

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 23 2023

FOR THE NINTH CIRCUIT

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

MAURA BEATRIZ RAMIREZ  
ESCALANTE; et al.,

Petitioners,

v.

MERRICK B. GARLAND, Attorney  
General,

Respondent.

No. 18-71310

Agency Nos. A208-927-324  
A208-927-325

MEMORANDUM\*

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

Submitted January 18, 2022\*\*

Before: GRABER, PAEZ, and NGUYEN, Circuit Judges.

Maura Beatriz Ramirez Escalante, a native and citizen of El Salvador, and her minor daughter, a native and citizen of Guatemala, petition pro se for review of the Board of Immigration Appeals' ("BIA") order dismissing their appeal from an immigration judge's ("IJ") decision denying their applications for asylum,

---

\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

withholding of removal, and protection under the Convention Against Torture (“CAT”). Our jurisdiction is governed by 8 U.S.C. § 1252. We review de novo questions of law. *Madrigal v. Holder*, 716 F.3d 499, 503 (9th Cir. 2013). We grant the petition for review and remand.

The agency denied asylum, withholding of removal, and CAT protection based on the determination that both petitioners are natives and citizens of El Salvador. The agency failed, however, to acknowledge and address petitioners’ claims as to the minor petitioner, who is a native and citizen of Guatemala. *See Rios v. Lynch*, 807 F.3d 1123, 1126 (9th Cir. 2015) (failure to address a claim “constitutes error and requires remand.”). Thus, we grant the petition for review and remand petitioners’ asylum, withholding of removal, and CAT claims to the BIA for further proceedings consistent with this disposition. *See INS v. Ventura*, 537 U.S. 12, 16-18 (2002) (per curiam).

The temporary stay of removal remains in place until the mandate issues.

The government must bear the costs for this petition for review.

**PETITION FOR REVIEW GRANTED; REMANDED.**