

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

AMENDED SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING TO A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 23rd day of January, two thousand twenty.

PRESENT:

**JON O. NEWMAN,
JOHN M. WALKER, JR.,
*Circuit Judges.*¹**

**GLENDIA XIOMARA ROMERO-FLORES,
DIEGO SAUL SANTOS-ROMERO,
*Petitioners,***

v.

**WILLIAM P. BARR, UNITED STATES
ATTORNEY GENERAL,
*Respondent.***

**17-2263
NAC**

FOR PETITIONERS: Peter E. Torres, New York, NY.

FOR RESPONDENT: Chad A. Readler, Acting Assistant Attorney General, Civil Division;
Claire L. Workman, Senior Litigation Counsel; Maarja T.

¹ Judge Christopher F. Droney, who was originally assigned to the panel, retired from the Court, effective January 1, 2020, prior to the resolution of this case. The remaining two members of the panel, who are in agreement, have determined the matter. See 28 U.S.C. § 46(d); 2d Cir. IOP E(b); *United States v. Desimone*, 140 F.3d 457, 458-59 (2d Cir. 1998).

1 Luhtaru, Trial Attorney, Office of
2 Immigration Litigation, United
3 States Department of Justice,
4 Washington, DC.
5

6 UPON DUE CONSIDERATION of this petition for review of a
7 Board of Immigration Appeals ("BIA") decision, it is hereby
8 ORDERED, ADJUDGED, AND DECREED that the petition for review
9 is DENIED.

10 Petitioners Glenda Xiomara Romero-Flores and her son
11 Diego Saul Santos-Romero, natives and citizens of Honduras,
12 seek review of a June 30, 2017, decision of the BIA affirming
13 a January 9, 2017, decision of an Immigration Judge ("IJ")
14 denying Romero-Flores's application for asylum, withholding
15 of removal, and relief under the Convention Against Torture
16 ("CAT"). *In re Glenda Xiomara Romero-Flores, Diego Saul*
17 *Santos-Romero*, Nos. A 206 688 042/043 (B.I.A. June 30, 2017),
18 *aff'g* Nos. A 206 688 042/043 (Immig. Ct. N.Y. City Jan. 9,
19 2017). We assume the parties' familiarity with the
20 underlying facts and procedural history in this case.

21 Under the circumstances of this case, we have considered
22 both the IJ's and the BIA's opinions "for the sake of
23 completeness." *Wangchuck v. Dep't of Homeland Sec.*, 448 F.3d
24 524, 528 (2d Cir. 2006). The applicable standards of review

1 are well established. See 8 U.S.C. § 1252(b)(4)(B); *Y.C. v.*
2 *Holder*, 741 F.3d 325, 332 (2d Cir. 2013).

3 Because Romero-Flores expressly waives her CAT claim, we
4 address only asylum and withholding of removal. To establish
5 eligibility for asylum and withholding of removal, “the
6 applicant must establish that race, religion, nationality,
7 membership in a particular social group, or political opinion
8 was or will be at least one central reason for persecuting
9 the applicant.” 8 U.S.C. § 1158(b)(1)(B)(i); *id.*
10 § 1231(b)(3)(A); see also *Matter of C-T-L-*, 25 I. & N. Dec.
11 341, 348 (BIA 2010). Asylum or withholding of removal “may
12 be granted where there is more than one motive for
13 mistreatment, as long as at least one central reason for the
14 mistreatment is on account of a protected ground.” *Acharya*
15 *v. Holder*, 761 F.3d 289, 297 (2d Cir. 2014) (internal
16 quotation marks omitted). An applicant “must provide some
17 evidence of [a persecutor’s motives], direct or
18 circumstantial.” *INS v. Elias-Zacarias*, 502 U.S. 478, 483
19 (1992); see also *Manzur v. U.S. Dep’t of Homeland Sec.*, 494
20 F.3d 281, 291 (2d Cir. 2007).

21 Romero-Flores has waived her claim that she was harmed
22 on account of her political opinion or membership in a social
23 group based on her gender; she presses only her family-based

1 social group claim. See *Yueqing Zhang v. Gonzales*, 426 F.3d
2 540, 545 n.7 (2d Cir. 2005).

3 Substantial evidence supports the agency's determination
4 that Romero-Flores failed to demonstrate that the harm she
5 suffered or fears would be on account of her membership in a
6 family-based social group. Romero-Flores's testimony
7 regarding a connection between the robbery of her store in
8 2014, and her father, who had previously owned the store and
9 had been robbed and killed by gang members in 1989, was
10 speculative given the length of time between those events and
11 the fact that the only connection she could make is that the
12 gang members may have known that the store was robbed in the
13 past and thus thought it would be a good target. However,
14 she also testified that the people who robbed her were not
15 the people who killed her father, and she did not have any
16 reason to think that they were connected to her father's
17 killers. Her attempt to identify a nexus between her harm
18 and a social group of her family members was further
19 undermined by her concession that, other than her father, no
20 family members had been threatened by gang members. See
21 *Melgar de Torres v. Reno*, 191 F.3d 307, 313 (2d Cir. 1999)
22 (finding claimed fear of future persecution weakened when
23 similarly situated family members remain unharmed in

petitioner's native country). Finally, Romero-Flores also acknowledged that the men who robbed her would not have been interested in her if she did not have money. This record provides substantial evidence for the agency's conclusion that Romero-Flores was targeted because she was thought to have money. This harm as a result of "general crime conditions" does not constitute persecution on account of a protected ground. *Id.* at 314; see *Ucelo-Gomez v. Mukasey*, 509 F.3d 70, 74 (2d Cir. 2007) ("harm motivated purely by wealth is not persecution"). This nexus determination is dispositive of both asylum and withholding of removal. See 8 U.S.C. §§ 1158(b)(1)(B)(i), 1231(b)(3)(A)

For the foregoing reasons, the petition for review is DENIED. As we have completed our review, any stay of removal that the Court previously granted in this petition is VACATED, and any pending motion for a stay of removal in this petition is DISMISSED as moot. Any pending request for oral argument in this petition is DENIED in accordance with Federal Rule of Appellate Procedure 34(a)(2), and Second Circuit Local Rule 34.1(b).

FOR THE COURT:
Catherine O'Hagan Wolfe,
Clerk of Court