

Date: 20071115

Docket: IMM-1384-07

Citation: 2007 FC 1172

BETWEEN:

CASTULO NOVELO DEL RIO

Applicant

and

**MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

REASONS FOR JUDGMENT

Pinard J.

[1] This is an application for judicial review of the decision by the Refugee Protection Division of the Immigration and Refugee Board (the RPD) that the applicant is neither a refugee nor a person in need of protection under sections 96 and 97 of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27.

[2] The applicant is a citizen of Mexico and claims to have been targeted by Miguel Angel Gonzalez Lopez, the chief of police in the city of Merida (Yucatan), who thought that his son had become a homosexual because of the applicant.

[3] The RPD noted that the applicant established his identity and that his testimony “[i]n general ...was credible”. However, the RPD denied his application because the applicant had an internal flight alternative available in his country.

[4] The panel also criticized the applicant for failing to file documents to corroborate his allegations. The RPD rejected the applicant’s explanation that he took nothing when he fled Mexico because the applicant “retained the services of a lawyer who specializes in refugee cases” and “apparently had ample time to obtain documents”.

[5] It is trite law that in order to obtain refugee status in Canada, claimants must demonstrate, *inter alia*, that there is no possibility of an internal flight alternative in their country of origin. They must provide clear and convincing evidence that they are unable to seek state protection (see *Zalzali v. Canada (Minister of Employment and Immigration)*, [1991] 3 F.C. 605 (C.A.), *Canada (Attorney General) v. Ward*, [1993] 2 S.C.R. 689 and *Ahmed v. Canada (M.E.I.)*, [1993] F.C.J. No. 1035 (T.D.) (QL)).

[6] I cannot accept the applicant’s submission that the RPD’s finding that an internal flight alternative existed was unreasonable, much less patently unreasonable. The RPD did not question the applicant’s credibility but nonetheless determined that there was an internal flight alternative,

based on the documentary evidence that the police forces are not co-ordinated and on the applicant's inability to demonstrate that the threat exists throughout Mexico. Moreover, nothing in the applicant's evidence assisted him in establishing that Mexico is unable to protect him. There is not even any evidence that the agent of persecution is still a member of the police force or that he is continuing to look for the applicant.

[7] In the circumstances, the intervention of this Court is not warranted, and the application for judicial review must, therefore, be dismissed.

“Yvon Pinard”

Judge

Ottawa, Ontario
November 15, 2007

Certified true translation
Mary Jo Egan, LLB

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET: IMM-1384-07

STYLE OF CAUSE: CASTULO NOVELO DEL RIO v. MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: Montréal, Quebec

DATE OF HEARING: October 9, 2007

**REASONS FOR
JUDGMENT BY:** The Honourable Mr. Justice Pinard

DATED: November 15, 2007

APPEARANCES:

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