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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>DIDAR AHAMED; MONIKA AHAMED; and DISHAMONI AHAMED,</p> <p style="text-align: center;">Petitioners,</p> <p style="text-align: center;">v.</p> <p>MICHAEL B. MUKASEY, Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 06-73435

Agency Nos. A75-528-042  
A76-715-392  
A76-715-393

MEMORANDUM \*

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

Submitted July 22, 2008\*\*

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

Didar Ahamed and his wife and daughter, all natives of Bangladesh and members of the Ahmadiya community, petition for review of the Board of Immigration Appeals' ("BIA") order denying their motion to reopen deportation

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

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

proceedings. We have jurisdiction pursuant to 8 U.S.C. § 1252. We review for an abuse of discretion the denial of a motion to reopen, *Iturribarria v. INS*, 321 F.3d 889, 894 (9th Cir. 2003), and we grant the petition for review and remand.

Petitioners argued in their motion to reopen that conditions in Bangladesh have changed since the time of their merits hearing, and attached a recent State Department Country Report and several Amnesty International reports to support their argument. The State Department Country Report submitted at the time of petitioners' merits hearing made no mention of any anti-Ahmadiya activity. In contrast, the new evidence presented with the motion to reopen is replete with accounts of threats, intimidation and hate speech against Ahmadiyas, and it indicates an escalating threat to Ahmadiyas in Bangladesh. In particular, the Amnesty International Reports indicate that Ahmadiyas in Bangladesh "may be at risk of violent attack" by orthodox Islamist groups, and describe the "impunity for violence" against Ahmadiya members as "endemic" in Bangladesh. Accordingly, we conclude that BIA abused its discretion in denying petitioners' motion to reopen where they provided sufficient evidence that circumstances have changed in Bangladesh regarding the Ahmadiya community such that petitioners now have a "reasonable likelihood" of demonstrating a well-founded fear of persecution. *See Malty v. Ashcroft*, 381 F.3d 942, 947-48 (9th Cir. 2004).

Accordingly, we grant the petition and remand to the BIA with instructions to reopen. *See id.* at 948.

**PETITION FOR REVIEW GRANTED; REMANDED.**