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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

NAYELY FERNANDEZ, Petitioner, v. ERIC H. HOLDER, Jr., Attorney General, Respondent.	No. 08-71372 Agency No. A095-669-457 MEMORANDUM[*]

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

Submitted April 20, 2011[**]

Before: RYMER, THOMAS, and PAEZ, Circuit Judges.

Nayely Fernandez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") decision dismissing her appeal from an immigration judge's order 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).

Mercado-Zazueta v. Holder, 580 F.3d 1102, 1104 (9th Cir. 2009), and we grant the petition for review.

The BIA decided this case without the benefit of our decision in *Mercado-Zazueta v. Holder*, in which we held that for purposes of satisfying the five years of lawful permanent residence required under 8 U.S.C. § 1229b(a)(1), a parent's status as a lawful permanent resident is imputed to the unemancipated minor children residing with that parent. 580 F.3d at 1113-16. Accordingly, we grant the petition for review and remand to the BIA for further proceedings. *See INS v. Ventura*, 537 U.S. 12, 16 (2002) (per curiam).

PETITION FOR REVIEW GRANTED; REMANDED.