



**Date: 20120510**

**Docket: IMM-6859-11**

**Citation: 2012 FC 566**

**Toronto, Ontario, May 10, 2012**

**PRESENT: The Honourable Madam Justice Mactavish**

**BETWEEN:**

**YUQIONG WU**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**REASONS FOR JUDGMENT AND JUDGMENT**

[1] Yuqiong Wu's claim for refugee protection was rejected by the Refugee Protection Division of the Immigration and Refugee Board. The Board did not believe her story of persecution in China because of her religious faith, nor did it believe that she is currently a practicing Christian. The Board also concluded, in the alternative, that in the event that Ms. Wu is in fact a practicing Christian, she would be able to safely practice her faith in Guangdong province.

[2] For the reasons that follow, Ms. Wu has not persuaded me that the Board's decision was unreasonable. As a consequence, her application for judicial review will be dismissed.

### **The Board's Negative Credibility Findings**

[3] The Board provided four different reasons for finding Ms. Wu's story of her arrest and detention by the Public Security Bureau (PSB) because of her membership in an underground church not to be credible. Ms. Wu has only taken issue with one of these findings: the Board's concern about the failure of the PSB to leave a summons for Ms. Wu in the course of its various visits to her home in China.

[4] The Board was clearly aware of the documentary evidence indicating that the PSB does not always leave a summons with family members when it is seeking an individual. The Board then considered the circumstances of Ms. Wu's own case, and determined that a summons could reasonably have been expected to have been left at her home.

[5] Ms. Wu had claimed that the PSB had come looking for her on some five occasions, which, the Board found, suggested that they had more than a casual interest in her. The Board was also influenced by the fact that Ms. Wu lived in a major city, where it would be reasonable to assume that evidence of police interest would be documented.

[6] In the circumstances, it was reasonably open to the Board to conclude that the lack of a summons raised concerns about the credibility of Ms. Wu's story.

[7] I would also note that even if I had accepted that the Board erred in its finding with respect to the lack of evidence documenting the PSB's ongoing interest in Ms. Wu, the other, unchallenged, negative credibility findings made by the Board would still be sufficient to support its conclusion

that Ms. Wu's story was not true, that her general credibility was in doubt, and that her refugee claim had been made "on a fraudulent basis".

[8] While categorically rejecting Ms. Wu's story of her arrest and detention by the PSB because of her membership in an underground church, the Board did, however, seemingly leave open the possibility that Ms. Wu may have been a practicing Christian while she was in China: see the Board's reasons at para. 17.

[9] The Board then considered whether Ms. Wu was a practicing Christian in Canada. It noted the difficulties associated with assessing the sincerity of an individual's religious belief and recognized that Ms. Wu had been able to correctly answer questions about the Pentecostal faith.

[10] Based upon its earlier finding that Ms. Wu's story of persecution in China was "fraudulent", the cumulative effect of its negative credibility findings and "the totality of the evidence", the Board concluded that Ms. Wu was not currently a practicing Christian, and that she had joined a church in Toronto solely to support her fraudulent refugee claim.

[11] Ms. Wu's refugee claim is based upon what Justice Russell has described as "an almost generic set of facts": *Li v. Canada (Minister of Citizenship and Immigration)*, 2011 FC 941, [2011] F.C.J. No. 1166 (QL) at para. 26. The Board is regularly confronted by claims by individuals alleging to be Christians, most often from Fujian or Guangdong province, who provide not-dissimilar descriptions of the persecution they claim to have suffered on account of their religious

faith. Some of these claims have merit, others do not. The Herculean task for the Refugee Protection Division is to separate the legitimate claims from the illegitimate ones.

[12] The assessment of a refugee claimant's credibility is always difficult, and is made all the more challenging where, as here, what is required is the evaluation of the sincerity of a person's religious faith. This is a very difficult task – one that does not readily lend itself to precise measurement on the basis of objective criteria, as religious faith is such an intensely personal matter.

[13] In this case, the Board was in the best position to gauge Ms. Wu's credibility. It determined that she had manufactured a tale of arrest and detention at the hands of the PSB in order to support her refugee claim, and I have found that this determination was reasonable. It was also reasonable for the Board to rely on Ms. Wu's general lack of credibility to find that she was not currently a practicing Christian, and that she had joined a church in Toronto solely to support her refugee claim.

[14] In light of my conclusion that the Board's finding that Ms. Wu is not currently a practicing Christian was reasonable, it is not necessary for me to address the Board's alternate finding that if she was in fact a Christian, Ms. Wu would be able to practice her faith in Guangdong province.

### **Conclusion**

[15] There are thus no grounds upon which I can interfere with the Board's decision and for these reasons, the application for judicial review is dismissed.

[16] Ms. Wu has proposed a question for certification relating to the definition of religious persecution. Given the basis upon which this case has been decided, the answer to the question would not be determinative of the outcome. Consequently no question will be certified.

**JUDGMENT**

**THIS COURT ORDERS AND ADJUDGES that:**

1. This application for judicial review is dismissed; and
2. No serious question of general importance is certified.

“Anne Mactavish”

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Judge

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

**DOCKET:** IMM-6859-11

**STYLE OF CAUSE:** YUQIONG WU v. THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** Toronto, Ontario

**DATE OF HEARING:** May 10, 2012

**REASONS FOR JUDGMENT  
AND JUDGMENT:** MACTAVISH J.

**DATED:** May 10, 2012

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