

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

April 18, 2022

Lyle W. Cayce
Clerk

No. 20-61006
Summary Calendar

NAYARIS SANTOS-GARCIA; RAUL ALEJANDRO GUERRA SANTOS,

Petitioners,

versus

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

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A213 471 063
BIA No. A213 471 064

Before HIGGINBOTHAM, HIGGINSON, and DUNCAN, *Circuit Judges.*

PER CURIAM:*

Cuban native and citizen Nayarís Santos-García, on behalf of herself and her minor son and derivative beneficiary Raul Alejandro Guerra Santos, petitions for review of a decision by the Board of Immigration Appeals (BIA).

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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The BIA dismissed Santos-Garcia's appeal from the denial by the immigration judge (IJ) of her application for asylum, withholding of removal, and protection under the Convention Against Torture. The BIA also denied Santos-Garcia's challenges to her placement in the Migrant Protection Protocols and the IJ's alleged denial of a continuance. Here, Santos-Garcia appeals the denial of her asylum application, but she has failed to brief, and thereby abandoned, the remaining issues. *See Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993); *see also Soadjede v. Ashcroft*, 324 F.3d 830, 832-33 (5th Cir. 2003).

We review the decision of the BIA and consider the IJ's decision only to the extent that it influenced the BIA's decision. *Vazquez-Guerra v. Garland*, 7 F.4th 265, 268 (5th Cir. 2021), *cert. denied*, 2022 WL 660634 (U.S. Mar. 7, 2022) (No. 21-632). While legal questions are reviewed de novo, we review findings of fact for substantial evidence. *Vazquez-Guerra*, 7 F.4th at 268. Under the substantial evidence standard, the petitioner "has the burden of showing that the evidence is so compelling that no reasonable factfinder could reach a contrary conclusion." *Chen v. Gonzales*, 470 F.3d 1131, 1134 (5th Cir. 2006). This standard applies to the factual determination whether an alien is eligible for asylum. *Id.*

Santos-Garcia has failed to show that the evidence compels a finding that she suffered past persecution or has a well-founded fear of future persecution on account of her political opinion. *See id.*; *Sharma v. Holder*, 729 F.3d 407, 411 (5th Cir. 2013). While persecution includes severe economic disadvantage, the economic hardships that Santos-Garcia suffered were not severe enough to constitute persecution. *See Tesfamichael v. Gonzales*, 469 F.3d 109, 114, 117 (5th Cir. 2006); *Eduard v. Ashcroft*, 379 F.3d 182, 187-88 (5th Cir. 2004). Moreover, Santos-Garcia has not shown that no reasonable factfinder could conclude, as the IJ and the BIA did, that there was not an established nexus between the termination of her employment and

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her political opinion. *See Chen*, 470 F.3d at 1134. Additionally, Santos- Garcia's claim of psychological persecution is not supported by the record, as she failed to show that her husband was detained and mistreated as a way of targeting her for psychological persecution based on her political opinion. *See Kane v. Holder*, 581 F.3d 231, 239 (5th Cir. 2009).

Furthermore, Santos-Garcia has not made a compelling showing that her subjective fear of future persecution based on her political opinion is objectively reasonable. *See Lopez-Gomez v. Ashcroft*, 263 F.3d 442, 445 (5th Cir. 2001). As explained above, she has not shown that she was persecuted in the past, and thus she is not presumed to have a well-founded fear of future persecution. *See* 8 C.F.R. § 1208.13(b)(1). Santos-Garcia has failed to present the necessary specific and detailed facts showing a good reason to fear that she would be singled out for persecution if she were returned to Cuba at this time. *See Orellana-Monson v. Holder*, 685 F.3d 511, 518 (5th Cir. 2012). Nor has she shown that the record evidence compels a finding that she is a member of a group of persons whose political opinions subject them to a pattern or practice of persecution by the Cuban government. *See* § 1208.13(b)(2)(iii).

Lastly, there is no merit to Santos-Garcia's argument that her allegations of past and feared future persecution were not properly considered. Rather, the BIA's decision reflects meaningful consideration of the relevant substantial evidence regarding her asylum claim. *See Abdel- Masieh v. INS*, 73 F.3d 579, 585 (5th Cir. 1996).

For these reasons, Santos-Garcia's petition for review is DENIED.