

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

June 15, 2022

Lyle W. Cayce
Clerk

No. 20-61225
Summary Calendar

JENIFFER YUCARY CHAN-VILLANUEVA,

Petitioner,

versus

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

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
Agency No. A206 687 364

Before WIENER, DENNIS, and HAYNES, *Circuit Judges.*

PER CURIAM:*

Jeniffer Yucary Chan-Villanueva, a native and citizen of Guatemala, petitions for review of an order by the Board of Immigration Appeals (BIA) affirming without opinion the immigration judge's (IJ) order denying her application for asylum, withholding of removal, and relief under the

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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Convention Against Torture (CAT). Chan-Villanueva's minor son was included as a derivative beneficiary in her asylum application.

Because the BIA affirmed without opinion, the IJ's decision became the final agency decision for judicial review purposes. *See Soadjede v. Ashcroft*, 324 F.3d 830, 831-32 (5th Cir. 2003). We review the IJ's factual findings for substantial evidence. *See Zhang v. Gonzales*, 432 F.3d 339, 344 (5th Cir. 2005). Questions of law are reviewed de novo. *See Zhu v. Gonzales*, 493 F.3d 588, 594 (5th Cir. 2007).

Chan-Villanueva's asylum claim based on membership in the particular social group (PSG) compromised of "Guatemalan women who were subjected to domestic abuse at the hands of [the] father of their children, and thereafter, fled their abusers and filed [a] complaint against their abusers" fails because that PSG is not cognizable. *See Jaco v. Garland*, 24 F. 4th 395, 405-07 & n.4 (5th Cir. 2021); *Zhang*, 432 F.3d at 344. Because Chan-Villanueva failed to establish a cognizable PSG, she also cannot satisfy the requirements for withholding of removal. *See Zhang*, 432 F.3d at 344.

Regarding her CAT claim, Chan-Villanueva has failed to produce evidence that would compel a conclusion that the Guatemalan government would acquiesce in her torture. *See Hakim v. Holder*, 628 F.3d 151, 155 (5th Cir. 2010). Accordingly, Chan-Villanueva's petition for review is DENIED.