

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

January 12, 2023

No. 22-60390
Summary Calendar

Lyle W. Cayce
Clerk

MARIA DEL CARMEN SALMERON-ACOSTA; FERNANDO DE JESUS
SALMERON-ACOSTA,

Petitioners,

versus

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

No. 22-60390

denial of Maria's application for asylum and withholding of removal. Fernando is a derivative of his mother's application for asylum.

We review the BIA's decision and will consider the IJ's underlying decision only if it impacted the BIA's decision, as it did here. *See Sharma v. Holder*, 729 F.3d 407, 411 (5th Cir. 2013). Findings of fact, including the denial of asylum and withholding of removal, are reviewed under the substantial evidence standard. *See Gonzales-Veliz v. Barr*, 938 F.3d 219, 224 (5th Cir. 2019). Conclusions of law are reviewed de novo. *See Sharma*, 729 F.3d at 411.

Substantial evidence supports the IJ's holding that Salmeron-Acosta's proposed particular social group (PSG) of "Salvadoran females who have been victims of rape by an older man and have suffered emotional, physical[,] and physiological hardships" is not cognizable because it is impermissibly defined by the harm. *See Gonzales-Veliz*, 938 F.3d at 23