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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>BAIQUAN JIN,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 04-73424

Agency No. A079-541-898

MEMORANDUM\*

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

Submitted June 16, 2009\*\*

Before: PAEZ, TALLMAN, and N.R. SMITH, Circuit Judges.

Baiquan Jin, a native and citizen of China, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's decision denying his application for asylum and withholding of removal.

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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).

We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence, *Soto-Olarte v. Holder*, 555 F.3d 1089, 1091 (9th Cir. 2009), and we grant the petition for review.

Substantial evidence does not support the BIA's adverse credibility determination because Jin was not given an opportunity to explain the omission of details from his asylum application regarding his wife's arrest and detention. *See id.* at 1092. In addition, the agency did not give Jin an opportunity to address his failure to produce witness testimony to corroborate his claims. *See Arulampalam v. Ashcroft*, 353 F.3d 679, 688 (9th Cir. 2003). Accordingly, we remand for the agency to reconsider its adverse credibility determination on an open record. *See Soto-Olarte*, 555 F.3d at 1095-96; *see also INS v. Ventura*, 537 U.S. 12, 16-18 (2002) (per curiam).

**PETITION FOR REVIEW GRANTED; REMANDED.**