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Massimo Introvigne, James T. Richardson, and Rosita Šorytė

**Prophecy, Passports, and Persecution: Church of Almighty God
Asylum Cases, 2015–2021**

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ABSTRACT: Thousands of members of The Church of Almighty God (CAG), a Chinese Christian new religious movement, have escaped China, where they are heavily persecuted, to seek asylum abroad. Their asylum cases offer a unique opportunity for a comparative study of how religion-based refugee claims are dealt with by administrative authorities and courts of law in several different countries. The article examines and summarizes 271 decisions rendered in CAG asylum cases throughout the world, and analyzes the main issues that led to grant or deny asylum.

KEYWORDS: Religion-Based Refugee Claims, Chinese Refugees, Chinese Asylum Seekers, The Church of Almighty God, Religious Persecution in China, Xie Jiao.

A Unique Opportunity to Study Religion-Based Refugee Cases

In recent years, religion-based refugee claims have increasingly attracted the attention of those studying asylum laws (Musalo 2004; Šorytė 2018). Religious repression by non-democratic states has increased, and so have asylum applications by those who fear persecution because of their faith. The study of

how administrative authorities and courts of law in democratic countries react to these claims is not easy. Particularly at the administrative stage, most decisions remain unpublished. The few cases that have reached higher courts, such as the U.S. Supreme Court or the European Court of Human Rights, may not be representative of general trends.

Recently, the number of refugees fleeing China has greatly increased. Most of those who seek asylum are Uyghurs, or members of other Turkic minorities from Xinjiang, whose refugees have now exceeded the Tibetans. In these cases, however, asylum applications, while mentioning religion, are based on discrimination and persecution suffered because of a broader cultural identity. Islam and Buddhism are not forbidden in China, although some Uyghurs or Tibetans may be prosecuted for alleged illegal or “extremist” religious practices. But the criminal statutes enforced against them refer, more commonly, to “separatism,” i.e., to advocating for independence of Tibet or East Turkestan (the Uyghur name for Xinjiang).

The situation is, however, different for Christians from the so-called “house churches,” Protestant communities that are not part of the government-controlled Three-Self Church, the only Protestant body authorized to operate legally in China. Circumstances also are different for members of the new religious movements banned there as *xie jiao*, an expression often translated as “evil cults” but in fact meaning, since the Middle Ages, “heterodox teachings” (Wu 2016, 2017). While the situation of house church Christians became worse under President Xi Jinping, they have enjoyed for decades some limited tolerance, unless they crossed certain red lines and criticized the Chinese Communist Party (CCP). Their situation, while certainly not comfortable, was never as bad as the merciless persecution of the *xie jiao* (Yang 2006, 2012). We are aware of several cases where house church Christians escaped China and sought asylum abroad, but they seem to be in the dozens or perhaps in the hundreds rather than in the thousands.

The two most persecuted movements among those labeled by the CCP as *xie jiao* are Falun Gong (Edelman and Richardson 2003, 2005; Tong 2009; see also the special issue devoted in 2003 by *Nova Religio* [6(2)] to Falun Gong in China) and The Church of Almighty God (CAG). We are not aware of any statistics about Falun Gong asylum seekers. However, based on interviews with UNHCR (Office of the United Nations High Commissioner for Refugees) officers and lawyers

specialized in handling cases of Chinese refugees in several countries, we believe that Falun Gong cases may now be less than those involving CAG devotees, particularly in the period we are investigating here, 2015–2021.

Two of us are scholars of new religious movements (NRM), and one is a former diplomat and a human rights activist. We became interested in The Church of Almighty God in the mid-2010s, after the sensational (and false) accusations that it was responsible of serious crimes, including the brutal murder of a woman in a McDonald's diner in Zhaoyuan, Shandong, in 2014, made it the target of anti-cult attacks relayed by media all around the world. In fact, Western scholars (Dunn 2015, 203–4; Introvigne and Bromley 2017; Introvigne 2020, 80–101) and even Chinese investigative journalists writing for CCP-owned media (Xiao and Zhang 2014; Yang 2014) concluded that the murder had not been perpetrated by CAG members. The CCP, however, used the crime as a pretext for a massive crackdown on the CAG. One of the by-products of the incident was that the CAG caught the attention of NRM scholars, including the undersigned.

Introvigne and Richardson attended events on CAG in China, and interviewed anti-cultists and police officers involved in the repression of the movement. Introvigne and Šorytè interviewed hundreds of CAG refugees, and their lawyers, in a good dozen of different countries. All three authors served as expert witnesses in CAG refugee cases, either orally or through affidavits. We also established a Google Group where lawyers representing CAG asylum seekers can exchange information and decisions. And we encouraged the CAG itself to collect asylum decisions throughout the world. This was easier in some countries, including Italy and France, and almost impossible in others, particularly in the United States, where most CAG refugees deal with their cases without seeking the cooperation of the church. At any rate, the asylum process is very slow in the U.S., and not many CAG decisions have been rendered to date. Those rendered by Immigration Courts, of which we saw some examples, do not include a detailed examination. In some countries, administrative decisions were issued without grounds (in the simple form “asylum has been granted,” or denied). In Spain, where more than 500 asylum applications have been filed, only in 2020 did applications start being examined, due to the large backlog work of the Spanish authorities, who were confronted with a massive and unforeseen influx of refugees from Venezuela. The first applications examined were rejected for procedural rather than substantive reasons, claiming that the applicants missed

some item on the application form or did not show up for the scheduled interviews, which in some cases happened because of the COVID-19 situation. Lawyers have appealed all these negative decisions, and suspect they were just a quick way of disposing of the backlog cases.

Table 1 shows the situation of CAG asylum applications as of March 2021, based on data collected through lawyers in different countries and the CAG itself.

Countries	Total Applications	Asylum Granted	Asylum Rejected	Departure Order	Deported
AUSTRIA	8	2	6	0	0
AUSTRALIA	232	18	23	0	0
BELGIUM	11	0	11	11	0
CANADA	243	224	15	7	0
CZECH REP	37	3	0	0	0
FINLAND	37	36	1	1	0
FRANCE	441	42	399	235	0
GERMANY	302	142	160	27	2
GREECE	45	12	30	0	0
IRELAND	2	0	0	0	0
ITALY	808	211	482	0	0
JAPAN	264	0	99	0	0
NETHERLANDS	67	28	24	23	0
NEW ZEALAND	61	59	0	0	0
PORTUGAL	11	0	9	0	0
SAIPAN	238	3	0	0	0
SOUTH KOREA	948	1	758	165	0
SPAIN	591	0	9	0	0
SWEDEN	8	6	2	0	1
SWITZERLAND	33	3	29	25	3
UK	9	7	0	0	0
U.S.	around 1,000	59	1	1	0
Total	5,396	856	2,058	495	6

Table 1. CAG asylum applications as of March 2021.
Source: lawyers representing CAG and local CAG communities.

The table, however, may be somewhat misleading. While in countries such as South Korea and Japan, which are well-known for granting asylum to an extremely limited number of refugees in general, the situation has not evolved (except for one favorable 2021 case in Seoul), in other countries the more recent cases have a higher percentage of success than the older ones, for reasons

connected with an improvement in the COI (Country of Origin Information, i.e., documents about the human rights situation in a given country accepted as authoritative sources by authorities dealing with asylum applications) that we will discuss below. It is also the case that, despite almost 500 departure orders, only a handful of refugees have actually been deported to China. Most countries are reluctant to enforce orders of deportation, although China is currently lobbying for a new law allowing for speedy deportation of refugees whose asylum applications have been rejected in South Korea, mentioning explicitly that the “problem” of CAG asylum seekers remaining in the country should be “solved” (Xu 2021a, 2021b). A similar draft law, which would also allow for swift deportation of refugees who have been denied asylum, is pending in Japan (Kaneko 2021).

Despite the limitations, we were able to collect 271 decisions by both administrative authorities and courts of law, rendered between 2015 and 2021 and constituting a unique data base about refugees from a single country, China, and from the same religious group.

It is not our purpose here to discuss the history and theology of the CAG, the largest Christian new religious movement in China (Introvigne 2020). Chinese government’s sources claim it has four million members (Ma 2014). Although some scholars think the number may be inflated (Dunn 2015), the situation in China makes collecting reliable statistics impossible. The CAG was established in China in 1991. Its main teaching is that Jesus Christ has returned and incarnated as a Chinese woman, whom followers worship as Almighty God. While Jesus brought salvation, Almighty God will eradicate the sinful nature of the purified believers, and usher in a millennial kingdom (Folk 2018).

In this article, we discuss the main issues and trends revealed by the analysis of the decisions in several different countries. In a final Appendix, we summarize the decisions of which we have received copies.

The Question of the COI

Before examining the different issues leading to positive or negative decisions in the cases we examine, the question should be discussed of what sources the administrative authorities and the courts rely on for their decisions. Normally in

refugee cases COI (Country of Origin Information) are mentioned but, as some of the decisions themselves astutely observed, the notion of COI is not unequivocal. COI should be sources of information on a certain country or issue regarded as reliable. But how is their reliability assessed? In some countries, the fact that they are included in the large online data base Refworld, maintained by the United Nations refugee agency UNHCR, is regarded as crucial. In Europe, there is also the data base of EASO, the European Asylum Support Office, a specialized agency of the European Union. Several governments publish their own COI in their national languages, and sometimes they translate them into English for international use. While COI published by governments and inter-governmental international organizations are normally considered more authoritative, in reading the decisions we noticed that the word “COI” is sometimes used to designate also works by scholars, well-known NGOs, and sometimes media regarded as reliable, such as the BBC or *The New York Times*. Unfortunately, in the aftermath of the McDonald’s murder, some otherwise reliable media just republished Chinese propaganda, depicting the CAG as a sinister and violent “cult.”

This complicated situation sometimes generates paradoxical results. In Italy, for instant, students in a Rome university were asked, as part of a “legal clinic,” to prepare something they called COI, a compilation of materials that may assist immigration officers. The Court of Rome supported the legal clinic and stipulated an agreement of cooperation with the University (Roma Tre Università degli Studi 2018). In 2019, these students compiled a report on the CAG, which unfortunately included serious mistakes and a general approach hostile to the Church (Human Rights and Refugee Law Legal Clinic, Dipartimento di Giurisprudenza, Roma Tre 2019). They were students from a law school rather than from a religious studies department, with a limited understanding of the intricacies of Chinese religions, yet their report, perhaps because it was easily available on the Web and was labeled “COI,” was quoted in some Italian negative decisions denying asylum to CAG refugees. This happened despite the fact that much better COI on the CAG had been produced by the Italian governmental agency supervising asylum cases, and uploaded on the European EASO data base (Ministero dell’Interno, Commissione Nazionale per il Diritto d’Asilo 2019, 2020).

As evidenced by the chronology in the Appendix, the first decisions about CAG asylum seekers were mostly negative, and based on COI with incomplete and often erroneous information on the Church. There were two reasons for this. First, COI are based either on scholarly studies or on journalistic sources. The latter, even when published in the West, mostly reflected official Chinese publications that tried to justify the persecution of the CAG. For independent scholars, studying the CAG in China, where it is heavily persecuted, is virtually impossible. Serious academic studies on the CAG started appearing after the Church established communities in democratic countries, i.e., from 2015 on, and became significant after 2017, in turn influencing some quality media. Second, as we learned by interviewing lawyers involved in asylum proceedings in different countries, Chinese embassies and consulates continue to supply authorities in the countries where the refugees arrive and courts of law with hostile information about the CAG.

Even when produced by governmental agencies, most pre-2017 COI on the CAG were inadequate (see Šorytė 2018, 87–91), and sometimes relied on Chinese propaganda only. Some earlier French decisions quoted 2016 COI on the CAG prepared by the French immigration authorities, which were almost exclusively based on anti-cult literature, produced in a country where campaigns against “cults” have been notoriously more virulent than elsewhere (DIDR 2016). As evidenced by decisions we analyze, while this report was influential at the administrative stage, French courts of law often ignored or criticized it, and granted asylum to CAG refugees.

Starting in 2017, however, the situation changed. While scholars had criticized COI produced in 2013 and 2014 by the Immigration and Refugee Board of Canada, often quoted in European decisions (Immigration and Refugee Board of Canada 2013, 2014: curiously, they did not have the same negative influence in Canada, where most decisions were favorable to CAG asylum seekers), the Canadian Board released new and updated COI in 2019 (Immigration and Refugee Board of Canada 2019b), after consulting with the leading Western scholars who had written about the CAG.

On April 25–26, 2019, in Geneva, the Intergovernmental Consultations on Migration, Asylum and Refugees (IGC) held a closed-door China workshop focusing on the COI about the CAG and the need to reform them. One of the authors (Introvigne) was invited to attend and present on the CAG.

In the same year, the Italian Ministry of Internal Affairs published its COI (in Italian) on the CAG and its persecution in China (Ministero dell'Interno, Commissione Nazionale per il Diritto d'Asilo 2019). A parallel COI report by the same Ministry highlighted how CAG members abroad are kept under surveillance and identified through facial recognition, so that they can be arrested if they return to China (Ministero dell'Interno, Commissione Nazionale per il Diritto d'Asilo 2020). In 2020, the Ministry of Foreign Affairs of the Netherlands published new COI on China, with a substantial section on the CAG (Ministerie van Buitenlandse Zaken 2020). In 2019 and 2020, the Department of State of the United States also examined the persecution of the CAG in its yearly reports on religious liberty (U.S. Department of State 2019, 2020).

Although a CAG believer may find occasional incorrect details when CAG theology is discussed, these documents from 2019 and 2020 are based on a serious effort to deal with the scholarly literature on the Church that is now available. They greatly helped refugees in asylum cases. For example, we are aware that several recent decisions issued after the new Dutch COI were published granted asylum in the Netherlands to CAG believers, although we do not have copies of them, and they are not discussed here. In contrast to this, old and outdated COI often led to negative decisions, although in some cases courts of law were able to criticize them based on more recent scholarly literature.

Unfortunately, however, we still see decisions where old COI are used, the new COI are ignored, and information exposed as false both in the more recent COI and in texts written by scholars is still mentioned to deny asylum to CAG devotees.

The Issues: (1) Religious Persecution in China

Table 2 offers a summary of the main issues discussed in the decisions. Very few decisions, if any, discuss all of them. Particularly in the negative cases, one only of the reasons for denying asylum listed in the table was regarded as sufficient to reject the application.

Reasons for <i>granting</i> asylum	Reasons for <i>denying</i> asylum
1. Religion persecution is widespread in China.	1. That religion is persecuted in China is not true, or grossly exaggerated by the U.S. and their allies for political reasons. The applicant claims to be a Christian, and Christianity is not illegal in China.
2. Under Article 300 of the Chinese Criminal Code those active in a movement labeled a <i>xie jiao</i> are prosecuted and sent to jail.	2. Article 300 of the Chinese Criminal Code deals with <i>xie jiao</i> , but specifies that only <i>xie jiao</i> members who committed crimes are prosecuted.
3. Under article 300 common members, not only leaders of the CAG, are prosecuted and sentenced.	3. Under Article 300 only CAG leaders, rather than common members, are prosecuted and sentenced.
4. The CAG is listed as a <i>xie jiao</i> , and is prosecuted as such, independently of its alleged acts of violence (which are largely CCP-spread fake news).	4. The CAG is listed as a <i>xie jiao</i> because of its secrecy and criminal activities, which would be prosecuted in any country.
5. The applicant proved to be a CAG member; the statements by CAG leaders in the diaspora attesting to this are believable.	5. There is no evidence that the applicant is a CAG member; statements by CAG diaspora leaders are stereotyped and generally not believable.
6. Although perhaps with inconsistencies in matter of detail, the story told by the applicant is generally believable.	6. There were contradictions and details missing in the applicant’s story, which shows s/he did not tell the truth.
7. Statements referring to the person worshiped by the CAG as Almighty God as “he” (while knowing is a woman) and stating that the applicant does not know/does not want to say the civil name of the person s/he worships as Almighty God are typical of genuine CAG members.	7. The applicant does not know what s/he claims to be her/his religion. In particular, s/he refers to Almighty God as “he” (while we know the person the CAG worships as Almighty God is a woman), and claims s/he does not know (or would not mention) the civil name of the person worshiped as Almighty God.
8. If the applicant reports that s/he has been converted by a family member, this is also believable and indeed fairly typical.	8. Since the CAG is “against the family,” if the applicant reported s/he was converted by a close relative, this proves her/his story is not believable.
9. Credible fear of persecution is compatible with the fact that the applicant obtained a passport and was not stopped at customs, by either (a) taking advantage of loopholes in the Chinese system; or (b) bribing the relevant officers.	9. If the applicant had really been persecuted, obtaining a passport and pass customs would have been impossible. The Chinese data base PoliceNet and facial recognition at customs are comprehensive and virtually infallible, and in case of serious crimes, such as those connected with the <i>xie jiao</i> , that police can be corrupted is not believable.
10. Chinese authorities spy on CAG communities abroad. Irrespective of whether the applicant converted in China or <i>sur place</i> , if s/he appeared in CAG events or publicly available videos, most probably the Chinese authorities have by now identified her/him as a CAG member, and as such s/he will be arrested in case of returning to China.	10. There is no evidence, except the subjective perception of the applicant and biased anti-Chinese sources, that China keeps CAG and other dissidents abroad under surveillance.

Table 2. Reasons for granting or denying asylum to CAG members.

The first question discussed in the decisions is whether religious persecution in general exists in China. The answer should be obvious, and it is regarded as such in a large majority of decisions. Some quote, either directly or from COI that mention it, the distinction proposed by sociologist Yang Fenggang about three “markets” of religions in China: the “red market,” including the religious organizations approved and controlled by the government, such as the Three-Self Church for non-Catholic Christians; the “grey market” of the house churches and the independent temples and mosques, theoretically illegal but more or less tolerated, at least before Xi Jinping; and the “black market” of the *xie jiao* (Yang 2006, 2012). The red and grey markets now suffer severe limitations too, but there is little doubt that the groups in the black market are persecuted.

Out of 271 decisions, we found only five, including a 2020 one by the Court of Appeal of Rome (November 16, 2020), whose opinion was cut and pasted into two other 2021 decisions by the same Court, which may serve as model decisions where all the negative arguments in the right column of Table 2 are used. These decisions pick up a fight with most government-produced COI and scholarly studies of religion in China, and rely on information packages on “religious liberty” in China circulated by Chinese embassies, to claim that, if only they agree to respect the general laws, all religions are free to operate in China. This is obviously false, and such decisions should go one step further and note that most COI published by governments are influenced by the United States, which have their own anti-Chinese agenda. As for scholars, particularly those who specialize in new religious movements are dismissed as “cult apologists,” based on standard anti-cult criticism, as happened in the French National Court for the Right of Asylum’s decision of August 28, 2019 (interestingly, signed by a judge who had been previously active in the French anti-cult movement).

The two arguments are connected. Two of us (Introvigne and Šorytė) serve respectively as editor-in-chief and deputy editor of *Bitter Winter*, a daily magazine about religious liberty in China (and from December 2020, in other countries as well) they created in 2018. *Bitter Winter* is often quoted in the most recent COI, and the section of China of the U.S. Department of State yearly report for the year 2019 on religious liberty mentioned the magazine 74 times as a source (U.S. Department of State 2020). While this led several courts to quote in turn from *Bitter Winter* as a reliable source, those few judges who believed that the U.S. have a vested interest in depicting a dark but untrue picture of religious liberty

in China countered that the Department of State spread information taken from a biased magazine.

As mentioned earlier, these decisions are rare. However, lawyers we interviewed told us that “information packages” supplied by Chinese embassies play an important role in Japan, where no CAG asylum applications have been accepted to date, and South Korea, where only one application has been accepted, in 2021 (perhaps opening the way to others).

Particularly in some early decisions, problems were also created by interviews where some CAG applicants kept referring to themselves simply as “Christians” rather than as “members of The Church of Almighty God.” In fact, this is a common internal jargon of CAG devotees, who often simply call each other “Christian,” but was, and to some extent remain, likely to create confusion with authorities not familiar with the CAG, who may object that Christianity per se is not persecuted in China. In some decisions, after the applicant had claimed to be “a Christian,” questions were asked about Christian doctrines not shared by the CAG. In one case (French immigration authority OFPRA, April 24, 2018) the applicant was asked to mention the names of the twelve Christian apostles, a question most Christians perhaps would also be unable to answer. In reviewing an interview featuring the same question, the Administrative Court of Freiburg on February 13, 2020 noted that, by being able to mention “immediately” four out of the twelve apostles, the CAG refugee had proved to be better informed on Christianity than the average German.

It should also be considered that further problems are added by the translation process (administrative authorities often employ underpaid and sometimes not very skilled translators), and by the fact that immigration commissions in several countries include police and border officers who are not necessarily familiar with religion.

(2–3) Article 300 and xie jiao “leaders” and “members”

The arguments we listed in the table under numbers 2 and 3 form a logical sequence, and deal with the question of the *xie jiao*. The decisions granting asylum acknowledge that, once a Chinese citizen is recognized as active in any

capacity in a *xie jiao*, he or she is arrested, sentenced, and detained for several years. Not only leaders, but also common members of a *xie jiao* go to jail.

A handful of negative decisions deny this, insisting, again, on the fact that this information is denied by brochures supplied by the Chinese embassies, and only comes either from governmental documents influenced by the anti-Chinese campaigns of the United States, or from scholars who may be suspected to be sympathetic to the CAG.

In 2019, after an affidavit by one of the authors (Richardson) was criticized in a South Korean case based on information received from the local Chinese embassy, we answered these objections by publishing a study of both the circular letters produced by the Supreme People's Courts and the Supreme People's Procuratorate interpreting Article 300 of the Chinese Criminal Code, which makes being active in a *xie jiao* a crime, and of decisions rendered in the years 2018 and 2019 against 200 CAG members and published in the online data base *China Judgments Online*, managed by the Supreme People's Court (Introvigne, Richardson, and Šorytė 2019). For this study, we did not use legal documents or decisions obtained from CAG lawyers or the CAG itself. We only relied on documents published by the Chinese authorities in official data bases.

Our study conclusively proved that Chinese embassies are right when they state that CAG members are sentenced not merely for believing in CAG theology, a state of mind difficult to ascertain, but for “engaging in criminal activities.” Only, under the official interpretation of Article 300, attending worship meetings of a *xie jiao*, sharing its faith with co-workers or relatives, and even keeping at home a certain quantity of books and videos of a banned movement are “criminal activities” leading to severe jail sentences. Obviously, these activities are not illegal in democratic countries, and are protected by international conventions as typical expressions of religious liberty.

After the publication of this and other articles, Zhang Xinzhang, a professor at the School of Marxism of Zhejiang University, visited one of us (Introvigne) in Italy, and started a correspondence aimed at clarifying how Article 300 both actually is and, in his opinion, should be enforced in China. In 2020, Zhang published an article in English continuing this dialogue (Zhang 2020), very much relevant for this issue, which is in turn crucial in many decisions reviewed here.

The fact that a leading Chinese scholar has chosen to open a dialogue on the controversial notion of *xie jiao* was in itself a welcome development. And, on several points, the text agrees with our analysis.

First, Zhang states that it is a mistake, and one often made by the Chinese authorities themselves when they publish English translations of their texts, to translate *xie jiao* as “cults” or “evil cults.” To him, these translations are misleading, as *xie jiao* are different from what in the West are commonly intended as “cults.” He recommends not to translate *xie jiao*, and to simply transliterate it, as scholars normally do for *Qigong* or *Kung Fu*. We agree, and we have consistently followed this practice.

Second, Zhang admits that, under the current interpretation of Article 300 prevailing in China, “religious standards” are often used by the authorities to evaluate religious groups, which are prosecuted for their “heresies” rather than for their wrongdoings. The consequence is that secular authorities may help “orthodox religions fight against heresy” (Zhang 2020, 94).

Third, Zhang writes that one can find texts where it is recommended to prosecute leaders “using” the *xie jiao* for illegal and criminal purposes, while leaving alone the common members, regarded as mere “victims,” yet “it is difficult to set standards.” Zhang quotes Western scholars including the undersigned as having evidenced that, in practice, there are many cases where common believers are sentenced under Article 300 (Zhang 2020, 95). This is a crucial point for refugee cases. Zhang states that while from his point of view it would be desirable that only leaders would be punished, what currently happens in practice is that “‘normal’ members [i.e., not ‘leaders’] receive heavy sentences” (Zhang 2020, 95).

Zhang maintains that the expression *xie jiao* in Chinese conveys “the deeper sense of the organization behind the illegal religious organization.” They are “illegal groups who [*sic*] use religious groups to commit crime” (Zhang 2020, 93). If we understand Zhang correctly, he claims that it is not an entire religious movement that is a *xie jiao*. Rather, a *xie jiao* is an illegal group that, in the literal terms of Article 300, “uses” a religious movement for its own criminal purposes. A *xie jiao* is thus, according to Zhang, a group within a group.

Zhang maintains that the use in the official interpretive documents of Article 300 of both religious (“superstitious heresies”) and political (“illegal

organization”) terminology has an internal coherence, and “is intentional, since the combined use of these two sets of labels offers a complete and accurate way to define *xie jiao* in the Chinese context: the cult without a political nature is not *xie jiao* in the Chinese sense, and the secret political organization without a religious color is also not *xie jiao*” (Zhang 2020, 94). According to Zhang, “superstitious heresies” not used with an illegal political aim do not create a *xie jiao*. Yet, a “secret political organization” is not a *xie jiao* if it does not operate through “superstitious heresies.”

But how do we know what is “heretic” and “superstitious” without adopting theological concepts? Roman Catholics believe miracles are still taking place today, and that the highest miracle of them all, the transformation of bread and wine during the Mass into the real (not merely symbolical, as other Christians maintain) body and blood of a man who died two thousand years ago, happens daily in thousands of Catholic churches. Why exactly is this belief not “superstitious,” while believing that miracles take place in certain new religious movements is a “superstition”? One telltale sign of a *xie jiao*, the regulations tell us, is that they “deify” their founders and leaders. Christianity of course deified its founder, and “living gods” exist in many religions.

We believe that one point to consider, not discussed in Zhang’s article, is that the CCP did not invent the notion of *xie jiao* but inherited it from Imperial and Republican China. The latter defined the notion of “superstition” based on philosophical presuppositions, and the former used *xie jiao* since the Middle Ages, making it into a legal concept in the late Ming era, based on both theological and political presuppositions, as evidenced by Wu Junqing (Wu 2016, 2017). Wu’s studies are important in showing how notions such as “deifying the leader,” “superstition,” and “heresy” have a century-old history in China, and loaded contemporary discourse with a heavy cultural baggage.

Zhang’s idea of a “group within a group” is interesting. It can be used by scholars easily with respect to mainline religions. For instance, police investigations in Ireland proved that organized groups of pedophile Catholic priests (as opposite to individual pedophiles) had operated there for years. In Chinese terms, these groups would be *xie jiao* “using” for their evil purposes the Catholic Church, which is not a *xie jiao*. Or al-Qa’ida is a terrorist organization “using” Islam that, globally considered, is not a *xie jiao*.

It is more difficult to apply this dual scheme to smaller religions. How should one apply Zhang's concept of "a group within a group" to the two main movements persecuted as *xie jiao* in China (identified as such by Zhang himself in the article), the CAG and Falun Gong? Who should, or should not, be rightfully considered by a Chinese judge who would apply Article 300 not as it is done now but as Zhang proposes, as part of the *xie jiao* there? It would seem that only a few leaders "using" the movements for their political purposes should be declared parts of the *xie jiao* and sentenced. However, Zhang is aware of our 2019 study and the fact that there is no shortage of decisions where CAG members who just attended a worship meeting or shared their faith with relatives and friends were sent to jail for several years (Zhang 2020, 95). He notes that in several cases those who converted others to the CAG were regarded as "leaders."

But in this case, those who try to *lead* others to the movement are, literally, *leaders*, and part of the *xie jiao*, while those who simply read the literature of the group, listen to sermons, or contribute some money remain outside the *xie jiao*. The problem, however, is that this second category of devotees is almost non-existing in contemporary new religious movements, where, to borrow a slogan often used by the Church of Jesus Christ of Latter-day Saints, "every member is a missionary." If being a missionary is enough to be regarded as part of the *xie jiao*, then the slogan would translate in the case of the CAG into "every CAG member is part of the *xie jiao*."

In fact, we suspect that the point of disagreement with Zhang is that most Western scholars and human rights activists would not regard even being a leader of, or promoting, a movement whose theology some may consider "heretic" or "superstitious" as a crime. When confronted with the argument that the real crime of the *xie jiao* is that they operate in secrecy, they would say that this may be part of a vicious circle created by the authorities with their repression. To his credit, Zhang acknowledges that how China deals with banned religious organizations "is quite different from the idea in most countries outside China who [sic] do not fight against organizations but only against those in organizations who commit crimes" (Zhang 2020, 84).

Zhang concludes that, "*Xie jiao* involve not only organizations themselves and their members, but also some wonderful, positive, and profound contributions to religious culture as well as some factors and organizational forms that could contribute to enriching social culture and international cultural exchange. In this

sense, it is worth deepening the inquiry to avoid ‘throwing out the baby with the bathwater,’ i.e., retaining the positive contributions of such organizations while ridding them of their nefarious elements. This may involve transforming and legitimizing them so they can serve as beneficial forces” (Zhang 2020, 95).

Zhang’s acknowledgment that groups labeled as *xie jiao* may also offer “wonderful, positive, and profound contributions to religious culture,” coming as it does from inside China and from the School of Marxism of a leading university there, is significant. However, as far as refugee cases are concerned, Zhang’s article confirms that the notion of *xie jiao* as it is currently interpreted by Chinese courts leads to the result that “‘normal’ members receive heavy sentences,” based on their belonging to a “heretical” movement rather than on any common crime they may have committed. Even in the more moderate interpretation advocated by Zhang, in the case of the CAG almost all active members would be considered as “leaders,” because they engage in proselyting activities, and are punished, and this even without considering that local CAG members are elected and remains in office for one year, creating a rotation in office system where most members become temporary leaders.

Zhang’s study thus confirms that decisions investigating whether the refugee is a CAG “leader,” as such deserving asylum, or a “common member,” allegedly immune from persecution in China, follow a wrong path. All active CAG members are persecuted in China.

(4) Accusations of Crimes

Only a minority of decisions, particularly in the last few years, accept the Chinese narrative that the CAG is a violent “cult,” mentioning the McDonald’s murder, and accusations that CAG members violently attacked other Christians and promoted riots while allegedly waiting for the end of the world in 2012. All the most recent COI (with the exception of the “COI” prepared by the Rome students) follow the opinion of virtually all scholars who have studied the CAG, that these crimes are largely imaginary, fake news created by Chinese propaganda to justify the persecution.

Theoretically, authorities in democratic countries may still believe that some CAG members committed crimes, and grant asylum to those who obviously did

not. However, if the administrative authority or the court believes in the description of CAG as a violent and even murderous “cult,” the applicants’ stories may be declared not credible when they defend their church and deny that the crimes were committed by co-religionists.

(5) How Do the Applicants Prove to Be CAG Members?

Assuming that the immigration authority or the court rely on updated COI, and are prepared to assume that active CAG members identified as such are persecuted in China, the applicant’s journey does not end. The authorities should still be satisfied that the applicant is a bona fide CAG member.

Indeed, it is possible that economic immigrants would falsely claim to be CAG members to obtain asylum. On January 11, 2021, a South Korean lawyer was convicted for forging documents to falsely claim that his clients were members of either the CAG or Falun Gong. Anti-cultists in Korea (Oh 2021), who regularly cooperate with the CCP to attack CAG refugees (Introvigne 2018d, 2019c), and media in China (China Anti-Xie-Jiao Network 2021) used the incident to claim that CAG refugees rely on rogue lawyers. In fact, we did interview lawyers representing the real CAG asylum seekers in South Korea, who explained that none of the convicted lawyer’s clients were genuine CAG members. The lawyer had simply forged evidence to pretend that they were CAG devotees, but they were not.

But how does an applicant prove that s/he is a real CAG member? S/he can describe the theology and activities of the CAG, which the authorities will compare with the COI available to them. In some earlier cases, the refugees presented CAG theology and practices in what would have looked like an unimpeachable narrative to scholars who had studied the CAG. Unfortunately, the authorities compared what the refugees were saying with outdated or wrong COI (such as DIDR 2016 in France). While the refugees were right and the COI were wrong, the authorities decided to believe the COI rather than the asylum seekers, concluding they did not know their own religion and were likely false CAG members. Happily, better COI gradually emerged, and in France, for example, several cases where the applications had been rejected based on the old 2016 COI were overturned on appeal.

Administrative authorities and courts sometimes still object that knowledge of CAG theology may come from CAG's and other Web sites, and does not prove that the applicant is a genuine CAG member. In most cases, applicants file a declaration by CAG leaders in the diaspora confirming that they are CAG members in good standing. Originally, all such requests were centralized to the CAG church in New York, whose leaders signed the statements. To overcome the objection that leaders in New York may have never met (or only online) refugees in Italy, France, or Australia, more recently the statements are signed by local CAG leaders in the respective countries, who also offer their availability as witnesses.

While some negative decisions still claim that these statements are generic or repetitious, the Justice Court of Rome based an interesting decision of February 21, 2020 on the oral testimony of the president of the CAG's legal entity in Italy. She explained that she does not sign statements confirming that a refugee is a genuine CAG member lightly. First, they are based on interviews with the refugee when, upon arrival in Italy, s/he first contacts the Church. Questions asked in the interviews focus on details one would not be able to learn from Internet sources and without having really participated in CAG activities in China. Second, the refugee should explain what local community s/he attended in China, and the CAG has ways to contact Chinese local leaders, and co-religionists from the same local church who may have already escaped abroad. The combination of these two tests allows the local leaders in the diaspora to certify in good conscience that the refugee is a CAG member.

In a handful of cases, the applicants had converted to the CAG after having left China, often from another Christian group. These are called *sur place* conversions, and generate refugee claims more difficult to assess. It is possible that the conversion was self-serving, and only aimed at obtaining asylum. In these cases, the local leaders can only testify that the applicant is regularly and, as far as they understand, sincerely participating in CAG activities abroad. In several countries, asylum is normally granted if the applicant can prove that his or her visibility in the host country as a CAG member had probably alerted Chinese authorities, which would lead to an arrest in case s/he will return to China (see no. 10 below).

(6) Assessing Credibility

When discussing with a judge in Milan who had rejected several asylum requests from several CAG applicants, one of the authors (Introvigne) was told that the judge was an avid reader of what he had written on persecutions in China, and totally agreed that CAG members are persecuted there. He added, however, that this is not enough. Stories told by individual applicants should be credible and not include contradictions. Unfortunately, he concluded, in most of the cases he was called to decide the stories were not credible.

Two of us (Introvigne and Šorytè) have interviewed several hundred CAG refugees in different countries, and listened to their stories. They are very moving, but we do understand how stories told exactly as they were presented to us may create problems with the authorities. First, many refugees speak Chinese only. Their stories are complicated, and difficult to translate even by a good translator. As mentioned earlier, particularly at the administrative stages, translators may sometimes be underpaid and substandard. We personally examined the case of an interview in Italy where, each time that the refugee mentioned in Chinese the word 全能神教会 (The Church of Almighty God), the translator systematically translated “Catholic Church,” which obviously led to intractable misunderstandings.

Second, refugees who have suffered severe persecution, and in some cases torture, in China become very emotional when telling their stories. They also want to tell everything, and often include unnecessary details, which confuse and disturb busy immigration officers who should examine dozens of different refugee cases each week. Good lawyers may tell refugees to stick to the essential, but typically the asylum seekers confront the administrative authorities without an attorney, and only look for one when appealing to a court after a first negative decision.

We also mention “good” lawyers. We met many incredibly dedicated attorneys who did their homework and more, sometimes pro bono and for humanitarian reasons, in trying to understand the CAG and its refugees. In other cases, since most refugees are poor, they can only afford cheap or court-appointed attorneys, or are helped by lawyers provided by pro-refugees NGOs. Again, some of them do their homework, but others only find the time to cut and paste from different cases a standard religious persecution claim, without studying the peculiarities of

the CAG. We also found a few cases where lawyers failed to appear, missed deadlines, and in one (admittedly extreme and happily rare) incident CAG refugees were among the victims of an Italian attorney who was eventually disbarred and arrested for forging documents and pocketing immigrants' and refugees' money while doing nothing for them.

One of the highest courts to consider CAG refugee cases was the Supreme Court of Cassation of Italy. In its decision of December 3, 2019, overturning one of the Milan decisions which had denied asylum to CAG refugees, it established three principles. First, that courts of law cannot rely on interviews before immigration officers and administrative commissions, where the applicant is not assisted by a lawyer and may be the victim of substandard translations. Courts should interview the applicant again. Second, the interview is not a match or a competition where the authorities should shop for contradictions to find reasons to deny the asylum. If they find contradictions, the courts should point them out to the applicant, make sure he or she understands the problem, and allow for an explanation. Third, an interview should not be divided in segments and, if one of it appears as not persuasive, lead to the conclusion that the applicant lacks credibility. Rather, the courts should assess the applicant's narrative as a whole, considering that contradictions in matters of detail are frequent but do not mean that the basic story is false.

If applied, these principles should greatly help the refugees. But not all courts in all countries would accept them. The European Court of Human Rights examined a CAG refugee issue only once, on October 19, 2017, in the case of *Y.L. v. Switzerland*. The court observed that in matters of credibility it is not its function to second-guess the conclusions of the national courts, and it should only check whether they were sufficiently motivated. In the case of *Y.L.*, the European Court found that Swiss judges had in fact explained why they relied on the first interviews and did not accept her argument that they were mistranslated, noting that she had signed the minutes, and why what they regarded as tall tales about the applicant's daredevil escapes from the police were taken as evidence that she was not reliable.

Yet, Swiss judges can err, as proved by one of the cases that got some media attention, which involved a female CAG member called Wang Xiumei. The Swiss Federal Court confirmed on January 23, 2017 judgements by lower courts, that had regarded Wang's story contradictory and not credible, and had also used the

argument that she did not know her own religion, as her reconstruction of CAG's theology contrasted with the then available (but erroneous) COI. After a deportation order, she went back to China and tried to hide, but was arrested and sentenced by the People's Court of Linshu County on February 9, 2018 to three and a half years in jail (see Introvigne, Richardson, and Šorytė 2019, 26). Interestingly, the Chinese court stated that Wang was part of an "editorial team" checking the accuracy of CAG publications, which clearly contradicted the Swiss judges' claim that she was not familiar with CAG theology.

Perhaps it was just an unfortunate mistake, although in 2020 a leaked text of a secret 2015 agreement between Swiss and Chinese authorities was published by several media. Under the agreement, officers of China's Ministry of Public Security traveled to Switzerland and assisted unofficially the Swiss authorities in cases involving immigrants and asylum seekers from China. In confirming that the document was authentic, Swiss authorities stated that the agreement, which had come under heavy criticism by opposition politicians and the media, was never used in cases of "Tibetan and Uyghur asylum seekers," while they confirmed that Public Security agents from China did visit Switzerland and advised on cases of other Chinese citizens who had sought asylum there. If Tibetan and Uyghurs were not involved, then that Chinese Public Security officers, unbeknownst to the applicants and their lawyers, "assisted" the Swiss authorities making decisions in CAG (and Falun Gong) asylum cases emerges as a distinct and troublesome possibility (Šorytė 2020).

(7) Who Is Almighty God?

Not only the old COI, which added fanciful alternative names and biographic details taken from Chinese propaganda sources and Western media that relied on them, but even the most recent and reliable sources mention that, according to most scholars, the civil name of the person the CAG worships as Almighty God is Yang Xiangbin. In fact, the CAG refuses to confirm the details supplied by outside sources. Its members, for a theological reason of respect, never mentions the civil name of the person they worship as Almighty God. Many of them might never have heard the name Yang Xiangbin.

Almighty God is also constantly referred to as "He" rather than "She" by CAG members, although they believe that in the last days God incarnated as a woman.

The CAG's main holy scripture, *The Word Appears in the Flesh*, states, "Back then, when Jesus came, He was male, but when God comes this time, He is female" (The Church of Almighty God 2017, 899). However, they use "He" for theological reasons, since they believe that the fact that Almighty God is the same person who came once as Jehovah and then as Jesus Christ is more important than the gender of God's contemporary physical incarnation.

Not surprisingly, particularly in the older cases, this created all sorts of confusion when authorities interviewed asylum seekers. That they referred to Almighty God, whom they knew to have incarnated as female, with "He" was regarded as a contradiction. And several early decisions interpreted the fact that the applicants were unable or unwilling to mention the civil name of Almighty God, which the authorities interviewing them had found in the COI, as evidence that the refugees were not genuine CAG members, as they did not know the basics of their faith.

Although rarely, these objections still survive today, although newer COI have clarified the issues. In fact, we believe that the argument should be reversed. As two of us (Introvigne and Šorytė) told immigration officers in seminars organized to familiarize them with the CAG in Italy, South Korea, and Spain, an asylum seeker who would mention "Yang Xiangbin" as the civil name of the person worshiped as Almighty God, or would refer to Almighty God as "She" rather than "He," would prove that s/he is *not* a bona fide CAG member. For theological reasons connected with their respect for Almighty God, real CAG members would never mention Almighty God's civil name or refer to Almighty God as "She" (although, if asked, they would confirm that as Jesus, God came as male, but this time "He" came as female, and may add that this is convenient to show that God's salvation extends to both men and women).

More generally, it is often the *false* refugees who read the COI and the media and tell the authorities what they believe those with power to decide on asylum applications want to hear. What in some decisions was regarded as "contradiction," was on the contrary strong evidence that the applicants really belonged to the CAG.

(8) The Family Issue

One of the most persistent false information about the CAG is that it is “against the family,” and that when they join the CAG, members are asked to break all relationship with their parents, children, and other relatives. This was disseminated from Chinese propaganda to the Western media that covered the CAG in the aftermath of the McDonald’s murder, and found its way into the older COI.

This false information generated a serious problem in many refugee cases. Refugees are often asked when and how they converted to the CAG—a question complicating the interviews, as conversion is a delicate matter, and telling such a personal experience through a translator is not easy. Some authorities believe they can second-guess very intimate narratives, particularly in dozens if not hundreds of cases in which the refugees reported that they were converted by their parents or by another relative. In several cases, this led to an immediate assessment of non-credibility, based on the COI claiming that the CAG is “against the family.” In these COI, those who convert to the CAG are assumed to break all relations with their relatives, with the consequence that they cannot convert them either.

In fact, one of the authors (Introvigne 2018b) conducted a survey, accompanied by interviews, among CAG refugees in different countries, and published its results in an American academic journal. The study concluded that, at least among those who flee abroad and can be interviewed there, the majority of CAG members were converted by a family member, and then started their own proselyting activity among relatives. This is consistent with how conversion to most new religious movement happens, although at odds with stereotypes accusing “cults” of converting their members through sinister and mysterious techniques such as “brainwashing” (Richardson 1993, 1996).

The study also examined CAG’s theology about the family, concluding that, while the choice of those who do not marry to become full-time missionaries is appreciated, as it is in other religions, the CAG teaches a traditional Christian conservative view of the family.

The Italian Justice Court of Perugia took the lead in 2018 with a string of cases where administrative decisions denying asylum to applicants who stated they had been converted by relatives were overturned, quoting Introvigne’s research.

Recent COI also refer to this research, although we still hear occasionally that CAG is “against the family” and that accounts of conversions through relatives cannot be believed.

(9) Passports

Almost all negative decisions mention, as one of the reasons and perhaps the main one, why asylum is denied, the fact that in China those suspected of belonging to banned organizations, including those labeled as *xie jiao* such as the CAG, have their names and biometrical data included in the national police data base PoliceNet. This inclusion has the consequence that, if they apply for a passport, the application is denied. It is also argued that through facial recognition and other advanced techniques they would be identified during the severe border controls in the airports, and thus prevented from leaving China. That PoliceNet and the border controls are remarkably effective in China is asserted in several COI, which creates a severe burden of proof for asylum seekers called to explain how, if they were known to the authorities as CAG members, they were able to obtain a passport. On the other hand, if the applicants were not known to be CAG members in China, they must explain why they are at risk of being persecuted.

While international COI greatly improved in their assessment of the CAG and its persecution in China, most COI continue to depict PoliceNet and border controls as almost omniscient and infallible. This means that courts of law, to grant asylum to CAG refugees, should go beyond the COI on the issue of the passports. The number of favorable decisions we reviewed confirms that some courts do just this, but by no means all. Some insist that affidavits by scholars, such as Italian academic PierLuigi Zoccatelli, co-author of a study of Chinese immigration (see Zoccatelli 2019), or by CAG members who once worked as police officers in China, are just private opinions, as such less reliable than published COI.

This is a crucial point in refugee cases, and we will share some stories told to us by refugees (without mentioning their real names, although they are known to us), after a short general discussion. It is a fact that Chinese authorities constantly improve their surveillance systems, using mammoth data bases, artificial intelligence, and facial recognition. However, as some COI admit (Immigration

and Refugee Board of Canada 2019a), these projects have been implemented gradually. Facial recognition systems were introduced in airports in 2017, and did not affect refugees who left China in previous years. The same Canadian COI quoted a technology executive working for the Chinese government, who told *The New York Times* that “the national database of individuals on the watch list includes 20 to 30 million people, which is ‘too many people for today’s facial recognition technology to parse’” (Immigration and Refugee Board of Canada 2019a, no. 5). The Chinese facial recognition system is impressive, but is still far away from including data about all the 20 to 30 million citizen who were once convicted, or are suspected of illegal activities or dissent. Additionally, facial recognition was originally introduced in two airports in Beijing and one in Shanghai, not in other cities, and even in these airports only on a “limited basis” (Immigration and Refugee Board of Canada 2019a, no. 5.2).

Theoretically, all those who have been arrested as active in the CAG, or even just suspected of being CAG members, should have their names, and recently also biometrical data, included in the national police data base, PoliceNet. In practice, however, this is not the case, as data bases exist at the city, county, province, and national levels, and such information does not travel from lower to upper levels in real time. The Canadian COI reported that, “Sources indicated that some individuals who have been placed on the provincial list were able to leave through an airport in another province” (Immigration and Refugee Board of Canada 2019a, no. 4) meaning their names had not (yet) been included in the national list. Loopholes and mistakes also exist. CAG refugees often reported to courts that, before they applied for a passport, they checked through friends or relations (several decisions mention an “uncle,” a word that in China does not necessarily indicate a relative, and sometimes may refer to persons involved in a variety of illegal activities) about whether their names were indeed included in the local or national data bases. In several cases, they discovered they were not, sometimes to their surprise.

Perhaps more importantly, often the local police do not include the names of suspect CAG members, or of those who have been arrested but not prosecuted and sentenced, in any data base. They do not do this for humanitarian reasons. Including in the data bases too many names of suspects the local police have not been able to arrest is not good for their reputation and career. As for those arrested, if they are just fined and sent home rather than to a court of law for

sentencing, the police have the attractive alternative of not recording their case in any data base and pocketing the fine.

This leads to the main point too many decisions we have examined fail to consider, i.e., corruption. All specialized sources indicate that corruption in China is widespread and massive: millions of officers take bribes, not just a few (Wedeman 2012). It includes a flourishing market for passports, which explains why not only dissidents, but corrupted businesspersons and organized crime bosses are able to leave China with perfectly regular documents. Even if somebody has been in jail, or has been duly registered in the national PoliceNet data base as a suspect, a corrupted officer can always find ways to alter the record. Corruption beats even the most advanced technological systems, as we should never forget that technology is always ultimately controlled by human beings.

Our interviews show how the situation is more complicated than those who wrote some of the decisions we analyzed believe. Sister Linda (not her real name) told us she was in the provincial wanted list in Gansu Province because she had been identified as a CAG member. From the end of December 2012 to November 2016, she lived on the run. In 2016, she fled to Shaanxi Province. To avoid arrest, she considered escaping abroad. However, because she was on the wanted list in Gansu, she was afraid that the local police would arrest her once she applied for a passport. So, she started considering using somebody else's identity to get a passport. It was difficult to find a suitable *hukou* (household registration certificate), which is always needed to obtain a passport. She tried in several provinces before she finally found an ideal one in Inner Mongolia. A co-religionist in Inner Mongolia had personal connections with the bureaucrat responsible for the Hukou Registration Section in a local public security bureau, and she told her that she could buy a *hukou*. In the public security bureau, the co-religionist gave 2,500 RMB (about 359 USD) to that bureaucrat, who agreed to help. The bureaucrat then turned on her computer, and started searching.

The refugee did not know until then that some public security bureaucrats would sell *hukou* for money. After a short while, the bureaucrat told her that she had just found a suitable *hukou* for her, of a girl who just looked like her. “The bureaucrat said to me, she reported, ‘Oh child, you are so lucky. If you two did not look alike, I would not take the risk and give this *hukou* to you. It seems that this *hukou* is reserved for you. You’re indeed lucky.’ She then said to my church sister, ‘Do not use this account for illegal use. Or else I will be implicated, and I

may lose my job. This is strictly forbidden by the state. Do not sell me out!” Then, the bureaucrat took a photo of the CAG member and included her fingerprints in the system. “I got my new ID card, the story concluded. With the card and the *hukou*, I applied for a passport in another city’s Exit-Entry Administration Division and successfully fled to the United States.” In this case, the refugee took the risk of using a false name (but a real photograph and fingerprints), which, as happened in the case of Zou Demei (see below), may always be discovered when entering a foreign country. But in her case, it worked.

A surgeon from Hebei Province we would call Fred reported that in February 2013, he was arrested while proselyting on behalf of the CAG. He was released after one day of detention, but placed under residential surveillance for the following two and a half years. To evade surveillance and live a normal life, he planned to escape from China. One of his patients was a close friend of a police officer working at a customs office, and agreed to help him with the travel documents. “In China, he explained, connections are particularly important. The chief of the local public security bureau also consulted me about illnesses. To successfully get a passport, I often volunteered to treat police officers for free, and learned from them that I was not labeled as a high political risk and was still eligible for overseas trip. But I had to have the police station’s permit and tell my working unit that I would return to China. In this way, I got my passport. To resolve the doubts of the police and the leaders of my working unit, a first time I went to Thailand with my passport and went back to China. But the second time, I left China for good, and never returned.”

Brother “Joseph,” also from Henan, has been a CAG member for many years. He was arrested twice, in 2003 in Henan and in 2012 again in Tongren City, Guizhou Province. “But, he explained, I had relatives who are government officials. After giving some money to the police, I was released.” The officers in Tongren, however, asked him to go back home to Henan, and called their colleagues to have his name registered in the provincial data base there. When he arrived home, he reported, “my second younger brother (a vice-chief of a government bureau) also came back home for a Spring Festival reunion. One officer was his school mate, and the police station chief was not there, so my case was not registered that day.” He left the village, and the local police were still considering whether to register him in the data base, when his cousin (a local village head) invited them to a meal and talked them into not doing it. “In August

2018, Joseph said, my village was listed by the Sanmenxia City government as a candidate for a ‘beautiful village’ award. One requirement was that all villagers should not have a religious faith. The local government wanted to get that honor, so they definitely did not want to register me. If they had an old registration of my 2003 arrest, they canceled it as well. Later, I used my connections to check the situation again and found that I was indeed not registered in any data base, so I applied for a passport and left China.”

Brother “Mike” was arrested in 2003, tried, and sentenced to two years in a labor camp. He was released but, after the 2014 McDonald’s murder, he heard that ex-convict CAG members were being re-arrested. He decided to escape abroad, and believed that since the place where he had been arrested in 2003 was far away from where he had his *hukou* registration, perhaps in the latter his arrest was not known. “To ensure that this was the case, he said, I used my connections to double-check that my local police station did not have any record of me, before applying for a passport and fleeing to South Korea.”

Brother “Billy” was first arrested in 1999, in Xinmi City, Henan. “One of my relatives, he told us, was a vice-chief of a public security bureau, so I was released that night and my name was not recorded.” At the end of 2011, he was arrested again in Luoyang City, also in Henan. He gave the police a false address in a different city, was detained in Luoyang Detention House, and released fifteen days later. In 2015, his mother was arrested, and he decided to leave China. Through his influential relative, he checked whether his name was included in any police data base, and discovered it was not. He said that perhaps confusion about his addresses explained the lack of registration. But it is also true that, when he was arrested, the police seized church money valued more than 200,000 RMB (about 28,700 USD). If they had registered him in a local or national data base, the police should have deposited the money in a government’s account. By not registering his case, they had kept the money in the local police station and most probably pocketed it. At any rate, the fact that Billy was not registered allowed him to obtain a passport, and leave China.

We note that, in all these stories, the refugees reported that they checked whether their names were included in the PoliceNet data base or not before applying for a passport. This is important, as their stories do not imply that obtaining a passport is easy. Indeed, it is difficult, which explains why, while all

CAG members are persecuted, only a small percentage of them manage to leave China.

After having reported these personal stories, which hopefully give a taste of the real day-to-day situation in China, we offer an English translation, of part of a decision by the Administrative Court of Freiburg, in Germany, dated September 12, 2019, which is included in our list of cases. It is part of a string of similar decisions rendered by several different German Administrative Courts, and we have selected it because it is published online, and includes a clear and detailed discussion of the passport issue. Having stated that in principle those known or suspected of being CAG members should not be able to obtain a passport in China, the Freiburg Court went on to say,

Under special circumstances, however, it may be possible in individual cases for citizens targeted for political and religious reasons, even if they have been already listed as wanted persons in China, to obtain a passport and a visa and to leave the country by air (in this respect, reference is made to the detailed and accurate evaluation and presentation of the sources of information on this religious group in the rulings of the Karlsruhe Administrative Court: Administrative Court of Karlsruhe, judgments of 04.05.2018 – A 6 K 7906/16 – marginal no. 26 and of 12.06.2018 – A 6 K 436/17 – , marginal no. 20 to 33 and of 12.06.2018 – A 6 K 810/17; see also Administrative Court of Baden-Württemberg, decision of 30.07.2018 – A 12 S 1332/18–).

Regarding legal departure, ACCORD/Austrian Red Cross (statement of 16.04.2019 on the persecution of the Church of Almighty God, there under para.2, p. 1417) has stated that at the local level there may well be quite undocumented police actions, which do not immediately lead to a registration in the national data base. Until 2018, it was quite easy for Chinese to leave their country. Making it easier to leave the country, even bureaucratically, had also been promoted by the Chinese government. A review of the exit permits practices, also targeting the members of banned religious groups, only started in 2015. Also, the increasingly perfected control methods mentioned by the Australian Foreign Ministry, such as facial recognition, etc., are only mentioned since 2017, so it may be that the applicant, who had already left in 2015, was not yet affected by this. This also applies to the Chinese government's plans to subject the 100 million internal migrant workers to the reporting system (*hukou*) (ACCORD, op. cit., pp. 23, 24). In this regard, the German Foreign Office (information dated 5.8.2019 to the Administrative Court of Stuttgart) also mentions the fact that it is not impossible to obtain a passport as long as one is not yet classified as politically sensitive or dangerous, but that this is becoming "less and less likely" "because of the intensification of digital" registration. This also applies to the document required for a change of residence (*hukou*), where "as digital surveillance continues to be perfected," checks on changes of

residence became “routine,” once everybody was included and data started being exchanged within China.

In this respect, it may well have been possible as late as mid-2015 that the surveillance and recording technology at that time did not yet correspond to today’s increasingly perfected state of the art.

In addition, the Office overlooked the fact that the applicant himself does not claim that he was personally registered in the wanted persons register, or that there was already an arrest warrant against him, and he admits that those wanted by the police on the basis of a search request or even on the basis of an arrest warrant cannot leave the country legally.

Finally, the argument that a legal departure contradicts the existence of a risk of persecution is also contradicted (see Administrative Court of Karlsruhe, judgment of 10.04.2019 – A 7 K 3243/17) by the fact that Chinese border surveillance at the airport is not infallible and collected data are not necessarily forwarded from one office to the next (UNHCR, Universal Periodic Review Germany, p. 9; Administrative Court of Karlsruhe, judgment of 04.05.2018 – A 6 K 7906/16 –). Moreover, the production or procurement of forged or formally genuine but substantively false documents of various kinds has long been possible without particular difficulty throughout China. The overwhelming majority of official documents submitted to date to the German Embassy in Beijing by German authorities or courts in connection with asylum proceedings were found to be forged. Falsified Chinese passports with forged or illegally obtained visas, as well as forged entry and exit stamps, keep turning up (see AA, Situation Report China of June 28, 2018, p. 30 f.). False or forged documents are used for a variety of purposes. According to international document experts, China has the most and the best counterfeiting workshops in the world. Many have the latest technology at their disposal (BFA, Country Information Sheet of the State Documentation China of 14.11.2017, last brief inserted on 05.02.2018 [hereinafter: BFA: Country Information], p. 55; Administrative Court of Karlsruhe, judgment of 04.05.2018 – A 6 K 7906/16 –). Finally, despite the Xi Jinping government’s campaigns in this regard, corruption remains widespread at all levels of officialdom, including in areas heavily regulated by the government, and also in the area of public security (see Austrian Federal Office for Immigration and Asylum, Country Information Sheet of the State Documentation China, complete update of November 14, 2017, latest brief inserted on February 05, 2018, p. 21; see also Administrative Court of Karlsruhe, judgment of May 04, 2018 – A 6 K 7906/16 –). It is equally conceivable that the applicant’s name had not yet been entered by the local police authorities in the nationwide wanted lists, or had already been deleted by them, or that the travel documents used by him were forged, or false in terms of content (see also Administrative Court of Karlsruhe, judgment of 04 May 2018 – A 6 K 7906/16 –). In view of all this, the finding of unhindered departure via the airport does not easily support the conclusion that an asylum seeker was not persecuted at that time.

In its Country Report 20 – China, Situation of Christians, as of 10/2019, p. 17, the Federal Office comes to the conclusion, based on the evaluation of sources, that even in China it has been possible for followers of The Church of Almighty God who are already persecuted or threatened with persecution to leave legally with their own documents, not only because there is corruption in China, but also because the wanted persons register and also the exit controls are not always complete.

Against this background, it seems quite understandable that the plaintiff was still able to apply for a passport in October 2014 and obtain a visa in April 2015 through the mediation and with the help of friends and other contacts, and finally leave the country legally via Beijing airport (VG Freiburg 2019, 83–9).

When, as the Freiburg Court did, two elements are considered—first, that “until 2018, it was quite easy for Chinese to leave the country,” and even today the police data base and border control systems in China are advanced but not infallible, and second, that corruption may solve almost all problems—the objections about the passports, although at first sight supported by most COI on the subject, are not impossible to overcome.

(10) Chinese Surveillance of CAG Communities Abroad

In some cases, administrative authorities and courts granted asylum to applicants they believed were not persecuted in China, either because they found their stories of persecution not persuasive, or they had converted *sur place* in the country to which they had escaped. In fact, in some cases, the applicants were not persecuted *as CAG members*, but were persecuted as devotees of other groups labeled as *xie jiao*. Early in the history of the CAG a sizeable number of members of the Christian group known as the Shouters converted to the movement, and these conversions still happen today, including *sur place* overseas. The Shouters are also considered a *xie jiao*—in fact, they were the first group officially listed as such in the People’s Republic of China (Irons 2018, 35)—and some decisions recognized that, had they not converted to the CAG, the asylum seekers would have been persecuted in China as members of the Shouters.

A broader question is whether the Chinese authorities keep CAG communities abroad under surveillance, using inter alia facial recognition technology. If such is the case, it would not really matter whether the asylum seeker was persecuted in China, or even whether s/he was a CAG member there. If his or her activities on behalf of the CAG abroad are visible enough, the Chinese authorities would learn

that s/he is a CAG member. They may not know his or her name, but identification through facial recognition may still cause the CAG member to be arrested if s/he returns to China.

The conclusion that Chinese surveillance of dissident communities abroad is systematic and pervasive is supported by several recent COI, although some decisions dismiss it as anti-Chinese propaganda. In South Korea, where only one CAG applicant has been granted asylum (in 2021) to date, decisions consistently denied that such surveillance exists at all. This is paradoxical, considering that South Korea is a country where anti-cultists openly cooperate with Chinese authorities in identifying CAG refugees, and even publishing their photographs online (Introvigne 2018d, 2019c).

A strong argument that facial identification is systematically used to identify CAG devotees abroad, making their arrest should they return to China very probable, was made in 2020 by the Italian refugee authority in COI devoted to this issue (Ministero dell'Interno, Commissione Nazionale per il Diritto d'Asilo 2020). Although uploaded in the European data base EASO, these COI were in Italian, and had a limited effect outside of Italy.

In the Freiburg decision mentioned above, the German court noted that the applicant appeared in CAG promotional videos recorded in Germany and available online, and had also participated in human rights demonstrations and public events criticizing China. The court dismissed the administrative authorities' argument that he did so at his risk, and could not base his asylum claim on activities he could have avoided, stating that in Germany freedom of religion and of expression is granted and protected with respect to all those residing in the country, not only to German citizens.

The court stated that enough documents prove that,

the Internet sites of forbidden religions are increasingly monitored by the security authorities. Since the Chinese security service has the technical means to identify persons not named in the videos using facial recognition software [...]. the court is also convinced that the applicant has now been identified by the Chinese security authorities and is perceived as a threat to the Chinese state (VG Freiburg 2019, 109–10).

The Freiburg Court noted that Chinese surveillance and repression of dissidents,

are not limited to the territory of the People's Republic. Rather, any behavior by Chinese citizens abroad regarded as deviant or critical of the regime also becomes the focus of the Chinese intelligence service's activities (VG Freiburg 2019, 111),

as officially stated by the German government. Indeed, the court said, according to German intelligence agencies,

one focus of the activities of Chinese state agencies in Germany, especially the Chinese intelligence services, is spying on and combating movements that, in the view of the Chinese Communist Party, challenge its monopoly on power and pose a threat to China's national unity. In the process, these agencies now no longer limit themselves to gathering information abroad, but also actively, systematically, and aggressively pressure dissident exiles, intimidate them, and threaten them, including by filming them at close range and without even hiding (VG Freiburg 2019, 111).

In this context,

anyone who has come to the attention of the Chinese state security services for criticizing the regime abroad is blacklisted. Those returning from foreign countries are routinely checked in China, also in comparison with data previously recorded in China. Such Chinese, who are suspected of a behavior critical of the regime or otherwise deviant when abroad, often “disappear” indefinitely if they return to China (VG Freiburg 2019, 111).

If such is the case, those who appear as CAG members in CAG videos and events abroad or, worse still, participate in human rights protests critical of the CCP, run a serious risk of being detained or “disappeared,” should they return to China, which alone should be regarded as a convincing reason to grant them asylum.

Conclusion

During our interviews, CAG refugees often expressed their disappointment that so many of them have not been able to be granted asylum. In one of their largest diaspora communities, in South Korea, the number of asylum applications granted is only one (accepted in 2021). In countries such as Italy, France, and Germany, favorable decisions continue to co-exist with rejections based on arguments the refugees hoped had become a thing of the past.

Yet, on a more positive note, refugees can look back at their situation as it was in 2014 or 2015, in the aftermath of the McDonald's murder and the global CCP propaganda campaign against the CAG, and acknowledge that the situation has changed for the better. Unlike some other persecuted movements, the CAG decided that scholars were not the Church's enemies, and that it would have been in its best interest to allow academics to study their movement. Since 2016, the CAG has been quite cooperative with scholars, allowing surveys, participant

observation, and the study of documents about their history and theology. In turn, scholarly works have led to improved COI, at least in some countries, and a higher percentage of favorable asylum decisions (Introvigne and Šorytė 2021).

This is not to say that the availability of balanced scholarly studies of the CAG and better COI solved all, or even most of the refugee problems. The situation and possible fate of CAG refugees in South Korea is conditioned by that country's political relations with China, and is a matter of great concern. Even elsewhere, the pressure of an aggressive Chinese diplomacy is felt, and lawyers and asylum seekers in several countries, such as South Korea and Switzerland, found that Chinese embassies operate as hidden counterparts in CAG refugee cases. Their work is not ineffective and, although they are not the majority, some court decisions rely on Chinese embassies' "information packages" to dismiss works by scholars and even some government-produced COI.

In Italy, we note a wave of decisions by the Justice Court of Rome (17, between 2017 and 2019), which denied full asylum but granted "subsidiary protection," a temporary status that allows the asylum seeker to remain in Italy for five years, and for subsequent 5-year periods, by proving that the situation in the home country has not changed. Those granted subsidiary protection can also work, and receive free health care in Italy. Some of the lawyers we interviewed believe that granting "subsidiary protection" may represent a political compromise. The refugees know that they will receive most of the practical benefits of the asylum, but at the same time they will not be counted among those granted asylum because of persecution in China, whose growing number is routinely protested by Chinese diplomats.

Asylum cases can, and are, won by CAG refugees, but they require good lawyers willing to devote substantial time to learn about a church few are familiar with, and to listen patiently to the individual stories of the asylum seekers. Although in asylum cases some first-class lawyers are willing to work pro bono for humanitarian reasons, and others have acquired a good operational knowledge of the CAG, they are not many, and the refugees' poverty may lead them to rely on court-appointed, NGO-provided, or otherwise low-cost attorneys, who have no time, skills, or resources to prepare for what remain difficult cases.

Perhaps courts and governments, in designing their refugee policies, should consider all these factors. Although the COVID-related economic crisis may cause some countries to become less generous in welcoming refugees in general,

we should not forget that CAG members face persecution, torture, and in some cases death if they are compelled to go back to China. Sending back victims to their torturers is something economic or political reasons can never justify.

The Decisions: Chronology and Summary

Australia – Administrative Officer, June 5, 2015

Favorable

The applicant was identified as a CAG member, arrested, and sent to a Reeducation Through Labor (RTL) camp. She provided official documents proving that she was detained in the camp from 2002 to 2005. She explained that she could only apply for a passport in 2010, as the law stipulated that ex-RTL inmates cannot obtain a passport for five years. She was kept under surveillance and, when she believed that the police were about to discover that she kept in touch with the CAG, went to Australia. She came back under pressures from the company she worked for, which threatened to ask the authorities to investigate her family for possible CAG connections, since her sister was a CAG member too. However, then the McDonald's incident happened, and the crackdown on the CAG became so severe that she decided to go to Australia again and apply for asylum.

Canada – Refugee Protection Division, October 27, 2015

Favorable

The applicant was a member of the CAG video team in China. He was not identified and arrested but other team members were, and his grandparents, who were CAG members or sympathizers, were investigated, which persuaded him to leave. The officer interrogated the applicant based on the existing COI and found his answers persuasive. When they did not correspond to the COI, the applicant was able to explain in an articulate way why, in his opinion, the COI were wrong. For instance, he explained that it was not true that the CAG announced the end of the world for the year 2012, but that he was aware other Chinese religious movements did, and the authorities used this as an excuse to crack down on the CAG as well.

Switzerland – State Secretariat for Immigration (SEM), January 11, 2016

Negative

The applicant's story of her conversion to the CAG did not persuade the Secretariat as genuine. That she was noticed by the Chinese police and repeatedly avoided arrest at the last minute was found as even more unbelievable, also in light of the fact that she did not experience problems in obtaining a passport. [The decision was confirmed by the Federal Administrative Court on August 26, 2016, and by the European Court of Human Rights on October 19, 2017, see below].

Switzerland – State Secretariat for Immigration (SEM), February 3, 2016

Negative

The Secretariat was not familiar with the CAG. The applicant used repeatedly the word “Christian” to refer to her religion, and the Secretariat believed Christianity as such was not persecuted in China. At any rate, the fact that she obtained a passport proved that she was not persecuted. [The decision was confirmed by the Federal Administrative Court on March 23, 2016, and a further appeal was rejected on April 30, 2016].

South Korea – Seoul Administrative Court, March 11, 2016

Negative

The court acknowledged that the applicant had filed documents proving that the CAG is persecuted in China, but did not find the strong evidence that the administrative commission erred in denying the asylum that would be needed to overcome its decision. While the applicant had claimed that he had been arrested because he was a CAG member, it was unclear to the court whether he would really risk being arrested again should he return back to China.

Switzerland – Federal Administrative Court, March 23, 2016

Negative

The fact that the applicant was persecuted was regarded as incompatible with the fact that she had obtained a passport. Also, she remained in China three months

after she got her passport, and when in Switzerland waited another four weeks before filing an asylum request. The court was not familiar with the CAG and wondered why the applicant, who claimed to be “a Christian,” did not join a Catholic or Protestant refugee program in Switzerland. [The decision was confirmed on appeal by the same Federal Administrative Court on April 20, 2016, see below]

Switzerland – Federal Administrative Court, April 20, 2016

Negative

The appeal against the above decision rendered on March 23, 2016 was rejected, considering that all delays had expired, and the applicant had not paid the appeal fee on time.

Canada – Refugee Protection Division, May 11, 2016

Negative

The Division found the story of the applicant not generally believable, finding contradictions on her account of her divorce, conversion, and escape from China after the police started suspecting she was a member of the CAG. Asylum was denied. [The case was appealed to the Federal Court, which remanded it to a differently constituted panel. The latter granted asylum on June 13, 2019].

New Zealand – Refugee Status Branch, May 25, 2016

Favorable

Considering that not many reliable COI were available in May 2016, the New Zealand Board did a considerable homework to access the early scholarly research of Emily Dunn and produce a lengthy decision concluding that, as a member of the CAG, the applicant would certainly be persecuted should she return to China, a country where human rights and religious liberty are not protected in general, and the CAG is severely persecuted.

Italy – Administrative Commission, July 10, 2016

Negative

What the applicant reported about the CAG did not correspond to the COI, and the fact that she did not know [or refused to tell the Commission] the civil name of the person worshipped as Almighty God was regarded as evidence that she did not know her own religion [in fact, this should have confirmed she was a genuine CAG member]. Additionally, if really persecuted, she should not have been able to obtain a passport.

Germany – Office for Immigration and Refugees, July 27, 2016

Negative

The office did not clearly identify the features of the CAG within the general situation of house churches and Christianity in China. It concluded that the applicant had not proved he had been persecuted, and the fact that he got a passport further reinforced the conclusion.

Switzerland – Federal Administrative Court, August 26, 2016

Negative

The court disagreed with the administrative authorities, which had expressed doubts on the fact that the applicant was a bona fide CAG member. It concluded she probably was, but there was no evidence she was personally persecuted, and there were contradictions in her accounts of how she adventurously and repeatedly escaped arrest. Her claim that the contradictions were due to the translators' limited skills was not believed either. The fact that she easily obtained a passport was regarded as further evidence that she was not persecuted. [The decision was confirmed by the European Court of Human Rights on October 19, 2017].

France – OFPRA, October 18, 2016

Negative

The office relied on early COI and media articles depicting the CAG as a malevolent “cult,” and hold against the applicant the fact that she denied CAG’s

involvement in violence, and was not able or willing to mention the civil name of the person the CAG worships as Almighty God [in fact, this is typical of genuine CAG members]. The office also found the applicant's description of how she was at risk of being arrested vague and unconvincing.

Germany – Office for Immigration and Refugees, November 2, 2016

Negative

Another early decision rendered when the office was not familiar with the CAG, although it accepted that there is little religious liberty in China. But the story of how the applicant was able to escape the police and live underground for several years was regarded as not believable.

Australia – Administrative Officer, November 17, 2016

Negative

The officer admitted that CAG is persecuted in China but, based on Christian critical material and accounts of the McDonald's murder, concluded [inaccurately] that the authorities are mostly interested in arresting the leaders and regard the common members as vulnerable victims to be protected. Indeed, the applicant stated that she had become a local church leader in Australia, but the officer believed she did not show a knowledge of her church's history and theology typical of a leader. In particular, she was not able to tell the officer the name of the founder of her church [at that time, no COI clarified that CAG members never used the civil name of the person they worship as Almighty God]. The officer also regarded the fact that the applicant admitted having bribed officers to obtain a passport and a visa as further evidence that she was not reliable.

Australia – Administrative Officer, November 17, 2016

Negative

The officer admitted that CAG is persecuted in China but, based on Christian critical material and accounts of the McDonald's murder, concluded [inaccurately] that the authorities are mostly interested in arresting the leaders

and regard the common members as vulnerable victims to be protected. The officer recognizes that the applicant had a subjective fear of persecution, but denied it was objectively based. He also believed that the fact that the applicant easily obtained a passport was evidence that authorities were not interested in him (he maintained the police had taken his picture during a CAG meeting but did not know his name). The officer also found the applicant had insufficient knowledge of CAG doctrines and history [but note that the officer relied on inaccurate COI].

Australia – Administrative Officer, November 17, 2016

Negative

The officer admitted that CAG is persecuted in China but, based on Christian critical material and accounts of the McDonald's murder, concluded [inaccurately] that the authorities are mostly interested in arresting the leaders and regard the common members as vulnerable victims to be protected. The officer also found the applicant had insufficient knowledge of CAG doctrines and history [but note that the officer relied on COI that were at least partially inaccurate]. The applicant vaguely hinted at the possibility of bribes but, having stated that the police had identified her as a CAG member, did not clearly explain how she had been able to obtain a passport.

Australia – Administrative Officer, November 24, 2016

Negative

The officer found that the applicant had a basic knowledge of the CAG, but ignored details the officer knew through the COI [note that some of the COI the officer relied on were not accurate]. There were contradictions in her story, particularly when she said she bribed the police with a substantial sum to obtain a visa, but said she was unemployed at the time and was unable to explain where the money came from.

Australia – Administrative Officer, November 25, 2016

Negative

The officer found that the applicant had a basic knowledge of the CAG, but ignored details the officer knew through the COI [note that some of the COI the officer relied on were not accurate]. The officer did not believe that the fact that her local church leader has been arrested, and might be compelled to disclose the applicant's name as a CAG member, created a justifiable fear of persecution, particularly because she did not escape immediately but waited several months after the leader had been jailed. In the meantime, she had been refused an American visa and then settled for an Australian visa, which was also interpreted by the officer as evidence that she was not under watch or known to the authorities.

Australia – Administrative Officer, November 29, 2016

Negative

The officer found that the applicant had a basic knowledge of the CAG, but ignored details the officer knew through the COI [note that some of the COI the officer relied on were not accurate]. What persuaded the officer she was not credible was that she reported that, having difficulty obtaining a passport and a visa by bribing an agent, she did not escape immediately to Australia but remained in China for several weeks. She claimed she had to conclude some important CAG business.

Italy – Administrative Commission, December 12, 2016

Negative

Another example of a case where the fact that the applicant was unable or unwilling to give details about the person the CAG worships as Almighty God was [wrongly] regarded as evidence that she was not a bona fide CAG member. The passport issue was also mentioned as evidence she was not persecuted. [The Justice Court of Rome confirmed the negative decision on May 22, 2019].

Italy – Administrative Commission, December 19, 2016

Negative

This is an early [and unfortunate] decision, where the commission, obviously unfamiliar with the CAG, believed it was somewhat connected with the Catholic Church, and denied asylum to the applicant based on the fact that she was not able to indicate the main Catholic rituals and feasts. The commission also stated that the fact that the applicant had obtained a passport proved she was not persecuted, and did not believe that her husband had bribed the police, as she had reported. [The decision was overturned on appeal on January 22, 2018 by the Justice Court of Milan, and asylum was granted].

France – OFPRA, December 20, 2016

Negative

While the applicant was persuasive when he told the story of how he converted to the CAG, the office did not believe that common members, as opposed to leaders, are persecuted, nor that diaspora CAG communities are kept under watch by Chinese authorities, so that the comparatively minor activities of the applicant in France would have been noticed. At any rate, the fact that he had obtained a passport was evidence enough for the office that the applicant was not persecuted, and according to the office he was not able to explain how the passport was obtained.

South Korea – Administrative Authority, December 28, 2016

Negative

The authority stated [incorrectly] that “general believers who do not hold a special status” as CAG leaders are not persecuted in China. The four applicants did not prove that they had “special status,” which was regarded as confirmed by the fact that they obtained a passport. [The decision was confirmed in two subsequent appeals, lastly on October 12, 2017].

South Korea – Administrative Authority, December 28, 2016

Negative

Another five applicants were denied asylum, based on the [incorrect] assumption that only leaders, rather than common CAG believers, are persecuted in China. The fact that two of the applicants had been arrested was not regarded as suggestive that they might be arrested again. The fact that the applicants obtained passports, the authority said, further proved they were not persecuted. [The decision was confirmed in two subsequent appeals, lastly on October 12, 2018].

USA – Immigration Court of Elizabethtown, New Jersey, January 6, 2017

Favorable

The Court recognized that the applicant was a CAG member and as such subject to persecution in China. Asylum was granted. (As in other American Immigration Court cases, the decision was announced orally, and no grounds were included in the written decision).

Italy – Administrative Commission, January 17, 2017

Negative

What the applicant reported about the CAG was not consistent with the COI consulted by the commission [which were, however, largely incorrect]. Her story of daredevil escapes from the police was also declared not believable, and the fact that she had obtained a passport was regarded as evidence that she was not persecuted. [The decision was confirmed by the Justice Court of Rome on December 20, 2019].

Germany – Office for Immigration and Refugees, January 20, 2017

Favorable

The office recognized that the CAG is persecuted in China and that the applicant is a CAG member and escaped having been detected as such. Through an “uncle,” she was able to get a passport and a visa, she reported, and the office found the story believable.

Italy – Administrative Commission, January 20, 2017

Negative

The commission was not particularly familiar with the CAG and noted that the applicant was not conversant with some basic Christian (or, rather, Catholic) doctrines and therefore not credible. Her story of how she adventurously escaped the police after having been arrested and tortured, and was quickly able to leave China with a valid passport, also did not ring true. [The decision was overturned on appeal by the Justice Court of Milan on February 7, 2020, and asylum was granted].

Switzerland – Federal Court, January 23, 2017

Negative

While normally we do not mention the names of the applicants, this is one exception since it concerns the Wang Xiumei case, which got some media attention. Ms. Wang told Swiss authorities that she had a cousin who was also a member of the CAG, and was arrested and tortured to reveal the names of her fellow CAG members. Wang learned that her cousin had mentioned her name. She took the information very seriously after her husband told her that, on August 26, the police had knocked at their door looking for her when she was away. She decided to leave home and hid in various places until, fearful that the police were about to arrest her, decided to flee to Switzerland. Up to the Federal Court, all administrative and judiciary authorities in Switzerland did not believe Wang. Preliminarily, the Federal Court dismissed Wang's objection that, when her story seemed confused, this was largely due to the fact that "the translation by the interpreter was below average." The Federal Court regarded the objection as inadmissible, since Wang was asked twice whether she understood the interpreter and replied yes, and signed the minutes of the hearing. The Federal Court noted that she told once that she left her home after the first visit by the police, and later that she first hid in the home's basement and left only after a second police visit. Another contradiction, according to the Court, was that Wang reported alternatively that she had first learned of the cousin's arrest at a CAG meeting, or from her husband, who had been told by the police. Furthermore, both the lower court and the Federal Court stated that Wang had only a "superficial" knowledge of CAG doctrine, giving the "impression that she

had not actually been an active member” of the CAG, notably because she was unable or unwilling to mention the civil name of the person the CAG worships as Almighty God and referred to this person as “he,” while knowing she is female [in fact, this should have proved Wang was a real CAG member]. Additionally, if she was hunted by the police, the Swiss authorities argued, she should never have been able to get a passport and pass the airport controls. The Federal Court ordered Wang deported to China, stating she would run no risk, and even that the effective Chinese system of social security would take care of her problems there, which would perhaps not happen in Switzerland. Knowing how harsh the forcible deportation of co-religionists had been, Wang went spontaneously to China on May 2, 2017, which probably avoided her the immediate arrest at the airport that occurs in cases of deportation. She was too afraid to return home, and instead rented a room elsewhere. On the night of June 27, 2017, however, police officers from the Linshu County Public Security Bureau of Linyi City, Shandong raided Wang’s place of residence and arrested her. The decision by the People’s Court of Linshu County dated February 9, 2018, published in the official Chinese data base of court decisions, makes it abundantly clear that the police was watching Wang since “May 2017,” i.e., since her return from Switzerland, and that they had accurately reconstructed her past activities in the CAG. In particular, the Chinese court stated that Wang had been part of a local “editorial group” of the CAG, in charge of revising and editing theological articles before they were distributed, which was more than enough for her being sentenced under Article 300 of the Chinese Criminal Code to three and a half years in jail. The Swiss judges believed that Wang was not too familiar with CAG theology. In fact, the Chinese judges stated, she was so familiar with it that she was in charge of revising and editing doctrinal statements.

France – OFPRA, January 30, 2017

Negative

The applicant’s story was regarded as not believable, as he claimed that the CAG was not violent and did not plan to overcome the government, which was contrary to the [inaccurate] French-language COI the office relied on. The fact that he obtained a passport was also regarded as evidence he was not persecuted. [The decision was overturned on appeal, and asylum was granted].

Canada – Refugee Protection Division, February 15, 2017

Negative

While generally believing that CAG members are persecuted in China, the officer found the applicant's story confused and not believable. He claimed that he was a CAG member for 13 years, and lived the last of these years in hiding, yet also reported he was able to obtain a passport through his wife, also a CAG member, in their small village, where presumably it was not difficult for the authorities to be aware of which citizens may be members of banned groups.

Canada – Refugee Protection Division, February 15, 2017

Negative

The applicant told a confused story involving quarrels with corrupted police officers, who asked him protection money to allow him to continue his tea shop business. While this might be true, the story he told of his CAG activities was less coherent, and made the officer suspicious that he may have added it just to seek asylum. The CAG in Toronto confirmed he was attending their meetings and even appeared in a video, but this was not regarded as sufficient, particularly because the applicant was not able to explain why, upon arrival in Canada, he did not file his asylum request immediately but waited for two months.

Italy – Administrative Commission, February 16, 2017

Negative

Although the commission made some confusion between Protestant house churches and the CAG, it did believe the CAG was persecuted in China. However, it stated [incorrectly] that not all CAG members are persecuted, and noted there was no independent evidence, apart from the applicant's own story, that he was personally persecuted in China, and the fact that he obtained a passport proved he was not. The fact that, having obtained a passport, he waited several months before requesting an Italian visa was also held against him.

Italy – Administrative Commission, February 21, 2017

Negative

The commission (which did not understand the difference between *xie jiao* and house churches) did not believe that all CAG members are persecuted in China, and maintained that those persecuted are included in the PoliceNet database, and prevented from leaving the country.

South Korea – Administrative Authority, February 22, 2017

Negative

Although the applicant was able to prove that she had been sentenced as a CAG member, and had spent time in jail in China, the authority did not believe that, after she had paid her debt to Chinese society, she was still in a situation of persecution. Asylum was denied. [The decision was overturned on appeal by the Seoul Administrative Court on February 17, 2021, and asylum was granted].

France – OFPRA, February 22, 2017

Negative

The office found the story of how and why the applicant joined the CAG vague and not believable. It did not regard the letter by CAG local leaders confirming she was a member as sufficient evidence. The fact that she got a passport was interpreted as evidence she was not persecuted.

United Kingdom – Home Office, February 24, 2017

Negative

The officer was satisfied that the CAG is persecuted in China, yet concluded the applicant had failed to prove she was a bona fide CAG member. In particular, she kept referring to Almighty God as “he,” while the person worshipped by the CAG as Almighty God is a woman [all CAG members do this], and did not know [or did not want to mention] the civil name of that person [this is also typical of genuine CAG members; note that the decision was reformed on appeal, and asylum was granted: see United Kingdom, July 31, 2018, below].

Germany – Office for Immigration and Refugees, March 16, 2017

Negative

The office believed the COI claiming that the CAG was a violent “cult,” responsible for the McDonald’s murder. Against this background, the story told by the applicant that the CAG was a peaceful group unjustly persecuted was not accepted as true. This had an influence on concluding that her story of persecution was probably also not true.

France – OFPRA, March 17, 2017

Negative

The Office accepted that the applicant was a bona fide CAG member, but believed that there was no evidence that all CAG members were persecuted in China. The applicant did not prove he was personally persecuted. If he was persecuted, the Office believed his name would have been registered on the PoliceNet data base and he would have been stopped at the airport, which did not happen.

Germany – Office for Immigration and Refugees, March 21, 2017

Negative

The officer believed COI claiming that the CAG was a violent “cult,” which negatively colored his assessment of the applicant’s story as not believable. She tried to defend her religion and was also not able to persuasively explain how, assuming she was persecuted, she was able to get a passport.

France – National Court for the Right of Asylum, March 31, 2017

Favorable

Asylum was granted based on the fact that the applicant proved to be a member of the CAG, and that the existing literature warrants the conclusion that being a CAG member is enough to be persecuted in China. The objection about the passport by the administrative authorities was overturned based on the fact that the applicant had heard credible rumors that she would be arrested, but had never

been formally investigated or arrested before, and that the Chinese data base of suspects “does not cover the entire country.”

France - OFPRA, April 11, 2017

Negative

The office believed [incorrectly] that not all CAG members are persecuted in China, only the leaders and those who make themselves particularly visible. The applicant did not prove this was the case for him, and the fact that he obtained a passport was taken as proof that the authorities had not noticed him.

South Korea - Administrative Authority, April 12, 2017

Negative

The fact that all five applicants obtained a passport was regarded as sufficient evidence that they were not persecuted. The authority did not believe that Chinese authorities keeps such a strict watch on the CAG diaspora communities that the comparatively minor activities of the applicants would have been noticed in South Korea. [The decision was confirmed twice on appeal, on July 12, 2017, and October 26, 2017].

New Zealand - Refugee Status Branch, April 13, 2017

Favorable

The applicant told a vivid, credible story of how she became a Christian in a branch of a different religious movement, known as the Shouters, and was then converted to the CAG. She admitted she had not been personally identified as a CAG member by the police (although some close co-religionists were) and not once, but twice was able to obtain a passport without problems. The officer concluded that the fact that she was undoubtedly a bona fide CAG member was enough to grant asylum, because all CAG devotees live in fear of persecution in China.

Canada – Refugee Protection Division, April 24, 2017

Favorable

Applicant had kept documents proving that she was arrested and sentenced with one-year probation as a CAG member. She also claimed she had been tortured to disclose the whereabouts of her sister, a CAG leader. She tried to escape but her passport was confiscated at customs. Through “connections,” she was able to obtain a new passport and a Canadian visa.

Italy – Administrative Commission, May 8, 2017

Negative

Based on the COI it consulted and on some press clippings, the commission stated that house churches are not persecuted in China, while CAG members may be persecuted because of their violent and political activities. By denying the latter, the applicant showed she did not really know the CAG. She also reported that she was converted by and supported by relatives, which contradicts the COI’s [inaccurate, see Introvigne 2018b] information that the CAG is “against the family.” Additionally, the fact that she obtained a passport and passed the severe border controls was taken as proof that she was not persecuted.

Canada – Refugee Protection Division, May 10, 2017

Negative

Asylum was denied based on three different grounds. First, the applicant failed to explain why she, an atheist, joined the CAG knowing that the conversion will expose her to severe persecution. Second, she claimed she was informed that she was at risk of being arrested but, after obtaining a passport, waited one month before leaving China. Third, there were discrepancies on the place of birth between different identity documents she brought to Canada (passport, *hukou* [household registration certificate], and resident identity card), which raised doubts on her very identity and her credibility in general. [The decision was confirmed in a redetermination of the claim on September 27, 2019, but overturned by the Refugee Appeal Division, which granted the asylum on December 8, 2020].

Italy – Administrative Commission, May 12, 2017

Negative

Based on [largely incorrect] COI, the commission accused the applicant of having an insufficient knowledge of her own faith, and regarded her story as generally not credible, the more so because she had been able to obtain a passport. [The decision was confirmed by the Justice Court of Rome on April 20, 2018, but overturned by the Supreme Court of Cassation on September 17, 2020].

Canada – Refugee Appeal Division, May 18, 2017

Negative

This detailed decision insists on the fact that the applicant used a false *hukou* (household registration certificate) to obtain a passport, or told a confused story about the *hukou* (although she claimed on appeal that the confusion was mostly made by the low-quality translation at the time of the interview), to conclude that probably she was lying about other details as well. This is a rare (and early) Canadian decision relying on outdated COI, as the Board raised doubts not only on the applicant, but even about the leader of the CAG in Canada who appeared as a witness for her, as genuine CAG members, because they were not able or willing to mention the civil name of the person worshiped as Almighty God, nor did their reconstruction of CAG theology conform to the (wrong) COI on various points. The Board also believed that the Chinese authorities do not examine videos made by CAG abroad with such attention to notice the short appearances of the applicant in several videos produced in Canada.

Canada – Refugee Protection Division, May 23, 2017

Negative

The officer held against the applicant that she used false documents to enter Canada; her identity itself cannot be clearly established. Additionally, the officer found it suspicious that she claimed she was very much afraid of been arrested, yet waited several weeks after obtaining her passport and Canadian visa before leaving China.

Canada – Refugee Protection Division, May 23, 2017

Favorable

In a case different from others, the officer accepted the applicant (or rather, his lawyer's) claim that, once it is established that the refugee is a CAG member, asylum should be granted, as the relevant literature clearly leads to the conclusion that any CAG member risks arrest and detention in China. Since the applicant supplied enough documents to prove that he was a CAG member, other ancillary matters needed not be investigated.

Germany – Office for Immigration and Refugees, May 29, 2017

Negative

The office accepted that the CAG in general is persecuted in China, but did not believe all members are persecuted, nor that the applicant had proved she was personally persecuted. This consideration was regarded as sufficient to deny the asylum.

Italy – Administrative Commission, June 6, 2017

Negative

The commission did not believe that the applicant was converted by an aunt, as the COI stated that the CAG is “against the family” [while in fact being converted by relatives is common: Introvigne 2018b], nor that she was able to obtain a passport if she was really persecuted. [The decision was reversed on appeal by the Justice Court of Perugia on May 19, 2020, and asylum was granted].

New Zealand – Refugee Status Branch, June 7, 2017

Favorable

The applicant reported all his relatives were CAG members and they either had been arrested or were kept under surveillance. He was, however, in a special situation. He had been born as a second child to his mother in violation of the one-child policy, and for this reason his name was not included in the main *hukou* of his family but in a separate one obtained through corruption. For this reason,

although he was in fact also a CAG member, he was not investigated where all other relatives were. The office did not believe that the applicant was a “persecuted person,” but did believe he will likely be persecuted, sooner or later, as a CAG member should he return to China. CAG devotees are at a high risk of being detected (including because rewards are given to those who denounce them), and he had proved to the office’s satisfaction that he was a genuine CAG member.

Italy – Administrative Commission, June 7, 2017

Negative

The commission doubted the applicant was a bona fide CAG member, as his answers about the founder and the activities of the church did not correspond to what the commission read in the COI [however, the COI it used were largely inaccurate]. Even if the applicant would be recognized as a CAG member, his story had important contradictions and was generally not believable. [The decision was confirmed on appeal by the Justice Court of Turin on August 1, 2019].

France – National Court for the Right of Asylum, June 14, 2017

Favorable

The applicant persuaded the court that she was a bona fide member of the CAG. She had been arrested once, and had escaped fearing a second arrest. She obtained her passport in a different province, and the court was satisfied that there are holes in the Chinese system that would allow for such a possibility.

Italy – Administrative Commission, June 26, 2017

Negative

The applicant was interviewed in 2016, based on the then existing COI, and was found not believable when she said she had been converted by her mother and had good relations with her family, since the COI claimed the CAG is “against the family” [in fact, this is not accurate, see Introvigne 2018b]. The fact that she had

obtained a passport, according to the commission, also proved she was not persecuted.

Japan – Administrative Commission, June 29, 2017

Negative

The commission believed press cuttings that the CAG is a “cult” brainwashing its members and resorting to violence, which negatively colored the assessment of the applicant’s interview. The fact that she obtained a passport was also regarded as a proof that she was not persecuted.

Italy – Administrative Commission, June 29, 2017

Negative

The commission believed the COI claiming that the CAG is “against the family” and found it unbelievable that the applicant, as she reported, was converted by her cousins and her CAG circle included several relatives [in fact, this is common, as evidenced by Introvigne 2018b]. The commission also did not believe that the applicant might have left the jail, after having been arrested, and avoided being included in the PoliceNet data base just by bribing the police, as she also reported, as it regarded [incorrectly] the Chinese police as not corruptible when dealing with banned religious groups.

Italy – Administrative Commission, June 29, 2017

Negative

The commission believed the COI claiming that the CAG is “against the family” and found it unbelievable that the applicant, as she reported, was converted by relatives, and her whole family joined the CAG [in fact, this is common, as evidenced by Introvigne 2018b]. The commission also found it unbelievable that the applicant could have avoided being identified as a CAG member for years, while remaining active in evangelization, based on COI depicting the Chinese police as quite effective. The negative decision was also influenced by the commission’s trust in COI and press clippings depicting the CAG as a murderous

“cult.” [The decision was reversed on appeal by the Justice Court of Perugia on January 30, 2019, and asylum was granted.]

Italy – Administrative Commission, June 29, 2017

Negative

Although concerning a different applicant, the decision cut and pasted from the previous one. Applicant was regarded as not believable when she claimed that she was converted by relatives (because COI claimed [incorrectly: see Introvigne 2018b] that the CAG is “anti-family”) and paid bribes to be released from jail, not be included in the PoliceNet data base, and obtain a passport. The commission also doubted that the applicant was a genuine CAG member because she should have been able to mention the civil name of the person the CAG worships as Almighty God and admit that the CAG awaited the end of the world for the year 2012. [Both claims were incorrect. However, the decision was confirmed on appeal by the Justice Court of Perugia on October 17, 2019].

Portugal – Service of Foreigners and Borders, June 29, 2017

Negative

The officer did not understand (nor the applicant was able to explain) the difference between the CAG and “Christianity” in general. Since the applicant said he was “persecuted as a Christian,” although he mentioned the Chinese name of the CAG, the officer simply concluded that Christianity as such is not persecuted in China.

Canada – Refugee Appeal Division, July 4, 2017

Favorable

The Board reformed a negative decision by the Refugee Protection Division, noting it had been unduly influenced by media reports about the McDonald’s murder. The Board, while not taking a position on who perpetrated the crime, found the RPD officer’s conclusion that the applicant looked like a peaceful citizen, and therefore was not likely to be a member of the “violent” CAG, both “unreasonable and unsupportable.” The Board believed there was enough

evidence that the applicant was a CAG member, and that CAG members identified as such are persecuted in China. Besides, the applicant had made himself visible enough in Canada as a CAG active member to be likely noticed by the Chinese authorities. That he could obtain a passport and visa in China even if he had been identified as a CAG member was explained by the Board through the widespread corruption prevailing in the country.

Canada – Refugee Appeal Division, July 6, 2017

Favorable

The Refugee Protection Division (RPD) had stated that the applicant's story, that she had joined the CAG because she was depressed after her boyfriend left her, was not believable. The Board saw this as a subjective interpretation of the RPD officer, and concluded that this was as valid a reason for a religious crisis as any. The fact that the applicant acknowledged that she had resorted to organized crime to obtain the documents to escape China had also been regarded as evidence that the applicant was generally not credible by the RPD, a finding the Board reversed.

Italy – Justice Court of Rome, July 6, 2017

Partially Favorable

The court believed that as a CAG member the applicant had been harassed by the police (although not arrested, which explains how she got a passport) and had a credible fear of persecution in China. However, the court did not believe she was entitled to full asylum because of religious persecution since, based on the available COI, the judges concluded that the CAG is not a religion, because it lacks a stable organization, a clear structure of leadership, and rituals [one of the authors argued that these COI were wrong, and the CAG is indeed a religion, commenting a subsequent and similar decision by the same Court of Rome: Introvigne 2018a]. Rather than full asylum, the court granted to the applicant “subsidiary protection,” a temporary status that allows the asylum seeker to remain in Italy (for five years, and for subsequent 5-year periods, by proving that the situation in the home country has not changed). Those granted subsidiary protection can also work, and receive free health care in Italy.

South Korea – Administrative Authority, July 12, 2017

Negative

The authority maintained [incorrectly] that only leaders rather than common devotees of the CAG are persecuted in China. One of the four applicants had proved that he was detained, but not that the reason for his detention was his membership in the CAG. The fact that the applicants obtained a passport was regarded as further proof that they were not CAG leaders persecuted as such. [The decision was confirmed on two subsequent appeals, lastly on May 15, 2018].

France – National Court for the Right of Asylum, July 19, 2017

Negative

The Court confirmed the OFPRA decision of March 17, 2017, considering that the applicant has not filed any new evidence, and that the OFPRA decision was otherwise correct.

Italy – Justice Court of Rome, July 24, 2017

Favorable

Applicant reported that a CAG co-religionist was arrested, and she carried in her bag a notebook with his address, age, and date of conversion, although not his name. However, the police visited his home and asked his parents whether he was a CAG member, which had him scared enough to quickly obtain a passport and escape. He reported he obtained his passport because his name was not, or not yet, included in the PoliceNet data base. The administrative commission had rejected the application, noting contradictions in the applicant's story, and an uncertainty about the name of the village where the co-religionist was arrested. The court regarded the story as generally believable, and granted the asylum.

Germany – Office for Immigration and Refugees, August 2, 2017

Negative

Although the office recognized a situation of persecution of religious minorities in China, the decision did not rely on particularly detailed COI about the CAG

but simply concluded that the story of the applicant was not believable. She had not proved she had been personally persecuted, and since she got a passport and passed the severe Chinese border controls, it was assumed that her name as a CAG member was not known to the authorities.

Italy – Administrative Commission, August 3, 2017

Negative

The commission believed the COI claiming that the CAG is “against the family,” and found it unbelievable that the applicant had been converted to the CAG by her mother [however, this is in fact very frequent, see Introvigne 2018b]. Applicant reported that she was arrested and that her mother bribed her out of jail and got her a passport, which was also found not believable. Actually, the commission believed that the Chinese police are hardly corruptible [also a mistake].

South Korea – Administrative Authority, August 23, 2017

Negative

The authority assumed [incorrectly] that only leaders, rather than common devotees of the CAG are persecuted in China. Among the five applicants, three were never arrested, one was arrested before converting to the CAG and based on his membership in a house church (which the authority declared irrelevant for the case), and another was arrested and detained for less than one day. This did not identify them as leaders, and the fact that they obtained a passport confirmed the police was not watching them. The authority also denied [incorrectly] that China keeps diaspora CAG community under watch, and the applicants’ activities in South Korea might have been noticed. [The decision was confirmed through two subsequent appeals, on December 13, 2017, and March 19, 2018].

France – OFPRA, August 31, 2017

Negative

The applicant did not give enough details on her activities on behalf of the CAG in China, although she had enough knowledge of its theology. The fact that she was

detained and released after 14 days was regarded as in contradiction with the fact that she obtained a passport and left China without any special problem.

France – OFPRA, August 31, 2017

Negative

The applicant told a believable story about her conversion and membership in the CAG, although she was less persuasive when she claimed she was a local leader. She admitted she was never arrested, although after several co-religionists were detained, she was afraid she would be next, and together with the fact that she obtained a passport and passed the border control, this was constructed as evidence she was not persecuted. [The decision was reversed on appeal, and the asylum was granted].

France – OFPRA, August 31, 2017

Negative

The office believed the applicant was a bona fide member of the CAG, but stated [incorrectly] that only the leaders, rather than the common members, are persecuted in China, and that the repression is somewhat justified by the violence perpetrated by the CAG, as stated by the French-language COI the office consulted. That she obtained a passport and passed the border control was quoted as further evidence she was not personally persecuted. [The decision was reversed on appeal and the asylum was granted]

Italy – Administrative Commission, September 5, 2017

Negative

The applicant's story was regarded as vague, and she was never personally arrested. She claimed she was under watch as a CAG member, but did not explain how, if such was the case, was she able to obtain a passport.

Italy – Administrative Commission, September 6, 2017

Negative

The applicant was not able to tell a coherent story of his alleged persecutions in China and how he was able to obtain a passport. His account of his professional activity as a video maker also included contradictions. [The decision was confirmed on appeal by the Justice Court of Milan on April 9, 2019].

France – National Court for the Right of Asylum, September 8, 2017

Favorable

The applicant credibly reported that two of her biological sisters had been arrested in China as CAG members and, after having been released, left their home, and decided to live in hiding. The applicant is also a CAG member and, although not formally investigated (which explains why she was able to get a passport), was reasonably afraid she may be soon arrested because of the sisters' situation.

Italy – Administrative Commission, September 11, 2017

Negative

The commission, which had only vague information on the CAG, stated that those who, as the applicant claimed, simply worship in unregistered churches in China without being singled out as leaders or engaging in anti-governmental political activities do not run a significant risk of being arrested. The fact that the applicant obtained a passport was regarded as further evidence that he was not persecuted. [The decision was reformed on appeal by the Justice Court of Palermo on January 22, 2019, and asylum was granted].

Italy – Administrative Commission, September 11, 2017

Negative

The commission regarded as reliable COI and media sources depicting the CAG as a violent “cult” that is “against the family,” and considered as a consequence that the story told by the applicant that he had been converted by his mother

cannot be true [in fact, such conversions are common, see Introvigne 2018b]. The commission also believed [incorrectly] that only leaders of the CAG are persecuted, rather than common believers, and that the fact that the applicant had obtained a passport proved he was not persecuted. [The decision was overturned on appeal by the Justice Court of Palermo, which granted the asylum on June 20, 2018].

Belgium – Office of the Commissioner General for Refugees and Stateless Persons, September 20, 2017

Negative

The office doubted the applicant was a bona fide CAG member because what she reported about the CAG did not correspond to the COI [however, the COI the office used were largely incorrect]. It also did not believe that the applicant, although identified as a CAG member, was not, as she claimed, registered in the national PoliceNet or in data bases available to the customs officer when she left China.

Canada – Refugee Protection Division, September 21, 2017

Favorable

This was a case of *sur place* conversion to the CAG. However, when the applicant was in China, she was a member of the Shouters, another group listed as a *xie jiao* and persecuted. She was identified as a member of the Shouters; however, she was able to escape China illegally by seeking the assistance of organized crime. Once in Canada, she joined the CAG. She submitted evidence that she was active in the CAG in Canada and had appeared in three CAG videos available on the Internet and accessed by thousands, including, presumably, Chinese authorities, who would likely arrest her should she return to China.

Canada – Refugee Protection Division, September 22, 2017

Favorable

This case is similar to the one decided by the RPD on September 21, the difference being that the applicant's claim that she had to escape China because

she had been identified as a member of the Shouters, a group banned as a *xie jiao*, was regarded by the RPD as not believable. However, this was not crucial because the RPD found that she experienced a genuine *sur place* conversion to the CAG after she arrived in Canada. The RPD found also believable that China keeps the CAG communities abroad under surveillance, and that the applicant by now had likely been identified as a CAG member, with the result that she will be arrested in case she will return to China.

Canada - Immigration and Refugee Board, Refugee Appeal Division, September 25, 2017

Remanded

The applicant provided a confused testimony about his CAG activities both in China and Canada. The Board, however, did not believe that this alone was evidence that he was not a real CAG member, nor that his fear of persecution was not real. The case was remanded to the Refugee Protection Division to repeat the interview.

France - OFPRA, September 26, 2017

Negative

The office found the account of how the applicant joined the CAG and her presentation of her faith as credible and persuasive. However, it did not find equally credible her story of how she was identified as a CAG member, escaped the police by living underground for years, yet was able to obtain a passport. Asylum was denied.

France - OFPRA, September 27, 2017

Negative

The office found the personal story of the applicant believable concerning her religious conversion and beliefs. However, the office was not persuaded that all CAG members identified as such are persecuted in China, and regarded the fact that she had obtained a passport as evidence she was not persecuted.

Italy – Administrative Commission, September 28, 2017

Negative

The commission found the applicant not credible because she reported she had been converted by her mother and kept a good relationship with her family, where the COI consulted by the panel stated the CAG is “against the family” [in fact, this conclusion was wrong, as evidenced by Introvigne 2018b]. That she obtained a passport, according to the commission, further proved she was not persecuted.

France – National Court for the Right of Asylum, October 2, 2017

Favorable

The applicant was not arrested nor denounced in China, perhaps because her father was a CCP bureaucrat, although he was hostile to the CAG. The fact that she appeared on a CAG video available on the Internet was recognized as sufficient to establish a credible fear of being identified and persecuted.

Italy – Administrative Commission, October 12, 2017

Negative

The commission found the applicant not credible because she reported she had been converted by relatives and in turn converted other relatives, where the COI consulted by the panel stated [incorrectly: Introvigne 2018b] that the CAG is “against the family.” That she obtained a passport further proved she was not persecuted, the commission said. [The decision was confirmed on appeal by the Justice Court of Perugia on July 1, 2019, see below: this was unfortunate, as the Court of Perugia had granted asylum in other cases overturning the objection based on the CAG’s attitude about the family and the passport; in this case, mistakes were made by the lawyer in filing the appeal].

European Court of Human Rights – October 19, 2017 [*Y.L. v. Switzerland*]

Negative

The Swiss administrative authority had found it doubtful that the applicant was a bona fide member of the CAG. The Swiss court, on appeal, had found the

applicant's membership in the CAG more probable, but not believable that she was able to avoid arrest through several breathtaking last-minute escapes. There were also material contradictions among different interviews, and the Swiss court did not accept that these were due to the poor quality of the translations. The European Court observed that it is not its job to review issues of fact, and that local courts are better placed to examine an applicant's credibility. The European Court should only assess whether a decision denying asylum is sufficiently and convincingly motivated, which it found the Swiss decision was.

France – National Court for the Right of Asylum, October 20, 2017

Favorable

The applicant told a vibrant and credible tale of how the family of her husband was unhappy with her membership in the CAG and tried to report her to the police. The decision does not discuss the passport issue in detail, but hints at possible corruption the applicant might have been reluctant to disclose.

Australia – Administrative Officer, October 24, 2017

Negative

The officer offered a summary of standard anti-CAG claims in Chinese governmental material and some Western media, depicting it as a criminal “cult.” He also accepted the [inaccurate] claim that the Chinese authorities only persecute the leaders of CAG, “helping” the ordinary members they regard as innocent victims. The applicant was an ordinary member, and therefore not under threat of persecution. The fact that she obtained a passport was regarded as further evidence that she was not of interest to the authorities.

South Korea – Administrative Authority, November 1, 2017

Negative

The six applicants were regarded as common members of the CAG, as such not subject to persecution in China. One of them proved he had been arrested, but the court found it unlikely that he would be arrested a second time. The fact that

the applicants obtained their passports “smoothly” was regarded as further evidence that they were not persecuted.

France – National Court for the Right of Asylum, November 22, 2017

Favorable

The court found it believable that the applicant was a CAG member, and that several friends and relatives were arrested. On the other hand, the court found the story that the police were looking for the applicant to arrest her was told with some inconsistencies and was not entirely credible, the more so because apparently, she obtained a passport without any problem. However, the court maintained that by now the fact that the applicant was a CAG member was probably known to the Chinese authorities, which also keeps the CAG diaspora communities under surveillance, and that being a CAG member is enough to be arrested in China. Thus, asylum was granted.

France – OFPRA, November 23, 2017

Negative

The applicant claimed to have been a police officer in China. Having joined the CAG, she was identified and arrested. Thanks to the intervention of an “uncle,” she was freed and not registered in the police data base, but was requested to spy and report on her co-religionists. She pretended to consider the proposal, but used her passport and escaped to France. The story was regarded as not believable by the office, which also found that her description of how the CAG operates was not coherent with the available COI.

Italy – Administrative Commission, November 24, 2017

Negative

The story of how the applicant, although identified as a CAG member, was able to escape the police for many years, and to obtain a passport by simply moving to another province, was regarded as not believable. Available COI told the commission that data bases of those not entitled to get a passport are national.

[The decision was confirmed by the Justice Court of Milan on February 26, 2019].

Canada – Refugee Protection Division, November 28, 2017

Favorable

Applicant was a member of the Shouters, regarded as a *xie jiao* in China. Her first application was denied, based on the fact that she did not explain clearly how she managed to obtain a passport. Subsequently, she converted to the CAG in Canada, regularly attended CAG meetings, and appeared in CAG videos easily available through the Internet. The officer concluded that this was enough to be noticed by the Chinese authorities, and arrested, should she return to China.

France – OFPRA, November 30, 2017

Negative

The applicants, father and son, were not recognized as bona fide CAG members because the information they supplied about the church was not consistent with the COI embodied in the 2016 brochure by the French authority DIDR [which was, however, full of mistakes]. As such, they were declared as not eligible for asylum. [The decision was overturned on appeal by the National Court for the Right of Asylum on August 27, 2018, and asylum was granted].

France – OFPRA, November 30, 2017

Negative

The office believed that the fact that the applicant was a bona fide CAG member was proved both by the interview and by a detailed statement by a CAG leader in France. However, what the office regarded as not believable was the claim that, when she was already kept under watch as the police suspected she might be a CAG member, the applicant continued to evangelize, and finally was able to obtain a passport.

South Korea – Supreme Court, December 7, 2017

Negative

The Supreme Court confirmed decisions by the District Court of Jeju of March 29, 2017, and Gwangju High Court of September 20, 2017. The applicant claimed that he was arrested for being a CAG member, sentenced to three years in jail, and kept under surveillance. Since he wanted to freely practice his faith, he escaped to South Korea. The court concluded that the story was only supported by witness evidence by the plaintiff himself and his co-religionists, while hard documents would have been required. Also, the court believed it was not conclusively established that the applicant was G.G., the name under which he sought asylum, since he entered South Korea with a passport with the name P.C. [The applicant claimed he had to use a false passport since with his real name G.G. he was included in the police data base of those forbidden to travel abroad].

France – OFPRA, December 18, 2017

Negative

The office found the story of how the applicant joined the CAG confused and her exposition of CAG theology and practice rudimentary. It was not persuaded she was a bona fide CAG member, which was enough to deny asylum.

France – OFPRA, December 22, 2017

Negative

Based on French [incorrect] COI, the Offices stated that not all CAG members are persecuted in China, only those guilty of “violence.” The Office also did not believe that the police in China are corruptible and, as the applicant reported, were bribed into not registering him in the PoliceNet data base so that he could obtain a passport.

Italy – Administrative Commission, January 12, 2018

Negative

The commission did not believe the applicant was a genuine CAG member, as he was, inter alia, not able (or willing) to mention the civil name of the person the

CAG worships as Almighty God [in fact, this should have confirmed he was a genuine CAG member]. The fact that he obtained a passport was also regarded as evidence he was not persecuted. [On appeal, although the argument about the civil name of the person worshipped as Almighty God was regarded as wrong or not crucial, the decision was confirmed by the Justice Court of Milan on March 18, 2020, as the applicant's story was regarded as not believable on other issues].

Italy – Administrative Commission, January 12, 2018

Negative

The commission observed that the applicant was not able to say how a CAG “liturgy” looks like [in fact, the CAG has no liturgy], and his story was contradictory. He admitted that the police are amazingly effective, even “almost omniscient,” in surveilling Chinese citizens and persecuting CAG members, yet he also claimed he was able to escape for years, avoid being registered in the police data base, and finally obtain a passport.

Germany – District Court of Siegen, January 14, 2018

Negative

The decision was about Zhao Xueliang, whose case was covered by several media. Her story had been regarded as not believable, and the fact that she had obtained a passport was also held against her. The court confirmed the administrative decision and ordered Zhao deported to China, despite the fact that several NGOs, the Red Cross, and Catholic and Evangelical church leaders asked for the deportation to be halted. Zhao was forcibly deported to Beijing on August 31, 2018, and was met by the Chinese police at the airport, and her whereabouts are unknown since.

Germany – Administrative Court of Arnsberg, January 18, 2018

Favorable

While the administrative decision denied asylum based on a number of secondary issues, the court believed only one question should be asked, i.e., whether the applicant was a bona fide member of the CAG. Since the answer was positive, she

was entitled to asylum, as it would be difficult to deny that being identified as a CAG member would lead to being arrested and detained in China.

Italy – Justice Court of Rome, January 19, 2018

Partially Favorable

The court believed that as a CAG member the applicant had a credible fear of persecution in China. However, the court did not grant full asylum because of religious persecution since, based on the available COI, the judges concluded that the CAG is not a religion, because it lacks a stable organization, a clear structure of leadership, and rituals [one of the authors argued that these COI were wrong, and the CAG is indeed a religion: Introvigne 2018a]. Rather than full asylum, the court granted to the applicant “subsidiary protection,” a temporary status that allows the asylum seeker to remain in Italy (for five years, and for subsequent 5-year periods, by proving that the situation in the home country has not changed), work there, and receive free health care.

Italy – Administrative Commission, January 22, 2018

Negative

The story of the applicant did not ring true to the commission. She reported that, as a college student, she was heavily suspected of being a CAG member, yet she continued to evangelize even if she was aware of the risks involved. Also, not believable were found stories of daredevil escapes from the police, and of obtaining a passport simply by moving to a different city. [The decision was confirmed by the Justice Court of Milan on March 22, 2019].

Italy – Justice Court of Milan, January 22, 2018

Favorable

Unlike the administrative commission, the court found believable the story that the applicant was arrested as a CAG member and tortured, and was able, upon being released, to obtain a passport thanks to a wealthy husband who bribed officers at various levels.

Italy – Justice Court of Rome, February 13, 2018

Partially Favorable

The administrative commission had denied asylum, based on the confused story of the applicant, who said he escaped after his uncle, hostile to the CAG, reported him to the police. However, he did not give enough details on how the police reacted to this alleged denunciation. The court found the analysis of the interview by the commission persuasive, but stated that the applicant was clearly a member of the CAG and as such had a reasonable fear of persecution in China. Rather than full asylum, the court granted to the applicant “subsidiary protection,” a temporary status that allows the asylum seeker to remain in Italy (for five years, and for subsequent 5-year periods, by proving that the situation in the home country has not changed), work there, and receive free health care.

Italy – Administrative Commission, February 15, 2018

Negative

The applicant’s description of the CAG contrasted with the available [inaccurate] COI. It was regarded as not believable that he was able to elude the police for 11 years, having been first arrested and detained in 2003, and finally managed to obtain a passport without problems. [The decision was confirmed on appeal by the Justice Court of Milan on February 26, 2019].

Italy – Administrative Commission, February 22, 2018

Negative

The commission recognized the reality of the persecution against the CAG in China, but stated that this made even less believable the applicant’s story that she had been able to elude the police for years, and had obtained a passport without any special problem. Asylum was denied. [The decision was confirmed on appeal by the Justice Court of Milan on August 14, 2019; however, on December 16, 2020, the same court suspended the enforceability of its own decision for reasons connected with the COVID-19 epidemic, see below].

Canada – Refugee Protection Division, March 6, 2018

Favorable

As a CAG member, the applicant lived in fear of being arrested in China. The officer accepted this, and also regarded as crucial that she was known as a CAG member in Canada and appeared in CAG videos available on YouTube. This made it likely that she had been noticed by the Chinese authorities and would be arrested should she return to China.

Italy – Administrative Commission, March 19, 2018

Negative

The commission did believe that the CAG is severely persecuted in China. But supported its negative conclusion because the story told by the applicant (that he was identified as a CAG member, yet was able to escape arrest for two years and then easily obtained a passport) was not believable. [The decision was confirmed by the Justice Court of Rome on October 14, 2019].

New Zealand – Refugee Status Branch, March 20, 2018

Favorable

This was a more difficult case than others in New Zealand, as the office did not believe that the applicant had managed to obtain a passport through a relative who was part of the police, and regarded it as more probable that he paid organized crime, which is known for its ability to get passports and visas even when they should not legally be granted. Despite these concerns, the office regarded the applicant as a bona fide member of the CAG who, irrespective of how he got his passport, would likely be arrested because of his religious belief should he go back to China. Asylum was granted.

Austria – BFA (administrative authority), March 21, 2018

Negative

The officer mentioned literature claiming that the CAG may use sex to proselyte and brainwash members. Against this negative background, it was found that the

applicant was not believable when she claimed to have been converted by members of her family (based on press clippings and COI stating [incorrectly: see Introvigne 2018b] that the CAG is “against the family”) and that her status as a CAG member was questionable since she was not able [or willing] to supply the civil name of the person the CAG worships as Almighty God.

Canada – Refugee Protection Division, March 22, 2018

Favorable

Irrespective of any evaluation of the applicant’s claims about his risk of being arrested when he was in China, where he was part of a CAG team preparing videos, the officer noted that he appeared in videos made in Canada and publicly spoke about persecution in China at a conference organized by Amnesty International in Montreal in 2017. Surely, the officer concluded, this would not have escaped the attention of the Chinese authorities, who would arrest the applicant in case he will return to China.

Finland – Finnish Immigration Service, March 22, 2018

Negative

The Service accepted that the applicant was a CAG member but, mentioning some COI, stated that only leaders, rather than ordinary believers, are persecuted, as evidenced by the fact that, although claiming she had come to the attention of the police and had to hide, applicant was never arrested and was able to get a passport. The Service also quoted the European Court of Human Rights *Y.L. v. Switzerland* decision.

Italy – Administrative Commission, March 26, 2018

Negative

Since the applicant admitted she had never been arrested in China, and she easily obtained a passport, the story she told, that she had narrowly escaped being identified and arrested at a CAG meeting, was regarded as not believable, and at any rate not sufficient to grant asylum. [The decision was confirmed by the Justice

Court of Milan on November 14, 2018, but overturned by the Supreme Court of Cassation on June 26, 2020].

Australia – Administrative Appeal Tribunal, Brisbane, April 4, 2018

Favorable

This is a detailed decision, quoting new scholarly literature available on religion in China and on CAG, and assessing accurately that anybody identified as a CAG member would be arrested in China, yet it is a document that CAG asylum seekers are reluctant to use in other cases, because it includes some mistakes in depicting CAG history and theology. The decision mostly relied on the fact that the applicant is quite visible as a CAG member in Australia, as such presumably known by the Chinese authorities, which would arrest her should she return back to China. This was regarded as sufficient for granting asylum. The fact that the applicant did some visa shopping and only obtained an Australian visa after having been denied a Canadian one, as well as inconsistencies in details of her story, which were held against her by the Immigration Officer, were not regarded as crucial, since the general outline of her experience had been told in a credible way and, once confronted with a scholarly literature more accurate than some older COI, her knowledge of the church's theology appeared as adequate.

South Korea – Administrative Authority, April 4, 2018

Negative

The authority stated that the four applicants were common members of the CAG, without positions of leadership either in China or now in South Korea. The authority assumed [incorrectly] that only leaders, rather than common devotees, are persecuted. There was no evidence that three of the applicants had ever been arrested in China, while the documents about the arrest of the fourth were regarded as not sufficient. The fact that they had obtained a passport was mentioned as further evidence that they were not persecuted.

France – National Court for the Right of Asylum, April 12, 2018

Favorable

Husband and wife were suspected of being CAG members, arrested and tortured, then released as the authorities did not find enough evidence to prosecute them. Later, they appeared in CAG videos denouncing the persecution, which would have been solid evidence against them, but at the same time got a passport and escaped to France. The passport issue was not discussed in detail, but their story in general was regarded as believable.

South Korea – Administrative Authority, April 17, 2018

Negative

The authority concluded that the four applicants were common members of the CAG, without positions of leadership either in China or now in South Korea. The authority assumed [incorrectly] that only leaders, rather than common devotees, are persecuted, and denied the asylum.

Switzerland – State Secretariat for Immigration (SEM), April 17, 2018

Negative

While mentioning negative information about the CAG based on different media, the authority agreed that being a member of the CAG, known as such, would create a well-founded fear of persecution in China. However, the authority believed that the fact that the applicant obtained a passport was evidence that she was not known as a CAG member. The story she told, that she was identified and arrested but bribed the officers into releasing her and not including her name in the PoliceNet database, so that she was able to obtain a passport, was not believed.

Italy – Justice Court of Rome, April 20, 2018

Negative

The court confirmed the negative assessment of the administrative commission dated May 12, 2017 (see above): that the applicant's story was not believable, and

did not conclusively prove that she had been a member of the CAG in China, and the fact that she was now active in the CAG in Italy was not regarded as sufficient to create a risk of persecution, should she return to China. [The decision was overturned by the Supreme Court of Cassation on September 17, 2020, see below].

France - OFPRA, April 24, 2018

Negative

The office found that the applicant was not familiar with Christianity in general [although a question about the names of the twelve apostles would probably be hard to answer for many average Christians], nor with the CAG, particularly because she was not able or willing to mention the civil name of the person worshipped as Almighty God [in fact, this is normal among genuine CAG members]. The claim that she had eluded the police for many years, was never registered in the PoliceNet data base, and was thus able to obtain a passport was also regarded as not believable.

South Korea - Seoul Administrative Court, April 27, 2018

Negative

This is a typical South Korean decision, yet notable because the two applicants often appeared in public as CAG members in South Korea, and were represented by a nationally well-known attorney specialized in human rights cases. The court stated that being punished as members of “superstitious sects and bizarre religious organizations [...] may not qualify as religion-based persecution, as the Chinese government is enforcing the law on those who engage in illegal religious activities per the Chinese Criminal Code in order to ensure public safety.” The court also stated [quite incorrectly] that there is no evidence that Chinese authorities keep CAG and other dissidents abroad under watch. Asylum was denied.

Finland – Finnish Immigration Service, April 30, 2018

Favorable

The applicant reported that he was identified as a CAG member and found in possession of CAG literature. He was arrested and tortured. His parents bribed the police so that he was released and escaped to Finland. The officers were satisfied that he was a bona fide CAG member, that CAG devotees are persecuted in China, and that his story was credible. Asylum was granted.

France – National Court for the Right of Asylum, May 2, 2018

Favorable

The applicant was expelled from her home by her husband, and denounced by a neighbor during the national campaign against the CAG following the McDonald's incident of 2014. She managed to escape, had a restaurant she owned sold, and used the money to “buy” a passport. The court found her story detailed and believable.

Belgium – Office of the Commissioner General for Refugees and Stateless Persons, May 3, 2018

Negative

The office noted that what the applicant reported about the CAG contrasted with the available COI [which were, however, largely incorrect], and she was not able or willing to mention the civil name of the person the CAG worships as Almighty God [in fact, this is typical of genuine CAG members]. The office also regarded the story of how the applicant was persecuted in China as vague and not persuasive.

Italy – Administrative Commission, May 3, 2018

Negative

The applicant was regarded as not believable, as the information he gave on the CAG and his conversion was simple and ill-structured, and he also insisted that “Christians” in general are persecuted in China, which according to the

commission proved he was not familiar with the situation of religion there. [The decision was confirmed on appeal by the Justice Court of Milan on January 1, 2019].

Italy – Administrative Commission, May 3, 2018

Negative

The applicant told the story of her daredevil escapes from the police, which sounded to the commission as unbelievable tall tales. Equally unbelievable was, the commission said, her statement that she had converted to the CAG knowing that she would have been persecuted, but not caring about it. The fact that she obtained a passport was also regarded as evidence that, assuming that she was really a CAG member, she was not known to the authorities as such. [The decision was confirmed on appeal by the Justice Court of Milan on January 15, 2019].

Germany – Administrative Court of Karlsruhe, May 4, 2018

Favorable

This detailed decision describes how religion in general is often persecuted in China, and the CAG is subject to severe persecution. The story of how the applicant became a CAG member and a missionary and was persecuted was regarded as believable. In rejecting the asylum request, the administrative decision had insisted on the fact that the applicant obtained a passport, which should have been impossible for a persecuted CAG member. However, unlike the administrative authorities, the court found the story that the applicant paid a substantial sum to bribe the officers believable, given the well-known prevalence of corruption in China and the affidavit of Italian scholar PierLuigi Zoccatelli on how CAG members identified as such can nonetheless obtain a passport.

France – National Court for the Right of Asylum, May 7, 2018

Favorable

The applicant told a credible story of how she was elected twice as a church leader, and was denounced by a woman of her village. As soon as she learned she

had been denounced, and presumably before the police took any action, she applied for a passport and left China.

Italy – Administrative Commission, May 8, 2018

Negative

Although the commission admitted that CAG members are persecuted in China, it found the applicant's story not persuasive on how she had come to the momentous decision of joining a persecuted religion, and there were contradictions between one interview and the next. [The decision was confirmed on appeal by the Justice Court of Milan on January 1, 2020].

Germany – Office for Immigration and Refugees, May 9, 2018

Negative

The office found the story that the applicant encountered the CAG when looking for ways to overcome his Internet gaming addiction unconvincing, and did not believe that he was arrested and tortured, yet his name was not included in the national data base because his parents bribed the authorities twice, so that he was able to obtain a passport. [The decision was partially overturned on appeal by the Federal Administrative Court of Stuttgart on October 9, 2020, and the applicant got refugee status and permission to remain in Germany, although no full asylum]

Finland – Finnish Immigration Service, May 11, 2018

Favorable

The applicant's wife was identified as a CAG member, arrested, and tortured. The applicant believed the wife might reveal that he was also a CAG member, and escaped to Finland. The officers regarded the story as believable and, based on the available COI, they concluded that if identified as a CAG member the applicant would be arrested in China. Asylum was granted.

Italy – Justice Court of Perugia, May 22, 2018

Favorable

While the administrative commission had considered that the applicant’s story was not credible, since she reported she had been converted by the mother and the CAG is “against the family,” the decision quoted one of the authors (Introvigne 2018b) to the effect that conversions within the family are fairly common in the CAG. The commission had also raised the usual passport issue, but the court found it believable that the applicant, who had a passport since before her mother had been identified as a CAG member, was not personally in any police data base, had not had her passport confiscated, and was able to escape—before the investigation about the mother could move too close to her.

France – National Court for the Right of Asylum, May 25, 2018

Favorable

The applicants, husband and wife, tried to convert to the CAG a pastor of the Three Self Church, who denounced them. They avoided being arrested by moving to another province, where they managed to obtain a passport because their data were on the local database of their province of origin but not on the national one.

France – National Court for the Right of Asylum, May 25, 2018

Favorable

The applicant joined the CAG and was abandoned by her husband, who was afraid he would also suffer the consequences of his wife’s membership in a banned group. She was arrested during a prayer meeting but, since it was not clear to the police whether she was in fact a CAG member, she was released on the same day (presumably, without her name being registered in any police data base). But she did not feel safe, and escaped to France. The court analyzed Article 300 of the Chinese Criminal Code to conclude that membership in the CAG was enough to justify a fear of persecution in China.

France – National Court for the Right of Asylum, May 25, 2018

Favorable

The applicant was suspected of being a CAG member and arrested when she was a college student, but her university intervened in her favor and she was liberated without her file being registered. However, she was kept under surveillance, and one day was beaten by three thugs that she believed had been sent after her by the police. Later, she learned that the police had collected evidence proving she was indeed a CAG member. She moved quickly to another province, where she obtained a passport before being registered as a suspect on the national police data base, and then left for France.

Italy – Justice Court of Palermo, June 20, 2018

Favorable

The court regarded as established by scholarly sources that being an active CAG member is enough to be persecuted in China, and accepted the witness evidence and affidavits by other CAG devotees and leaders as proof that the applicant was a bona fide CAG member. Once this was proved, the court argued, no further analysis of ancillary questions was needed.

France – National Court for the Right of Asylum, June 21, 2018

Favorable

The applicant was denounced by the husband of a friend, and arrested. She claims she was tortured and freed only after her “uncle” paid the police. She then proceeded to obtain a passport and escaped to France. The court found her story believable: presumably, the “uncle” had also arranged that her name would not be registered in any data base.

Italy – Justice Court of Perugia, June 27, 2018

Favorable

The administrative commission had considered the applicant’s story not believable, since she reported she had been converted and protected by relatives,

while some COI claim the CAG is “against the family,” and had also concluded that the fact she obtained a passport proved she was not persecuted. Quoting one of the authors (Introvigne 2018b), the court stated that in fact several CAG believers are converted by relatives, and that both loopholes in the Chinese system and corruption may explain how persecuted believers are able to obtain a passport.

Italy – Justice Court of Perugia, June 27, 2018

Favorable

The case refers to an applicant different from the one of the previous case, but is based on similar motivations. The administrative commission had considered the applicant’s story not believable, since she reported she was converted and protected by relatives, and some COI claim the CAG is “against the family.” She also claimed she was able to elude the police for years, which contrasts with the well-known effectiveness of the Chinese agents. Finally, according to the commission, the fact she obtained a passport proved she was not persecuted. Quoting one of the authors (Introvigne 2018b), the court stated that in fact several CAG believers are converted by relatives, that there is an effective underground CAG network protecting the believers, and that both loopholes in the Chinese system and corruption may explain how persecuted believers are able to obtain a passport.

Italy – Justice Court of Perugia, July 17, 2018

Favorable

The court stated that some contradictions in matter of details in the interviews did not prove that the applicant was not believable. The authorities should evaluate the applicants’ stories as a whole, rather than examining all the details looking for contradictions. The court dismissed the administrative commission’s objection that the applicant was not credible because she reported she was converted within her family while the CAG is “against the family,” quoting a survey by one of the authors (Introvigne 2018b), proving that in fact conversion in the family is quite common in the CAG. Unlike the commission, the court also find it believable that the applicant or her family had bribed the police into not including her name in

the data base, so that she could obtain a passport—or that the police officers had not recorded the case to pocket the fine paid by the applicant’s family, which is also common.

Switzerland – SEM (administrative authority), July 30, 2018

Negative

The authority found the story of how the applicant was in charge of storing and distributing CAG literature, yet was able to escape arrest for years and leave the country, contradictory. The authority agreed that CAG members known as such are at risk of persecution in China under Art. 300, but concluded that the applicant had not conclusively proved that he was known to the authority as a member of the CAG, and the fact that he obtained a passport would suggest that he was not.

United Kingdom – First-Tier Tribunal of Manchester, July 30, 2018

Favorable

During the time between the administrative decision of February 24, 2017, and this decision on appeal by a court of law, the number of available and more credible COI increased and a scholarly literature on the CAG emerged. These sources satisfied the court that (1) some old COI and press clippings, even if published by Western sources, merely repeated Chinese propaganda; (2) a genuine CAG member would know that the person the CAG worships as Almighty God is a woman, yet would use “he,” rather than “she,” and would either not know or not mention the name of the person worshiped as Almighty God, contrary to what the administrative officer believed. In this respect the answers of the applicant were considered consistent with the typical attitude of a bona fide CAG member. The court still found somewhat unclear how the applicant got a passport, but regarded this circumstance as not crucial, because it was satisfied that the applicant was a genuine CAG member, and the newly available COI and scholarly sources conclusively established that being a CAG member is enough to have a justified fear of persecution in China. The decision was not appealed, and became final.

France – National Court for the Right of Asylum, August 27, 2018

Favorable

The two applicants, father and son, submitted a detailed and coherent account of how they escaped several times when CAG worship meetings were raided by the police. Finally, they learned that the police had their pictures and escaped. The passport issue was not discussed in the decision, probably because the court found the applicants as generally credible.

Italy – Justice Court of Perugia, September 6, 2018

Favorable

The administrative commission had rejected the application, because the applicant had reported that she had been sheltered and protected by her parents against the persecution and had converted her sister, while the commission believed the COI depicting the CAG as “hostile to family relationships.” Quoting one of the authors (Introvigne 2018b), the court stated that, on the contrary, conversion within the family is widespread in the CAG. The court also stated that the fact that the applicant obtained a passport did not prove she was not persecuted, as the Chinese system is not infallible, and corruption is frequent.

France – National Court for the Right of Asylum, September 7, 2018

Favorable

The applicant had been a member of the CAG for 11 years. She had been identified by her college authorities, and expelled without being denounced, to protect the university’s reputation. She then moved from province to province, as a missionary and then a local leader of the CAG. When some close friends were arrested, and asked by the police whether she was a CAG member, she managed to ascertain through a family friend, who was a retired policeman, that her name was not yet included in any data base. She then requested a passport and escaped to France.

Italy – Justice Court of Perugia, September 10, 2018

Favorable

Another case where an administrative decision based on the alleged “anti-family” orientation of the CAG, and on the passport issue, was reversed on appeal. The administrative commission had concluded that the story told by the applicant was not believable, because she claimed she had been converted by her parents, quoting again sources reporting that the CAG is “hostile to family relationships.” Quoting one of the authors (Introvigne 2018b), the court stated that scholarly studies prove that “most [CAG] conversions are based on family relationships, and family networks play a crucial role in protecting devotees from persecution.” The fact that the asylum seeker obtained a valid passport in China, the court said, did not prove that she did not have a credible fear of persecution, considering “how large is the country, how unwieldy is the Chinese administrative system, and how corrupt the public authorities are, particularly at the local level.”

France – National Court for the Right of Asylum, September 19, 2018

Favorable

The applicant’s sister and her mother were arrested, tortured, sentenced, and detained as CAG members. Although she had not been arrested, she believed she was kept under surveillance, and that sooner or later the fact that she was also a CAG member would be discovered. She obtained a passport and escaped to France, which was possible because, at least at that time, those merely under surveillance were not listed in the PoliceNet data base.

France – National Court for the Right of Asylum, September 19, 2018

Favorable

The applicant was arrested and tortured as a CAG member but had enough money to bribe the police and return home, although she saw her marriage legally annulled pursuant to an application of her husband’s parents, who were afraid her religious beliefs would damage their son’s career. She escaped another arrest during a prayer meeting by hiding, and moved to another province where she was able to obtain a passport, since her name was not in the national police data base, and thus was able to escape to France.

Italy – Justice Court of Rome, September 26, 2018

Partially favorable

Neither the administrative commission nor the court discussed the situation of the CAG and its difference with Christian house churches. The court said that Christianity is free to operate in China, but non-authorized churches may be subject to “low intensity persecution.” For this reason, neither asylum nor the lesser “subsidiary protection” were granted. Nonetheless, that the applicant may find himself in a “situation of vulnerability” in China was recognized, and for this reason a permission to remain in Italy for humanitarian reasons, the lowest degree of the Italian refugee system, was granted.

USA – Immigration Court of Chicago, September 26, 2018

Favorable

The case concerned a girl who escaped to Saipan as a minor, and was deported from Saipan to the U.S. The Court recognized that the applicant was a CAG member, has been active in the CAG even as a minor, and as such was at risk of persecution in China. Asylum was granted.

Italy – Justice Court of Rome, October 1, 2018

Partially favorable

The court did not find reasons to overturn the administrative commission’s conclusion that the story of personal persecution the applicant told was not supported by documents and not generally believable. However, the court did accept that the applicant was a bona fide CAG member and, as such, subject to persecution if identified in China. The court did not grant full asylum, but “subsidiary protection,” a temporary status that allows applicant to remain in Italy (for five years, and for subsequent 5-year periods, by proving that the situation in the home country has not changed), work there, and receive free health care.

Italy – Justice Court of Perugia, October 2, 2018

Favorable

The court stated that the most recent COI clearly establish that CAG members are persecuted in China, and dismissed objections by the administrative commission that the applicant was not credible because she stated she had been converted by her mother, and the CAG is allegedly “against the family.” The question why she escaped, and her beloved mother did not, was satisfactorily answered by the applicant explaining that she was a leader of the CAG, and as such more at risk than the mother, who was just an ordinary believer. The court was also satisfied that the police did not include the applicant in their data base, nor did they confiscate the passport she had kept for years for valid business reasons, because she was merely suspected of being a CAG member, with no conclusive evidence. Parenthetically, the court also dismissed the McDonald’s murder story as fake news.

Germany – Office for Immigration and Refugees, October 10, 2018

Negative

The story of how the applicant had a credible fear of having been identified as a CAG member was found generally not believable, and incompatible with the fact that she had obtained a passport. [The decision was overturned by the Federal Administrative Court of Arnsberg on December 10, 2020, and asylum was granted].

USA – Immigration Court of New York, October 10, 2018

Favorable

The Court recognized that the applicant was a CAG member and as such subject to persecution in China. Asylum was granted. (As in other American Immigration Court cases, the decision was announced orally, and no grounds were included in the written decision).

France – National Court for the Right of Asylum, October 15, 2018

Favorable

The applicant, a CAG member, hid in her home two CAG leaders searched for by the police. After they escaped, she was arrested and tortured by the police. Released, she lived with an aunt, and her sister found “ways” to obtain a passport, with which she escaped to France.

France – National Court for the Right of Asylum, October 15, 2018

Favorable

The applicant moved from province to province as a missionary for several years, and was entrusted with collecting and keeping CAG funds. As such, he was a special target for the police, who arrested and tortured him twice, without obtaining any significant information or evidence. His uncle had a friend who worked for the local court, and accepted a substantial bribe to deliver him a passport, with which he escaped to France.

France – National Court for the Right of Asylum, October 16, 2018

Favorable

The applicant moved from province to province, and changed her name several times to avoid being arrested. She was caught once, but being generally well-off was able to corrupt the local police and escape. Finally, she invested a significant sum of money to “buy” a passport and escape to France.

France – National Court for the Right of Asylum, October 16, 2018

Favorable

Husband and wife obtained a passport and escaped immediately after the daughter of a co-religionist, hostile to the CAG, took pictures of a prayer meeting and threatened to bring them to the police. The couple had responsibilities in the CAG and, if identified and convicted, would risk a long detention. The court analyzed Article 300 of the Chinese Criminal Code and concluded that they were indeed at risk of being identified and sentenced as CAG members.

France – National Court for the Right of Asylum, October 30, 2018

Favorable

The applicant was a Chinese university student in Singapore, where she converted to the CAG. During a visit to China, she attended a CAG worship meeting that was disrupted by the police. She was arrested, beaten, and sent home, with the advice that she should return to the police station for further interrogation the next day. Instead, her brother arranged for her to leave immediately and go back to Singapore. There, she was later denounced as a member of the CAG, an unregistered and thus illegal religious organization in Singapore, by the aunt of one of her co-religionists. The Singapore police seized her residence permission, but she still had her Chinese passport, had taken the precaution of getting a Schengen visa in Singapore, and escaped to France. The court concluded that, since she was a Chinese citizen, whether she had a credible fear of persecution in Singapore was irrelevant, but she would certainly be persecuted as a CAG member in China.

USA – Immigration Court of Los Angeles, October 30, 2018

Favorable

The Court recognized that the applicant was a CAG member and as such subject to persecution in China. Asylum was granted. (As in other American Immigration Court cases, the decision was announced orally, and no grounds were included in the written decision).

France – National Court for the Right of Asylum, November 6, 2018

Favorable

The applicant, a local church leader, suffered discrimination in the family and in the workplace for being a CAG member, but was not denounced, until she was finally arrested during a police raid on her prayer meeting. A friend's husband was able to bribe the police, so that she was liberated and not registered in the police data base. Having learned that a co-religionist, suspected to be the local church leader, had been tortured, perhaps to death, she obtained a passport and escaped to France via Hong Kong. The court concluded, based on the scholarly literature

available on Article 300, that she had a justified fear of being persecuted in China.

Italy – Justice Court of Rome, November 6, 2018

Favorable

The administrative commission concluded that the applicant was not believable when she claimed that she bribed the police into not recording her arrest in the data base, and was subsequently able to obtain a passport. On the contrary, the court stated that corruption in the Chinese police is widespread, and the story told by the applicant was highly believable. She was also believable, the court said, when she reported she was a member of the CAG and, while this was supported before the commission by a statement by the CAG in New York, the applicant was now also able to file a declaration signed by the local leader of the CAG in Rome, which was regarded as more conclusive evidence. Since CAG members identified as such are persecuted in China, the asylum was granted.

Italy – Justice Court of Milan, November 14, 2018

Negative

The applicant admitted that she had never been personally arrested in China, although she claimed she had been a CAG member there. The fact that she had been photographed in public CAG events in Italy, in Rome, was not regarded as sufficient to create a credible fear of persecution, should she return to China. The negative administrative decision of March 26, 2018 was confirmed. [The decision was overturned by the Supreme Court of Cassation on June 26, 2020, see below].

Canada – Refugee Protection Division, November 27, 2018

Favorable

The officer still believed [incorrectly] that the CAG was involved in the McDonald's murder, but stated the applicant was not responsible for the criminal behavior of some co-religionists. He was also not entirely persuaded of the story how the applicant managed to arrive in South Korea, from where, doubting she

will be granted asylum, she moved to Canada. However, he regarded it as crucial that the applicant was undoubtedly a member of the CAG, and figured prominently in CAG videos that the Chinese authorities had probably noticed, thus putting her in danger in case she will return to China. Asylum was granted.

USA - Immigration Court of Los Angeles, November 27, 2018

Favorable

The Court recognized that the applicant was a CAG member and as such subject to persecution in China. Asylum was granted. (As in other American Immigration Court cases, the decision was announced orally, and no grounds were included in the written decision).

France - National Court for the Right of Asylum, December 11, 2018

Favorable

The applicant appeared in CAG videos and was arrested and detained in China for 14 days. The fact that she candidly admitted that a policeman, who was a friend, assured her that her name was not included in the police data base (perhaps because of his intervention), was regarded by the court as evidence that her story of how she managed to obtain a passport and escape to France was credible.

France - National Court for the Right of Asylum, December 18, 2018

Favorable

The applicant was a local church leader of the CAG, but she adventurously escaped a police raid and was never identified as such. When a co-religionist was arrested, she became afraid she could mention her name, perhaps under torture, and escaped. She was stopped at Shanghai Airport and questioned by the customs authorities but, since her name had not (yet) emerged as a CAG member or leader, she was able to answer satisfactorily that she was on a tourist trip and thus escaped.

France – National Court for the Right of Asylum, December 18, 2018

Favorable

The applicant, a CAG member, was arrested, but liberated after several hours and after her husband had bribed the police. As part of her husband’s deal with the agents, her name was not registered in the police data base. As quickly as possible, she obtained a passport and escaped to France.

Italy – Justice Court of Milan, January 1, 2019

Negative

The story of the applicant was regarded as not credible, both about his membership and activities in the CAG and his alleged persecution. In particular, he was unable, according to the court, to give details of his baptism, which is “crucial for all Christian groups” [perhaps because in the CAG there is no baptism]. The court found also not believable that he was arrested and avoided having his name recorded in the police data base because his employer (not a CAG member) paid a significant sum.

Canada – Refugee Protection Division, January 7, 2019

Negative

The division regarded the applicant’s knowledge of CAG theology primitive and inconsistent with the COI [however, it relied on outdated COI]. It also regarded the fact that admittedly she had fraudulently obtained a Canadian visa as a negative circumstance, affecting her credibility in general. Asylum was denied. [The decision was overturned by the Refugee Appeal Division on October 14, 2020, and asylum was granted].

Italy – Justice Court of Milan, January 15, 2019

Negative

The court regarded the applicant as not well informed about the religious situation in China, as she insisted that “Christians are persecuted” (in general), while the court believed most Christian churches are not persecuted there. She

was not credible when telling the story of her conversion, and why she was able to overcome what should have been the legitimate fear of being persecuted after joining a banned religion. She reported she had once escaped the police on bicycle while the police pursued her with a car, and this story was regarded as particularly unbelievable.

Italy – Justice Court of Rome, January 21, 2019

Partially favorable

The court agreed with the administrative commission that the story of the applicant was confused and not totally credible. Additionally, the fact that the applicant had easily obtained a passport weighed against her. On the other hand, the court believed that, when a country is well-known for denying religious liberty to its citizens, judges should be very careful before compelling the return of believers who can be subject to persecution, and should rather err on the side of caution. Considering the available literature about the severity of the religious persecution in China, both in general and targeting the CAG, the court granted to the applicant “subsidiary protection,” a temporary status that allows the asylum seeker to remain in Italy (for five years, and for subsequent 5-year periods, by proving that the situation in the home country has not changed), work there, and receive free health care.

Italy – Justice Court of Palermo, January 22, 2019

Favorable

The court regarded it as well-established that the CAG is persecuted in China, and believable the story of how the applicant joined the CAG and had a credible fear of persecution when a co-religionist from his same local community was arrested, and put under pressure to reveal the names of the other local devotees. Since he had not yet been identified as a CAG member, it was not surprising that the applicant had been able to obtain a passport.

Canada – Refugee Protection Division, January 23, 2019

Favorable

The applicants, husband and wife, had been members in China of another Christian movement classified as a *xie jiao*, the Three Grades of Servants, and had then converted to the CAG. The Division found their story believable, and their ability to compare the theology and practices of the two groups clearly identified them as bona fide CAG members. Since there is no doubt that CAG members are persecuted in China, asylum was granted without considering the ancillary issue whether the applicant’s activities on behalf of the CAG in Canada had likely been noticed by Chinese authorities, thus exposing them to additional risks.

Italy – Justice Court of Perugia, January 30, 2019

Favorable

The court noted that the administrative commission relied on outdated COI, while the applicant’s answers about the CAG were consistent with the scholarly works of one of the authors (Introvigne). These sources also prove that the CAG is not “against the family” and that conversions within the family, such as the one reported by the applicant, are common. The applicant admitted that she had never been arrested, and so was able to obtain a passport, but being a CAG member is enough to fear persecution in China.

France – National Court for the Right of Asylum, February 5, 2019

Favorable

The applicant was arrested during a raid on its local CAG community but his and the other believers’ families were able to bribe the police agents, who let them go without registering their names on the data base. He became responsible for photocopying CAG materials in his community, but also obtained a passport. After he had the passport, the police came to his home and asked questions about the CAG. However, a friend who was a police officer told him he was still not registered in the police data base, so he escaped to Singapore. Since in Singapore practicing the CAG faith was illegal, he then went to France.

Italy – Justice Court of Rome, February 14, 2019

Favorable

Although the court expressed doubts on whether the CAG was responsible for the McDonald's murder or was simply framed by the authorities, it stated that individual CAG members are persecuted in China simply for being active in the CAG and independently of any crime they might have committed. Quoting *Bitter Winter*, a magazine on religious liberty one of the authors (Introvigne) is editor-in-chief of, the court concluded that being a CAG member the applicant would be persecuted if compelled to return to China, and granted the asylum.

Italy – Justice Court of Milan, February 26, 2019

Negative

Although new COI confirm that members of the CAG are persecuted in China, the court believed that in order to be eligible for asylum the applicant should tell a coherent and credible story. In this case, the story was regarded as not believable, as the applicant told that, although sentenced in 2003 as a CAG member and kept under watch, he was able to escape the police for 11 years, and finally got a passport when he was told he might be identified through a surveillance video that had targeted a co-religionist. On the passport issue, expert opinions stating that a passport may be obtained through corruption or by exploiting loopholes in the system were regarded as not believable, as they contrasted with [questionable] COI stating that the Chinese system is extremely effective.

Italy – Justice Court of Milan, February 26, 2019

Negative

The court regarded the applicant's story as generally not believable. It did not believe it was possible to escape the notoriously effective Chinese police for many years, and to get a passport simply by moving to a faraway province. The COI available to the court stated that suspects are registered in a national data base, which is complete and effective. An expert witness who signed an affidavit stating this is not the case was not believed.

Italy – Justice Court of Florence, March 4, 2019

Favorable

Quoting scholarly works and affidavits by the authors, and other documents about the persecution in China of both the CAG and Falun Gong, the court stated that being a member of a *xie jiao* is enough to be arrested and sentenced in China. The court found the statement by CAG leaders in Italy that the applicant was a bona fide CAG member believable, and granted the asylum.

Italy – Justice Court of Milan, March 8, 2019

Negative

The court was not satisfied that the applicant was a bona fide member of the CAG, a persecuted religion in China. She was not able to tell in detail the story of her conversion and why she converted to a religion that was banned and depicted as a “cult” in China. Her knowledge of CAG theology was confused, and compatible with the possibility that she just read CAG propaganda on the Internet. She admitted that she was not personally persecuted (although some of her relatives were), and the fact that she got a passport confirmed that she was not known to the authorities as a CAG member.

France – National Court for the Right of Asylum, March 13, 2019

Favorable

The applicant’s mother was arrested as a CAG member. To avoid being identified as a CAG member herself, she moved from province to province. When her local church leader, who knew her real name, was arrested, she became afraid that she would be identified as a CAG devotee and, together with a co-religionist, went to the airport to board a flight to Jeju Island, South Korea, for which a visa is not needed. Before boarding the plane, her co-religionist was arrested, and the applicant escaped from the airport. She then contacted an “uncle” (often a generic term for somebody able to grant or sell protection in China), who ascertained her name was not in the national police data base and obtained a visa to France.

USA – U.S. Immigration Court of Detroit, March 18, 2019

Partially favorable

This was the final episode of the Zou Demei saga, perhaps the most publicized CAG refugee case internationally. Also known with her religious name of Lu Yao, Zou Demei was the CAG overseer in China's Jiangxi province in 2009, and later the leader of the CAG churches in the four provinces of Yunnan, Guizhou, Chongqing, and Sichuan. She was one of the most wanted CAG leaders in China, yet through enormous sacrifices by her co-religionists she was able to remain in hiding, and continue in her functions for fourteen years. When she finally felt that arrest was imminent, she traveled to South Korea with a false passport bearing a different name. Not feeling safe in South Korea, a country where no CAG member had been granted asylum, and there were concerns that information about CAG refugees easily reached the Chinese authorities, Zou moved to the United States, where, unlike in South Korea, her passport was detected as false, and she was arrested. An order for her deportation back to China was further issued, based on the false passport and on the fact that the authorities could not conclusively establish that she was really Zou Demei, the CAG leader, since before leaving China to South Korea she had destroyed all her personal papers. Several scholars and NGOs mobilized in her favor, and, as the court said, literally "hundreds" of CAG members in the diaspora in various countries talked to her via Skype, which was allowed in her American minimum-security jail, and testified they had no doubts she was the CAG leader they had known in China under the names Zou Demei or Lu Yao. A CAG sympathizer in China went through the dangerous process of filming himself while accessing the data base of China's most wanted, and printing the record about Zou Demei, which was wanted both for being a CAG leader and for alleged espionage in favor of the United States, an obviously trumped-up charge but one leading to the death penalty. The court stated that the illegal entrance in the United States with a false passport still carried a weight, and that she had not proved she had been personally arrested or detained (although many among her friends and relatives were). However, the court concluded that, even if considered one by one none of the testimonies that she was really Zou Demei was conclusive, when they were all taken together, they could not fail to persuade that she was who she said she was, and at great risk of persecution should she return back to China. Asylum was not granted, but her application for withholding of removal was accepted, and she was allowed to

remain in the U.S. indefinitely (where she became a familiar voice for the CAG through interviews and participation in CAG events).

Italy – Justice Court of Milan, March 22, 2019

Negative

The court regarded the story of the applicant as not detailed enough. For example, she did not mention a baptism [but in the CAG there is no baptism] and it was not believable that, knowing how dangerous this was, she kept evangelizing while she was in college. The court also hold the fact that she participated in a public CAG event in Italy against the applicant, arguing that if she was afraid of the Chinese authorities she should simply have stayed home.

Italy – Justice Court of Milan, March 30, 2019

Negative

The court believed that the passport issue alone would be enough to regard the story of the applicant as not believable. He claimed that he had been identified as a CAG member and had escaped the local police, and was able to obtain a passport by moving to a faraway region. This was regarded as totally unbelievable, based on [questionable] COI claiming that suspects are quickly registered as such in a national police data base.

Italy – Justice Court of Milan, March 30, 2019

Negative

The court agreed that CAG members are persecuted in China, but confirmed the administrative commission's negative decision based on the principle that stories told by applicants should be coherent and not contradictory. In this case, the applicant kept confusing her situation with her husband's and her parents with her in-laws [the applicant's request to be interrogated again by the court, based on the fact that some confusion in the interview with the commission may have been caused by the interpreter, was not accepted]. Also, the court believed the COI stating that national police data bases include those suspected of being members of a banned religious movement and are highly effective, so that if the

applicant had really been suspected of belonging to the CAG, she would not have obtained a passport.

Italy – Justice Court of Milan, April 9, 2019

Negative

The court noted that the applicant was a well-educated person, yet when telling the story of his alleged persecution in China he told a tale full of contradictions. He was not able to explain how he obtained a passport, while the authorities knew or suspected he was a CAG member, and his accounts of the CAG lacked depth and details, and were also in contrast with some COI.

Italy – Justice Court of Florence, April 11, 2019

Favorable

The administrative commission had rejected the request of asylum based on the argument that the CAG is not a religion, that the COI did not clearly state that all CAG members are persecuted, and that the applicant was able to obtain a passport, which should have been impossible in a situation of personal persecution. The court, mentioning one of the authors (Introvigne 2018a), stated that the CAG is indeed a religion, and a persecuted one, and the COI quoted by the commission were outdated. As for the passport, the court said there are three possible explanations, all believable: loopholes in the Chinese system, corruption, and the idea by some local authorities of getting rid of potential troublemakers by allowing them to move abroad.

Italy – Justice Court of Rome, April 19, 2019

Partially favorable

The court believed that the fact that the applicant had obtained a passport proved that she was not in a situation of persecution in China, and noted that she did not clearly state that the Chinese police knew she was a member of the CAG. She only said she was afraid that co-religionists who had been arrested may disclose her name to the police. Full asylum was denied. On the other hand, the court did believe that the applicant was a bona fide member of the CAG. Based on reports

by reliable NGOs about the severity of the persecution of groups labeled as *xie jiao*, including the CAG, in China, the court granted to the applicant “subsidiary protection,” a temporary status that allows the asylum seeker to remain in Italy (for five years, and for subsequent 5-year periods, by proving that the situation in the home country has not changed), work there, and receive free health care.

France – Administrative Court of Montreuil, April 26, 2019

Favorable

The case concerned a CAG member who had been arrested within the framework of a case involving the illegal rental and sub-rental of certain premises. During this procedure, on April 4, 2019, the Préfet of Val de Marne noted that the defendant’s asylum application had been rejected by the OFPRA. As a consequence, he had no status to remain in France and should be deported back to China. The court, having examined a number of documents, concluded that, irrespective of the criminal case he was involved in, there was no doubt the defendant was a CAG member and as such would be persecuted in China. As a consequence, the order of deportation was annulled.

Canada – Refugee Protection Division, April 28, 2019

Favorable

Asylum was granted, although the Division found some contradictions in the applicant’s story, which it justified with her “nervousness” and with her not at first clearly understanding the questions. It reiterated that asylum cases should be decided through a “balance of probability” standard, under which it found that the fact that the applicant had been a CAG member in China was generally credible, while the fact that CAG members are persecuted in China was certainly well-known.

Italy – Justice Court of Rome, May 8, 2019

Partially favorable

The story of the applicant did not prove that she had been personally persecuted in China. On the other hand, the court believed that the statement before the

administrative commission that she “did not belong to any religion, only to Almighty God” did not prove that she was not a CAG member, but only reflected the habit of CAG devotees to use the word “religion” in a negative sense, referring it to the old religions rather than to their own. While doubts subsisted about the credibility of the applicant, the court observed that issues of credibility should be balanced with an assessment of the situation in the country of origin. Based on reports by reliable NGOs about the severity of the persecution of groups labeled as *xie jiao* in China, the court granted to the applicant “subsidiary protection,” a temporary status that allows the asylum seeker to remain in Italy (for five years, and for subsequent 5-year periods, by proving that the situation in the home country has not changed), work there, and receive free health care.

Italy – Justice Court of Rome, May 8, 2019

Partially favorable [same date and court, but different applicant from the previous case]

The court observed that the applicant was not able to tell a persuasive and coherent story to the administrative commission. Yet, while other circumstances remained doubtful, the court did believe that she had really joined the CAG in China. Based on the literature about the severity of the persecution of the CAG, the court denied full asylum but granted to the applicant “subsidiary protection,” a temporary status that allows the asylum seeker to remain in Italy (for five years, and for subsequent 5-year periods, by proving that the situation in the home country has not changed), work there, and receive free health care.

Italy – Justice Court of Rome, May 22, 2019

Negative

The negative decision of the Administrative Commission of December 12, 2016 (see above) was confirmed. The Court stated that the fact that the applicant did not report any difficulty in obtaining a passport was evidence enough that the authorities did not know she was a CAG member. [The negative decision was confirmed by the Court of Appeal of Rome on February 1, 2021].

Italy – Justice Court of Rome, June 10, 2019

Partially favorable

The court agreed with the administrative commission that the applicant's story was difficult to believe. She reported that, after she had been arrested and beaten as a CAG member, her father bribed the police to have her released, and immediately took her to the airport hidden in a box that had originally enclosed a washing machine. At the last minute, she came out of the box and, with a passport she already had before being arrested, was able to leave the country. She repeated the story to the court, which was also not persuaded. On the other hand, the court did believe that the applicant was a bona fide member of the CAG, and that she might well have been identified as such by the Chinese authorities, if not in China, in Italy. The court denied the asylum but, based on reports by reliable NGOs about the severity of the persecution of groups labeled as *xie jiao*, including the CAG, in China, granted to the applicant "subsidiary protection," a temporary status that allows the asylum seeker to remain in Italy (for five years, and for subsequent 5-year periods, by proving that the situation in the home country has not changed), work there, and receive free health care.

Italy – Justice Court of Rome, June 13, 2019

Partially favorable

The court agreed with the administrative commission that the story of the applicant, who claimed to have been identified by the Chinese police as a CAG member, relied only on his words and was not supported by any document. Additionally, the fact that the applicant had easily obtained a passport weighed against him. However, considering the available scholarly literature and reports by reliable NGOs about the severity of the religious persecution in China, both in general and targeting the CAG, the court granted to the applicant "subsidiary protection," a temporary status that allows the asylum seeker to remain in Italy (for five years, and for subsequent 5-year periods, by proving that the situation in the home country has not changed), work there, and receive free health care.

Canada – Refugee Protection Division (Redetermination), June 13, 2019

Favorable

A different panel of the Division redetermined the case decided negatively on May 11, 2016 (see above), after a remand by the Federal Court. This time, asylum was granted. The contradictions in the story of the applicant were not regarded as fatal. How she was able to get a passport and cross the border clearly showed she did it with the assistance of organized crime, but this was not regarded as a reason to deny asylum, since being a CAG member she had a credible fear of persecution in China. Additionally, her activities on behalf of the CAG in Canada had likely been noticed by the Chinese authorities, creating further risks for her.

Italy – Justice Court of Perugia, July 1, 2019

Negative

In reading the decision, one has the impression that in this case the lawyer did not do his homework. The court wrote that a hastily filed appeal asked to revise a “wrong” decision by the administrative commission, but failed to explain why it was wrong.

Italy – Justice Court of Rome, July 11, 2019

Partially favorable

The court agreed with the administrative commission that the applicant could not claim to have been persecuted in China. Although there was no reason to doubt that she had joined the CAG, she admitted that the Chinese police did not know her as such, which is why she obtained a passport. The court believed this was enough to deny her full asylum. However, the court considered that CAG members in China, even when they have not (yet) been identified as such by the authorities, live in a precarious situation, also because of the monetary rewards offered to those who denounce them. The court granted to the applicant “subsidiary protection,” a temporary status that allows the asylum seeker to remain in Italy (for five years, and for subsequent 5-year periods, by proving that the situation in the home country has not changed), work there, and receive free health care.

Italy – Justice Court of Rome, July 15, 2019

Partially favorable

The court believed that the fact that the applicant had obtained a passport proved that he was not in a situation of persecution or immediate risk of persecution in China. On the other hand, the court did believe that the applicant was a bona fide member of the CAG. The court denied the asylum but, based on reports by reliable NGOs about the severity of the persecution of groups labeled as *xie jiao*, including the CAG, in China, granted to the applicant “subsidiary protection,” a temporary status that allows the asylum seeker to remain in Italy (for five years, and for subsequent 5-year periods, by proving that the situation in the home country has not changed), work there, and receive free health care.

Italy – Justice Court of Rome, July 15, 2019

Partially favorable [same court and date of the previous decision, but different applicant]

The court agreed with the administrative commission that the applicant had not been personally persecuted in China. He admitted that he had but a minor role in the CAG in China, and was not particularly visible as a CAG member. The court stated that the fact that he obtained a passport confirmed he was not known as a CAG member to the authorities. Asylum was denied. However, now that he was in Italy and had applied for asylum, the risk that Chinese authorities may know about him as a CAG member has increased. The court noted the severity of the persecution of groups labeled as *xie jiao*, including the CAG, in China, mentioning cases reported by NGOs of torture and extra-judicial killing, and granted to the applicant “subsidiary protection,” a temporary status that allows the asylum seeker to remain in Italy (for five years, and for subsequent 5-year periods, by proving that the situation in the home country has not changed), work there, and receive free health care.

Italy – Justice Court of Rome, July 15, 2019

Partially favorable [same court and date of the previous two decisions, but different applicant]

The applicant reported that she had been expelled from school as a CAG member and harassed by the chief of her village, although never arrested. The court did not find these statements unbelievable, but concluded that the fact that she had obtained a passport proved that this harassment did not amount to persecution. Asylum was denied. Noting the severity of the persecution of groups labeled as *xie jiao*, including the CAG, in China, and a worsening situation that would expose even CAG devotees with minor roles in the movement, such as the applicant, to arrest, the court granted her “subsidiary protection,” a temporary status that allows the asylum seeker to remain in Italy (for five years, and for subsequent 5-year periods, by proving that the situation in the home country has not changed), work there, and receive free health care.

Germany – Administrative Court of Stuttgart, July 15, 2019

Favorable

When one looks at the most updated COI, the court said, there can be no doubt that the CAG is heavily persecuted in China. The court also found the story told by the two applicants, husband and wife, as generally believable, and that they were bona fide CAG members. The rejection of their asylum application by the administrative authorities was largely based on the passport issue. The court found it believable that the couple had spent a substantial amount of money to bribe officers into granting them passports. The huge sum involved indicated that the couple had probably enlisted the help of organized crime, but that, the court argued, was not a reason to deny the asylum.

Germany – Administrative Court of Stuttgart, July 17, 2019

Favorable

Unlike the administrative authorities, the court believed that the applicant was a bona fide member of the CAG, and that her story was believable when she said that she had been arrested when she had on her a fake ID, had been beaten for three days and then released, without the police making special efforts to ascertain her real name, so that later she was able to obtain a passport. The court reiterated the principle that a refugee story should be evaluated in its entirety, and that contradictions in matters of detail do not make it necessarily unbelievable.

Even if not all the details of her persecution in China were true, the fact that she was a CAG member, since all CAG devotees are at risk of persecution in China, was regarded as sufficient to grant the asylum.

Italy – Justice Court of Rome, July 18, 2019

Partially favorable

Although the applicant had reported that co-religionists in her local CAG community had been arrested, and that she saw police agents near her home, perhaps keeping watch on her, this was not enough, the court said, to prove that she had been identified as a CAG member in China and was at risk of being arrested. This was confirmed by the fact that she had obtained a passport. Asylum was denied. However, based on reports by reliable NGOs about the severity of the persecution of groups labeled as *xie jiao* in China, including the CAG, the court believed that, should she return to China, the applicant would be at risk of being eventually identified as a CAG member and arrested. It granted to her “subsidiary protection,” a temporary status that allows the asylum seeker to remain in Italy (for five years, and for subsequent 5-year periods, by proving that the situation in the home country has not changed), work there, and receive free health care.

Italy – Justice Court of Florence, July 20, 2019

Favorable

Interestingly, the decision by the Court of Brisbane, Australia, of April 4, 2018 (see above) was quoted as a model precedent to conclude that being a CAG member is enough to be persecuted in China. The administrative commission had found the story of how the applicant converted to the CAG as “cold” and not persuasive enough. The court, however, warned against evaluating a religious conversion based on what can transpire in an administrative interview, which is “cold” in itself. Some doubts remained on the passport issue, but the fact that the court was satisfied that the applicant was a genuine CAG member, and that CAG members identified as such are jailed in China, was regarded as sufficient to grant the asylum.

Italy – Justice Court of Turin, August 1, 2019

Negative

The court relied on publications by the Chinese government claiming that Christianity is free in China, and did not appear to have examined COI with details about the CAG. It regarded the applicant's story as not credible, and with contradictions on several details.

Italy – Justice Court of Turin, August 8, 2019

Negative

The court shared the commission's impression that the applicant was not believable and not able to describe the "liturgy" of his church [in fact, the CAG has no liturgy]. The applicant also said his job was to sell "horses," yet was not familiar with this trade, although he mentioned that he was interviewed in English and somebody incorrectly transcribed "houses" as "horses," his real job being real estate agent. The claim that he escaped the police for years and was able to obtain a passport was also regarded as not consistent with his own admission that the Chinese police is remarkably effective in persecuting the CAG.

Italy – Justice Court of Milan, August 14, 2019

Negative

The court did believe that the CAG is persecuted in China, but did not believe that the applicant, if she was really a CAG member and had been identified as such, might really have been able to elude the police several times and to obtain a passport simply by applying for it in her birthplace, which is located some 500 kms. from where she had been active as a CAG member. The court argued that the national police data base PoliceNet is very effective, as stated by several COI, and confirmed the administrative decision of February 22, 2018, and denied the asylum. [The enforceability of this decision was suspended on December 16, 2020, see below].

Germany – Administrative Court of Karlsruhe, August 14, 2019

Favorable

The court, unlike the administrative authorities, believed the applicant's story that she had been arrested while proselytizing on behalf of the CAG, beaten by the police, and released after a relative bribed the agents, with further bribes paid to obtain a passport. Objections that she did not know CAG's theology were dismissed by the court by observing that the administrative authorities had relied on outdated COI. When new COI are used, the answers given by the applicant appear to be correct.

France – National Court for the Right of Asylum, August 28, 2019

Negative

The court stated that the French COI hostile to the CAG are more reliable than the works by scholars, noting that scholars of new religious movements (unlike the French authorities) have a prejudice favorable to “cults” (*sectes*: one of the authors [Introvigne] was explicitly criticized based on French anti-cult materials). On this background, the story of the applicant was regarded as not believable, and the fact that she had obtained a passport was regarded as evidence she had not been persecuted.

Germany – Administrative Court of Freiburg, August 30, 2019

Favorable

The court, quoting inter alia documents from CESNUR, the Center for Studies on New Religions [of which author Introvigne is managing director], and ORLIR, the International Observatory of Religious Liberty of Refugees [of which author Šorytè is president], stated that there is no doubt that CAG members, once identified as such, are severely persecuted in China. It found the applicant's story believable. Although with a more succinct analysis with respect to the subsequent decision of the same court dated September 12, 2019 (see below), the court overcame the objection by the administrative authorities based on the usual passport issue by stating that, contrary to what certain COI argue, the system of registration and control by the police “is not infallible.”

Germany – Administrative Court of Freiburg, August 30, 2019

Favorable [same court and date of the previous decision, but different applicant]

The court, quoting inter alia documents from CESNUR, the Center for Studies on New Religions [of which author Introvigne is managing director], and ORLIR, the International Observatory of Religious Liberty of Refugees [of which author Šorytė is president], described the severe persecution against the CAG in China. It found no reasons to doubt the applicant's story, that she had barely escaped arrest twice. It is unclear whether these experiences had led to her registration in the PoliceNet data base, and the significant sum she stated she had paid "to arrange her departure" might also indicate that she, or the organization that helped her, had bribed the police. Asylum was granted.

USA – Immigration Court of New York, September 6, 2019

Favorable

The Court recognized that the applicant was a CAG member and as such subject to persecution in China. Asylum was granted. (As in other American Immigration Court cases, the decision was announced orally, and no grounds were included in the written decision).

Germany – Administrative Court of Freiburg, September 12, 2019

Favorable

The Court stated that a CAG member in China is at best able to practice his or her faith underground, which corresponds to the definition of persecution. Furthermore, the technology of surveillance and facial recognition by the Chinese state security services and the observation by these services of criticism of China carried out abroad in public and documented on the Internet is so advanced that an exiled activist runs a considerable risk of being identified and politically persecuted if she or he returns to China. The court was satisfied that the applicant was a bona fide CAG member, and had participated in human rights events critical of China in Germany that had attracted media attention, making himself visible and known as a critic of the Chinese Communist Party. Contrary to what the administrative authority asserted, the applicant's statements on CAG's theology and activities were believable, and consistent with the main scholarly

source available in German about the CAG (a long article by one of the authors: Introvigne 2018c). The administrative authority mostly relied on the fact that the applicant obtained a passport and crossed the border without problems to deny that he was persecuted in China. Quoting the previous decision by the Administrative Court of Karlsruhe of May 4, 2018 (see above), the court first observed that some COI on the high effectiveness of Chinese national police data base PoliceNet had been published after 2015, when the applicant left China, and when the system was less effective than it was in 2019. Additionally, while theoretically those merely suspected of belonging to a *xie jiao* should also be registered on the PoliceNet data base, this happens in fact more slowly than the registration of those in the list of wanted criminals. In what is one of the most detailed discussions of the passport issue, the court observed that Chinese border surveillance at the airports is not infallible, and collected data are not necessarily forwarded from one office to the next. It is also the case, the court said, that corruption is widespread in China, and by bribing officers it is always possible either to avoid being registered in the police data bases or to illegally obtain a passport.

Germany – Administrative Court of Stuttgart, September 20, 2019

Favorable

The case was distinguished from others decided favorably by the same court because the judges found the assessment by the administrative authorities persuasive, when they stated that the applicant’s story of persecution in China included serious contradictions and was generally not believable. The court stated that it was not even sure that the applicant had been a “genuine” CAG member in China. However, the court also found that the applicant was now a very active member of the CAG in Germany, and regularly participated in CAG events, including some explicitly aimed at criticizing China. The court mentioned German governmental sources stating that “Chinese authorities are targeting the activities of Chinese nationals abroad,” and “participation in demonstrations, stating that there is religious persecution in China, missionary efforts for religious communities banned in China, and similar activities may further increase the likelihood of being monitored.” Because of this, the applicant would probably be arrested if he would return to China, which justified granting him asylum.

Italy – Supreme Court of Cassation, September 25, 2019

Remand

The applicant had been interviewed by the administrative commission, which had found contradictions in the story and rejected the application. The Court of Milan decided based on the administrative interview, even if the refugee claimed that its transcript was not accurate, and the interview had not been recorded. The Supreme Court now decided that the Court of Milan should have interviewed again the refugee, and sent the case back to Milan for a new trial.

Canada – Refugee Protection Division [Redetermination], September 27, 2019

Negative

The board refused to reconsider the negative decision of May 10, 2017 (see above). It found in favor of the applicant on the questions of the delay of one month before obtaining the passport and leaving China, and of how a girl who was an atheist might have suddenly decided to convert to the CAG. None of these issues was enough to conclude that the applicant was not credible. However, the board offered a lengthy discussion on why the fact that different places and even provinces of birth were indicated in the applicant's passport, *hukou* [household registration], and resident identity card was enough to deny asylum, since asylum cannot be granted if the identity of the applicant had not been established beyond doubt. [The decision was overturned by the Refugee Appeal Division on December 8, 2020, and asylum was granted].

Germany – Administrative Court of Karlsruhe, October 10, 2019

Favorable

Contrary to the opinion of the administrative authorities, the court found the story of the applicant believable. Given the widespread corruption in China, the court did believe that she bribed the police first to be released from jail, and then a second time to get a passport. Asylum was granted.

Italy – Justice Court of Rome, October 14, 2019

Negative

The decision confirmed the negative assessment of the administrative commission of March 19, 2018 (see above), and summarized negative information about the CAG, including the McDonald’s incident, although it also stated that it was unclear whether these accusations of crimes are true or derive from Chinese propaganda. Irrespective of this, the court found the story of the applicant not believable. Since the repression of the CAG in China is systematic and well-organized, the court did not believe that the applicant, if he was a bona fide CAG member, might have been able to hide from the police for two years and obtain a passport without particular problems, as he reported.

Italy – Justice Court of Perugia, October 17, 2019

Negative

In contrast with other Perugia decisions, this one relied on old COI and maintained that it was not believable that the applicant had been converted by her mother, because the CAG is “against the family,” that she should have been able or willing to mention the civil name of the person the CAG worship as Almighty God, and should have admitted that the CAG awaited the end of the world for 2012. [On all this points, the use of more updated COI would have persuaded the court that the applicant was right in her answers, and the old COI were wrong]. The fact that the applicant had obtained a passport was mentioned as further evidence that she was not persecuted.

USA – Immigration Court of New York, October 18, 2019

Favorable

The Court recognized that the applicant was a CAG member and as such subject to persecution in China. Asylum was granted. (As in other American Immigration Court cases, the decision was announced orally, and no grounds were included in the written decision).

Italy – Justice Court of Rome, October 24, 2019

Partially favorable

The court agreed with the administrative commission that the applicant did not persuasively prove that she had been identified by the Chinese police as a CAG member. However, considering the available scholarly literature and reports by reliable NGOs about the severity of the religious persecution in China, both in general and targeting the CAG, the court granted to the applicant “subsidiary protection,” a temporary status that allows the asylum seeker to remain in Italy (for five years, and for subsequent 5-year periods, by proving that the situation in the home country has not changed), work there, and receive free health care.

Germany – Administrative Court of Karlsruhe, October 29, 2019

Favorable

The court observed that the main reason to deny asylum at the administrative level had been the passport issue. Quoting its own decision of May 4, 2018, the court observed that a persecuted CAG member may be able to obtain a passport by either exploiting loopholes in the system or bribing the Chinese officers, and granted the asylum.

Germany – Administrative Court of Stuttgart, October 29, 2019

Negative

While the court admitted that the CAG is persecuted in China, it concurred with the assessment of the administrative authorities that the story the applicant told of her repeated and almost miraculous escapes from the police included serious contradictions and was not believable. Her knowledge of the CAG and its persecution in China did not go beyond what she might have read on the Internet. The CAG leaders in Germany testified that she was “an honest person” and “ready to help the brothers and sisters,” but did not clearly state she had been a CAG member in China. Asylum was denied.

Australia – Administrative Appeal Tribunal, Melbourne, November 12, 2019

Favorable

The court made a thorough review of available information on the CAG, also quoting the authors of this article, and was able to criticize existing COI produced by the Australian immigration authorities as at least partially inaccurate. Particularly, the court characterized as inaccurate the theory that only leaders, rather than ordinary CAG members, are persecuted, and stated that an assessment of the existing sources rather leads to the conclusion that “membership alone of The Church of Almighty God or any other banned *xie jiao* organization is subject to strict and harsh punishment by the Government of China.” The court also dismissed reports of crimes allegedly committed by the CAG as largely based on Chinese propaganda, and concluded that punishment of CAG believers in China is not justified by their wrongdoings. The question that remained to be determined was whether the applicant was a bona fide member of CAG. The court concluded that she was. The immigration authorities held against her that she had used illegal means to obtain a passport and a visa, but the court concluded that she had done it “out of desperation,” and that the fact that she candidly admitted it confirmed her credibility. The court also attributed contradictions in detail in the applicant’s story as told to the immigration officers to the low quality of the translation, and was satisfied that the translators made serious mistakes when translating her statements at the administrative stage.

Germany – Administrative Court of Karlsruhe, November 26, 2019

Favorable

The court found the story of the applicant, who reported he had been arrested twice and released after the payment of some money, which might have been pocketed by the local agents, believable. The administrative authorities had regarded the fact that he had obtained a passport as a reason to raise doubts about his story. However, the court relied on an affidavit by the Italian scholar PierLuigi Zoccatelli and on German intelligence sources to state that the PoliceNet data base is not infallible, and that corruption is at any rate widespread in China, making it possible even for those CAG members who have been arrested to get a passport.

Italy – Supreme Court of Cassation, December 3, 2019

Favorable

The applicant had reported to the authorities in Milan that she had converted to the Church through her mother, who was already a member, during a difficult period of her life. She had brilliantly passed a school exam, but another candidate was placed before her through corruption and political connections. She was later identified as a possible CAG member by the police, arrested and quickly released because evidence against her was inconclusive. She then got a passport and escaped to Italy. The administrative commission found contradictions in her story, claiming it was not clear whether her conversion was a genuine religious experience or simply derived from the injustice she suffered at school. The Court of Milan confirmed the negative decision, although the refugee claimed that the alleged contradictions came from an inaccurate transcript of the interview. The Court also observed that the fact that the refugee had obtained a passport proved that she was not persecuted, and that there was no general situation of risk for religious believers in China. The Supreme Court (of Cassation, not to be confused with the Constitutional Court, which only evaluates issues of constitutionality and in Italy is also called Supreme Court) observed that the Milan decision was wrong on various accounts. First, the Supreme Court of Cassation examined in detail the relevant Italian and European case law on how interviews with refugees should be conducted and evaluated. Interviews with administrative commissions are often conducted without lawyers, transcripts include frequent mistakes, and they should not be used against the refugees in court cases. Rather, courts of justice should conduct a new interview. The aim of this interview is not to shop for contradictions. If the judges find a potential contradiction, they should call attention to it, and give the refugee a chance to explain. When evaluating the interview, judges should not divide it in segments and claim that one or more of these are not believable, but assess it globally. Often, the basic truth of the story will emerge beyond minor contradictions in non-essential details. In this case, the Supreme Court argued, the impression is that the refugee went through a genuine religious conversion, which is not incompatible with the fact that this happened when she was upset for the injustice at school. The Supreme Court also observed that the refugee had a credible medical certificate proving she was mistreated by the police in China. The Supreme Court also said the Court of Milan should have interpreted the refugee's

individual story by comparing it with reliable available information, including from governmental sources in Italy and other countries, which in this case proves that the CAG is severely persecuted in China. Finally, the fact that the refugee obtained a passport may be indeed problematic, the Supreme Court said, but may be explained with the fact that Chinese authorities “may be happy to send away from China persons they regard as dangerous for the internal stability of the country.”

Germany – Administrative Court of Stuttgart, December 11, 2019

Favorable

The court overturned an administrative decision that had declared the applicant’s story not credible. She reported that she had been identified as a CAG member and arrested, but released after an “aunt” had intervened and bribed the police, which had not recorder her in the PoliceNet data base, so that she had been able to obtain a passport. The court observed that not being registered in PoliceNet in cases of “short detentions,” followed by the payment of a sum of money that the local agents prefer to pocket themselves, is not uncommon in China. Since this established a credible fear of persecution, it was not necessary to examine the issue whether the applicant’s activities on behalf of the CAG in Germany, and her participation in public protests in favor of democracy in Hong Kong, had been noticed by Chinese authorities, thus exposing her to further risks.

Italy – Justice Court of Rome, December 20, 2019

Negative

The court confirmed the administrative decision of January 17, 2017, finding the story of repeated last-moment escapes from the police, which the applicant explained with divine protection, unbelievable. The fact that she was able to obtain a passport, the court said, also proved she was not persecuted in China. [The decision was confirmed by the Court of Appeal of Rome on January 11, 2021].

Italy – Justice Court of Milan, January 1, 2020

Negative

The court admitted that CAG members are persecuted in China. However, it agreed with the territorial commission that the applicant was not credible, as in different interviews she gave different answers on the year she converted and whether her mother was a CAG member or not. The fact that she obtained a passport was regarded as evidence she was not a CAG member. Affidavits by expert witnesses were disregarded, as the court relied on COI claiming that all those suspected of being members of a banned religions are registered in the national police data base.

USA – Immigration Court of New York, January 8, 2020

Favorable

The Court recognized that the applicant was a CAG member and as such subject to persecution in China. Asylum was granted. (As in other American Immigration Court cases, the decision was announced orally, and no grounds were included in the written decision).

USA – Immigration Court of New York, January 13, 2020

Favorable

The Court recognized that the applicant was a CAG member and as such subject to persecution in China. Asylum was granted. (As in other American Immigration Court cases, the decision was announced orally, and no grounds were included in the written decision).

Italy – Justice Court of Florence, January 18, 2020

Favorable

While the administrative commission had found the interview contradictory, the court, which heard the applicant again, concluded that what he reported about the CAG was both credible and consistent with the works in Italian by one of the authors (Introvigne 2019a, 2019b), which are repeatedly quoted in the decision.

The court noted that the applicant stated that, although at risk of being identified and arrested, he was not yet known as a CAG member to the police, which explains how he was able to obtain a passport.

USA - Immigration Court of New York, January 24, 2020

Favorable

The Court recognized that the applicant was a CAG member and as such subject to persecution in China. Asylum was granted. (As in other American Immigration Court cases, the decision was announced orally, and no grounds were included in the written decision).

USA - Immigration Court of New York, February 5, 2020

Favorable

The Court recognized that the applicant was a CAG member and as such subject to persecution in China. Asylum was granted. (As in other American Immigration Court cases, the decision was announced orally, and no grounds were included in the written decision).

Italy - Justice Court of Milan, February 7, 2020

Favorable

The applicant was heard again by the court and told a vivid tale of how she was arrested, tortured, and miraculously escaped the police and left China using her passport (presumably before her name had been recorded in any police data base). Moreover, a co-religionist testified that she knew her in China and that her story was true. Unlike the administrative commission, the court found the story believable and granted the asylum.

Germany - Administrative Court of Freiburg, February 13, 2020

Favorable

Quoting previous decisions from the Administrative Court of Karlsruhe and the same Administrative Court of Freiburg, the judges, also relying on material

supplied by CESNUR, the Center for Studies on New Religions [of which author Introvigne is managing director], and ORLIR, the International Observatory of Religious Liberty of Refugees [of which author Šorytė is president], stated that the persecution of the CAG in China is an undisputed fact, and that the applicant was also believable when she said she was a CAG member. The court noted that, as in other cases, when she told the administrative authorities she was “a Christian,” the applicant was asked to recite the names of the Apostles. The fact that “she could immediately name Simon [the Zealot], James and Peter,” as well as Judas, showed she was not less informed about Christianity than the average German. As for the passport issues, the court relied on precedent Karlsruhe and Freiburg cases to overcome the usual objections raised by the administrative authorities.

Italy – Justice Court of Rome, February 21, 2020

Favorable

The court observed that the most recent COI established as a fact that being active in the CAG is sufficient to be arrested and detained in China. Courts should only determine whether applicants are bona fide members of the CAG. This was denied by the administrative commission based on two circumstances: the certification by the local leader of the CAG in Italy was regarded as not believable, and the fact that she left China with a valid passport was regarded as suspicious. The court interviewed the CAG leader who signed the declaration identifying the applicant as a member of the CAG, and was satisfied by her detailed explanation that, before issuing such certifications, a procedure is followed that makes leaders reasonably certain that the person is a bona fide CAG devotee. In this case, the applicant reported she had obtained the passport long before the police suspected she might be a CAG member. It was not confiscated, and the applicant did not believe she had been included in any police data base (although this might have soon happened, had she remained in China). The court regarded her story as believable.

Italy – Supreme Court of Cassation, February 28, 2020

Favorable

This important decision examined the verdict by the Justice Court of Rome of June 26, 2019, and criticized it for examining the applicant’s story by dividing it in parts and looking for contradictions. When examined globally, the Supreme Court of Cassation said, the story appears credible, and it also affirmed the general principle that, when in doubt, courts should find in favor of the refugee, considering that what at first sight may look like contradictions may be due to cultural or translation problems. The Supreme Court of Cassation also observed that the first-degree decision did not attribute the weight it deserved to the fact that it seemed believable that the applicant’s brother, also a CAG member, had been the victim of an extra-judicial killing by the authorities, thus creating in the applicant a particularly strong fear of persecution. The Justice Court had regarded as crucial the issue of the passport, ignoring an expert witness opinion explaining that CAG members identified as such may still have different ways to get a passport. The Supreme Court of Cassation agreed with the expert witness.

USA – Immigration Court of New York, March 2, 2020

Favorable

The Court recognized that the applicant was a CAG member and as such subject to persecution in China. Asylum was granted. (As in other American Immigration Court cases, the decision was announced orally, and no grounds were included in the written decision).

USA – Immigration Court of New York, March 3, 2020

Favorable

The Court recognized that the applicant was a CAG member and as such subject to persecution in China. Asylum was granted. (As in other American Immigration Court cases, the decision was announced orally, and no grounds were included in the written decision).

Germany – Administrative Court of Arnsberg, March 12, 2020

Favorable

The court found the story told by the applicant, that the police came to search her home after she had escaped, possibly alerted by her husband, who was hostile to the CAG, substantially believable. She reported there was no arrest warrant against her, she was only suspected of being a CAG member. The court believed that in these cases obtaining a passport, by acting quickly, was not impossible, and granted the asylum.

Italy – Justice Court of Florence, March 13, 2020

Favorable

The court noted that the COI and the scholarly literature establish that being an active CAG member means being persecuted in China. Contrary to what the administrative commission believed, the court found the applicant's story believable and corresponding to what we can learn about the CAG from the most recent COI. The objection that CAG is “against the family,” and applicant was not believable when he reported he was converted and supported within his family, was overturned quoting several decisions by the Justice Court of Perugia (see above).

Italy – Justice Court of Milan, March 18, 2020

Negative

The court regarded as established that CAG members are persecuted in China. The commission's objection that he did not know CAG theology because he was not able, or refused, to mention the civil name of the person the CAG worships as Almighty God was also regarded as not crucial. However, asylum was denied based on two elements. First, the applicant stated that he put himself at risk by telling people at work and in his village that he was a CAG member, which the court found difficult to believe, as bona fide CAG members should know how dangerous it is to reveal themselves as such. Second, if he were at risk of being arrested, as he claimed, his name should have been included in the relevant data bases, and he would not have obtained a passport.

Italy – Justice Court of Perugia, May 19, 2020

Favorable

The court recognized that the applicant was a bona fide CAG member, and that being active in the CAG is enough to be persecuted in China. It regarded the passport issue, which had been crucial in the appealed decisions by the administrative commission to deny asylum, as not totally clear, and guessed that the applicant may have used the services of an illegal “specialized agency,” which was not incompatible with his fear of persecution.

Germany – Administrative Court of Karlsruhe, June 5, 2020

Favorable

The court believed, unlike the administrative authorities, the applicant’s story, that she had been denounced by relatives hostile to the CAG as a CAG member, after which she got the impression she was under surveillance and escaped from China. The court observed that having been arrested is not a pre-condition to get asylum, and quoted studies by one of the authors (Introvigne), submissions to the United Nations’ Human Rights Council by the ECOSOC-accredited NGO Coordination des associations et des particuliers pour la liberté de conscience (CAP-LC), and an affidavit by the Italian scholar PierLuigi Zoccatelli to conclude that, while being a member of the CAG is sufficient to have a credible fear of persecution in China, those placed under surveillance, but not yet arrested, may not have their names immediately recorded in the PoliceNet database. This explains why the applicant was able to get a passport, although the court also stated that probably she had bribed those who delivered it to her.

Germany – Administrative Court of Karlsruhe, June 22, 2020

Favorable

Unlike the administrative authorities, the court found the applicant’s story, that she had been arrested but had escaped at night from the police station and remained in hiding until she was able to flee to Germany, believable. The court then addressed the question of the passport. The applicant claimed that she had escaped before being fingerprinted and registered, and the court relied on an affidavit by Italian scholar PierLuigi Zoccatelli to state that, at any rate, Chinese

police registration systems are not infallible. That the applicant reported that she had paid a substantial sum to the travel agents led the court to suspect that this might have included bribing officers to obtain a passport. Asylum was granted.

Italy – Supreme Court of Cassation, June 26, 2020

Favorable, remand

The Supreme Court noted that the applicant had represented CAG in public events in Rome, and her picture had been reproduced in various media. This activity on behalf of the CAG in Italy was “in continuity” with a similar activity in China where, although she was never arrested, her story of having been a CAG member was believable. At this stage, she would have a credible fear of persecution should she return to China. The decision of November 14, 2018, by the Justice Court of Milan was annulled, and the case sent back to Milan for a decision that should consider the guidance by the Supreme Court.

Italy – Supreme Court of Cassation, September 17, 2020

Favorable, remand

The Supreme Court confirmed the negative assessment of the Justice Court of Rome in its decision of April 20, 2018 (see above). It agreed with the first-degree judges that the fact that the applicant was active in the CAG in China had not be convincingly proved. Yet, it stated that what had been proved is that the applicant was now active in the CAG in Italy, and visible enough to be noticed by the Chinese authorities. As a consequence, protection should be granted, based on a credible fear of persecution should the applicant return to China. The case was remanded to the Court of Rome, which was instructed to follow this principle.

Germany – Administrative Court of Stuttgart, October 9, 2020

Partially Favorable

The court found no reasons to disbelieve the applicant’s account that he converted to the CAG because he wanted to overcome his Internet gaming addiction. The applicant also reported that he had been arrested and tortured in China. Evidence that this really happened was not conclusive. He also proved that

his activities in Germany on behalf of the CAG and in denouncing human rights violation in China had been visible enough and might well have been noticed by the Chinese authorities. Full asylum was not granted, but the applicant was recognized as a refugee with the right to remain in Germany.

Italy – Administrative Commission, October 9, 2020

Negative

The commission considered some of the new COI about the persecution of the CAG, but precisely because the CAG is severely persecuted did not believe that the applicant's uncle was able to bribe the police, as she reported, into releasing her from arrest and issuing a passport.

Canada – Refugee Appeal Division, October 14, 2020

Favorable

The Appeal Division overturned a negative decision of the Refugee Protection Division dated January 7, 2019 (see above). It regarded the fact that the applicant had obtained a Canadian visa fraudulently as peripheral to the question whether she would be persecuted if she would be forced to return to China. It noted that the Refugee Protection Division had compared the applicant's answer about CAG theology with COI that might have been incorrect, and had also asked too much from a refugee who had only completed the equivalent of junior high school in China. It also stated that, at any rate, the applicant had proved that she had been visible enough in Canada in both CAG activities and protests in favor of democracy in China to support the conclusion that Chinese authorities had probably noticed her, and she will be arrested if she will return to China. Asylum was granted.

Germany – Administrative Court of Karlsruhe, November 13, 2020

Favorable

The case was distinguished from others decided by the same court, because the applicant claimed that, for a time, she had stopped attending CAG meetings in China out of fear, then moved to Singapore, where she had some contacts with

the local CAG community, and from there to Germany, where she did not go to CAG meetings, although she prayed and studied CAG scriptures at home. The administrative authorities had found this behavior not typical of CAG members. The court, however, granted the asylum. It believed the applicant was telling the truth when she said she did not feel safe in Singapore, which has close ties with China, after she learned that several relatives who are CAG members had been arrested in China. Based inter alia on works by one of the authors [Introvigne], the court concluded that even a non-continuous association with the CAG, within a context of heavy repression, may justify a credible fear of persecution, should the applicant return to China.

Italy – Court of Appeal of Rome, November 16, 2020

Negative

This may well be the most negative decision in a CAG case to date, and a rare example of a “complete” negative argument (repeated in parallel decisions by the same Court dated January 11, 2021 and February 1, 2021) in denying that a religious persecution exists at all in China, based on information packages by the Chinese authorities claiming that religious freedom prevails in the country. It goes even beyond these information packages by claiming [incorrectly] that, if five religions are officially recognized in China, others can also apply for recognition and obtain it. It goes on to repeat Chinese claims against the CAG as a secretive “cult,” noting that associations operating underground are illegal also in Italy. If the CAG has decided to remain secretive and operate outside of the Chinese law, it cannot complain if it is persecuted. The decision is also unique in dismissing COI, including these coming from governmental authorities, and scholarly sources stating that there is no religious liberty in China and that the CAG is unfairly persecuted, as “not independent” and politically motivated anti-Chinese and pro-American propaganda. To criticize this information, the “COI” compiled by Rome university students based on Internet sources were repeatedly quoted as authoritative. The passport issue was also mentioned, but the core of the decision was that “the repression of a group that decided to operate in secret and underground is not persecution.”

Australia – Administrative Appeals Tribunal, November 24, 2020

Favorable

The court regarded it as established that CAG members are persecuted in China. It also regarded the applicant as a bona fide CAG member, with the consequence that ancillary questions need not be examined. As a CAG member, she would not be free to practice her religion in China, which amounts to a danger of religious persecution.

Italy – Justice Court of Genoa, November 24, 2020

Favorable

The court disagreed with the administrative commission, which had found the applicant’s story confused, declaring her narrative coherent and believable. The court relied on the affidavit by one of the authors (Introvigne) to overcome objections based on the passport issue, and quoted from that affidavit the story of Wang Xiumei, whose application was rejected in Switzerland and who was then arrested and sentenced in China (see above, Switzerland – Federal Court, January 23, 2017) as a cautionary tale warning that judges should not send bona fide CAG members back to China.

Italy – Administrative Commission, December 4, 2020

Negative

The commission agreed with the applicant that the persecution of the CAG in China is extremely severe. Precisely because of this, it did not believe the applicant’s story when she reported that she was able for years to escape arrest, although she was known as a CAG member, and to have her name cancelled from the police data base through the “uncle of a co-religionist” who bribed an officer.

Canada – Refugee Appeal Division, December 8, 2020

Favorable

This was the third act of a long case, where the Refugee Protection Division had denied asylum twice, first on May 10, 2017 (see above) and then refusing a

redetermination on September 27, 2019 (see above). The Appeal Division noticed that, after redetermination, the only remaining issue that precluded asylum was that the place and province of birth indicated in the applicant's passport, *hukou* (household registration), and resident identity card were not the same. The Appeal Division examined the question in detail and concluded that the Refugee Protection Division misinterpreted the resident identity card, perhaps because of translation problems, as in fact these documents do not indicate a place of birth. It is possible that the *hukou* was partially incorrect, but forensic examination indicated the passport was genuine, and included the applicant's true biometrical data. Any speculation that passport should not have been issued because of inconsistent personal data in other documents became irrelevant once it became clear that a genuine passport had in fact been issued. Asylum was granted.

Germany – Administrative Court of Arnsberg, December 10, 2020

Favorable

The Applicant had appealed the negative administrative decision with the Administrative Court of Gelsenkirchen, which determined that jurisdiction on this matter lied with the Administrative Court of Arnsberg. Contrary to the administrative authority, the court believed the story told by applicant, that she was suspected by the police of being a CAG member after her mother, having been identified herself as a CAG devotee, had committed suicide, and the computers of some co-religionists including correspondence with her had been seized. The court noted that the story was told in a vivid and coherent way. The commission's conclusion that, if she was persecuted, she could not have obtained a passport, was found to be in contradiction with the precedent decision of the Administrative Court of Karlsruhe of May 4, 2018 (see above), which had quoted an affidavit by Italian scholar PierLuigi Zoccatelli to the effect that names of suspects are often not present in the national PoliceNet data base, either because the system is not perfect or police officers omit registrations to pocket the fines, or after receiving bribes.

Italy – Justice Court of Milan, December 16, 2020

Partially favorable

This is an interesting COVID-19-related decision. Without taking a position on the substance of the matter, the Justice Court of Milan suspended the enforceability of its own decision of August 14, 2019 (see above) because, once the provisional status of refugee was lost, the applicant would have also lost the right to a number of essential health services during a time of pandemic. This, the court said, would have been both against international humanitarian law and dangerous for public health.

Italy – Administrative Commission, December 28, 2020

Negative

The commission regarded the story of the applicant as not believable. She reported she had been identified by the chief of her village as a CAG member, and “warned” but not arrested. She said she was protected by a CAG member who was a police agent, which the commission found hard to believe [in fact, at least one CAG female member in the US who testified in several cases proved to have been a police officer in China]. The commission also did not believe that her “aunt” had been able through “connections” to have her name removed from the PoliceNet data base, so that she could obtain a passport.

Italy – Court of Appeal of Rome, January 11, 2021

Negative

The negative decision of the Justice Court of Rome dated December 20, 2019 (see above) was confirmed. Although the assessment that the applicant’s story was not believable would have been enough to deny asylum, the appeal judge, who was the same who had written the decision of November 16, 2020, added a part taken by that decision, and insisted that in China there is no religious persecution, unless a group voluntarily decides to operate underground and does not “ask” to be registered. This [incorrect] information was supported once again by the “COI” prepared by a group of Rome university students.

Italy – Court of Appeal of Rome, February 1, 2021

Negative

The negative decision of the Justice Court of Rome of May 22, 2019 (see above) was confirmed. Although the first-degree decision focused on the passport issue, again the Court of Appeal, in a decision very much similar to the one of November 16, 2020 (see above), relied on the “COI” prepared by a group of Rome university students and denied that religious movements are persecuted in China, unless they “decide” to operate underground.

South Korea – Seoul Administrative Court, February 17, 2021

Favorable

This historical decision granted for the first time asylum to a CAG refugee in South Korea, overcoming the negative administrative decision of February 22, 2017, in a country where asylum is rarely granted in general. The applicant was sentenced in China on June 11, 2010 to three years and six months in prison as a CAG member under Article 300. She was released from Hunan Province Women’s Prison in October 2012, after completing her term. Administrative authorities had denied asylum based on doubts on her identity (she had two identity cards under different names) and on her story that she had been tortured, as a medical examination had not found any scars or other traces of the torture. The court believed that one of the identity cards was genuine, was supported by other documents, and identified the applicant beyond doubt. Unlike the administrative authorities, the court found the applicant’s claim that she had obtained a passport “through illegal means” by bribing the officials believable. The court also stated, quoting a precedent about Falun Gong, that CAG members deserve asylum “if they have engaged in activities of The Church of Almighty God, which is punished in China, and because of this suffered persecution such as arrest or detention, and thus came to South Korea, and will surely be persecuted by the Chinese government if they return to China; or if, during their stay in South Korea, they have actively engaged in activities of The Church of Almighty God and attracted the Chinese government’s attention, and thus will surely be persecuted by the Chinese government once they return to China.” The judges found that this was the case for the defendant, making the question whether she

had exaggerated her torture story irrelevant. The court found that a well-founded fear of persecution existed, and granted asylum.

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