

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING TO A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

At a stated term of the United States Court of Appeals
for the Second Circuit, held at the Thurgood Marshall
United States Courthouse, 40 Foley Square, in the City of
New York, on the 24th day of February, two thousand twenty.

PRESENT:

PIERRE N. LEVAL,
JOSÉ A. CABRANES,
GERARD E. LYNCH,
Circuit Judges.

YAN JUAN WANG,

Petitioner,

v.

WILLIAM P. BARR, UNITED STATES
ATTORNEY GENERAL,

Respondent.

**18-11
NAC**

FOR PETITIONER:

G. Victoria Calle, New York, NY.

1 **FOR RESPONDENT:**

2 Joseph H. Hunt, Assistant Attorney
3 General; Terri J. Scadron,
4 Assistant Director; Siu P. Wong,
5 Trial Attorney, Office of
6 Immigration Litigation, United
7 States Department of Justice,
Washington, DC.

8 UPON DUE CONSIDERATION of this petition for review of a
9 Board of Immigration Appeals ("BIA") decision, it is hereby
10 ORDERED, ADJUDGED, AND DECREED that the petition for review
11 is DENIED.

12 Petitioner Yan Juan Wang, a native and citizen of the
13 People's Republic of China, seeks review of a December 6,
14 2017, decision of the BIA affirming a March 21, 2017, decision
15 of an Immigration Judge ("IJ") denying Wang's application for
16 asylum, withholding of removal, and relief under the
17 Convention Against Torture ("CAT"). *In re Yan Juan Wang*, No.
18 A 205 607 593 (B.I.A. Dec. 6, 2017), *aff'g* No. A 205 607 593
19 (Immig. Ct. N.Y. City Mar. 21, 2017). We assume the parties'
20 familiarity with the underlying facts and procedural history
21 in this case.

22 We have reviewed both the IJ's and the BIA's opinions
23 "for the sake of completeness." *Wangchuck v. Dep't of*
24 *Homeland Sec.*, 448 F.3d 524, 528 (2d Cir. 2006). The

1 applicable standards of review are well established. See
2 8 U.S.C. § 1252(b)(4)(B); *Y.C. v. Holder*, 741 F.3d 324, 332
3 (2d Cir. 2013).

4 Absent past persecution, an alien may establish
5 eligibility for asylum by demonstrating a well-founded fear
6 of future persecution. 8 C.F.R. § 1208.13(b)(2);

7 *Ramsameachire v. Ashcroft*, 357 F.3d 169, 178 (2d Cir. 2004).

8 To demonstrate a well-founded fear, an applicant must show
9 either a reasonable possibility that she would be singled out
10 for persecution or that the country of removal has a pattern
11 or practice of persecuting similarly situated individuals.

12 8 C.F.R. § 1208.13(b)(2)(iii); see *In re A-M-*, 23 I. & N.

13 Dec. 737, 741 (BIA 2005) (recognizing that a pattern or

14 practice of persecution is the “systemic or pervasive”
15 persecution of a group). “[I]n order to establish

16 eligibility for relief based exclusively on activities

17 undertaken after [her] arrival in the United States, an alien

18 must make some showing that authorities in [her] country of

19 nationality are (1) aware of [her] activities or (2) likely

20 to become aware of [her] activities.” *Hongsheng Leng v.*

21 *Mukasey*, 528 F.3d 135, 138 (2d Cir. 2008).

1 Wang contends she has a well-founded fear of persecution
2 by reason of her conversion to Christianity and her religious
3 practice. Wang does not allege that the Chinese government
4 is aware of her religious practice, and she does not challenge
5 the agency's ruling that she had not shown a reasonable
6 possibility that she would be singled out for persecution.
7 Instead, Wang argues that there is a reasonable possibility
8 that the Chinese government will become aware of her religious
9 practice because she intends to attend an underground church,
10 and that there is a reasonable possibility that she will be
11 persecuted as a result because the government has a pattern
12 or practice of persecuting similarly situated Christians.
13 However, the agency reasonably concluded that Wang failed to
14 show a pattern or practice of persecution of Christians who
15 attend unregistered churches in China.

16 The State Department's 2015 International Religious
17 Freedom Report states that there are approximately 45 million
18 Christians practicing in unregistered churches in China and
19 that authorities in some areas of the country allow
20 unregistered churches to hold services "provided they
21 remained small in scale," although authorities in other areas

1 target and close such churches. See Rep. at 3, 14.¹ It
2 further reports that China's State Administration for
3 Religious Affairs policy provides that "family and friends
4 have the right to meet at home for worship, including prayer
5 and Bible study, without registering with the government."
6 *Id.* at 6. The news reports in the record concern abuses
7 against people who are not similarly situated to Wang—who
8 testified that she would attend services at an unregistered
9 church, but not that she would take a leadership role,
10 proselytize, or engage in other activism—or concern areas of
11 China other than Wang's native Fujian province. Wang's
12 mother asserted in a letter that others had told her that
13 authorities were "strict" with underground churches, but the
14 letter provided no information about abuses. Similarly, Wang
15 testified that she had heard from family and friends that the
16 government persecuted church members, but she was not aware
17 of any instances of persecution.

18 Given the large number of Christians practicing in
19 unregistered churches and the fact that the restrictions on

¹ The report is available at <https://2009-2017.state.gov/documents/organization/256309.pdf>.

1 their activities varied by region, the agency did not err in
2 determining that Wang failed to demonstrate the systemic or
3 pervasive persecution of similarly situated Christians needed
4 to show a pattern or practice. See 8 C.F.R.
5 § 1208.13(b)(2)(iii); see also *Santoso v. Holder*, 580 F.3d
6 110, 112 & n.1 (2d Cir. 2009) (upholding denial of pattern or
7 practice claim where evidence reflected that violence was not
8 nationwide and that Catholics in many parts of Indonesia were
9 free to practice their faith); *Jian Hui Shao v. Mukasey*, 546
10 F.3d 138, 149, 169–70 (2d Cir. 2008) (finding no error in the
11 agency’s requirement that an applicant demonstrate a well-
12 founded fear of persecution specific to his or her local area
13 of China when persecutory acts vary according to locality).
14 Accordingly, the agency did not err in finding that Wang
15 failed to satisfy her burden of proving a well-founded fear
16 of future persecution. See 8 C.F.R. § 1208.13(b)(2).
17 Because the agency reasonably found that Wang failed to
18 demonstrate the well-founded fear of persecution needed for
19 asylum, she “necessarily” failed to meet the higher standards
20 for withholding of removal and CAT relief. *Lecaj v. Holder*,
21 616 F.3d 111, 119–20 (2d Cir. 2010).

1 For the foregoing reasons, the petition for review is
2 DENIED. All pending motions and applications are DENIED and
3 stays VACATED.

4 FOR THE COURT:
5 Catherine O'Hagan Wolfe,
6 Clerk of Court