

Federal Court



Cour fédérale

Date: 20210610

Docket: IMM-3633-20

Citation: 2021 FC 591

Ottawa, Ontario, June 10, 2021

PRESENT: Madam Justice Walker

BETWEEN:

HONGLIANG WU

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] Mr. Hongliang Wu is a citizen of China. He seeks judicial review of a July 27, 2020 decision of the Refugee Appeal Division (RAD) confirming the refusal of his refugee claim. The RAD agreed with the Refugee Protection Division (RPD) that Mr. Wu does not have a *sur place* claim in Canada and is neither a Convention refugee nor a person in need of protection.

[2] For the reasons that follow, Mr. Wu's application is dismissed.

I. Background

[3] Mr. Wu arrived in Canada on April 25, 2018 from China. He alleged that he fled China because he was wanted by the Chinese authorities in connection with his involvement in a Christian house church. Mr. Wu states that he attended the church as a volunteer and was not a Christian in China. He asserts that he became a Christian practitioner after arriving in Canada.

[4] The RPD rejected Mr. Wu's refugee claim because it found that his narrative regarding the events in China was not credible. The RPD concluded that he had not established his involvement with the house church and was not being sought and persecuted by the Public Safety Bureau (PSB) in China.

[5] With respect to Mr. Wu's *sur place* claim, the RPD concluded that he is not a committed member of his church in Toronto and is not a genuine Christian in Canada. The panel stated that the cumulative effect of its negative credibility findings on the central aspects of Mr. Wu's refugee claim undermined his overall credibility as a witness. Despite Mr. Wu's assertion that he only became a Christian after he arrived in Canada, the RPD found that his religious identity as a genuine Christian had not been established. Further, the RPD stated that Mr. Wu had presented no evidence that his participation in religious activity in Canada had been brought to the attention of the Chinese authorities.

[6] Mr. Wu appealed to the RAD on the basis that the RPD was wrong in its assessment of his *sur place* claim in Canada. Mr. Wu's primary argument on appeal was that the RPD erred in

finding that his discredited narrative of his activities in China was relevant to the assessment of his *sur place* claim.

II. Decision under review

[7] The RAD confirmed the RPD's decision that, on a balance of probabilities, Mr. Wu is not a genuine Christian and is neither a Convention refugee nor a person in need of protection. The RAD rejected Mr. Wu's argument that the RPD erred in taking into account its negative credibility findings regarding his practice of Christianity in China when assessing his *sur place* claim.

[8] The RAD confirmed the RPD's finding that Mr. Wu is not a genuine Christian in Canada. The panel stated that the RPD's conclusions that Mr. Wu did not attend a house church in China, was never arrested by the PSB and did not go into hiding, were relevant to his *sur place* claim. These conclusions defeat Mr. Wu's assertion that he developed his interest in Christianity during his volunteer activities with the church in China. In addition, the RAD found that the RPD was entitled to ask questions about the basic tenets of Mr. Wu's faith and that he struggled to provide testimony in this regard. Finally, the RAD concluded that there was no persuasive evidence before the RPD to suggest that his participation in Christian activities in Canada has come to the attention of the Chinese authorities or that he would be perceived to be a genuine Christian upon return to China.

III. Issue and standard of review

[9] The issue in this application is whether the RAD's decision is reasonable. Specifically, Mr. Wu submits that (1) the negative credibility findings made by the RAD has no relevance to the issue of whether he became a genuine Christian after he arrived in Canada; and (2) the RAD erred by subjecting his Christian knowledge to a microscopic examination, the same error committed by the RPD.

[10] The RAD's decision in this application is subject to review for reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 10, 23 (*Vavilov*); *Gao v Canada (Citizenship and Immigration)*, 2021 FC 271 at para 14).

[11] The Supreme Court in *Vavilov* set out guidance for reviewing courts in applying the reasonableness standard, emphasizing the importance of the decision maker's reasoning process and the outcome for the person affected by the decision (*Vavilov* at para 83). The hallmarks of a reasonable decision are an internally coherent and rational chain of analysis that is justified, transparent and intelligible in relation to the facts and law that constrain the decision maker (*Vavilov* at paras 85, 99; *Canada Post Corp. v Canadian Union of Postal Workers*, 2019 SCC 67 at para 31). Such a decision is entitled to deference by a reviewing court.

IV. Analysis

[12] The RAD considered Mr. Wu's *sur place* claim at length in its decision. Its analysis is threefold. The RAD explained the connection between Mr. Wu's lack of credible involvement

with the Christian church in China and his evidence regarding the development of his Christian beliefs in Canada. The panel then independently assessed Mr. Wu's inability to speak to the very basic principles of Christianity. The RAD concluded with its confirmation that there was no evidence his attendance and participation in a Christian church in Canada had come to the attention of the Chinese authorities.

[13] Mr. Wu's argument that the negative credibility findings made by the RAD were irrelevant to the issue of whether he became a genuine Christian once in Canada is not persuasive. Mr. Wu testified that his interest in Christianity began in China where he formed his first impressions of the religion. The RAD explained the relevance of the negative credibility findings as follows:

[29] [Mr. Wu]'s allegations were that his interest in Christianity took place as a result of circumstances which occurred in China. In other words, his practice of Christianity in Canada stems from the events that began in China. However, the RPD found that he was not a genuine Christian in China, and I agree. [...]

[14] The RAD stated that Mr. Wu informed Canadian authorities that he had learned about Christianity in China from a friend and attended a house church as a volunteer. The RPD and the RAD found that this evidence was not credible. Mr. Wu does not contest this or the panels' other negative credibility findings. Therefore, the starting premise of Mr. Wu's interest in Christianity is discredited.

[15] Mr. Wu relies on two judgments of this Court in support of the argument that his lack of participation in a Christian church in China is irrelevant to his *sur place* claim: *Chen v Canada (Citizenship and Immigration)*, 2014 FC 749 at para 58; *Huang v Canada (Citizenship and*

Immigration), 2012 FC 205 at para 32. In those cases, the Court states that the fact a refugee claimant was not a genuine practitioner of a particular religion in their country of origin does not mean the claimant has not become a practitioner since arriving in Canada.

[16] In my opinion, there is no inconsistency between the RAD's analysis and the Court's analysis in the two cases. The RAD did not determine Mr. Wu's *sur place* claim on the basis that he did not practice Christianity in China. Rather, the panel found that his explanation of the development of his interest in the religion was not credible. The RAD's analysis is similar to that of another RAD panel that was before me for review in *Han v Canada (Citizenship and Immigration)*, 2019 FC 858 (*Han*). Ms. Han had stated that her Christian practice in Canada was a continuation of her involvement in China (*Han* at para 43):

[43] In my view, the RAD's two-step analysis was transparent and intelligible. The Applicant positioned her *sur place* claim as a continuation of her Christian practices in China. Once that aspect of her claim was found to be fraudulent, the primary basis of her *sur place* claim fell away. Nevertheless, the RAD considered whether she had genuinely adopted and practiced her Christian faith while in Canada but concluded she had not.

[17] The RAD undertook the same two-step analysis of Mr. Wu's *sur place* claim. As a result, I find no reviewable error in the RAD's reliance on the negative credibility findings that undermine Mr. Wu's description of the source of his Christian beliefs as one element in its assessment of the *sur place* claim.

[18] Mr. Wu also submits that the RAD conducted a microscopic examination of his understanding of Christianity (*Wang v Canada (Citizenship and Immigration)*, 2012 FC 346 at para 9; *Zhang v Canada (Citizenship and Immigration)*, 2012 FC 503 at para 14).

[19] The RAD acknowledged that a refugee claimant is not required to show significant religious knowledge. The panel stated that the bar against which a claimant's knowledge must be assessed is low (see, for example, *Lin v Canada (Citizenship and Immigration)*, 2018 FC 1057 at paras 19-20 (*Lin*)). The RAD described the questions posed by the RPD regarding the first principles of Christianity and Mr. Wu's repeated struggles to respond. The description is detailed and depicts an individual who cannot provide answers to questions that were rephrased for him a number of times and that flowed from his sometimes circular responses. I find that it was open to the RAD to confirm the RPD's conclusion that Mr. Wu's lack of religious knowledge was indicative of a lack of genuine belief and practice (*Lin* at para 23). Mr. Wu's knowledge of Christianity was not commensurate with the duration and depth of his religious activities, including his attendance at bible classes for a year while in Canada (*Qi v Canada (Citizenship and Immigration)*, 2020 FC 400 at para 18).

[20] It is important to bear in mind that the RAD's adverse *sur place* determination is not based on one factor. The RAD found that Mr. Wu is not a genuine Christian practitioner in Canada and rejected his *sur place* claim because:

1. Mr. Wu's explanation of the development of his interest in Christianity while in China was not credible. The RPD's determination that he was not involved in a Christian church in China and was not pursued by the PSB because of any such involvement was relevant to the *sur place* claim for this reason;
2. Mr. Wu was not sincere in his practice of Christianity in Canada and could not explain the basic tenets of the religion; and
3. There was no persuasive evidence to suggest that Mr. Wu's participation in Christian activities in Canada has come to the attention of the Chinese authorities or that he would be perceived to be a genuine Christian upon any return to China. This conclusion is a critical part of the RAD's analysis because it addresses Mr. Wu's prospective risk.

[21] In summary, I find that the RAD's decision rejecting Mr. Wu's *sur place* claim reflects a rational chain of reasoning. The RAD intelligibly explains to Mr. Wu the basis of its finding that he does not face a serious possibility of persecution or risk of harm in China due to his religious activities in Canada. Overall, the decision is justified having regard to the evidence (*Vavilov* at para 99).

V. Conclusion

[22] Mr. Wu's application is dismissed.

[23] No question for certification was proposed by the parties and none arises in this case.

JUDGMENT IN IMM-3633-20

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is dismissed.
2. No question of general importance is certified.

"Elizabeth Walker"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

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