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U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

IRMA ROSENDA MATEO MATEO; J. L. L. M., Petitioners, v. TODD BLANCHE, Attorney General, Respondent.	No. 25-6665 Agency Nos. A201-706-537 A201-706-538 MEMORANDUM*

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

Submitted October 28, 2026**
Pasadena, California

Before: OWENS, SANCHEZ, and TUNG, Circuit Judges.

Irma Rosenda Mateo Mateo ("Mateo") and her minor daughter Johana Lisbeth Lopez Mateo, natives and citizens of Guatemala, petition for review of the Board of Immigration Appeals' ("BIA") dismissal of their appeal of an Immigration Judge's

* 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).

("IJ") denial of their application for asylum, withholding of removal, and protection under the Convention Against Torture ("CAT"), and its denial of their motion to remand. As the parties are familiar with the facts, we do not recount them here. We have jurisdiction under 8 U.S.C. § 1252(a). We deny the petition.

"Where the BIA writes its own decision, as it did here, we review the BIA's decision, except to the extent it expressly adopts the IJ's decision." *Diaz-Reynoso v. Barr*, 968 F.3d 1070, 1075-76 (9th Cir. 2020). We review the BIA's factual findings for substantial evidence, which "should be upheld 'unless the evidence compels a contrary result.'" *Id.* at 1076 (citation omitted). "We review the [BIA's] denial of motions to remand for abuse of discretion." *Taggar v. Holder*, 736 F.3d 886, 889 (9th Cir. 2013).

1. The BIA did not err in declining to address the IJ's adverse credibility determination. "[A]gencies are not required to make findings on issues the decision of which is unnecessary to the results they reach." *INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (citation omitted). The BIA was not required to consider the adverse credibility determination because "[e]ven assuming the respondent is credible," it would "affirm the Immigration Judge's alternative findings that she has not demonstrated past harm or a fear of future harm on account of her membership in a cognizable particular social group or eligibility for CAT protection on the merits of her claim."

2. Substantial evidence supports the BIA's decision to deny asylum and withholding of removal. "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)). For withholding of removal, "the applicant must demonstrate that it is 'more likely than not that he or she would be persecuted on account of race, religion, nationality, membership in a particular social group, or political opinion upon removal to [the country in question].'" *Silva v. Garland*, 993 F.3d 705, 719 (9th Cir. 2021) (quoting 8 C.F.R. § 1208.16(b)(2)). The requirement that persecution be "on account of" a protected ground is "often referred to as the 'nexus' requirement." *Reyes v. Lynch*, 842 F.3d 1125, 1132 n.3 (9th Cir. 2016). For asylum, the protected ground must be "one central reason" for the persecution, while for withholding of removal, the protected ground must be "a reason." *Barajas-Romero v. Lynch*, 846 F.3d 351, 358-60 (9th Cir. 2017).

On appeal to the BIA, Mateo did not challenge the IJ's finding that her proposed social group was "not at least one central reason or a reason for her past harm or feared future harm." And on appeal to this court, Petitioners do not challenge the BIA's determination that they failed to exhaust the nexus issue. "Exhaustion requires a non-constitutional legal claim to the court on appeal to have

first been raised in the administrative proceedings below, and to have been sufficient to put the BIA on notice of what was being challenged." *Umana-Escobar v. Garland*, 69 F.4th 544, 550 (9th Cir. 2023) (citation modified). The BIA correctly determined that Petitioners did not challenge the IJ's nexus conclusion before the BIA. *See Abebe v. Mukasey*, 554 F.3d 1203, 1208 (9th Cir. 2009) ("[W]hen a petitioner does file a brief . . . [p]etitioner will . . . be deemed to have exhausted only those issues he raised and argued in his brief before the BIA."). Therefore, we affirm the BIA's denial of asylum and withholding of removal.

3. Substantial evidence supports the BIA's decision to deny CAT protection. "To qualify for CAT protection, a petitioner must show it is 'more likely than not he or she would be tortured if removed to the proposed country of removal.'" *Sharma*, 9 F.4th at 1067 (quoting 8 C.F.R. § 208.16(c)(2)). "Torture is 'any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person . . . by or at the instigation of or with the consent or acquiescence of a public official . . . .'" *Id.* (quoting 8 C.F.R. § 208.18(a)(1)).

While Mateo provided some evidence that any future harm would be with the consent or acquiescence of Guatemalan officials, substantial evidence supports the BIA's determination that Mateo's fear of future torture remains speculative. Mateo testified that she does not know her former husband's current whereabouts, and he has not attempted to harm her family members in Guatemala. *See Santos-*

Lemus v. Mukasey, 542 F.3d 738, 747-48 (9th Cir. 2008) (affirming the denial of CAT relief because the ongoing safety of the petitioner's family in his hometown constituted substantial evidence that it was not more likely than not that petitioner would be tortured if returned), *abrogated in part on other grounds by Henriquez-Rivas v. Holder*, 707 F.3d 1081 (9th Cir. 2013). He did not harm Mateo while she lived with her parents before leaving Guatemala. *See Dawson v. Garland*, 998 F.3d 876, 885 (9th Cir. 2021) (affirming the denial of CAT relief because of the petitioner's ability to relocate to a friend's house where she had "no physical contact" with her abuser). Accordingly, the BIA's determination that Mateo did not establish a likelihood of torture is supported by substantial evidence.

4. The BIA did not abuse its discretion in denying Petitioners' motion to remand. In their appeal to the BIA, Petitioners argued that their case should be remanded because the IJ had relied on a case, *Matter of A-B-*, 27 I&N Dec. 316, 316 (A.G. 2018), which had since been vacated. The BIA appropriately denied the request to remand because by the time it issued its decision, *Matter of A-B-* had been restored as good law by *Matter of S-S-F-M-*, 29 I&N Dec. 207 (A.G. 2025). Petitioners do not contest that the IJ relied on a standard that is currently good law and have not made out an argument for remand.

PETITION FOR REVIEW DENIED.[1]

[1] The motion to stay removal, Dkt. No. 3, is denied.