

Federal Court



Cour fédérale

**Date: 20111128**

**Docket: IMM-1779-11**

**Citation: 2011 FC 1369**

**Ottawa, Ontario, November 28, 2011**

**PRESENT: The Honourable Mr. Justice Rennie**

**BETWEEN:**

**HUI WANG**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**REASONS FOR JUDGMENT AND JUDGMENT**

***Introduction***

[1] This decision arises from an application for judicial review of a January 25, 2011 decision by the Refugee Protection Division of the Immigration and Refugee Board of Canada (the Board) that found the applicant to be neither a Convention refugee nor a person in need of protection under sections 96 and 97 of the *Immigration and Refugee Protection Act, 2001, c. 27 (IRPA)*. For the reasons that follow, the application is dismissed.

***Facts***

[2] The applicant, Mr. Hui Wang, is 23 years old. Before the Board he claimed that a friend introduced him to Christianity when his father's health failed. He testified that he then joined his friend's underground church. The church was apparently raided by the Public Security Bureau (PSB), but the applicant claims he was able to escape and went into hiding. According to the applicant, the PSB sought him out sixty to seventy times. The PSB left a summons at his home. Using fraudulent documents obtained from a *snakehead* the applicant left China and arrived in Canada on July 21, 2008. He made a refugee claim on July 24, 2008.

***Analysis***

[3] The determinative issues as viewed by the Board were the identity of the applicant as a citizen of China and his identity as a Christian. This Court agrees with counsel that if the Board's decision that the applicant failed to establish his identity as a citizen of China and person with Christian identity withstands judicial review, then the remainder of the Board's analysis was unnecessary and even if unsound, cannot affect the threshold question of identity.

***Chinese Citizenship***

[4] It was stated by Justice Luc Martineau in *Rasheed v Canada (Minister of Citizenship and Immigration)*, 2004 FC 587 that the "basic rule in Canadian law is that foreign documents (whether they establish the identity or not of a claimant) purporting to be issued by a competent foreign public office should be accepted as evidence of their content unless the Board has some valid reason to doubt of their authenticity." In the present application, the Board rejected the applicant's identity documents.

[5] It rejected the applicant's Resident Identity Card (RIC) on the basis that his testimony as to how and when he received the card was inconsistent and vague. The Board also rejected the RIC on the basis that the applicant did not know any of the numbers of his RIC.

[6] The applicant testified that his father had mailed his RIC to him from China to Canada. His testimony as to when he actually received the RIC was contradictory: he first claimed that he received the card when he was eleven years old, then testified that he received the card when he was sixteen years old. The Board found in its decision that the applicant "...appeared to be struggling to answer questions put to him." The Board also found that the applicant's testimony as to "...how and when he obtained his RIC was inconsistent and convoluted."

[7] The Board also noted the significant five month delay between the request that the original RIC be provided and its delivery to the Board.

[8] The applicant testified several times as to his agreement with the proposition that the RIC is the single most important identity document issued to an individual in China. However, when asked by the Tribunal Officer at his hearing what his RIC number was the applicant was unable to provide an answer. As the Board wrote in its decision:

The claimant's failure to know his RIC number is very concerning. The RIC number is a number which follows a resident of China throughout their life, a fact which the claimant acknowledges. The claimant's RIC number is comprised of the provincial address code, the date of birth which represents the first 14 of 18 numbers and four remaining numbers associated to the claimant. It is inconceivable that the claimant would not know his RIC number or that his date of

birth was embedded within the number. In this regard, the panel draws a negative inference.

[9] This Court agrees that the Board's conclusion that the applicant's inability to recall even the core elements of his RIC reasonably supported a serious doubt as to his identity. This, when combined with the shifting evidence as to the provenance of the card, the circumstances under which the first was lost and replaced, provided a sufficient evidentiary foundation for the conclusion on identity.

[10] That the applicant could not even state that his birth date, for example, was part of his RIC number. This observation underlies an important distinction made by the Board. The Board did not only find it inconceivable that the applicant did not know his RIC number, rather the fact that he did not know that eight of those numbers consisted of his birth date. To repeat, the Board stated:

It is inconceivable that the claimant would not know his RIC number or that his date of birth was embedded within the number. In this regard, the panel draws a negative inference.

[11] The applicant also contends that the Board erred in assigning the document "little weight". The Court need not address this except to say that it is open to an administrative decision maker to accord a particular piece of documentary evidence little probative value provided that reasons for doing so are supplied; *Marshall v Canada (Citizenship and Immigration)*, 2009 FC 622.

[12] The Board also rejected the RIC voucher for a second-generation card the applicant supplied to the Board because of his perceived lack of credibility with respect to the first RIC. It also rejected the Hukou he supplied, finding that it was linked to the questionable RIC.

[13] I accept counsel for the Attorney General's argument that, once the trier of fact comes to the conclusion that an applicant is not credible, in most cases, it will logically follow that the Board will not give the applicant's documents any probative value, unless the applicant can establish that the documents are genuine: *Hamid v Canada (Minister of Employment and Immigration)*, [1995] FCJ No 1293.

[14] In sum, the evidence below with respect to identity was not that the applicant did not know all 18 digits of his RIC. I agree with the applicant that if that were the case, the decision would be unreasonable. Here however, there was, as noted, further evidence which informed the conclusion including the fact that he did not know any of the numbers on his RIC, including his state address or date of birth, the five month delay in delivery of the RIC to the Board, and ambiguity as to its provenance.

[15] The application for judicial review is dismissed.

**JUDGMENT**

**THIS COURT'S JUDGMENT is that** the application for judicial review is dismissed. No question for certification has been proposed and the Court finds that none arises.

"Donald J. Rennie"

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Judge

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

**DOCKET:** IMM-1779-11

**STYLE OF CAUSE:** HUI WANG v. THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION

**PLACE OF HEARING:** Toronto

**DATE OF HEARING:** October 20, 2011

**REASONS FOR JUDGMENT  
AND JUDGMENT:** RENNIE J.

**DATED:** November 28, 2011

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