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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MARGARIT KHACHATRYAN; et al.,</p> <p style="text-align: center;">Petitioners,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>

No. 06-72172

Agency Nos. A096-061-192
A096-061-193
A096-061-247
A096-061-248
A096-061-249

MEMORANDUM*

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

Submitted September 24, 2007**

Before: CANBY, TASHIMA, and RAWLINSON, Circuit Judges.

Margarit Kahachatryan, her husband, Gevorg Nersesyan, and children, Lilit Nersesyan, Sona Nersesyan, and Varuzhan Nersesyan, all natives and citizens of Armenia, petition for review of the Board of Immigration Appeals' ("BIA")

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

decision dismissing their appeal from an immigration judge's ("IJ") denial of their application for asylum and withholding of removal, and request for relief under the Convention Against Torture ("CAT"). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence and will uphold the BIA's decision unless the evidence compels a contrary conclusion. *INS v. Elias-Zacarias*, 502 U.S. 478, 481, 483-84 (1992). We deny the petition for review.

Substantial evidence supports the BIA's denial of petitioners' asylum claim. The record does not compel the conclusion that any harm Kahachatryan suffered was on account of a political opinion, rather than as a result of the criminal actions of a few maverick government officials. *See Grava v. INS*, 205 F.3d 1177, 1181 (9th Cir. 2000) (stating that the "salient question" is whether the petitioner's opposition to corruption was "directed toward a governing institution, or only against individuals whose corruption was aberrational"). Accordingly, petitioners' asylum claim is denied.

Having failed to establish eligibility for asylum, petitioners necessarily failed to meet the more stringent standard for withholding of removal. *See Mansour v. Ashcroft*, 390 F.3d 667, 673 (9th Cir. 2004).

We do not consider Khachatryan's eligibility for CAT relief because the BIA did not adopt and affirm the IJ's finding as to CAT, and did not otherwise

address CAT relief in its order. *See Navas v. INS*, 217 F.3d 646, 658 n.16 (9th Cir. 2000) (“this court cannot affirm the BIA on a ground upon which it did not rely.”) (citation omitted). We do not address Khachatryan’s contention that the BIA erred in failing to rule on CAT relief, because she raises it for the first time in her petition for rehearing. *See Martinez-Serrano v. INS*, 94 F.3d 1256, (9th Cir. 1996); *see also Boardman v. Estelle*, 957 F.2d 1523, 1535 (9th Cir. 1992) (“general doctrine of waiver applies to arguments raised for the first time in a petition for rehearing.”) (citation omitted).

PETITION FOR REVIEW DENIED.