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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| <p>FENG MIN ZHANG and LI WEI ZHANG,</p> <p style="text-align: center;">Petitioners,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p> |
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No. 07-72515

Agency Nos. A097-349-785
A097-349-786

MEMORANDUM*

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

Submitted June 29, 2010**

Before: ALARCÓN, LEAVY, and GRABER, Circuit Judges.

Feng Min Zhang and her husband, Li Wei Zhang, natives and citizens of China, petition for review of the Board of Immigration Appeals’ (“BIA”) order dismissing their appeal from an immigration judge’s decision denying their application for withholding of removal and protection under the Convention

* 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).

Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the agency’s factual findings, *Ding v. Ashcroft*, 387 F.3d 1131, 1136 (9th Cir. 2004), and we grant the petition for review.

Substantial evidence does not support the agency’s denial of petitioners’ withholding of removal claim because Feng Min established that she suffered a forced abortion when she was coerced into having an abortion to keep her job. *See Wang v. Ashcroft*, 341 F.3d 1015, 1020 (9th Cir. 2003) (abortion was forced where officials reduced petitioner’s wages and threatened to fire her and impose fines). Further, the agency improperly required corroboration after finding Feng Min credible. *See Kataria v. INS*, 232 F.3d 1107, 1114 (9th Cir. 2000) (rejecting BIA’s finding that applicant did not meet his burden of proof because he failed to provide documentary evidence to corroborate his credible testimony).

Accordingly, we grant the petition for review with respect to withholding of removal and remand Feng Min’s claim with instructions that she be granted withholding of removal, *see* 8 U.S.C. § 1101(a)(42)(B); *Tang v. Gonzales*, 489 F.3d 987, 988 (9th Cir. 2007) (“victims of forced abortion ... are statutorily entitled to withholding of removal”), and remand Li Wei’s claim for the agency to consider whether he established “other resistance” to the coercive population control program, *see Jiang v. Holder*, 606 F.3d 1099, 1106-08 (9th Cir. 2010).

In addition, the agency did not consider whether Feng Min's forced abortion constituted torture, so we grant the petition with respect to the CAT claim and 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.