

JAN 26 2016

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

PIARA SINGH,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 13-73373

Agency No. A078-674-976

MEMORANDUM*

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

Submitted January 20, 2016**

Before: CANBY, TASHIMA, and NGUYEN, Circuit Judges.

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

* 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).

8 U.S.C. § 1252. We review for substantial evidence the agency's adverse credibility finding. *See Mousa v. Mukasey*, 530 F.3d 1025, 1027 (9th Cir. 2008).

We grant the petition for review and remand.

The BIA affirmed the IJ's adverse credibility finding based on discrepancies between Singh's testimony and documentary evidence and unresponsive answers during cross-examination. Substantial evidence does not support the agency's adverse credibility determination because the discrepancies were either reasonably explained or did not go to the heart of Singh's claim, *see id.* at 1027-29; *see also Chebchoub v. INS*, 257 F.3d 1038, 1043 (9th Cir. 2001), and the record does not support the finding that Singh was unresponsive, *see Jibril v. Gonzales*, 423 F.3d 1129, 1137 (9th Cir. 2005).

Thus, we grant the petition and remand Singh's claims to the agency, on an open record, for further proceedings consistent with this disposition. *See INS v. Ventura*, 537 U.S. 12, 16-18 (2002) (per curiam); *see also Soto-Olarte v. Holder*, 555 F.3d 1089, 1095 (9th Cir. 2009).

PETITION FOR REVIEW GRANTED; REMANDED.