

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 06-15277

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT DEC 05, 2007 THOMAS K. KAHN CLERK

Agency Nos. A98-394-081
A98-394-497

ALFONSO ENRIQUE MERCADO,
ANDRES ALFONSO MERCADO,
ALEJANDRA MARGARITA MERCADO,
ANA CLEOTILDE FANDINO,

Petitioners,

versus

U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of a Decision of the
Board of Immigration Appeals

(December 5, 2007)

Before DUBINA and KRAVITCH, Circuit Judges, and COOGLER,* District
Judge.

*Honorable L. Scott Coogler, United States District Judge for the Northern District of Alabama,
sitting by designation.

PER CURIAM:

The petitioners, Alfonso Enrique Mercado (“Mercado”), his wife, Anna Cleotilde Fandino (“Anna”), and their two children, Andres Alfonso Mercado (“Andres”), and Alejandra Margarita Mercado (“Alejandra”), *pro se*, seek review of the Board of Immigration Appeals’s (“BIA”) decision, affirming the Immigration Judge’s (“IJ”) order denying their applications for asylum and withholding of removal.

At the time the IJ and BIA considered this case, they did not have the benefit of our recent decision in *Sanchez Jimenez v. United States Att’y Gen.*, 492 F.3d 1223 (11th Cir. 2007). In that case we held that “[o]ne of the five grounds need not be the *only* motivation for persecution. Rather . . . an applicant can establish eligibility for asylum so long as he can show that the persecution is, *at least in part*, motivated by a protected ground.” *Id.* at 1232 (quotation omitted).

Since the record here demonstrates that part of the first incident (the beating after learning of Mercado’s political leanings) and part of the second incident (the threat of double sanctions) were motivated by Mercado’s political beliefs (a protected ground), we conclude that the IJ erred in finding that none of the incidents were “on account of” a protected ground.

Accordingly, after reviewing the record, reading the parties’ briefs, and having the benefit of oral argument, we vacate the BIA’s decision and remand this

case for the BIA to reconsider petitioners' petition based on our decision in *Sanchez*.¹

VACATED and REMANDED.

¹On remand, the BIA should also consider our decision in *Ruiz v. Gonzales*, 479 F.3d 762 (11th Cir. 2007).