

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 14 2023

FOR THE NINTH CIRCUIT

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

Gaspar Pablo Gaspar-Antonio, et al.

Petitioners,

v.

Merrick B. Garland, U.S. Attorney General,

Respondent.

No. 22-11

Agency Nos.

A208-190-787

A208-190-928

A208-190-788

A208-190-925

MEMORANDUM*

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

Submitted April 12, 2023**
Seattle, Washington

Before: McKEOWN, BYBEE, and DESAI, Circuit Judges.

Gaspar Pablo Gaspar-Antonio, a native and citizen of Guatemala, seeks review of the Board of Immigration Appeals’ (“BIA”) decision dismissing his appeal of the Immigration Judge’s (“IJ”) denial of his applications for asylum, withholding of removal, and protection under the Convention Against Torture (“CAT”). We review the BIA’s “legal conclusions de novo and its factual

* 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).

findings for substantial evidence.” *Bringas-Rodriguez v. Sessions*, 850 F.3d 1051, 1059 (9th Cir. 2017) (en banc) (citations omitted). We have jurisdiction under 8 U.S.C. § 1252 and deny the petition for review.

Substantial evidence supports the BIA’s determination that Gaspar-Antonio failed to establish a well-founded fear of persecution on account of membership in the particular social group of his family, which requires a showing that his fear of future persecution is both “subjectively genuine and objectively reasonable.” *See id.* at 1062 (citation omitted). Gaspar-Antonio cannot satisfy the objective element. His evidence that he fears persecution in Guatemala is based only on hearing from his brother, who heard from an unnamed acquaintance, that their sister’s husband would “get the gangs” to harm Gaspar-Antonio if he returned to Guatemala. Without specific evidence that he may be harmed in Guatemala, Gaspar-Antonio’s evidence is “too speculative to be credited as a basis for fear of future persecution.” *See Silva v. Garland*, 993 F.3d 705, 719 (9th Cir. 2021) (quoting *Nagoulko v. I.N.S.*, 333 F.3d 1012, 1018 (9th Cir. 2003)). Because Gaspar-Antonio cannot show an objectively reasonable fear of future persecution to establish asylum, the BIA did not err by concluding that he cannot meet the stricter “more likely than not” standard required to establish eligibility for withholding of removal. *See Sakar v. Garland*, 39 F.4th 611, 622 (9th Cir. 2022) (quoting *Silva*, 993 F.3d at 719).

Gaspar-Antonio’s claim for derivative asylum based on his fear that his daughters will be persecuted by Gaspar-Antonio’s sister’s husband fails. Even

if parents were eligible for asylum derivatively through their noncitizen children, Gaspar-Antonio has not established an objectively reasonable fear that his daughters will be persecuted in Guatemala because he did not submit any specific evidence to support that claim. *Cf. Abebe v. Gonzales*, 432 F.3d 1037, 1042–43 (9th Cir. 2005) (remanding to the BIA to consider whether noncitizen parents with an “objectively reasonable fear” that their U.S. citizen child would be persecuted in their native country are derivatively eligible for asylum).

Gaspar-Antonio’s opening brief contains only a passing reference to his CAT claim. Because Gaspar-Antonio’s CAT claim is unsupported by argument, it is “deemed abandoned.” *Ghahremani v. Gonzales*, 498 F.3d 993, 997 (9th Cir. 2007) (citation omitted).

PETITION FOR REVIEW DENIED.