NOT FOR PUBLICATION

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U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

NURVARIT VIEYRA CARRILLO; et al., Petitioners, v. MERRICK B. GARLAND, Attorney General, Respondent.	No. 21-70380 Agency Nos. A208-310-349 A208-310-350 A208-310-351 A208-310-352 MEMORANDUM*

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

Submitted October 6, 2022**
Portland, Oregon

Before: OWENS and MILLER, Circuit Judges, and PREGERSON,*** District Judge.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

*** The Honorable Dean D. Pregerson, United States District Judge for the Central District of California, sitting by designation.

Nurvarit Vieyra Carrillo ("Petitioner") and her children Miguel Angel Vieyra Carrillo, Axel Eduardo Loza Vieyra, and Santiago Yael Loza Vieyra (collectively, "the children") seek review of a Board of Immigration Appeals ("BIA") decision affirming an Immigration Judge ("IJ")'s denial of asylum, withholding of removal, and relief under the Convention Against Torture ("CAT").[1] We have jurisdiction under 8 U.S.C. § 1252, and deny the petition.

Here, the BIA neither cited *Matter of Burbano*, 20 I. & N. Dec. 872 (B.I.A. 1994), nor expressly adopted the IJ's opinion. *See Rodriguez v. Holder*, 683 F.3d 1164, 1169 (9th Cir. 2012). Petitioner's citation to *Joseph v. Holder*, 600 F.3d 1235, 1239 (9th Cir. 2010), is therefore inapt. "Where . . . the BIA agrees with and incorporates specific findings of the IJ while adding its own reasoning, we review both decisions." *Bhattarai v. Lynch*, 835 F.3d 1037, 1042 (9th Cir. 2016). Our review, however, "is limited to those grounds explicitly relied upon by the Board." *Budiono v. Lynch*, 837 F.3d 1042, 1046 (9th Cir. 2016).

"[A]n applicant . . . need not have reported [] persecution to the authorities if [s]he can convincingly establish that doing so would have been futile or have subjected [her] to further abuse." *Ornelas-Chavez v. Gonzales*, 458 F.3d 1052,

[1] The children applied for asylum as derivative beneficiaries of Petitioner's application. Because the children do not raise any independent grounds for relief, any claims they may have will rise or fall with Petitioner's claims. See 8 U.S.C. § 1158(b)(3).

1058 (9th Cir. 2006). Under the applicable substantial evidence standard, however, "Petitioner must show that the evidence not only supports, but compels" such a conclusion. *Cordon-Garcia v. I.N.S.*, 204 F.3d 985, 990 (9th Cir. 2000). Here, the record includes evidence of legal reforms and increased efforts to protect victims of domestic violence. To be sure, "a country's laws are not always reflective of actual country conditions." *Bringas-Rodriguez v. Sessions*, 850 F.3d 1051, 1072 (9th Cir. 2017). The record here, however, is nowhere near as well-developed as in *Bringas-Rodriguez*, and includes only general, relatively outdated evidence of governmental apathy toward domestic abuse. We cannot conclude that such a record compels a finding that the authorities here would have been indifferent to Petitioner's plight.

PETITION FOR REVIEW DENIED.