

**Date: 20070918**

**Docket: IMM-4756-06**

**Citation: 2007 FC 931**

**Toronto, Ontario, September 18, 2007**

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

**BETWEEN:**

**GUO LIANG LIN**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND IMMIGRATION**

**Respondent**

**REASONS FOR JUDGMENT AND JUDGMENT**

[1] The Applicant is an adult male citizen of the People's Republic of China. He entered Canada on August 3, 2005 and made a claim for refugee protection on the basis that he had a well founded fear of persecution in China, in particular from the Public Security Bureau, by reason of his religious beliefs as a member of an underground Roman Catholic church. A Member of the Immigration and Refuge Board (Refugee Protection Division) heard the matter and in a written decision dated July 25, 2006, rejected the claim. The Applicant was given leave to seek judicial review of that decision. For the reasons that follow the application will be dismissed.

[2] The Applicant's history can be stated briefly. He was born in China on October 20, 1977. He attended school for only about seven years, has limited education and is not proficient in the English language. He escaped China and fled to Australia where he made a refugee claim in 1997. That claim was rejected and in 2001, the Applicant returned to China. In January 2005, the Applicant claims that he started to attend an underground Roman Catholic church. There was one priest in charge. He attended "a couple of times". In March 2005, the Public Security Bureau apparently conducted a raid where the church was located. The Applicant claims that he fled, put himself in the hands of a smuggler and came to Canada in August 2005 where he made his refugee claim.

[3] The hearing before the Member was concerned with an investigation by the Member as to the Applicant's Roman Catholic beliefs and knowledge.

[4] The determination that the Member was required to make was twofold. One determination was whether the Applicant had religious beliefs in this case, Roman Catholic. The second was whether the Applicant would suffer a risk to his life or risk of cruel and unusual punishment or a danger of torture in China by reason of those beliefs.

[5] The Member addressed the first of those determinations, finding the evidence of the Applicant as to his beliefs an alleged member of an underground Roman Catholic church in China not to be credible. The Member was of the view, in respect of the second issue, that the claim respecting persecution was not be well-founded. At page 6 of her Reasons, the Member said:

*As no other reason was put forward as to the claimant's fear of persecution, I therefore find that the claimant would not be subjected to persecution, nor be subjected personally to a risk to his life nor a risk of cruel and unusual treatment or punishment nor to a danger of torture by any authority in the People's Republic of China.*

[6] The Member in coming to her decision did take into account the Applicant's lack of significant formal education and a letter from a Roman Catholic church in Toronto which described the Applicant as a "new member" who "will be accepted" with the Catholic faith.

[7] The Member summarized her findings at page 2 of her Reasons, stating that the Applicant "*... is not, nor has ever been, a Roman Catholic and was never a member of an underground Roman Catholic church in the People's Republic of China*". This finding is not patently unreasonable.

[8] There must be deference given to the Member in respect of those findings. As a result, the Application is dismissed, there is no question to be certified, there are no special reasons to award costs.

**JUDGMENT**

**For the Reasons given:**

**THIS COURT ORDERS AND ADJUDGES that:**

1. The application is dismissed;
2. There is no question for certification;
3. There is no order as to costs.

“Roger T. Hughes”

---

Judge

**FEDERAL COURT**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** IMM-4756-06

**STYLE OF CAUSE:** GUO LIANG LIN v. THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** Toronto, Ontario

**DATE OF HEARING:** SEPTEMBER 18, 2007

**REASONS FOR JUDGMENT  
AND JUDGMENT BY:** HUGHES J.

**DATED:** SEPTEMBER 18, 2007

**APPEARANCES:**

Ms. Nancy Myles Elliott FOR THE APPLICANT

Mr. Gordon Lee FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

Nancy Myles Elliott  
Barrister and Solicitor  
Markham, Ontario FOR THE APPLICANT

John H. Sims, Q.C.  
Deputy Attorney General of Canada FOR THE RESPONDENT