

228 Fed.Appx. 939, 2007 WL 1766939 (C.A.11)
(Not Selected for publication in the Federal Reporter)
(Cite as: 228 Fed.Appx. 939, 2007 WL 1766939 (C.A.11))

This case was not selected for publication in the Federal Reporter.

Not for Publication in West's Federal Reporter See Fed. Rule of Appellate Procedure 32.1 generally governing citation of judicial decisions issued on or after Jan. 1, 2007. See also Eleventh Circuit Rules 36-2, 36-3. (Find CTA11 Rule 36-2 and Find CTA11 Rule 36-3)

United States Court of Appeals,
Eleventh Circuit.
Kiki Turino Hancoch RUNTU, Petitioner,
v.
U.S. ATTORNEY GENERAL, Respondent.

No. 07-10041
Non-Argument Calendar.
June 20, 2007.

[H. Glenn Fogle, Jr.](#), [Leslie A. Diaz](#), The Fogle Law Firm, LLC, Atlanta, GA, for Petitioner.

*940 [David V. Bernal](#), Office of Immigration Litigation, Nancy E. Friedman, Colette J. Winston, Washington, DC, for Respondent.

Petition for Review of a Decision of the Board of Immigration Appeals. BIA No. A77-384-704.

Before [BLACK](#), [CARNES](#) and [MARCUS](#), Circuit Judges.

PER CURIAM:

Under [8 C.F.R. 208.16\(b\)\(2\)](#), an immigrant seeking a withholding of removal need not provide evidence that he would be singled out individually for persecution if he establishes: (1) that there is a pattern or practice in his home country of persecution of a group of persons similarly situated to the applicant on account of religion, and (2) his inclusion in such a group of persons will make it more likely than not that his or her life or freedom would be threatened upon return to that country. *Id.*

The Board of Immigration Appeals denied Kiki

Turino Hancoch Runtu's request for asylum because Runtu failed to demonstrate that extraordinary circumstances or changed country conditions justified his untimely filing. We do not have jurisdiction to review that determination. [Chacon-Botero v. U.S. Atty. Gen.](#), 427 F.3d 954, 957 (11th Cir.2005). The BIA rejected Runtu's request for withholding because the Immigration Judge found that his testimony of past persecution was not credible. The determination that Runtu was not a credible witness is supported by substantial evidence. See [Forgue v. United States Atty. Gen.](#), 401 F.3d 1282, 1286 (11th Cir.2005).

However, neither the BIA nor the IJ addressed Runtu's alternative argument, which he claims is supported by various institutional reports and news articles, that there is a pattern or practice in Indonesia of persecuting Christians. Runtu's credibility is not relevant to the question of whether the information contained in those reports is accurate or sufficient to satisfy the high burden of demonstrating that a Christian is more likely than not to face persecution on return to Indonesia. For that reason, we grant Runtu's petition for review with respect to the withholding of removal claim based on a pattern or practice of persecution. On remand, the BIA should address the limited question of whether Runtu has satisfied the requirements of [8 C.F.R. 208.16\(b\)\(2\)\(i\)-\(ii\)](#).

PETITION DISMISSED IN PART, DENIED IN PART, GRANTED IN PART, AND REMANDED FOR FURTHER PROCEEDINGS.

C.A.11,2007.
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