

United States Court of Appeals for the Fifth Circuit

No. 20-60627
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED
October 25, 2022

Lyle W. Cayce
Clerk

EMMA YESENIA GUEVARA-FABIAN; GENESIS REBECA VILLALTA-
GUEVARA,

Petitioners,

versus

MERRICK GARLAND, *U.S. Attorney General,*

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
Agency No. A209 885 857
Agency No. A209 885 858

Before SOUTHWICK, HIGGINSON, and WILLETT, *Circuit Judges.*

PER CURIAM:

Emma Yesenia Guevara-Fabian and Genesis Rebeca Villalta-Guevara (Genesis), each a native and citizen of El Salvador, petition for review of a decision by the Board of Immigration Appeals. That decision, in turn, affirmed an Immigration Judge's order denying asylum to Guevara-Fabian and Genesis, and denying withholding of their removal. Genesis is Guevara-Fabian's daughter and is a rider on her application.

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The Board affirmed without an opinion, so the Immigration Judge’s order is “the final agency determination.” *Miresles-Zuniga v. Holder*, 743 F.3d 110, 112 n.2 (5th Cir. 2014). The Immigration Judge’s factual findings are conclusive “unless any reasonable adjudicator would be compelled to conclude to the contrary.” 8 U.S.C. § 1252(b)(4)(B).

Guevara-Fabian seeks asylum and withholding of removal based on membership in a proposed particular social group that she describes as “family member of Jose Amadeo Fabian.” Jose Amadeo Fabian is Guevara-Fabian’s uncle. He was attacked and beaten after he refused to carry contraband into the prison where he worked. The Immigration Judge found that no factual nexus exists between Guevara-Fabian’s familial relationship to her uncle (even if that family is a particular social group) and the harm that Guevara-Fabian experienced (even if that harm is persecution). The record does not compel any contrary finding. Instead, there is substantial evidence that Guevara-Fabian was the target of an extortion scheme, that she was safe so long as she paid, and that the extortionists targeted her because she owned a profitable business—not because she was a family member of Jose Amadeo Fabian.

Nor does the record compel a finding that Guevara-Fabian has a well-founded fear of future persecution. Her uncle has himself avoided further attacks, Guevara-Fabian’s family members that remain in El Salvador have not been threatened or harmed, and Guevara-Fabian no longer owns the business that made her an extortion target to begin with.

Because Guevara-Fabian has failed to establish that she is eligible for asylum, she has “also fail[ed] to establish eligibility for withholding of removal.” *Vazquez-Guerra v. Garland*, 7 F.4th 265, 271 (5th Cir. 2021).

The petition for review is DENIED.