

MAR 13 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JUNQING WU,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 12-74080

Agency No. A087-692-880

MEMORANDUM*

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

Submitted March 10, 2014**

Before: PREGERSON, LEAVY, and MURGUIA, Circuit Judges.

Junqing Wu, a native and citizen of China, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's decision denying his application for asylum and withholding of removal.

* 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).

We have jurisdiction under 8 U.S.C. § 1252. We grant the petition for review and we remand.

Wu testified Chinese police detained and mistreated him due to his Christian house church activities. Wu testified police released him after telling him he was not allowed to leave his home, and after he signed a pledge promising not to participate in Christian activities in future. The BIA found Wu's detention and physical mistreatment did not rise to the level of past persecution. In reaching this conclusion, the BIA did not assess Wu's testimony that he could not work because he had to stay at home, and had to transfer his ownership stake in his business, nor did the BIA address the import of the limitations on Wu's participation in his religion. Thus, we remand Wu's asylum and withholding of removal claims for the agency to assess these issues in the first instance. *See INS v. Ventura*, 537 U.S. 12, 16-18 (2002) (per curiam); *Korablina v. INS*, 158 F.3d 1038, 1044 (9th Cir. 1998) ("The key question is whether, looking at the cumulative effect of all the incidents a petitioner has suffered, the treatment [he] received rises to the level of persecution.").

PETITION FOR REVIEW GRANTED; REMANDED.