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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

L.H.M.F.; R.N.A.M.; K.A.A.M.; A.H.A.M., Petitioners, v. TODD BLANCHE, Attorney General, Respondent.	No. 25-5865 Agency Nos. A249-035-673 A249-035-674 A249-035-675 A249-035-676 MEMORANDUM*

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

Submitted October 26, 2026**
San Francisco, California

Before: CLIFTON, BEA, and SUNG, Circuit Judges.

Petitioners, a mother ("L.H.M.F.") and her three minor children,[1] are natives and citizens of Guatemala. They petition for review of the Board of Immigration Appeals' (BIA) order dismissing their appeal from an immigration judge's (IJ) order

* 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).

[1] L.H.M.F.'s children are derivative beneficiaries of her applications.

denying their applications for asylum, withholding of removal, and protection under the Convention Against Torture (CAT).[2] We have jurisdiction pursuant to 8 U.S.C. § 1252(a)(1). We review the agency's legal conclusions de novo and its factual findings for substantial evidence. *Garcia v. Wilkinson*, 988 F.3d 1136, 1142 (9th Cir. 2021) (citations omitted). We "must uphold the BIA's finding[s] unless the evidence compels a contrary result." *Almaghzar v. Gonzales*, 457 F.3d 915, 920 (9th Cir. 2006) (citation modified). We deny the petition.

1. "To be eligible for asylum, a petitioner has the burden to demonstrate 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.'" *Sharma v. Garland*, 9 F.4th 1052, 1059 (9th Cir. 2021) (quoting 8 U.S.C. § 1101(a)(42)(A)). The protected ground must be "at least one central reason" for the persecution (this is called the "nexus" requirement). 8 U.S.C. § 1158(b)(1)(B)(i). A "central reason" is "a reason of primary importance to the persecutors, one that is essential to their decision to act," and a persecutor may have more than one central reason. *Parussimova v. Mukasey*, 555 F.3d 734, 741 (9th Cir. 2009). To qualify for withholding of removal, an applicant need prove only that a protected ground is "a

[2] L.H.M.F. does not challenge before us the agency's denial of her children's claims. Any relief available to the minor Petitioners is only as derivative beneficiaries of L.H.M.F.'s asylum application. *See Sumolang v. Holder*, 723 F.3d 1080, 1083 (9th Cir. 2013).

reason" for the persecution. 8 U.S.C. § 1231(b)(3)(A); *Barajas-Romero v. Lynch*, 846 F.3d 351, 358–60 (9th Cir. 2017).

L.H.M.F. argues that the agency failed to apply our mixed-motive standard for the necessary element of nexus by failing to consider that the gang may have been motivated by reasons other than economic gain. This argument fails. The IJ separately considered each piece of evidence L.H.M.F. offered to show a gender-based motive: the gang members' use of the word "bitch," the rape, her contention that she was targeted as a single woman, and the country conditions evidence. The IJ concluded that none of this evidence established that gender motivated the gang members' actions. The IJ further found that L.H.M.F.'s gender did not play "any role" in the gang members' motives and that they were "entirely motivated" by economic gain. The record therefore shows that the agency properly considered and rejected each piece of evidence L.H.M.F. offered to prove a gender-based motive.

L.H.M.F. also argues that the evidence compels a finding that she was persecuted because of her gender. It does not. L.H.M.F. testified that the gang members first approached her in August 2023 and told her they knew her partner was sending her money from the United States. When asked why the gang members extorted her, she answered: "Because they found out that my partner had traveled over here to the United States." The IJ also noted that L.H.M.F. had lived without her partner for two to three years before the gang approached her, which suggested

that the gang targeted her because of the partner's remittances to L.H.M.F., rather than her status as a single woman. The IJ reasonably inferred that the rape was meant to intimidate L.H.M.F. into paying. *See Zetino v. Holder*, 622 F.3d 1007, 1016 (9th Cir. 2010) (harassment by criminals motivated by theft bears no nexus to a protected ground). Contrary to L.H.M.F., the single use of a gendered slur ("bitch"), uttered in the course of an extortion demand, does not compel a finding of nexus. *See Parussimova*, 555 F.3d at 742 (a single slur did not compel a finding that a protected ground was a central reason for an attack).

2. As to withholding of removal, L.H.M.F. argues that the BIA legally erred when it denied withholding on the basis that L.H.M.F.'s failure to establish nexus for her asylum claim was dispositive of her eligibility for withholding. But any error in the BIA's description of the withholding standard versus the asylum standard was harmless because the BIA adopted the IJ's finding that there was no nexus at all. *See Barajas-Romero*, 846 F.3d at 360; *Singh v. Barr*, 935 F.3d 822, 827 (9th Cir. 2019).

3. As to CAT protection, L.H.M.F. argues that the evidence compels a finding that she is more likely than not to be tortured if she is returned to Guatemala. It does not. The IJ reasoned that L.H.M.F. had remained in Guatemala for about two months after the rape without further contact from the gang, and nothing in the record shows that the gang has contacted L.H.M.F. or her family since she left. L.H.M.F. testified

that her two sisters, who are single mothers living in Guatemala, have not had problems with gangs. Based on this evidence, the IJ found that L.H.M.F. is not more likely than not to be tortured in Guatemala, and the record does not compel a contrary conclusion. *See Tzompantzi-Salazar v. Garland*, 32 F.4th 696, 707 (9th Cir. 2022).

Contrary to L.H.M.F.'s claim, her past torture does not compel a finding of likelihood of future torture. *See Ruiz-Colmenares v. Garland*, 25 F.4th 742, 751 (9th Cir. 2022). Moreover, the BIA's one-sentence statement that her country conditions evidence was not "sufficiently particularized" does not require remand because the BIA relied on the IJ's analysis of that evidence. The IJ specifically discussed the country conditions evidence, including the State Department report and evidence that most cases of violence against women in Guatemala go unresolved. The BIA cited the IJ's analysis and paired its assessment of the country conditions evidence with a particularized finding: that nothing in the record showed a continuing interest in L.H.M.F. or similarly situated family members. And contrary to L.H.M.F., *Uc Encarnacion v. Bondi*, 156 F.4th 927, 943–45 (9th Cir. 2025), is distinguishable because the expert testimony there addressed that petitioner specifically, while the declarations here are generic. Because the unlikeliness-of-torture finding is sufficient to deny the petition as to CAT protection, we need not reach the acquiescence finding.

PETITION DENIED.[3]

[3] Petitioner's motion to stay removal, Dkt. 25, is denied. The temporary stay of removal shall remain in place until the mandate issues.