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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| <p>DHINESH CHAND SHARMA; 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. 06-72106

Agency Nos. A078-663-211
A078-663-212

MEMORANDUM*

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

Submitted July 14, 2009**

Before: SCHROEDER, THOMAS, and WARDLAW, Circuit Judges.

Dhinesh Chand Sharma and Sushil Sobhna Roy Sharma, natives and citizens of Fiji, petition for review of the Board of Immigration Appeals’ (“BIA”) order summarily affirming an immigration judge’s (“IJ”) decision denying their application for asylum, withholding of removal, and protection under the

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

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

Convention Against Torture (“CAT”). We have jurisdiction pursuant to 8 U.S.C. § 1252. We review for substantial evidence, *INS v. Elias-Zacarias*, 502 U.S. 478, 481 (1992), and we grant the petition for review and remand.

The IJ’s decision does not clearly state whether petitioners established past persecution and whether they were entitled to a rebuttable presumption of well-founded fear. Accordingly, we remand to the BIA for clarification as to petitioners’ asylum and withholding of removal claims. *See Recinos de Leon v. Gonzales*, 400 F.3d 1185, 1191-92, 1194 (9th Cir. 2005).

We do not review petitioners’ CAT claim, because that claim was not presented as part of this petition for review. *See Parussimova v. Mukasey*, 555 F.3d 734, 738 n.2 (9th Cir. 2009).

PETITION FOR REVIEW GRANTED; REMANDED.