

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

October 2, 2026

Thomas B. Plunkett, III
Clerk

No. 26-60043
Summary Calendar

KENIA FABIOLA IRIAS-LOPEZ; AYLLIN FABIOLA LICONA-IRIAS;
RAUL ANTONIO LICONA-IRIAS,

Petitioners,

versus

TODD WALLACE BLANCHE, *U.S. Attorney General,*

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
Agency Nos. A206 792 129,
A206 792 130, A206 792 131

Before DAVIS, STEWART, and DUNCAN, *Circuit Judges.*

PER CURIAM:*

The petitioners are Kenia Fabiola Irias-Lopez, Ayllin Fabiola Licona-Irias, and Raul Antonio Licona-Irias, who are natives and citizens of Honduras. They petition for review of the decision of the Board of Immigration Appeals (BIA) dismissing their appeal from an immigration

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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judge's (IJ) denial of asylum, withholding of removal, and protection under the Convention Against Torture (CAT).

In denying asylum and withholding of removal, the IJ found, *inter alia*, that the petitioners' proffered particular social groups (PSG) were not cognizable. The IJ also concluded that the petitioners were not eligible for CAT relief because they did not show they more likely than not would be tortured if repatriated. The BIA concluded that the petitioners failed to challenge the IJ's determination that they did not demonstrate "the harm they alleged to have suffered in the past or fear in the future [was] on account of a cognizable [PSG]," which was dispositive of their asylum and withholding of removal claims, and deemed the issue waived. The BIA also concluded that the petitioners failed to challenge the IJ's reasons for denying CAT relief and thus waived the issue.

The petitioners challenge the BIA's waiver determination and argue the merits of their claims for relief. As an initial matter, their arguments regarding asylum and withholding of removal concern only their family-based PSG and not their other proffered PSGs; therefore, the petitioners have forfeited review of those PSGs. *See Lopez-Perez v. Garland*, 35 F.4th 953, 957 n.1 (5th Cir. 2022).

The petitioners filed a brief before the BIA, which became the operative document for raising issues that they wished to be considered. *See id.* at 957. Contrary to the petitioners' assertion, the BIA's decision reflects that the waiver determination was based on that brief.

The BIA did not err in determining that the petitioners waived an issue dispositive of their asylum and withholding of removal claims, *see Munoz-De Zelaya v. Garland*, 80 F.4th 689, 693 (5th Cir. 2023); *Gonzales-Veliz v. Barr*, 938 F.3d 219, 229 (5th Cir. 2019), and that they waived their CAT claim, *see Santos-Alvarado v. Barr*, 967 F.3d 428, 440 (5th Cir. 2020);

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Morales v. Sessions, 860 F.3d 812, 818 (5th Cir. 2017). Insofar as the petitioners argue that the BIA erred by not providing reasoned consideration of their claims, the record shows that the BIA considered the issues the petitioners raised and gave them the attention they warranted, *see L.N. v. Garland*, 109 F.4th 389, 396 (5th Cir. 2024), and it was not necessary for the BIA to conduct a merits analysis, *see INS v. Bagamasbad*, 429 U.S. 24, 25 (1976). Further, the petitioners' contention that the BIA was required to conduct a fact-specific inquiry into their family-based PSG regardless of whether it was preserved for appeal is unsupported.

The BIA's waiver determination is a sufficient basis to deny the petition for review as to the petitioners' claims for relief. *See Santos-Alvarado*, 967 F.3d at 440 n.13. Accordingly, we need not address the parties' remaining arguments. *See Bagamasbad*, 429 U.S. at 25.

The petition for review is DENIED.