

[23] Further, I agree with the Respondent's submissions that the RAD's findings related to the Applicant's supporting evidence are reasonable. In particular, the Applicant's sister's letter did not identify the *Los Zetas* cartel as his agent of persecution and identifies the wrong leg as the one the Applicant injured. Therefore, it was reasonable for the RAD to conclude this letter was inconsistent with the Applicant's evidence about his injury. The Applicant's sister's letter also alleges she was targeted by assailants, an allegation notably not in the Applicant's amended BOC. Contrary to the Applicant's submission, the RAD did not discount the Applicant's sister's evidence for what it does not say, but for its inconsistencies with his own amended BOC. The RAD reasonably gave no weight to this letter and concluded the Applicant's credibility had been impugned.

[24] The RAD reasonably assessed the omissions and inconsistencies related to the Applicant's employment with the municipality, his father-in-law's troubles with the *Los Zetas* cartel, and the threats the Applicant received from the *Los Zetas* cartel leading up to the October 2019 attack and from his father-in-law in September 2022. These were not reasonably explained, and the explanation that was provided continually evolved. Moreover, the role of this Court is not to reweigh and reassess evidence before the decision maker. As such, it was reasonable for the RAD to conclude this impugned his credibility.

VI. Conclusion

[25] The Applicant has not met his burden of establishing the RAD's decision was unreasonable either in its outcome or in the reasons provided. The Decision complies with the requirements of justification, transparency and intelligibility imposed by the Supreme Court in *Vavilov*. Therefore, this application for judicial review is dismissed.

[26] Neither party proposed a question for certification, and I agree none arises.

**JUDGMENT in IMM-5923-25**

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

1. The application for judicial review is dismissed.
2. There is no question to be certified.

"L. Saint-Fleur"

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Judge

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

**DOCKET:** IMM-5923-25

**STYLE OF CAUSE:** JORGE ALBERTO TORRES PONCE v THE  
MINISTER OF CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** MONTREAL (QUÉBEC)

**DATE OF HEARING:** FEBRUARY 19, 2026

**JUDGMENT AND REASONS:** SAINT-FLEUR J.

**DATED:** MARCH 26, 2026

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