

NONPRECEDENTIAL DISPOSITION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 October 29, 2025*

Decided November 21, 2025

Before

DIANE S. SYKES, *Circuit Judge*

AMY J. ST. EVE, *Circuit Judge*

NANCY L. MALDONADO, *Circuit Judge*

No. 24-3264

SEIDI MARICELA SERPAS-
VILLALOBOS, et al.,
Petitioners,

v.

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

Nos. A208-740-168, A208-740-169, and
A208-740-170

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

ORDER

Seidi Maricela Serpas-Villalobos and her two children, citizens of El Salvador, challenge the denial of Serpas-Villalobos’s claims for asylum, withholding of removal, and relief under the Convention Against Torture (“CAT”). The Immigration Judge (“IJ”) denied her claims, finding that Serpas-Villalobos had not demonstrated any of the

* 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).

elements necessary to qualify as a “refugee” under the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1158(b)(1)(A), and the Board of Immigration Appeals affirmed. Because Serpas-Villalobos has not demonstrated a nexus between the particular social groups in which she claims membership and any persecution she experienced, we deny her petition for review.

Serpas-Villalobos’s asylum claim revolves around three interactions with the MS-13 gang in 2015. In early July 2015, MS-13 gang members approached Serpas-Villalobos’s son Jonathan, who was ten years old at the time. The gang members tried to recruit Jonathan to spy on a rival gang, the 18th Street Gang, and to help MS-13 collect rent. After the incident, Jonathan told his mother what happened and said the gang threatened to kill him, his mother, and his sister if he did not cooperate. Later in July, MS-13 members were near Serpas-Villalobos’s house when the police arrived to arrest a neighbor. Thinking Serpas-Villalobos had called the police, a gang member named Pantero pushed a gun into Serpas-Villalobos’s chest and threatened to kill her. Serpas-Villalobos reported Pantero to the police, who arrested Pantero and detained him for seventy-two hours. Upon release, Pantero threatened Serpas-Villalobos again, warning her that next time he would pull the trigger. After these incidents, Serpas-Villalobos and her children moved an hour away, to another area of their city. But in August 2015, MS-13 approached Jonathan and again threatened to kill him and his family if he refused to work for the gang.

In November 2015, Serpas-Villalobos decided to leave El Salvador with her children and travel to the United States, where her partner lived. Soon after entering the country, Immigration & Customs Enforcement detained Serpas-Villalobos and her children. The Department of Homeland Security ordered them to appear at removal proceedings for entering the country without documentation. At their removal hearing, they conceded removability, and, in July 2016, Serpas-Villalobos applied for asylum, withholding of removal, and relief under CAT, listing her children as derivatives.

After holding a hearing, the IJ issued an oral ruling denying Serpas-Villalobos’s application. The IJ found that Serpas-Villalobos had not demonstrated any of the elements necessary to qualify as a refugee, nor had she shown that the government of El Salvador was either unwilling or unable to protect her and her children. Finally, the IJ found that she had not met the burdens necessary for withholding of removal and relief under CAT. The Board affirmed.

Serpas-Villalobos petitions for our review.

Where, as here, “the Board ‘adopted the view of the IJ and affirmed with additional analysis, we review both opinions.’” *Mateo-Mateo v. Garland*, 124 F.4th 470, 474 (7th Cir. 2024) (quoting *Osorio-Morales v. Garland*, 72 F.4th 738, 741 (7th Cir. 2023)). We review the Board’s and the IJ’s “legal conclusions *de novo*,” *Borjas Cruz v. Garland*, 96 F.4th 1000, 1004 (7th Cir. 2024), but we “uphold factual findings so long as they are supported by substantial evidence,” *Mateo-Mateo*, 124 F.4th at 474. This is a deferential standard. “[W]e reverse factual findings ‘only if the evidence compels a different result.’” *Id.* (quoting *Meraz-Saucedo v. Rosen*, 986 F.3d 676, 684 (7th Cir. 2021)).

To be eligible for asylum under the INA, the applicant must be a “refugee.” 8 U.S.C. § 1158(b)(1)(A). “A ‘refugee’ is defined in part as an individual ‘who is unable or unwilling to return to’ a country of one’s nationality due to ‘persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.’” *Granados Arias v. Garland*, 69 F.4th 454, 462 (7th Cir. 2023) (quoting 8 U.S.C. § 1101(a)(42)). We deny Serpas-Villalobos’s petition for review because she has failed to show that any persecution she experienced was “on account of ... membership in a particular social group”—the “nexus” requirement. *Granados Arias*, 69 F.4th at 462.

A particular social group “is defined by a characteristic that is either immutable or is so fundamental to individual identity or conscience that a person ought not be required to change it.” *N.L.A. v. Holder*, 744 F.3d 425, 437 (7th Cir. 2014) (citing *Cece v. Holder*, 733 F.3d 662, 669 (7th Cir. 2013) (en banc)). The “fact of persecution” alone cannot define a social group. *Jonaitiene v. Holder*, 660 F.3d 267, 271 (7th Cir. 2011). To show nexus, “the petitioner must show that he or she is persecuted on account of membership in a particular social group.” *Dominguez-Pulido v. Lynch*, 821 F.3d 837, 844–45 (7th Cir. 2016) (citation modified). “The protected trait does not have to be the only reason for the persecution, but it ‘cannot play a minor role.’” *W.G.A. v. Sessions*, 900 F.3d 957, 965 (7th Cir. 2018) (quoting *Matter of L-E-A-*, 27 I. & N. Dec. 40, 44 (BIA 2017)). Finally, and key to this case, “[c]ourts regularly decline to find nexus where the persecutors aim to recruit or retaliate for refusal to join their criminal enterprise.” *See de Paz-Peraza v. Bondi*, 140 F.4th 390, 394 (7th Cir. 2025) (collecting cases).

Serpas-Villalobos advances three proposed social groups: (i) “Enemies of the MS-13 Street Gang”; (ii) “People suspected by the 18th Street Gang to be working for the MS-13 gang as an informant”; and (iii) “Juveniles recruited by the MS-13 gang who resist such recruitment and their families.”

Whether or not these groups are cognizable, Serpas-Villalobos fails to demonstrate the required “nexus” between any of these groups and the persecution she raises. We agree with the IJ’s finding that “gang recruitment and harassment are the types of generalized crimes that affect large swaths of society throughout El Salvador and do not support a finding of persecution on account of particular protected ground.” ECF No. 15, at 86 (citing *Krishnapillai v. Holder*, 563 F.3d 606, 620 (7th Cir. 2009); *Matter of M-E-V-G-*, 26 I. & N. Dec. 227, 235 (BIA 2014)). We have previously emphasized this finding. *See de Paz-Peraza*, 140 F.4th at 394; *Bueso-Avila v. Holder*, 663 F.3d 934, 938 (7th Cir. 2011) (finding no nexus where evidence only showed that MS-13 “threatened and harmed [petitioner] simply because he was a youth who refused to join their street gang”); *see also INS v. Elias-Zacarias*, 502 U.S. 478, 483 (1992) (explaining that to demonstrate nexus, petitioner had to show that “the guerrillas will persecute him *because of* that political opinion, rather than because of his refusal to fight with them”). Serpas-Villalobos’s testimony of the family’s interactions with MS-13 confirms that any perceived persecution they experienced “relate[s] to the gang’s recruitment and retaliation goals,” rather than “on account of” the particular social groups she advances. *See de Paz-Peraza*, 140 F.4th at 394. She testified that the gang tried to recruit Jonathan and threatened to kill him and his family if he refused to work for them. She also testified that Pantero threatened her because she had called the police. Such generalized recruitment and threats are not sufficiently tied to the social groups she raises. While Serpas-Villalobos testified that MS-13 specifically targets young people because they face more lenient criminal penalties if arrested, the IJ and Board found this insufficient to establish nexus, and “[h]owever ‘possible’ or ‘legitimate’ [Serpas-Villalobos]’s position, it is not ‘so compelling that no reasonable fact-finder’ could disagree.” *Id.* at 394–95 (quoting *Bueso-Avila*, 663 F.3d at 938). That is, substantial evidence supports the IJ’s and Board’s nexus determinations.

Because Serpas-Villalobos cannot demonstrate a nexus between any persecution she may have experienced and a particular social group she may belong to, we need not address the other elements of Serpas-Villalobos’s asylum claim. *See de Paz-Peraza*, 140 F.4th at 395. Moreover, to the extent Serpas-Villalobos’s claims for withholding of removal and relief under CAT are not waived for failing to advance them before this court, *Smith v. Garland*, 103 F.4th 1244, 1253 n.2 (7th Cir. 2024), those claims fail on the merits. Because Serpas-Villalobos’s asylum claim fails, she cannot make out the higher standards necessary for withholding of removal and relief under CAT. *See Rivas-Jarquín v. Bondi*, 149 F.4th 944, 951 (7th Cir. 2025); *see also de Paz-Peraza*, 140 F.4th at 395.

For the reasons discussed, we DENY Serpas-Villalobos’s petition for review.