

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 26 2021

FOR THE NINTH CIRCUIT

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

LATOYA SHERINA ARIS, AKA Jeans
Blair,

Petitioner,

v.

MERRICK B. GARLAND, Attorney
General,

Respondent.

No. 20-71032

Agency No. A079-407-252

MEMORANDUM*

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

Submitted August 17, 2021**

Before: SILVERMAN, CHRISTEN, and LEE, Circuit Judges.

Latoya Sherina Aris, a native and citizen of Jamaica, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing her appeal from an immigration judge's decision denying her application for withholding of removal and relief under the Convention Against Torture ("CAT"). We review de novo

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

legal conclusions and review for substantial evidence the agency's factual findings. *Bringas-Rodriguez v. Sessions*, 850 F.3d 1051, 1059 (9th Cir. 2017). We grant the petition for review, and we remand.

In denying withholding of removal and CAT relief, the agency relied on determinations that Aris' fears were speculative. However, in making these determinations, the agency did not address the evidence of death threats that were made in 2017 on account of Aris' perceived sexuality. *See Cole v. Holder*, 659 F.3d 762, 771-72 (9th Cir. 2011) (CAT claim remanded, in part, on account of the agency's failure to properly consider all relevant evidence, where indications of that failure "include misstating the record"); *Bromfield v. Mukasey*, 543 F.3d 1071, 1076-79 (9th Cir. 2008) (withholding of removal claim remanded, in part, due to the IJ's misinterpretation of record evidence); *Sagaydak v. Gonzales*, 405 F.3d 1035, 1040 (9th Cir. 2005) (the agency is "not free to ignore arguments raised by a petitioner."). Thus, we grant the petition for review and remand to the agency for further proceedings consistent with this disposition. *See INS v. Ventura*, 537 U.S. 12, 16-18 (2002) (per curiam).

Aris' removal is stayed pending a decision by the BIA.

The government must bear the costs for this petition for review.

PETITION FOR REVIEW GRANTED; REMANDED.