

FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RUPIND50.3MS1H CIRCUIT

COUNSEL

Jonathan M. Kaufman, San Francisco, California, for the petitioner.

Cindy S. Ferrier, United States Department of Justice, Office of Immigration Litigation, Civil Division, Washington, D.C., for the respondent.

ORDER

The opinion filed Jan-O 24, 2001 is artmdileasa, llows:r.

OPINION

THOMPSON, Circuit Judge:

Rupinder Kaur and her seven-year-old daughter Loveleen Kaur, natives and citizens of India, petition for review of an order of the Board of Immigration Appeals ("BIA") dismissing their appeal of an immigration judge's ("IJ") denial of their application for asylum and withholding of deportation.

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Upon receipt of the referral notice, the Kaur's filed an application with the IJ for a subpoena to compel the INS to produce the resource materials cited in the referral notice. Although the Kaur's recognized that the IJ's review of their application would be de novo, the Kaur's argued that the resource materials "may be beneficial to respondent[s] and may help [them] sustain [their] burden. " The IJ denied the request for a subpoena on the ground that the Kaur's had not shown that the resource materials were essential to the proceedings. See 8 U.S.C. § 287.4(a)(2)(ii)(C).

complete record of the proceedings before the asylum officer to the IJ, the INS violated 8 C.F.R. § 208.9(f). That regulation provides:

The asylum application, all supporting information provided by the applicant, any comments submitted by the Department of State or by the Service, and any other information specific to the applicant's case

bility issue. An adverse determination of that issue, by reason of our highly deferential standard of review, would be almost insurmountable. See Lopez-Reyes v. INS, 79 F.3d 908, 911 (9th Cir. 1996) ("We review a credibility finding under the substantial evidence standard, and therefore are required to uphold the IJ's finding unless the evidence presented compels a reasonable factfinder to reach a contrary result.") (citations