

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 27 2018

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

JIE MIAO,

Petitioner,

v.

JEFFERSON B. SESSIONS III, Attorney
General,

Respondent.

No. 15-71323

Agency No. A200-795-533

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Argued and Submitted February 9, 2018
Pasadena, California

Before: GRABER and HURWITZ, Circuit Judges, and KORMAN,** District
Judge.

Jie Miao, a native and citizen of China, petitions for review of a decision of the Board of Immigration Appeals (“BIA”) denying her applications for asylum and withholding of removal. We have jurisdiction under 8 U.S.C. § 1252(a) and deny

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The Honorable Edward R. Korman, United States District Judge for the Eastern District of New York, sitting by designation.

the petition.

1. The BIA's determination that Miao did not suffer past persecution was supported by substantial evidence. The treatment received by Miao during her detention after being arrested at a house church, while perhaps harsh, does not rise to the level of persecution. *See Gu v. Gonzales*, 454 F.3d 1014, 1018, 1021 (9th Cir. 2006) (holding that a petitioner who was detained for multiple days, hit with a rod ten times, and forced to sign a letter admitting he had "done wrong" and to report weekly to the police had not been persecuted). Miao also claims that she lost her job, but provided no evidence of its importance to her economic wellbeing. *See Zehatye v. Gonzales*, 453 F.3d 1182, 1186 (9th Cir. 2006) (holding that "mere economic disadvantage alone" does not constitute persecution (quoting *Gormley v. Ashcroft*, 364 F.3d 1172, 1178 (9th Cir. 2004))).

2. Substantial evidence also supported the BIA's determination that Miao did not carry her burden of establishing a well-founded fear of future persecution. The 2009 State Department Report for China states that the "freedom to participate in religious activities continued to increase in many areas," although notes that the Chinese "government continued to strictly control religious practice and repress religious activity outside government-sanctioned organizations and registered places of worship," and that house churches continue to face increased interference "in periods preceding sensitive anniversaries." But, the incidents involving churches

detailed in the Report only involved harassment of church leaders, not congregants like Miao.

DENIED.