

UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

Elisa Lopez-Vasquez v. Bondi

Lopez-Vasquez · No. 25-1338 · Decided May 29, 2026

SUMMARY

The Eighth Circuit denied Elisa Lopez-Vasquez’s petition for review of a Board of Immigration Appeals decision denying cancellation of removal and voluntary departure. The court held that her due process claims failed because cancellation of removal is discretionary, substantial evidence supported the hardship determination, and her voluntary-departure claims were moot after her deportation.

CASE DETAILS

COURT	United States Court of Appeals for the Eighth Circuit
WRITING FOR THE COURT	Gruender, Circuit Judge; Colloton, Chief Judge; Kobes, Circuit Judge
JURISDICTION	United States Court of Appeals for the Eighth Circuit
DECIDED	May 29, 2026
DOCKET	25-1338
DISPOSITION	other
PROCEDURAL POSTURE	Petition for review of a Board of Immigration Appeals order affirming an immigration judge's denial of cancellation of removal and voluntary departure.
STANDARD OF REVIEW	Due process claims were reviewed de novo. The BIA's hardship determination for cancellation of removal was reviewed for substantial evidence. Denial of the motion to remand was reviewed for abuse of discretion. Voluntary-departure claims were dismissed as moot after deportation.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Elisa Lopez-Vasquez v. Pamela Bondi

TOPICS

- cancellation of removal
- removal proceedings
- procedural due process
- mootness
- judicial review of agency action

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the BIA violated Lopez-Vasquez's Fifth Amendment due process rights by failing to conduct a holistic, family-wide hardship inquiry, applying an unconstitutionally vague hardship standard, or ignoring new hardship evidence.
2. Whether the BIA improperly concluded that removal would not cause Lopez-Vasquez's U.S.-citizen children exceptional and extremely unusual hardship under 8 U.S.C. § 1229b(b)(1)(D).
3. Whether the BIA abused its discretion by denying Lopez-Vasquez's motion to remand for consideration of new evidence.
4. Whether the court could review Lopez-Vasquez's claims concerning voluntary departure after she had been deported.

HOLDINGS

1. A noncitizen has no constitutionally cognizable liberty interest in the discretionary relief of cancellation of removal and therefore cannot state a due process claim based on its denial.
2. The BIA's determination that removal would not cause exceptional and extremely unusual hardship to Lopez-Vasquez's citizen children was supported by substantial evidence.
3. The BIA did not abuse its discretion in denying Lopez-Vasquez's motion to remand because she failed to establish that the new evidence was unavailable earlier or material enough to likely change the outcome.
4. The court lacked Article III jurisdiction to review Lopez-Vasquez's voluntary-departure claims because her deportation rendered those claims moot.

KEY QUOTATIONS

“an alien can have no constitutionally protected liberty interest in [cancellation of removal] and cannot state a claim for a violation of due process rights” (at 5)

“effectively losing their mother and primary caregiver” (at 6)

“case is moot when “issues presented in a case [] lose their life because of the passage of time or a change in circumstances . . . and a federal court can no longer grant effective relief”” (at 7)

FACTUAL BACKGROUND

Lopez-Vasquez, a Guatemalan citizen, entered the United States without admission or parole in 2004 and lived in Missouri for approximately twenty years. She has six U.S.-citizen children and had served as a homemaker and caretaker; her husband, the father of her youngest child, also lacked lawful status. The immigration judge found that her children could remain in the United States and receive care and support from their father and extended family if she were removed. DHS deported Lopez-Vasquez to Guatemala in March 2025.

PROCEDURAL HISTORY

The Department of Homeland Security initiated removal proceedings against Lopez-Vasquez, who conceded removability and applied for cancellation of removal and voluntary departure. The immigration judge denied both applications, finding her ineligible for cancellation based on a prior Missouri child-abuse conviction and, independently, failing to establish exceptional and extremely unusual hardship to her citizen children; the judge also denied voluntary departure for failure to provide valid travel documentation. The Board of Immigration Appeals affirmed, denied her motion to remand for consideration of new evidence, and Lopez-Vasquez petitioned the Eighth Circuit for review. While the petition was pending, DHS deported her to Guatemala.

DISPOSITION

other

REMAND INSTRUCTIONS

None. The court denied the petition for review and did not remand the case.

CASES CITED

- Sanchez-Velasco v. Holder, 593 F.3d 733, 735, 737 (8th Cir. 2010)
- Nunez-Portillo v. Holder, 763 F.3d 974, 977 (8th Cir. 2014)
- Rodriguez v. Barr, 952 F.3d 984, 990-91 (8th Cir. 2020)
- Lopez v. Gonzales, 549 U.S. 47, 52 n.2 (2006)
- Wilkinson v. Garland, 601 U.S. 209, 212, 222 (2024)
- Alonso-Juarez v. Bondi, 169 F.4th 789, 794-96 (8th Cir. 2026)
- In re Gonzalez Recinas, 23 I. & N. Dec. 467, 471-72 (B.I.A. 2002)
- Mader v. United States, 654 F.3d 794, 800 (8th Cir. 2011) (en banc)
- Campos Julio v. Barr, 953 F.3d 550, 553 (8th Cir. 2020)
- Beck by Beck v. Missouri State High School Activities Ass'n, 18 F.3d 604, 605 (8th Cir. 1994)