

JUL 30 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LAUWRENS WALOJO; LELIANA W
WIJAYA KWO,

Petitioners,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 05-73477

Agency Nos. A95-302-530
A95-302-531

MEMORANDUM*

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

Submitted July 22, 2008**

Before: B. FLETCHER, THOMAS, and WARDLAW, Circuit Judges.

Lauwrens Walojo and his wife, natives and citizens of Indonesia, petition for review of the Board of Immigration Appeals' ("BIA") order summarily affirming

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

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

an immigration judge's ("IJ") decision denying their application for asylum, withholding of removal and relief under the Convention Against Torture. We have jurisdiction pursuant to 8 U.S.C. § 1252. We review for substantial evidence. *Lolong v. Gonzales*, 484 F.3d 1173, 1178 (9th Cir. 2007). We grant the petition for review and we remand.

Because there is no evidence that the BIA reviewed the petitioners' asylum and withholding claim, as requested by petitioners in their brief to the BIA, pursuant to the disfavored group analysis set forth in *Sael v. Ashcroft*, 386 F.3d 922 (9th Cir. 2004), we remand to the agency to determine *Sael's* application in this case. *See INS v. Ventura*, 537 U.S. 12, 16-17, (2002) (holding that when an agency has not reached an issue, the proper course is to remand to the agency in the first instance to address). We also remand for consideration of pattern and practice persecution against ethnic Chinese Christians in Indonesia pursuant to *Lolong v. Gonzales*, 484 F.3d 1173 (9th Cir. 2007).

Accordingly, we grant the petition for review regarding petitioners' claims for asylum, withholding of removal and CAT relief, and remand. *See Ventura*, 537 U.S. at 16-18.

PETITION FOR REVIEW GRANTED; REMANDED.