

Federal Court



Cour fédérale

**Date: 20141113**

**Docket: IMM-11556-12**

**Citation: 2014 FC 1062**

**Ottawa, Ontario, November 13, 2014**

**PRESENT: The Honourable Madam Justice Simpson**

**BETWEEN:**

**BAO MING XU**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

**(Judgment delivered orally in Toronto on November 7, 2013)**

[1] The Applicant's application for refugee status was denied by the Immigration and Refugee Board [the Board] in a decision dated October 23, 2012. The Board did not believe that the Applicant became a Falun Gong practitioner in the U.S.A. or that he continued to practice after he returned to China. The Board concluded that the Applicant's refugee claim was fraudulent and therefore rejected the Notice of Summoning he provided to show that he was

wanted by Chinese authorities. Finally, the Board also concluded that the Applicant's practice of Falun Gong in Canada was not genuine.

[2] In my view, the wholesale rejection of the Applicant's credibility was reasonable for the following reasons:

1. The Applicant's evidence about when he started his Falun Gong practice on a boat in China was inconsistent. At one point, he said January 2007 and at another, he said July 2007.
2. The Applicant's evidence was inconsistent about when he started his Falun Gong practice group. He said at one point that he started the group in 2007 but at another time, he said that the authorities had inquired about the group in October 2006.
3. The Applicant's evidence was inconsistent about the membership of his Falun Gong practice group. At one point, he said that it was comprised of members and relatives and at another time, he said it included members, relatives, friends and neighbours.
4. Lastly, the Applicant's evidence was inconsistent about the number of group members who were arrested after the PSB raid. In his Personal Identification Form, the number was four and in his testimony, the number was three.

[3] There are three issues:

Issue I: Was it reasonable for the Board to reject the PSB Notice of Summoning as a fraudulent document when other documents with similar appearance which arrived in the same package from China were accepted?

[4] In my view, the Board did not reject the Notice of Summoning simply because fraudulent documentation is available in China. The rejection occurred in the context of the finding that the claim about Falun Gong practice in China was fraudulent. In my view, it was reasonable to conclude that, if the Applicant had fabricated his claim, then the only document which supported that claim was also a fabrication.

Issue II: Did the Board impose too onerous a standard on the Applicant with regard to his knowledge of Falun Gong?

[5] The context is important on this issue. This Applicant had practiced Falun Gong for eight years before the hearing. Two of those years were spent in the United States where he practised daily on his own and weekly in a group. His testimony was that he read the Zhuan Falun six or seven times but that he didn't understand everything. This evidence was consistent with the fact that, although he could read, he had a Grade 5 education. On his return to China, he led a group of practitioners and taught four of the five exercises to the group.

[6] The Applicant relies on three decision of the Federal Court which say that the threshold for knowledge of a religion is quite low. See *Fang Chen v The Minister of Citizenship and Immigration*, 2007 FC 270 at para. 16; *Si Hui Huang v The Minister of Citizenship and Immigration*, 2008 FC 346 at paras. 10 and 11; and *Lien Lin v The Minister of Citizenship and Immigration*, 2012 FC 288 at paras. 59-61. However, these cases involved Applicants who had practiced Falun Gong for a short time compared to the Applicant in this case. As well, the Applicants in these cases did not purport to lead groups of Falun Gong practitioners.

[7] Accordingly, in my view, these cases are not applicable. I have concluded that it was reasonable to require greater knowledge of the Applicant because of his eight years of practice and his leadership role.

Issue III: Was the higher standard reasonably applied?

[8] This Applicant did have some knowledge of Falun Gong. For example, he described Exercise #3 correctly; he was able to say that Exercise #1 involved ten movements which again, he described correctly; he named the 5 Exercises correctly; and he also named the nine chapters in Zhuan Falun. However, this knowledge did not satisfy the Board.

[9] The Board noted that of nine chapters in Zhuan Falun, he had only some knowledge of two. As well, he had no information about the health principles, even though they had been the reason he initially began to practice. Further, there were two subjects about which he had no knowledge; he did not know about energy flow when one touches the body and he did not know the significance of the hollow fists.

[10] In my view on the facts of this case, the Board's conclusion that the Applicant's knowledge of Falun Gong was insufficient falls within the range of reasonable outcomes.

[11] For these reasons, the application was dismissed.

[12] The parties indicated that there was no question for certification for appeal.

**JUDGMENT**

**THIS COURT'S JUDGMENT on November 7, 2013 was that:**

This application for judicial review is dismissed.

“Sandra J. Simpson”

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Judge

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

**DOCKET:** IMM-11556-12

**STYLE OF CAUSE:** BAO MING XU v THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** NOVEMBER 7, 2013

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

**DATED:** NOVEMBER 13, 2014

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