

UNITED STATES BOARD OF IMMIGRATION APPEALS

Matter of L-A-D-

29 I. & N. Dec. 634 (BIA 2026) · Decided May 22, 2026

SUMMARY

The Board of Immigration Appeals sustained DHS’s appeal, vacated an Immigration Judge’s grant of asylum, and denied the respondent’s asylum and withholding claims. It held that the proposed group of “Mexican men with Schizoaffective Disorder,” defined solely by diagnosis, was not a cognizable particular social group because it lacked particularity and social distinction. The Board also held that the respondent’s feared chain of events was speculative and unsupported by evidence of persecutory intent, while remanding for consideration of protection under the Convention Against Torture.

CASE DETAILS

COURT	United States Board of Immigration Appeals
WRITING FOR THE COURT	MCCLOSKEY, Appellate Immigration Judge; GOODWIN, Appellate Immigration Judge; VOLKERT, Appellate Immigration Judge; MCCLOSKEY, Temporary Appellate Immigration Judge
JURISDICTION	U.S. Board of Immigration Appeals
DECIDED	May 22, 2026
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Department of Homeland Security appealed an Immigration Judge's decision granting the respondent asylum. The Board sustained the appeal, vacated the asylum decision, denied asylum and withholding of removal, and remanded for adjudication of the respondent's Convention Against Torture claim.
STANDARD OF REVIEW	The Board reviewed the Immigration Judge's legal determinations de novo and reviewed factual findings for clear error.
PRECEDENTIAL VALUE	Published precedential decision of the Board of Immigration Appeals
PARTIES	Department of Homeland Security v. Matter of L-A-D-, Respondent

TOPICS

- asylum
- removal proceedings
- immigration
- agency adjudication
- judicial review of agency action

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the proposed particular social group of Mexican men with Schizoaffective Disorder is cognizable under the Immigration and Nationality Act.
2. Whether the respondent established a well-founded fear of future persecution based on a series of speculative events involving lack of treatment, erratic behavior, institutionalization, and mistreatment.
3. Whether the respondent established a pattern or practice of persecution against Mexican men with schizoaffective disorder.
4. Whether the respondent established eligibility for withholding of removal.
5. Whether the record should be remanded for adjudication of the respondent's Convention Against Torture claim.

HOLDINGS

1. The group "Mexican men with Schizoaffective Disorder," defined only by the diagnosis, is not cognizable as a particular social group under the INA because it lacks particularity and social distinction.
2. A series of speculative occurrences that also lack evidence of persecutory intent is insufficient to demonstrate a well-founded fear of persecution.
3. The respondent did not establish a pattern or practice of persecution against Mexican men with schizoaffective disorder.
4. Because the respondent failed to establish the required nexus to a protected ground and failed to meet the asylum standard, he also failed to meet the higher standard for withholding of removal.

KEY QUOTATIONS

"A respondent must sufficiently define the symptoms to set forth a benchmark for determining who falls within the group." (635)

"Accordingly, we conclude that the group "Mexican men with Schizoaffective Disorder," defined only by such diagnosis, is not cognizable under the INA." (636)

"A series of speculative occurrences that also lack evidence of persecutory intent is insufficient to demonstrate a well-founded fear of persecution." (639)

FACTUAL BACKGROUND

The respondent, a native and citizen of Mexico, has been diagnosed with schizoaffective disorder and several other mental and developmental conditions. He feared that, if returned to Mexico, he would be unable to obtain effective medication, exhibit erratic behavior, attract the attention of authorities, be institutionalized, and suffer persecution in a mental health institution. The record showed that he had lived intermittently in Mexico without medication without interacting with authorities, and it did not establish that effective treatment would be unavailable or that Mexican officials or healthcare workers would act with persecutory intent.

PROCEDURAL HISTORY

On June 13, 2025, the Immigration Judge granted the respondent's application for asylum based on a well-founded fear of future persecution on account of membership in the proposed particular social group of Mexican men with Schizoaffective Disorder. DHS appealed. The Board held that the proposed group was not cognizable and that the respondent had not established an objectively reasonable fear of persecution or a pattern or practice of persecution. Because the Immigration Judge had not adjudicated the CAT claim, the Board remanded that claim for further proceedings and a new decision.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The record was remanded to the Immigration Court for further proceedings on the respondent's application for protection under the Convention Against Torture and for entry of a new decision consistent with the Board's opinion.

CASES CITED

- Matter of M-E-V-G-, 26 I&N Dec. 227, 237, 239 (BIA 2014)
- Matter of M-A-M-, 25 I&N Dec. 474, 480 (BIA 2011)
- *Indiana v. Edwards*, 554 U.S. 164, 175 (2008)
- *Temu v. Holder*, 740 F.3d 887, 895 (4th Cir. 2014)
- *Andrade v. Garland*, 94 F.4th 904, 911-914 (9th Cir. 2024)
- *Granados v. Garland*, 992 F.3d 755 (9th Cir. 2021)
- Matter of W-G-R-, 26 I&N Dec. 208, 216-217, 223 (BIA 2014)
- *Reyes v. Lynch*, 842 F.3d 1125 (9th Cir. 2016)
- Matter of P-B-B-, 28 I&N Dec. 43, 44 n.1 (BIA 2020)
- *Joshi v. Garland*, 112 F.4th 181, 191 (4th Cir. 2024)
- *Addington v. Texas*, 441 U.S. 418, 426 (1979)
- *Ferchichi v. Bondi*, 128 F.4th 966, 974 (8th Cir. 2025)
- *Perez-Rodriguez v. Barr*, 951 F.3d 972, 975-976 (8th Cir. 2020)
- *Mendoza-Alvarez v. Holder*, 714 F.3d 1161, 1165 (9th Cir. 2013)
- *Soobrian v. Attorney General of the United States*, 388 F. App'x 182, 191 (3d Cir. 2010)
- *Raffington v. INS*, 340 F.3d 720, 723 (8th Cir. 2003)
- Matter of A-B-, 28 I&N Dec. 199, 209 (BIA 2021)
- Matter of S-S-F-M-, 29 I&N Dec. 207 (A.G. 2025)
- *Angel-Lopez v. United States Attorney General*, 853 F. App'x 440, 444-445 (11th Cir. 2021) (per curiam)
- *Gonzalez-Aguilar v. Garland*, 29 F.4th 1208 (10th Cir. 2022)

- Matter of A-M-, 23 I&N Dec. 737, 741-742 (BIA 2005)

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