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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ACHMAD KARIM and FNU ERTA,</p> <p>Petitioners,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 10-70951

Agency Nos.      A075-763-795  
                                 A075-763-796

MEMORANDUM\*

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

Argued and Submitted June 7, 2013  
Pasadena, California

Before: GOULD and N.R. SMITH, Circuit Judges, and DU, District Judge.\*\*

Achmad Karim and Fnu Erta petition for review of the decision by the Board of Immigration Appeals (BIA) denying their motion to reopen as untimely because

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

\*\* The Honorable Miranda Du, District Judge for the U.S. District Court for the District of Nevada, sitting by designation.

Petitioners failed to establish materially changed country conditions in Indonesia.

We have jurisdiction pursuant to 8 U.S.C. § 1252, and we grant the petition.

Petitioners submitted, among other documents, a declaration from Karim in support of their motion to reopen. The BIA did not acknowledge the declaration, nor did it address the facts contained therein. While the BIA does not need to “discuss each piece of evidence submitted,” “where there is any indication that the BIA did not consider all of the evidence before it, . . . the decision cannot stand.” *Cole v. Holder*, 659 F.3d 762, 771-72 (9th Cir. 2011). Here, because the BIA failed to even acknowledge the declaration, it is not possible to conclusively determine whether the BIA considered this information. Therefore, we grant the petition for review and remand for further proceedings for the BIA to specifically address the evidence raised in the declaration. *See Franco–Rosendo v. Gonzales*, 454 F.3d 965, 966 (9th Cir. 2006) (“The BIA abuses its discretion when it fails to consider and address in its entirety the evidence submitted by a petitioner and to issue a decision that fully explains the reasons for denying a motion to reopen.” (internal quotation marks omitted)).

**PETITION FOR REVIEW GRANTED; REMANDED.**