

OCT 22 2015

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U.S. COURT OF APPEALS

## NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FRANCISCO EMMANUELLE VILLA-  
VARGAS, AKA Francisco Emmanuelle  
Villa,

Petitioner,

v.

LORETTA E. LYNCH, Attorney General,

Respondent.

No. 13-73447

Agency No. A205-317-761

MEMORANDUM\*

On Petition for Review of an Order of the  
Board of Immigration Appeals  
Submitted October 14, 2015\*\*

Before: SILVERMAN, BYBEE, and WATFORD, Circuit Judges.

Francisco Emmanuelle Villa-Vargas, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's ("IJ") decision denying his application for asylum and withholding of removal. We have jurisdiction under 8

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\* 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).

U.S.C. § 1252. We review for substantial evidence the agency's factual findings. *Silaya v. Mukasey*, 524 F.3d 1066, 1070 (9th Cir. 2008). We grant the petition for review and remand.

In denying Villa-Vargas's asylum and withholding of removal claims, the agency found he failed to establish past persecution or a likelihood of future persecution on account of a protected ground. The BIA did not discuss the impact, if any, of this court's recent decisions in *Henriquez-Rivas v. Holder*, 707 F.3d 1081 (9th Cir. 2013) (en banc) and *Cordoba v. Holder*, 726 F.3d 1106 (9th Cir. 2013). Further, when the IJ and BIA issued their decisions in this case, they did not have the benefit of this court's decision in *Pirir-Boc v. Holder*, 750 F.3d 1077 (9th Cir. 2014), or the BIA's decisions in *Matter of M-E-V-G-*, 26 I. & N. Dec. 227 (BIA 2014), and *Matter of W-G-R-*, 26 I. & N. Dec. 208 (BIA 2014). Thus, we remand Villa-Vargas's asylum and withholding of removal claims to determine the impact, if any, of these decisions. *See INS v. Ventura*, 537 U.S. 12, 16-18 (2002) (per curiam).

**PETITION FOR REVIEW GRANTED; REMANDED.**