

United States Court of Appeals
For the Eighth Circuit

No. 23-3120

Lesly Yazel Escobar Moreno De Cancinos; B.A.C.E.

Petitioners

v.

Merrick B. Garland, Attorney General of the United States

Respondent

Petition for Review of an Order of the
Board of Immigration Appeals

Submitted: May 21, 2024

Filed: July 9, 2024

[Unpublished]

Before LOKEN, SHEPHERD, and KOBES, Circuit Judges.

PER CURIAM.

Guatemalan citizens Lesly Yazel Escobar Moreno De Cancinos and her minor child, B.A.C.E., petition for review of an order of the Board of Immigration Appeals (BIA). Having jurisdiction under 8 U.S.C. § 1252, this court denies the petition.

This court finds no error in the determination that Escobar Moreno failed to establish a nexus between her proposed particular social groups (PSG) and the harm she feared in Guatemala. See Silvestre-Giron v. Barr, 949 F.3d 1114, 1119 & n.3 (8th Cir. 2020) (nexus is a factual determination reviewed for substantial evidence and will not be reversed unless the record evidence is so compelling that no reasonable fact-finder could fail to find in petitioner's favor). Because Escobar Moreno failed to establish a nexus, the agency did not err in denying her application for asylum or withholding of removal. See Tino v. Garland, 13 F.4th 708, 710 (8th Cir. 2021) (per curiam) (where substantial evidence supported determination that noncitizen failed to demonstrate nexus between persecution and PSG, failure was dispositive of asylum claim); Guled v. Mukasey, 515 F.3d 872, 881 (8th Cir. 2008) (noncitizen who does not meet well-founded fear standard for asylum cannot meet higher "clear probability of persecution" standard for withholding of removal). This court also concludes that the BIA did not abuse its discretion in denying the petitioners' request for humanitarian asylum. See Mejia-Lopez v. Barr, 944 F.3d 764, 768 (8th Cir. 2019) (humanitarian asylum requires petitioner to demonstrate past persecution on account of protected ground).

The petition is denied. See 8th Cir. R. 47B.
