

Federal Court



Cour fédérale

Date: 20250917

Docket: IMM-5183-24

Citation: 2025 FC 1533

Ottawa, Ontario, September 17, 2025

PRESENT: The Honourable Mr. Justice Fothergill

BETWEEN:

HAIYING CHEN

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] Haiying Chen is a citizen of China. She seeks judicial review of an adverse pre-removal risk assessment [PRRA] conducted by a Senior Immigration Officer [Officer].

[2] Ms. Chen entered Canada on September 27, 2005 on a study permit. She returned to China on May 3, 2006 and re-entered Canada on July 13, 2006.

[3] On November 27, 2006, Ms. Chen sought refugee protection under ss 96 and 97(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA]. She claimed to have a well-founded fear of religious persecution due to her Christian faith. On February 12, 2009, the Refugee Protection Division [RPD] of the Immigration and Refugee Board confirmed that she was a Convention refugee or a person in need of protection.

[4] In 2010, Ms. Chen applied for and was issued a Chinese passport. She used the passport to travel to and from China in 2011 and 2014.

[5] On December 31, 2014, the Minister of Immigration, Refugees and Citizenship [Minister] applied to the RPD to cease Ms. Chen's status as a refugee. The RPD granted the Minister's application on August 1, 2019. The RPD found that Ms. Chen lacked credibility, and had failed to rebut the presumption that she had reavailed herself of China's protection pursuant to s 108(1)(a) of the IRPA.

[6] The Officer rendered an adverse decision respecting Ms. Chen's PRRA on December 15, 2023. The Officer found that the evidence of risk submitted by Ms. Chen did not differ significantly from what she had presented to the RPD at the hearing of the Minister's cessation application. The Officer concluded that she had not provided sufficient evidence to rebut the RPD's findings in 2019. Nor did she adduce evidence to demonstrate a new risk of persecution or a need for protection under s 96 and 97(1) of the IRPA.

[7] The sole issue raised by this application for judicial review is whether the Officer's decision was reasonable.

[8] The Officer's decision is subject to review by this Court against the standard of reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov] at para 10). The Court will intervene only where "there are 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).

[9] The criteria of "justification, intelligibility and transparency" are met if the reasons allow the Court to understand why the decision was made, and determine whether the decision falls within the range of acceptable outcomes defensible in respect of the facts and law (Vavilov at paras 85-86, citing *Dunsmuir v New Brunswick*, 2008 SCC 9 at para 47).

[10] Ms. Chen says that the Officer failed to consider the new evidence she presented regarding a change in country conditions in China due to increased surveillance and the "social credit system".

[11] The purpose of a PRRA is to determine whether "there has been a change in the nature of degree of risk" based on "a change in country conditions" or "new evidence that has come to light since the RPD decision" (*Kreishan v Canada (Citizenship and Immigration)*, 2019 FCA 223 at para 116). A PRAA is not an appeal of the RPD's decision (*Yousef v Canada (Minister of Citizenship and Immigration)*, 2006 FC 864 at para 21).

[12] The Officer cited the decision of Justice Richard Mosley in *Raza v Canada (Citizenship and Immigration)*, 2006 FC 1385 at para 22 as follows:

In assessing “new information” it is not just the date of the document that is important, but whether the information is significant or significantly different than the information previously provided: *Selliah*, above at para. 38. Where “recent” information (i.e. information that post-dates the original decision) merely echoes information previously submitted, it is unlikely to result in a finding that country conditions have changed. The question is whether there is anything of “substance” that is new: *Yousef*, above at para. 27.

[13] In her PRRA application, Ms. Chen listed several news articles and reports that discussed country conditions in China. Some of these pre-dated the hearing before the RPD in 2019, and some were published after the hearing. Ms. Chen maintained that she faced an increased risk as a practising Christian due to new incentives for Chinese citizens to report her behaviour to the authorities, which could have a negative impact on her social credit score.

[14] According to the affidavit Ms. Chen swore in support of her PRRA application:

China in general has changed from when I have left, and I am very accustomed to living in Canada, it would generally be very hard to return to the Country that is so controlled by the government and the communist party. I am used to speaking and acting freely, that is not acceptable in China. It is only becoming worst [*sic*] with the introduction of the Social Credit system, and increased monitoring, which they have greatly improved during the COVID epidemic.

[15] The Officer did not specifically analyze Ms. Chen’s claim that she faced a new risk in China due to increasing surveillance and the social credit system. However, the Officer said the following about the country condition reports she had submitted:

[...] I have also been provided with numerous country reports that discuss general country conditions, activists, human rights violations, Christians in China, COVID 19 etc. While I have read and carefully considered this material, I find it is general in content, does not address the material aspects of this PRRA application and does not rebut any of the significant findings of the RPD. [...]

[16] The Officer reproduced excerpts from the RPD's findings, including its adverse assessment of Ms. Chen's credibility. The Officer noted that "the RPD panel found that the applicant was not credible regarding her knowledge and practice of Christianity and found that she had reavailed to China in 2011 and 2014; thus found that she sought and was granted actual state protection by China on both occasions".

[17] The Officer concluded as follows:

The information before me indicates that residents of China are highly restricted in their religious freedom. Individuals can attend government-sanctioned religious institutions; however, bishops or individual Christians who choose to worship in unregistered churches and who conduct themselves in a way to attract local authorities, may face harassment and detention.

Moreover, the risk of persecution for Christians expressing and living their faith in China is very low, indeed statistically virtually negligible. There has been a rapid growth in numbers of Christians in China, both in the three state-registered churches and the unregistered or 'house' churches. Individuals move freely between State-registered churches and the unregistered churches, according to their preferences as to worship. In general, the evidence is that the many millions of Christians worshipping within unregistered churches are able to meet and express their faith as they wish to do.

[18] The Officer reasonably found that Ms. Chen had adduced insufficient evidence of new risks to overcome the findings of the RPD in 2019, including with respect to her credibility. The

news articles and reports she submitted were general in nature and did not specifically address the risks faced by someone with Ms. Chen's profile. The Officer's conclusion that she would face no more than a mere possibility of persecution if she returned to China, and that she was unlikely to be at risk of torture, or risk to life, or risk of cruel and unusual treatment or punishment, was adequately supported by the evidence.

[19] The application for judicial review is dismissed. Neither party proposed that a question be certified for appeal.

JUDGMENT

THIS COURT’S JUDGMENT is that the application for judicial review is dismissed.

“Simon Fothergill”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-5183-24

STYLE OF CAUSE: HAIYING CHEN v THE MINISTER OF CITIZENSHIP
AND IMMIGRATION

PLACE OF HEARING: BY VIDEOCONFERENCE

DATE OF HEARING: SEPTEMBER 10, 2025

JUDGMENT AND REASONS: FOTHERGILL J.

DATED: SEPTEMBER 17, 2025

APPEARANCES:

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| Wennie Lee | FOR THE APPLICANT |
| Aneta Bajic | FOR THE RESPONDENT |

SOLICITORS OF RECORD:

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