

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

OCT 28 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NODAR SKHVITARIDZE,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 05-74358

Agency No. A72-397-741

MEMORANDUM*

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

Argued and Submitted October 7, 2009
San Francisco, California

Before: HUG and PAEZ, Circuit Judges, and RESTANI, Judge.**

Petitioner Nodar Skhvitaridze (“Skhvitaridze”), a native and citizen of Georgia, appeals the Board of Immigration Appeals’ (“BIA”) affirmance of the Immigration Judge’s (“IJ”) order denying asylum and withholding of removal.

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

** The Honorable Jane A. Restani, Chief Judge of the United States Court of International Trade, sitting by designation.

Skhvtaridze sought asylum and withholding of removal on the basis of his fear of persecution.

We have jurisdiction under 8 U.S.C. § 1252. We conclude that the IJ erred in requiring corroborating evidence and that the error was not harmless. Therefore, we grant the petition and remand.

The law in this circuit is well settled that “an alien's testimony, if unrefuted and credible, direct and specific, is sufficient to establish the facts testified without the need for any corroboration.” *Ladha v. INS*, 215 F.3d 889, 901 (9th Cir.2000), *overruled on other grounds by Abebe v. Mukasey*, 554 F.3d 1203, 1208 (2009) (en banc); *see also Cordon-Garcia v. INS*, 204 F.3d 985, 992 (9th Cir. 2000) (stating that “this court does not require corroborative evidence”). “When an alien credibly testifies to certain facts, those facts are deemed true, and the question remaining to be answered becomes whether these facts, and their reasonable inferences, satisfy the elements of the claim for relief. No further corroboration is required.” *Ladha*, 215 F.3d at 900.

Having found petitioner credible, the IJ erred in requiring corroborating evidence. The corroborating evidence related to some of Skhvtaridze’s most compelling testimony, and the IJ’s error was not harmless as the government argues. In finding that Skhvtaridze’s fear of persecution was not objectively

reasonable, the IJ pointed to the changed country conditions in Georgia. In considering the significance of the changed conditions, the IJ failed to give full consideration to Skhvitaridze's testimony. We therefore grant the petition and remand to the agency to determine whether, giving full weight to Skhvitaridze's credible testimony, Skhvitaridze has an objective fear of persecution.

PETITION FOR REVIEW GRANTED AND REMANDED.