

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals**For the Seventh Circuit****Chicago, Illinois 60604**

Submitted November 4, 2025

Decided May 18, 2026

BeforeMICHAEL B. BRENNAN, *Chief Judge*MICHAEL Y. SCUDDER, *Circuit Judge*DORIS L. PRYOR, *Circuit Judge*

No. 24-3338

PABLO ZARATE-GONZALEZ,
*Petitioner,*On Petition for Review of an Order of
the Board of Immigration Appeals.*v.*

A205-280-274

TODD W. BLANCHE, Acting Attorney
General of the United States,
*Respondent.*¹**ORDER**

On September 24, 2012, Pablo Zarate-Gonzalez received a notice of removal proceedings from the Department of Homeland Security. Zarate-Gonzalez concedes that he is removable, but he maintains that he is entitled to be considered for discretionary cancellation of removal under section 240A of the Immigration and Nationality Act (INA), 8 U.S.C. § 1229b(b). The immigration judge (“IJ”) disagreed, finding Zarate-Gonzalez had failed to establish one of the legal prerequisites for

¹ Todd W. Blanche is substituted as the respondent. *See* FED. R. APP. P. 43(c)(2).

cancellation: “exceptional and extremely unusual hardship” to a qualifying U.S.-citizen relative. *See* 8 U.S.C. § 1229b(b)(1). The Board of Immigration Appeals affirmed, and Zarate-Gonzalez has petitioned this court for judicial review. Because Zarate-Gonzalez has not shown the finding amounted to a legal error, we deny the petition for review.

I. BACKGROUND

A. Factual Background

Zarate-Gonzalez was born in Veracruz, Mexico, and entered the United States illegally in 1999. Zarate-Gonzalez has lived with his partner, Julia Ramirez-Ramirez, also in the United States illegally, for over 30 years. About 20 years ago, they settled in McHenry, Illinois. The two of them have three living children, two of whom—Esmeralda and Jonathan—are United States citizens. The couple lives in Illinois with Esmeralda and Jonathan. Zarate-Gonzalez’s mother, father, brother, and sister continue to reside in Mexico.

B. Procedural Background

Following Zarate-Gonzalez’s arrest for domestic battery, the Department of Homeland Security initiated removal proceedings against him in September 2012. Zarate-Gonzalez’s Notice to Appear, dated September 24, 2012, charged him with being removable pursuant to 8 U.S.C. § 1182(a)(6)(A)(i) for being present in the United States having never been admitted or paroled. The Department ordered him to appear in immigration court, where he could demonstrate why he should not be removed from the United States.

At his appearance before an immigration judge on January 6, 2015, Zarate-Gonzalez conceded the charge of removability but indicated that he would seek cancellation of removal. On April 16, 2018, Zarate-Gonzalez filed an application for cancellation of removal under 8 U.S.C. § 1229b(b)(1).

In order to be eligible for cancellation of removal, Zarate-Gonzalez needed to satisfy four requirements: (1) be physically present in the United States for a continuous period of at least 10 years immediately prior to his application; (2) be a person of good moral character during that period; (3) have no disqualifying convictions; and (4) establish that removal would result in “exceptional and extremely unusual hardship” to a qualifying relative that is a United States citizen or a noncitizen lawfully

admitted for permanent residence. *Santos Mendoza v. Bondi*, 151 F.4th 900, 904 (7th Cir. 2025) (citing 8 U.S.C. § 1229b(b)(1)).

On July 25, 2022 and again on December 16, 2022, Zarate-Gonzalez appeared before an IJ for a merits hearing on his application for cancellation of removal. Zarate-Gonzalez testified that he entered the United States in 1999 and came to Illinois when he was twenty years old. He further noted that he had previously worked cleaning houses before transitioning to construction, and eventually started his own business. The IJ noted in his decision that Zarate-Gonzalez has lived with his partner, Julia Ramirez-Ramirez, for 29 years and that two of their children, who are school age, live with them. He further noted that both children are progressing normally in school. Zarate-Gonzalez did testify that Jonathan used a nebulizer for allergies and asthma but that, generally, his children were “fine.” Lastly, Zarate-Gonzalez shared that his children have health insurance through the State. He also confirmed that his family would stay in the United States if he was removed.

Zarate-Gonzalez’s partner Julia Ramirez-Ramirez testified about herself, her children, and the effect Zarate-Gonzalez’s removal would have on her family. She explained she was not currently working, but she had worked for ten years in a factory before their youngest child was born. Zarate-Gonzalez’s removal, Ramirez-Ramirez testified, would be difficult because of financial constraints and the stress on the children, including depression. Esmeralda, who was 18 at the time, and the oldest child at home, testified about the impact her father’s removal would have on her. She explained that she would miss his support if he was removed. She testified that Zarate-Gonzalez supported her emotionally, the two of them were close, and he gave her good advice and lectures. She, too, was worried about her younger sibling’s ability to handle their father’s removal.

On January 11, 2023, the IJ denied Zarate-Gonzalez’s application for cancellation of removal. The IJ found Zarate-Gonzalez failed to demonstrate that he met the good character requirement, highlighting Zarate-Gonzalez’s various arrest, his DUI conviction, poor moral choices, and minimization of his poor behavior and drinking. Even if Zarate-Gonzalez had demonstrated that he met the good moral character requirement, the IJ went on to find Zarate-Gonzalez had not shown that his U.S.-citizen children would suffer exceptional and extremely unusual hardship if he were removed. *See* 8 U.S.C. § 1229b(b)(1)(D). At the hearing, Zarate-Gonzalez testified that he ran a construction and property rehabilitation business and the IJ determined that Zarate-Gonzalez could use these skills to find a job in Mexico and continue to support his

family. The IJ also noted that Zarate-Gonzalez's partner, Julia, could go back to work to provide additional support. The IJ also determined that none of the children's previous health issues created an exceptional and extremely unusual hardship. Though the IJ heard that Zarate-Gonzalez's youngest child suffered with asthma and allergies, the IJ determined that these health issues would continue to be addressed by the State. Though the IJ sympathized with the hardship Zarate-Gonzalez's children would suffer in the face of Zarate-Gonzalez's removal, he found it did not rise to the level of exceptional and extremely unusual. Based on this finding, the court concluded that Zarate-Gonzalez was not statutorily eligible for cancellation of removal.

Zarate-Gonzalez appealed the denial of his application to the Board of Immigration Appeals. The Board affirmed the IJ's finding that Zarate-Gonzalez did not establish his removal would cause "exceptional and extremely unusual hardship" to his U.S.-citizen children.² The Board agreed that Zarate-Gonzalez did not "demonstrate that his removal would result in hardship that is substantially beyond the hardship that ordinarily results from the removal of a close relative." Zarate-Gonzalez now petitions this court for review.

II. ANALYSIS

On appeal, Zarate-Gonzalez challenges the IJ's conclusion that he did not establish that either of his two U.S. citizen-children would suffer exceptional and extremely unusual hardship as the result of his removal.

A. Standard of Review

Zarate-Gonzalez insists we review hardship determinations de novo. But the Supreme Court has explained "that ... whether established facts satisfy the hardship standard 'requires close engagement with the facts,' which 'suggests a more deferential standard of review.'" *Santos Mendoza*, 151 F.4th at 905 (quoting *Wilkinson v. Garland*, 601 U.S. 209, 222 (2024)). From this instruction, we know the applicable standard of review is not de novo. *See id.*

Since *Wilkinson*, circuit courts have debated what standard of review applies to hardship findings. *See id.* The Third, Eighth, Ninth, and Eleventh Circuits have held that hardship determinations should be reviewed for substantial evidence. *See id.* (citing

² The IJ made additional findings, which Zarate-Gonzalez appealed, but the Board affirmed only the IJ's hardship finding. Zarate-Gonzalez agrees that is the only finding before us in this appeal.

Gonzalez-Juarez v. Bondi, 137 F.4th 996, 1003 (9th Cir. 2025), and *Wilkinson v. Attorney General*, 131 F.4th 134, 140 (3d Cir. 2025) (on remand)); see also *Lopez-Martinez v. U.S. Attorney General*, 149 F.4th 1202, 1210–11 (11th Cir. 2025); *Alonso-Juarez v. Bondi*, 169 F.4th 789, 795–96 (8th Cir. 2026). By contrast, the Second Circuit has applied the less deferential clear error standard of review. See *Toalombo Yanez v. Bondi*, 140 F.4th 35, 42 (2d Cir. 2025). In *Santos Mendoza*, we declined to decide which deferential standard of review applied because, in that case, “there was no reversible error” under either. 151 F.4th at 905. Here, similarly, regardless of which deferential standard of review applies, Zarate-Gonzalez does not prevail.

B. Legal Framework

We must deny Zarate-Gonzalez’s petition “‘unless any reasonable adjudicator would be compelled to conclude’ that his removal would cause exceptional and extremely unusual hardship to his United States citizen children.” *Id.* at 906 (quoting 8 U.S.C. § 1252(b)(4)(B)). Where the Board affirms the IJ’s hardship determination without supplementing its reasoning, as it did here, “we focus our review on the [IJ’s] decision.” *Id.*

An applicant is eligible for cancellation of removal if, as relevant here, he “establishes that removal would result in exceptional and extremely unusual hardship to the [applicant’s] spouse, parent, or child, who is a citizen of the United States.” 8 U.S.C. § 1229b(b)(1)(D). To be eligible for cancellation under this criterion, an applicant must show “that his removal would cause hardship that is substantially different from, or beyond, that which would be normally expected from the deportation of an [applicant] with close family members in the United States.” *Santos Mendoza*, 151 F.4th at 906 (citation modified). Immigration judges and the Board must consider “hardships on their own terms—generalizations will not do.” *Id.* (citation modified). They must also consider “the ages, health, and circumstances of the applicant’s qualifying relatives.” *Id.* (citation modified). “[I]t has long been settled that economic detriment alone is insufficient to support even a finding of extreme hardship.” *In re Andazola-Rivas*, 23 I. & N. Dec. 319, 323 (B.I.A. 2002); see also *Santos Mendoza*, 151 F.4th at 906–07.

C. Analysis

Here, the IJ did not err when it concluded Zarate-Gonzalez did not establish his children would suffer the level of hardship required for relief. Just as in *Santos Mendoza*, the IJ considered all the relevant factors and reasonably determined removal would not

produce hardship substantially beyond that which would be ordinarily expected under these circumstances. 151 F.4th at 906–07. The IJ noted, for example, that aside from the youngest child’s asthma, which was being treated, Zarate-Gonzalez’s children were in good health. And Zarate-Gonzalez’s removal, the IJ explained, would not impact the children’s health insurance. Moreover, the IJ observed that Esmeralda and her brother had excelled and progressed normally in school and found that no special circumstances would make the emotional hardship suffered exceptional and extremely unusual. Though Julia Ramirez-Ramirez testified that she worried Esmeralda would become depressed, she also testified that Esmeralda had never been treated for depression.

With respect to financial hardship, the IJ acknowledged that Zarate-Gonzalez’s removal would burden the family, but he found that some of the financial consequences could be mitigated. For example, Ramirez-Ramirez, with her experience, could go back to work, and Zarate-Gonzalez could get a job in Mexico. Until he found a job, he would have the support of his family in Mexico. Given the IJ’s findings, we “cannot say that any factfinder would be compelled to find the financial hardship here extremely unusual” or “substantially more severe than the ordinary case.” *Id.* at 906–07.

In sum, the IJ’s conclusion that Zarate-Gonzalez’s removal would not produce hardship substantially beyond that which would be expected under these circumstances is supported by substantial evidence and is not clearly erroneous. “It is an unfortunate reality that [financial and emotional harm] are common in these cases.” *Id.* at 907. But we cannot say that any “reasonable judge would ... disagree with” the IJ’s decision here. *Id.* at 906.³

III. CONCLUSION

For these reasons, Zarate-Gonzalez has failed to demonstrate the IJ’s hardship determination amounted to a legal error, thus we DENY the petition for review.

³ Zarate-Gonzalez on appeal also argues that the hardship standard applied by the IJ and the Board is impossible to meet in most circumstances. But he did not present that argument to the Board. We therefore do not consider it. See *Kithongo v. Garland*, 33 F.4th 451, 457 (7th Cir. 2022) (“To exhaust an argument and thus avoid waiver, it must be actually argued in the administrative proceedings.” (citation modified)).