

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

December 23, 2021

Lyle W. Cayce
Clerk

No. 20-60019
Summary Calendar

ELBA MARILIN CARDONA-AGUIRRE,

Petitioner,

versus

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

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A206 228 659

Before OWEN, *Chief Judge,* and HAYNES and COSTA, *Circuit Judges.*

PER CURIAM:*

Elba Marilyn Cardona-Aguirre, a native and citizen of El Salvador, petitions for review of an order by the Board of Immigration Appeals (BIA) dismissing her appeal from the denial of her application for asylum and withholding of removal.

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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We review the BIA's decision and consider the immigration judge's decision only to the extent it influenced the BIA. *Singh v. Sessions*, 880 F.3d 220, 224 (5th Cir. 2018). Factual findings are reviewed for substantial evidence and legal determinations are reviewed de novo. *Lopez-Gomez v. Ashcroft*, 263 F.3d 442, 444 (5th Cir. 2001).

Cardona-Aguirre challenges the BIA's denial of her request for asylum and withholding of removal based on her membership in the particular social group of Salvadoran women in domestic relationships who are unable to leave. "[A] particular social group must: (1) consist of persons who share a common immutable characteristic; (2) be defined with particularity; and (3) be socially visible or distinct within the society in question." *Gonzales-Veliz v. Barr*, 938 F.3d 219, 229 (5th Cir. 2019) (quoting *Matter of M-E-V-G-*, 26 I. & N. Dec. 227, 237 (BIA 2014)). However, a proposed social group cannot be defined in a circular manner and must exist independently of the suffered harm. *Id.* at 232. Because Cardona-Aguirre's proposed social group is defined by the persecution of its members, it is not cognizable. Accordingly, substantial evidence supports the BIA's determination that Cardona-Aguirre was ineligible for asylum and withholding of removal.

Based upon the foregoing, the petition for review is DENIED.