

FEB 26 2014

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CELIA ALICIA CASTILLO,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-72959

Agency No. A097-365-598

MEMORANDUM*

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

Argued and Submitted December 4, 2012
Submission Vacated December 6, 2012
Resubmitted February 24, 2014
San Francisco, California

Before: O’SCANNLAIN, THOMAS, and CALLAHAN, Circuit Judges.

The Board of Immigration Appeals dismissed Celia Castillo’s appeal on the ground that she, as a derivative of her mother’s applications for asylum and withholding of removal, lacked “standing to appeal the [Immigration Judge’s] denial of [those] applications.” Although it is clear that the BIA believed it was

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

deprived of “jurisdiction to consider [Castillo’s] challenges,” the source of this purported jurisdictional limitation is unclear.

Did the BIA believe that it was limited by the strictures of Article III of the United States Constitution? Was the BIA interpreting a statute or regulation that affects its jurisdiction? Was the BIA creating a new jurisdictional rule through its own decision? Or did it rely on another source of authority?

Because the answers to these questions are crucial to our ability to review the BIA’s decision, we remand to the BIA for clarification. *See Arredondo v. Holder*, 623 F.3d 1317, 1320 (9th Cir. 2010) (“[W]e must remand the cause to the BIA to clarify the statutory grounds upon which it relied in denying further review.”).

PETITION GRANTED; REMANDED.