

CANADA / JUDGMENT

Li Li v. Canada (Citizenship and Immigration)

2026 FC 338

COURT

Federal Court

DECIDED

13 March 2026

Source: norma.lexum.com · Research copy typeset by Esheria. Not court-issued or certified.

Li Li v. Canada (Citizenship and Immigration) Court (s) Database Federal Court Decisions Date 2026-03-13 Neutral citation 2026 FC 338 File numbers IMM-24083-24 Decision Content Date: 20260313 Docket: IMM-24083-24 Citation: 2026 FC 338 Ottawa, Ontario, March 13, 2026 PRESENT: The Honourable Mr. Justice Ahmed BETWEEN: LI LI Applicant and THE MINISTER OF CITIZENSHIP AND IMMIGRATION Respondent JUDGMENT AND REASONS I. Overview [1] The Applicant, Li Li, seeks judicial review of a decision made by an officer (the “Officer”) of Immigration, Refugees and Citizenship Canada (“IRCC”), dated September 16, 2024, refusing the Applicant’s permanent residency application.

- [2] The Officer determined that there were reasonable grounds to believe that the Applicant’s accompanying spouse was complicit in crimes against humanity and accordingly found the Applicant and her spouse were inadmissible pursuant to subsection 42(1) and paragraph 35(1)(a) of the Immigration and Refugee Protection Act, SC 2001, c 27 (“IRPA”).
- [3] For the reasons that follow, I find that the Officer’s decision is reasonable. The application for judicial review is dismissed. II. Background A. Legislative Context [4] If an accompanying family member of the applicant is inadmissible, the applicant is generally also inadmissible (IRPA, s 42(1)). A foreign national is inadmissible on the grounds of violating human or international rights if they commit an act outside Canada that constitutes an offence referred to in sections 4 to 7 of the Crimes against Humanity and War Crimes Act, SC 2000, c 24 (IRPA, s 35(1)(a)).
- [5] The Supreme Court of Canada outlined the four elements of crimes against humanity in the context of a finding of inadmissibility in *Mugesera v Canada (Minister of Citizenship and Immigration)*, 2005 SCC 40 (“*Mugesera*”) at paragraph 170 (see also *Khachatryan v Canada (Citizenship and Immigration)*, 2020 FC 167 (“*Khachatryan*”) at para 26):
- (1) an action enumerated in subsection 6(1) of the Crimes against Humanity and War Crimes Act is committed;
 - (2) the act was in the context of a widespread or systematic attack;

- (3) This attack is directed against a civilian population or identifiable group; and
 - (4) the individual knew of the attack or took the risk that their act comprised part of this attack.
- [6] For a finding of inadmissibility, the decision maker need only find reasonable grounds to believe that such elements exist. As such, an assessing officer does not need to find that the alleged actions are more likely than not to have occurred, but there must be more than a mere suspicion (Mugesera at paras 114, 116).
- [7] The jurisprudence also shows that complicity constitutes a mode of commissioning crimes against humanity for the purpose of inadmissibility (Ezokola v Canada (Citizenship and Immigration), 2013 SCC 40 (“Ezokola”) at paras 53, 68; Kanagendren v Canada (Citizenship and Immigration), 2015 FCA 86 at para 21; Talpur v Canada (Citizenship and Immigration), 2016 FC 822 at paras 20-21). In order to constitute complicity in crimes against humanity, the claimant must have contributed voluntarily, knowingly, and significantly to the crimes or criminal purpose of a group (Ezokola at para 36). To facilitate the assessment of these three criteria, the Supreme Court endorsed a non-exhaustive list of factors to consider when determining whether an individual is complicit in crimes against humanity (Ezokola at para 91):
- (1) the size and nature of the organization;
 - (2) the part of the organization with which the claimant was most directly concerned;
 - (3) the claimant’s duties and activities within the organization;
 - (4) the claimant’s position or rank in the organization;
 - (5) the length of time the claimant was in the organization, particularly after acquiring knowledge of the group’s crime or criminal purpose; and
 - (6) the method by which the claimant was recruited and the claimant’s opportunity to leave the organization.
- [8] The Supreme Court’s definition of complicity ensures that individuals receive the due process allotted in the overarching legislation while also giving proper effect to the legislative provisions declaring individuals inadmissible for such acts (Ezokola at para 36). B. Facts [9] The Applicant is a citizen of the People’s Republic of China (“China”). In August 2016, she applied for permanent residency along with her spouse and their child.
- [10] From January 15, 2020 to October 14, 2020, IRCC sent various letters to the Applicant requesting additional information about her spouse’s career with the Public Security Bureau (“PSB”).

- [11] In the response letters from the Applicant's spouse, he explained that he has been part of the PSB in Hebei Province for over 30 years. From July 1993 to August 2013, he was employed as a team leader of the Criminal Police Brigade of the Qiaodong Branch of the Shijiazhuang Municipal PSB in Hebei Province. Since 2013, the Applicant's spouse was promoted to Vice Director of Hebei Province Shijiazhuang Municipal PSB in the Yuhuh Branch. His current ranking is Police Supervisory Class 1.
- [12] The Applicant's spouse described that, throughout his career, he supervised between 120 and 150 personnel and oversaw investigations, interrogations, and detentions in cases within his jurisdiction. He stated in his response letters that he never abused or mistreated suspects, rather his role was to ensure the PSB's interrogations in Hebei Province were conducted according to the law.
- [13] In a letter dated July 10, 2024, IRCC sent a procedural fairness letter ("PFL") outlining the Officer's concerns that the Applicant's spouse is inadmissible under paragraph 35(1)(a) of the IRPA. In particular, the letter stated there were reasonable grounds to believe that the 30-year-long career in the PSB of the Applicant's spouse led him to be complicit in crimes against humanity. The letter cited various reports stating that torture and human rights violations are systematic and known to occur "nationwide" during the interrogations of criminal suspects, including in Hebei Province. The PFL further specifies that the role and duties of the Applicant's spouse indicate that he would have been aware of human rights violations during interrogations his colleagues and subordinates committed.
- [14] Although the Applicant's spouse submitted an additional letter and document clarifying the ranking system within the PSB, the Officer concluded that this evidence did not address the concerns in the July 2024 PFL. The Officer found that the supervisory role of the Applicant's spouse did not distance him from the process of investigations and interrogations. The Officer also noted that the ranking of the Applicant's spouse relied in part on his years of service but also meant that he was found competent in his role with the investigation division. Although the Officer acknowledged that no information connected the Applicant's spouse to any specific instance of torture, the prevalence of publications showing systematic human rights abuses in China's criminal justice system during interrogations, including in Hebei, led the Officer to conclude that the Applicant's spouse was at least complicit in these actions.
- [15] Accordingly, in a letter dated September 16, 2024, the Officer refused the Applicant's permanent residency application pursuant to paragraphs 35(1)(a) and 42(1)(a) of the IRPA because there were reasonable grounds to believe that the Applicant's spouse was inadmissible. This is the decision presently under review. III. Issue and Standard of Review
- [16] The sole issue in this judicial review is whether the Officer's decision is reasonable.
- [17] The parties submit that the applicable standard of review is reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 ("Vavilov")). I agree.

- [18] Reasonableness is a deferential, but robust, standard of review (Vavilov at paras 12-13). The reviewing court must determine whether the decision under review, including both its rationale and outcome, is transparent, intelligible, and justified (Vavilov at para 15). A reasonable decision is one that is based on an internally coherent and rational chain of analysis and that is justified in relation to the facts and law that constrain the decision maker (Vavilov at para 85). Whether a decision is reasonable depends on the relevant administrative setting, the record before the decision maker, and the impact of the decision on those affected by its consequences (Vavilov at paras 88-90, 94, 133-135).
- [19] For a decision to be unreasonable, the applicant must establish the decision contains flaws that are sufficiently central or significant (Vavilov at para 100). Not all errors or concerns about a decision will warrant intervention. A reviewing court must refrain from reweighing evidence before the decision maker, and it should not interfere with factual findings absent exceptional circumstances (Vavilov at para 125). Flaws or shortcomings must be more than superficial or peripheral to the merits of the decision, or a “minor misstep” (Vavilov at para 100). IV. Analysis A. The Officer’s Finding of the Existence of Crimes against Humanity is Reasonable [20] The Applicant submits that the Officer misapplied the test for finding reasonable grounds to believe that the PSB in Hebei committed crimes against humanity. Specifically, at the hearing, the Applicant relied on *Canada (Public Safety and Emergency Preparedness) v Verbanov*, 2021 FC 507 (“Verbanov”), to submit that the record did not support the Officer’s determination that there was a widespread policy of torture within China or the PSB. The Applicant further submits that the Officer unfairly based their analysis on country condition reports, instead of the descriptions of interrogations the Applicant’s spouse provided. The Applicant also maintains that the Officer failed to grapple with whether the alleged human rights violations were directed towards a distinctive civilian population. Moreover, it is also the Applicant’s position that, even if the Officer found that there was systematic torture in the PSB’s interrogations in Hebei, torture does not constitute an “attack” against a civilian population as required for a finding of crimes against humanity.
- [21] The Respondent submits that the Officer reasonably relied on country condition reports to state that human rights violations were widespread and systematic within the PSB’s interrogations, including in interrogations in Hebei Province. It is the Respondent’s position that the Officer implicitly identified suspects of investigations as the distinctive population that the PSB targeted.
- [22] I agree with the Respondent.
- [23] This Court determined in *Verbanov* that it was reasonable for the Immigration Appeal Division to interpret section 35(1)(a) of the IRPA to require the attack to be carried out in accordance with a policy in order to constitute a crime against humanity (at paras 42, 52). Although the Officer did not cite *Verbanov*, the Officer did not fail to grapple with whether the PSB in Hebei had a policy of torture. Indeed, the Officer references both *Mugesera* at paragraph 155 and the Rome Statute of the International Criminal Court to define a systematic attack as one that is carried out pursuant to a policy or plan.

- [24] The Officer used the documentary evidence from international non-governmental organizations, academic articles, along with statements from the Government of China published at the time when the Applicant's spouse was employed for the PSB in Hebei to conclude that a systematic torture was carried out according to a policy. These reports describe torture as widespread in the PSB across the country and in Hebei. Although the Applicant submitted at the hearing that China had made efforts to address the PSB's propensity for torture, the Officer determined that they had sufficient evidence on the record before them that the PSB, as a state organ, abuses their power during interrogations and detentions in a systematic way. Considering the Officer's thorough analysis of the documentation and the applicable law, I find no reviewable error in their conclusion that there are reasonable grounds to believe that there is a policy within the PSB in Hebei for torture during interrogations and detentions.
- [25] I also find that the Officer's analysis reasonably focused on country condition evidence about the PSB actions across China and within Hebei Province. In a similar context of an inadmissibility finding, this Court found that a decision maker can reasonably rely on independent secondary sources to conclude that human rights violations or crimes against humanity are widespread or systematic within an organization (*YZ v Canada (Citizenship and Immigration)*, 2025 FC 1923 ("YZ") at para 33).
- [26] Further, I do not find that the Officer erred in their interpretation of the legal test for a finding of crimes against humanity by failing to identify a distinctive population with unchanging characteristics. It is well established that civilian detainees may constitute an identifiable civilian population for the purposes of a determining the existence of crimes against humanity (*Verbanov* at para 60; *Khachatryan* at para 28; *Liqokeli v Canada (Citizenship and Immigration)*, 2009 FC 530 at para 26). Although the Applicant disagreed with this jurisprudence during the hearing because imprisonment and detention are transient characteristics, I find no reason to depart from this Court's well-established and well-reasoned determinations.
- [27] In this regard, I note that the Supreme Court in *Mugesera* defined a civilian population as a relatively large group of people who share distinctive features identifying them as the target of the attack (at para 161). Although the Supreme Court provided "prototypical" examples, as the Applicant noted, that included national, ethnic or religious groups (*Mugesera* at para 162), one does not need to be a protestor, activist, or part of a particular social group to benefit from the protection of international criminal law (*Canada (Citizenship and Immigration) v Sosa Orantes*, 2026 FC 159 at para 368). Put another way, those who commit atrocities against groups of civilians who share transient identities cannot escape condemnation.
- [28] In this case, the Officer may not have used legal language to describe the targeted civilian population, but the Officer's decision still made an explicit determination that civilian detainees were the target of the PSB's alleged torture. In *YZ*, the Immigration Division found reasonable grounds to believe that the Egyptian National Police had committed crimes

against humanity. The Immigration Division did not identify specific distinctive features of the population that the police force targeted. Still, this Court determined that the Immigration Division reached a reasonable conclusion because it referred to civilians in “police custody” and those “involved in police investigation” when discussing the alleged crimes against humanity (YZ at paras 37-38). Similarly, the Officer in this matter referred to human rights violations occurring “during interrogations of criminal suspects”. This is sufficient to show that the Officer identified a distinctive civilian population as the target of the PSB’s human rights violations.

- [29] Moreover, contrary to the Applicant’s submission, it is well established that torture may form the basis for a finding of crimes against humanity when it is widespread, systematic and aimed at a civilian population (Mugesera at paras 153-171; Khachatryan at para 27; *Oworu v Canada (Citizenship and Immigration)*, 2022 FC 1035 at para 38). Accordingly, the Officer’s conclusion that the PSB in Hebei committed crimes against humanity reflected the applicable legal and factual context.
- B. The Officer’s Decision Regarding Complicity in Crimes against humanity is Reasonable [30] The Applicant submits that the Officer’s determination that her spouse was complicit in crimes against humanity is based solely on her spouse’s association with the PSB, instead of his actual experience. In particular, citing Ezokola at paragraph 94, the Applicant submits that the Officer unjustifiably assessed the knowledge of the Applicant’s spouse of alleged human rights violations within the PSB across China, instead of only in Hebei Province.
- [31] The Respondent maintains that the Officer had reasonable grounds to believe that the Applicant’s spouse was complicit in crimes against humanity because of his high rank, lengthy service for the PSB, and his supervisory responsibility for interrogations in Hebei Province.
- [32] In my view, the Officer reasonably determined that the Applicant’s spouse was complicit in the PSB’s crimes against humanity in Hebei Province.
- [33] The Officer reviewed the complicity of the Applicant’s spouse in the alleged human rights violations only after they had concluded their analysis regarding the PSB’s actions in Hebei. A number of the country condition articles that the Officer discusses specifically reference the prevalence of torture in the PSB’s interrogations in Hebei Province. While some of the reports indicate torture is more or less common in the province, the reports do not contradict the Officer’s conclusion regarding the PSB’s actions in Hebei.
- [34] The Officer’s reliance on country condition reports does not support the Applicant’s submission that the Officer ignored the letters from the Applicant’s spouse that described his knowledge of interrogations under his supervision. The letters from the Applicant’s spouse state that he was not aware of any human rights violations happening in the interrogations or detentions that he supervised. The Officer acknowledged descriptions from the Applicant’s spouse, but the Officer nevertheless found the objective country condition documents more persuasive. It is not for this Court to reweigh the evidence that

was before the Officer (Sarwary v Canada (Citizenship and Immigration), 2018 FC 437 at para 45).

[35] Although the Officer recognized that the Applicant's spouse could not be linked personally to any specific instance of torture, the Officer found that the systematic nature of torture in interrogations in Hebei, along with his supervisory position, where the Applicant's spouse oversaw between 120 and 150 individuals, meant that there were reasonable grounds to believe that the Applicant's spouse was complicit in the PSB's conduct during these interrogations. The Officer's conclusion does not presume knowledge of the entirety of the PSB's operations throughout China, instead the analysis is tailored to the specific position the Applicant's spouse held within the PSB in Hebei. V. Conclusion [36] For these reasons, I find that the Officer's decision is justified, intelligible, and transparent (Vavilov at para 99). The Officer's reasons engage with the Applicant's evidence and properly apply the legal test for determining whether the Applicant's spouse is inadmissible under paragraph 35(1)(a) of the IRPA. Accordingly, I dismiss this application.

[37] There is no question to certify. JUDGMENT in IMM-24083-24 THIS COURT'S JUDGMENT is that: The application for judicial review is dismissed. There is no question for certification. "Shirzad A." Judge FEDERAL COURT SOLICITORS OF RECORD DOCKET: IMM-24083-24 STYLE OF CAUSE: LI LI v THE MINISTER OF CITIZENSHIP AND IMMIGRATION PLACE OF HEARING: Saskatoon, Saskatchewan DATE OF HEARING: February 24, 2026 JUDGMENT and reasons: AHMED J. DATED: March 13, 2026 APPEARANCES: Christopher G Veeman For The Applicant Cailen Brust For The Respondent SOLICITORS OF RECORD: Veeman Law Barristers and Solicitors Saskatoon, Saskatchewan For The Applicant Attorney General of Canada Saskatoon, Saskatchewan For The Respondent

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://norma.lexum.com/fc-cf/decisions/en/item/530146/index.do>

CASE PAGE <https://chat.esheria.ai/case-law/canada/li-li-v-canada-citizenship-and-immigration-2026>

Prepared on 28 October 2026 · Esheria