

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 18 2022

FOR THE NINTH CIRCUIT

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

MARIA NOE GUILLEN-AMAYA, AKA
Maria Nore Guillen-Amaya; SANDY
NAHOMY GUILLEN-RIVAS,

Petitioners,

v.

MERRICK B. GARLAND, Attorney
General,

Respondent.

No. 18-71343
19-70098
19-70098

Agency Nos. A208-997-453
A208-997-452

MEMORANDUM*

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

Submitted November 16, 2022**
San Jose, California

Before: SCHROEDER, GRABER, and FRIEDLAND, Circuit Judges.

Petitioners Maria Guillen-Amaya and her daughter, Sandy Guillen-Rivas, are citizens and natives of El Salvador. They petition for review of a decision of the Board of Immigration Appeals (“BIA”) dismissing their appeal from a decision

* 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).

by an immigration judge (“IJ”) denying asylum, withholding of removal, and relief under the Convention Against Torture (“CAT”). They also petition for review of the BIA’s denial of their motion for reconsideration. We have jurisdiction under 8 U.S.C. § 1252. We review agency findings for substantial evidence, and denials of motions to reconsider for abuse of discretion. *Garcia v. Holder*, 749 F.3d 785, 789 (9th Cir. 2014) (substantial evidence standard); *Lara-Torres v. Ashcroft*, 383 F.3d 968, 972 (9th Cir. 2004) (abuse of discretion standard). We deny the petition.

1. The BIA’s conclusion that Petitioners did not demonstrate past persecution or an objectively reasonable fear of future persecution is supported by substantial evidence. Guillen-Amaya did not introduce evidence of any specific, nonspeculative risk of persecution to her or her daughter.¹ *See, e.g., Hakeem v. INS*, 273 F.3d 812, 816 (9th Cir. 2001) (“[T]he applicant must show more than the existence of a generalized or random possibility of persecution in his native country.”), *superseded by statute on other grounds as recognized in Ramadan v. Gonzales*, 479 F.3d 646, 650 (9th Cir. 2007). The murder of her cousin and the general country conditions evidence about crime and violence in El Salvador do not suffice to compel the conclusion that Petitioners face a sufficient risk of

¹ The BIA did not err in considering Guillen-Amaya’s petition together with her daughter’s because her daughter did not set out separate facts in her asylum application. Regardless, even considering any additional risk to her daughter due to her young age, the record does not compel the conclusion that she has a well-founded fear of persecution.

persecution. Because Petitioners' claim for asylum and withholding fail on this first element, the IJ did not err in declining to analyze other elements of those claims. The BIA also did not err in declining to consider the political opinion argument that was not brought before the IJ.

2. With regard to Petitioners' claim for relief under CAT, Petitioners must establish that it is more likely than not that they would be tortured if returned to El Salvador. *Xochihua-Jaimes v. Barr*, 962 F.3d 1175, 1183 (9th Cir. 2020). Petitioners' generalized evidence of violence and crime is not sufficient to meet this standard. *See Delgado-Ortiz v. Holder*, 600 F.3d 1148, 1152 (9th Cir. 2010).

3. The BIA did not abuse its discretion in denying Petitioners' motion for reconsideration. Petitioners' argument in that motion—that their notice to appear's omission of the time and place of hearing deprived the IJ of jurisdiction—is foreclosed by *United States v. Bastide-Hernandez*, 39 F.4th 1187, 1193 (9th Cir. 2022) (en banc).

PETITION DENIED.