NONPRECEDENTIAL DISPOSITION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 12, 2025*
Decided December 29, 2025

Before

MICHAEL B. BRENNAN, *Chief Judge*

AMY J. ST. EVE, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

No. 25-1416

JESUS FABIAN CRUZ-ARIAS,
Petitioner,

v.

PAMELA J. BONDI, Attorney General of the United States,
Respondent.

Petition for Review of an Order of the Board of Immigration Appeals.

No. A206-304-699

O R D E R

Jesus Fabian Cruz-Arias, a native and citizen of Mexico, challenges the denial of his claims for withholding of removal and protection under the Convention Against Torture ("CAT")†. In rejecting his first claim, the Board of Immigration Appeals

* We decided the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not have significantly aided the court. FED. R. APP. P. 34(a)(2)(C).

† Cruz-Arias does not challenge the Immigration Judge's denial of his asylum claim.

("Board") agreed with the Immigration Judge ("IJ") that Cruz-Arias failed to show a likelihood of sufficient harm or that the harm would be motivated by his membership in his putative particular social group of Mexican landowners and their extended family. The Board also agreed with the IJ that Cruz-Arias did not adequately show he would suffer torture upon returning to Mexico or that any such torture would involve government acquiescence. Finding no error in this analysis, we dismiss Cruz-Arias's petition for review.

At his merits hearing before the IJ, Cruz-Arias described three incidents to support his claims. First, in 2002, cartel members kidnapped his maternal uncle while he was travelling between two towns. The gang members held Cruz-Arias's uncle for two days, though they neither "tortured [n]or hurt" him. The family paid a ransom and the gang members set the uncle free. The family did not notify police but orally related the incident to a local public official. Cartel members have not threatened the uncle since then. Cruz-Arias says he left Mexico a few years later, entering the United States in March 2006.

Cruz-Arias vaguely relayed a second incident in which an unidentified person asked for a different uncle of his, and that uncle went into hiding for a period. The family members did not report the incident, which allegedly occurred in 2009, to the police. In a third incident, which Cruz-Arias heard about after arriving in the United States, unidentified persons kidnapped Cruz-Arias's cousin as he was driving, and Cruz-Arias's family paid a ransom to release the cousin. In addition to his own testimony, Cruz-Arias offered a letter from his brother attesting to components of his account and reports on conditions in Mexico.

After the IJ rejected his claims in a July 2020 hearing, the Board affirmed in a February 2025 decision and dismissed Cruz-Arias's appeal. Cruz-Arias petitions for our review.

"We review the immigration judge's order as modified by the Board." *Martinez-Martinez v. Bondi*, 147 F.4th 831, 835 (7th Cir. 2025). In doing so, "[w]e review legal determinations de novo and uphold factual findings so long as they are supported by substantial evidence." *Mateo-Mateo v. Garland*, 124 F.4th 470, 474 (7th Cir. 2024) (citing *Borjas Cruz v. Garland*, 96 F.4th 1000, 1004 (7th Cir. 2024)). Under this "highly deferential" standard for factual findings, "[w]e will reverse only if the evidence 'compels' a different result, not simply if it 'supports' one." *de Paz-Peraza v. Bondi*, 140 F.4th 390, 394 (7th Cir. 2025) (first quoting *Jamal-Daoud v. Gonzales*, 403 F.3d 918, 922 (7th

Cir. 2005); and then quoting *INS v. Elias-Zacarias*, 502 U.S. 478, 481 n.1 (1992)); *see* 8 U.S.C. § 1252(b)(4)(B).

To qualify for withholding of removal, an applicant must "establish that his or her life or freedom would be threatened in the proposed country of removal on account of race, religion, nationality, membership in a particular social group, or political opinion." 8 C.F.R. § 1208.16(b) (2015). The threat to the applicant's life or freedom "must be attributable either to the government or to a nongovernmental entity that the government is unable or unwilling to control." *Almutairi v. Holder*, 722 F.3d 996, 1002 (7th Cir. 2013). If "the applicant is determined to have suffered past persecution in the proposed country of removal on account of" a protected characteristic, he enjoys a presumption that he will face threats to his life or freedom upon returning to the country of removal. 8 C.F.R. § 1208.16(b)(1)(i). Cruz-Arias claims the Board and IJ improperly denied him this presumption by inadequately considering the history of criminal conduct against members of his family that amounted to persecution.

The Board and IJ addressed and rejected Cruz-Arias's arguments, and there was more than substantial evidence supporting their findings that Cruz-Arias did not establish past persecution. As noted by the IJ and the Board, Cruz-Arias testified that he had never been harmed in Mexico, physically or in a manner indicative of persecution. The evidence Cruz-Arias points to is unavailing because the Board and IJ noted its shortcomings, including that the evidence was highly attenuated from harm to Cruz-Arias. While the presumption applies if "*the applicant* is determined to have suffered past persecution," *id.* (emphasis added), none of the three incidents involved harm directed at or related to Cruz-Arias. Harm unrelated to Cruz-Arias certainly does not compel reversal. *See Zhou Ji Ni v. Holder*, 635 F.3d 1014, 1018 (7th Cir. 2011) ("In general, an asylum applicant cannot rely on 'derivative persecution' to establish that he was subjected to persecution in the past."). Nor would attenuated harm rise to persecution of Cruz-Arias. *See Stanojkova v. Holder*, 645 F.3d 943, 948 (7th Cir. 2011).

Absent the presumption, Cruz-Arias must show that he has a reasonable fear of future persecution. *Lozano-Zuniga v. Lynch*, 832 F.3d 822, 827 (7th Cir. 2016). In order to do so, he "must set forth specific evidence indicating that it would be more likely than not that he would be individually targeted for harm." *Id.* at 828. The Board and IJ found that Cruz-Arias failed to establish a likelihood of future harm to support his claim for withholding of removal. In reaching this conclusion, the Board noted the paucity of evidence of harm to Cruz-Arias, that the most recent incident for which Cruz-Arias provided a date occurred over a decade ago, and that none of the harm he described involved those most similarly situated to Cruz-Arias, his direct family members—who continued to live in Mexico without incident. Cruz-Arias again points to the evidence of crimes against family members and evidence of Mexico's current conditions, but the Board and IJ considered and addressed those arguments. The Board reasonably concluded, as described above, that Cruz-Arias's evidence failed to show a likelihood of future harm. The Board also noted that the country conditions report was not particularized to Cruz-Arias and that Cruz-Arias did not make the expert who drafted one of the reports available for cross-examination. *See Granados Arias v. Garland*, 69 F.4th 454, 464 (7th Cir. 2023). We identify no error in the Board and IJ finding Cruz-Arias failed to show he faced a "clear probability" of future threats in Mexico. *See W.G.A. v. Sessions*, 900 F.3d 957, 965 (7th Cir. 2018) ("clear probability" is requisite likelihood of harm for withholding of removal).

Cruz-Arias also challenges the findings of the Board and IJ that, regardless of whether he showed the requisite harm, he failed to show another requirement for his withholding of removal claim, that his future harm would occur "on account of … [his] membership in a particular social group." 8 C.F.R. § 1208.16(b). An applicant claiming membership in a particular social group "must (1) identify a cognizable social group to which she belongs and (2) establish a nexus between any past or feared future harm and her membership in that social group." *Borjas Cruz*, 96 F.4th at 1004. Under the nexus requirement, an applicant must demonstrate a "causal link" between the persecution and his or her membership in the alleged particular social group. *See Casas v. Garland*, 47 F.4th 548, 553 (7th Cir. 2022).

The Board found that, regardless of whether "Mexican landowners and their extended family" was a cognizable particular social group, Cruz-Arias failed to show a nexus because the evidence instead showed gangs targeted Cruz-Arias's family members on account of their wealth. Cruz-Arias's own testimony grounded his fear of future harm in gang members' perception of his wealth, and there was no evidence gang members find his family ties to landowners offensive. And, as we have explained, "wealth, standing alone, is not an immutable characteristic of a cognizable social group," *Orellana-Arias v. Sessions*, 865 F.3d 476, 485 (7th Cir. 2017) (quoting *Dominguez-Pulido v. Lynch*, 821 F.3d 837, 845 (7th Cir. 2016)) (collecting cases), so evidence of a nexus must "show a motive sufficiently distinct from perceived wealth," *Granados Arias*, 69 F.4th at 464.

According to Cruz-Arias, the Board's conclusion that gangs targeted his family for money ignored the gang members' deeper motivation: his family members' land ownership. This argument fails because Cruz-Arias did not support his claim that cartel members targeted his family specifically as the extended family of landowners rather than on account of wealth. *See id.* Where an applicant claims membership in a group of small business owners, for example, he must provide evidence supporting a "particular animus toward small business owners as small business owners." *Id.* (quoting *Melnik v. Sessions*, 891 F.3d 278, 287 (7th Cir. 2018)). The Board correctly noted that Cruz-Arias made no such showing.

We also reject Cruz-Arias's claim that the Board improperly reasoned that some of his family members in Mexico remained unharmed. This misrepresents the record. The Board considered the safety of Cruz-Arias's family in assessing the likelihood of future harm to him, not in determining he failed to establish a nexus. Therefore, we need not more thoroughly consider his attempt to analogize to *W.G.A.*, 900 F.3d at 967.

Next, Cruz-Arias challenges the denial of his CAT claim. "To receive protection under the CAT, an applicant must show that there is 'a "substantial risk" that [he] would be tortured if forced to return'" to his country of nationality. *Granados Arias*, 69 F.4th at 466 (quoting *Meraz-Saucedo v. Rosen*, 986 F.3d 676, 686 (7th Cir. 2021)). An applicant for CAT protection must show "the torture was inflicted by or at the behest of, or with the consent or acquiescence of, a public official." *Lozano-Zuniga*, 832 F.3d at 830. An applicant shows acquiescence by demonstrating "the public official, prior to the activity constituting torture, ha[d] awareness of such activity and thereafter breach[ed] his or her legal responsibility to intervene to prevent such activity." *Id.* at 831 (quoting *Lopez v. Lynch*, 810 F.3d 484, 493 (7th Cir. 2016)). Torture constitutes the "intentional infliction of 'severe pain or suffering' for the purpose of coercion, punishment, or discrimination"; it "does not include 'lesser forms of cruel, inhuman or degrading treatment or punishment.'" *Id.* at 830 (quoting *Borovsky v. Holder*, 612 F.3d 917, 923 (7th Cir. 2010)).

Reviewing for substantial evidence, we see no error in the Board finding Cruz-Arias's claim of torture too speculative, especially given the prior finding Cruz-Arias failed to show a sufficient likelihood his life or freedom would be threatened. *See P.A.-V. v. Bondi*, 148 F.4th 511, 520 (7th Cir. 2025) ("Because P.A.-V. has not established a clear probability of future persecution under the [Immigration and Nationality Act], he cannot meet the higher burden of showing a likelihood of torture required for CAT relief." (citing *Khan v. Filip*, 554 F.3d 681, 692 (7th Cir. 2009))). The record indicates Cruz-Arias's parents and siblings live in Mexico unharmed, that Cruz-Arias himself had never been harmed or threatened, and that the fears Cruz-Arias invoked were of financially motivated crime. Similar to Cruz-Arias's withholding of removal claim, "evidence about generalized violence or danger within a country is not sufficient to make a claim that it is more likely than not that a petitioner would be tortured upon return to his home country." *Lozano-Zuniga*, 832 F.3d at 830–31 (citing cases). Moreover, there was no evidence anyone in Mexico had a present intent to target Cruz-Arias should he return, that Cruz-Arias feared any government actors, or that a government actor would acquiescence to Cruz-Arias's torture specifically. And although the reports from Cruz-Arias's expert on Mexico's conditions showed cartel violence and some corruption within state security forces, that evidence did not show Cruz-Arias himself would be victimized or that any crime would rise to torture. *See Lenjinac v. Holder*, 780 F.3d 852, 856 (7th Cir. 2015) ("[R]eports that torture occurs in a foreign country … are insufficient … without evidence that the *petitioner* will be tortured if he returns."). Cruz-Arias's assertion the Board and IJ did not adequately consider cartel violence and corruption is also belied by the record. As the Board referenced, a "general fear of growing corruption and gang activity is insufficient to prove acquiescence." *Meraz-Saucedo*, 986 F.3d at 687.

For the reasons discussed, we DENY Cruz-Arias's petition for review.