

AUG 31 2004*Singh v. Ashcroft*, No. 03-71367

PREGERSON, Circuit Judge, Dissenting:

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

The Immigration Judge found Singh incredible based on insignificant discrepancies in his testimony. I believe that the minor inconsistencies in Singh's testimony cannot support the Immigration Judge's adverse credibility determination. *See Osorio v. INS*, 99 F.3d 928, 931 (9th Cir. 1996). The trivial errors in Singh's testimony did not "go to the heart of the asylum claim, or reveal anything about [Singh's] fear for his safety." *See Mendoza Manimbao v. Ashcroft*, 329 F.3d 655, 660 (9th Cir. 2003). Singh's testimony, taken as true, establishes past persecution and a well-founded fear of future persecution. Thus, I would find that Singh is eligible for asylum and grant his petition.

I respectfully dissent.