

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 18 2019

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

JUAN RAMON TURUY TOXCON,

No. 15-73194

Petitioner,

Agency No. A087-681-989

v.

MEMORANDUM*

WILLIAM P. BARR, Attorney General,

Respondent.

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

Submitted March 14, 2019**
San Francisco, California

Before: M. SMITH, WATFORD, and HURWITZ, Circuit Judges.

An immigration judge (“IJ”) denied Juan Turuy Toxcon’s application for asylum, withholding of removal, and relief under the Convention Against Torture (“CAT”). The Board of Immigration Appeals dismissed Turuy’s appeal. We have jurisdiction of Turuy’s petition for review under 8 U.S.C. § 1252. We deny the

* 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).

petition in part, grant it in part, and remand.

1. We deny the petition for review of the denial of Turuy's asylum claim.

a. Substantial evidence supported the IJ's finding that Turuy did not suffer economic persecution in his native Guatemala. Economic persecution is "a substantial economic disadvantage that interferes with the applicant's livelihood." *Ming Xin He v. Holder*, 749 F.3d 792, 796 (9th Cir. 2014) (internal quotations omitted). Although Turuy may have been denied advancement opportunities at the bank where he worked, he retained his job and any discrimination did not interfere with his ability to support himself or his family. Substantial evidence also supported the IJ's finding that Turuy's experience with bullying at school and other incidents of childhood discrimination did not rise to the level of persecution. *See Nagoulko v. INS*, 333 F.3d 1012, 1016 (9th Cir. 2003).

b. Substantial evidence also supported the IJ's findings that the incidents of violence towards others cited by Turuy involved private criminal activity and that any connection to Turuy was speculative. *See Wakkary v. Holder*, 558 F.3d 1049, 1060 (9th Cir. 2009).

c. Although Turuy was robbed three times outside the bank where he worked, the record—including the robbers' use of ethnic slurs—does not compel the conclusion that Turuy's ethnicity was a "central reason" for the attacks. *Parussimova v. Mukasey*, 555 F.3d 734, 740-42 (9th Cir. 2009).

2. We also deny the petition with respect to CAT relief. Substantial evidence supported the IJ's conclusion that it is not "more likely than not" Turuy will be tortured if returned to Guatemala. *See* 8 C.F.R. § 208.16(c)(2); *Ramirez-Munoz v. Lynch*, 816 F.3d 1226, 1230 (9th Cir. 2016). "[G]eneralized evidence of violence and crime in [Guatemala] is not particular to [Turuy] and is insufficient to meet" the standard for CAT protection. *Delgado-Ortiz v. Holder*, 600 F.3d 1148, 1152 (9th Cir. 2010).

3. We grant the petition with respect to Turuy's application for withholding of removal. We recently clarified that the nexus requirement for withholding—that a protected ground be "a reason" for persecution—is less demanding than the "one central reason" standard applicable to claims for asylum. *Barajas-Romero v. Lynch*, 846 F.3d 351, 360 (9th Cir. 2017). The IJ did not consider whether Turuy's ethnicity was "a reason" for the robberies, even if not "a central reason." We therefore remand for a determination of whether the robberies constituted persecution, and if so, whether Turuy's ethnicity was "a reason" for that persecution.

**PETITION DENIED IN PART AND GRANTED IN PART.
REMANDED.**