

REFUGEE STATUS APPEALS AUTHORITY
NEW ZEALAND

REFUGEE APPEAL NO. 70295/96

X N R

AT AUCKLAND

<u>Before:</u>	A R Mackey (Chairperson) A B Lawson (Member)
<u>Counsel for Appellant:</u>	The appellant presented his own case
<u>Representative for NZIS:</u>	No Appearance
<u>Date of Hearing:</u>	22 January 1997
<u>Date of Decision:</u>	18 April 1997

DECISION

This is an appeal against the decision of the Refugee Status Branch (RSB) of the New Zealand Immigration Service, declining the grant of refugee status to the appellant, a Chinese national from the L province.

INTRODUCTION

At the commencement of the hearing, the appellant advised that Mr Paul Wilson of Wilson Consultants was no longer acting for him and that the appellant wished to represent himself. He confirmed that he wished to proceed with the hearing without representation. The hearing of the application was adjourned for a short period to enable the appellant to be provided with a full copy of the RSAA file which he had not brought with him to the hearing. At the commencement of the hearing, the Authority explained its jurisdiction and procedures and read through the terms of Article 1A(2) of the Refugee Convention, defining a refugee to the appellant and this was translated to him by the interpreter. The appellant confirmed his full understanding of the mandarin language used by the interpreter.

THE APPELLANT'S CASE

The appellant is a 42 year-old married man from the province of L in China. He said that since he had been in New Zealand, his wife had contacted him, wanting a divorce, but this had not yet been finalised.

The appellant arrived in New Zealand on 29 January 1996 and lodged his application for refugee status on 24 April 1996. He was interviewed by the RSB on 15 August 1996 and a letter declining his application, was sent to him by the RSB on 26 September 1996. On 16 October 1996, he appealed to this Authority.

After completing schooling in 1971, the appellant was sent to do three years of farm work. In 1974, he entered the L university, where he studied physiology, anatomy and physical education. After three years of study, he was unsuccessful, however, in obtaining a diploma. In 1977, he joined a government company involved in recycling of materials and also, soon after, commenced working for the HD Trading Company (a private business). He married in 1979 and, in March 1980, his wife gave birth to their only child, a daughter.

The appellant has long been involved in the traditional Chinese activities of Tai chi, and also a number of the spiritual and philosophical teachings associated with Tai chi and the ancient Taoism philosophies.

When asked about his family, the appellant told us that in December 1996, his wife had telephoned, requesting that they be divorced. She explained that the Public Security Bureau (PSB) were continuing to investigate him because of his past problems in L and she was afraid of becoming involved. She said to him that although he had left approximately one year beforehand for New Zealand, investigation of his case was concerning her and she therefore wanted to be divorced. The papers for the divorce had not yet been received by him. During other telephone conversations he had had with his wife in 1996, she reported two or three visits by the police to their home and that she had rung him on each occasion. When asked what matters the police were investigating, the appellant said that these were:

1. his involvement in the student democracy movement in 1989; and
2. his role as a former leader of a Tai chi association in L.

SUPPORT OF THE STUDENT DEMOCRACY MOVEMENT 1989

In respect of the involvement in the student democracy movement of May/June 1989, the appellant told us that because of his work in the field as an instructor in Tai chi, he was in close contact with a number of students and therefore, at the time of the student demonstrations in May and June 1989, took time off his work to attend a number of demonstrations in L. Neither of his employers were aware of his involvement as he had no limitation on the hours he worked and did not, therefore, need to seek permission to take time off. In addition to taking part in a number of demonstrations, he also gave speeches at schools in the area with which he was associated, promoting freedom of speech and democracy in his speeches. He continued these speeches shortly after the 4 June 1989 clamp-down on the students in Beijing. However, later in June 1989, he was investigated by the PSB and his own work units.

When asked by the Authority why a 35 year-old married man would wish to talk with the students and take part in their demonstrations, he explained that, as he was already a well-known and highly-respected Tai chi instructor, he thought it was correct to express his private opinions and was encouraged by the students to do so. He thought that the students' ideas were similar to his own. He recalled two speeches made at the L university, one before the June 4 incident, and one shortly after.

In July 1989, after being investigated by the PSB and his own work units, he said he was arrested and taken to the L prison, where he was held, along with several others, for a period of four months. In that time, he was treated cruelly and beaten on a number of occasions, receiving bruises to his body, arms and legs. He received some permanent damage to his leg when he was hit with a large stool on one occasion. He explained that there were a number of prisons set up at that time to accommodate students and others involved in the student democracy movement and he was locked up in one of those prisons. During that time, he and the others who were detained were forced to go through self-criticism.

In November 1989, he was released when gradually a number of people like him were simply allowed to leave the prisons. No explanation was given, but he presumed it was because of international pressure that had been exerted on China.

When the appellant was asked why, in his initial statement, lodged in April 1996, he had not mentioned the length of time he had been detained, or that he had been beaten (the major emphasis in his original statement being on the humiliation he suffered and an argument he had had with the head-teacher of his daughter's school, because he considered his daughter had not been put ahead in the manner in which he considered she should have been), he replied that at the time he lodged his application, he did not know any English and had used the services of Wilson Consultants.

TAI CHI/TAOISM

After being released from detention in 1989, he was not arrested or held again but, on several occasions, the police came and demanded money from him personally, and from his Tai chi association. When asked how much and for what purpose the police demanded the money, he replied that he was not sure of their purposes; on some occasions they would demand a few thousand renminbi and on other occasions, up to RMB10,000. Also, his book on Tai chi and the school of Taoist teaching that he had promoted, was banned. He said that he paid the PSB between RMB30,000 and 40,000, 50% from his own resources and 50% from the resources of the Tai chi Association, of which he was the head. The PSB made him believe that if he did not pay these bribes, then more investigation of him would take place and he could be arrested. It was a form of blackmail. He, however, could not be specific as to the actual times at which he had made the payments, but said they were always made to the same person from the PSB. When asked by the Authority why he would ask the members of the Tai Chi Association to also pay the bribes, he said that people from the Association wished to help him and pay as a support, because the police were threatening to shut down the Association and arrest him if he did not pay. He confirmed that the Tai chi Association of which he had been the former leader was a non-profit association, which was supported by voluntary payments from members.

From the time when the appellant was released from detention in November 1989, he was dismissed from his job with the private trading company but retained his employment with the government recycling company. He said he was able to continue to work for that company until 1992, when he resigned to take up a full-time position as chief instructor with the Tai chi Society. He produced a booklet to the Authority, which explained the background to the Tai chi (Taijiquan) Society in which he was involved. This brochure, which includes many photographs of the

appellant involved in carrying out a number of Tai chi movements and activities, also sets out a brief history of the W style of Taijiquan, of which the appellant is claimed to be the sixth master, following in a history that has been handed down over a period of more than 140 years.

The aim of publication appears to be to set out details of the W style and its background. In explanation of its purpose, it states it is to add to “national culture” within China and “set up a bridge of friendship for the people throughout the world”.

The appellant explained that he had started learning his particular style of Tai chi from the age of seven or eight from the fifth master, QSM. He explained that QSM was still alive and that when QSM left China in 1991, to go to Singapore, QSM had appointed the appellant as the sixth master. The appellant explained that, in addition to the beneficial exercises obtained through the practice of Tai chi, which was extremely popular and widespread throughout China, there was also a religious or philosophical dimension to the W style in which he was involved. He considered that this was a derivative of Taoism. He explained that the Communist regime in China prohibited the teaching of traditional philosophies related to Taoism that were not approved by the government. They did, on the other hand, allow the teaching of the exercises and physical side of Tai chi. The appellant said that he was able, however, to instruct people in the philosophical dimensions in a private capacity. His Association, therefore, although well-known in his part of China, was only able to promote the skills and related physical exercises, but not teach or proselytise the philosophies.

The Authority asked the appellant to provide evidence of the banning of the teaching of Tai chi or Taoist philosophies in China by the Chinese authorities. He thought he could supply some documents which would show that the physical education side was encouraged, but the spiritual dimensions were prohibited. He said that he had not read them personally, and the government would never openly state that the teachings of his philosophies were prohibited. It was his fear that he would be persecuted because he had been a Taijiquan teacher and the government had found out that he was going beyond mere physical teaching and promoting the spiritual side of the W style. The pamphlet he produced, he said, was for wide distribution and did not put forward any of his spiritual dimension. This had been included in another book he had tried to publish in 1993, but it had

been banned at that time. He considered that his book had been banned because of his association in the student movement.

He said that he had been told on the telephone by a government official from the Public Affairs Department in 1993, that he was to stop teaching his style of Tai chi, because it was not just exercise, but also involved a religious belief. Despite this, the appellant said he continued with his teaching and instructions in elements of Tai chi that he believed in, and this involved him not only working in his own province, but also in a number of other provinces and teaching to a number of overseas students.

In 1993, the police had tried to break up some of his meetings in L. When it was put to the appellant that he had never mentioned before that the police had tried to break up his meetings, the appellant said this had been raised by him at the RSB but not translated on his behalf. He said that six policemen had come in and asked what he was doing and, when it was explained that they were practising Tai chi, the policemen made them stand against the wall and two students were beaten when they protested. The police stated that such a meeting was prohibited. They took money from the appellant and his students (explained as petrol money), but nobody was arrested. He thought it was about half a month later that he was told by the authorities that he should not teach any longer.

Again, the Authority asked why the appellant did not mention all this in his RSB interview, and he replied that he had been told it was irrelevant and therefore did not proceed with it any further.

The Authority also asked the appellant why he had only concentrated on the problems of his daughter's schooling in his original application and interview with the RSB. He replied that he wished to confirm that the problems that his daughter had were correct and that she had been subjected to discrimination. The Authority then asked the appellant to explain the number of encounters he had had with the police between the time when he was released in November 1989 until he left China in 1996. He explained that there had been three or four visits by the police in the period 1989 to 1993. In 1993 there were two or three visits. In 1994, there was one visit to his home, and in 1995, there were no visits at all. He said that the 1994 visit was when the police came to threaten him and reminded him not to cause any more problems and to stop preaching his philosophies as a religion.

Despite all the warnings he received from the police, he did not stop his teaching, and continued to teach groups of between 20 and 30 at his own home at least once a week. In the daytime he taught Tai chi exercises, but in the evening he taught the associated philosophies or beliefs. He explained that some of the books he used were “old classics” and some were contemporary. He had obtained these books from Hong Kong and Taiwan, but dare not bring them with him. He explained that he had kept the books in secret store-room in his home, so that when the police came to his home, they were never found. His wife, however, had told him that one of these books had been discovered in a visit by the police since he had been in New Zealand.

The Authority asked whether the appellant could provide a list of the books and any evidence of them being banned, to which he replied that he would try to but did not know how he would confirm that some of the books had been banned.

The Authority asked whether the appellant was in contact with QSM, and if so, could he confirm any of the appellant’s claims. The appellant told us that QSM had telephoned the appellant from the United Kingdom in 1996, but he did not leave an address or contact at that time. He said QSM merely telephoned to ask him about his life in New Zealand, how many students he had, and how his work was progressing. He understood that QSM had left China for the last time in 1991 and did not intend to return.

The appellant was finally asked by the Authority whether he would consider his philosophies related to Tai chi and Taoism to be a religion. He replied that the philosophy to which he adhered required followers to honour the practices of former masters, to submit prayers to them and to worship ancestors. He said these types of superstitious beliefs or prayers were disliked by the Chinese government and were viewed like other views on freedom of democratic thought.

At the end of the hearing, the Authority offered the appellant one month in which to produce additional information that could support his claim, in particular to provide any objective evidence of the suppression of the teaching of the philosophical side of Tai chi/Taoism in China. In a letter of 24 January 1997, the Authority wrote to the appellant in the following terms:

“Re: Refugee Appeal No 70295/96

As explained to you at the conclusion of the hearing of your appeal on 22 January 1997, the Authority members agreed to allow you one month from the date of your receipt of this letter to present additional information to this Authority, which we will take into account in the determination of your appeal.

1. In particular, we would appreciate receiving from you objective information, with an English translation, indicating any evidence of the Chinese government/ PSB/ police suppressing or banning the teaching of the principles of Tai chi, Taoism or W-style Taijiquan philosophies or religious beliefs.
2. Any evidence of teachers or religious leaders involved in the teaching of the religious beliefs or philosophies of the above ideologies being persecuted in China and, in particular, in the province of Liao Ning.
3. A list of the books you stated that you used for your teaching, and you consider to be banned or suppressed in China.
4. Any other country information from your supporters, pupils or fellow Tai chi teachers that would confirm the suppression or banning of the teaching of the philosophic or religious side of Tai chi.”

The appellant sent a letter to the Authority, dated 2 March 1997, in which he stated:

“ Tai chi was basic on Taoism. The history of Tai chi told us that it was created by a Taoist priest Zhang San Feng in China Ming dynasty. The third generation successor became a citizen of ZB Town. The W style Tai chi was directly originated from there.

Now those official Tai chi Masters in China deny the true history of Tai chi, deny the truthfulness of the creator Zhang San Feng, deny the relation between Tai chi and Taoism. They only stress that Tai chi was created by the people, originated from the advanced ideology of the Chinese traditional philosophy. These are totally for pleasing the Chinese government.

I really can't agree this kind of attitude, in my original manuscript there's a wide rang of coverage about the true history and true ideology of Tai chi. But unfortunately I had to delete al of this part, otherwise my book couldn't be published.

But, in all of my teaching activities, I always persisted in telling the true, so it incurred my being suppressed by the Chinese Government.

My teaching materials included some books.” (sic)

A list of four books was then set out and the appellant states that these books were seriously criticised by official theorists. His own teaching materials are then listed as:

- “1. The True History of Tai chi
2. The Unity of sky, earth and Human
3. The Chi, Mind, Spirit and Taoism.”

The appellant then states that these three works are forbidden by the government and forfeited.

The letter then goes on to state:

"I am a Taoism believer, I was from a Taoism family. But because Taoism was a religion originated in China, so it was suppressed much more serious than other religions. Because the Government think suppressing Taoism would be less protested from the outside world. So since 1950's Taoism (I Kuan Tao) was banned by the Government. Most of the Taoism priests were put into jails. In the 1980's, the Government flaunted their policy of religion freedom, so Taoism also was allowed to be existed. But the priests are all strictly selected and have to cater to the need of Marxism-Leninism.

A writer has written a biograph of mine but can't be published in China, and he cannot but published it in a Chinese Newspaper in New Zealand (Weekly News), in serial.

My ex-wife also is a Tai chi Master. She was forced to announce that she was totally opposed to my points of view and finally it led to our divorce.

The above are parts of what I have suffered.

I wish the Authority, for the sake of human right, give my application careful consideration."

Two photocopied pages were provided with the letter. These are in Chinese without translation and appear to be copies of the outside covers of books related to Tai chi.

The final matters the Authority covered with the appellant related to how he came to New Zealand and how he had funded himself.

He explained that in addition to his teachings, his wife had also been a Tai chi instructor. However, she also operated from her home, a small trading/commodity business, dealing in scrap metals. From their joint earnings, he had been able to purchase his tickets for New Zealand, and also bring with him NZ\$20,000. He said he applied to come to New Zealand as part of a group of businessmen who were visiting this country, and paid RMB28,000 for the trip. He had obtained a passport previously when he had attempted to go to Spain in 1994. When it was pointed out that his passport had issued in November 1995, the appellant explained that his first passport had been taken away from him and he had been re-issued with a new one because his first passport had a very short validity.

He had tried to go to Spain to get away from the Chinese government and that he had heard that there were a number of students of Tai chi living in Spain. He therefore wished to go there and teach. After being unsuccessful in his attempts to travel to Spain, he then decided to come to New Zealand.

COUNTRY INFORMATION ON TAOISM/TAI CHI IN CHINA

The Authority conducted its own searches from magazines and literature available through the New Zealand Refugee Status Library. From this search, the following is of relevance to this decision:

1. According to an outline in the Encyclopaedia Britannica, 15th Edition (USA) at page 383:

“Taoism, along with Confucianism, is one of the two major indigenous religio-philosophical traditions that have shaped Chinese life for more than 2,000 years.

In the broadest sense, a Taoist attitude towards life can be seen in the accepting and yielding, the joyful and carefree sides of the Chinese character, an attitude that offsets and complements the moral and duty-conscious, austere and purposeful character ascribed to Confucianism. Taoism is also characterised by a positive, active attitude toward the occult and the metaphysical (theories on the nature of reality), whereas the agnostic, pragmatic Confucian tradition considers these issues of only marginal importance, although the reality of such issues is, by most Confucians, not denied.

Taoist thought permeates Chinese culture, including many aspects not usually considered Taoist. In Chinese religion, the Taoist tradition - often serving as a link between the Confucian tradition and folk tradition - has generally been more popular and spontaneous than the official (Confucian) state cult and less diffuse and shapeless than folk religion.”

The associated Tai chi exercise appears to have emanated many hundreds of years ago as part of the development of the idea of Yin and Yang within Taoism. At page 387 of the Encyclopaedia Britannica, it states:

“The warm breath of Yang accumulated to produce fire, the essence of which formed the sun. The cold breath of Yin accumulated to produce water, the essence of which became the moon.

The idea of ch'i. Yin and Yang are often referred to as two “breaths” (ch'i). Ch'i means air, breath, or vapour...”

While the Encyclopaedia Britannica article does not refer to any suppression in mainland China, it does, however, at page 395, state that

the principal refuge of Taoism in the 20th century is on Taiwan. However, this is stated to be resulting from the great Emigration from the opposite mainland province of Fukien in the 17th and 18th centuries.

2. Treatment by the Chinese authorities.

In the book, "Tai chi Combat", Paul Crompton - Professional Book Supplies Ltd. Oxon (1990) USA, it states:

"In China after 1949 there was a movement away from belief in religion, mystic forces, immortality, and all the heritage of the past toward a more practical and down-to-earth attitude. This has slowly changed; and in the world of martial arts (*wushu*, which includes T'ai Chi) a new, official government syllabus of training has appeared alongside the remaining pockets of old traditional forms, constructed largely from an amalgamation of them. From these few examples, we can see that T'ai Chi, like everything else, tends to change according to the winds that blow through society." (underlining added).

In an Economist article "Old Rituals in New China" - 17 August 1996, at page 23, it states:

"... so the Beijing leadership has been stepping up its campaign against "feudalism and superstition". Crack-downs on traditional religion have received widespread publicity. "

(Note - the kinds of religion considered superstitious: for example, Daoism (or Taoism) was considered a superstitious religion during the Cultural Revolution).

In "The Sacred East", Littleton, Cardigan Street Publishers (1996), at page 118, it states:

"In recent centuries Daoism has gradually declined, owing in part of the impoverishment of its temples. Further blows to its survival were dealt in the 20th century by anti-religious movements. The most radical of these was Chinese Communism, which gained control over China in 1949. The Communists saw all religion as an obstacle to social progress and the Daoist religion in particular as harmful superstition. Since the early 1980s, however, the government has come to accept that for many people religion can fulfil real human needs, and a certain amount of tolerance has been restored. As a result there has been a resurgence of religious activity in the countryside. In towns too, some of the larger Daoist temples are again functioning."

In the United States Department of State Country Reports on Human Rights Practices for 1996 (January 1997), it states:

“Although the constitution affirms toleration of religious beliefs, the Government seeks to restrict all religious practice to closely controlled and government-sanctioned religious organisations and registered places of worship.”

3. Tai chi

The publication “Tai Chi - Ten Minutes to Health”, Chia Siew Pong, Goh Ewe Hock - 1985 CRCS Publications, USA, states at page 4:

“Tai chi, an ancient martial art based upon Taoist philosophy, probably developed in China during the Sung Dynasty. It was initially taught and practised only in northern China. The Japanese invasion in the twentieth century stimulated its spread to other parts of the country while the communist take-over of the nation was largely responsible for its dissemination to Taiwan, Hong Kong and the countries of Southeast Asia. From these overseas centres, the art was propagated even further.”

The publication goes on to describe the evolution and development of the more popular forms of Tai chi and states at the end (page 8):

“In attempts to improve upon what they have learnt, several have introduced their interpretations of the art; the result has been the development of many schools of tai chi. Among the better known versions are Chen tai chi, Wu tai chi and Sun tai chi. Many later versions introduced modifications to the original system.”

4. From a publication “China Rights Forum, Spring 1995” - published by Human Rights in China, New York, the Authority notes that religious control in China begins with restricting to five, namely Buddhism, Catholicism, Protestantism, Daoism and Islam, the number of religions officially recognised by the Chinese government. The Chinese government also promotes separating religion from superstition, which is illegal, and includes such practices as divination, fortune-telling, healing rituals and exorcising ghosts. Each of the five recognised religions is monitored by a patriotic association.

That publication does not refer to any discrimination or persecution of unofficial Taoist groups. There are a number of references to suppression, arrests etc. of Catholic or Protestant groups.

THE ISSUES

The Inclusion Clause in Article 1A(2) of the Refugee Convention relevantly 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, is unable or, owing to such fear, is unwilling to return to it."

In terms of Refugee Appeal No. 70074/96 Re ELLM (17 September 1996), the principal issues are:

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

Because the issue of relocation arises in this case, the decision of this Authority in Refugee Appeal No 523/92 Re RS (17 March 1995) requires two additional issues to be addressed:

- (a) Can the appellant genuinely access domestic protection which is meaningful?
- (b) Is it reasonable, in all the circumstances, to expect the appellant to relocate elsewhere in the country of nationality?

ASSESSMENT OF THE APPELLANT'S CASE

In order to establish the facts as found, so that an objective assessment of a real chance can be made, it is first necessary to determine the appellant's credibility. In this case, the Authority found that the appellant had embellished his story before the Authority in a number of instances but that the core of his story was believed by the Authority. The areas where the Authority considered the appellant had embellished his story were:

1. The length of detention after his arrest in July 1989. In his original statement, the appellant merely stated that he was detained by the police for his part in aggravating anti-government feeling, lost his position as

leader of the “unit”, and faced humiliation at every turn. Before the RSB, he stated that he had been detained for six months, but released in November 1989 and before the Authority, he said that he had been detained for four months. The Authority accepts that the appellant was detained, but for a shorter length of time than he now claims.

2. The number of visits by the police from the date of his release in 1989 until he left China and since that date, has been exaggerated.

The appellant certainly mentioned paying large contributions to the PSB to run his Tai chi Association in his interview with the RSB, but made no mention of any police visits to his home or his classes. In his RSB interview, as indeed, in his original application, he placed a considerable amount of stress on the anger and reaction he had to the discrimination he considered was being practised against his daughter and it was as a result of this complaint, that he lost his position as chief instructor at the Tai chi Association in October 1993.

Before the Authority, he stated that there had, in total, been six and seven visits over the period 1989 to 1994.

In summary, therefore, we accept that the appellant was detained in 1989 and was beaten, forced to write self-criticism reports and undergo re-education. After that time, we accept that he was harassed and bribed by police officers and other local authorities in L, the operation of his Tai chi instruction school. He paid a number of bribes to continue the operation of his teaching of Tai chi. We accept that the government considers the teaching of traditional Taoist philosophies undesirable and this stance may have been used by the authorities as a basis for discriminating against the appellant’s Tai chi school and his teachings of the W style tradition, of which he claimed he was the 6th master.

Objectively assessed, however, and from the country information set out above and information provided by the appellant, there is simply no evidence of there being a real chance that the appellant would be persecuted if he returns to China. This appellant has been harassed and discriminated against by some local police officers and authorities in his home town of L, and he has been forced to pay bribes to them on occasions. This does not rise to the level of persecution. The appellant obviously has a deep knowledge of the particular school of Tai chi in

which he has been involved for most of his life and, where this borders upon philosophical teachings of traditional Taoism, it appears to be frowned upon by the authorities, and used as a basis for extortion. There is simply no objective evidence, however, to indicate that a person in the appellant's position would be arrested or persecuted, should he continue to teach his style of Tai chi. He stated that his publication had been banned by the authorities in 1993, but when this took place, the appellant was not persecuted, detained or prosecuted at all as a result of writing or attempting to publish the book. The Authority does not consider that the appellant's freedom of thought, conscience, or religion has been so restricted that it could be considered as persecutorial.

As the Authority does not consider there is a real chance this appellant would be persecuted if he returned to his home country, it is not necessary to consider the second issue as to whether there is a Convention reason related to the possible persecution.

While it is unnecessary to reach conclusions on the issue of relocation in the unique circumstances of this case, the Authority notes that the harassment he has suffered, appears to have been localised very much to the area of L, and while he appears to be reasonably well-known in that district, there does not appear to be any reason why he could not move to other parts of China and genuinely access domestic protection, and it would be reasonable, in the circumstances, to expect him to do so.

CONCLUSION

1. Objectively assessed, the Authority does not consider that there is a real chance the appellant would be persecuted if he returned to his country of nationality.
2. It is unnecessary to reach a conclusion relating to a possible Convention reason.

In this situation, the appeal must be dismissed. The appellant is not a refugee within the meaning of Article 1A(2) of the Refugee Convention. Refugee status is declined.

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Chairman