

Federal Court



Cour fédérale

**Date: 20120503**

**Docket: IMM-4184-11**

**Citation: 2012 FC 518**

**Ottawa, Ontario, May 3, 2012**

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

**BETWEEN:**

**ZHAOBIN WANG**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**REASONS FOR JUDGMENT AND JUDGMENT**

I. Overview

[1] Mr. Zhaobin Wang sought refugee protection in Canada based on his fear of religious persecution in China as a devout Roman Catholic. He claimed that, in 2009, officials raided the house church he attended and arrested some of his fellow congregants.

[2] A panel of the Immigration and Refugee Board dismissed Mr. Wang's application because he was unable to establish his identity, his version of events was not credible, and the risk of persecution in China, particularly in his home province of Fujian, was low.

[3] Mr. Wang argues that all of the Board's conclusions were unreasonable and asks me to quash its decision. In my view, the Board reasonably concluded that Mr. Wang had not established his identity and, therefore, I need not consider the reasonableness of its other conclusions. Accordingly, I must dismiss this application for judicial review.

[4] The sole issue is whether the Board's conclusion on the issue of identity was reasonable.

## II. The Board's Decision

[5] The Board found that Mr. Wang had failed to prove that he was living in China at the relevant time. Mr. Wang claimed he was not asked to produce supporting documents. However, the Board noted that he was specifically asked to produce them, yet had made no effort to do so. The Board found that none of the documents Mr. Wang had presented – an Occupational Qualification Certificate issued in 2004 and a death certificate for an uncle issued in 2008 – actually showed that he was in China in 2009 when the alleged events occurred. In addition, the Board held that some of Mr. Wang's documents were fraudulent:

- Mr. Wang provided a photocopy of his first-generation Resident Identity Card [RIC] issued in 2002, and as well as a voucher and receipt for a second-generation RIC from 2009. Mr. Wang claimed that, in 2009, when he applied for the new RIC, the PSB kept his previous one but did not issue a replacement. However, documentary evidence stated that an old card

is surrendered when a new card is issued. In addition, Mr. Wang seemed unsure when he had applied for his new RIC. Accordingly, the authenticity of Mr. Wang's RIC was suspect.

- According to the documentary evidence, applicants for a driver's licence must submit four colour photographs, yet Mr. Wang said he only provided two. He also stated that there was nothing else he needed to provide, but later agreed that he needed a physical condition certificate. Mr. Wang was also confused about the year the licence had been issued. In addition, it appeared the licence had been tampered with.

[6] The Board noted that it was not obliged to send documents for forensic analysis (*Kazadi v Canada (Minister of Citizenship and Immigration)*, 2005 FC 292; *Farooqi v Canada (Minister of Citizenship and Immigration)*, 2004 FC 1396). It also recognized that fraudulent documents from China were common. Therefore, it gave little weight to Mr. Wang's documents and found that he was probably not in China at the time of the house church raid.

[7] The Board also concluded that, while Mr. Wang's testimony mainly served the purpose of supporting a false refugee claim, it still had to determine whether he was a genuine Christian. Mr. Wang testified that, shortly after arriving in Canada, he joined a Catholic Church. He produced a baptismal certificate and a letter from his priest stating that he had been attending church services since arriving in Canada. He also demonstrated some knowledge of Roman Catholicism. Still, the Board found that Mr. Wang was not a genuine practicing Roman Catholic, and would not be regarded as one in China.

[8] Mr. Wang said that the Public Security Bureau [PSB] came to his family's home seven or eight times to arrest him and search his home. He maintained that the PSB had not left a summons or warrant with his family. However, the Board cited documentary evidence indicating that police usually present a summons when they wish to question someone. The Board concluded that a

summons likely would have been issued in circumstances where the PSB had come to Mr. Wang's home numerous times and had arrested other members of his church.

[9] In any case, the Board went on to assess Mr. Wang's risk of persecution if he were a genuine Roman Catholic. It noted that the Catholic Church is quite strong in Fujian province. There is sporadic persecution of underground Catholic churches, mostly directed at clergy and ordained laypersons. There was mixed information regarding the treatment of Christians in Fujian province. Several sources stated that authorities in Fujian were more tolerant than those in other Chinese provinces, while others noted that Catholics in Fujian province are "tightly controlled" by local authorities. Most of the information showed persecution of bishops and priests in Fujian; evidence of persecution of ordinary members of the Roman Catholic Church was limited.

[10] Therefore, the Board found that Mr. Wang was not a Convention refugee or a person in need of protection.

### III. Was the Board's Conclusion on Identity Unreasonable?

[11] While he disputes several of the Board's findings, Mr. Wang has not seriously challenged the Board's finding on identity. The Board found that the documents provided by Mr. Wang were either fraudulent or did not establish that he was in China at the time of the alleged events.

[12] The Board found that Mr. Wang's explanation for not providing his original RIC was not consistent with objective documentary evidence. That conclusion was reasonable on the evidence

before it. Mr. Wang was also unsure when his driver's licence had been issued and, in any case, the document had been tampered with. The Board reasonably rejected that evidence.

[13] Further, Mr. Wang's Occupational Qualification Certificate was issued in 2004, so the Board reasonably discounted it as evidence that he was in Fujian province in 2009. Similarly, the death certificate for Mr. Wang's uncle was issued in September 2008. It does not help to prove that Mr. Wang was present at the alleged events in 2009.

#### IV. Conclusion and Disposition

[14] The Board reasonably concluded that the evidence relating to Mr. Wang's identity did not show that he was in China at the time of the alleged persecution. Accordingly, I must dismiss this application for judicial review. Neither party proposed a question of general importance for me to certify, and none is stated.

## **JUDGMENT**

**THIS COURT'S JUDGMENT is that:**

1. The application for judicial review is dismissed;
2. No question of general importance is stated.

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"James W. O'Reilly"  
Judge

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

**DOCKET:** IMM-4184-11

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

**PLACE OF HEARING:** Toronto, Ontario

**DATE OF HEARING:** January 11, 2012

**REASONS FOR JUDGMENT  
AND JUDGMENT:** O'REILLY J.

**DATED:** May 3, 2012

**APPEARANCES:**

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