

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 25-1614

RICHARD EMANUEL SALOME-CASTILLO;
LIDIA VERONICA CACHA-PALA;
KENNETH RICHARD YHAIR SAKOME-CACHA; K. M. S.-C.,
Petitioners

v.

ATTORNEY GENERAL UNITED STATES OF AMERICA

On Petition for Review of the Board of Immigration Appeals.
Immigration Judge Maria I. Akalski, Nos. A220-243-951, A220-343-080, A220-243-950
& A220-343-081

Before: RESTREPO, FREEMAN, AND MASCOTT, *Circuit Judges*
Submitted: Jan. 21, 2026; Filed: Oct. 20, 2026

NONPRECEDENTIAL OPINION*

MASCOTT, *Circuit Judge*. Richard Emanuel Salome-Castillo, Lidia Veronica Cacha-Pala, and their two sons petition for review of the Board of Immigration Appeals (BIA) decision affirming the denial of their applications for asylum, withholding of removal, and protection under the Convention Against Torture (CAT). Because the agency's decision satisfies substantial evidence review and Petitioners have identified no error of law in the decision, we will deny the petition for review.

I.

Salome-Castillo owned and operated his family's butcher shop in Paramonga, Peru. His family, all citizens of Peru, left Peru due to the violence and extortion they reportedly

experienced at the hands of the “Sangrientos de Paramonga,” a local gang targeting business owners for extortion of money in exchange for protection of their businesses. Salome-Castillo entered the United States without inspection in October 2021 with one of his two sons. His wife, Lidia Veronica Cacha-Pala, entered without inspection one month later with the couple’s other son.

The Department of Homeland Security began removal proceedings in March and June 2022, respectively. Petitioners requested asylum, withholding of removal, and CAT protection shortly thereafter. On October 2, 2024, the immigration judge (IJ) denied the requested relief. The BIA affirmed.

To establish an asylum claim, a petitioner must demonstrate at least a well-founded fear of persecution “‘on account’ of a statutorily protected ground” such as “membership in a particular social group.” *Cortez-Amador v. Att’y Gen.*, 66 F.4th 429, 434 (3d Cir. 2023) (quoting 8 U.S.C. § 1101(a)(42)(A)). Petitioners’ asylum claims here are based on assertions of membership in particular social groups (PSGs) related to Peruvian butchers, who are allegedly targeted for persecution because of a “perceived notion of wealth.” Pet’rs’ Br. 15. According to Petitioners, gangs in their home country perceived Peruvian butchers to be affluent and therefore subjected them to extortion on the basis of that perception. Based on this contention, Petitioners assert membership in four distinct PSGs that they labeled “Peruvian butcher[s],” “Peruvian butcher shop owner[s],” “meat distributor[s],” and “Peruvian butcher shop worker[s].” Administrative Record (“AR”) 410–12.

The IJ rejected Petitioners’ asylum claims, determining that these proposed PSGs were not legally cognizable. “A PSG must be: ‘(1) composed of members who share a common immutable characteristic, (2) defined with particularity, and (3) socially distinct within the society in question.’” *Marlin Alcira Lopez-Ramirez v. Att’y Gen.*, No. 25-1527, 2026 WL2075569, at *2 (3d Cir. July 17, 2026) (quoting *S.E.R.L. v. Att’y Gen.*, 894 F.3d 535, 540 (3d Cir. 2018)). A proposed PSG “must have discrete and definable boundaries that are not amorphous, overbroad, diffuse, or subjective, so as to provide a clear standard for determining who is a member.” *Chavez-Chilel v. Att’y Gen.*, 20 F.4th 138, 146 (3d Cir. 2021) (citation modified) (quoting *S.E.R.L.*, 894 F.3d at 553). The IJ concluded that these proposed PSGs were not “socially distinct.”

The IJ also found that even if Petitioners were part of a legally cognizable PSG, they could not demonstrate persecution on “account of” this status, i.e., they could not establish the requisite nexus between the proposed PSG and the alleged persecution. *See Cortez-Amador*, 66 F.4th at 434; *Ndayshimiye v. Att’y Gen.*, 557 F.3d 124, 129 (3d Cir. 2009) (“[A] key task for any asylum applicant is to show a sufficient ‘nexus’ between persecution and one of the listed protected grounds.”). The BIA saw “no clear error” in the IJ’s conclusion that the criminal actors who extorted Petitioners were not primarily motivated by Petitioners’ membership in any social group. Rather, evidence suggested the criminal actors were motivated by financial gain. The “criminal groups . . . always demanded money[;] the male respondent continued to be extorted after he closed the butcher shop[;]

and the country conditions indicate that extortion is a widespread problem affecting many businesses throughout Peru.” App. 6.

The IJ found that because Petitioners failed to meet their burden to prove their asylum claim, they also “necessarily fail[ed] to meet the higher burden of proof required under withholding of removal.” *Id.* at 13; *see also Cortez-Amador*, 66 F.4th at 434 (“Withholding of removal requires a higher risk of persecution—a clear probability. If a petitioner cannot meet his burden to establish a risk of persecution for asylum, they automatically fail on their withholding claim.” (footnote omitted)).

As to the CAT claim, the IJ determined that the record failed to demonstrate that public officials would “acquiesce to the torture” of Petitioners upon their removal. App. 13; *see also Guzman Orellana v. Att’y Gen.*, 956 F.3d 171, 181 (3d Cir. 2020) (“To determine whether the applicant has established that public officials will acquiesce to the torture, the IJ must ask (1) how public officials will likely act in response to the harm the petitioner fears and (2) whether the likely response from public officials qualifies as acquiescence.”).

The BIA dismissed the appeal. The BIA agreed with the IJ’s nexus analysis and therefore determined it was unnecessary to reach the issue of whether the proposed PSGs were legally cognizable. Regarding the CAT claim, because Petitioners failed to provide details as to how the IJ erred, the BIA determined that “there was insufficient evidence to demonstrate that Peruvian officials would breach a legal duty and acquiesce to the harm [Petitioners] fear.” App. 7.

II.¹

Before this Court, Petitioners argue that (1) the BIA erred because the record establishes that Petitioners satisfy the nexus requirement on their asylum and withholding claims and (2) this Court should remand on the CAT claims because the IJ failed to conduct a complete legal analysis. We will deny the petition for review.

A.

“An asylum claim requires a nexus between the alleged protected grounds and the feared or past persecution.” *Hernandez Garmendia v. Att’y Gen.*, 28 F.4th 476, 483 (3d Cir. 2022). The IJ’s finding of no nexus is supported by substantial evidence. Assuming, *arguendo*, that Petitioners’ proposed PSGs are legally cognizable, there is substantial evidence to support the finding that the protected grounds were not “one central reason” for the alleged extortion; rather, the asserted protected grounds were incidental to the motive of financial gain. U.S.C. § 1158(b)(1)(B)(i); *see Abdille v. Ashcroft*, 242 F.3d 477, 494 (3d Cir. 2001) (affirming the rejection of an asylum claim where assaults were “motivated not by animosity against a particular ethnic group, but rather by arbitrary hostility or by a desire to reap financial rewards”). And because Petitioners failed to meet

¹ The IJ’s opinion is reviewed to the extent that the BIA adopted the findings and reasoning of the IJ. *See Chukwu v. Att’y Gen.*, 484 F.3d 185, 189 (3d Cir. 2007). Where the BIA has adopted the IJ’s findings, we review those findings under the substantial evidence standard, upholding them “unless any reasonable adjudicator would be compelled to conclude to the contrary.” 8 U.S.C. § 1252(b)(4)(B). The BIA’s legal conclusions are reviewed *de novo*, which include “both pure questions of law and applications of law to undisputed facts.” *Rranci v. Att’y Gen.*, 540 F.3d 165, 171 (3d Cir. 2008).

the burden of proof for asylum, they necessarily fail to meet the more stringent standard required for withholding. *See Cortez-Amador*, 66 F.4th at 434.

B.

The Government argues that Petitioners did not exhaust their CAT claim before the BIA and therefore this Court's review is barred under 8 U.S.C. § 1252(d)(1). *See Yan Lan Wu v. Ashcroft*, 393 F.3d 418, 422 (3d Cir. 2005) ("8 U.S.C. § 1252(d) requires an alien to raise and exhaust all remedies available to her in order to preserve her right to appellate review of a final order of removal."). We need not resolve the exhaustion question, however, because substantial evidence supports the IJ's findings that Petitioners are not eligible for CAT relief.

The BIA acknowledged Petitioners' general challenge to the IJ's CAT analysis but found that Petitioners failed to identify any specific error justifying CAT relief. To receive CAT relief, Petitioners had to "establish[] that public officials will acquiesce to the torture" upon their removal; determining whether that burden has been met requires "the IJ [to] ask (1) how public officials will likely act in response to the harm the petitioner fears and (2) whether the likely response from public officials qualifies as acquiescence." *Guzman Orellana*, 956 F.3d at 181. But Petitioners produced "insufficient evidence to demonstrate that Peruvian officials would breach a legal duty and acquiesce to the harm they fear." App. 7. In fact, the available evidence suggests the contrary. Petitioners did not report the purported incidents of violence related to extortion to the police. The IJ also noted that after one of Petitioners' family members was imprisoned for a crime he did not commit,

the police in Petitioners' home country searched for and captured the actual culprit. That series of events evinced how authorities do, in fact, take legal action against the type of criminal activity forming the basis of Petitioners' alleged fears.

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For the foregoing reasons, we will deny the petition for review.