

DEC 26 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

BALJINDER KAUR,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-73781

Agency No. A077-833-433

MEMORANDUM*

HARNEK SINGH,

Petitioner,

v.

ERIC H. HOLDER, JR., Attorney General,

Respondent.

No. 09-70600

Agency No. A073-425-332

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

Argued and Submitted December 4, 2013
San Francisco, California

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

Before: TROTT, THOMAS, and MURGUIA, Circuit Judges.

In this consolidated appeal, husband and wife Harnek Singh (Singh) and Baljinder Kaur (Kaur) each petition for review of a final order of removal of the Board of Immigration Appeals (BIA). We have jurisdiction under 8 U.S.C. § 1252.

With regard to Singh's petition, the Government has acknowledged that the BIA failed to consider Singh's challenge to the immigration judge's (IJ) finding of adverse credibility. In light of this concession, we grant Singh's petition in part and remand to the BIA for full consideration of Singh's challenge to the adverse-credibility finding and of his eligibility for asylum and withholding of removal. We do not reach the merits of Singh's claim for relief under the Convention Against Torture.

With regard to Kaur's petition, the Government has conceded that the finding of adverse credibility is not supported by the record. Accordingly, we grant Kaur's petition and remand to the BIA for plenary consideration of Kaur's claims, including her due process claim, accepting Kaur's testimony as credible.

Singh's petition for review is **GRANTED IN PART; REMANDED.**

Kaur's petition for review is **GRANTED; REMANDED.**