

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

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 13th 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. Luhtaru, Trial Attorney, Office of

¹ The panel originally included Circuit Judge Christopher F. Droney, who fully retired from the court on December 31, 2019. This case is decided by the remaining two judges, consistent with section E(b) of the Internal Operating Procedures of the Second Circuit.

1 Immigration Litigation, United
2 States Department of Justice,
3 Washington, DC.

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

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

19 Under the circumstances of this case, we have considered
20 both the IJ's and the BIA's opinions "for the sake of
21 completeness." *Wangchuck v. Dep't of Homeland Sec.*, 448 F.3d
22 524, 528 (2d Cir. 2006). The applicable standards of review
23 are well established. See 8 U.S.C. § 1252(b)(4)(B); *Y.C. v.*
24 *Holder*, 741 F.3d 325, 332 (2d Cir. 2013).

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

19 Romero-Flores has waived her claim that she was harmed
20 on account of her political opinion or membership in a social
21 group based on her gender; she presses only her family-based
22 social group claim. See *Yueqing Zhang v. Gonzales*, 426 F.3d
23 540, 545 n.7 (2d Cir. 2005).

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

1 interested in her if she did not have money. This record
2 provides substantial evidence for the agency's conclusion
3 that Romero-Flores was targeted because she was thought to
4 have money. This harm as a result of "general crime
5 conditions" does not constitute persecution on account of a
6 protected ground. *Id.* at 314; see *Ucelo-Gomez v. Mukasey*,
7 509 F.3d 70, 74 (2d Cir. 2007) ("harm motivated purely by
8 wealth is not persecution"). This nexus determination is
9 dispositive of both asylum and withholding of removal. See
10 8 U.S.C. §§ 1158(b)(1)(B)(i), 1231(b)(3)(A)

11 For the foregoing reasons, the petition for review is
12 DENIED. As we have completed our review, any stay of removal
13 that the Court previously granted in this petition is VACATED,
14 and any pending motion for a stay of removal in this petition
15 is DISMISSED as moot. Any pending request for oral argument
16 in this petition is DENIED in accordance with Federal Rule of
17 Appellate Procedure 34(a)(2), and Second Circuit Local Rule
18 34.1(b).

19 FOR THE COURT:
20 Catherine O'Hagan Wolfe,
21 Clerk of Court
22