

FILED

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

HEYLI YOHANA JUAREZ LOPEZ and
JAVIER YAFRI JUAREZ LOPEZ,

Petitioners,

v.

MERRICK B. GARLAND, Attorney
General,

Respondent.

No. 22-47

Agency Nos.
A208-866-848
A208-866-849

MEMORANDUM*

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

Submitted March 27, 2024**
Pasadena, California

Before: GRABER, IKUTA, and FORREST, Circuit Judges.

Heyli Yohana Juarez Lopez and her son, a derivative applicant for relief,
petition for review of a Board of Immigration Appeals (BIA) order dismissing

* 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).

Juarez's appeal of the decision of an Immigration Judge (IJ) denying asylum, withholding of removal, and relief under the Convention Against Torture (CAT). We have jurisdiction under 8 U.S.C. § 1252, and we deny the petition.

The BIA's determination that Juarez did not establish past persecution or a well-founded fear of future persecution on account of a protected ground is supported by substantial evidence. The IJ found that Juarez suffered serious physical, sexual, and mental abuse at the hands of her domestic partner. The BIA accepted in its analysis that Juarez "suffered harm rising to the level of persecution," but affirmed the IJ's factual finding that this harm was due to a personal motive. It therefore held that Juarez's past harm and feared future harm were not on account of a protected ground. Juarez has not identified evidence that compels a contrary conclusion. *See* 8 U.S.C. § 1252(b)(4)(B).

The BIA also affirmed the IJ's conclusion that Juarez's proffered particular social group, defined as "Guatemalan women unable to leave a forced domestic relationship with a male partner who treats her and her children as his rightful property," was not legally cognizable. To be cognizable, Guatemalan "society must have a commonly accepted definition of th[is] group." *Nguyen v. Barr*, 983 F.3d 1099, 1103 (9th Cir. 2020) (cleaned up). No evidence in the record demonstrates how (or whether) Guatemalan society defines "domestic

relationship,” “forced domestic relationship,” or a male partner’s treatment of others “as his rightful property,” such that there is “a clear benchmark for determining who falls within the group.” *Id.* (citation omitted). Substantial evidence therefore supports the BIA’s determination that Juarez had not carried her burden as to asylum and withholding of removal. *See Duran-Rodriguez v. Barr*, 918 F.3d 1025, 1028 (9th Cir. 2019); 8 U.S.C. § 1252(b)(4)(B).

Substantial evidence also supports the agency’s denial of CAT relief. The BIA assumed that the past harm Juarez suffered “rises to the level of torture.” However, the record evidence does not compel the conclusion that the Guatemalan government would be “willfully blind to [Juarez’s torture] or unwilling to oppose it.” *Kaur v. Garland*, 2 F.4th 823, 837 (9th Cir. 2021) (cleaned up).

PETITION DENIED.