

Federal Court



Cour fédérale

**Date: 20250603**

**Docket: IMM-11681-24**

**Citation: 2025 FC 997**

**Calgary, Alberta, June 3, 2025**

**PRESENT: The Honourable Justice Battista**

**BETWEEN:**

**SERGIO ANDRES CARRASCAL MEJIA**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION CANADA**

**Respondent**

**JUDGMENT AND REASONS**  
**(delivered orally from the bench on June 2, 2025)**

[1] The Applicant challenges the decision to refuse his refugee protection claim based on the potential of an internal flight alternative (IFA) for him in Barranquilla, Colombia. The Refugee Protection Division (RPD) determined that the Fuerzas Armadas Revolucionarias de Colombia (FARC) would not be motivated to find him in the proposed IFA.

[2] The RPD came to this conclusion based on documentary evidence suggesting that the FARC is motivated to pursue only people of “high interest”, “high profile”, or “high value”. This includes people with strategic or tactical intelligence about the group.

[3] I agree with the Applicant that the RPD’s conclusion contradicts undisputed evidence that the FARC continued to pursue the Applicant after he closed his business and relocated within Colombia, and after he relocated to Canada. The RPD explicitly accepted evidence that the Applicant’s family continued to receive threatening phone calls on the cell phone which the Applicant left in Colombia until 15 days prior to the RPD hearing.

[4] The RPD stated:

I find that the interest in the claimant FARC has demonstrated thus far was confined to seeking to extort him as the proprietor of a local business, which he in fact no longer operates in their territory.

[5] This finding cannot be reconciled with evidence accepted by the RPD that the Applicant closed his business, moved from the FARC’s “territory” and continued to receive threats on his cell phone, even after moving to Canada. It is not possible to understand the RPD’s reasoning on this “critical point” (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 (*Vavilov*) at para 103).

[6] The Applicant asserted that he did fall within a profile of a person of interest to the FARC because he complained to the authorities about them. The RPD disregarded this submission based on the lack of evidence that the callers identified the complaint as a basis for their interest.

[7] It was not reasonable for the RPD to expect evidence that the FARC would not only continue to threaten the Applicant, but would also specify the reason for their continued interest in him. The premise of this expectation is speculative to the point of being unreasonable (*Vavilov* at para 104; *Mendoza v Canada (Citizenship and Immigration)*, 2014 FC 715 at para 9).

[8] The application for judicial review is therefore granted based on these flaws in the RPD's internal reasoning which render the decision unreasonable (*Vavilov* at para 100).

**JUDGMENT in IMM-11681-24**

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

1. The application for judicial review is granted, the decision of the Refugee Protection Division (RPD) is set aside, and the matter is returned to a differently constituted panel of the RPD for redetermination.
2. There is no question for certification and no order regarding costs.

"Michael Battista"

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Judge

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

**DOCKET:** IMM-11681-24

**STYLE OF CAUSE:** SERGIO ANDRES CARRASCAL MEJIA  
AND THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION CANADA

**PLACE OF HEARING:** CALGARY, ALBERTA

**DATE OF HEARING:** JUNE 2, 2025

**JUDGMENT AND REASONS:** BATTISTA J.

**DATED:** JUNE 3, 2025

**APPEARANCES:**

Gen Zha	FOR THE APPLICANT
Meenu Ahluwalia	FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

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