

FOR PUBLICATION

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Stephen J. Flynn, Department of Justice, Washington, D.C.,
and Anthony W. Norwood, Department of Justice, Washing-
ton, D.C., attorneys for the respondent. OPINIONg-

because of their TD 001,lyg and anti-communist b 01efg and con-

In 1989, Popova became a member and the local chapter secretary of an anti-communist group in Bulgaria called "Podcrepa," or "Union of Democratic Party." As the local chapter secretary of Podcrepa, Popova organized meetings and demonstrations against the government. Government officials repeatedly interrogated, harassed, and threatened Popova because of her participation in Podcrepa.

After participating in a demonstration in opposition to the house arrest of Dr. Konstantin Trenchev, the founder of the local chapter of Podcrepa, Popova was assaulted and arrested by the police and held overnight at the police station. During her detention, the police questioned Popova about her political activities. During this interrogation, a police officer held a gun to Popova's head and said: "Why do you want to die when you are so young? You think about your family better, than think about politics." On another occasion, police officers came to Popova's work and told her that if she did not stop her political activities, she would be imprisoned. During that same time, Popova began receiving anonymous phone calls, in which several different male callers threatened Popova by telling her to curtail her political activities if she and her family wanted to live and "see freedom." She continued to receive threatening telephone calls until she fled to the United States.

Popova testified that the harassment she suffered based upon her religion and political associations took a physical toll. Popova developed insomnia, a heart murmur, and suffered depression.

On September 27, 1990, Popova's husband fled from Bulgaria to the United States. After his departure, the harassment and persecution of Popova escalated. The police repeatedly interrogated her about her husband's location and activities. In the first such interrogation, Popova was detained at the

repeatedly

worked against the communist leader of the radio, were killed

While we agree with the Immigration Judge that the treatment that [Popova] described is reprehensible,

persecutors; and (4) the ensuing persecution of the victim has been or will be on account of this protected group status. Sangha v. INS, 103 F.3d 1482, 1487 (9th Cir. 1997).

1. Popova established, with clear and convincing evidence, that she was persecuted "on account of " her religion and political opinion.

The BIA adopted the IJ's conclusion that Popova's testimony was credible, and concluded that Popova suffered

cution, rebuttable by a showing, by a preponderance of the

dence to meet its burden of showing that there has been a change in the conditions that would affect Popova individually. Indeed, the 1992 Country Report reflects that the leader of Podcrepa, with whom Popova closely associated, continued to be threatened with criminal prosecution by the government. There is, in sum, nothing submitted by the INS that rebuts Popova's legitimate fears of future harassment, threats, and imprisonment based upon her political opinion and involvement in Podcrepa.

We, therefore, conclude that Popova's undisputed and credible testimony compels the conclusion that she was persecuted on account of her religion and her political opinion, and that she has convincingly shown a genuine and well-founded fear of future political persecution should she return to Bulgaria. Popova is, therefore, eligible for a discretionary grant of asylum.

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[10] Popova's life and liberty were repeatedly threatened while she lived in Bulgaria. The police put a gun to Popova's head and repeatedly threatened her with prison, and anonymous callers threatened her life and freedom. Police were looking for Popova two years after she had left Bulgaria for the United States. Based upon this undisputed evidence, it must be presumed that her life and freedom would be threatened should Popova return to Bulgaria. The evidence submitted by the INS is insufficient to rebut this presumption. Indeed, the 1992 Country Report describes the continued persecution of the leader of Podcrepa, and threats by the government to imprison him for his past activities. Accordingly, we conclude that Popova is entitled to a withholding of deportation.

CONCLUSION

For the foregoing reasons, Popova's petition is granted. The INS's decision that Popova was ineligible for asylum because she did not show that her persecution was "on account of" her protected status is not supported by substantial evidence. To the contrary, we find that Popova presented compelling evidence that demonstrates a well-founded fear of future persecution based on her religion and political opinion. We also find that Popova has established that her life and freedom were threatened, and that she is, therefore, entitled to a withholding of deportation to Bulgaria.⁴

PETITION FOR REVIEW is GRANTED. WITHHOLDING OF DEPORTATION to Bulgaria is GRANTED. The decision of the BIA is VACATED and the case is REMANDED.