

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 25-1411

JOEL RUELAS MANZO,
Petitioner

v.

ATTORNEY GENERAL UNITED STATES OF AMERICA

On Petition for Review of the Board of Immigration Appeals
Immigration Judge: Joseph C. Scott, No. A216-289-148

Before: CHAGARES, *Chief Judge*, FREEMAN AND MASCOTT, *Circuit Judges*
Submitted pursuant to Third Circuit L.A.R. 34.1(a) on December 2, 2025

Filed: August 21, 2026

NONPRECEDENTIAL OPINION*

MASCOTT, *Circuit Judge*. Joel Ruelas Manzo, a Mexican citizen, entered the United States unlawfully without inspection in 1998. He departed and then reentered the country three times between 1998 and 2004. Fourteen years later, in 2018, the Department of Homeland Security served Manzo with a Notice to Appear and charged him as removable from the United States. *See* 8 U.S.C. § 1182(a)(6)(A)(i).

Manzo conceded his unlawful entry and removability but applied for cancellation of removal on the ground that his removal would cause “exceptional and extremely unusual hardship” for his United States citizen children. *See* 8 U.S.C. § 1229b(b)(1)(D). His wife also lacked lawful status in the United States and earned less money than he. The couple has three children who are U.S. citizens. At the time two were in high school and one was four years old. According to Manzo, they are all in good health. They speak Spanish but do not want to live in

Mexico. Manzo's wife has two siblings in the United States who have resident status. And Manzo has at least five siblings in the United States although they lack lawful status. In October 2020, an immigration judge (IJ) denied Manzo's request for cancellation, finding that Manzo had not shown the children would suffer exceptional and extremely unusual hardship if he were removed. The Board of Immigration Appeals (BIA) affirmed.

We review for substantial evidence an immigration judge's application of the exceptional-and-extremely-unusual hardship threshold. *See Wilkinson v. Att'y Gen.*, 131 F.4th 134, 142 (3d Cir. 2025) ("We therefore hold that the substantial-evidence standard governs review of a hardship determination in a cancellation-of-removal proceeding."). Under "substantial evidence" review, the IJ's determination is upheld "unless any reasonable adjudicator would be compelled to conclude to the contrary." *See* 8 U.S.C. § 1252(b)(4)(B); *Wilkinson*, 131 F.4th at 142 (quotation omitted).

Here, it is not clear we even reach application of that deferential review standard. Before this Court, Manzo does not press the challenge to the IJ's fact-and-law conclusions evaluating his circumstances under the hardship standard. Therefore, under this Court's precedent, he has forfeited that argument. *M.S. by and through Hall v. Susquehanna Twp. Sch. Dist.*, 969 F.3d 120, 124 n.2 (3d Cir. 2020).

In any event, substantial evidence supports the determinations below that his removal does not constitute statutory hardship. That standard requires evaluation of "whether any hardship to a U.S.-citizen or permanent-resident family member is substantially different from, or beyond, that which would normally be expected from the deportation of a close family member." *Wilkinson v. Garland*, 601 U.S. 209, 222 (2024). Relief is limited "to truly

exceptional situations.” *Wilkinson*, 131 F.4th at 142 (quotation omitted). The standard’s statutory history underscores its height. In 1996, Congress and the President amplified the requirement from the more unidimensional “extreme hardship” to “exceptional and extremely unusual hardship.” *See id.* at 143.

Relevant circumstances impacting the hardship analysis may include serious health issues or compelling special educational needs of qualifying relatives, whereas a lower standard of living does not. *See id.* The IJ found that the children have no significant behavioral or health concerns and would not suffer significant educational setbacks. Their mother’s employment could provide for their continued support in the United States, according to the IJ. And Manzo presented no evidence substantiating his fear that the mother herself would be removed. Therefore, the agency reasonably concluded that the children could continue to receive care from the mother whether they remain in the United States or move as a family unit with the father. Evidence also indicated that the mother and children have multiple family members present in the United States as lawful permanent residents, including their maternal grandmother and maternal siblings.

Manzo contends in this Court, nonetheless, that the BIA applied the wrong legal standard by incorporating his unlawfully present wife’s employment status into its hardship analysis. The government contends that Manzo did not adequately raise this argument before the BIA and that the argument therefore was not exhausted. *See* 8 U.S.C. § 1252(d)(1) (requiring exhaustion of administrative remedies). *See also Santos-Zacaria v. Garland*, 598 U.S. 411, 419, 424 (2023) (concluding that the section 1252 exhaustion requirement is a mandatory claims-processing requirement albeit a nonjurisdictional rule); *Aguilar v. Att’y General*, 107 F.4th 164, 169 (3d Cir.

2024) (requiring enforcement of the exhaustion requirement where the government raises it). Whether or not Manzo exhausted the particular argument that the BIA may not incorporate into its hardship analysis the employment status of a non-legally authorized relative, Manzo's legal argument is flawed. The case on which he relies was a nonpublished opinion and is inapposite. *See Angel-Hernandez v. Att'y Gen.*, 762 F. App'x 74 (3d Cir. 2019) (unpub.). In *Angel-Hernandez*, the panel admonished agency adjudicators for speculating that a remaining, unlawfully present spouse could potentially find work in the "underground economy." *See id.* at 77. But the case was not precedential, the remaining spouse there did not already have employment, unlike Manzo's wife, and the statement was dictum with no bearing on the outcome of the case, which affirmed denial of cancellation of removal. *See id.* at 76–77. Ultimately, even without consideration of his wife's employment, Manzo has not identified evidence compelling a conclusion that his children would suffer exceptional and extremely unusual hardship due to his removal.

We will deny the petition for review.