



RPD File No. / N° de dossier de la SPR : MC0-05179  
UCI / IUC : XXXX

Huis clos / Private Proceeding

## Reasons and Decision – Motifs et décision

Claimant(s)	XXXX XXXX XXXX XXXX	Demandeur(e)(s) d'asile
Date(s) of hearing	February 23, 2021	Date(s) de l'audience
Place of hearing	Virtual Hearing	Lieu de l'audience
Date of decision and reasons	March 9, 2021	Date de la décision et des motifs
Panel	Camille Larouche	Tribunal
Counsel for the claimant(s)	Serge Bahati Muvanira	Conseil(s) du (de la/des) demandeur(e)(s) d'asile
Designated representative	N/A	Représentant(e) désigné(e)
Counsel for the Minister	N/A	Conseil du (de la) ministre

## REASONS FOR DECISION

### INTRODUCTION

[1] **XXXX XXXX XXXX XXXX** (the claimant), a citizen of Mexico, is claiming refugee protection under section 96 and subsection 97(1) of the *Immigration and Refugee Protection Act*<sup>1</sup> (IRPA).

### ALLEGATIONS

[2] In her Basis of Claim Form (BOC Form), the claimant alleges that her life is being threatened in Mexico by a man nicknamed **XXXX XXXX XXXX XXXX**. The claimant alleges that she saw and recognized **XXXX XXXX** while he was committing an armed assault on **XXXX XXXX XXXX** 2019. According to her statements in her BOC Form, **XXXX XXXX** is a man known in her neighbourhood as a thief and drug dealer. The claimant further states in her BOC Form that she fears reprisals by this man because she reported the armed assault that she witnessed to the police.

[3] On **XXXX XXXX XXXX** 2019, the claimant began taking steps to leave Mexico by obtaining a passport. On **XXXX XXXX XXXX** 2019, the claimant left her country for Canada.

[4] On **XXXX XXXX XXXX** 2020, this refugee protection claim was referred to the panel.

### DETERMINATION

[5] For the reasons that follow, the panel concludes that the claimant has not established that there is a serious possibility of persecution on a Convention ground or that, on a balance of probabilities, she would be personally subjected to a risk to her life or a risk of cruel and unusual treatment or punishment or to a danger of torture if she had to return to Mexico.

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<sup>1</sup> *Immigration and Refugee Protection Act*, S.C. 2001, c. 27.

## ANALYSIS

### Identity

[6] The claimant established her identity, on a balance of probabilities, through a copy of her passport issued by Mexico.<sup>2</sup>

### Persecution with a nexus to the Convention

[7] At the hearing, the claimant testified that violence against women is a major problem in Mexico. The panel therefore considered the Chairperson's *Guideline 4: Women Refugee Claimants Fearing Gender-Related Persecution*.<sup>3</sup> After looking at all of the claimant's circumstances in light of the documentary evidence concerning violence against women in Mexico, the panel concludes that the claimant did not establish that there would be a serious possibility of persecution if she were to return to Mexico.

[8] The claimant is a XXXX-year-old single woman. The evidence shows that the claimant has a university education and has several years of work experience, both as an employee and as a self-employed worker. In addition, the claimant did not testify fearing violence in the family setting. The objective documentation refers to various groups of women who are more at risk of violence in Mexico. For example, single older women without family support,<sup>4</sup> indigenous women,<sup>5</sup> and women with diverse sexual orientations and gender identities and expressions<sup>6</sup> are among these groups that are at heightened risk of violence. The claimant did not testify about any circumstances or characteristics that establish, on a balance of probabilities, that she has a profile

<sup>2</sup> Document 1 – Information package provided by the Border Services Agency and/or Immigration, Refugees and Citizenship Canada: Copy of passport.

<sup>3</sup> Immigration and Refugee Board of Canada. *Guideline 4: Women Refugee Claimants Fearing Gender-Related Persecution*. Guideline issued by the Board pursuant to subsection 65(3) of the *Immigration Act*. Effective November 13, 1996.

<sup>4</sup> Document 3 – National Documentation Package (NDP) on Mexico, September 30, 2020, Tab 5.14: Response to Information Request, MEX200275.E, Immigration and Refugee Board of Canada, August 26, 2020.

<sup>5</sup> Document 3 – NDP on Mexico, September 30, 2020, Tab 13.2: *Report of the Special Rapporteur on the rights of indigenous peoples on her visit to Mexico*, A/HRC/39/17/Add.2, United Nations, Human Rights Council, June 28, 2018.

<sup>6</sup> Document 3 – NDP on Mexico, September 30, 2020, Tab 6.4: Response to Information Request, MEX105953.E, Immigration and Refugee Board of Canada, February 16, 2018.

that matches the profiles of the women referred to in the objective documentation who are at risk of gender-based violence.

[9] The panel concludes that the claimant did not establish a serious possibility of persecution by reason of her being a woman.

### **Non-state agent of harm**

[10] Since the agent of harm is not a state actor, the panel concludes that paragraph 97(1)(a) of the IRPA does not apply in this case. The panel will therefore move on to its analysis under paragraph 97(1)(b) of the IRPA.

### **Internal flight alternative**

[11] The determinative issue in the panel's analysis under paragraph 97(1)(b) of the IRPA is the internal flight alternative (IFA). The panel notes that it accepts the claimant's allegations as true except where otherwise stated in its analysis below.

[12] For the reasons that follow, the panel concludes that the claimant has an IFA in the cities of Mexico City, Mérida and Campeche.

[13] To start, the panel is of the opinion that the claimant did not demonstrate, on a balance of probabilities, that her agent of harm has the necessary motivation to locate her in any of the proposed IFAs. The evidence presented to the panel does not establish an ongoing interest on the part of XXXX XXXX in tracking her down because she reported the assault that she witnessed.

[14] At the hearing, the claimant testified that, after she reported her agent of harm, she received threats over the telephone from an anonymous caller. The claimant testified that this caller told her that [translation] "the police protect them." The claimant testified that a few days later, she saw uniformed police officers talking to and laughing with her agent of harm on the street and that this confirmed to her that the police would not help her. The claimant testified that she received these threatening calls between XXXX XXXX XXXX 2019, and XXXX XXXX XXXX 2019.

[15] The claimant also testified that on XXXX XXXX XXXX 2019, her agent of harm tried to frighten her by swerving in the car while she was walking down the street. The claimant states that because of this incident, she moved in with her sister who lived in nearby municipality. However, the panel notes that the claimant testified that she worked up until early XXXX 2019. Yet, according to the claimant's statements in Schedule A of the immigration form,<sup>7</sup> this job was in her municipality of XXXX, where her agent of harm lived. The claimant explained that she quit her job because there were police patrols in her sister's neighbourhood that made her afraid that they were looking for her on behalf of XXXX XXXX. The claimant testified that, according to her sister, it was unusual. The panel considers this to be speculation on the claimant's part. None of the evidence before the panel indicates, on a balance of probabilities, that the police were pursuing her as well. In fact, the claimant did not demonstrate that her agent of harm has a network or connections with the police that would help him to locate the claimant outside of XXXX or that her agent of harm belongs to an organization with such resources.

[16] Although the claimant stated that she would not be safe in any of the proposed IFAs, this assertion is based on her personal belief that her agent of harm will track her down to seek revenge wherever she is in Mexico. The claimant was not bothered by her agent of harm between XXXX XXXX XXXX 2019—the date the claimant received a threatening call—and XXXX XXXX XXXX 2019. Since then, none of the claimant's family members, including her older brother who was living at the same address as her after she left, have been contacted about her. This evidence therefore does not establish an ongoing interest on the part of her agent of harm in locating her and tormenting her.

[17] Accordingly, the claimant did not establish, on a balance of probabilities, that she would be personally subjected to a risk to her life or a risk of cruel and unusual treatment or punishment in any of the proposed IFAs.

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<sup>7</sup> *Supra*, footnote 3: Schedule A.

[18] In addition, the panel concludes that the claimant did not demonstrate, on a balance of probabilities, that the conditions in the proposed IFAs are such that it would be unreasonable, in all the circumstances, including those particular to the claimant, for her to seek refuge there.

[19] The panel considered the claimant's profile. Nothing in the evidence suggests that, as a single woman, she would not be able to provide for herself and find housing in the proposed IFAs. As previously stated, the panel notes that the claimant has a university education and has several years of work experience. In addition, the objective documentary evidence indicates that the government authorities in Mexico City and Yucatán, where two of the proposed IFAs are located, have put in place programs to make it easier for women to enter the labour market.<sup>8</sup> The panel further notes that the claimant testified that she is independent from her brothers and sisters who have families. Schedule A also indicates that the claimant was self-employed for five years. Thus, the claimant has demonstrated that she has been able to be self-sufficient in the past. Finally, the objective documentary evidence<sup>9</sup> indicates that the states of Yucatán and Campeche, where two of the proposed IFAs are located, are among the most peaceful states in Mexico.

[20] Considering the claimant's profile and the objective evidence, the panel concludes that the proposed IFAs are reasonable.

[21] For the reasons given, the panel concludes that the cities of Mexico City, Mérida and Campeche are viable IFAs for the claimant.

## CONCLUSION

[22] The panel concludes that **XXXX XXXX XXXX XXXX** has not established that there is a serious possibility of persecution on a Convention ground or that, on a balance of probabilities, she would be personally subjected to a risk to her life or a risk of cruel and unusual treatment or punishment or to a danger of torture if she had to return to Mexico.

<sup>8</sup> Document 3 – NDP on Mexico, September 30, 2020, Tab 5.7: Response to Information Request, Immigration and Refugee Board of Canada, February 5, 2020.

<sup>9</sup> Document 3 – NDP on Mexico, September 30, 2020, Tab 1.5: *Mexico Peace Index 2020*, Institute for Economics and Peace, May 2020.

[23] The refugee protection claim of **XXXX XXXX XXXX XXXX** is rejected.

**Camille Larouche**

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**March 9, 2021**

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IRB translation  
Original language: French

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