

CANADA / JUDGMENT

Zhao v. Canada (Citizenship and Immigration)

2026 FC 304

COURT

Federal Court

DECIDED

4 March 2026

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Citation: 2026 FC 304

Ottawa, Ontario, March 4, 2026

PRESENT: The Honourable Mr. Justice Duchesne

BETWEEN:

WEI ZHAO

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

- [1] The Applicant seeks judicial review of the December 20, 2024, redetermination decision [the Decision] made by the Immigration and Refugee Board [the IRB] of Canada's Refugee Appeal Division [the RAD] that confirmed the rejection of the Applicant's claim for refugee status pursuant to sections 96 and 97 of the Immigration and Refugee Protection Act, SC 2001, c 27.
- [2] I find that the Decision is reasonable and that the Applicant has not established a basis for this Court to interfere with it. This application is therefore dismissed for the reasons that follow.

I. Background [3] The Applicant is a citizen of China and of no other country. He was a resident of China's Fujian province prior to arriving in Canada. The Applicant states that he fears returning to China because of that country's family planning rules. He argues that he has fathered three children and that Chinese authorities are consequently requiring that he be sterilized. He also states that he has become a Christian in Canada and does not want to return to China for fear of persecution based on his Christianity.

- [4] The Applicant's refugee claim was initially considered by the IRB's Refugee Protection Division [the RPD] and was rejected. The Applicant then appealed that decision to the RAD. The RAD conducted its review of the RPD's decision and confirmed that the Applicant's refugee claim had not been established. The Applicant sought judicial review of that RAD decision. On February 14, 2024, the Court issued a judgment on consent quashing the RAD's decision and remitting the Applicant's appeal from the RPD decision to a differently constituted RAD panel to be redetermined.
- [5] A different RAD panel accepted new evidence of the Applicant's conversion to Christianity, accepted it as credible and admissible, re-determined the Applicant's appeal, and found that the RPD had been correct in rejecting the Applicant's refugee claim. That panel's Decision is before the Court.

II. The Decision [6] The RAD found that the Applicant was not at risk of forced sterilisation if returned to Fujian province in China. The RAD considered that the sterilisation and abortion notices tendered by the Applicant were likely non-genuine because:

- a) the Applicant has a history of providing sophisticated fraudulent documents to the Canadian government;
- b) the text of the documents tendered were inconsistent with the Applicant's testimony and knowledge; and,

c)the National Population and Planning Commission of China had issued a directive in 2012 to all family planning committees prohibiting forced abortions and sterilisations, with the effect that, as had been found in *Han v Canada (Citizenship and Immigration)*, 2019 FC 449 at paragraph 15, forced sterilization is illegal under Chinese law.

[7] The RAD also considered that the Applicant had led no evidence that forced sterilization continued to be enforced in Fujian province.

[8] The RAD then found that the Applicant had not established that he faced a reasonable chance of persecution, sterilization, or other serious harm if he returned to China and had additional children. Moreover, the RAD found that the Applicant had not credibly established that he had faced threats of such severe sanctions in the past as a result of having had children. The RAD considered the Applicant's argument in light of objective country conditions evidence that, in Fujian province:

a)the Chinese government abolished the former financial and administrative penalties for having more children than the permitted birth limits after the three-child policy was introduced in 2021; and,

b)other family-planning and population-control measures have not been enforced since at least 2018.

[9] The RAD considered that being required to pay a penalty or "social compensation fee" for having more than three children was in general not persecutory (*Li v Canada (Citizenship and Immigration)*, 2011 FC 610 at para 17). The RAD considered that objective country condition evidence from 2021 showed that penalties as such as those raised by the Applicant had been removed and were not imposed or enforced in Fujian province. The RAD found that, even if the Applicant were required to pay a social compensation fee for having additional children in the future, the fee could be paid through instalment plans and therefore would not amount to persecution or other serious harm to the Applicant. The Applicant's evidence and arguments were contradicted by objective country condition evidence with respect to Fujian province.

[10] Having considered the first two bases of the Applicant claim, the RAD then considered whether the Applicant would face persecution or other serious harm as a Christian returned to Fujian province.

[11] The RAD accepted the Applicant's evidence that he is a good faith member of the Living Stone Assembly church in Scarborough, Ontario. The RAD found that the Applicant would not face persecution as a Christian and a protestant in Fujian province, based on consideration of:

a)the attitudes and preferences of local officials where the appellant would be returning to;

b)the profile of the appellant's church;

c)the nature of the appellant's desired religious practice, including whether he desires to proselytize, whether the appellant desires to assume a leadership role within the church or not, and whether the appellant desires to engage in transjurisdictional activity or political or religious activism; and

d)the nature of any activities that the appellant has engaged in while in Canada and whether they have come to the attention of Chinese officials (*He v Canada (Citizenship and Immigration)*, 2013 FC 362 at para 39; *Song v Canada (Citizenship and Immigration)*, 2018 FC 449 at para 34).

[12] The RAD considered objective country evidence regarding Fujian province that shows that more than 30% of the population in the county where the Applicant formerly resided are Christian and that there are more than one million Christians in Fujian province. The RAD also considered and gave limited weight to the country condition evidence relied upon by the Applicant because its was concerned with other regions in China. The RAD considered *Zhang v Canada (Citizenship and Immigration)*, 2009 FC 1198 [Zhang] and the Applicant's arguments based on it, and found Zhang to be factually distinguishable because the Applicant had not led evidence that he wished to practice his faith with a group that the Chinese government has considered an evil cult, or which would expose him to a risk of persecution.

[13] The RAD considered the profile of the Applicant's church, Living Stone Assembly, and found, as this Court had in *Chen v Canada (Citizenship and Immigration)*, 2019 FC 334, *Song v Canada (Citizenship and Immigration)*, 2018 FC 449 [Song] and *He v Canada (Citizenship and Immigration)*, 2013 FC 362, that there is not a serious possibility that the Applicant would be persecuted even if he worshipped at an unauthorized church.

[14] The RAD considered the nature of the Applicant's desired practice of faith in light of country condition evidence. The Applicant's evidence was not consistent with someone who intended to engage in public proselytization or engage in political activities related to his faith. Based on objective country condition evidence and the Applicant's evidence as to the nature of his faith and his intended practice, the RAD found that the Applicant's intended practice of his faith did not expose him to a reasonable chance of persecution in Fujian province.

[15] Finally, the RAD considered the Applicant's argument that it was highly likely that the Chinese government had been monitoring his church attendance and baptism in Canada and that this monitoring would expose him to risks in China. The RAD noted that the Applicant had not led evidence to support his argument other than a letter by Reverend Ko, the Canadian pastor at the Living Stone Assembly in Canada. The Reverend's letter did not indicate that the Reverend faced persecution in his travels to and from China. As this Court had in *Song*, the RAD found that the Applicant's faith-based activities had not been demonstrated to have come to the attention of the Chinese government and, even if they had, would not establish that the Applicant faced a reasonable chance of persecution because of them.

[16] The RAD confirmed the RPD's decision that the Applicant was neither a Convention refugee nor a person in need of protection. The Applicant's claim was dismissed.

III. Issue and Standard of Review [17] The issue before the Court is whether the RAD's decision is reasonable.

[18] The parties agree, and I with them, that the applicable standard of review is the reasonableness standard described and articulated in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov].

[19] On a reasonableness review the reviewing court considers the reasons provided by the administrative decision-maker and asks whether the decision bears the hallmarks of reasonableness (i.e., justification, transparency and intelligibility) in relation to the relevant factual and legal constraints that bear on the decision (Vavilov at para 99). The Court's role is not to reweigh, reassess or second-guess the evidence (Vavilov at para 124; *Doyle v Canada (Attorney General)*, 2021 FCA 237 at para 3).

[20] The challenging party bears the burden of establishing that the decision under review is unreasonable due to "sufficiently serious shortcomings in the decision such that it cannot be said to exhibit the requisite degree of justification, intelligibility and transparency" (Vavilov at para 100). This is not a "line-by-line treasure hunt for error" (Vavilov at para 102). Rather, where "there is [a] line of analysis within the given reasons that could reasonably lead the tribunal from the evidence before it to the conclusion at which it arrived" the reviewing court will not intervene (Vavilov at para 102). The Court will interfere with the decision under review where it is satisfied that the shortcomings or flaws relied on by the party challenging the decision are more than merely superficial or peripheral to the merits. They must be sufficiently central or significant to render the decision unreasonable (Vavilov at para 100).

IV. Analysis [21] The Applicant argues that the RAD was unreasonable in its consideration and findings on three issues that were before it.

A. It was reasonable for the RAD to find that the Applicant was not sought for sterilization in Fujian province [22] The Applicant argues that the RAD erred in finding that the Applicant was not sought for sterilization in China. The Applicant argues that the RAD unreasonably found the sterilization notices that he produced to be non-genuine and therefore unreasonably found the Applicant is not sought for sterilization because it relied on general suspicions of fraud.

[23] The RAD did not rely on generalized suspicions of documentary fraud to discount the probative value of the notices produced by the Applicant. The RAD assessed the documents produced by the Applicant in their own right and in the context of the whole record including in light of the objective country condition evidence as to forced sterilization and the contradictions and inconsistencies in the Applicant's evidence, prior visa record exhibits, and the Applicant's failure to produce originals of the sterilization notices.

- [24] The RAD considered the prevalence of fraudulent documents from China as an alerting factor in considering the Applicant's sterilisation and abortion notices, not as a determining factor. The Applicant's reliance on *Ren v Canada (Citizenship and Immigration)*, 2015 FC 1402 is therefore misplaced. The RAD properly considered and applied *Oranye v Canada (Citizenship and Immigration)*, 2018 FC 390, in this regard. The RAD also analysed document-specific inconsistencies and contradictions in the Applicant's evidence, including his lack of awareness of the deadline stated on the notices.
- [25] While the RAD considered and relied on the Applicant's prior procurement of sophisticated false documents in visa processes as a contextual factor to be taken into account (*Subramanian v Canada (Citizenship and Immigration)*, 2023 FC 1082; *Bashirov v Canada (Citizenship and Immigration)*, 2021 FC 823 at para 15), the RAD considered that the Applicant's evidence was quite simply not plausible in light of current objective country condition evidence with respect to forced sterilization. The Applicant's argument was contrary to more than a decade of changes in Chinese population and family planning policies as set out in the most current country condition evidence.
- [26] The RAD also considered that the objective country condition evidence reflected that not all regions in China applied the policy change against forced abortions and sterilization in the same manner. The RAD noted that certain regions like Hunan province, Yunnan province, and the Xinjan autonomous region continued to engage in forced sterilizations long after such practices had ended in Fujian province. In addition, the RAD noted that official figures from China show that the number of vasectomies performed nationwide had fallen from 149,432 in 2015 to 4,742 in 2019. The Applicant did not present probative evidence that contradicted these evidentiary points.
- [27] The Applicant has not established that the RAD's findings of fact with respect to his claim of forced sterilization are unreasonable in light of the record. The Applicant's unreasonableness argument is a plea for the Court to reassess and reweigh the evidence that was before the RAD and come to a more favourable conclusion. As discussed above, this is not the Court's role on judicial review (*Vavilov* at para 125; *Doyle* at paras 2-4).
- [28] I find that the RAD's analysis was rational and was based on the evidence led and the applicable jurisprudence. The Applicant's first argument is therefore rejected.

B. It was reasonable for the RAD to find that the Applicant was not at risk from family planning policies in China [29] The Applicant argues that the RAD was unreasonable in considering the content of country conditions as they pertain to the levying and enforcement of administrative penalties in the event that the Applicant exceeds the three-child policy in the future and failing to consider how such penalties are actually enforced in China.

- [30] The RAD considered the Applicant's evidence and found that it was unreliable in that it did not contain the statements the Applicant sought to draw from it and predated newer country condition evidence that was consistent with the reported trend that family planning policies had been changing since 2012 and had become more relaxed over time. The RAD's conclusion was open to it on the evidence led. The Applicant has not established how the RAD's reasoning on this point is unreasonable or irrational.
- [31] The Applicant argues that the RAD was unreasonable in concluding that administrative penalties, such as a social compensation fee, do not amount to persecution without considering how such penalties and fees have been enforced in China. The RAD considered that recent objective country evidence contained in the National Documentation Package reflects that in 2021 the law in China was changed and that social compensation fees levied against people with "out of plan children" were abolished. The RAD's conclusion was open to it in light of the country condition evidence and the Applicant's reliance on a proposition without evidentiary support. The RAD's conclusion was rational and justified.
- [32] The Applicant advances other propositions that criticize the RAD for its interpretation and assessment of the content of country condition evidence as to forced sterilization and family planning policy changes, how and where they are enforced, and whether events that would contradict or nuance the content of the country condition evidence are underreported, thereby undermining the country condition evidence's reliability. The Applicant had not led probative or persuasive evidence that contradicted the objective country conditions that Fujian province does not enforce family planning policies strictly and that penalties have not been imposed on residents there for some years. The RAD was therefore justified in preferring the objective country condition evidence over the Applicant's arguments to the contrary.
- [33] I find that the Applicant's arguments with respect to risks from family planning policies in China do not establish that the Decision or the RAD's reasoning or conclusions were unreasonable.

C. The RAD reasonably considered the Applicant's risk of persecution in China due to his faith

[34] The Applicant argues that the RAD unreasonably rejected his claims of risk based on his religion, ignored the broader state control of Protestantism in China, misapplied Zhang, improperly discounted Reverend Ko's letter, and improperly rejected the Applicant's argument regarding the overseas monitoring of his religious activities and the risk he faces if returned to China as a result.

[35] The Applicant's arguments fail to establish that the Decision is unreasonable.

[36] The Applicant's first argument is that the RAD selectively relied on the existence of registered Protestant churches in Fujian province to conclude that the Applicant would not face a serious possibility of persecution while failing to assess the extent to which Protestant Christianity is controlled by the Chinese state. The issue before the RAD was not as broad as is now argued by the Applicant: the issue before the RAD was not whether Protestant

Christianity is controlled by the Chinese state, but whether the Applicant faced a serious possibility of being persecuted for practicing his faith as a protestant Christian in Fujian province if returned there. The RAD identified that the Applicant would be returning to Fujian province and assessed the local conditions in Fujian province rather than relying on country-wide generalities that might not fairly represent the acceptance or denial of religious diversity where the Applicant would be practicing.

- [37] The Applicant's arguments and the objective country condition evidence he relied upon regarding how protestant Christians are treated in other parts of China was considered by the RAD but was assigned limited weight, quite properly in my view, because religious diversity is treated differently in different regions in China. I find nothing irrational or unreasonable in the RAD's approach to this issue considering the evidence in the record.
- [38] The Applicant's argument that the RAD misapplied Zhang is based on his core argument that "the RAD's assessment of the situation of churches and Christians in Fujian was unreasonable". The Applicant seeks to have this Court reassess the situations of churches and Christians and come to a more favorable conclusion than the RAD did. Reassessing the evidence as is requested by the Applicant is not this Court's function on judicial review. The Applicant's argument must be rejected as a result.
- [39] The Applicant argues that the RAD misinterpreted the significance of Reverend Ko's letter by focussing on what it did not say rather than what it affirmatively stated. The Applicant argues that Reverend Ko's letter and his assertion contained in it that "real Christians cannot practice their religion freely and openly" and that Christians face persecution in China was assigned too little weight because it was not sufficiently specific. The Applicant submits that "a statement about persecution does not lose its value simply because it does not specify every possible scenario".
- [40] The Applicant's argument fails to consider that not all evidence is of the same quality and that it is open to the decider of fact to assign weight to evidence based on its value (*Ferguson v Canada (Citizenship and Immigration)*, 2008 FC 1067 at paras 23, 26, 27 and 33[Ferguson]). Evidence may be weighed differently within a reasonable weight range. Corroborative evidence and other documents that support assertions in a letter may give the assertions more weight, whereas unsupported assertions may attract less weight. A decider's weighing of evidence should not be disturbed if it falls within a range of reasonableness (*Ferguson* at paras 32 and 33).
- [41] Reverend Ko's letter contains uncorroborated assertions of his knowledge that Christians are being persecuted in China and that real Christians cannot practice religion freely and openly. The basis of Reverend Ko's knowledge is not explained. At best, Reverend Ko's letter implies that his knowledge was gained by his having been to "Mainland China" several times. When and where the Reverend may have been in Mainland China is not explained, and how his attendances to Mainland China provided him with the knowledge to make the assertions he makes in his letter are also not explained. Whether "Mainland China" as

understood by Reverend Ko includes Fujian province and whether “real Christians” as appreciated by Reverend Ko are found in Fujian province are questions that remain equally unanswered by Reverend Ko’s letter. This is not a case where there is a failure to specify every possible scenario; its is a case of not even providing one scenario with an evidentiary basis to support it.

- [42] The Applicant has not established that the RAD’s assignment of low weight to Reverend Ko’s letter falls outside of the reasonable weighting range for a letter that contains obvious probative limitations due to its baldness and absence of corroboration. The RAD’s consideration of Reverend Ko’s letter was rational, reasonable and justified.
- [43] The Applicant’s argument that the RAD unreasonably assessed the evidence regarding China’s overseas monitoring of religious activities in Canada and that such monitoring puts the Applicant at risk of persecution as a Christian if returned to China also fails to demonstrate that the Decision is unreasonable. As was the case with his argument regarding the application of Zhang, the Applicant seeks to have this Court reassess the evidence of overseas monitoring contained in the objective country condition evidence and come to a more favorable conclusion that the RAD did. Reassessing the evidence of as is requested by the Applicant is not this Court’s function on judicial review. The Applicant’s argument must therefore be rejected.
- [44] It is well established that an applicant must establish a link between the general documentary evidence and their specific circumstances if they wish to argue that the documentary evidence’s particulars apply specifically to them (*Warankiran v Canada* (Public Safety and Emergency Preparedness); *Adebowale v Canada* (Citizenship and Immigration), 2024 FC 1828 at para 21; *Salem v Canada* (Citizenship and Immigration), 2023 FC 195 at para 22; *Balogh v Canada* (Citizenship and Immigration), 2016 FC 426 at para 19). The Applicant had not led evidence before the RAD to establish the required link. The RAD’s consideration of the monitoring evidence and arguments was rational, reasonable and justified.

V. Conclusion [45] The Applicant has not demonstrated that the Decision is affected by a serious shortcoming such that it cannot be said to exhibit the requisite degree of justification, intelligibility and transparency that is required by the jurisprudence. The Decision is reasonable and there is no basis to interfere with it. This application is therefore dismissed.

- [46] Neither party has suggested that a question of general importance to be certified arose from this proceeding. I find that there is no question to be certified.

JUDGMENT in IMM-1353-25

THIS COURT’S JUDGMENT is that:

The Applicant’s application for judicial review is dismissed.

There is no question of general importance to be certified.

No costs are awarded to any party.

“Benoit M. Duchesne”

Judge

FEDERAL COURT

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