

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 8 2024

FOR THE NINTH CIRCUIT

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

ANASTACIO W. HERNANDEZ COX,  
ET. AL,

Petitioners,

v.

MERRICK B. GARLAND, Attorney  
General,

Respondent.

No. 22-1933

Agency Nos.  
A208-905-248  
A208-975-970  
A208-905-247

MEMORANDUM\*

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

Submitted April 5, 2024\*\*  
Pasadena, California

Before: R. NELSON, VANDYKE, and SANCHEZ, Circuit Judges.

Anastacio W. Hernandez Cox, Dominga Eulogia Hernandez Bac, and Irlanda Isabel Hernandez-Hernandez seek review of a Board of Immigration Appeals (“BIA”) decision affirming a decision by an Immigration Judge (“IJ”) denying

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\* 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).

asylum, withholding of removal, and Convention Against Torture (“CAT”) relief. We have jurisdiction under 8 U.S.C. § 1252, and we deny the petition.

When reviewing final orders of the BIA, we apply a highly deferential substantial evidence standard of review. *See Ruiz-Colmenares v. Garland*, 25 F.4th 742, 748 (9th Cir. 2022). When “the BIA agrees with the IJ’s reasoning, we review both decisions.” *Garcia-Martinez v. Sessions*, 886 F.3d 1291, 1293 (9th Cir. 2018). Under the substantial evidence standard, the agency’s “findings of facts are conclusive unless any reasonable adjudicator would be *compelled* to conclude to the contrary.” *Ruiz-Colmenares*, 25 F.4th at 748 (citation omitted). All questions of law are reviewed de novo. *Id.*

The agency concluded that, assuming *arguendo* that Petitioners’ claimed experiences rose to the level of past persecution, Petitioners were nonetheless ineligible for relief because the particular social groups (“PSG”) they put forward were not cognizable. To be eligible for asylum, an applicant must show a likelihood of “persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.” 8 U.S.C. § 1101(a)(42)(A). Petitioners asserted that they were members of three PSGs: (1) women perceived to have financial means, (2) professionally employed individuals, and (3) family members of professionally employed individuals. Cognizable PSGs must have three key elements: (1) a shared immutable characteristic, (2)

particularity, and (3) social distinction. *See Matter of M-E-V-G-*, 26 I&N Dec. 227, 237 (BIA 2014). The agency did not err in concluding that none of these PSGs meet the particularity or social distinction requirements. There was no evidence in the record to suggest that Guatemalan society sees any of these categories as distinct social groups within that society. Furthermore, the agency found that “financial means” and “professionally employed” were vague and undefined. Consequently, the agency did not err in concluding that Petitioners’ proposed PSGs are not cognizable.

The agency also did not error in determining that the Petitioners were not entitled to CAT relief. To obtain CAT relief, a person must show that it is more likely than not that he will be tortured upon returning to the country of removal. 8 C.F.R. § 1208.16(c)(2). The only evidence submitted to support Petitioners’ CAT claim was a country conditions report. This report only discussed general evidence of violence and crime in Guatemala. The agency correctly noted that such generalized evidence is not enough to establish CAT eligibility. Thus, CAT relief was properly denied.

**PETITION DENIED.**