

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 10-11398
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT NOV 23, 2010 JOHN LEY CLERK

Agency No. A097-959-585

PATRICIA LAZANO DE PADILLA,
OSCAR JAIME PADILLA MORENO,

Petitioners,

versus

U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of a Decision of the
Board of Immigration Appeals

(November 23, 2010)

Before WILSON, PRYOR and ANDERSON, Circuit Judges.

PER CURIAM:

Oscar Jaime Padilla and his wife, Patricia Lazano de Padilla, natives and

citizens of Colombia, petition for review of the decision of the Board of Immigration Appeals that denied Padilla's application for withholding of removal. 8 U.S.C. § 1231(b)(3). The Board found that Padilla was not a member of a "particular social group." We deny the petition.

The Padillas challenge the findings that the social group fashioned by Padilla was not "defined . . . with sufficient particularity" and was "insufficiently socially visible." The Padillas do not challenge the finding that their application for asylum was untimely, which we lack jurisdiction to review. Mendoza v. U.S. Att'y Gen., 327 F.3d 1283, 1287 (11th Cir. 2003). With respect to the petition to review the denial of withholding of removal, we deny the petition for Padilla's wife because the regulation for this form of relief does not provide for derivative benefits. See 8 C.F.R. § 208.16(c); Delgado v. U.S. Att'y Gen., 487 F.3d 855, 862 (11th Cir. 2007).

Substantial evidence supports the decision to deny Padilla's application for withholding of removal based on membership in a protected social group. A group qualifies as a "particular social group" if its members share an immutable characteristic and are visible socially. Castillo-Arias v. U.S. Att'y Gen., 446 F.3d 1190, 1196 (11th Cir. 2006). Padilla included as members of his social group those professionals who were unwilling to collaborate and share their knowledge

and skills with revolutionaries against the Colombian government. Although members of Padilla's proposed group might have undergone similar education and training, their defining attribute is "[t]he risk of persecution" they face, which "alone does not create a particular social group." Id. at 1198. In addition, the group described by Padilla lacks social visibility because countless persons could declare membership based on any occupational skill they possess that is desired by the revolutionaries.

PETITION DENIED.