

**REFUGEE STATUS APPEALS AUTHORITY**  
**NEW ZEALAND**

**AT AUCKLAND**

**REFUGEE APPEAL NO 76434**

**Before:** A R Mackey (Chairman)

**Counsel for the Appellant:** M Meyrick

**Appearing for the Department of Labour:** No Appearance

**Date of Hearing:** 12 March 2010

**Date of Decision:** 15 April 2010

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**DECISION**

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[1] This is an appeal against the decision of a refugee status officer of the Refugee Status Branch (RSB) of the Department of Labour (DOL), declining the grant of recognition of refugee status to the appellant, a national of the People's Republic of China.

**INTRODUCTION**

[2] The appellant is a single man aged almost 40. He is of ethnic Korean background and has spent most of his life living in the Yanji area in the province of Jilin near the Chinese/Korean border. He states his religion as Christian. He entered New Zealand on 25 August 2004, using a false Korean passport. After the expiry of a one month visitor's permit that was issued to him under the false identity, he overstayed that permit.

[3] On 6 March 2007, while working illegally as a furniture mover, he sustained a serious accident which damaged his spinal cord. After being interviewed by a compliance officer of Immigration New Zealand (INZ) soon after the accident, the

appellant admitted his correct name and that he was a Chinese citizen. He was served with a removal order.

[4] On 18 May 2009, he lodged a confirmation of claim to refugee status in New Zealand. That claim for recognition was declined on 30 September 2009. The appellant then appealed to this Authority. Due to problems related to the ongoing disabilities he suffers as a result of the industrial accident, he was unable to attend the first scheduled hearing before the Authority in January 2010. An adjournment was granted.

[5] At the hearing before the Authority which went ahead in March, his disabilities were noted and, to assist him, breaks of 10-15 minutes were taken approximately every hour. A Korean interpreter was used.

[6] The nub of the appellant's claim is that he predicts being persecuted by the Chinese authorities on return to his home district or elsewhere in China for reasons of his support and assistance to North Korean refugees and his associated Christian house church activities.

[7] The primary issue is the credibility of his claim and then, on the facts as found, whether he has a well-founded fear of being persecuted on return to China.

### **THE APPELLANT'S CASE**

[8] The appellant adopted a statement, dated 13 May 2009, made by him in support of his claim for recognition. It was translated with the assistance of a Korean-based New Zealander who was formerly a practising lawyer in this country.

[9] The appellant's grandparents had emigrated to Yanji city some 70 years ago at a time when the area was under Japanese occupation. After World War II, it became part of China. His parents are both deceased. His father worked for a printing company and his mother was an office lady. He has one older brother who lives in Jilin. After a period of not having much contact with his brother, he has been able to be in touch with him recently.

[10] The appellant completed his schooling when he was about 19 years of age. He was educated in both the Mandarin and Korean languages. After leaving school, he worked in a printing company for a few years and was then employed as a chicken farmer for the majority of the time he remained in China. He sold the

chicken farm to his brother in the 1990s but continued to work on that farm. His brother has since sold the farm and now works as a veterinary assistant.

[11] In the period 1996-1997, the appellant became involved with a Christian church group, the members of which assisted North Korean escapees (asylum-seekers) in their arrival and settlement into China. The appellant felt motivated to join this group initially by trying to find jobs for the North Koreans and then later, more directly, by picking up and guiding North Koreans from the Chinese/Korean border near the town of Nampyong to places of safety. He assisted some seven or eight people in the summer of 1997.

[12] He assisted them because they were fellow ethnic Koreans and because his father had told him that many years before people from North Korea had assisted their fellow ethnic Koreans in China at a time when those in China were desperate for food and assistance. His father encouraged him to help North Koreans wherever he could do so.

[13] His Christian group would get a telephone call from across the border that Koreans were about to cross to the Chinese side. They would then go and meet these people and take them to the home of a fellow Chinese supporter. They also gave them clothing and taught them a few common or slang Chinese words so that they would not be so readily identified if stopped by Chinese officials. Many of the North Koreans were very thin and thus could be readily identified.

[14] After giving the assistance in the home of an ethnic Korean Chinese supporter, they then took the escapees past a military base nearby and then, either by bus or by car, to Yanji city where they would find a safe house for them. If the profile of the North Korean escapees appeared to be a dangerous one, they would be taken further afield.

[15] None of the people he assisted were in any way related to him. The appellant also attempted to guide the escapees in a type of role play, such as pretending that women escapees were his girlfriends.

[16] The appellant was never caught in these activities but realised that if he had been, he would have been jailed.

[17] The appellant kept a low level interest in Christianity and the activities of the Korean home church groups from the mid-1990s until April 2003 when he heard from a friend that there was a special campaign being run by a home church called XYZ. This campaign was to run for a period of three or four days and was to be

led by a missionary from the Republic of Korea who called himself Pastor AA.

[18] The appellant and his friend decided to attend the campaign which was held in an ordinary house in Yanji. Some 25 to 30 people attended. The number of people attending could never be a large one as the Chinese government did not allow big churches and thus groups of 15 to 30 were the common size.

[19] The appellant attended for the first two days. During that time, Pastor AA explained that they should come to know God and with that knowledge, preach and assist the North Koreans to also find God. They were also encouraged to contribute money and support in preaching to the North Koreans and to assist them escape and find shelter in China, South Korea and other countries. In the Yanji area this was very much seen as part of the support assumed by the 100,000-200,000 ethnic Koreans who lived there. There were approximately two million ethnic Koreans living in China.

[20] All but two of the people attending the campaign course were ethnic Koreans and two of them were from North Korea originally. It was the first time the appellant had attended such a course, although he had been to another introduction to Christianity conducted by a Korean pastor approximately one year earlier. That course had also been conducted at the same home and many of the same people had attended.

[21] The appellant and his friend, after attending the first two days of the campaign being run in April 2003, decided not to attend on the third day. On the morning of the third day, the appellant's friend contacted him to tell him that the campaign course had been raided by special police of the Chinese government. Some two weeks later, he heard from another friend, BB, who was not a church member, that three of the home church members who were at the campaign had been arrested and jailed. The appellant had heard further from BB, before he left China in May 2004, that these three people were still in prison. He has had no further contact with BB since he left China and became "disconnected" from him. When he heard that the campaign conducted by Pastor AA had been broken up and the participants arrested, the appellant immediately decided to leave his home city because he thought he would be arrested and imprisoned. He travelled by train to Guangdong city in southern China on or about 13 May 2004. He decided to go there as it was a city of many people and he considered he could hide himself and find a job. Soon after arriving, he was able to find a part-time casual job and some accommodation.

[22] While he was in Guangdong, he had no contact with friends or relatives at home and the only knowledge he obtained was by internet or local news. He avoided making contact with his family or friends at that time as he was quite sure that he might put people who had been involved in the home church and others at risk by doing so. The only contact he did make from Guangdong was later through BB. Because of his lack of contact, which has in fact continued to the present time, he is not 100% sure of whether there has been any changes in the situation in his home town or not. However, he gets some information from internet sources and newsletters from other churches who were preaching and speaking about North Korea but nothing directly from China.

[23] While in Guangdong, the appellant joined a Korean/Christian group. He attended approximately every two or three weeks. There were no difficulties in attending this group as Guangdong was a big distance from North Korea. Approximately 15 to 20 members attended that group. The appellant was, at the time, beginning to feel in his heart he was a Christian. There were no problems for him with the authorities in any way during the time he was in Guangdong.

[24] He decided to leave Guangdong although it was safer than his home district. He felt that he should leave China altogether because the Chinese government occasionally carries out census and there was the possibility of being stopped by the police which may lead to him being sent back to his home town. He did not pick out any particular country to travel to but, with the assistance of another Korean missionary, CC, it was suggested that he should move and CC would assist him.

[25] In August 2004, arrangements were made by him and CC for the appellant to go to Malaysia. CC suggested this should be a bridge country for him and made arrangements with a DD in Malaysia for the appellant to be assisted in his travels.

[26] DD discussed with him, while he was in Malaysia for 20 days, the options of going to Australia, New Zealand or the United Kingdom. The appellant had no idea of the actual occupation of DD and he did not pay any money to her. He considered that possibly she understood his situation and assisted him for reasons of Christian love.

[27] A false Korean passport was arranged for him and the appellant then travelled to New Zealand, arriving on 25 August 2004. He did not make any application for refugee status on arrival, as his prime concern was to get himself to

a safe country only. Over the years, he did not think about what additional steps he should take to regularise his stay as he did not want to change his circumstances in any way. Accordingly, it was only some five years later, after his accident, that he applied for refugee status in New Zealand.

[28] In his discussions with CC before he left China, they had spoken about obtaining freedom of religion but not about the necessary processing of immigration or refugee claims. CC had told him it was very dangerous to discuss these matters. The appellant, however, did know that he was in New Zealand illegally but continued to be afraid of making any change to his circumstances or to regularise his immigration status. Thus, after his serious accident and his being served with a removal order, he lodged a claim for recognition as a refugee. He then thought it was the safe way to proceed.

[29] At the time of the hearing, he regretted very much not having lodged his application earlier. He considered that, as far as he knew, if he went back to his home district, people like him would be on a "watching list" held by the Chinese authorities and thus he was very afraid. He felt that there would be no problem for him to go through the airport but, because of his past circumstances, he considered the next day or so after he had arrived home, he would be in trouble. His risk would arise not necessarily because of his past involvement in Christian home churches, but because of his involvement in the assistance of North Korean escapees. He stated that, "to be honest", he did not know what would happen to him but it was clear to him that he might be put in jail and have a difficult life after that. If he was on a checklist for special attention, he may be held in jail until he died. He considered it was not just his attending the campaign courses in 2002 and 2003 that put him at risk but also that he had been involved in assisting North Koreans in the past. Also, on return, he would still want to be of assistance to his fellow ethnic Koreans. The actual church group with which he had been involved was no longer operating to his knowledge.

[30] From soon after his arrival in New Zealand, he attended a Korean community church. This continued until October 2006. After his spinal accident and hospitalisation (March 2007), the appellant began to attend the UVW Church.

[31] In a recent telephone call with his older brother, about one month before the hearing, discussions between them had been of a very general nature. His brother was not involved in any Christian activities. The appellant considered this was because at the time when his brother had been at university, the Tiananmen Square incidents had taken place. This gave his brother a big shock and he then

resolved not to be involved in any Christian or other group activities and to lead a simple and quiet life in Yanji. The appellant considered that if he went back to his home town himself, he could not conduct a life like that of his brother as he had a Christian faith and was not happy to follow the policies of the Chinese government in respect of that faith. Thus they would make it difficult for him to conduct his life as he wished to do. Additionally, he considered he was on a wanted list held by the government. That list would not relate to religious activities but would record, as a euphemism for his religious beliefs, that he was a person who was “against the government”.

[32] The appellant explained that in the Yanbian Korean semi-autonomous prefecture where he came from, if a person like him was involved in Christian religious activities and also in helping refugees from North Korea, that was most concerning to the Chinese government. For this reason, churches operating in the Yanbian area were often the target of government searches and investigations. This was because of the “special” political relationship with North Korea. “One hundred percent of people with that profile were sent to jail,” he said.

## **COUNTRY INFORMATION**

[33] Counsel in this case had provided the RSB with an article “Doing time for God! – Letter writing guide and prisoner list”. This is an article of some 23 pages published by *The Voice*, PO Box 117, Port Credit, Mississauga, USA – [www.persecution.net](http://www.persecution.net). He reminded the Authority of this article at the outset of the hearing.

[34] At the same time, the Authority made available country information accessed from the Refugee Research and Information Branch of the Department of Labour. The content of the information provided by the Authority to the appellant was:

- a. *China Aid Association Inc* “Annual report of persecution by government on Christian house churches within China (January 2009 – December 2009)” (January 2010);
- b. press releases from *China Aid* ([www.chinaaid.org](http://www.chinaaid.org));
- c. a research response to the Refugee Review Tribunal (RRT) Australia *Response No CHN34095, China, “China – Jilin – Christians”* (28 November 2008);

- d. Robert J Saiget, “China ready for refugee rush after North Korean nuclear test” *Tumen (AFP) China*, (15 October 2006), accessed from [www.terraily.com](http://www.terraily.com) (“the AFP report”);
- e. United States Commission on Religious Freedom (USCIRF) *Annual Report 2007 – China* (1 May 2007), accessed from UNHCR RefWorld [www.unhcr.org](http://www.unhcr.org) (“the USCIRF report”);
- f. UK Border Agency, Home Office *Country of Origin Information Report - China* (8 January 2010), relevant extracts relating to “Freedom of religion” (“COIR”);
- g. extracts from the Bureau of Democracy, Human Rights and Labor - *International Religious Freedom Report 2009* “China (includes Tibet, Hong Kong, Macau)” (26 October 2009) (“International Religious Freedom Report”);
- h. Human Rights Watch, *Country Summary – China* (January 2010) (“the HRW Report”);
- i. Amnesty International *AI Report 2009 – China*.

[35] Taking into account the country information set out above, the Authority notes of particular relevance to this appellant’s claim the information that follows.

#### China Aid reports

[36] China Aid, in its report for 2009, notes no individuals being persecuted or arrested in the province of Jilin but, in a press release of 8 May 2008, notes that they:

“... also learned one house church pastor in Ninjin city Jilin province was beaten up and wounded on 4 May while he was preaching at his church that day. He was told by the PSB officials he should dissolve his church. When Pastor Hao asked why, he was beaten up, both his head and chest were wounded. Pastor Hao left government-sanctioned corrupted Three Self church and established a house church a few years ago.”

#### The AFP report

[37] The AFP report (defined at [34] d.) e, 15 October 2006, records that locals are preparing for “another influx of refugees across the Tumen River” and “up to 300,000 North Korean refugees are already believed to live illegally in the Yanbian region of Jilin province. The article goes on to state:



“For refugees, Yanbian Christian groups are crucial in providing shelter and aid, both from state-approved and unsanctioned “underground” churches.”

[38] The same article notes that Beijing insists on labelling these North Koreans as “illegal immigrants” and states:

“Yanbian’s many unregistered church groups, which often get South Korean donations to help refugees, are becoming more active in helping North Koreans. But members of such churches risk arrest and blatant violation of Beijing’s rules often ends up with the government imposing greater religious controls on the entire community.”

#### USCIRF report

[39] The USCIRF Annual Report 2007 notes, at p5 of 9:

“Religious freedom conditions vary by region for unregistered Protestant congregations and, in some parts of the country, unregistered “house churches”, which range in size from a dozen to several hundred members, meet openly and with the full knowledge of local authorities.

For example, in Yanbian Korean Autonomous Prefecture, Protestant leaders report that unregistered house churches are able to maintain their activities without interference from authorities.”

#### The Australian RRT report

[40] This reports a US State Department reference to events in Jilin in the “International Religious Freedom Report 2005” wherein it states:

“In May 2005, nearly 500 house Christians reportedly were detained at meetings in Jilin Province. The vast majority was released within a few weeks, but up to 100 reportedly remained detained.”

[41] The major report referred to in the Australian RRT report appeared to be that of 4 May 2008 noted above in the China Aid reports and that this was a raid on the “Loyalty Christian Church” in Yanji operated by Pastor Hao.

[42] This RRT report also noted that in 2000, there were “350,000 Protestants meeting in 1,900 registered churches and meeting points with over 100 pastors and elders ... and at least 35,000 Korean Christians met in Yanbian in 45 churches and over 200 registered meeting points”. These figures appear to have been sourced from a publication by Tony Lambert, 2006, *China’s Christian Millions*, OMF Publications, UK, pp260-261 – Attachment 1.

#### COIR

[43] At the heading “Christians” at 19.01, this report notes an article in *The Economist*, dated 2 October 2008, estimating 130 million Christians in China and

that the government says there are 16 million Protestants. It also reports that the China Aid Association notes that, privately, the figure was indeed as much as 130 million in early 2008.

### International Religious Freedom Report

[44] This reports, on the first page:

“Government officials allowed increased space for some unregistered religious groups it viewed as non-threatening. A branch of the State Council also held an unprecedented meeting with a delegation of “house church” leaders.”

[45] This report also states later that house churches face more risk when their memberships grew or forged links with other unregistered groups or co-religionists overseas.

### The HRW report

[46] This states, under “Freedom of Religion”:

“China’s constitution guarantees freedom of religion, but the government restricts religious expression to government-registered temples, monasteries, mosques, and churches. The government vets religious personnel, seminary applications, and religious publications, and periodically audits religious institutions’ activities ... The Chinese government considers all unregistered religious organisations, including Protestant “house churches”; members risk fines and criminal prosecution.”

[47] As all the country information above was provided at the time of the hearing, the Authority allowed counsel until 6 April 2010 the opportunity to present written submissions in relation to this country information and its impact on the appellant’s case.

[48] No submissions have been received within the generous time allowed. The Authority has therefore proceeded with the determination on the evidence and submissions as presented, noting the terms of ss129G(5) and 129P(1) of the Immigration Act 1987.

### **THE ISSUES**

[49] The Inclusion Clause in Article 1A(2) of the Refugee Convention provides that a refugee is a person who:

"... owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it."

[50] In terms of *Refugee Appeal No 70074/96* (17 September 1996), the principal issues are:

- (a) Objectively, on the facts as found, is there a real chance of the appellant being persecuted if returned to the country of nationality?
- (b) If the answer is yes, is there a Convention reason for that persecution?

### **ASSESSMENT OF THE APPELLANT'S CASE**

[51] The Authority has, for many years, interpreted the term "being persecuted" in the refugee "inclusion clause", set out above, as the sustained or systemic violation of basic human rights, demonstrative of a failure of state protection. In other words, core norms of international human rights law are relied on to define the forms of serious harm which are within the scope of "being persecuted". This is often referred to as the human rights understanding of "being persecuted" and is fully explained in *Refugee Appeal No 74664/03* [2005] NZAR 60; [2005] INLR 68 at [36] to [125].

[52] As noted in a long line of decisions, the test is solely an objective one, based on the "facts as found". After those facts are established, an assessment of the well-foundedness of the appellant's claim is made against all of the circumstances of the appellant's profile and predicament on return, or the accepted evidence "in the round". To establish the facts as found, an assessment of the appellant's credibility is the first step.

### **CREDIBILITY**

[53] The appellant suffered a serious accident in early 2007. This has resulted in him having ongoing problems, both physically and mentally. The Authority has taken these into account in the assessment of the appellant's evidence. Notwithstanding this, the Authority does not accept the totality of the appellant's claim. The aspects of his evidence that the Authority found unbelievable are set out below. A conclusion on the appellant's credibility, and his accepted profile,

follows.

[54] The appellant's evidence as to his involvement in home church campaigns or courses in the period 2002/2003 and the reasons for his departure lack credibility. The evidence he has provided, starting with his statement of 3 August 2009 and going through to his evidence before the Authority, is confused, contradictory and vague to the extent that no weight can be attached to it. The reasons for these conclusions follow.

[55] In his original statement of August 2009, the appellant stated that:

"From or about April 2003 I began to attend a house church... led by a missionary from South Korea."

[56] He went on to state that after attending the house church meeting for two days, he heard that all the people attending the church meeting were arrested by the special police of the Chinese government and at the same time he knew that he was on a list of wanted people because he attended the church meetings. He went on to state that he was then escaping the police for some time in his home city and decided to leave and went to Guangdong on 13 May 2004 (13 months later).

[57] To the RSB, the appellant stated that he had been attending house church meetings regularly over the period 2001-2003 when, in April 2003, after not going to a scheduled third day of a meeting of the house church, he later learned in a telephone call from a friend that the police had taken away the people who had attended and that he knew four members of the house church had been arrested. He then went into hiding in Yanji city at a friend's place, where he remained for three days and then travelled to Guangdong.

[58] To the Authority, the appellant stated that on 3 April 2003, there had been a special campaign meeting run by a South Korean pastor, which had concentrated on helping North Koreans to find God. He told the Authority he had attended the campaign for two days of a planned three-day campaign, he was advised of the raid on the third day and that he had left Yanji straightaway. Then, two weeks later, when he rang his friend, BB (who was not a church-goer), he was told that three of the people attending the campaign had been imprisoned and remained in prison. He later added that he had been to a similar campaign in 2002, as well as the one in April 2003.

[59] Despite attempts to clarify the number of campaigns he had attended and the dates he had attended those and also the timing of his move to Guangdong,

the Authority was unable to reach any form of clarity on these events. His evidence in this regard is so confused and contradictory that the Authority can attach no weight to it.

[60] The Authority also finds his claimed lack of contact with friends and fellow-house church attendees after he had moved to Guangdong to be highly implausible. He stated that his only follow-up had been with BB, a friend who had not attended or been in any way involved with home churches or Christianity. His evidence in this regard was extremely vague and unconvincing. To the RSB, he had stated that a friend who lived near the meeting place of the home church in April 2003, had telephoned him and told him the police had taken the people away and arrested four members of the house church. His evidence at that time appeared to imply that the friend referred to was a person who had also attended the campaign with him. The Authority considers the appellant has invented the claim that he did not contact his fellow church attendees to bolster a contrived story.

[61] Given these findings, the Authority does not accept that the appellant attended a church course in 2003 and narrowly missed being arrested with his fellow attendees. The Authority does not accept that the appellant was of any interest to the Chinese authorities at the time of his move to Guangdong or his departure from China. As such, the Authority rejects his assertion that he is on a "watch list".

#### Accepted profile

[62] The Authority accepts therefore, on the evidence he provided, that the appellant was involved in giving some support to North Korean escapees/refugees in the way he described over the period 1996-2001. It also accepts that he had some low level of interest and association with the activities and teaching of Korean churches in Yanji over the same period. These activities are consistent with country information. That is the total extent of his accepted profile however.

[63] The reasons for his move to Guangdong cannot be ascertained with any degree of certainty. On his own accepted evidence, the Authority concludes that the primary reasons for his move to Guangdong were for employment and economic reasons, as Guangdong was seen to be a "boom city" with more liberal attitudes allowed.

[64] The Authority accepts also that the appellant became involved with CC in

Guangdong who, along with Miss Kang in Malaysia, guided and assisted him to leave China and make his way via Malaysia to New Zealand.

[65] The Authority accepts that since he has been in New Zealand, he has had some involvement with Korean Christian churches and considers himself to be a Christian. The Authority finds, on the totality of the evidence, that this is not a deeply held faith. On return, the Authority considers the appellant may continue his low level interest in Christianity, but nothing more.

#### Well-founded fear

[66] On the facts as found above, taking in to account all of the characteristics of this appellant in the round and setting this against the country information presented and described above, the Authority is satisfied that this appellant is not at a real risk of being persecuted on return to his home district.

#### Risk in relation to Christian church activities

[67] The country evidence, such as that analysed in the Australian RRT Response set out above, confirms that while there were certainly some raids on Protestant house churches in the period 2005 to 2006 in the appellant's home district, the vast majority of those detained were released within a few weeks. There are also reports of a house church being destroyed in 2006, a pastor in Jilin was placed in detention, and a Christian couple were detained in Jilin also in 2006. The USCIRF annual report of 2007 also relevantly states that house churches for unregistered Protestant congregations meet openly with the full knowledge of the local authorities and that in the Yanbian autonomous prefecture, Protestant leaders report that unregistered house churches are able to maintain their activities without interference from the authorities.

[68] This appellant's low level of involvement with house churches, the Authority is satisfied, simply does not place him in a situation where there is a real chance of him being detained or persecuted on his return. However, supporting Korean escapees, possibly in conjunction with the activities of home churches in the appellant's home district, does, on the country evidence, attract a higher risk profile.

[69] There is no evidence of mere supporters of such home churches being, at any level, at risk whatsoever over the last four to five years. Even in 2005/2006, the number of raids reported was very low.

### Risk in relation to supporting North Korean escapees

[70] The appellant's predicament must be assessed against this risk that is set out in the country information. The appellant's involvement in support to North Koreans was over the 1997 to 2001 and involved him helping, on some six or seven occasions, North Koreans to be initially received when they crossed the border and then with their transport and, in apparently one case, employment soon thereafter. However, none of these activities have ever come to the attention of any Chinese authorities. The activities took place more than 10 years ago. There is simply no evidence whatsoever of the appellant being on any form of list held by the authorities. His claims that he will be detained are highly speculative, given only two or three detentions some years ago are reported in the country information. Indeed, beyond this, given that the Chinese authorities have no knowledge of his involvement in support to escapees in the past whatsoever, any risk must be seen as virtually non-existent.

[71] On his own accepted evidence, his own profile with the Chinese authorities, would be not dissimilar from that of his brother who pursued a simple life and did not become involved with activities that in any way brought him to the attention of the Chinese authorities.

### Risk in relation to Korean ethnicity

[72] The country information states that there are some 100-200,000 ethnic Koreans living in Yanji and several million in China. There are no reports in the country information of Koreans being persecuted merely because they are sympathetic to their fellow ethnic Koreans. On the country information, there is evidence of only one pastor being arrested in Yanji city after he had established a home church some years before.

[73] Thus, the risk of serious harm (or being persecuted) of this appellant, on the totality of his profile, is assessed as highly speculative and remote and certainly not at the level of a real chance. His prediction of being persecuted on return to his home district is therefore not well-founded. The first issue as set out above is answered in the negative.

## **CONCLUSION**

[74] As the first issue is answered in the negative, it is unnecessary to go on and consider the second issue. The Authority finds that the appellant should not be

recognised as a refugee within the meaning of Article 1A(2) of the Refugee Convention. The appeal is dismissed.

"A R Mackey"  
Chairman