

**Immigration Court: BIA****Case:** *Matter of Buri Mora*, 29 I&N Dec. 186 (BIA 2025)**Date:** July 21, 2025<sup>1</sup>**Adjudicated by:** Mullane, Hunsucker, Goodwin.**Opinion:** Goodwin**Tags:** 42B Cancellation, “Exceptional & extremely unusual hardship,” educational & emotional hardship**Question Presented:** Did IJ err in granting cancellation given the factual record?**Holdings:** Yes, IJ got the decision wrong.

- “The respondent has not established the requisite exceptional and extremely unusual hardship to the qualifying relatives based on economic detriment and family separation, particularly where the qualifying relatives will remain in the United States and treatment for their mental health conditions and developmental delays will not be affected by the respondent’s removal.” 186

**Rationale:**

- They’ve got state-sponsored healthcare and they will be living with their U.S. citizen parent.

**Facts:** (186) Ecuadorian citizen has three USC kids and USC wife. Daughter has autism and anxiety disorder, sons have developmental delays. All have US intervention services and IEPs.**Procedural History:**

- **Feb. 4, 2025:** IJ granted 42B application
- **March 2025:** DHS appealed to BIA re. GMC, hardship, and discretion. (BIA does not reach GMC or discretion here.)

**Appeals to Statute & Precedent:**

- ***Matter of Monreal*, 23 I&N Dec. 56, 59 (BIA 2001):** hardship must be “substantially beyond that which ordinarily would be expected” from family member’s removal. (emphasis omitted) (citation omitted)
  - Key factors to consider: ages, health, & circumstances of QRs (*Monreal* at 63)
  - Factors can be considered in the aggregate (*Monreal* at 65)
- ***Matter of J-J-G-*, 27 I&N Dec. 808, 811 (BIA 2020):** for health concerns, “the respondent should establish that the health condition is serious and that adequate medical care would not be reasonably available in the country of removal if the relative accompanies the respondent.” *Buri Mora* at 187.
  - *J-J-G-* found that R did not demonstrate that adequate medical care would be available in the country of removal. (*J-J-G-* at 812)
- ***Matter of Andazola*, 23 I&N Dec. 319, 323 (BIA 2002):** economic detriment alone is insufficient to establish the requisite hardship.

---

<sup>1</sup> Designated as precedent by A.G. Bondi “in all proceedings involving the same issue or issues” as of 8.18.2025.

- *Matter of Pilch*, 21 I&N Dec. 627 (BIA 1996), *appeal dismissed*, 129 F.3d 969 (7<sup>th</sup> Cir. 1997): same ^^^. Also, emotional hardship is common. (*Pilch* at 631)

**Discussion:**

- “As all three children would continue to remain in the United States with the respondent’s United States citizen wife upon the respondent’s removal, they would continue to receive medical care through state Medicaid, as well as specialized educational support in the State of New Jersey.” 187
- “Economic detriment of the nature presented in this case is a common feature of a parent departing the United States.” 188
- “As significant a hardship as family separation is, it does not generally meet the high standard of ‘exceptional and extremely unusual.’” 188

**Commentary:**

- **NOTE WAYS TO DISTINGUISH:**
  - Kids have USC mother who can care for the kids in the US
  - USC spouse has full-time job as a surgical coordinator
  - USC spouse has extended family support in the US who can continue to provide childcare.
  - Kids ONLY have State-sponsored medical care
  - Consider ages, health, & circumstances specific to your QRs (*Monreal* at 63)