

Federal Court



Cour fédérale

**Date: 20230727**

**Docket: IMM-8202-21**

**Citation: 2023 FC 1026**

**Ottawa, Ontario, July 27, 2023**

**PRESENT: The Honourable Justice Fuhrer**

**BETWEEN:**

**ZHUXIN LI**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

I. Overview

[1] The Applicant, Zhuxin Li, is a citizen of the People's Republic of China [China]. He fears persecution by the Chinese government, at the hands of the Public Security Bureau [PSB], because of his Christian beliefs and for having participated in an illegal house church, including secretly distributing flyers.

[2] Following detention by the PSB and subsequently hiding in a different city, the Applicant came to Canada using a fake Hong Kong passport, with the assistance of a smuggler. The Applicant's father, who is not a party to these proceedings, also came to Canada, with the assistance of a different agent, after being detained by the PSB because of his son and because of a land dispute.

[3] Based on credibility and sufficiency of evidence concerns, the Refugee Protection Division [RPD] of the Immigration and Refugee Board of Canada [IRB] concluded the Applicant was not a genuine practitioner in Canada, and further that the PSB was not interested in him, nor would they be if he returned to China. Finding that the Applicant was neither a Convention refugee nor a person in need of protection, the RPD rejected his claim.

[4] The Applicant's appeal to the Refugee Appeal Division [RAD] of the IRB failed on similar bases – insufficient credible evidence to support his religious profile in China, his *sur place* claim in Canada, and the claim that he is of interest to the PSB [Decision].

[5] The sole issue before this Court is the reasonableness of the RAD's credibility findings.

[6] There is no dispute that the presumptive reasonableness standard applies to the Court's review of the Decision: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov] at paras 10, 25. To avoid judicial intervention, the challenged decision must bear the hallmarks of reasonableness – justification, transparency and intelligibility (para 99). A decision may be unreasonable if the decision maker misapprehended the evidence before it (paras

125-126). The party challenging the decision has the onus of demonstrating that the decision is unreasonable (para 100).

[7] For the reasons below, I find that the Applicant has not met his onus. I thus dismiss this judicial review application.

## II. Analysis

[8] I am not convinced that the RAD erred in the manner asserted by the Applicant, that is, by not conducting an independent analysis of the record. For example, the Applicant's documentary evidence included receipts for fines imposed by the PSB and a release document, which the RPD found to be fraudulent. The RAD also considered this documentary evidence to be fraudulent, not only for the same reasons as the RPD, but also for additional reasons.

[9] Noting that it is not the role of reviewing court to reweigh evidence, I am not persuaded that the RAD fundamentally misapprehended the evidence before it: *Vavilov*, above at paras 125-126. For example, I find the Applicant's complaint about the unreasonableness of the RAD's reference to China's Criminal Code in the Decision, as opposed to administrative detention and fine to which he asserts he was subjected, is tantamount to a line-by-line treasure hunt for error and a request to reweigh the evidence. There is no disagreement, however, that the RAD referred to the applicable provision, Article 91, mentioned in National Documentation Package [NDP] item 10.9 comprising the Response to Information Request [RIR] CHN200226.E.

[10] While I am sympathetic to the Applicant's argument that there is no forensic evidence about whether a handwritten notation (blue ink) has been written on top of or under the stamped official seal meant to represent the authenticity of the documents, enlarging the documents plainly shows the blue ink over the stamped red seal. Bearing in mind the Applicant's onus, and absent exceptional circumstances (in my view none has been shown here), a reviewing court will not interfere with the decision maker's factual findings: *Vavilov*, above at para 125.

[11] In addition, I agree with the Respondent that the Applicant's contention that there have been occasional instances of fines above 500 yuan, contrary to the RAD's finding that fines imposed for detention cannot exceed 500 yuan, is similarly a request to reweigh evidence or a disagreement about the evidence on which the RAD relied. The fact that the RAD preferred some of the country condition evidence does not automatically indicate that the RAD ignored contradictory evidence. I find this is particularly the case here because, as the Respondent points out, these additional findings were further support for the RAD's already valid concerns about the authenticity of the documentary evidence.

[12] I also find that the RAD reached a logical conclusion in determining that the lack of documentation issued by the PSB to either the Applicant or his father undermined the credibility of the allegation that the PSB continued to contact the Applicant's father asking about the Applicant. Here, the RAD found the Applicant and his story not credible, and some of his documentary evidence fraudulent: *Yan v Canada (Citizenship and Immigration)*, 2018 FC 781 at paras 37-38; *Huang v Canada (Citizenship and Immigration)*, 2019 FC 148 [*Huang 148*] at para 28-31.

[13] The matter presently before the Court (and in cases such as *Huang 148*) involves a series of credibility findings, of which the issue regarding the lack of a summons is but one in a line. This situation is distinguishable in my view from the circumstances in *Huang v Canada (Citizenship and Immigration)*, 2019 FC 358, where the credibility finding regarding the lack of a summons drove, and hence unreasonably undermined, the RPD's *sur place* analysis.

[14] Last, I am convinced that the RAD reasonably found insufficient credible evidence that the Applicant genuinely practised Christianity in China and in Canada. The RAD noted the Applicant's level of knowledge was not commensurate with his alleged history of genuine practice; the certificate of baptism and photos were merely evidence of events, not evidence of genuineness of practice; and the letter from the reverend only spoke to the Applicant's attendance rather than a genuine commitment to practice and learning. I find that this reasoning is internally coherent, within the RAD's specialized expertise, and subject to deference: *Huang v Canada (Citizenship and Immigration)*, 2019 FC 94 at para 23. I thus am not persuaded the RAD erred in this regard.

### III. Conclusion

[15] For the above reasons, I conclude the Decision is not unreasonable and I therefore dismiss the Applicant's judicial review application.

[16] Neither party proposed a question for certification and I find that none arises in the circumstances.

**JUDGMENT in IMM-8202-21**

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

1. The Applicant's judicial review application is dismissed.
2. There is no question for certification.

"Janet M. Fuhrer"

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Judge

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

**DOCKET:** IMM-8202-21

**STYLE OF CAUSE:** ZHUXIN LI v THE MINISTER OF CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** HELD VIA VIDEOCONFERENCE

**DATE OF HEARING:** FEBRUARY 20, 2023

**JUDGMENT AND REASONS:** FUHRER J.

**DATED:** JULY 27, 2023

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