

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

5 Petitioner Shijie You, a native and citizen of the
6 People's Republic of China, seeks review of a November 14,
7 2016, decision of the BIA, affirming a March 17, 2016,
8 decision of an Immigration Judge ("IJ") denying You's
9 application for asylum, withholding of removal, and relief
10 under the Convention Against Torture ("CAT"). *In re Shijie*
11 *You*, No. A087 707 836 (B.I.A. Nov. 14, 2016), *aff'g* No.
12 A087 707 836 (Immig. Ct. N.Y. City Mar. 17, 2016). We
13 assume the parties' familiarity with the underlying facts
14 and procedural history in this case.

15 We have reviewed the IJ's decision as modified by the
16 BIA, i.e., minus the adverse credibility determination that
17 the BIA declined to reach. *See Xue Hong Yang v. U.S. Dep't*
18 *of Justice*, 426 F.3d 520, 522 (2d Cir. 2005). The applicable
19 standards of review are well established. *See* 8 U.S.C.
20 § 1252(b)(4)(B); *Yanqin Weng v. Holder*, 562 F.3d 510, 513 (2d
21 Cir. 2009).

22 You asserted that police in China detained and beat him
23 for disturbing the peace when he organized a protest and
24 fundraiser after the death of a coworker who had been forced

1 to retire early. As the agency concluded, You failed to
2 establish his eligibility for asylum and withholding of
3 removal based on this claim because he failed to demonstrate
4 that police targeted him on account of a protected ground.

5 To establish eligibility for asylum and withholding of
6 removal, "the applicant must establish that race, religion,
7 nationality, membership in a particular social group, or
8 political opinion was or will be at least one central
9 reason for persecuting the applicant." 8 U.S.C.

10 § 1158(b)(1)(B)(i); *id.* § 1231(b)(3)(A); *see also Matter of*
11 *C-T-L-*, 25 I. & N. Dec. 341, 348 (B.I.A. 2010). To
12 demonstrate that persecution or a well-founded fear of
13 persecution is on account of an applicant's political
14 opinion, the applicant must "show, through direct or
15 circumstantial evidence, that the persecutor's motive to
16 persecute arises from the applicant's political belief,"
17 rather than merely by the persecutor's own opinion.
18 *Yueqing Zhang v. Gonzales*, 426 F.3d 540, 545 (2d Cir.
19 2005). The persecution may be on account of an opinion
20 imputed to the applicant by the persecutor, regardless of
21 whether or not this imputation is accurate. *See Chun Gao*
22 *v. Gonzales*, 424 F.3d 122, 129 (2d Cir. 2005). Although
23 retaliation for an applicant's opposition to endemic
24 government corruption or economic policies may constitute

1 persecution on account of a political opinion, a
2 persecutor's suppression of an applicant's "challenge to
3 isolated, aberrational acts" does not. *Yueqing Zhang*, 426
4 F.3d at 546-48; see also *Osorio v. INS*, 18 F.3d 1017, 1029
5 (2d Cir. 1994) (requiring BIA to consider "the political
6 dimension" and "political context" of economic disputes
7 between a union leader and his government).

8 You did not testify to any facts from which one could
9 infer that police targeted him on account of his political
10 opinion, imputed or otherwise. He testified that police
11 accused, detained, and charged him with disturbing the
12 peace, and hit him when he questioned their authority. On
13 cross-examination, when asked whether his troubles stemmed
14 solely from the death of his coworker, You mentioned for
15 the first time that he and his coworkers felt the
16 leadership of their company was corrupt. You's single
17 mention of corruption, without testimony that he expressed
18 or took an anti-corruption stand or that police mentioned
19 corruption in detaining or harming him, was insufficient to
20 show that police targeted him on account of any political
21 opinion. See *Yueqing Zhang*, 426 F.3d at 545-48.

22 Accordingly, although the mistreatment You suffered is
23 inexcusable, without any direct or circumstantial evidence
24 to support his claim that he was targeted or would be

1 targeted on account of his political opinion, the agency
2 did not err in finding that he failed to establish his
3 eligibility for asylum or withholding of removal. See
4 8 U.S.C. § 1158(b)(1)(B)(i); *id.* § 1231(b)(3)(A); *Yueqing*
5 *Zhang*, 426 F.3d at 545.

6 We do not consider the agency's denial of CAT relief
7 because You has not raised that claim in his brief. See
8 *Yueqing Zhang*, 426 F.3d at 541 n.1, 545 n.7.

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

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