

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

September 14, 2026

Christopher M. Wolpert
Clerk of Court

TONIA DORALI ROBLERO-ROBLERO;
JANE DOE, a minor,

Petitioners,

v.

TODD BLANCHE, United States
Attorney General,*

Respondent.

No. 25-9563
(Petition for Review)

ORDER AND JUDGMENT**

Before **TYMKOVICH**, **MATHESON**, and **PHILLIPS**, Circuit Judges.

Tonia Doralí Roblero-Roblero entered the United States without permission. An immigration judge (“IJ”) denied her application for asylum, withholding of removal, and protection under the Convention Against Torture (“CAT”), and ordered her removed to Guatemala. The Board of Immigration Appeals (“BIA”) dismissed

* Todd Blanche is now the Attorney General of the United States and has been substituted as Respondent. *See* Fed. R. App. P. 43(c)(2).

** After examining the briefs and appellate record, this panel has determined unanimously to honor the parties’ request for a decision on the briefs without oral argument. *See* Fed. R. App. P. 34(f); 10th Cir. R. 34.1(G). The case is therefore submitted without oral argument. This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

her appeal in a single-member summary order. She petitioned this court for review. Exercising jurisdiction under 8 U.S.C. § 1252(a), we deny the petition.¹

I. BACKGROUND

Before the immigration court, Ms. Roblero said that she lived with her boyfriend in Guatemala from 2014 to 2018; that he punched her in the face, back, and stomach; and that he twice threatened her with a kitchen knife. She fled to the United States.

Asylum applicants must prove they are “refugee[s],” 8 U.S.C. § 1158(b)(1)(A)—they must be unable or unwilling to return to their country “because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.” § 1101(a)(42)(A).

Ms. Roblero claimed membership in a particular social group: persons “who suffer[] harm on account of . . . being a Guatemalan woman who is domestically abused by . . . the father of her minor child.” R. at 132.

The IJ denied asylum, stating that “this particular social group is defined by the harm itself, that is, the group is basically defined as being a victim of domestic abuse at the hands of . . . a domestic partner.” R. at 39. But “[i]t is impermissible to

¹ Ms. Roblero’s minor daughter, also a native and citizen of Guatemala, is a derivative petitioner. *See* R. at 3 n.1. None of the relevant facts involve the daughter specifically, so this order and judgment will focus on Ms. Roblero.

define a particular social group by the persecution or harm itself.” *Id.* The IJ also denied withholding of removal and CAT protection.

Ms. Roblero appealed to the BIA, restating her “membership in a particular social group as a Guatemalan woman who is a victim of domestic violence.”

R. at 14. She argued that factors such as immutable characteristics and social distinction favor recognition of that group.

The BIA upheld the IJ’s denial of asylum, agreeing that the particular social group “is not cognizable as it is impermissibly identified by the harm asserted.”

R. at 4. It also said Ms. Roblero “[did] not meaningfully challenge[] the Immigration Judge’s finding that such proffered group was impermissibly defined and so [she] has waived [any] challenge to such finding.” *Id.*

As to other potential grounds for relief—asylum based on political opinion or religion, withholding of removal, and CAT protection—the BIA concluded Ms. Roblero had waived those as well.

The BIA therefore dismissed the appeal. This petition for review followed.

II. DISCUSSION

Ms. Roblero’s opening brief argues she qualifies for asylum, withholding of removal, and CAT protection for the reasons argued before the IJ. But as the government notes, she does not address the BIA’s waiver grounds for upholding the IJ. We agree.

The BIA said Ms. Roblero failed to offer any meaningful argument about whether the IJ erred in rejecting her proposed particular social group, so she waived

any such challenge to the IJ's decision. Now, in *this* appeal, Ms. Roblero does not contest the BIA's *finding of waiver*. She thus waived an argument here against the BIA's waiver determination. *See Sawyers v. Norton*, 962 F.3d 1270, 1286 (10th Cir. 2020) ("Issues not raised in the opening brief are deemed abandoned or waived." (quotations omitted)).

As for Ms. Roblero's requests for asylum based on political opinion or religion, for withholding of removal, and for CAT protection, the BIA found she had waived a challenge to the IJ's rejection of those requests. Although she acknowledges the BIA's waiver determination,² she does not say why that finding was wrong.

Because Ms. Roblero fails to argue that the BIA incorrectly deemed her arguments waived, she has waived *that* argument and necessarily fails to show the BIA committed reversible error.

III. CONCLUSION

We deny the petition for review.

Entered for the Court

Scott M. Matheson, Jr.
Circuit Judge

² *See* Pet'r Opening Br. at 9 ("The agency also discounted Ms. Roblero's eligibility for asylum and other relief on account of persecution based on her political opinion and religion, concluding that she had waived these claims.").