

FILED

FEB 18 2016

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JINHUA HAN,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 13-70588

Agency No. A096-344-414

MEMORANDUM*

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

Argued and Submitted February 9, 2016
Pasadena, California

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

Jinhua Han, a native and citizen of China, petitions for review of the Board of Immigration Appeals' decision dismissing her appeal from an immigration judge's denial of her application for asylum.

The immigration judge's adverse credibility determination, entered in the course of proceedings on Han's asylum application, is not supported by substantial

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

evidence. Under *Yeimane-Berhe v. Ashcroft*, 393 F.3d 907 (9th Cir. 2004), the submission of a fraudulent document cannot serve as the sole basis for an adverse credibility determination without a finding, or at least an indication, that the petitioner knew or should have known that the document was fraudulent. *Id.* at 911; *see also Khadka v. Holder*, 618 F.3d 996, 1001 (9th Cir. 2010). There has been no finding, and there is no indication in the record, that Han knew or should have known that her resident identification card was fraudulent. Her submission of that counterfeit document, on its own, cannot sustain an adverse credibility determination. *See Yeimane-Berhe*, 393 F.3d at 911.

We therefore grant Han's petition for review and remand the case to the Board of Immigration Appeals for reconsideration on an open record.

PETITION GRANTED; REMANDED.