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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>PARAMJIT KAUR,</p> <p style="text-align: center;">Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 08-74303

Agency No. A098-537-198

MEMORANDUM\*

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

Submitted February 28, 2012\*\*

Before: LEAVY, THOMAS, and CHRISTEN, Circuit Judges.

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

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\* 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, *Tekle v. Mukasey*, 533 F.3d 1044, 1051 (9th Cir. 2008), and we grant the petition for review and remand.

Substantial evidence does not support the agency's adverse credibility determination because the inconsistency between Kaur's testimony and her Canadian student visa application regarding the existence of any prior arrests was not a cogent reason for finding her not credible. *See Kaur v. Ashcroft*, 379 F.3d 876, 889 (9th Cir. 2004) (misrepresentations made to immigration officials in order to enter this or another country, without more, are not a proper basis for an adverse credibility determination). Accordingly, we grant the petition for review and remand Kaur's asylum, withholding of removal, and CAT claims to the BIA on an open record for further proceedings consistent with this disposition. *See Soto-Olarte v. Holder*, 555 F.3d 1089, 1093-96 (9th Cir. 2009).

**PETITION FOR REVIEW GRANTED; REMANDED.**