

*Case Name:*

**Li v. Canada (Minister of Citizenship and Immigration)**

**He Xin Li, claimant, and  
Minister of Citizenship and Immigration, respondent**

[2003] R.P.D.D. No. 653

No. TA2-15989

Immigration and Refugee Board of Canada  
Refugee Protection Division  
Toronto, Ontario

**Panel: Diane L. Tinker  
In camera**

Heard: October 29, 2003.  
Decision: December 4, 2003.

(10 paras.)

*China -- Negative -- Religious belief -- Hiding -- Credibility -- Religious practice -- Rules -- Fundamental changes -- Omissions -- Facts -- Personal information form -- Inconsistency -- Male.*

**Appearances:**

For the claimant: Shelley Levine.

Refugee protection officer: Selwyn Pieters.

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**REASONS FOR DECISION**

**1** The claimant, He Xin Lin, is a forty-nine-year-old citizen of the People's Republic of China. He claims to have a well-founded fear of persecution in the People's Republic of China due to his religious beliefs. In addition, he claims to be a person in need of protection because he would be subjected to a risk to his life or to a risk of cruel and unusual treatment or punishment or a risk of torture.

**ALLEGATIONS:**

**2** The claimant alleges that after being passed up for promotion at his place of employment, he felt hopeless. The claimant maintains that his mother, who had recently become a Christian, asked him to attend her underground Christian church on July 19, 2000. The claimant stated that he was

baptized on April 22, 2001. On March 25, 2002, the claimant maintained that the Public Security Bureau raided the underground Christian church. The claimant stated that he managed to escape, but his mother was arrested and that the Public Security Bureau was looking for him. The claimant stated that he went into hiding until arrangements could be made for him to leave the country. The claimant arrived in Canada on July 8, 2002.

#### DETERMINATION:

**3** I find that the claimant is neither a Convention refugee nor a person in need of protection for the following reasons.

#### ANALYSIS:

##### Identity

**4** The claimant provided supporting documentation<sup>1</sup> as well as his oral testimony to establish his identity as a national of the People's Republic of China.

**5** I reject the claimant's credibility with respect to material aspects of his claim and am not persuaded, on a balance of probabilities, that the claimant was a member of an illegal underground Christian church or that he is consequently sought by the Communist regime.

**6** I do not find that the alleged raid of the claimant's service occurred. The claimant failed to indicate in the narrative part of his Personal Information Form<sup>2</sup> the exact date that the alleged raid took place. When asked as to why he did not state the exact date in his Personal Information Form, the claimant stated that the people who did the translation stated "the middle of March" instead of March 25, 2002. I find this answer to be unacceptable. The claimant had the benefit of counsel and an interpreter and could have easily amended his Personal Information Form prior to the hearing or when his counsel requested some other amendments to the Personal Information Form. The claimant indicated in his oral testimony that when the lookouts advised that the Public Security Bureau were approaching, the claimant indicated that he had to help the pastor gather up his Bible and the leaflets that he brought. This fact was not disclosed in the narrative of the claimant's Personal Information Form. The claimant stated that after he escaped the Public Security Bureau raid, he went to a friend's house to hide. When it was pointed out to him that the narrative portion of his Personal Information Form indicates that he went to a relative's home, the claimant then stated that he went to his friend's home for a cup of tea and then called his relative and asked to be allowed to hide there. It was also pointed out to the claimant that in the CIC notes,<sup>3</sup> the claimant stated that he went to a friend's house to hide. The claimant indicated that it should have stated a relative's house. I find these answers unacceptable. The claimant has failed to provide a reasonable explanation as to the inconsistency in the two statements. The claimant, who was on the run from the Public Security Bureau, would not have stopped to socialize and have tea if he was intent on hiding. Furthermore, the claimant failed to mention in his CIC interview that the Public Security Bureau had arrested his mother during the raid. The claimant's explanation as to why this fact was excluded indicated that he did not know the real situation with his mother. When asked again as to why he did not mention the arrest of his mother, the claimant stated that he mentioned that three members were arrested, which included his mother. When it was pointed out to the claimant that the aforementioned statement was not included in the CIC interview notes, the claimant simply said that he had stated it. I find these explanations unacceptable. I do not accept that the claimant did not know that his mother was arrested, since in his oral testimony he indicated that he learned of her arrest on March 27, 2002 from a relative who had called his father. The claimant also failed to indicate in his CIC interview

that the Public Security Bureau was looking for him. The explanation the claimant provided was that he dare not tell too much without confirmation first. I find this answer unacceptable. The claimant indicated that through his relative, and within a couple of days, he learned that his father had stated that the Public Security Bureau had attended at their home, looking for him. In summary, the cumulative effect of omissions, contradictions and implausibilities indicate that the raid by the Public Security Bureau simply did not occur. Having found that the Public Security Bureau is simply not interested in persecuting the claimant, I also find, therefore, that the Public Security Bureau does not intend to inflict cruel or unusual treatment or punishment or intend to torture him, and therefore, the claimant is not a person in need of protection.

**7** I find that the cumulative effect of all the omissions from the claimant's Personal Information Form indicate the claimant to be so lacking in credibility that he has failed to discharge the burden of proving his claim. The claimant failed to indicate significant events and reasons that caused him to claim refugee protection in Canada, including measures taken against his own family. The claimant failed to indicate in the narrative portion of his Personal Information Form that his younger sister was harassed by the Public Security Bureau or that his father was harassed so much by the Public Security Bureau at his home, three or four times per week, that this harassment was one of the causes of his death in March, 2003. When the claimant was asked as to why he failed to mention the problems of his sister and father in his Personal Information Form, or why he failed to amend his Personal Information Form to include this information, the claimant indicated that when he was filling out the forms he was still upset and just provided the basic facts. When asked again as to why his counsel at the hearing did not include the problems his family had experienced with the Public Security Bureau, he stated that he was unaware that he needed to do so and that is why he provided a copy of his father's death certificate at the hearing. Question 41 of the Personal Information Form was read to the claimant:

Set out all the significant events and reasons that have caused you to claim refugee protection in Canada. Indicate all measures taken against you and members of your family, if any, and by whom. (emphasis added).

**8** The claimant's response was that he thought when asked about questions, he did not know he should put things in the form. I find these explanations unacceptable. The instructions are very clear as to what information is required. The claimant's counsel argued that he takes the position that the twenty-day rule with respect to Personal Information Form amendments is not applicable. However, I find that the rules are clear that counsel must disclose twenty days prior to the hearing, in accordance with Section 29(4) of the Rules. Furthermore, counsel argued that I only allowed some minor amendments of the Personal Information Form at the commencement of the hearing and therefore would not have allowed the incidents concerning the harassment of the father and sister by the Public Security Bureau. However, counsel never requested these amendments and is thereby only speculating as to whether or not the amendments would have been allowed. The claimant had filed previous Personal Information Form amendments and could have easily added the harassment of his family by the Public Security Bureau. Alternatively, counsel argued that the Personal Information Form crystallizes at the time it is executed and filed and that one of the purposes of oral testimony is to fill in the gaps. However, this argument must also fail since counsel did submit prior amendments to the Personal Information Form as well as a request for other amendments at the hearing. I find that it is evident that the claimant is simply embellishing his story and grasping at straws. I simply do not believe him.

**9** Based on the cumulative effect of all the inconsistencies, implausibilities, embellishments and serious omissions in the Personal Information Form, in this claim, I find that the claimant is not a credible or trustworthy witness with respect to his alleged religion and alleged persecution. I find that the claimant learned of Christianity in Canada, not for the purpose of converting or practising a religion, but in order to manufacture his refugee claim.

**CONCLUSION:**

**10** Accordingly, I determine that He Xin Li is neither a Convention refugee nor a person in need of protection. The Refugee Protection Division, therefore, rejects his claim.

"Diane L. Tinker"

Dated at Toronto, Ontario, this 4th day of December, 2003.

qp/e/qladj

1 Exhibit C-2 Resident ID card, Hukou.

2 Exhibit C-1.

3 Exhibit M-1, Canada Immigration and Port of Entry notes.

---- End of Request ----

Print Request: Current Document: 52

Time Of Request: Wednesday, December 05, 2007 11:07:57