

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAR 17 2014

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

MERIDA ESPERANZA HERNANDEZ,
a.k.a. Senaida Hernandez Lopez; et al.,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 09-72718

Agency Nos. A070-937-823
 A099-967-395
 A099-967-396

MEMORANDUM*

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

Submitted March 10, 2014**

Before: PREGERSON, LEAVY, and MURGUIA, Circuit Judges.

Merida Esperanza Hernandez and her sons, natives and citizens of Guatemala, petition for review of the Board of Immigration Appeals' order dismissing their appeal from an immigration judge's ("IJ") decision denying their applications for asylum and withholding of removal. We have jurisdiction under

* 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).

8 U.S.C. § 1252. We review de novo questions of law. *Perdomo v. Holder*, 611 F.3d 662, 665 (9th Cir. 2010). We grant the petition for review and we remand.

Petitioners claim past persecution and a fear of future persecution on account of Merida Hernandez’s membership in a particular social group of uneducated impoverished Guatemalan women. The IJ rejected petitioners’ proposed social group because it represented a “large segment” of the Guatemalan population. In light of our intervening decision in *Perdomo*, 611 F.3d 662, 669, we grant petitioners’ petition for review and remand their asylum and withholding of removal claims for further proceedings consistent with this disposition. *See INS v. Ventura*, 537 U.S. 12, 16-18 (2002) (per curiam). In light of our remand, we do not reach petitioners’ arguments in their motion to remand.

Finally, we grant petitioners’ motion for stay of removal.

PETITION FOR REVIEW GRANTED; REMANDED.