

Federal Court



Cour fédérale

**Date: 20140919**

**Docket: IMM-3535-13**

**Citation: 2014 FC 900**

**Ottawa, Ontario, September 19, 2014**

**PRESENT: The Honourable Mr. Justice O'Reilly**

**BETWEEN:**

**MINQIN ZENG**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

I. Overview

[1] Ms. Minqin Zeng sought refugee protection in Canada claiming that she was persecuted in China as a Catholic Christian. She maintained that she was a member of an underground church in Fujian province, and that the church had been raided by the Public Security Bureau

while she was in Canada to attend her brother's funeral. She contends that the PSB will arrest her if she returns to China.

[2] A panel of the Immigration and Refugee Board dismissed Ms. Zeng's claim based on a lack of credible evidence. Ms. Zeng argues that the Board's decision was unreasonable because its credibility findings were unsupported. She asks me to overturn the Board's decision and order another panel to reconsider her claim.

[3] I cannot conclude that the Board's decision was unreasonable. The Board had valid reasons for doubting Ms. Zeng's evidence and its conclusion fell within the range of defensible outcomes based on the law and the facts before it. I must, therefore, dismiss this application for judicial review.

[4] The sole issue is whether the Board's decision was unreasonable.

## II. The Board's Decision

[5] The Board noted a number of areas where Ms. Zeng's evidence was problematic:

- Ms. Zeng testified that a friend had told her that the existence of their church must be kept secret because it was unregistered. However, in her written narrative, she stated that she did not become aware that the church was underground until later.
- Ms. Zeng did not express any concern about the possibility of the church being raided, or any fear about the impact her arrest might have on her child.

- Ms. Zeng stated that the church had a priest, but that he never attended during the year that she participated in services. The Board found this implausible given the central role of the priest in Catholicism.
- Ms. Zeng failed to mention that the church service included a prayer for the Pope, which is normally part of a Catholic ceremony.
- The church had been raided only once during its six years of existence. The fact that the raid took place while Ms. Zeng was in Canada seemed to be an unlikely coincidence.
- The account of the raid that Ms. Zeng received from a friend who allegedly witnessed it seemed contrived. The friend purportedly stayed near the house to watch the raid, putting herself at risk of arrest.
- Ms. Zeng waited nearly ten months after the raid to make her refugee claim. Her delay put in doubt her subjective fear of persecution.
- Ms. Zeng stated that the PSB did not leave a summons or arrest warrant at her home, even though they made several visits there. The Board acknowledged that practices vary in China with respect to summonses and warrants. Still, it was likely that some form of written process would have been left at her home after so many visits.
- Documentary evidence did not contain any recent reports of raids on, or suppression of, underground churches in Fujian province.

- The Board accepted that Ms. Zeng was a member of a Catholic church in Canada and understood Christian beliefs and practices. However, this evidence could have been manufactured simply to support her claim; it did not mean that she was a genuine Christian. But, even if she were, the evidence did not support a well-founded fear of persecution in China.

[6] Overall, the Board found Ms. Zeng's evidence to be unpersuasive and concluded that she had not shown more than a mere possibility that she would experience religious persecution in China.

### III. Was the Board's decision unreasonable?

[7] Ms. Zeng argues that the Board rejected her evidence on flimsy and unsupportable grounds. She suggests that the Board's overall approach to her claim was influenced by its doubt about her reasons for joining an underground church to begin with. She also maintains that certain aspects of her claim were not implausible. For example, the fact that the raid on her church took place in her absence was not so unlikely that her testimony on that point should be disbelieved. Similarly, the fact that a priest had not attended her church was not only possible but consistent with documentary evidence showing that priests are at risk of punishment if found to be officiating at church services. Regarding summonses and warrants, the documentary evidence shows that practices vary throughout China and no reliable inference can be drawn from their absence in a particular case. Finally, the documentary evidence shows that religious persecution of Christians and Catholics is prevalent in China.

[8] While Ms. Zeng disputes the Board's treatment of some of the evidence, I cannot conclude that the Board's conclusion was unreasonable. The Board questioned Ms. Zeng about her reasons for joining an underground church, but I can see no basis for her suggestion that her answers caused the Board to doubt her claim as a whole. As mentioned above, the Board explained why it found certain elements of her evidence implausible, noted that Ms. Zeng's conduct was inconsistent with a subjective fear of persecution, and provided a reasonable assessment of the documentary evidence. Most importantly, the Board found no support in that evidence for Ms. Zeng's claim to be at risk of religious persecution in Fujian. Regarding the absence of a summons or warrant, it was open to the Board to conclude that the PSB would likely have left one or both of those documents with Ms. Zeng's family given the number of visits allegedly made to the home (see, e.g., *Chen v Canada (MCI)*, 2012 FC 796, at para 10).

[9] In my view, in light of the evidence before it, the Board's conclusion fell within the range of defensible outcomes; it was not unreasonable.

#### IV. Conclusion and Disposition

[10] The Board's analysis and conclusions were not unreasonable based on the evidence before it. Therefore, I must dismiss Ms. Zeng's application for judicial review. Neither party proposed a question of general importance for me to certify, and none is stated.

**JUDGMENT**

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

1. The application for judicial review is dismissed; and
2. No question of general importance is stated.

"James W. O'Reilly"

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Judge

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

**DOCKET:** IMM-3535-13

**STYLE OF CAUSE:** MINQIN ZENG v THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** JULY 24, 2014

**JUDGMENT AND REASONS:** O'REILLY J.

**DATED:** SEPTEMBER 19, 2014

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