

Is a persecutor

A Nazi guard who was issued a uniform and armed with a rifle and a pistol, who was paid a stipend and was regularly allowed to leave the concentration camp to visit a nearby village, and who admitted to shooting at escaping inmates on orders from his superiors. *Fedorenko v. United States*, 449 U.S. 490 (1981).

An interpreter for the Peruvian military who assisted in the interrogation of suspected Shining Path members, although he did not participate in the torture of such individuals. *Miranda Alvarado v. Gonzales*, 441 F.3d 750 (9th Cir. 2006).

An Armenian prison guard who stated in asylum interview that on one of her shifts, she escorted a political prisoner to the isolator, and that prisoner was beaten there, needing three days to recover. She also admitted she knew at time of prisoner's beating that isolator was used for beatings, and prisoner was imprisoned on account of her political beliefs. *Ghazaryan v. Gonzales*, 172 Fed. Appx. 139 (9th Cir. 2006). ***unpublished***

A Guatemalan soldier who inflicted wounds on captured civilians and guerrillas, stood guard while other soldiers engaged in torture that resulted in people "shouting or moaning in pain or crying," and participated in the shooting of a civilian family that resulted in the death of a 13-year-old child. *Mendoza-Lopez v. Gonzales*, 2006 WL 3421740 (9th Cir. 2006). ***unpublished***

A police officer who was aware that his fellow officers were systematically persecuting innocent Sikhs from about 1983 until the time he fled in 1993. He took innocent Sikhs into custody during that period and transported them to the police station, where he knew they would be subjected to unjustified physical abuse, and, further, the alien participated in raids on the homes of innocent Sikh families, guarding homes to prevent escapes while other officers were inside arresting and beating family members without cause. *Singh v. Gonzales*, 417 F.3d 736 (7th Cir. 2005).

A member of the intelligence operative for the Marcos regime in the Philippines for approximately ten years who engaged in covert information-gathering, infiltration, and surveillance techniques, in order to provide his superiors with intelligence on the New Peoples Army and other anti-Marcos communist groups. His intelligence activities led to the persecution of NPA members and he admitted to having "hurt so many people." *Higuit v. Gonzales*, 433 F.3d 417 (4th Cir. 2006).

An alien who, while in the employ of a local government in China, helped transport captive women to undergo forced abortions, despite the fact that he let one woman go. *Xie v. INS*, 434 F.3d 136, 143 (2d Cir. 2006).

An alien who testified that she reported to authorities statements that political prisoners had made and who also witnessed prisoners being tortured. *Asfaw v. Gonzales*, 180 Fed. Appx. 242 (2d Cir. 2006). ***unpublished***

A respondent who, in his capacity as a recognized and self-proclaimed leader of an armed Islamic group in Algeria, made "widely published statements that could be read as encouraging or condoning violent actions." *Matter of A-H-*, 23 I&N Dec. 774 (A.G. 2005).

A police dispatcher in Armenia who sent police officers on three or four occasions to break up Jehovah's Witnesses meetings. The members were arrested and beaten if they did not pay a bribe.

Matter of Z- (BIA 2006) ****unpublished****.

A Chinese government employee who worked as a "mediator" in the family planning unit, and whose duties were to inform village people that they had violated the country's family planning policy and had to accept the consequences thereof, as well as to guard prisoners on "rare occasions." The respondent admitted to having witnessed the capture of a woman who was 8 mos. pregnant and forced to undergo an abortion. *Matter of X-G-* (BIA 2006) ****unpublished****.

Is not a persecutor

An individual who did no more than cut the hair of female inmates before they were executed. See *Fedorenko v. United States*, 449 U.S. 490 (1981).

A Cambodian national who was forced by the Vietnamese army to work as a prison guard and whose duties included distributing rice to the prisoners, taking them to bathe and receive medical attention, overseeing their fitness and hygiene routines, and unlocking the cells of prisoners scheduled for interrogation. The Court concluded that Petitioner was more like the individual who cut the hair of inmates because his act of opening an assigned cell prior to interrogation was not integral to the interrogations-- "Petitioner's presence or absence did not influence in any way the pace, schedule, or number of interrogations." *Im v. Gonzales*, No. 05-70027 (9th Cir. August 13, 2007).

A Salvadoran man who engaged in military activities on the part of the guerrillas where the only harm he may have inflicted arose as the natural consequence of civil strife. *Rodriguez-Majano*, 19 I & N Dec. 811 (BIA 1988); *Martinez-Romero v. INS*, 692 F.2d 595 (9th Cir. 1982).

A Guatemalan man forcibly recruited by guerrillas and ordered, under pain of death, to shoot at peasants. *Hernandez v. Reno*, 258 F.3d 806 (8th Cir. 2001).

Simply being a member of a local Punjabi police department during the pertinent period of persecution is not enough to trigger the persecutor bar. See *Singh v. Gonzales*, 417 F.3d 736 (7th Cir. 2005)(citing *Fedorenko v. United States*, 449 U.S. 490 (1981) and *Hernandez v. Reno*, 258 F.3d 806 (8th Cir. 2001)).