

Federal Court



Cour fédérale

**Date: 20150120**

**Docket: IMM-1589-13**

**Citation: 2015 FC 62**

**Ottawa, Ontario, January 20, 2015**

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

**BETWEEN:**

**JUAN LIN**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

I. Overview

[1] In 2010, Ms Juan Lin sought refugee protection in Canada based on her fear of religious persecution in Fujian province, China. She claimed that the Public Security Bureau raided a Catholic prayer group she hosted in her home. The PSB allegedly seized religious objects, then took Ms Lin to the police station where she was brainwashed over the course of several hours. The police released her, advising her to attend a state-approved church in the future, and

requiring her to report weekly for further questioning. When she missed one meeting during her university exams, she says the police visited her again and told her she would be arrested if she missed another appointment. Fearing arrest, Ms Lin engaged a smuggler to help her flee to Canada.

[2] A panel of the Immigration and Refugee Board dismissed Ms Lin's refugee claim because it disbelieved her account of events. Further, based on the available documentary evidence, it concluded that Ms Lin would be free to practice her faith in her home province of Fujian.

[3] Ms Lin argues that the Board's decision was unreasonable because its adverse credibility findings were unsupported by the evidence before it. Additionally, she maintains that the Board overlooked evidence supporting her fear of religious persecution in Fujian. She asks me to quash the Board's decision and order another panel to reconsider her claim.

[4] I can find no basis for overturning the Board's decision. Its credibility findings were, in fact, supported by the evidence before it. Further, the Board reasonably concluded from the documentary evidence that the risk of religious persecution in Fujian was low. Therefore, I must dismiss this application for judicial review.

## II. The Board's Decision

[5] The Board rejected Ms Lin's account of her treatment by the PSB primarily because she had failed to say anything about it when she arrived in Canada. She was specifically asked at the

border whether she had been arrested or detained in China. She said no. Further, she did not mention that the PSB raided her home, detained her, required her to report weekly, and threatened her with arrest if she failed to do so. She told the Board that she did not consider her detention for questioning to be an arrest, and that she was nervous when she arrived in Canada. The Board concluded that Ms Lin's explanations did not satisfactorily account for her omissions.

[6] The Board was also concerned about the lack of corroborating evidence. The PSB had prepared an arrest warrant, but Ms Lin was unable to produce a notice of detention or a search warrant. Ms Lin submitted a summons, but the Board found that it was likely fraudulent. It noted that fake documents can easily be obtained in China; in fact, Ms Lin travelled to Canada with a false passport. In addition, the presence of writing over the seal on the summons suggested that it had been interfered with. Finally, Ms Lin had not provided evidence about the source of the document.

[7] Regarding the situation in Fujian, the Board reviewed the relevant documentary evidence. It found that Catholics are persecuted in some parts of China but there was little evidence supporting Ms Lin's fear of persecution in Fujian. The Board cited a statement of the President of the Cardinal Kung Foundation to the effect that Fujian is one of the worst areas for persecution of Catholics, but found no documentary evidence supporting that opinion. The Board went on to find that Ms Lin would be able to proselytize in Fujian, so long as she did not do so in public areas.

[8] Therefore, the Board concluded that Ms Lin had failed to show a serious possibility that she would be persecuted or subjected to mistreatment if she returned to China.

III. Was the Board's decision unreasonable?

[9] Ms Lin contends that the Board unreasonably rejected her explanations for failing to mention her arrest and subsequent treatment by the PSB when she arrived in Canada. In fact, she points out that she did state on her arrival that she feared arrest on religious grounds, which was consistent with the basis of her refugee claim.

[10] Ms Lin also submits that the Board's treatment of the corroborating evidence, and the lack of corroborating evidence, was unreasonable. The Board presumed that, because the PSB had issued an arrest warrant, it would also have provided a detention notice and a search warrant. She maintains that there was no documentary evidence to support that finding. Further, she contends that the Board's conclusion that the summons was fraudulent was based on false reasoning. The fact that fake documents are widely available, and that Ms Lin had been able to obtain a false passport, does not necessarily mean that the summons is fraudulent. In addition, the existence of writing over the seal does not, in her view, necessarily suggest that the document is inauthentic.

[11] Regarding the situation in Fujian, Ms Lin argues that the fact that the documentary evidence does not describe specific instances of arrests or detention of Catholics does not mean that persecution does not occur. In fact, some evidence before the Board indicated that persecution is prevalent in Fujian. Ms Lin also disputes the Board's finding that she could

proselytize in Fujian. The evidence cited by the Board shows that there are serious limits on this aspect of her religious freedom.

[12] I cannot agree with Ms Lin's submissions. In my view, the Board's findings were reasonable.

[13] Regarding her omissions at the border, the Board reasonably found that Ms Lin's explanations were inadequate. This was not a situation where she had merely omitted details, or had genuine grounds to withhold information (see *Ratnavelu v Canada (Minister of Citizenship and Immigration)*, 2005 FC 938, at para 8; *Hamdar v Canada (Minister of Citizenship and Immigration)*, 2011 FC 382, at para 48). By contrast, in response to direct questions, Ms Lin failed to mention the events at the core of her claim.

[14] With respect to the corroborating evidence, or lack thereof, the Board was reasonably concerned about the authenticity of the summons, particularly given the absence of evidence regarding its source. Ms Lin said it was mailed to her by a family friend because her father was afraid of corresponding with her. Yet, her father did send her a number of other documents, casting doubt on her explanation. Further, Ms Lin could not provide the envelope in which the summons had been sent.

[15] In addition, even if the Board had accepted that the summons was genuine, Ms Lin had failed to explain the absence of other police documents that might have been available to support her claim. It appears that the PSB would not have issued her a detention notice because she was

only detained for a number of hours and not formally arrested. However, the Board reasonably concluded that Ms Lin would likely have been issued a search warrant.

[16] The Board carefully reviewed the documentary evidence relating to the situation in Fujian. It accepted that the evidence was mixed, but concluded that the absence of reports of persecution, including the lack of any mention of a raid on Ms Lin's prayer group, probably meant that there was no serious possibility of persecution there. The Board also found documentary evidence suggesting that Ms Lin would be free to proselytize within her circle of family and friends. She would not be permitted to spread her religious views in public spaces; however, she did not express any desire to do so.

[17] In the face of this evidence, I cannot find that the Board's conclusions were unreasonable.

#### IV. Conclusion and Disposition

[18] The Board's credibility findings and conclusions regarding the possibility that Ms Lin would face religious persecution in Fujian represented defensible outcomes based on the law and the evidence before it. They were not unreasonable. Therefore, I must dismiss this 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.
2. No question of general importance is stated.

"James W. O'Reilly"

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Judge

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

**DOCKET:** IMM-1589-13

**STYLE OF CAUSE:** JUAN LIN v THE MINISTER OF CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** SEPTEMBER 25, 2014

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

**DATED:** JANUARY 20, 2015

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