

**Refugee Review Tribunal  
AUSTRALIA**

**RRT RESEARCH RESPONSE**

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This response was prepared by the Research & Information Services Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum. This research response may not, under any circumstance, be cited in a decision or any other document. Anyone wishing to use this information may only cite the primary source material contained herein.

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**Questions**

- 1. Please provide information on the tenets and practices of the underground Catholic Church in China.**
- 2. In the Fushun/Shenyang region, is there a church registered with the Catholic Patriotic Association?**
- 3. Is there any documentary evidence of harassment or detention of members of underground Catholic churches in the Fushun/Shenyang region in the period since 2000?**
- 4. Please provide updated information on the likelihood of a person who has been known to have been involved in the underground church in the Fushun/Shenyang region obtaining or extending a passport in 2006 and being permitted to depart China from Beijing in 2007.**
- 5. Is there any information to indicate whether a suspected religious dissident would be likely to attract adverse attention from the authorities for not having returned in accordance with his original travel plans?**

**RESPONSE**

- 1. Please provide information on the tenets and practices of the underground Catholic Church in China.**

Addressing the situation of Catholics in China, a 2004 publication by the Christian human rights organization, Tears of the Oppressed states that:

The underground Catholic Church adheres to traditional Roman Catholic doctrine... (Tears of the Oppressed 2004, 'Brief: Christians in China – For the Department of Foreign Affairs and Trade Eighth Australia-China Human Rights Dialogue', October, para 5.8. – Attachment 1).

An earlier report also indicates that the underground Catholic Church in China holds the same doctrine as the outside world when it comments that:

The underground Catholic Church, meanwhile, has been under increasing pressure. Bearing a legacy of persecution, it holds to the doctrine of the Pope's supreme religious authority and refuses to register with the Government (Schoof, R. 1998, 'Church in China struggles on', *Associated Press*, 13 March - Attachment 2).

While commenting on the PRC authorities' contradictory attitude towards the Catholic church, Magda Hornemann refers to the orthodox Catholic practices followed by the underground Catholic church as follows:

Religious organisations that either cannot or are unwilling to obtain government approval are automatically deemed illegal. Once an organisation has been classified as illegal, all its activities are automatically considered to be illegal and subversive. As Joseph Kung, an advocate of the underground Catholic community in China, stated, activities such as celebrating the mass and prayers for the dying – which are orthodox Catholic practices – immediately become illegal and unorthodox if they are undertaken by a priest who has not been permitted by the state to perform these activities (Hornemann, Magda 2004, "Religious distortion" and religious freedom', Forum 18 News Service, 25 November [http://www.forum18.org/Archive.php?article\\_id=462](http://www.forum18.org/Archive.php?article_id=462) - Accessed 12 July 2007 – Attachment 3).

Addressing the subtle competition between the government approved Catholic church and the underground church for the support of the Catholic population in China, Liu and Leung comment that the Catholic faithful are sometimes allowed to practice their religion under the ecclesiastic authority of the papacy as follows:

Members of the Patriotic Association, to maintain the integrity of the Church and cohesion of its faithful, made appropriate concessions in a government-approved statement regarding church-state separation, making it possible for the Catholic faithful in a communist state to practice their religion under the ecclesiastic authority of the papacy.

...

However, in spite of the apparent advantage the government has, the government-sponsored "independent" priests and bishops still have to compete with the "underground" bishops for the support of the Catholic population and still share the same Church doctrines (Liu, William T. & Leung, Beatrice 2002, 'Organizational Revivalism: Explaining Metamorphosis of China's Catholic Church', *Journal for the Scientific Study of Religion* 41:1, pp 121–138 – Attachment 4).

As to the growing reconciliation of unregistered with registered Catholics in China, the 2005 Congressional-Executive Commission on China annual report notes that

The most important recent developments in the life of the Catholic Church in China are the restoration of communion between many members of the registered clergy and the Holy See, and the growing reconciliation of unregistered with registered Catholics ('Congressional-Executive Commission on China (CECC) Annual Report 2005' 2005, CECC website, 11 October <http://www.cecc.gov> - Accessed 13 October 2005 – Attachment 5).

## **2. In the Fushun/Shenyang region, is there a church registered with the Catholic Patriotic Association?**

Several reports indicate that there is, at least, a church registered with the Catholic Patriotic Association in Shenyang.

In reporting a minor incident in China, *Zenit* refers to "the Catholic bishop from Shenyang, affiliated with the government-approved Catholic Patriotic Association" ('China's Long Lag in

Religious Liberty - Reports Show Continued Repression' 2005, *Zenit*, 19 November  
<http://www.zenit.org/article-17660?l=english> - Accessed 7 March 2008 Attachment 6).

In a 2006 report on Christians by J Pontifex, it is stated that:

April and May 2006: The Vatican protested after the 'Official' Church went ahead with two episcopal ordinations despite having no approval from Rome. The Chinese Patriotic Association (CPA) on 30 April ordained Fr Ma Yinglin as Bishop of Kunming, in China's south-western Yunnan province. Barely three days later, in Anhui province, central China, Fr Liu Xinhong was ordained bishop. On 7 May, an episcopal ordination went ahead, apparently this time with Vatican approval. Fr Paul Pei Junmin was ordained Auxiliary Bishop of Shenyang, the biggest city in north-east China (Pontifex, J. (ed) 2006, *Persecuted and Forgotten? A Report on Christians oppressed for their Faith 2005/2006*, Kerk in Nood/Oostpriesterhulp  
<http://www.kerkinood.nl/images/publicaties/persecutedandforgotten.pdf> – Accessed 16 July 2007 – Attachment 7)

In his article 'Catholic Church in China: 'Two faces' expressing one faith', Barb Frazee comments that:

The Diocese of Liaoning officially has 120,000 registered Catholics, but it also has unregistered Catholics. More than one church source said that, until one old underground priest died, unregistered Catholics would not attend the open Mass at Sacred Heart Cathedral in Shenyang, the provincial capital, but would attend Mass the old priest celebrated in a small chapel within the church compound. One source reported that on Sundays, some families would arrive for Mass together, then split, with some family members going to the chapel and others going to the cathedral (Frazee, Barb 2007, 'Catholic Church in China: 'Two faces' expressing one faith', CHINA-COMMUNITIES, Catholic News Service website, 5 April  
<http://www.catholicnews.com/data/stories/cns/0701898.htm> - Accessed 7 March 2008 – Attachment 8).

A 1972 publication *Religious Policy and Practice in Communist China* contains an article entitled 'Life of Catholics in China (1960)' by P'i Shu-shih. The author is described therein as "Chairman, Catholic Patriotic Association, Shenyang Archbishop" (MacInnis, Donald E. 1972, *Religious Policy and Practice in Communist China*, MacMillan Company, New York, pp 248-253 <http://cbiddle.wordpress.com/life-of-catholics-in-china-1960/> - Accessed 7 March 2008 – Attachment 9).

In his publication, *The Background of the Separation of the Chinese Catholic Patriotic Association and the Vatican (1949-1958)*, CHIU Bit-Shing comments that:

Mid June 1956 -  
The director of the Religious Affairs Bureau convened a follow-up meeting. It brought together two hundred and forty-one Catholics and a number of government officials. After a month of off and on discussions, the delegates established the National Chinese Catholic Patriotic Association (CCPA) with Shenyang Archbishop Pi Shoushi as its chairperson (Chiu Bit-Shing 1994, 'The Background of the Separation of the Chinese Catholic Patriotic Association and the Vatican (1949-1958)', Catholic World website  
<http://www.catholicworld.info/local/chinachurchseparate.doc> - Accessed 7 March 2008 – Attachment 10).

As to the existence of a church registered with the Catholic Patriotic Association in the Fushun region, a few reports seem to indicate that there is, at least, such a church.

Referring to the origin of the Catholic Patriotic Association, Yan kejia comments that:

By the end of January 1951, the number of the Catholics who supported this movement included 10 Bishops, Auxiliary Bishops and Vicar Generals, 186 priests, 46 seminarians and more than 400,000 lay people. They covered more than 53 regions, such as Kunming, Guilin, Guangzhou, Linchuang, .. Fushun... (Yan, kejia (undated), 'Catholic Church in China', translated by Chen shujie, China Intercontinental Press  
<http://219.238.219.78:81/zgtzj/english/PDF/english.pdf> - Accessed 7 March 2008 – Attachment 11).

A US based Catholic newsletter notes that:

Sister Peter, a member of the Sisters of the Sacred Heart in Fushun, said that in 1958 the Chinese government closed the community's motherhouse and put the superior in jail. ..

In 1980, when the government returned part of the Fushun church's property, she and some of the nuns returned to the church compound, and her community was reinstated in 1986...

Today, four Sisters who made it through the Church suppression remain at the Fushun motherhouse (Fraise, Barb 2007, 'Elder Chinese Catholics struggled to keep faith alive', *The Catholic Voice*, 23 April, VOL. 45, NO. 8 <http://www.gilmoretechservices.com/07-04-23/inthisissue3.htm> - Accessed 4 March 2008 – Attachment 12).

Referring to his trip to the north-eastern China, Robert McClory comments that:

In Fushun we lunched with 70 sisters whose Sacred Heart order was founded by an American Maryknoll sister in the 1940s. Most of the sisters, attired in crisp black habits with white trim, appeared to be in their late 20s or early 30s; the order's mother superior is 45. It was a scene reminiscent of U.S. convent life half a century ago. The sisters run a clinic in the city and outreach into poor, rural areas. Several are Chinese-trained doctors, eye specialists and dentists (McClory, Robert J. 2003, 'The yin and yang of China's contradictions: prosperity is only a part of the big picture, and a relatively small part at that', *National Catholic Reporter*, 4 November <http://www.encyclopedia.com/doc/1G1-101010586.html> - Accessed 4 March 2008 – Attachment 13).

### **3. Is there any documentary evidence of harassment or detention of members of underground Catholic churches in the Fushun/Shenyang region in the period since 2000?**

No definitive information has been found that members of underground Catholic churches in the Fushun/Shenyang region have been harassed or detained since 2000. However, the US Department of State 2007 *International Religious Freedom Report: China* indicates that some underground Catholic bishops were detained or repressed in China although the report is not specific as to location and timing for every incident recorded. It states that:

...local officials in Hebei Province tightly controlled Roman Catholics loyal to the Vatican.

Some "underground" Catholic bishops also faced repression, in large part due to their avowed loyalty to the Vatican, which the Government accused of interfering in the country's internal affairs.

.... There are thought to be approximately 40 bishops operating "underground," some of whom are in prison or under house arrest....

Numerous detentions of unofficial Catholic clergy were reported, in particular in Hebei Province, traditionally home to many unregistered Catholics (US Department of State 2007, *International Religious Freedom Report: China (includes Tibet, Hong Kong, and Macau)*, 14 September, [www.state.gov/g/drl/rls/irf/2007/90133.htm](http://www.state.gov/g/drl/rls/irf/2007/90133.htm) - Accessed 26 September 2007 – Attachment 14).

Similarly, the 2008 US Department of State *Country Reports on Human Rights Practices: China* states that:

Political activists, underground religious believers, persons who repeatedly petitioned the government, members of the banned China Democratic Party (CDP), and Falun Gong adherents reportedly were incarcerated in such facilities during the year....

The government continued to use house arrest as a nonjudicial punishment and control measure against dissidents, former political prisoners, family members of political prisoners, petitioners, underground religious figures, and others it deemed politically sensitive (US Department of State 2008, *Country Reports on Human Rights Practices: China (includes Tibet, Hong Kong, and Macau)*, 11 March [www.state.gov/g/drl/rls/hrrpt/2007/100518.htm](http://www.state.gov/g/drl/rls/hrrpt/2007/100518.htm) - Accessed 12 March 2008 – Attachment 15).

**4. Please provide updated information on the likelihood of a person who has been known to have been involved in the underground church in the Fushun/Shenyang region obtaining or extending a passport in 2006 and being permitted to depart China from Beijing in 2007.**

In a search through the sources consulted, no report has been located on the likelihood raised. However, reports indicate that while many ordinary citizens are allowed to travel overseas and return home without any problem, those whom the government finds of some profile and in a position of influence encounter difficulties, especially at the sensitive times and in the sensitive regions. Another factor to be considered is corruption. Buying passports and travel documents is quite possible and bribing exit control officials appears not unusual.

Referring to the corrupt practices, the Canadian Immigration and Refugee Board comments that:

Procurement of fraudulent documents is also facilitated by corruption among local officials (Schloenhardt 2002, 48; Comtex 18 June 2004). The involvement of government officials in procuring fraudulent travel documents is reportedly common but seldom discussed in the Chinese media (ibid.). A 2002 report published by the Australian Institute of Criminology on organized crime and migrant smuggling in Australia and the Asia-Pacific region notes that “[t]he increasing decentralisation of China’s administration makes it easy for migrant smugglers to obtain passports and travel documents by corrupting local government employees” (Schloenhardt 2002, 48). According to the report, corrupt officials provide “both genuine and fraudulent documents in exchange for money, or...for the migrant smuggler’s promise to smuggle a member of the corrupt official’s family abroad” (ibid.) (Immigration and Refugee Board of Canada 2005, *CHN100510.E -China: The manufacture, procurement, distribution and use of fraudulent documents, including passports, hukou, resident identity cards and summonses; the situation in Guangdong and Fujian particularly (2001-2005)*, 8 September – Attachment 16).

A 2003 DFAT advice states that:

An applicant “whose exit, in the judgement of the relevant department of the state council, would be harmful to state security or cause a major loss to national interests” would likely be denied a passport. Illegally obtaining a passport in the applicant’s own name through bribery would be possible, but highly risky and expensive. It would be easier to obtain a passport using someone else’s identity (DIAC Country Information Service 2003, *Country Information Report No. 12/03 – Passport and exit procedures*, (sourced from DFAT advice of 15 January 2003), 24 January – Attachment 17).

As to the difficulties encountered by members of underground churches, the 2008 US Department of States *Country Reports on Human Rights Practices* comments that:

Most citizens could obtain passports, although those whom the government deemed threats, including religious leaders, political dissidents, and some ethnic minority members continued to have difficulty obtaining passports ... Members of underground churches, Falun Gong members, and other politically sensitive individuals sometimes were refused passports or otherwise prevented from traveling overseas. (US Department of State 2008, *Country Reports on Human Rights Practices: China (includes Tibet, Hong Kong, and Macau)*, 11 March [www.state.gov/g/drl/rls/hrrpt/2007/100518.htm](http://www.state.gov/g/drl/rls/hrrpt/2007/100518.htm) - Accessed 12 March 2008 – Attachment 15

The Research & Information Section has produced several responses addressing the procedures for obtaining a passport, documents to be presented, procedures for the authorities to follow to examine an application for a passport, exit/return control and the role of corruption. Three of the recent responses are listed below:

- RRT Country Research 2007, *Research Response CHN32179*, 29 August (Attachment 18). This covers issues such as procedures to obtain a passport, reasons a passport application might be refused, documents required to obtain a passport, exit procedures, airport checks and the extent of computerization relied on by PSB.
- RRT Country Research 2007, *Research Response CHN31891*, 22 June (Attachment 19). The response to Question 4 refers to procedures to obtain a passport, illegal passports and exit procedures.
- RRT Country Research 2007, *Research Response CHN31675*, 7 May (Attachment 20). The response to Question 3 addresses the consequence for an illegal departee if he were to return as a failed asylum seeker.

**5. Is there any information to indicate whether a suspected religious dissident would be likely to attract adverse attention from the authorities for not having returned in accordance with his original travel plans?**

In a search through the sources consulted, no information has been found on the likelihood raised. However, a few reports have been found on the consequence of not having returned in time in China. They include:

- DIEA *A Guide to PRC Documentation* file (September 1993). This indicates that the work unit cancels registration for the people who failed to return in time. There appears no standard form and each work unit uses different formats to convey its decision concerning the departees (DIEA 1993, *A Guide to PRC Documentation*, September – Attachment 21).

- *DFAT Report No. 06.* - In response to a question “If an individual employed at a hospital failed to return from overseas, would it be normal practice to wait three months to declare a position vacant?”, DFAT replied, “We cannot say what would be "normal practice" in relation to this issue.” (Department of Foreign Affairs and Trade 2000, *DFAT Report No. 066 – CHINA: REFUGEE REVIEW TRIBUNAL REQUEST: CHN22183*, 28 April – Attachment 22).

Another report found relevant is one on the Olympic factor. A recent report on Boston-based Chinese dissident Yang Jianli may indicate a change in the government’s attitudes towards dissidents, although it may be an exception rather than a rule. The fact that he was granted a Chinese passport for his reunion with his family after a long prison life may signal the first of many conciliatory gestures Beijing will make as it prepares to improve its image in face of this year's Olympic Games (‘Welcome Return for Chinese Dissident, Others Not Free to Travel’ 2007, *Dui Hua News*, 27 August <http://www.duihua.org/2007/08/welcome-return-for-chinese-dissident.html> - Accessed 14 March 2008 – Attachment 23).

## List of Sources Consulted

### Internet Sources:

#### **Government Information & Reports**

UK Home Office <http://www.homeoffice.gov.uk/>

US Department of State <http://www.state.gov/>

#### **United Nations (UN)**

Office of the High Commissioner for Human Rights (OHCHR)

<http://www.ohchr.org/english/countries/cn/index.htm>

#### **International News & Politics**

*BBC News* <http://news.bbc.co.uk>

#### **Region Specific Links**

Xinhua <http://www.xinhuanet.com/english/>

Asian Centre for Human Rights <http://www.achrweb.org>

PRC Criminal Procedure Law 1997 <http://en.chinacourt.org/public/detail.php?id=2693>

#### **Search Engines**

Copernic <http://www.copernic.com/>

### Databases:

FACTIVA (news database)

BACIS (DIMA Country Information database)

REFINFORMATION (IRBDC (Canada) Country Information database)

ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)

RRT Library Catalogue

## List of Attachments

1. Tears of the Oppressed 2004, ‘Brief: Christians in China – For the Department of Foreign Affairs and Trade Eighth Australia-China Human Rights Dialogue’, October, para 5.8.
2. Schoof, R. 1998, ‘Church in China struggles on’, *Associated Press*, 13 March. (CISNET China CX29976)

3. Hornemann, Magda 2004, "Religious distortion" and religious freedom', Forum 18 News Service, 25 November [http://www.forum18.org/Archive.php?article\\_id=462](http://www.forum18.org/Archive.php?article_id=462) - Accessed 12 July 2007.
4. Liu, William T. & Leung, Beatrice 2002, 'Organizational Revivalism: Explaining Metamorphosis Of China's Catholic Church', *Journal for the Scientific Study of Religion* 41:1 (2002) 121-138.
5. 'Congressional-Executive Commission on China (CECC) Annual Report 2005' 2005, CECC website, 11 October <http://www.cecc.gov> - Accessed 13 October 2005.
6. 'China's Long Lag in Religious Liberty - Reports Show Continued Repression' 2005, *Zenit*, 19 November <http://www.zenit.org/article-17660?l=english> - Accessed 7 March 2008.
7. Pontifex, J. 2006, *Persecuted and Forgotten? A Report on Christians oppressed for their Faith 2005/2006*, Kerk in Nood/Oostpriesterhulp. (<http://www.kerkinnood.nl/images/publicaties/persecutedandforgotten.pdf> - Accessed 16 July 2007)
8. Frazee, Barb 2007, 'Catholic Church in China: 'Two faces' expressing one faith', CHINA-COMMUNITIES, Catholic News Service website, 5 April <http://www.catholicnews.com/data/stories/cns/0701898.htm> - Accessed 7 March 2008.
9. MacInnis, Donald E. 1972, 'Religious Policy and Practice in Communist China', MacMillan Company, pp 248-253 <http://cbiddle.wordpress.com/life-of-catholics-in-china-1960/> - Accessed 7 March 2008.
10. Chiu Bit-Shing 1994, 'The Background of the Separation of the Chinese Catholic Patriotic Association and the Vatican (1949-1958)', Catholic World website <http://www.catholicworld.info/local/chinachurchseparate.doc> - Accessed 7 March 2008.
11. Yan, kejia (undated), 'Catholic Church in China', translated by Chen shujie, China Intercontinental Press <http://219.238.219.78:81/zgtzj/english/PDF/english.pdf> - Accessed 7 March 2008.
12. 'Elder Chinese Catholics struggled to keep faith alive', 2007, *The Catholic Voice*, 23 April, VOL. 45, NO. 8 <http://www.gilmoretechservices.com/07-04-23/inthisissue3.htm> - Accessed 4 March 2008.
13. McClory, Robert J. 2003, 'The yin and yang of China's contradictions: prosperity is only a part of the big picture, and a relatively small part at that', *National Catholic Reporter*, 4 November <http://www.encyclopedia.com/doc/1G1-101010586.html> - Accessed 4 March 2008.
14. US Department of State 2007, *International Religious Freedom Report: China China (includes Tibet, Hong Kong, and Macau)*, 14 September [www.state.gov/g/drl/rls/irf/2007/90133.htm](http://www.state.gov/g/drl/rls/irf/2007/90133.htm) - Accessed 26 September 2007.

15. US Department of State 2008, *Country Reports on Human Rights Practices: China (includes Tibet, Hong Kong, and Macau)*, 11 March. [www.state.gov/g/drl/rls/hrrpt/2007/100518.htm](http://www.state.gov/g/drl/rls/hrrpt/2007/100518.htm) - Accessed 12 March 2008.
16. Immigration and Refugee Board of Canada 2005, *CHN100510.E –China: The manufacture, procurement, distribution and use of fraudulent documents, including passports, hukou, resident identity cards and summonses; the situation in Guangdong and Fujian particularly (2001-2005)*, 8 September. (REFINFO)
17. DIAC Country Information Service 2003, *Country Information Report No. 12/03 – Passport and exit procedures* (sourced from DFAT advice of 15 January 2003), 24 January. (CISNET China CX72393)
18. RRT Country Research 2007, *Research Response CHN32179*, 29 August.
19. RRT Country Research 2007, *Research Response CHN31891*, 22 June.
20. RRT Country Research 2007, *Research Response CHN31675*, 7 May.
21. DIEA 1993, *A Guide to PRC Documentation*, September.
22. Department of Foreign Affairs and Trade 2000, *DFAT Report No. 066 – CHINA: REFUGEE REVIEW TRIBUNAL REQUEST: CHN22183*, 28 April.
23. ‘Welcome Return for Chinese Dissident, Others Not Free to Travel’ 2007, *Dui Hua News*, 27 August <http://www.duihua.org/2007/08/welcome-return-for-chinese-dissident.html> - Accessed 14 March 2008.