

File Name: 14a0126n.06

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

No. 13-3235

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

FILED
Feb 13, 2014
DEBORAH S. HUNT, Clerk

BEATRIZ HERRERA;)
VICTORIA ISABEL PEREZ,)

Petitioners,)

v.)

ERIC H. HOLDER, JR.,)
Attorney General,)

Respondent.)

**ON PETITION FOR REVIEW OF A
DECISION OF THE BOARD OF
IMMIGRATION APPEALS**

OPINION

BEFORE: BOGGS, NORRIS, and WHITE, Circuit Judges.

PER CURIAM. Petitioner Beatriz Herrera seeks asylum or, in the alternative, withholding of removal on behalf of herself and her daughter, Victoria Isabel Perez. Petitioner was born in Colombia and is also a citizen of Spain where she resided before coming to the United States with her daughter. The crux of her claim is that she suffered domestic abuse at the hands of her husband while the family lived in Spain and that the government was unable or unwilling to protect her. Both the immigration judge and the Board of Immigration Appeals (“the Board”) denied relief.

As with virtually all applicants for asylum, one may sympathize with petitioner’s desire to continue her residence in the United States. Based upon the administrative record, it appears that petitioner has suffered domestic abuse. However, as the Board recognized, that sad fact

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does not end our inquiry. Even if we were to assume, as did the Board, that domestic violence “may in some cases be a basis for asylum,” (A.R. 4) petitioner has not established that the Spanish government could or would not protect her. Absent this vital element, her application for asylum or, in the alternative, withholding of removal, fails. In reaching this conclusion, we acknowledge the exemplary advocacy petitioner received below and in her appeal to this court. Nevertheless, after our own independent review of the administrative record, we adopt the reasoning set forth in the Board’s decision dated January 29, 2013.

Accordingly, the petition for review is **denied**.