

Federal Court



Cour fédérale

**Date: 20260409**

**Docket: IMM-8368-25**

**Citation: 2026 FC 473**

**Ottawa, Ontario, April 9, 2026**

**PRESENT: Madam Justice Sadrehashemi**

**BETWEEN:**

**ESVEL LAGUNAS PEREZ**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

[1] The Applicant, Esvel Lagunas Perez, made a claim for refugee protection in Canada. The Refugee Protection Division (“RPD”) refused the claim. Mr. Lagunas appealed. The Refugee Appeal Division (“RAD”), like the RPD, found that Mr. Lagunas had a viable internal flight alternative (“IFA”) in Mexico.

[2] Mr. Lagunas challenges the RAD’s decision on judicial review. He argues that the RAD failed to consider the context and evidence when it found that the two threatening incidents in 2017 and 2021 were not connected to one another. Further, Mr. Lagunas argues that the RAD

erred in its assessment of the second prong of the IFA test – namely, whether it was reasonable for him to relocate to the proposed IFA.

[3] The parties agree, as do I, that the challenge is to the merits of the RAD’s decision and not its procedure and therefore I will review the decision on a reasonableness standard (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65).

[4] The RAD rejected the RPD’s credibility assessments and found Mr. Lagunas to be a credible witness. The RAD, like the RPD, found the determinative issue to be the availability of an IFA.

[5] I am not convinced that Mr. Lagunas has raised a sufficiently serious shortcoming in the RAD’s decision to warrant the Court’s intervention. Many of the arguments are based on general assertions that are not explained in relation to the facts of Mr. Lagunas’ case.

[6] On the issue of the RAD not considering the evidence, I cannot agree. The RAD considered the evidence of the 2017 and 2021 incidents, which both took place in Mr. Lagunas’ hometown. The RAD found that there was insufficient evidence that these two events were connected to each other, that the agent of persecution were cartel members, or that they were pursuing Mr. Lagunas because of their interest in his uncle.

[7] Mr. Lagunas asserts that the RAD dismissed the evidence that he relocated within Mexico “unsuccessfully”. The RAD references that Mr. Lagunas relocated and returned to his

hometown following both the 2017 and 2021 incidents. It is not clear why Mr. Lagunas is arguing the relocation was “unsuccessful”; he is not claiming that any relevant incidents occurred during the four-year period he lived outside of his hometown. The second incident happened some time after he had moved back to his hometown.

[8] With respect to the RAD’s assessment of the second prong of the IFA test and whether Mr. Lagunas could reasonably relocate, Mr. Lagunas Perez argues that the RAD ought to have considered that he was a young person with trauma. This is not a submission that was made to the RAD, nor was there evidence before the RAD on this point.

[9] Mr. Lagunas also claims that the RAD ought not to have drawn a negative inference because of his delay in making a claim for refugee protection in Canada. The RAD did not do this; the RAD stated: “I do not draw a negative credibility inference from the delay in claiming.”

[10] Overall, I find the RAD’s decision is intelligible, transparent and justified. I am not persuaded that Mr. Lagunas has raised any sufficiently serious shortcoming with the decision. Neither party raised a question for certification and I agree none arises. The application for judicial review is dismissed.

**JUDGMENT IN IMM-8368-25**

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

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

"Lobat Sadrehashemi"

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Judge

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

**DOCKET:** IMM-8368-25

**STYLE OF CAUSE:** ESVEL LAGUNAS PEREZ v THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** MARCH 26, 2026

**REASONS FOR JUDGMENT  
AND JUDGMENT:** SADREHASHEMI J..

**DATED:** APRIL 9, 2026

**APPEARANCE:**

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Emma Arenson FOR THE RESPONDENT

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