

Date: 20090303

Docket: IMM-3593-08

Citation: 2009 FC 219

Ottawa, Ontario, March 3, 2009

PRESENT: The Honourable Mr. Justice Harrington

BETWEEN:

CHAN CHEN

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

REASONS FOR ORDER AND ORDER

[1] Ms. Chen says she is afraid to return to China for several reasons. Her parents want her to marry the abusive son of the Chief of the Public Security Bureau in Changle City. She fled once to Fuzhou City but fortunately left her friend's house before her betrothed and a local PSB officer arrived looking for her. Furthermore she is an unwed mother and has given birth to a child in Canada. Were she to return she is afraid she would be sterilized, as part of China's one-child policy.

[2] This is the judicial review of a negative decision of the Immigration and Refugee Protection Board. The Board found her subjective fears to be unduly speculative, and also found on the balance of probabilities that both state protection and an internal flight alternative were available to her. The Board doubted, despite her protestations, that her suitor would still be interested in her. Although some police have a poor reputation, the same does not really extend into domestic violence issues.

[3] The Board doubted the hearsay evidence recounted to Ms. Chen by her friend that her suitor and a local police officer came looking for her. Indeed the father's precise role in the police and the actual work district are in doubt. It was highly unlikely that an underling police officer could engage all the police in China to capture Ms. Chen so that she would be forced to marry his son. Moreover, that scenario is inconsistent with the fact that she left China on her own passport. Had the police been on the lookout she would have been stopped.

[4] With respect to sterilization, country documentation was somewhat vague as to what the situation actually is. Although it is apparently illegal for a single woman to give birth in China, the situation is unclear with respect to a child born to a single mother or to a couple outside China. Based on the country documentation, it was certainly open for the officer to consider that the worst result was that a social security fine would be imposed upon her.

[5] With respect to the internal flight alternative, Ms. Chen offered two reasons why that avenue was not available to her. One was that the police had already tracked her down, a point on which credibility was lacking, and the other was that she had never worked anywhere and could not

survive without the support of her parents. She was 25 years of age at the time of the hearing and educated (she has studied in Canada for some years). Again the Board was not satisfied.

[6] The Board's analysis of country documentation and findings on the facts before it were well within the range of reasonable possibilities and so the decision is not to be disturbed (*Dunsmuir v. New Brunswick*, 2008 SCC 9).

ORDER

THIS COURT ORDERS that:

1. The application is dismissed.
2. There is no serious question of general importance to certify.

“Sean Harrington”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-3593-08

STYLE OF CAUSE: Chan Chen v. MCI

PLACE OF HEARING: Toronto, Ontario

DATE OF HEARING: February 26, 2009

**REASONS FOR ORDER
AND ORDER:** HARRINGTON J.

DATED: March 3, 2009

APPEARANCES:

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