Federal Court  Cour fédérale

Date: 20190807

Docket: IMM-5419-18

Citation: 2019 FC 1052

Ottawa, Ontario, August 7, 2019

PRESENT: Mr. Justice Gascon

BETWEEN:

QILING SU
WANYING JIANG
KATY JIANG SU

Applicants

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

I. Overview

[1] Ms. Qiling Su and her two daughters, Wanying Jiang and Katy Jiang Su, [together, the Applicants] allege that, in 2012, they left Honduras for China because of a man's improper conduct and threats. A few months later, they had to flee China because they were wanted by

China's Public Security Bureau [PSB] for their Falun Gong practice, and because Ms. Su would have to be sterilized in order to get her second daughter registered. When they arrived in Canada, they initially claimed refugee protection against China and later argued that they also suffered persecution in Honduras.

[2] The Refugee Protection Division [RPD] of the Immigration and Refugee Board of Canada refused their refugee claims under sections 96 and 97 of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA] [RPD Decision]. The RPD did not find credible the allegations of persecution in Honduras and found that the Applicants were able to regain their residency status in Honduras, and as such were excluded under Article 1E of the *Convention Relating to the Status of Refugees* [Convention]. Furthermore, the RPD did not find credible their allegations of persecution in China.

[3] The Applicants argue that the RPD erred in its assessment of their status in Honduras, of their risk of persecution in Honduras, and of their risk of persecution in China. More specifically, they claim that the RPD erroneously concluded that they were excluded from refugee protection on the basis of Article 1E of the Convention, and that the RPD's credibility assessments regarding their risks of persecution are ill-founded. They ask this Court to set aside the RPD Decision and to return the case to the RPD so that their request can be reassessed by a differently constituted panel.

[4] For the reasons that follow, I will dismiss this application. Having considered the RPD's findings, the evidence before the panel and the applicable law, I can find no basis for overturning

the RPD Decision. On both the application of Article 1E of the Convention and the credibility assessments, the evidence reasonably supports the RPD's findings, and the RPD's reasons have the qualities that make the decision reasonable in that it falls within a range of possible, acceptable outcomes defensible in respect of the facts and the law. There are therefore no grounds to justify this Court's intervention.

II. Background

A. *The factual context*

[5] Ms. Su and her first daughter Wanying are born in China and have Chinese citizenship. Her second daughter Katy is born in Honduras and has Honduran citizenship.

[6] In 2003, Ms. Su and her husband started operating a store in Honduras. A friend, Mr. Chen, often helped at the store. After her husband died in April 2012, Ms. Su felt weak and started to practice Falun Gong on the advice of a cousin. Ms. Su claims that, soon after in mid-April, Mr. Chen asked her to marry him, tried to have sex with her, and pressed her to transfer the business to him, which she all refused. Ms. Su further says that, a week later, she discovered that Mr. Chen raped her daughter Wanying. Mr. Chen allegedly threatened to kill them if they called the police, and confiscated their passports. In July 2012, while he was away, the family fled to China.

[7] In China, the family lived in Guangzhou, in the Guangdong province. Ms. Su reports that she could not register her second daughter Katy in the family "hukou" unless she got sterilized.

Ms. Su and her first daughter Wanying also say that they practiced Falun Gong, but the group they belonged to was raided by PSB agents in early August 2012 and three of its members were arrested. Ms. Su and her daughters hid at an aunt's house, but the PSB allegedly looked for them multiple times at Mr. Su's mother's and siblings' houses. Later in August, the Applicants left China with the help of an agent. They arrived in Canada in September 2012, through the United States, and sought refugee protection.

B. ***The RPD Decision***

[8] In a detailed 116-paragraph decision dated October 15, 2018, the RPD refused the Applicants' claims, because they were excluded under Article 1E of the Convention and their story lacked credibility.

[9] Regarding the Article 1E exclusion, the RPD reviewed in detail the allegations and the evidence and noted the following. Ms. Su testified that she had status in Honduras when she made her claim in Canada but that it had expired in 2017 because it had to be renewed every five years; she described no legal constraint to maintain her Honduran status, and that of her daughter Wanying, if they had wished to; Ms. Su left and returned to Honduras in 2008 and there was no evidence that she then lost her status for being out of the country; there was no evidence coming directly from Honduran officials on the loss of status, but only an affidavit from an articling student describing Ms. Su's conversations with a representative from the Honduran embassy, which did not mention that status had to be renewed every five years; a "code 12" appears on the reverse side of Ms. Su's resident alien card, which indicates that residency status has been obtained on the basis of family ties; and the Honduran residence cards of Ms. Su and her

daughter Wanying were not initially disclosed to Canadian authorities but were obtained through United States officials, which led the RPD to draw a negative inference.

[10] Applying the first part of the test set out in *Canada (Citizenship and Immigration) v Zeng*, 2010 FCA 118 [*Zeng*] for an Article 1E determination, the RPD mentioned the difficulty in determining whether the Applicants effectively had status in Honduras at the date of the hearing before it (i.e., October 1, 2018). If the Applicants had status in Honduras at that date, they would be excluded from refugee protection. However, given the lack of clear information from Honduran sources, the RPD assumed that they did not have status and continued to the second part of the *Zeng* test, namely, whether the Applicants previously had such status and lost it, or had access to such status and failed to acquire it. The RPD determined that they did previously have status in Honduras. As such, it moved to the last part of the *Zeng* test which requires a balancing exercise of various factors.

[11] The RPD found, on a balance of probabilities, that Ms. Su and Wanying voluntarily gave up their status and that they could reacquire it on the basis of their relationship with Katy, who is a Honduran citizen. Moreover, as part of its balancing exercise, the RPD considered the substantive nature of the refugee claim against Honduras, and notably the risk of persecution alleged by the Applicants. The RPD noted the inconsistent explanations given by Ms. Su for not having contacted anyone following the rape of her daughter Wanying. The RPD also drew a negative inference resulting from the lack of any evidence corroborating her allegations, since it would have expected that, after living in Honduras for over a decade, Ms. Su would have shared with someone else her concerns about Mr. Chen trying to marry her and to take over her

business, if not her concerns for her daughter's rape itself. The RPD gave little weight to the only corroborative evidence of the rape, a psychological assessment based on Wanying's self-reporting, which was completed merely two weeks before the initial scheduled date for the RPD hearing. The RPD expressed concerns that a diagnosis of post-traumatic stress disorder could be based on a single interview and without the use of testing instruments. The RPD also determined that, if Wanying suffered from psychological problems due to the rape she would have sought professional help earlier. The RPD further noted the inconsistent responses regarding why Wanying did not seek help earlier, as she first said she was told that a report was required for the RPD hearing but then stated that it was her own decision.

[12] The RPD acknowledged the presumption of truthfulness established in *Maldonado v Canada (Minister of Employment and Immigration)*, [1980] 2 FC 302 (FCA), but also noted that claimants must provide acceptable documentation in support of their refugee claim (*Owoussou v Canada (Minister of Citizenship and Immigration)*, 2004 FC 661 at para 12). In the end, the RPD found that there was insufficient credible evidence that the events alleged by the Applicants effectively happened in Honduras, and therefore concluded that the Article 1E exclusion prevented the Applicants from being granted refugee protection.

[13] The RPD could have ended its analysis there, but went on to consider the alleged risks of persecution in China.

[14] Regarding the sterilization feared by Ms. Su, the RPD found that Ms. Su would not be required to go through this procedure to register her daughter Katy, since no corroborating

evidence was presented. The RPD observed that a reform of the Chinese family planning policy implemented in 2016 now allowed for two children, that there was no evidence of forced sterilization in the Guangdong province since 2012, that the province has a liberal reputation in respect of family planning, and that it had de-linked fines for out-of-plan children and "hukou" registration. If Ms. Su was returned to China and had an additional child, the RPD noted that she would be subject to a fine, which does not amount to persecution (*Yu v Canada (Citizenship and Immigration)*, 2015 FC 61 at para 17).

[15] Concerning the Falun Gong practice and the pursuit by the PSB, the RPD acknowledged that the practice of issuing a summons or arrest warrant varies across China, but drew a negative credibility inference from the fact that no summons was issued to the Applicants despite the alleged multiple visits of the PSB and the arrest of three members of their own Falun Gong group (*Lan Cao v Canada (Citizenship and Immigration)*, 2012 FC 1398 [*Lan Cao*] at para 35; *Lin v Canada (Citizenship and Immigration)*, 2012 FC 1200 at para 30; *Zhang v Canada (Citizenship and Immigration)*, 2011 FC 654 [*Zhang 2011*] at paras 22-23). The RPD further found that the Applicants' ability to pass through airport security checkpoints using their own passport indicated that they were not pursued by the PSB, despite acknowledging the possible corruption of Chinese officials by a smuggler (*Liu v Canada (Citizenship and Immigration)*, 2017 FC 736 at para 20; *Lan Cao* at para 36). The RPD also noted that the Applicants only had basic knowledge of Falun Gong theory and practice. Therefore, the RPD concluded that there was insufficient credible evidence supporting these allegations.

[16] The RPD imported its adverse credibility finding into its assessment of the *sur place* claim based on the Applicants' Falun Gong practice in Canada, and rejected it as well. It gave little weight to photographs, since they did not confirm the genuineness of their practice, and to letters from people who did not appear at the hearing to be questioned.

C. *The standard of review*

[17] It is well established that the question of whether the facts allow to exclude a person under Article 1E of the Convention attracts a standard of review of reasonableness (*Majebi v Canada (Citizenship and Immigration)*, 2016 FCA 274 at paras 5-6; *Zeng* at paras 11, 34). With regards to the RPD's assessment of the credibility of the alleged persecution, reasonableness also applies (*Aguebor v Canada (Minister of Employment and Immigration)* (1993), 160 NR 315 (FCA) at para 4; *Lawani v Canada (Citizenship and Immigration)*, 2018 FC 924 [*Lawani*] at para 13). Since the jurisprudence has already established the applicable standard of review, there is no need to proceed to a further analysis of the standard of review (*Dunsmuir v New Brunswick*, 2008 SCC 9 [*Dunsmuir*] at para 62).

[18] Under the standard of reasonableness, the reviewing court must show deference to the decision under review, so long as it is justified, transparent and intelligible and falls "within a range of possible, acceptable outcomes which are defensible in respect of the facts and law" (*Dunsmuir* at para 47). In other words, the reasons behind a decision are reasonable if they "allow the reviewing court to understand why the tribunal made its decision and permit it to determine whether the conclusion is within the range of acceptable outcomes" (*Newfoundland*

and Labrador Nurses' Union v Newfoundland and Labrador (Treasury Board), 2011 SCC 62 [*Newfoundland Nurses*] at para 16).

[19] The standard of reasonableness requires to show deference to the decision-maker as it is "grounded in the legislature's choice to give a specialized tribunal responsibility for administering the statutory provisions, and the expertise of the tribunal in so doing" (*Edmonton (City) v Edmonton East (Capilano) Shopping Centres Ltd*, 2016 SCC 47 at para 33; *Dunsmuir* at paras 48-49). Under a reasonableness review, when a question of mixed fact and law falls squarely within the expertise of a decision-maker, "the reviewing court's task is to supervise the tribunal's approach in the context of the decision as a whole. Its role is not to impose an approach of its own choosing" (*Canada (Canadian Human Rights Commission) v Canada (Attorney General)*, 2018 SCC 31 at para 57). A high degree of deference is particularly required when, as in this case, the impugned findings relate to the credibility and plausibility of a refugee claimant's story, given the RPD's expertise in that regard and its role of trier of fact (*Lawani* at para 15).

III. Analysis

A. *Exclusion on the basis of Article 1E of the Convention*

[20] The Applicants first argue that the RPD erred in its assessment of their status in Honduras. They notably contest the finding that the "code 12" means that they acquired Honduran status by virtue of family ties, since "code 12" does not appear at the reverse of Ms. Su or Wanying's Honduran cards. Moreover, the cards are called "carné de extranjero residente"

rather than “carné de residente”, and as such the explanatory document entitled “Honduras: signification of code 12 that appears on the reverse side of the resident alien card (Carné de residente)” would not apply. The Applicants point to similar words (i.e., “clase 12”) appearing in Ms. Su’s Chinese passport, but submit that this does not correspond to the “code 12” described in the explanatory document. As such, they plead that the words “code 12” could not support the finding that Ms. Su and Wanying could reacquire their Honduran status on the basis of their relationship with Katy. The Applicants further argue that the Honduran cards’ expiry date and the information provided by the embassy corroborate the fact that Ms. Su and Wanying no longer have any entitlement to residency in Honduras.

[21] I do not agree with the Applicants and do not share their reading of the RPD’s findings. I instead conclude that the RPD could reasonably find that the Applicants had residency status in Honduras when they made their refugee claims and failed to disclose this information to Canadian authorities at that time, that they voluntarily gave up their status, and that they could reacquire it. In short, the RPD made no reviewable error in excluding the Applicants under Article 1E of the Convention.

[22] It is well established that claimants who arrive in Canada with status akin to nationality in a safe third country and who lose that status as a result of their own actions or inactions ought to be excluded under Article 1E (*Parshottam v Canada (Citizenship and Immigration)*, 2008 FCA 355; *Khatun v Canada (Minister of Citizenship and Immigration)*, 2005 FC 1043 at para 5). Article 1E of the Convention and section 98 of the IRPA are meant to preclude “asylum shopping”, in situations where a person already enjoys protection from a third country (*Zeng* at

para 1). This is consistent with the principle that refugee protection only comes into play when no alternative exists (*Canada (Attorney General) v Ward*, [1993] 2 SCR 689 at p 726). The refugee protection regime is intended to help people who need protection, not those who prefer to seek refugee protection in one country rather than another. This is why Article 1E of the Convention aims to prevent anyone who already has a status that is substantially similar to that of nationals of the country of residence from claiming status as a refugee or person in need of protection elsewhere.

[23] In *Zeng*, the Federal Court of Appeal described the three-part test applicable to determine if a person is excluded under Article 1E of the Convention:

> [28] [**1**] Considering all relevant factors to the date of the hearing, does the claimant have status, substantially similar to that of its nationals, in the third country? If the answer is yes, the claimant is excluded. If the answer is no, [**2**] the next question is whether the claimant previously had such status and lost it, or had access to such status and failed to acquire it. If the answer is no, the claimant is not excluded under Article 1E. If the answer is yes, [**3**] the RPD must consider and balance various factors. These include, but are not limited to, the reason for the loss of status (voluntary or involuntary), whether the claimant could return to the third country, the risk the claimant would face in the home country, Canada's international obligations, and any other relevant facts.
>
> [Numbering added]

[24] This is exactly what the RPD did in the Decision as it followed all three steps of the *Zeng* test before concluding that, based on the facts of this case, the Applicants could not benefit from refugee protection in Canada.

[25] I pause to note that the Applicants' arguments regarding the Honduran cards' expiry date and the information provided by the embassy only relate to their current status in Honduras, a point that was ruled in their favor by the RPD. Given the lack of clear information from Honduran officials, the RPD assumed that Ms. Su and her daughter Wanying did not currently have any status in Honduras. However, the test established in *Zeng* does not end there. At the third stage of the test, the RPD is required to balance the different factors at stake. As part of this balancing exercise, the RPD considered why the Applicants had lost their status, whether they could reacquire it, as well as the substantive nature of their claim of persecution in Honduras.

[26] I concede that, with regards to the "code 12" issue, the Applicants' observations have some merit. The document "Honduras: signification of code 12 that appears on the reverse side of the resident alien card (Carné de residente)" provides no indication as to the ability of Ms. Su and Wanying to regain residency based on family ties. It is also unclear whether this document applies only to "carné de residente" or also to "carné de extranjero residente" and, in any event, it gives no indication as to the codes appearing in passports.

[27] However, even though the RPD's finding that Ms. Su and Wanying could regain residency based on family ties may not be adequately supported by the "code 12" analysis, the RPD Decision "should be approached as an organic whole, without a line-by-line treasure hunt for error" (*Communications, Energy and Paperworkers Union of Canada, Local 30 v Irving Pulp & Paper, Ltd*, 2013 SCC 34 at para 54). In the present case, the ability to regain residency based on the family ties with Katy was only one of many factors assessed by the RPD. The RPD also

considered the lack of credibility of their fear of persecution in Honduras as well as the fact that they voluntarily gave up their status.

[28] Refugee claimants may be excluded under Article 1E of the Convention even if they have no current status in a third country. If their residency status in the third country has lapsed due to their lack of effort to renew it, the burden then shifts to the claimants to demonstrate why they could not have reapplied and obtained a new visa (*Mojahed v Canada (Citizenship and Immigration)*, 2015 FC 690 at paras 15-17; *Hassanzadeh v Canada (Minister of Citizenship and Immigration)*, 2003 FC 1494 at paras 22-24). The concern with voluntary renunciation to protection in a safe third country was recently expressed as follows in *Noel v Canada (Citizenship and Immigration)*, 2018 FC 1062:

> [27] I share the concern expressed by the Honourable Marshall Rothstein, then of this Court, about refugee protection claimants being able to voluntarily renounce the protection of one country and then to claim protection in another one:
>
> > . . . I would observe that if, by reason of their absence from Germany and sojourn in Canada, the applicants are, in effect, entitled to renounce the protection they received from Germany and claim protection from Canada, such a result is anomalous. In substance, it gives persons who have Convention refugee status in one country the right to emigrate to another country without complying with the usual requirements, solely by reason of their unilateral renunciation of the protection initially given to them by the first country. In effect, this means that they can "asylum shop" amongst countries who are signatories to the Geneva Convention and "queue jump" normal immigration waiting lists to the country of their choice. If this is the case, the applicants, who resided in Germany for ten years, may simply abandon Germany for Canada. They would have greater rights to emigrate to Canada than persons of German nationality. That is neither fair nor logical.
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> (*Wassiq v Canada (Minister of Citizenship and Immigration)*, [1996] FCJ No 468 (QL) at para 11)

[29] Here, the Applicants admitted that they had Honduran status when they applied for refugee protection, that they let it expire while awaiting their RPD hearing, and that they could have maintained their status if they had wished to. They provided no explanation for why they did not renew their status, apart from their fear of persecution in Honduras, which was found not to be credible. When considered as a whole, despite some imperfections related to the "code 12" finding, I am satisfied that the balancing exercise performed by the RPD was reasonable.

B. ***Persecution in Honduras***

[30] The Applicants also submit that the RPD erred in finding that they are not at risk in Honduras. First, they plead that Ms. Su gave consistent explanations for not contacting anyone following Wanying's rape: she did not tell her friends to avoid stigma, and she did not tell the police for fear of Mr. Chen's threats. Second, they argue that Ms. Su's desire to keep family matters to herself and not share her concerns with friends does not bear on whether or not they face a risk of persecution in Honduras. Third, they note that a rape victim's decision to seek therapy is personal and the fact that Wanying's decision was different from what the RPD panel would have done says nothing about whether the incident occurred. Fourth, they contest the weight given to the psychological report: they say that the RPD member was not qualified to determine that the psychologist should have interviewed Wanying multiple times or used testing instruments, and they add that the report does not merely restate the facts but provide an expert opinion on Wanying's psychological condition.

[31] I am not persuaded by the Applicants' arguments. Further to my review of the RPD Decision, I am satisfied that the RPD proceeded to a detailed analysis of the credibility of the Applicants' story, and that it could reasonably find it non-credible.

[32] Regarding the explanations given for not contacting anyone following the incidents in Honduras, whether the police or friends, the RPD reports that Ms. Su gave inconsistent explanations. The finding of inconsistency does not solely relate to the explanations provided for omitting to contact the police and friends. What the RPD found problematic was that, during her testimony, Ms. Su gave two different reasons for not contacting the police: she said that she was willing to contact the police but for Mr. Chen's threats, which is inconsistent with what she later said about the fact that people would become aware of the incident if the police was contacted and that she did not want anyone to know. The RPD further noted that she had not mentioned the shame on her family as an explanation in her narrative. These various inconsistencies reasonably support the RPD's finding.

[33] The Applicants further argue that the fact that Ms. Su did not share her concerns with friends should not have been considered in assessing the risk of persecution. I do not agree. It was certainly open to the RPD to conclude that, after more than ten years living in Honduras, it was unlikely that Ms. Su would not have told friends about the situation she was living. Leaving aside the alleged rape of her daughter, the RPD considered that Ms. Su should normally have shared with someone the fact that Mr. Chen wanted to marry her and take over her business. I find nothing unreasonable in such finding.

[34] With regards to the psychological report and the timing of Wanying meeting with a psychologist, I accept that the decision to seek help after a rape is a personal one. Indeed, the RPD did not suggest the opposite. However, further to a fulsome analysis, the RPD noted the inconsistent responses as to why Wanying did not seek help earlier. It also found that the decision to see a psychologist two weeks before the initial scheduled date for the RPD hearing, rather than during the six years that elapsed since the incident, reduced the weight that should be given to the report. The RPD further noted that the report was based on a single interview, with no use of testing instruments. In the circumstances, I find that it was open to the RPD to give little weight to the psychological report. I note that, as pointed out by the Minister, the Court has expressed its concern on reliance on such reports when the psychologist has only met the person once at the request of counsel, has made no treatment plan, and offers only clinical impressions rather than a complete diagnosis (*Chehade v Canada (Citizenship and Immigration)*, 2017 FC 293 at para 15).

[35] The overall problem with the Applicants' claim of persecution in Honduras was a lack of credible corroborative evidence, in a situation where the Applicants' credibility was already affected by the fact that they concealed their true status in Honduras by not initially providing their Honduran cards. I can detect no error in this finding made by the RPD.

C. *Persecution in China*

[36] Finally, the Applicants plead that the RPD erred in finding that they are not at risk in China because of their Falun Gong practice. They claim that their credibility cannot be affected by the absence of a summons, since the evidence indicates that the PSB exercises its authority to

issue summonses in various different ways (*Wang v Canada (Citizenship and Immigration)*, 2018 FC 1124 [*Wang*] at paras 39-44). They submit that the RPD's remark that Guangzhou is a large city that would document its interest in the Applicants is speculative and unsupported by the evidence. Further, they argue that the RPD's analysis of their identity as Falun Gong practitioners is superficial and does not provide examples of how their knowledge of Falun Gong is only basic.

[37] Again, I do not share the views expressed by the Applicants.

[38] When a credibility finding is based on a number of points, the decision must be read as a whole and this Court does not have to determine if each point is reasonable (*Zheng v Canada (Citizenship and Immigration)*, 2007 FC 673; *Jarada v Canada (Minister of Citizenship and Immigration)*, 2005 FC 409 at para 22).

[39] The RPD's finding about the Applicants' minimal knowledge of Falun Gong is not superficial, contrary to what the Applicants submit. During the hearing, the RPD member asked questions about a Falun Gong book and about specific Falun Gong exercises and their effect. Although Ms. Su did provide detailed answers on some occasions, she also provided very general answers at other times. The RPD's finding that the Applicants' Falun Gong practice is not genuine is based on a review of the totality of the evidence and on Ms. Su's failure to demonstrate an understanding of the exercises, principles and philosophies associated with Falun Gong. The fact that the reasons did not include specific examples does not render the RPD

Decision unreasonable, as the Court can look at the record in addition to the reasons for the purpose of assessing the reasonableness of a decision (*Newfoundland Nurses* at para 15).

[40] Concerning the absence of a summons, it was analyzed in detail by the RPD before concluding that it affected the Applicants' credibility. The RPD acknowledged that the issuance of summonses is not uniform across China, but then observed that, in this case, the Applicants alleged that the PSB visited family members multiple times and arrested members of their Falun Gong group. This is not a situation where the RPD simply determined that the lack of a summons affected credibility, with no acknowledgement that this is not a uniform practice in China or with no further analysis. What the Applicants ask this Court is to find that the absence of a summons could never affect credibility. This is not the state of the law. The RPD remains entitled to weigh the evidence regarding the issuance of warrants and summonses and to assess the particular factual context of each case (*Lan Cao* at para 35; *Liu v Canada (Citizenship and Immigration)*, 2011 FC 1045 at para 12; *Zhang 2011* at paras 22-23). True, other cases have suggested that negative credibility inferences should not be made solely on the basis that no summons was issued, since the PSB does not always issue such summonses (*Wang* at paras-39-44; *Zhang v Canada (Immigration, Refugees and Citizenship)*, 2018 FC 444 at para 16). However, nothing prevents the RPD from retaining this element as part of an adverse credibility finding in the specific context of a given case.

[41] As a final comment, I underscore that credibility is not assessed on a separate basis for each element of a refugee claim; it is rather assessed as a whole. In this case, the RPD provided numerous reasons for doubting the credibility of the Applicants' claims, including in relation to

the 2012 incidents in Honduras, to the sterilization in China, and to the minimal knowledge of the Falun Gong's principles. The adverse credibility finding was not solely based on the lack of a summons. As such, I do not find that the RPD's negative credibility finding regarding the Applicants' claim of persecution in China was unreasonable.

IV. Conclusion

[42] For the foregoing reasons, the application for judicial review of Ms. Su and her two daughters is dismissed. The RPD Decision is reasonable. It contains no reviewable error regarding the Article 1E exclusion, which includes an assessment of persecution in Honduras, or the assessment of persecution in China. In other words, the RPD not only found that the Applicants benefit from the protection of a safe third country, but also that they did not suffer persecution in China in the first place. Both of these findings would need to be mistaken in order for the Applicants to succeed, which is not the case here. On a standard of reasonableness, it suffices if the decision subject to judicial review falls within the range of acceptable, possible outcomes which are defensible in respect of the facts and the law. This is the situation here.

[43] The parties did not raise any serious questions of general importance for certification in their submissions, and I concur that there is none.

JUDGMENT in IMM-5419-18

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is dismissed, without costs.

2. No serious question of general importance is certified.

"Denis Gascon"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

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