NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

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

DONGXU CONG; LINA CHEN, Petitioners, v. MICHAEL B. MUKASEY, Attorney General, Respondent.	No. 04-75094 Agency Nos. A75-618-331 A75-618-332 MEMORANDUM*

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

Argued and Submitted May 9, 2008
Pasadena, California

Before: NOONAN, W. FLETCHER, and GOULD, Circuit Judges.

The adverse credibility determination of the Immigration Judge (IJ) was based on misstatements by the IJ of the evidence in the record, on insignificant omissions in petitioner Dongxu Cong's declaration, on speculation and conjecture

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

about how petitioners obtained their visas, and on speculation and conjecture about the Chinese government's failure to stop petitioners from leaving the country. These reasons do not constitute substantial evidence to support the IJ's adverse credibility determination. *See Singh v. Gonzales*, 439 F.3d 1100, 1105 (9th Cir. 2006); *Mamouzian v. Ashcroft*, 390 F.3d 1129, 1137 (9th Cir. 2004); *Mendez-Efrain v. INS*, 813 F.2d 279, 283 (9th Cir. 1987). Therefore, petitioners did not need to provide corroborating evidence, and the availability of such evidence was irrelevant to their claims. *See Guo v. Ashcroft*, 361 F.3d 1194, 1201 (9th Cir. 2004); *Ladha v. INS*, 215 F.3d 889, 901 (9th Cir. 2000); *see also* 8 U.S.C. § 1158(b)(1)(B)(ii)-(iii); *cf. id.* § 1252(b)(4)(D). Because a reasonable factfinder would be compelled to conclude that petitioners were credible, we grant the petition and remand for further proceedings pursuant to *INS v. Ventura*, 537 U.S. 12, 16 (2002) (per curiam).

GRANTED and REMANDED.