

United States Court of Appeals
For the Eighth Circuit

No. 25-3062

Nuria Maricela Argueta-Rodriguez; J.I.C.A.; Gilman Ernesto Cortez Cucufute;
Josseline Gilmary Cortez-Argueta

Petitioners

v.

Todd Blanche, Attorney General of the United States¹

Respondent

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

Submitted: August 3, 2026
Filed: August 17, 2026
[Unpublished]

Before LOKEN, L.R. SMITH, and BENTON, Circuit Judges.

¹Todd Blanche is automatically substituted as respondent in place of Pamela Bondi pursuant to Federal Rule of Appellate Procedure 43(c)(2).

PER CURIAM.

Salvadoran citizens Gilman Ernesto Cortez Cucufute and Nuria Maricela Argueta-Rodriguez, and their two children, Josseline Cortez-Argueta and J.I.C.A. (collectively, “Petitioners”), petition for review of a decision of the Board of Immigration Appeals (BIA). The BIA dismissed their appeal from an immigration judge’s (IJ’s) decision denying them asylum, withholding of removal, and protection under the Convention Against Torture (CAT); and declined to reinstate a period of voluntary departure. After careful consideration of the record and the parties’ arguments on appeal, we deny the petition.

The BIA adopted and affirmed the decision of the IJ, concluding that Petitioners’ proposed particular social groups, “community leader who was exploited and coerced by the gang for benefits associated with his construction business,” and “partner of community leader coerced and exploited by the gang,” were not cognizable; even assuming the proposed social groups were cognizable, Petitioners failed to establish a nexus between them and any past or feared future persecution; and Petitioners did not establish they were eligible for CAT protection. The BIA also declined to reinstate the voluntary departure bond because Petitioners failed to provide timely proof that the bond had been posted, and ordered Petitioners removed to El Salvador. On appeal, Petitioners assert that the 1-year time bar for filing asylum applications should be excused, argue that their proposed particular social groups are cognizable, challenge the IJ’s findings regarding past and future persecution, challenge the denial of CAT protection, and request that this court reinstate the voluntary departure bond.

We review questions of immigration law de novo, and findings of fact for substantial evidence. See Aguilar-Hernandez v. Bondi, 163 F.4th 537, 539 (8th Cir. 2026). Only the BIA’s decision is subject to this court’s review; however, this court also considers the IJ’s findings and reasoning to the extent they were adopted by the

BIA. See Silvestre-Giron v. Barr, 949 F.3d 1114, 1117 (8th Cir. 2020). Initially, because the agency considered the asylum applications on the merits, we decline to address Petitioners’ challenge to the asylum time bar. Regarding asylum and withholding of removal, we agree with the IJ and the BIA that Petitioners’ proposed particular social groups were not cognizable, see Rosales-Reyes v. Garland, 7 F.4th 755, 759 (8th Cir. 2021) (requirements for establishing particular social group; whether group constitutes a particular social group is a question of law, reviewed de novo), and were impermissibly defined by their persecutory conduct, see Fuentes v. Barr, 969 F.3d 865, 872 (8th Cir. 2020). The failure to establish cognizable particular social groups is itself an independent basis to deny relief from removal. See Uriostegui-Teran v. Garland, 72 F.4th 852, 856 (8th Cir. 2023) (concluding petitioner’s failure to establish cognizable PSG disposed of asylum and withholding-of-removal claims). We thus decline to consider Petitioners’ challenge to the IJ’s persecution findings. Cf. Silvestre-Giron, 949 F.3d at 1117.

Substantial evidence also supports the denial of CAT protection. See Escobar v. Garland, 55 F.4th 662, 670 (8th Cir. 2022) (government does not acquiesce in torture merely because it is aware of torture but powerless to stop it); Rosales-Reyes, 7 F.4th at 761 (CAT relief is not appropriate where it is possible for petitioner to relocate upon removal to avoid torture); see also Guled v. Mukasey, 515 F.3d 872, 881-82 (8th Cir. 2008) (separate analysis for CAT claim is required only when there is evidence noncitizen may be tortured for reasons unrelated to asylum and withholding of removal claims).

We lack jurisdiction to consider Petitioners’ request to reinstate voluntary departure. See 8 U.S.C. §§ 1229c (voluntary departure), 1252(a)(2)(B)(i) (no court shall have jurisdiction to review any judgment regarding the granting of relief under § 1229c); Camick v. Sessions, 891 F.3d 1101, 1107 (8th Cir. 2018) (courts of appeal lack jurisdiction “to entertain a request to reinstate voluntary departure,” citing

§ 1252(a)(2)(B)(i)); see also Arenivas-Flores v. Barr, 794 Fed. Appx, 561 (8th Cir. 2020) (unpublished per curiam) (BIA's decision denying request to reinstate voluntary departure because noncitizen failed to post required voluntary departure bond was consistent with relevant regulations, and in any event, this court lacked jurisdiction to review that decision).

The petition for review is denied. See 8th Cir. R. 47B.
