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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

BALJIT SINGH,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-73120

Agency No. A098-126-483

MEMORANDUM*

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

Submitted June 26, 2012**

Before: SCHROEDER, HAWKINS, and GOULD, Circuit Judges.

Baljit Singh, a native and citizen of India, petitions for review of the Board of Immigration Appeals’ order dismissing his appeal from an immigration judge’s decision denying his application for asylum, withholding of removal, and protection under the Convention Against Torture (“CAT”). We have jurisdiction

* 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).

under 8 U.S.C. § 1252. We review for substantial evidence factual findings. *Afriyie v. Holder*, 613 F.3d 924, 931 (9th Cir. 2010). We grant the petition for review, and we remand.

Because the agency found Singh established past persecution, the government had the burden of proof to show that relocation would be safe and reasonable under all of the circumstances. *See id.* at 935. In evaluating the relocation issue, the agency relied largely on evidence relating to the ability of Sikhs from the Punjab to relocate throughout India. Singh, however, is a farmer from Haryana who was not only accused of involvement with militants but was also detained twice for his involvement in farmer protests. In addition, his testimony and declaration indicate that he is the subject of ongoing police interest. As the agency did not take these circumstances into account in assessing relocation, we remand Singh's asylum, withholding of removal, and CAT claims 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.