

DEC 27 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LISBETH DUQUE MOJICA,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 07-73098

Agency No. A096-538-353

MEMORANDUM*

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

Submitted December 14, 2010**

Before: GOODWIN, WALLACE, and W. FLETCHER, Circuit Judges.

Lisbeth Duque Mojica, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing her appeal from an immigration judge's decision denying her application for cancellation of removal.

We have jurisdiction under 8 U.S.C. § 1252. We review de novo questions of law,

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

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

Cerezo v. Mukasey, 512 F.3d 1163, 1166 (9th Cir. 2008), and we grant the petition for review.

The BIA concluded that Duque Mojica could not rely on her father's period of legal permanent resident status to establish that she had been "an alien lawfully admitted for permanent residence for not less than 5 years." 8 U.S.C.

§ 1229b(a)(1). The BIA, however, did not have the benefit of our decision in *Mercado-Zazueta v. Holder*, in which we held that for the purpose of establishing the required five years of lawful permanent residence, "a parent's status as a lawful permanent resident is imputed to the unemancipated minor children residing with that parent." 580 F.3d 1102, 1113 (9th Cir. 2009). We therefore remand for the BIA to reconsider Duque Mojica's eligibility for relief.

PETITION FOR REVIEW GRANTED; REMANDED.