

**Date: 20080108**

**Docket: IMM-633-07**

**Citation: 2008 FC 28**

**Toronto, Ontario, January 8, 2008**

**PRESENT: The Honourable Mr. Justice Harrington**

**BETWEEN:**

**HONG FEI WU**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND IMMIGRATION**

**Respondent**

**REASONS FOR ORDER AND ORDER**

[1] Mr. Wu is a citizen of the People's Republic of China. Although he is not personally a practitioner of Falun Gong, after seeing his mother in pain for some years, and that medical treatment was not successful, he suggested to her that she practice Falun Gong. Apparently this practice went a long way to relieve her symptoms. Thereafter, he introduced the practice to an aunt and a friend who were in like need of pain relief, as well as to other relatives and friends.

[2] Mr. Wu claims that he came to the attention of the Public Security Bureau, and so with the aid of a snakehead, he fled to Canada where he has claimed Refugee Status.

[3] The panel determined he was not a refugee for two broad reasons. The panel member found that Mr. Wu was not credible and that even if he were, there was no objective basis to fear persecution should he be returned to China. This is a judicial review of that decision.

[4] The member was of the view that Mr. Wu's story was a fabrication. If he was as fond of his mother as he made out, he would not have put her at risk by encouraging others in similar situations to begin the practice. He was not particularly circumspect in that he apparently made these suggestions in the presence of friends of relatives, and persons for whom he could not vouch. This common sense approach to credibility was not patently unreasonable.

[5] Furthermore, the member's finding that there was insufficient basis for objective fear was neither perverse nor capricious. The documentary evidence does not indicate that a person in Mr. Wu's situation would be considered a threat by the Chinese authorities. Although Mr. Wu proffered a summons apparently received from the authorities, basing herself on a response to information request, the member was not out of place in concluding that this summons, as opposed to an arrest summons, was not a coercive measure, and that it was not uncommon for individuals to fail to respond thereto.

[6] The member's inferences from available information were not patently unreasonable, were not outright speculation, and should not be disturbed. She was entitled to rely on rationality and

common sense (*Shamamati v. Canada (Minister of Employment and Immigration)* (F.C.A.) [1994]

F.C.J. No. 415).

**ORDER**

**THIS COURT ORDERS that:**

1. The application for judicial review is dismissed.
2. There is no serious question of general importance to certify.

“Sean Harrington”

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Judge

**FEDERAL COURT**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** IMM-633-07

**STYLE OF CAUSE:** HONG FEI WU V. THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION

**PLACE OF HEARING:** Toronto, Ontario

**DATE OF HEARING:** January 8, 2008

**REASONS FOR ORDER  
AND ORDER:** HARRINGTON J.

**DATED:** January 8, 2008

**APPEARANCES:**

Hart A. Kaminker FOR THE APPLICANT

Michael Butterfield FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

Hart A. Kaminker FOR THE APPLICANT  
Barrister and Solicitor  
Toronto, Ontario

John H. Sims, Q.C. FOR THE RESPONDENT  
Deputy Attorney General of Canada