

MAR 08 2012

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>KULWINDER KAUR,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
--

No. 09-71527

Agency No. A077-378-903

MEMORANDUM*

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

Submitted February 28, 2012**

Before: LEAVY, THOMAS, and CHRISTEN, Circuit Judges.

Kulwinder Kaur, a native and citizen of India, petitions for review of the Board of Immigration Appeals' ("BIA") order denying her motion to reopen. We have jurisdiction under 8 U.S.C. § 1252. We review for an abuse of discretion, *Mohammed v. Gonzales*, 400 F.3d 785, 791 (9th Cir. 2005), and we grant the

* 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).

petition for review and remand.

The BIA erred by denying Kaur's motion to reopen based on its finding that Kaur did not submit evidence that Indian police seek to arrest members of Sikh organizations because of such membership, because the record shows Kaur submitted a letter from the president of the All-India Sikh Student Federation ("AISSF") that stated police were targeting Sikhs based on their membership in the AISSF and other Sikh parties. *See id.* at 793 ("[T]he BIA is obligated to consider and address in its entirety the evidence submitted by a petitioner."). Accordingly, we grant the petition for review and remand for further proceedings consistent with this disposition. *See Mejia v. Ashcroft*, 298 F.3d 873, 880 (9th Cir. 2002).

PETITION FOR REVIEW GRANTED; REMANDED.