

MAY 20 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

XIAO WANG CHI,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 13-70334

Agency No. A088-486-887

MEMORANDUM*

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

Submitted May 13, 2014**

Before: CLIFTON, BEA, and WATFORD, Circuit Judges.

Xiao Wang Chi, 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

* 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).

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

Chi does not challenge the BIA's determination that he failed to establish past persecution in China, but claims police seek to arrest him due to his Christian house church activities. The BIA denied Chi's claims by finding, in part, that "[n]o evidence was presented establishing that Chinese authorities still have a desire to apprehend" him. (emphasis added.) In making this determination, however, the BIA did not address the letter from Chi's father regarding the police's continuing interest in Chi. *See Eneh v. Holder*, 601 F.3d 943, 948-49 (9th Cir. 2010) (remanding for BIA to give reasoned consideration to petitioner's evidence). Accordingly, we grant the petition for review as to Chi's asylum and withholding of removal claims, and remand 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.