

Federal Court



Cour fédérale

**Date: 20191113**

**Docket: IMM-1701-19**

**Citation: 2019 FC 1416**

**Ottawa, Ontario, November 13, 2019**

**PRESENT: The Honourable Mr. Justice Phelan**

**BETWEEN:**

**FENGYU ZHANG**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

I. Introduction

[1] This judicial review concerns the rejection of the Applicant's refugee claim under sections 96 and 97 of the *Immigration and Refugee Protection Act*, SC 2001, c 27. There were 11 credibility findings underpinning the Refugee Protection Division's [RPD] decision.

## II. Background

[2] The Applicant, a Chinese citizen, claimed to be a Falun Gong practitioner who fled China with the help of a smuggler after the Public Security Bureau raided her group. She escaped to Hong Kong, then the United States and finally Canada.

[3] In rejecting the Applicant's claim, the RPD made 11 adverse credibility findings, none of which the RPD recognized as determinative but, cumulatively, they undermined the refugee claim.

[4] It is not necessary to outline each such finding. However, the RPD based some of its adverse findings on the inconsistencies between the Basis of Claim, the oral evidence and the documents. Other adverse findings were based on country condition evidence and the similarity of narratives of raids and escapes that the Court has rejected in upholding negative credibility findings.

## III. Analysis

[5] The only issue in this matter is the reasonableness of the decision.

[6] The Applicant is essentially asking this Court to reweigh the RPD's findings and reach a different conclusion on the merits. This is not the function of this Court on judicial review.

[7] While some of the findings may be arguably in error or questionable, none are so infirmed as to undercut the basic assessment that globally this decision is reasonable.

[8] Some of the findings are based on the RPD's understanding of the Applicant's testimony but the conclusions were open to it. Other findings are based on implausibility conclusions, many of which were also open to it and rational.

However, the finding about how the Applicant entered Canada through Peace Bridge Park was unreasonable given the overall evidence of irregular crossings at that point and others.

[9] This finding and findings about aspects of the Applicant's Falun Gong practice may be suspect. Other critical findings, such as her espoused lack of knowledge that Falun Gong was illegal, her weak knowledge of Falun Gong tenants of belief, and the vagueness of her answers on significant matters provide a reasonable and sufficient basis for the RPD's decision.

#### IV. Conclusion

[10] For these reasons, this judicial review is dismissed. There is no question for certification.

**JUDGMENT in IMM-1701-19**

**THIS COURT'S JUDGMENT is that** the application for judicial review is dismissed.

"Michael L. Phelan"

---

Judge

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

**DOCKET:** IMM-1701-19

**STYLE OF CAUSE:** FENGYU ZHANG v THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** OCTOBER 29, 2019

**JUDGMENT AND REASONS:** PHELAN J.

**DATED:** NOVEMBER 13, 2019

**APPEARANCES:**

Adam Wawrzekiewicz

FOR THE APPLICANT

Gordon Lee

FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

Lewis & Associates  
Barristers and Solicitors  
Toronto, Ontario

FOR THE APPLICANT

Attorney General of Canada  
Toronto, Ontario

FOR THE RESPONDENT