

NONPRECEDENTIAL DISPOSITION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 May 20, 2026

Decided July 31, 2026

Before

MICHAEL B. BRENNAN, *Chief Judge*

MICHAEL Y. SCUDDER, *Circuit Judge*

CANDACE JACKSON-AKIWUMI, *Circuit Judge*

No. 25-2314

ROBERTO LOPEZ ROMERO,
Petitioner,

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

v.

No. A206-274-337

TODD W. BLANCHE, Acting Attorney
General of the United States,
Respondent.

ORDER

Roberto Lopez Romero, a citizen of Mexico, applied for cancellation of removal on grounds that his removal would cause his American citizen children “exceptional and extremely unusual” hardship. An immigration judge denied the application, and Lopez Romero petitions for review. Lopez Romero also contends the immigration judge did not have jurisdiction to order him removed because the notice to appear for his initial removal hearing failed to provide him with adequate notice. We deny the petition for review.

I

Lopez Romero was born in Mexico and entered the United States without authorization in approximately 2002. He has been living with his wife since 2007, and the two legally married in 2018. The couple share two minor children, both of whom are United States citizens fluent in English and Spanish.

In 2015, the Department of Homeland Security served Lopez Romero with a Notice to Appear (NTA) charging him with removability pursuant to 8 U.S.C. § 1182(a)(6)(A)(i) for being present in the United States without admission or parole. After admitting to the charges and conceding removability, Lopez Romero applied for cancellation of removal under 8 U.S.C. § 1229b(b). Section 1229b(b) gives the government discretion to cancel the removal of a noncitizen if he, among other requirements, “establishes that removal would result in exceptional and extremely unusual hardship” to his spouse, parent, or child who is a United States citizen or lawful permanent resident.

In 2021, an immigration judge (IJ) held a hearing on the merits of Lopez Romero’s application for cancellation of removal. Lopez Romero testified that his children would experience significant financial hardship if he were forced to return to Mexico. He testified that he and his wife were farm workers, and that he earned approximately \$2,400 per month feeding and inseminating cows while his wife earned \$1,600 per month milking cows. Although he was not sure if he would bring his family with him, Lopez Romero testified that neither he nor his wife had family in the United States that could assist his wife and children in his absence. As for employment, Lopez Romero testified that in Mexico he would probably have to do construction work, a field that he had no experience in and that might pay less than \$100 a week. He would also need to stay at his mother’s house, which he testified was too small for him and his family. Were his family to stay in the United States, Lopez Romero testified, his wife and children would not be able to subsist on only her income.

Lopez Romero’s wife testified at the hearing to similar hardships. She stated that she would not be able to support the family on her own earnings if they stayed in the United States while her husband was in Mexico. She was also worried her husband would not be able to find work in Mexico. And she was concerned that the children would not be able to receive an education if the whole family moved to Mexico. Despite these worries, she admitted that neither child had health issues or special educational needs besides having to take classes online due to the COVID-19 pandemic.

The IJ denied Lopez Romero's application. The IJ concluded Lopez Romero had not shown that his removal would result in "exceptional and extremely unusual" hardship to his children. Rather, the IJ explained, the circumstances Lopez Romero's children would face if he were removed—financial hardship and a lowered standard of living—were typical harms associated with the removal of a noncitizen parent. As for Lopez Romero's employment concerns, the IJ noted that Lopez Romero's siblings in Mexico were able to find work. As for the educational concerns Lopez Romero and his wife shared, the IJ found the concerns were specific to the pandemic and not to their children's individual needs, and that the children of Lopez Romero's siblings in Mexico were receiving some education twice a week virtually.

Lopez Romero appealed the IJ's hardship determination to the Board of Immigration Appeals (BIA). Although he had not raised the issue before the IJ, Lopez Romero also urged the BIA to terminate his removal proceedings because the NTA omitted the date, time, and location of his removal hearing in violation of 8 U.S.C. § 1229(a)(1).

The BIA dismissed Lopez Romero's appeal and denied his motion to terminate. As to the motion to terminate, the BIA held that Lopez Romero had forfeited his objections to the NTA by not raising them before the IJ. On the merits of Lopez Romero's cancellation request, the BIA affirmed the IJ's conclusion that Lopez Romero did not meet the hardship standard required for cancellation of removal. Lopez Romero now petitions our court for review of the BIA's decision. *See* 8 U.S.C. § 1252. When the BIA affirms the IJ's decision but provides its own analysis, we review both decisions. *Aguirre-Zuniga v. Garland*, 37 F.4th 446, 449 (7th Cir. 2022).

II

We begin with Lopez Romero's argument about the omission of the time, date, and place of his hearing on his initial NTA. In his petition, Lopez Romero argues that these omissions deprived the IJ of jurisdiction over his case and deprived him of notice of his initial hearing. Both deprivations, he argues, are violations of 8 U.S.C. § 1229(a) that require termination of his removal proceedings. As this argument presents a "constitutional claim[] or question[] of law," we have jurisdiction under 8 U.S.C. § 1252(a)(2)(D) and review the BIA's decision de novo. *Guerrero-Lasprilla v. Barr*, 589 U.S. 221, 225, 228 (2020).

Lopez Romero's claim that the omissions from the NTA deprived the IJ of jurisdiction over his case fails in the face of our precedent. As we have previously held,

§ 1229(a) is a “claims-processing rule,” not a jurisdictional one. *Arreola-Ochoa v. Garland*, 34 F.4th 603, 607 (7th Cir. 2022). Accordingly, to prevail on a motion to terminate the removal proceedings, a petitioner must have “raised a timely objection to the Notice” to preserve his argument. *Id.* at 608. Timely means “during the proceedings before the IJ after receiving the defective NTA.” *Meraz-Saucedo v. Rosen*, 986 F.3d 676, 683 (7th Cir. 2021) (citations omitted). If a petitioner fails to timely object, he “must provide an excuse for the delay as well as show prejudice from the lack of prompt information about time, place, or both.” *Arreola-Ochoa*, 34 F.4th at 608.

The record establishes that Lopez Romero did not timely raise his objection to the NTA. Lopez Romero objected to the NTA defect for the first time in his opening brief to the BIA, so he has forfeited the claim. Nor has he shown—or argued—that we should overlook his forfeiture. *Id.* at 609. He has not provided any excuse for his delay, such as lack of legal counsel during the IJ proceedings or limited English-language skills. *Id.* And he has not provided evidence that he suffered prejudice due to the defective NTA, as the omissions did not prevent him from participating in the proceedings before the IJ. *Id.* at 610 (no prejudice found where “[t]here is no evidence that [the petitioner] went to the wrong place, had the wrong time, missed any hearings, had difficulty presenting witnesses or some other evidence, or encountered any other problem that the omission of this information in the Notice might have caused”).

We therefore deny Lopez Romero’s petition for review of the BIA’s decision about the omissions in the NTA.

III

Lopez Romero next argues the IJ erred in holding that his removal would not present an “exceptional and extremely unusual” hardship to his children. The hardship determination is a mixed question of law and fact that we review under a substantial-evidence standard. *Perez-Castillo v. Blanche*, 177 F.4th 837, 842 (7th Cir. 2026). This standard is deferential and permits us to reverse “only ‘if, in reviewing the record as a whole, any reasonable adjudicator would be compelled to conclude to the contrary.’” *Id.* (quoting *Urias-Orellana v. Bondi*, 607 U.S. 537, 542 (2026)).

To succeed in an application for cancellation of removal, a petitioner must show that his deportation would cause hardship to a qualifying relative that is “substantially different from, or beyond, that which would be normally expected from the deportation of a[] [noncitizen] with close family members in the United States.” *Petrov v. Blanche*, 172 F.4th 949, 953 (7th Cir. 2026) (citation modified). Relevant factors include “the ages,

health, and circumstances” of the applicant’s qualifying relatives. *Santos Mendoza v. Bondi*, 151 F.4th 900, 906 (7th Cir. 2025) (citation omitted).

Lopez Romero argues the IJ failed to consider evidence of the financial hardship his family would suffer if he was deported and his wife was forced to support herself and their children solely on her income. He further contends that the IJ ignored his wife’s testimony about the financial difficulties she and the children would experience without Lopez Romero.

Lopez Romero’s deportation would undoubtedly cause his family hardship. But he has not shown that this hardship would be above and beyond what would be expected when a wage-earning parent is deported. *See Petrov*, 172 F.4th at 953 (“[L]osing the family’s main income earner is insufficient alone to establish exceptional and extremely unusual hardship.”).

To be sure, we have noted that the loss of a primary wage-earning parent could constitute exceptional and extremely unusual hardship if coupled with “evidence of circumstances ... that might have compounded that financial harm,” such as “special educational needs” or “family[] medical conditions.” *Id.* But Lopez Romero has not presented evidence of such extenuating circumstances here. In fact, the record shows the opposite; as both he and his wife testified, his children have no special educational needs or health issues. As was the case for the petitioner in *Petrov*, Lopez Romero has “failed to provide evidence that his family would endure harm beyond the normal pain associated with removal cases.” *Id.* at 953–54. Accordingly, substantial evidence supports the IJ’s conclusion that Lopez Romero does not meet the “exceptional and extremely unusual hardship” standard required by 8 U.S.C. § 1229b(b) for cancellation of removal.

At bottom, “[i]t would require a change in the immigration laws—one that lies outside our competence—to find that the kind of personal hardship on which [Lopez Romero] is relying could serve to support cancellation of removal.” *Arreola-Ochoa*, 34 F.4th at 611. For these reasons, we deny Lopez Romero’s petition for review of the IJ’s denial of his application.

DENIED