

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-2004

MARISOL ARACELY ARIAS ALVARADO; HERBERT ALEXANDER MEJIA
ARIAS,

Petitioners,

v.

MERRICK B. GARLAND, Attorney General,

Respondent.

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

Submitted: February 8, 2024

Decided: March 5, 2024

Before WYNN and HEYTENS, Circuit Judges, and FLOYD, Senior Circuit Judge.

Petition denied by unpublished per curiam opinion.

ON BRIEF: Benjamin R. Winograd, IMMIGRANT & REFUGEE APPELLATE CENTER, LLC, Alexandria, Virginia, for Petitioners. Brian M. Boynton, Principal Deputy Assistant Attorney General, David J. Schor, Senior Litigation Counsel, Aric A. Anderson, Office of Immigration Litigation, Civil Division, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Marisol Aracely Arias Alvarado (“Arias Alvarado”) and her son, natives and citizens of El Salvador, petition for review of an order of the Board of Immigration Appeals (“Board”) dismissing their appeal from the Immigration Judge’s (“IJ”) denial of Arias Alvarado’s applications for asylum, withholding of removal, and protection under the Convention Against Torture (“CAT”).¹ We deny the petition for review.

We will reverse the Board only if “the evidence . . . presented was so compelling that no reasonable factfinder could fail to find the requisite fear of persecution.” *INS v. Elias-Zacarias*, 502 U.S. 478, 483-84 (1992). “The agency decision that an alien is not eligible for asylum is ‘conclusive unless manifestly contrary to the law and an abuse of discretion.’” *Marynenka v. Holder*, 592 F.3d 594, 600 (4th Cir. 2010) (quoting 8 U.S.C. § 1252(b)(4)(D)). “Where, as here, the [Board] adopts and affirms the IJ’s decision but gives additional reasons for doing so, we review both opinions.” *Baharon v. Holder*, 588 F.3d 228, 231 (4th Cir. 2009).

We have reviewed the record and the Petitioners’ claims and conclude that the evidence does not compel a ruling contrary to any of the administrative factual findings. 8 U.S.C. § 1252(b)(4)(B). We further conclude that the Board’s review of the IJ’s finding that Arias Alvarado did not show that her fear of persecution if she returns to El Salvador

¹ Arias Alvarado’s son was a derivative asylum applicant. *See* 8 U.S.C. § 1158(b)(3).

was objectively reasonable was not manifestly contrary to law.² Accordingly, we deny the petition for review. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

PETITION DENIED

² The Petitioners do not challenge the finding that the threats were not evidence of past persecution. Nor do they challenge the denial of protection under the CAT. Thus, those issues are waived. *See* Fed. R. App. P. 28(a)(8)(A); *Cortez-Mendez v. Whitaker*, 912 F.3d 205, 208 (4th Cir. 2019) (noting that failure to address the denial of CAT relief in the brief waives review of that issue).