

NONPRECEDENTIAL DISPOSITION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 June 4, 2025*

Decided June 11, 2025

Before

MICHAEL B. BRENNAN, *Circuit Judge*

MICHAEL Y. SCUDDER, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

No. 21-3402

PEETER NIGOL,
Petitioner,

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

v.

No. A205-564-836

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

ORDER

Peeter Nigol, an Estonian citizen, petitions for review of an order of the Board of Immigration Appeals denying his application for withholding of removal. Nigol's sole argument in this petition is that country-conditions reports show evidence of homophobic harassment in Estonia that amounts to a pattern or practice of persecution.

* By prior order, we granted the parties' joint motion to waive oral argument.

† Pamela J. Bondi replaced Merrick B. Garland as Attorney General and is substituted as the respondent. *See* FED. R. APP. P. 43(c)(2).

Because substantial evidence supports the Board's determination that LGBT people in Estonia do not face adversity rising to the level of persecution, we deny the petition.

Nigol entered the United States in 2009 under the Visa Waiver Program but remained beyond the 90 days permitted. In 2012 he applied for asylum, *see* 8 U.S.C. § 1158, based on his membership in a particular social group—defined later as homosexuals in Estonia. In his application, he also requested withholding of removal, *see id.* § 1231(b)(3), and relief under the Convention Against Torture.

At a hearing before an immigration judge, Nigol testified about his fear of persecution based on his sexual orientation if returned to Estonia. He testified that many Estonians view homosexuality as immoral. He feared that revealing his sexuality in Estonia would adversely affect his job opportunities as well as his personal and business relationships, and that it would subject him to possible violence if he visited gay bars. He recounted that after his wife revealed his sexual orientation to fellow Estonian expatriates while he was in the United States, one of them reacted by sending him homophobic text messages. But he admitted that he never experienced harassment on account of his sexuality while in Estonia, and that he does not fear being harmed there by any particular person.

Nigol also submitted evidence concerning the status of LGBT people in Estonia. The U.S. Department of State's 2018 human rights report, for instance, characterized societal harassment and discrimination against LGBT people there as "common," despite local attitudes that were said to be "improving" and a provision in Estonian law that "prohibits discrimination based on sexual orientation and gender identity." *2018 Country Reports on Human Rights Practices: Estonia*, U.S. DEP'T OF STATE 12–13 (March 13, 2019). Further documents highlighted difficulties facing LGBT people, such as a 2019 public opinion survey describing the prevalent view of homosexuality as unacceptable, reports that an attack on a pride parade in 2007 discouraged the country's LGBT community from holding another parade between 2008 and 2017, and reports that a conservative party ran on an aggressive and homophobic platform in 2017.

The IJ denied Nigol's requests for relief. The IJ first denied asylum because Nigol missed the one-year filing deadline, *see* 8 U.S.C. § 1158(a)(2)(B), and his circumstances did not fall under any exception. Nonetheless, the IJ addressed the merits of the asylum claim and found that Nigol could not establish past persecution because he had never been directly harmed or threatened in Estonia. *See* 8 C.F.R. § 1208.13(b)(1). Nor could Nigol establish a well-founded fear of future persecution based on his designated theory—a pattern or practice of persecution—because his evidence of discrimination

against LGBT people in Estonia did not rise to the level of a systematic, government-sanctioned effort to harm a protected group. *See id.* § 1208.13(b)(2)(iii). For the same reasons, the IJ rejected Nigol’s application for withholding of removal under 8 U.S.C. § 1231(b)(3). And the IJ found that Nigol failed to establish a basis for relief under the Convention Against Torture.

The Board of Immigration Appeals upheld the IJ’s decision. The Board adopted the IJ’s conclusion that Nigol did not meet his burden of proving eligibility for withholding of removal based on a pattern or practice of persecution of LGBT people. The Board highlighted the IJ’s findings “that laws exist to protect the LGBT community, same sex civil unions are legal, a large proportion of the population is accepting of the LGBT community, and politicians have run on pro-LGBT platforms.” The Board also rejected Nigol’s argument that the IJ did not adequately consider the country-conditions reports, noting that the IJ cited and “carefully examined” several such documents. And the Board noted that Nigol waived—by not raising—any challenge to the IJ’s rulings concerning asylum or the Convention Against Torture.

In his petition for review, Nigol challenges the rulings of the IJ and the Board that he was ineligible for withholding of removal. He argues that they overlooked key evidence of a pattern or practice of persecution of LGBT people in Estonia. Citing the country-conditions reports that he presented, he again emphasizes that over half the population found homosexuality to be unacceptable, that gay pride parades were halted for a decade following an attack on a parade in 2007, and that a conservative party’s platform was aggressive and homophobic.

Establishing a pattern or practice of persecution of a protected group is one way that a petitioner can become eligible for withholding of removal, even if he lacks evidence that he has suffered past persecution or that he would be singled out for persecution if returned. 8 C.F.R. § 1208.16(b)(1)(iii), (b)(2). But such a showing requires that the petitioner establish a clear probability that he would be persecuted, *see Arrazabal v. Barr*, 929 F.3d 451, 457–58 (7th Cir. 2019), on account of state actors who “perpetrate[] or tolerate[]” “a systematic, pervasive, or organized effort” to persecute the protected group, *see Gulomjonov v. Bondi*, 131 F.4th 601, 612 (7th Cir. 2025) (quoting *Krishnapillai v. Holder*, 563 F.3d 606, 620 (7th Cir. 2009)). Evidence of “discrimination, harassment, and violence” alone does not “constitute pervasive persecution,” particularly when the government implements legal protections for the protected group. *See Escobedo Marquez v. Barr*, 965 F.3d 561, 565–66 (7th Cir. 2020). This court will uphold the Board’s decision if it is supported by substantial evidence and will reverse

only if the evidence compels a different result. *See* 8 U.S.C. § 1252(b)(4)(B); *N.Y.C.C. v. Barr*, 930 F.3d 884, 888 (7th Cir. 2019).

Substantial evidence supports the Board's and the IJ's determination that Nigol was ineligible for withholding. The IJ — whose decision was adopted by the Board — found that the evidence of hardship faced by LGBT people was outweighed by the presence of legal protections for the LGBT community, large popular acceptance of the LGBT community, and politicians who run on pro-LGBT platforms. Although Nigol argues that the IJ and Board ignored evidence that Estonia's conservative party (which was in the minority as of the writing of the article he cites) had a homophobic platform, he cannot identify evidence of pervasive persecution that is government-directed.

For these reasons, we DENY Nigol's petition for review.