

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with Fed. R. App. P. 32.1

United States Court of Appeals

For the Seventh Circuit

Chicago, Illinois 60604

Argued November 9, 2021

Decided November 10, 2021

Before

FRANK H. EASTERBROOK, *Circuit Judge*

MICHAEL S. KANNE, *Circuit Judge*

MICHAEL B. BRENNAN, *Circuit Judge*

No. 21-1497

SVETLANA SINKEVIC,  
*Petitioner,*

*v.*

MERRICK B. GARLAND, Attorney General,  
*Respondent.*

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

No. A205-792-224

**Order**

Svetlana Sinkevic, a citizen of Lithuania, entered the United States in 2002 without legal right; she was neither admitted nor paroled into the country. Placed in removal proceedings in 2013, Sinkevic sought withholding of removal on the ground that she had been persecuted in Lithuania on account of her ethnicity (Russian and Jewish) and would be persecuted again should she return. She testified that her schoolmates hit and taunted her, and that one of her teachers ripped her ear. Once she took a job, co-workers called her derogatory names. An immigration judge concluded that these events do not amount to persecution, and the Board of Immigration Appeals agreed. It added that

Sinkevic concedes lack of knowledge about current conditions in Lithuania, making it hard to show a prospect of future persecution.

Sinkevic's brief in this court proceeds as if all misconduct at the hands of anyone is persecution. That is not so; persecution is a particular kind of misconduct by the government (or, at a minimum, governmental unwillingness or inability to curtail private misconduct). See, e.g., *Hor v. Gonzales*, 400 F.3d 482, 485–86 (7th Cir. 2005). Sinkevic does not contend that Lithuania today persecutes Jews or those with Russian ancestry. It has been a member of the European Union since 2004, and at oral argument Sinkevic's lawyer stated that Lithuania tries to suppress private misconduct toward ethnic or religious minorities. (Evidence to that effect from 2017 is in the administrative record.) Events that occurred before, or soon after, Lithuania's secession from the USSR in 1990 may be serious but do not portend risks in the 2020s. The IJ and BIA both concluded that Sinkevic has not shown a clear probability of future persecution, and as this finding is supported by substantial evidence we deny the petition for review without reaching any other issue.

PETITION FOR REVIEW DENIED