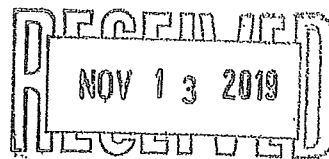




Immigration and
Refugee Board of Canada
Refugee Protection
Division

Commission de l'immigration
et du statut de réfugié du Canada
Section de la protection
des réfugiés



RPD File: TB8-24641
TB8-24648

NOTICE OF DECISION

[*Immigration and Refugee Protection Act*, subsection 107(1)]
[*Refugee Protection Division Rules*, rule 67]

William T. Short
Member

In the claims for refugee protection of:

Date of birth:

UCI:

[REDACTED]

[REDACTED]

[REDACTED]

The claims were heard on October 21, 2019.

The Refugee Protection Division determines that **the claimants are Convention refugees and therefore accepts the claims.**

The reasons for the decision are attached.

November 5, 2019

H. Kim,
For the Registrar
Tel: 1-866-790-0581



5

IMMIGRATION AND REFUGEE BOARD

10

- REFUGEE PROTECTION DIVISION -

15

Reasons for the Decision in a Hearing under the
Immigration and Refugee Protection Act, concerning

[REDACTED]

20

HELD AT: Toronto, Ontario

25

DATE: October 21, 2019

BEFORE: W. Short - Member

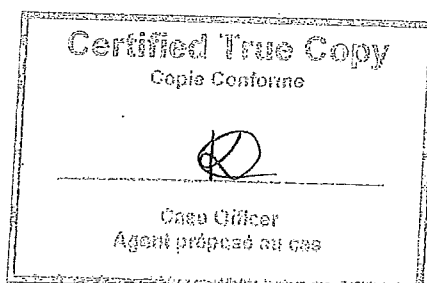
30

APPEARANCES:

35

[REDACTED] - Claimant
Edward C. Corrigan - Counsel for Claimant
Y. Chen - Interpreter

40



5 On October 21, 2019, the Refugee Protection Division (RPD) heard the claims of [REDACTED]
and [REDACTED] who claim refugee protection under sections 96 and 97 of the Immigration and
Refugee Protection Act (IRPA).¹ On that same day, the panel rendered its oral positive Reasons for
10 decision. This is the written version of the oral decision and Reasons that have been edited for
clarity, spelling, grammar and syntax with added references to the documentary evidence and
relevant case law where appropriate.

PRESIDING MEMBER: This is my decision with respect to the refugee claims of [REDACTED]
and [REDACTED]. Both of these individuals, who are mother and son respectively, are citizens of
15 the People's Republic of China, as per the certified copies of their valid passports taken into
evidence.²

These individuals are from Xingjian Province and the City of Urumchi (ph) and are Hui, that's Hui
Muslims. They are not Uyghurs but they claim refugee protection based on the fact that – they
20 would face persecution in China on account of their religious faith and because of their ethnic
identity.

I am satisfied that both of these individuals from the documents on file are members of the Hui
minority and are Muslims. The claimant – the principal claimant actually, had come over to Canada
25 a number of times.

She was in Canada five times and went back, the last time in [REDACTED] however, at that time she
noticed that problems were beginning to arise for Muslim people in China in general and in
Xingjian in particular.

30 They (the female claimant and her [REDACTED] husband) last came over in [REDACTED] of [REDACTED] and since they
have come over, they have decided not to go back to China for the very simple reason that the
claimant and her late husband received a series of telephone calls which are outlined in Exhibit 4.³

35 These are calls from social workers and members of the security apparatus in China who are
demanding that the claimant's return to China and surrender their passports. I think this is more
than enough reason for the claimants to be worried about their prospects, should they return to
China.

40 The second claimant, the [REDACTED] man, named [REDACTED] is a student. He is presently here in
Canada, studying at [REDACTED] on a student visa.

45 He has described various problems which he had because of his Muslim and Hui identity in
Xingjian and I have no reason to believe that should he return to China, he – his fate would be any
better than that of his mother, particularly – and it might actually be worse because he is a young
man of military age and would be looked upon as a terrorist.

50 The principal claimant has indicated that when she and her [REDACTED] husband were boarding a train for
Urumchi, they were screened and one PSB officer said to the other to be careful because there were
two Muslims from Xingjian on the train.

5 There were other instances where the younger claimant indicated that he was unable to obtain hotel accommodations because of his Muslim background.

10 For these reasons, I am aware of the fact that if one looks at Exhibit 3, there is a particularly good article from the Washington Post at page 51 which indicates that members of the Hui minority are being persecuted as well as the Uyghurs.⁴

15 We have heard a lot recently, about the persecution of the Uyghurs but it would appear, unfortunately now, that this persecution is extending to all ethnic groups in Xingjian but all Muslims.

For that reason, I believe that the claimants, who have claimed refugee protection under Sections 96 and 98 as persons in need of protection, have met the definition of a Convention refugee, and that they are Convention refugees.

20 I so find that they are and their claims for refugee protection are hereby accepted.

---- HEARING CONCLUDED ----

25

¹ *Immigration and Refugee Protection Act*, S.C. 2001, c. 27 as amended, sections 96 and 97(1).

² Exhibit 1, Package of information from the referring CBSA/CIC, Certified True Copies of Passport.

³ Exhibit 4, Details for telephone from claimant.

⁴ Exhibit 3, National Documentation Package (NDP) for China, (June 28, 2019).