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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>YERVAND MINASYAN,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 07-73839

Agency No. A077-837-124

MEMORANDUM*

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

Submitted July 19, 2010**

Before: B. FLETCHER, REINHARDT, and WARDLAW, Circuit Judges.

Yervand Minasyan, a native and citizen of Armenia, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's decision denying his application for asylum and withholding of removal. We have jurisdiction under 8 U.S.C. § 1252. We review for

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

substantial evidence. *Lim v. INS*, 224 F.3d 929, 933 (9th Cir. 2000). We grant the petition for review and remand.

Minasyan credibly testified that he was arrested, beaten, and questioned about his faith by police after showing a religious film to congregation members at a movie theater. Minasyan also testified that he was detained, interrogated and beaten by police and told to forget about his faith after gathering with other congregation members in a friend's home to sing hymns. As well, Minasyan was arrested and beaten by police at his father's house while they were praying, reading the bible, and praising God.

Substantial evidence does not support the BIA's finding that Minasyan failed to establish past persecution because his credible testimony, *see Kataria v. INS*, 232 F.3d 1107, 1114 (9th Cir. 2000), established the police arrested and beat him three times, at least in part, on account of his religion. *See Ahmed v. Keisler*, 504 F.3d 1183, 1194 (9th Cir. 2007); *Mihalev v. Ashcroft*, 388 F.3d 722, 727-30 (9th Cir. 2004).

Minasyan is therefore entitled to a presumption that he holds a well-founded fear of persecution. *See Ladha v. INS*, 215 F.3d 889, 897 (9th Cir. 2000).

Accordingly, we remand for further proceedings consistent with this disposition.

See INS v. Ventura, 537 U.S. 12, 16-18 (2002) (per curiam).

PETITION FOR REVIEW GRANTED; REMANDED.