



IAC-FH-AR-V1

**Upper Tribunal  
(Immigration and Asylum Chamber)**

Appeal Number: AA/02209/2015

**THE IMMIGRATION ACTS**

**Heard at City Centre Tower, Decision & Reasons  
Birmingham Promulgated  
On 15<sup>th</sup> February 2016 On 8<sup>th</sup> March 2016**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE RENTON**

**Between**

**Q Z  
(ANONYMITY DIRECTION MADE)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: No appearance

For the Respondent: Mr Diwnycz, Home Office Presenting Officer

**DECISION AND REASONS**

**Introduction**

1. The Appellant is a female citizen of The People's Republic of China, born on 2<sup>nd</sup> February 1976. She entered the UK illegally on 10<sup>th</sup> June 2003 and applied for asylum. As the Appellant failed to attend her asylum interview,

that application was refused on non-compliance grounds on 4<sup>th</sup> November 2003. Nothing more was heard from the Appellant until 1<sup>st</sup> November 2010 when she made an update request, and on 9<sup>th</sup> May 2011 she was apprehended by Immigration Officers. Thereafter and on 19<sup>th</sup> February 2014 the Appellant's case was reviewed when was instructed to make arrangements to leave the UK without delay.

2. The Appellant lodged further submissions on 5<sup>th</sup> March 2014 and 18<sup>th</sup> November 2014, but on 23<sup>rd</sup> January 2015 the Respondent decided to refuse the applications for asylum and human rights for the reasons given in her letter of that date. The Appellant appealed, and her appeal was heard by First-tier Tribunal Judge Parkes (the Judge) sitting at Birmingham on 13<sup>th</sup> April 2015. He dismissed the appeal for the reasons given in his Decision dated 22<sup>nd</sup> April 2015. The Appellant sought leave to appeal that decision, and such permission was granted on 20<sup>th</sup> May 2015.

### **Error of Law**

3. At the hearing before me there was no appearance by or on behalf of the Appellant. There was no explanation for her absence. I was satisfied that the Appellant had been notified of the time, date and place of the hearing and decided to proceed to hear the appeal in the absence of the Appellant in accordance with the provisions of Rule 38 of the Tribunal Procedure (Upper Tribunal) Rules 2008. I found it to be in the interests of justice to do so.
4. The Appellant had claimed asylum on the basis that as a practising Christian she was at risk on return to China. The Judge dismissed the appeal because he found that the Appellant did not have a well-founded fear of persecution on return applying the decision in **QH (Christians - risk) China CG [2014] UKUT 86 (IAC)**. The Appellant had never been targeted in China, and her parents, who were also practising Christians, continued to live there without difficulty. There was no evidence that the Appellant was of any interest to the Chinese authorities. The Judge also dismissed the appeal on human rights grounds but that decision was not challenged in the Appellant's grounds of application.
5. Those grounds argue that the Judge erred in law by neglecting to make findings in respect of documentary evidence submitted by the Appellant, and ignored evidence of discrimination against partners of a mixed marriage. Apparently, the Appellant's husband is Malaysian.
6. It was not necessary for me to hear from Mr Diwnycz. I find no error of law in the decision of the judge. The Judge based his decision upon a current Country Guidance case. The Appellant has not identified the documents which she alleges the Judge failed to consider. The Appellant complains that the Judge failed to consider any potential discrimination the Appellant might suffer in China because of her marriage to a Malaysian, but such a failure cannot amount to an error of law because discrimination does not amount to persecution.

**Notice of Decision**

7. The making of the decision of the First-tier Tribunal did not involve the making of an error on a point of law.
8. I do not set aside that decision.
9. The appeal to the Upper Tribunal is dismissed.

**Anonymity**

10. The First-tier Tribunal made an order for anonymity which I continue for the same reasons given by Judge Parkes.

Signed

Date

Deputy Upper Tribunal Judge Renton