

Federal Court



Cour fédérale

Date: 20150107

Docket: IMM-5429-13

Citation: 2015 FC 16

Ottawa, Ontario, January 7, 2015

PRESENT: The Honourable Mr. Justice Zinn

BETWEEN:

**SHUZHEN ZHENG
(A.K.A SHU ZHEN ZHENG)
SHUYI ZHENG
SULING LIANG
(A.K.A. SU LING LIANG)
WEIFENG ZHENG**

Applicants

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] The applicant family challenges the decision of the Refugee Protection Division of the Immigration and Refugee Board dismissing their claims for protection. Shuzhen Zheng, his wife Suling Liang, and their children Shuyi Zheng and Weifeng Zheng, are citizens of the People's

Republic of China from Guangdong Province. The applicants claim to fear persecution in China because of their Christian faith. Suling Liang also fears persecution on account of mental illness.

[2] The Board Member asked the applicants somewhat detailed questions about Christianity and concluded, based on their evidence that although they professed to regularly read the Bible and attend church in Canada, that they were not Christians as claimed:

It appears that the claimants have learned a few facts about the Christian faith, but when asked to explain simple aspects of that faith, they are unable to do so. While it is true that there are many Christians, who have limited knowledge of their faith and the bible, the panel must consider of the claimants' knowledge is reasonable in the context of their alleged religious profile. Given the principal claimant's devotion to reading the bible, and his commitment to attending church and bible study classes, it is reasonable to expect a high level of knowledge and understanding of the Christian faith. However, the principal claimant's knowledge was limited. The knowledge that the claimant does possess could easily have been acquired while he has been in Canada. The panel draws a negative inference from the claimant's limited knowledge given his alleged religious profile.

The panel finds, on a balance of probabilities, and in the context of findings noted above, that the claimants joined a Christian church in Canada only for the purpose of supporting a fraudulent refugee claim. In the context as noted above, and on the basis of the totality of evidence as disclosed and in the context of the claimant's knowledge of Christianity, the panel finds that the claimants are not genuine practicing Christians, not would they be perceived to be in China.

[3] The applicants submit that this court has held that determining whether one is a member of a particular religion is a low bar that does not require an in depth analysis into sincerity or a claimant's ability to demonstrate religious knowledge: See *Huang v. Canada (Minister of Citizenship and Immigration)*, [2012] FC 1002, and *Lin v Canada (Minister of Citizenship & Immigration)*, 2012 FC 288. They argue that the Board Member placed an unreasonably high

burden on them to prove that they were genuine Christians. They point out that they were able to answer basic questions about their faith, and submitted certificates of Baptism and a letter from their Reverend.

[4] In my view, it is not appropriate for a Board Member to simply accept a claimant's assertion of his or her religious faith without properly testing it. Here, the Board Member asked the claimants about their religious observations and correctly noted that the principal claimant testified that he routinely read the Bible, attended church weekly, and also attended Bible study. Given that background, and the period of time he claimed to have been a Christian, the Board's assessment that one would have expected him to have a high level of knowledge and understanding of Christianity is not unreasonable. Having reviewed the transcript of the evidence of the applicants, their knowledge of their professed faith can best be described as cursory. It is not what one would expect given their evidence of their devotion to the faith. As such, the Member's finding cannot be said to be unreasonable.

[5] In any event, the Member's finding that they would be free to practice Christianity in Guangdong Province was based a thorough analysis of the objective evidence before him. He addresses each document and indicates why it is or is not persuasive. While one may disagree with the analysis, the conclusion and reasoning is within the realm of reasonableness being justified, transparent and intelligible.

[6] The final area of concern is the manner in which the Board dealt with the mental illness of Suling Liang. The Board Member concluded that she "is expected to make a full recovery"

based on a statement made by her doctor that “[s]he may need longer term treatment before her symptoms completely remit” which, the decision states, was agreed to by counsel to be a reasonable conclusion. The applicants submit that counsel offered no such agreement, and further that the finding is unreasonable when considered in light of a second letter from a different doctor, which states:

She has started to improve but still does not appreciate that her thinking and behaviour are due to an illness. Since she remains paranoid, I do not believe that she can, at this time, appreciate the nature of the proceedings involved in her refugee claim. Her judgment is influenced by psychotic beliefs so she cannot properly instruct counsel not, as her physician, would I allow her to testify at a hearing in such a condition.

I hope this answers any questions you may have. I expect this patient to improve with proper treatment. At that time she will likely be capable of doing all of the above. [emphasis added.]

[7] The opinion relied upon by the Member was the most current, being written 17 months after the letter relied on by the applicants. It is alleged that there is an issue with the Member’s characterization of the letter as stating that she will achieve “full recovery.” While I agree that there is nothing in the record that supports the Member’s statement that counsel agreed with that interpretation, the letter itself does strongly support that characterization even absent agreement. Accordingly, it cannot be said to be an unreasonable interpretation of the evidence.

[8] For these reasons, the application will be dismissed. No question was proposed for certification.

JUDGMENT

THIS COURT'S JUDGMENT is that this application is dismissed and no question is certified.

"Russel W. Zinn"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-5429-13

STYLE OF CAUSE: SHUZHEN ZHENG ET AL v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: DECEMBER 11, 2014

JUDGMENT AND REASONS: ZINN J.

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