

Federal Court



Cour fédérale

**Date: 20240319**

**Docket: IMM-11717-22**

**Citation: 2024 FC 430**

**Ottawa, Ontario, March 19, 2024**

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

**BETWEEN:**

**DINH CUONG VU**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND IMMIGRATION**

**Respondent**

**AMENDED JUDGMENT AND REASONS**

I. Overview

[1] In 2019, Mr Dinh Cuong Vu, a citizen of Vietnam who adheres to the Hoa Hao Buddhist faith, arrived in Canada. He says he fled Vietnam because police officers had beaten and arrested Buddhist congregants of a house temple in the town where his wife's parents lived. After his arrival in Canada, he learned that the police had raided more house temples and that a friend had been arrested. Mr Vu sought refugee protection in Canada due to his fear of religious persecution in Vietnam.

[2] A panel of the Refugee Protection Division found Mr Vu not to be credible and dismissed his claim. Mr Vu appealed the RPD's decision to the Refugee Appeal Division. The RAD, while finding Mr Vu to be credible, concluded that there was no more than a mere possibility that Mr Vu would experience religious persecution if he returned to Vietnam. He might face discrimination and harassment, but not persecution.

[3] Mr Vu submits that the RAD's decision was unreasonable because it failed to take adequate account of documentary evidence showing persecution of Hoa Hao Buddhists in Vietnam. Further, he argues, the RAD took a narrow view of what amounts to religious persecution. He contends that any limit on religious freedom amounts to persecution. Mr Vu asks me to quash the RAD's decision and order another panel to reconsider his appeal.

[4] I can find no basis for overturning the RAD's decision. The RAD weighed the relevant evidence showing that religious persecution in Vietnam is confined to those who engage in political activities. Mr Vu was not involved in any political activity, so the RAD's conclusion was not unreasonable on the evidence. I must, therefore, dismiss this application for judicial review.

[5] The sole issue is whether the RAD's decision was unreasonable.

## II. The RAD's Decision

[6] The RAD began by accepting Mr Vu's submission that the RPD had erred in finding that he was not a genuine practitioner of Hoa Hao Buddhism. However, the RAD went on to find that

Mr Vu would not face a serious risk of religious persecution if he returned to Vietnam. The evidence showed that returning Hoa Hao practitioners might be denied entry or monitored, but only if they were regarded as being politically active.

[7] Similarly, the RAD found that Mr Vu would probably not experience persecution in Vietnam since he had not engaged in any political activities. Documentary evidence showed that Hoa Hao Buddhists are generally allowed to practice their religion freely, so long as they do not take political positions. However, some are subjected to a moderate risk of discrimination.

[8] The RAD also noted that the government of Vietnam exercises some regulatory control over religious activity, including requiring registration and approval for some activities. Unregistered groups, including members of Hoa Hao Buddhism, may be subjected to surveillance, harassment and intimidation. Typically, however, the government responds to political activity by religious groups, not religious practices alone.

[9] The RAD considered a letter from Mr Vu's wife in which she stated that a friend of Mr Vu had been arrested and that the police had visited the wife's house looking for Mr Vu. She also stated that some Hoa Hao Buddhists had fled the area to escape arrest. The RAD found that the letter lacked detail. While the police may have been looking for Mr Vu, there was no evidence that their search was related to his religious activity.

[10] The RAD also considered additional documentary evidence that Mr Vu had submitted to the RPD. The RAD found that the media articles Mr Vu provided were consistent with the other

documentary evidence it had addressed. That evidence showed that religious groups are not completely free in Vietnam. Again, however, the groups that experience persecution are those that engage in political activities. The RAD found that the existence of some limitations on religious freedom does not mean that members of religious groups are subject to persecution. The RAD noted that some documentary reports describe “persecution” of religious groups. But it found that the word “persecution” was being used by the authors of those reports in a “colloquial” sense, not a legal one.

### III. Was the RAD’s Decision Unreasonable?

[11] Mr Vu argues that the RAD failed to recognize that any state limits on the free exercise of religion amount to persecution. Accordingly, he contends, any person whose ability to practise their religion is limited by the state experiences persecution, even if they do not engage in any political activity. Further, there was no basis for the RAD to discount references to persecution in the documentary by characterizing them as “colloquial” because there is no prescriptive definition of “persecution.”

[12] Mr Vu also points out that the RAD specifically stated that it would be considering certain documentary evidence (items 2.4 and 2.12 of the National Documentation Package NDP), but the RAD never referred to those items in its decision. That evidence showed that religious activities are strictly controlled in Vietnam and that those who practice outside of government regulations may face harassment, intimidation, or even detention.

[13] While I accept Mr Vu's observation that the RAD's treatment of the evidence could have been more thorough, I cannot conclude that its decision was unreasonable.

[14] The RAD was alert to the limitations on religious freedom in Vietnam and considered the bulk of the documentary evidence available to it. The preponderance of that evidence showed that the risk of persecution fell mainly on religious actors who pursued political goals. Therefore, the RAD's conclusion, that the risk faced by Mr Vu was no more than a mere possibility, was not unreasonable in the circumstances.

[15] I must, therefore, dismiss this application for judicial review.

#### IV. Conclusion and Disposition

[16] The RAD conducted a fair assessment of the evidence and arrived at a conclusion that was transparent, intelligible, and justified; it was not unreasonable. I must, therefore, dismiss this application for judicial review. Neither party proposed a question of general importance for me to certify, and none is stated.

**JUDGMENT IN IMM-11717-22**

**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"  
Judge

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

**DOCKET:** IMM-11717-22

**STYLE OF CAUSE:** DINH CUONG VU v THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ON

**DATE OF HEARING:** FEBRUARY 21, 2024

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

**DATED:** MARCH 19, 2024

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