



**Date: 20120620**

**Docket: IMM-9289-11**

**Citation: 2012 FC 790**

**Toronto, Ontario, June 20, 2012**

**PRESENT: The Honourable Madam Justice Mactavish**

**BETWEEN:**

**GUI QUAN ZHUO**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**REASONS FOR JUDGMENT AND JUDGMENT**

[1] Gui Quan Zhuo seeks judicial review of a negative decision of the Refugee Protection Division of the Immigration and Refugee Board. Mr. Zhuo claims to fear persecution in China because of his Roman Catholic faith. The Board rejected his claim on credibility grounds.

[2] For the reasons that follow, Mr. Zhuo has not persuaded me that the Board's decision was unreasonable. As a consequence, his application for judicial review will be dismissed.

## **Analysis**

[3] The Board provided a number of reasons for finding Mr. Zhuo's story to lack credibility. Mr. Zhuo challenges some, but not all, of the Board's negative credibility findings. The disputed findings are discussed below.

### **The PSB Summons**

[4] Mr. Zhuo claims that when the Public Security Bureau (PSB) raided his house church for a second time, he escaped and went into hiding. The PSB came looking for Mr. Zhuo at his home, and left a summons with his family members. The Board examined the copy of the summons produced by Mr. Zhuo, and provided detailed reasons for concluding that it was not genuine.

[5] Relying on the decision in *Lin v. Canada (Minister of Citizenship and Immigration)*, 2012 FC 288, [2012] F.C.J. No. 312 (QL), Mr. Zhuo says that the Board erred in relying on a Board Response to Information Request (RIR) from 2004 as establishing what a summons issued in 2009 would look like. The Board further erred in comparing the summons produced by Mr. Zhuo to the examples attached to the RIR, given that they were just that: examples, which did not purport to be an exhaustive survey of the various forms that summonses could take. Finally, Mr. Zhuo says that the Board erred in failing to take into account the fact that there were regional variances in the procedures followed by the PSB.

[6] Even if I were to accept Mr. Zhuo's arguments in this regard, the Board had a number of other reasons for concluding that the summons was not genuine which he has not challenged. One such reason was that the summons did not provide Mr. Zhuo with an address telling him where he

was to appear. As the Board pointed out, Mr. Zhuo lived in a large city that would have multiple PSB offices. Its conclusion that a genuine summons would inform Mr. Zhuo of where he was to report was, therefore, entirely reasonable.

[7] Mr. Zhuo has also not challenged the Board's finding that the document produced by him cited the wrong provision of Chinese criminal law. Nor has he challenged the finding that the circumstances described by Mr. Zhuo suggested that the PSB would have issued a *Juzhaun* summons rather than the *Zhaunhaun* summons he provided.

[8] I do not accept Mr. Zhuo's argument that the Board erred in finding that the summons was suspect because it did not contain a section for an acknowledgement of receipt when the document did in fact contain just such a section. While the language used by the Board is not as precise as one might like, when this portion of the Board's analysis is read in its entirety it becomes apparent that the Board's real concern was that there was no signature on the document from a member of Mr. Zhuo's family acknowledging receipt of the document.

[9] These inconsistencies, combined with the availability of fraudulent documents in China, led the Board to conclude that the summons was not genuine. Mr. Zhuo has not persuaded me that this aspect of the Board's decision was unreasonable.

### **The PIF Omissions**

[10] The Board found Mr. Zhuo's credibility to be further undermined by the fact that several details of his claim were not mentioned in his Personal Information Form (PIF). These included the

fact that his underground church was alleged to have been closed for two months after a raid, the threats made to Mr. Zhuo's parents by members of the PSB, and his having been badly burned with a hot iron rod while in detention leaving him with a large scar. Mr. Zhuo challenges the first two findings, but has not challenged the third.

[11] One could debate whether the fact that Mr. Zhuo's church was allegedly closed for two months after the raid was so central to his claim that his failure to mention it in his PIF necessarily impugned his credibility. That said, the Board's finding that this omission could not be explained by Mr. Zhuo's nervousness when preparing the PIF was entirely reasonable, especially considering that he was represented by experienced counsel throughout the process.

[12] More significant was Mr. Zhuo's failure to mention that the PSB had threatened his parents in his PIF. The Board did not accept Mr. Zhuo's claim that such threats are commonplace in China as a reasonable explanation for this omission. This omission was, moreover, directly relevant to Mr. Zhuo's claim to fear religious persecution in China, and was all the more problematic in light of the fact that the PIF form specifically instructs claimants to "indicate the measures taken against you *and members of your family*". The Board's negative inference in this regard was therefore reasonably drawn.

### **Conclusion**

[13] Mr. Zhuo has thus not persuaded me that the Board's conclusion that he was not credible, that he was not a practicing Christian and that he had not been targeted by the PSB falls outside of the range of possible acceptable outcomes which are defensible in light of the facts and the law: see

*Dunsmuir v. New Brunswick*, 2008 SCC 9, [2008] 1 S.C.R. 190, at para. 47, and *Canada (Citizenship and Immigration) v. Khosa*, 2009 SCC 12, [2009] 1 S.C.R. 339 at para. 59.

[14] Given my conclusion on these issues, it is not necessary for me to address Mr. Zhuo's arguments with respect to the risks faced by Roman Catholics in Fujian province.

[15] For these reasons, the application for judicial review is dismissed. I agree with the parties that the case does not raise a question for certification.

**JUDGMENT**

**THIS COURT ORDERS AND ADJUDGES that:**

1. This application for judicial review is dismissed; and
2. No serious question of general importance is certified.

“Anne Mactavish”

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Judge

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

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