NONPRECEDENTIAL DISPOSITION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

Argued April 16, 2024
Decided January 12, 2026

Before

AMY J. ST. EVE, *Circuit Judge*

CANDACE JACKSON-AKIWUMI, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

No. 23-2767

BRENDA BEATRIZ ORGANIZ-PEREZ DE LORENZO, C.E.L-O, and L.B.L-O.,
Petitioners,

v.

PAMELA J. BONDI,
Attorney General of the United States,
Respondent.[1]

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

Nos. A203-495-638, A203-494-267, A203-495-639

O R D E R

Brenda Beatriz Organiz-Perez De Lorenzo and her two minor children petition for review of the denial of Organiz-Perez De Lorenzo's application for asylum, withholding of removal, and protection under the Convention Against Torture

[1] Pursuant to Federal Rule of Appellate Procedure 43(c), Attorney General Pamela J. Bondi is automatically substituted for former Attorney General Merrick Garland as Respondent.

("CAT").[2] The immigration judge ("IJ") denied her application, and the Board of Immigration Appeals (the "Board") affirmed. Organiz-Perez De Lorenzo argues her case should be remanded because the IJ, in denying her application, relied on a decision issued by the Attorney General that had been vacated during the pendency of her appeal to the Board. But because the Board found the IJ's decision legally sound despite any reliance on the decision, we deny Organiz-Perez De Lorenzo's petition for review.

I. BACKGROUND

A. Factual Background

Organiz-Perez De Lorenzo and her two minor children are citizens of Guatemala. Organiz-Perez De Lorenzo was married to Ezequias Lorenzo Tomas, and he is the father of her two children. Her husband came to the United States sometime in 2015 to provide for their family. While in Guatemala, Organiz-Perez De Lorenzo lived with her two children, her parents, and her three siblings. And even though Organiz-Perez De Lorenzo had been unemployed in Guatemala, her husband sent her around $130 each month.

In December 2018, Organiz-Perez De Lorenzo received a series of phone calls from an unidentified man who threatened to harm her or kidnap her children unless she gave him money. The caller knew both Organiz-Perez De Lorenzo and her husband's names and that she had two children. The caller said he knew Organiz-Perez De Lorenzo had money because her husband lived in the United States. In total, Organiz-Perez De Lorenzo received ten phone calls from this caller, but she never received any in-person threats from him. Because she was afraid the caller was watching her, Organiz-Perez De Lorenzo never reported the threats to the police.

Organiz-Perez De Lorenzo and her husband tried to gather money to pay the caller, but they were unsuccessful. So, "out of fear," Organiz-Perez De Lorenzo traveled to the United States with her two children in February 2019. While Organiz-Perez De Lorenzo has been in the United States, she and her family in Guatemala have not received any threatening phone calls.

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[2] Brenda Beatriz Organiz-Perez De Lorenzo refers to her last name as Organiz-Perez De Lorenzo, and so we will do the same. Also, because Organiz-Perez De Lorenzo's children are riders on her application, our references to Organiz-Perez De Lorenzo's application refers to all of their claims.

On March 4, 2019, Organiz-Perez De Lorenzo and her children entered the United States without being admitted or paroled. The government instituted removal proceedings against them for entering the country without permission. *See* 8 U.S.C. § 1182(a)(6)(A)(i).

B. Removal Proceedings

Organiz-Perez De Lorenzo applied for asylum, withholding of removal, and protection under CAT. On August 21, 2020, an IJ conducted a hearing on the applications. While finding Organiz-Perez De Lorenzo credible, the IJ denied Organiz-Perez De Lorenzo's application and ordered that she and her children be removed to Guatemala.

With respect to Organiz-Perez De Lorenzo's asylum and withholding of removal claims, the IJ determined the threats did not rise to the level of past persecution. First, the IJ found the calls were not credible threats of imminent death or grave bodily harm. Instead, in the IJ's view, the unfulfilled threats amounted to mere harassment. Second, assuming the threats did rise to the requisite level, the IJ reasoned Organiz-Perez De Lorenzo failed to establish a sufficient nexus between the purported harm and her claimed protected social group of "women, a single mother, with a husband who is living in the United States and is wealthy by Guatemalan standards." On this front, the IJ concluded the proffered social group was incognizable, and even if it was cognizable, Organiz-Perez De Lorenzo failed to connect the harm to her membership in the social group.[3] The evidence, to the IJ, showed "no animus" but, rather, the caller targeted her because he "believed she had money" and "not on the account of any protected ground." Third, the IJ found her claim suffered from another independent flaw: she failed to show the Guatemalan government was unwilling or unable to protect her from the unknown caller. Indeed, Organiz-Perez De Lorenzo "never called the police," and the IJ could not "just presume that the police would not help" her. What's more, Organiz-Perez De Lorenzo failed to show the IJ that it would be unreasonable for her to relocate within Guatemala, even though she previously lived in a different city without any problems.

[3] Citing *Matter of A-B-*, 27 I. & N. Dec. 316 (A.G. 2018) ("*Matter of A-B- I*"), the IJ concluded that Organiz-Perez De Lorenzo's particular social group was not cognizable.

The IJ also determined that Organiz-Perez De Lorenzo's asylum and withholding of removal applications failed because she did not possess a well-founded fear of future persecution.

Finally, the IJ rejected Organiz-Perez De Lorenzo's claim for CAT protection. The IJ reiterated Organiz-Perez De Lorenzo did not demonstrate harm rising to either past or future persecution. Likewise, the IJ also noted Organiz-Perez De Lorenzo's failure to show she could not internally relocate within Guatemala doomed her claim for protection under CAT. Nor, the IJ continued, did Organiz-Perez De Lorenzo show flagrant human rights abuses towards individual similarly situated to herself or that a public official would acquiesce to any torture she allegedly might suffer.

Organiz-Perez De Lorenzo appealed the denial of her claims to the Board on August 23, 2023. The Board adopted and affirmed the IJ's decision and dismissed her appeal. She now petitions this Court for review.

II. DISCUSSION

On appeal, Organiz-Perez De Lorenzo challenges the denial of asylum, withholding of removal, and protection under the CAT. The thrust of her argument rests on an intervening change of law regarding what constitutes a protected social group. Specifically, the IJ cited a decision that was vacated by the Attorney General during the pendency of Organiz-Perez De Lorenzo's appeal to the Board. The Board, in affirming the IJ's decision, recognized the change in law but did "not rely upon" the decision and affirmed because Organiz-Perez De Lorenzo did not meet her burden of establishing eligibility for relief.

A. Legal Framework

When the Board adopts the view of the IJ and affirms its findings while adding additional analysis, we review both opinions and affirm if their factual findings are supported by substantial evidence. *Osorio-Morales v. Garland*, 72 F.4th 738, 741 (7th Cir. 2023). We review the legal conclusions de novo. *Mateo-Mateo v. Garland*, 124 F.4th 470, 474 (7th Cir. 2024).

To qualify for asylum, a petitioner "bears the burden of proving that [s]he is a 'refugee' within the meaning of the Immigration and Nationality Act." *Mateo-Mateo*, 124 F.4th at 474 (quoting *Osorio-Morales*, 72 F.4th at 742). To satisfy that burden, the

petitioner must demonstrate she is "unable or unwilling" to return to her country "because of [past] persecution or a well-founded fear of [future] persecution on account of race, religion, nationality, membership in a particular social group, or political opinion." *Id.* (quoting 8 U.S.C. § 1101(a)(42)). Regardless of whether the petitioner seeks relief because of past or future persecution, we have described this as a "nexus" requirement, meaning to receive asylum the applicant must "demonstrate that [she] was [or will be] persecuted 'on account of' [her] membership in the proffered social group." *de Paz-Peraza v. Bondi*, 140 F.4th 390, 394 (7th Cir. 2025) (quoting *Granados Arias v. Garland*, 69 F.4th 454, 462 (7th Cir. 2023)). In other words, the petitioner must show that "'the persecution or her well[-]founded fear of persecution is based on her membership' in the identified social group." *Granados Arias*, 69 F.4th at 462 (quoting *Melnik v. Sessions*, 891 F.3d 278, 285 (7th Cir. 2018)).

The legal standards for asylum and withholding of removal are very similar. *See Martinez-Martinez v. Bondi*, 147 F.4th 831, 835 (7th Cir. 2025) ("Statutory withholding of removal under 8 U.S.C. § 1231(b)(3)(A) involves the same protected grounds as asylum"). The principal difference is that under withholding, the standard for future persecution is more stringent. *Id.*

Additionally, for Organiz-Perez De Lorenzo's claims for asylum and withholding of removal to be successful under the Immigration and Nationality Act, she must show the persecution is inflicted "by the government or by private actors whom the government is unable or unwilling to control." *Mateo-Mateo*, 124 F. 4th at 474. And we have held "it reasonable—even in cases of extreme violence—to expect asylum seekers to have sought help from the authorities before concluding that their country is unable or unwilling to protect them." *Osorio-Morales*, 72 F.4th at 742 (internal quotation marks omitted). Organiz-Perez De Lorenzo must also show that she cannot reasonably relocate within Guatemala to avoid the alleged well-founded fear of future harm. 8 C.F.R. § 1208.13(b)(3)(i).

To qualify for relief under the CAT, an applicant must "establish that it is more likely than not that he or she would be tortured if removed." *Mabuneza v. Garland*, 16 F.4th 1222, 1225 (7th Cir. 2021) (quoting 8 C.F.R. § 1208.16(c)(2)). To determine whether an applicant has met her burden under the CAT, the IJ must address the regulatory factors, including evidence of past torture, ability to relocate within the country, evidence of grave human rights violations, and other relevant country conditions. *See* 8 C.F.R. § 208.16(c)(3)(i)–(iv); *Orellana-Arias v. Sessions*, 865 F.3d 476, 489 (7th Cir. 2017). Accordingly, we have held "[t]o be eligible for … protection under the CAT, an

applicant must be unable to reasonably relocate to safety within [her] country of nationality." *Singh v. Bondi*, 141 F.4th 824, 827 (7th Cir. 2025). And like asylum and withholding of removal, where the perpetrator is a private actor, the petitioner must show that the country's government has "acquiesce[d] in any torture." *Herrera-Garcia v. Barr*, 918 F.3d 558, 562 (7th Cir. 2019).

B. Analysis

Organiz-Perez De Lorenzo argues we must send the case back to the IJ because the law governing what constitutes a "particular social group" for asylum claims changed during the pendency of her case before the immigration administrative tribunals. *See Matter of A-B-*, 28 I. & N. Dec. 307 (A.G. 2021).[4] The Board, Organiz-Perez De Lorenzo argues, was therefore wrong to affirm the IJ's decision without sending it back for the IJ to conduct a new analysis.

We need not dwell on this argument because, as the Board recognized, any shift in the legal framework governing what constitutes a particular social group alone cannot save Organiz-Perez De Lorenzo's claims, which failed for multiple reasons. Even assuming Organiz-Perez De Lorenzo alleged a cognizable social group of "women, a single mother, with a husband who is living in the United States and is wealthy by Guatemalan standards," she failed to show a nexus between the alleged persecution and her membership in the proffered group. Critically, on appeal, she does not challenge that finding.

Furthermore, Organiz-Perez De Lorenzo does not question the IJ's other independently sufficient findings for why he denied her asylum application. She does not argue the threats she received crossed the threshold into persecution, the Guatemalan authorities were unable or unwilling to help prevent any harm to her or her children, or that, to the extent her application rested on a well-founded fear of

[4] We note that the Attorney General has since overruled *Matter of A-B-*, reinstating the prior legal framework the IJ initially used to deny Organiz-Perez De Lorenzo's claim that "women, a single mother, with a husband who is living in the United States and is wealthy by Guatemalan standards" was a legally unsound social group under the Immigration and Nationality Act. *See Matter of S-S-F-M-*, 29 I. & N. Dec. 207 (A.G. 2025). But as discussed below, Organiz-Perez De Lorenzo's petition suffers from other independently fatal flaws.

future persecution, she could not reasonably relocate within Guatemala. These findings defeat her asylum claim, and she lodges no objection to them.

Thus, we find that the Board did not err when it adopted and affirmed the IJ's decision because it affirmed the denial of Organiz-Perez De Lorenzo's application on dispositive issues without reliance on any flawed portions of the IJ's decision. *Draganova v. INS*, 82 F.3d 716, 720 (7th Cir. 1996). In other words, we find no legal error because the Board correctly concluded that the IJ's denial of the requested relief could be affirmed without it having to rely on any decision regarding whether Organiz-Perez De Lorenzo proffered a cognizable social group. Because Organiz-Perez De Lorenzo "cannot establish eligibility for asylum, her remaining claims" for withholding of removal and protection under the CAT "fail as well." *Cui v. Garland*, 71 F.4th 592, 598 (7th Cir. 2023).

Finally, Organiz-Perez De Lorenzo does not contest the merits of the IJ's decision, so she has waived any challenge to them. *Gulomjonov v. Bondi*, 131 F.4th 601, 612 (7th Cir. 2025) (finding waiver appropriate where the petitioner's arguments were "perfunctory"); *White v. United States*, 8 F.4th 547, 552 (7th Cir. 2021) ("A party that omits from its opening appellate brief any argument in support of its position waives or abandons that party's claim on appeal."). We are sympathetic to Organiz-Perez De Lorenzo and her family. But she has failed to demonstrate eligibility for the relief she seeks.

III. CONCLUSION

The Board correctly adopted and affirmed the IJ's decision because dispositive issues governing Organiz-Perez De Lorenzo's application were decided without reliance on whether she had proffered a cognizable "particular social group." Moreover, Organiz-Perez De Lorenzo does not challenge specifically the factual findings related to the denial of her application, so we find any review of those waived.

Accordingly, we DENY the petition for review.