

UNITED STATES DEPARTMENT OF JUSTICE, EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW, BOARD OF IMMIGRATION APPEALS

Matter of S-E-M-Z-, Applicant

29 I&N Dec. 680 (BIA 2026) · Decided June 5, 2026

SUMMARY

The Board of Immigration Appeals sustained DHS’s appeal from a grant of statutory withholding of removal to a Honduran applicant. It held that the social-distinction element of a particular social group must generally be evaluated on a countrywide basis rather than within a neighborhood or other limited geographic area. The Board also concluded that the applicant’s family membership was not a central reason for the gang-related harm and remanded solely for consideration of protection under the Convention Against Torture regulations.

CASE DETAILS

COURT	United States Department of Justice, Executive Office for Immigration Review, Board of Immigration Appeals
WRITING FOR THE COURT	Gemoets, Appellate Immigration Judge; Malphrus, Chief Appellate Immigration Judge; McCloskey, Temporary Appellate Immigration Judge
JURISDICTION	U.S. Department of Justice, Executive Office for Immigration Review, Board of Immigration Appeals
DECIDED	June 5, 2026
DISPOSITION	remanded
PROCEDURAL POSTURE	DHS appealed an Immigration Judge's grant of statutory withholding of removal to the applicant. The Board sustained DHS's appeal, vacated the grant of withholding, and remanded the record to the Immigration Court to address the applicant's Convention Against Torture claim.
STANDARD OF REVIEW	The Board reviewed the Immigration Judge's factual finding concerning neighborhood familiarity for clear error, but reviewed the cognizability of the proposed particular social group and the nexus determination under the governing legal standards.
PRECEDENTIAL VALUE	Published precedential Board of Immigration Appeals decision
PARTIES	Department of Homeland Security v. S-E-M-Z-, Applicant

TOPICS

removal proceedings immigration statutory interpretation agency adjudication
judicial review of agency action

PRACTICE AREAS

Immigration law Asylum and withholding of removal Administrative adjudication Statutory interpretation

QUESTIONS PRESENTED

1. Whether the applicant's proposed family-based particular social group was cognizable when the evidence showed recognition of the family within a Honduran neighborhood but not greater significance or social distinction within Honduran society as a whole.
2. Whether the applicant established that membership in the family-based particular social group was a central reason for the harm, including under the but-for and more-than-minor-role nexus framework.
3. Whether the Board should reach DHS's other arguments concerning statutory withholding of removal.
4. Whether the record should be remanded for the Immigration Judge to decide the applicant's Convention Against Torture claim.

HOLDINGS

1. For asylum and withholding-of-removal claims, the social-distinction element of a particular social group must generally be measured on a countrywide basis, rather than from the perspective of a neighborhood or other limited geographic location within the country.
2. The applicant did not establish nexus because, even if family membership was a but-for cause of the harm, it was not a central reason and played only an incidental or subordinate role to the gangs' nonprotected objectives of recruitment and maintaining power and control.

KEY QUOTATIONS

“The “social distinction” element of a particular social group must generally be measured on a countrywide basis, rather than from the perspective of a neighborhood or other limited geographic location within a country.” (680)

“Accordingly, we conclude that social distinction must generally be measured on a countrywide basis, rather than from the perspective of a neighborhood or other limited geographic location within a country.” (684)

“To establish the necessary nexus, the protected ground: (1) must be a but-for cause of the wrongdoer’s act; and (2) must play more than a minor role—in other words, it cannot be incidental or tangential to another reason for the act.” (687-88)

FACTUAL BACKGROUND

The applicant, a Honduran citizen, was in withholding-only proceedings after MS-13 gang members attempted to recruit her daughter for drug sales, prostitution, and other criminal activity. The gang threatened the applicant

because she opposed the recruitment, and the applicant's daughter was kidnapped. After the applicant and others located the daughter and took her to a rural village, persons perceived to be gang members came looking for the applicant; the applicant and her daughter then left Honduras, and the nephew who helped locate the daughter was later murdered.

PROCEDURAL HISTORY

The Immigration Judge concluded that the applicant had suffered past persecution in Honduras based on membership in a family-based particular social group, that Honduran authorities were unable or unwilling to protect her, and that DHS had not rebutted the resulting presumption of future persecution. DHS appealed. The Board rejected the Immigration Judge's particular-social-group and nexus conclusions, vacated the withholding grant, and remanded solely for consideration of protection under the regulations implementing the Convention Against Torture.

DISPOSITION

remanded

REMAND INSTRUCTIONS

Remand the record to the Immigration Court solely to consider the applicant's claim for protection under the regulations implementing the Convention Against Torture and to enter a new decision consistent with the Board's decision.

CASES CITED

- Matter of W-G-R-, 26 I&N Dec. 208, 212-18 (BIA 2014)
- Reyes v. Lynch, 842 F.3d 1125 (9th Cir. 2016)
- Matter of L-E-A-, 27 I&N Dec. 581 (A.G. 2019)
- Matter of L-E-A-, 27 I&N Dec. 40 (BIA 2017)
- Matter of L-E-A-, 28 I&N Dec. 304 (A.G. 2021)
- Matter of R-E-R-M- & J-D-R-M-, 29 I&N Dec. 202, 205 (A.G. 2025)
- Matter of A-B-, 27 I&N Dec. 316 (A.G. 2018)
- Matter of A-B-, 28 I&N Dec. 199 (A.G. 2021)
- Matter of S-S-F-M-, 29 I&N Dec. 207 (A.G. 2025)
- Matter of Acosta, 19 I&N Dec. 211, 233, 235 (BIA 1985)
- Matter of Mogharrabi, 19 I&N Dec. 439 (BIA 1987)
- Matter of H-, 21 I&N Dec. 337, 343 (BIA 1996)
- Matter of C-A-, 23 I&N Dec. 951, 959-60 (BIA 2006)
- Castillo-Arias v. U.S. Att'y Gen., 446 F.3d 1190 (11th Cir. 2006)
- Matter of A-M-E- & J-G-U-, 24 I&N Dec. 69, 74 (BIA 2007)
- Ucelo-Gomez v. Mukasey, 509 F.3d 70 (2d Cir. 2007)

- Matter of M-E-V-G-, 26 I&N Dec. 227, 242-44 (BIA 2014)
- Matter of D-G-E-A- & N-G-G-E-, 29 I&N Dec. 570, 575-76 (BIA 2026)
- Matter of D-I-M-, 24 I&N Dec. 448, 449-51 (BIA 2008)
- Robinson v. Shell Oil Co., 519 U.S. 337, 341 (1997)
- Matter of Fuentes, 19 I&N Dec. 658, 663 (BIA 1988)
- Amezcua-Preciado v. U.S. Att'y Gen., 943 F.3d 1337, 1344 (11th Cir. 2019)
- Rivera-Barrientos v. Holder, 666 F.3d 641, 652-53 (10th Cir. 2012)
- Conde Quevedo v. Barr, 947 F.3d 1238, 1243 (9th Cir. 2020)
- Lemus-Coronado v. Garland, 58 F.4th 399, 402 (8th Cir. 2023)
- Zaldana Menijar v. Lynch, 812 F.3d 491, 500 (6th Cir. 2015)
- Gonzales-Veliz v. Barr, 938 F.3d 219, 232 (5th Cir. 2019)
- Morales v. Garland, 51 F.4th 553, 557-58 (4th Cir. 2022)
- S.E.R.L. v. Att'y Gen. U.S., 894 F.3d 535, 556-57 (3d Cir. 2018)
- Quintanilla-Mejia v. Garland, 3 F.4th 569, 590 (2d Cir. 2021)
- Espinoza-Ochoa v. Garland, 89 F.4th 222, 235 (1st Cir. 2023)
- Matter of Kasinga, 21 I&N Dec. 357, 366 (BIA 1996)
- Garcia-Aranda v. Garland, 53 F.4th 752, 757 & n.4 (2d Cir. 2022)
- Thayalan v. Att'y Gen. of U.S., 997 F.3d 132, 142-44 (3d Cir. 2021)
- Orellana-Recinos v. Garland, 993 F.3d 851, 856-59 (10th Cir. 2021)
- Sanchez-Castro v. U.S. Att'y Gen., 998 F.3d 1281, 1286-88 (11th Cir. 2021)
- Fuentes v. Barr, 969 F.3d 865, 871-72 (8th Cir. 2020)
- Manzano v. Garland, 104 F.4th 1202, 1207-09 (9th Cir. 2024)
- Hernandez-Avalos v. Lynch, 784 F.3d 944, 949-50 (4th Cir. 2015)
- Ndayshimiye v. Att'y Gen. of U.S., 557 F.3d 124, 129-31 (3d Cir. 2009)
- Matter of J-B-N- & S-M-, 24 I&N Dec. 208, 214 (BIA 2007)
- Matter of Bagamasbad, 429 U.S. 24, 25 (1976)

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