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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ARIEL RAMON ARAUZ; et al.,</p> <p>Petitioners,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 06-72937

Agency Nos. A096-356-298  
A096-356-299  
A096-356-300

MEMORANDUM\*

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

Submitted November 16, 2010\*\*

Before: TASHIMA, BERZON, and CLIFTON, Circuit Judges.

Ariel Ramon Arauz and his family, natives and citizens of Nicaragua, petition for review of the Board of Immigration Appeals' dismissal of an appeal from an immigration judge's order denying their request for asylum and withholding of removal. We have jurisdiction pursuant to 8 U.S.C. § 1252. We

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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).

review for substantial evidence, *Lata v. INS*, 204 F.3d 1241, 1244 (9th Cir. 2000), and we grant the petition for review, and remand.

The agency found the harm Arauz alleged did not rise to the level of persecution. This finding is not supported by substantial evidence because Sandinistas kidnaped Arauz, invaded his family home several times, harassed his family repeatedly, and closely confronted him with death threats. *See Ruano v. Ashcroft*, 301 F.3d 1155, 1160-61 (9th Cir. 2002) (concluding that threats, accompanied by some form of confrontation or mistreatment, established past persecution).

The agency also found Arauz did not establish a nexus between the Sandinistas' actions against him and a protected ground. Substantial evidence does not support the agency's finding that there was no nexus between the Sandinistas' actions and a protected ground. *See Navas v. INS*, 217 F.3d 646, 656 (9th Cir. 2000) (applicant may establish eligibility for asylum relief by showing persecution on account of a protected category).

Accordingly, we grant the petition for review and remand for further proceedings consistent with this disposition. *See INS v. Ventura*, 537 U.S. 12, 16-18 (2002) (per curiam).

**PETITION FOR REVIEW GRANTED; REMANDED.**