



Religion-based Refugee Claims: The Case of The Church of Almighty God

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Unpopular Refugees



- ▶ In many countries, politicians and public opinion are concerned that economic immigrants might falsely pretend they seek asylum from persecution. **This concern is understandable.** However, members of groups that are really persecuted because of their religion have an **absolute right to refugee status** according to international conventions



What Is a Religion?

- ▶ International conventions favor a **broad** concept of beliefs, not only **religious** but **about** religion
- ▶ Atheism is included
- ▶ In 1993, *General Comment no. 22* of UN Human Rights Committee implied that included are also those “strange” religions that are “non-traditional,” “newly established,” or considered as not really religious by a government (“cults,” *xie jiao*, etc.)

How Strong the Persecution Should Be?



- ▶ If *private* practice of religion at home is allowed, but *public* worship and missionary activities are punished, UN and European guidelines still recognize the presence of a persecution (see the 2013 decision of the Court of Justice of the European Union about the Ahmadis).

Credibility and *Sur Place* Claims

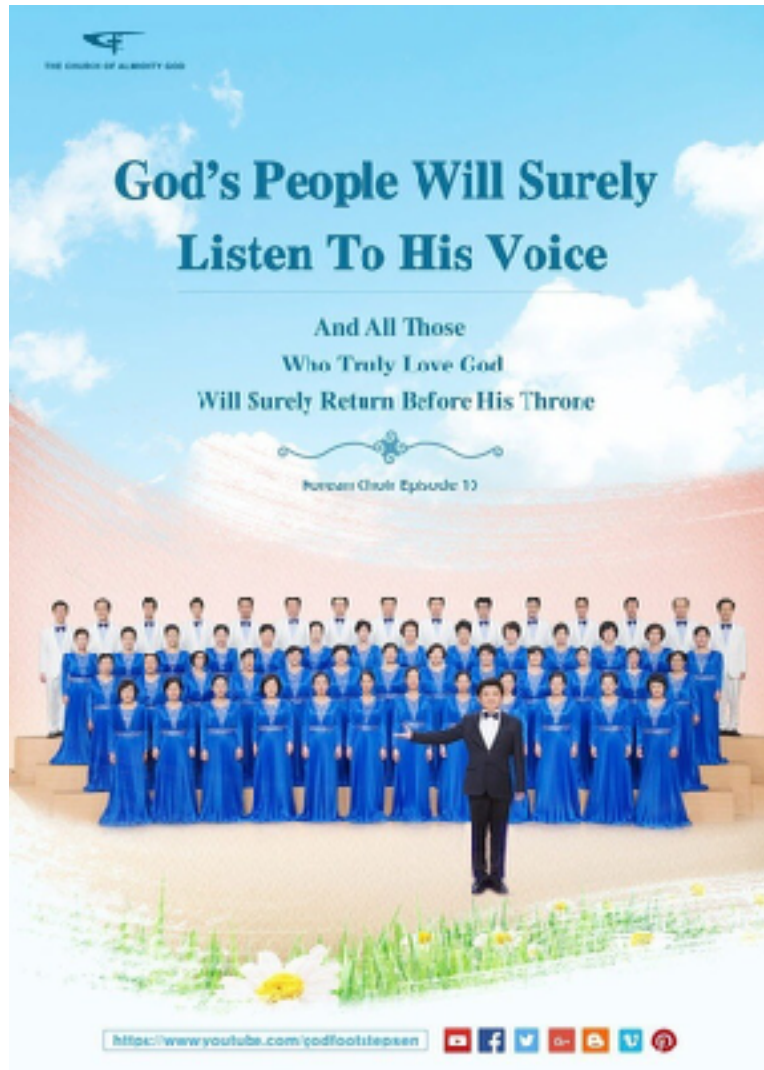
- ▶ It is a fact that some immigrants *simulate* a religious identity, or assert that they converted *sur place* (i.e. where they now live) to a religion persecuted in their home country, only in order to obtain asylum
- ▶ 2004 UNHCR Guidelines recognize this problem: cases should be examined individually for “credibility“ but without placing excessive burdens on the asylum seekers (tests on theological proficiency, etc.)



Accusations of Common Crimes



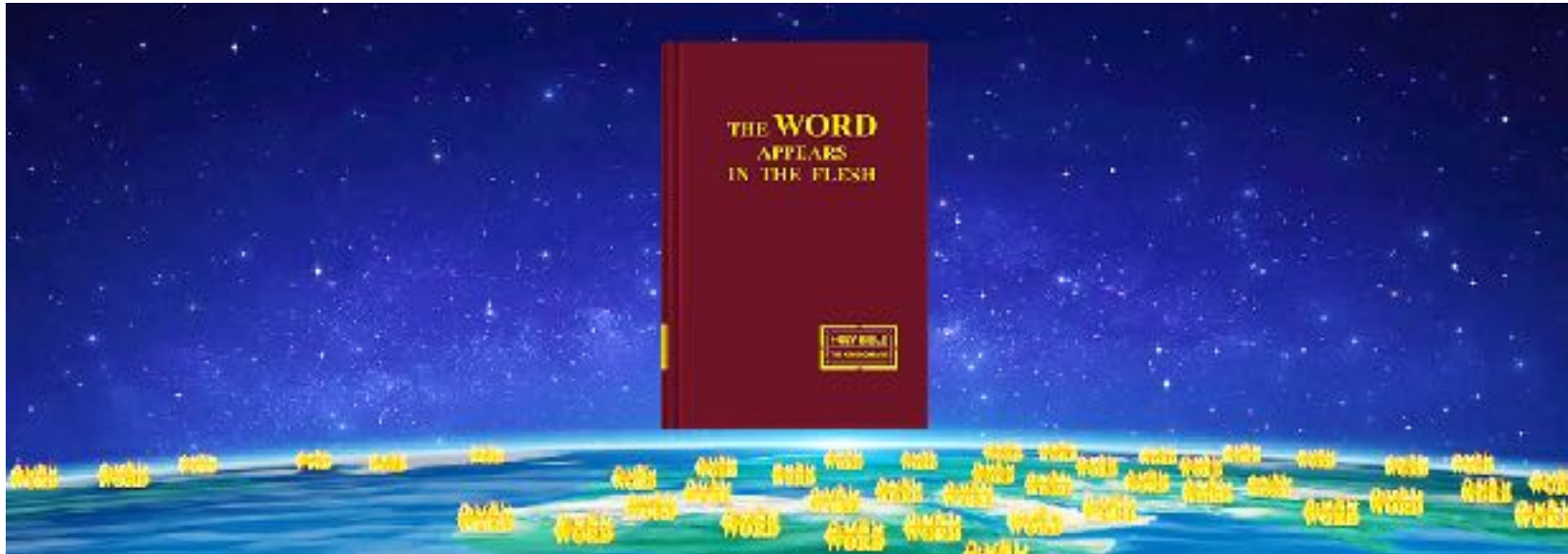
- ▶ “Prosecution and punishment pursuant to a law of general application is not generally considered to constitute persecution”: however, “there are some notable exceptions” (2004 UNHCR Guidelines, no. 26)
- ▶ Refugee status should be granted to a person accused of common crimes, when it can be presumed that his or her religious opinion or teachings motivated the prosecution, that charges were trumped up, and that because of religious prejudice a fair trial could not be expected.



Church of Almighty God (CAG) Refugees in Korea in Europe

- ▶ The 5 principles of interpretation of the Convention and Protocol are binding for Korea and European countries where CAG members seek (and are often denied) asylum.

1. All Beliefs Are Protected



- ▶ 1. Beliefs *about* religion are eligible for protection. Value judgements about a religion (“false religion,” “pseudo-religion”) are irrelevant. Beliefs and practices of CAG clearly constitute a religion under international conventions

2. The Individual Believers

- ▶ 2. It is not necessary that individual believers prove that they are very fervent or particularly knowledgeable in the religion. Being members of a persecuted religion is enough.



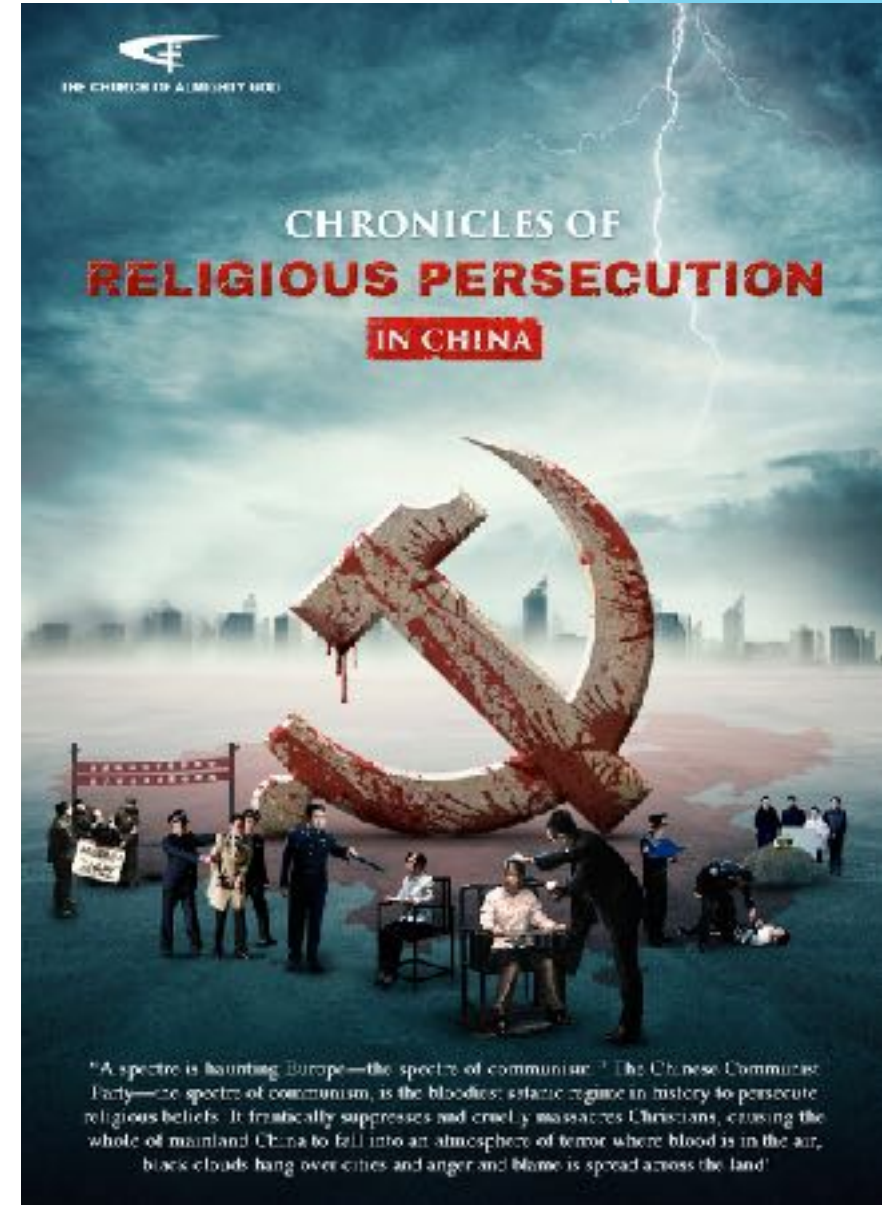
3. Assessing Credibility



- ▶ 3. Credibility is important but tests cannot be excessively burdensome. It should be enough to prove that the asylum seeker is really a member of CAG and is not simply an economic immigrant *pretending* to be a CAG member

4. Persecution

- ▶ 4. Refugee boards and courts seem to adopt a restrictive interpretation of “persecution.” It is not necessary to prove that the asylum seeker has been personally persecuted. Being a member of a persecuted group is enough. Of course, that CAG is a persecuted group in China is obvious



5. Common Crimes



- ▶ When leaders or members of “cults” or “xie jiao” are accused of common crimes (kidnappings, violence, etc.) but, because of the official hostility to “cults,” it can be seriously suspected that charges are trumped up, and they cannot expect a fair trial, then asylum should be granted
- ▶ This seems to obviously apply to members and leaders of CAG