UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 25-3361

JOHN DIEGO RODRIGUEZ LAGE,
Petitioner

v.

ATTORNEY GENERAL UNITED STATES OF AMERICA

On Petition for Review of an Order of the BIA
Immigration Judge Leila McNeill Mullican, No. A240-164-851

Before: KRAUSE, PORTER, and AMBRO, *Circuit Judges*
Submitted: Sept. 22, 2026; Filed: Nov. 23, 2026

OPINION OF THE COURT

AMBRO, *Circuit Judge*

John Diego Rodriguez-Lage petitions for review of a final order of removal issued by the Board of Immigration Appeals (BIA). We deny the petition as to the extreme-cruelty and due-process challenges. The BIA did not err in finding a lack of extreme cruelty or overlook corroborating letters from his family and friends. We further dismiss the petition as to the agency's hardship determination and discretionary denial of relief because those claims are unreviewable.

I. BACKGROUND

Rodriguez-Lage, a citizen of Ecuador, entered the United States on a tourist visa in August 2015. Shortly after, he met Maria Suquilanda, a U.S. citizen with a son by another man. They began a romantic relationship in July 2018. He proposed in April 2019, she moved in with him and his family the following month, and they married in October 2020. The marriage was initially "joyful," A.R. 169, despite Suquilanda on occasion belittling Rodriguez-Lage for his inability to travel due to his immigration status.

In March 2021, Suquilanda announced that she was pregnant again. Rodriguez-Lage, believing he would become a father, was happy to hear the news. But Suquilanda began behaving differently, becoming more distant, more easily upset, and less caring. One month later, she confessed to him, in the presence of their respective mothers, that the pregnancy had resulted from an affair with her former partner. Rodriguez-Lage was devastated by the revelation and the subsequent end of his marriage. He withdrew from friends and family and experienced hair loss, loss of appetite, trouble sleeping, anxiety, depression, shortness of breath, and headaches.

In November 2024, Rodriguez-Lage was arrested for an incident involving his mother and brother. As he explains, he became involved in an oral altercation with his mother while washing dishes. His anger intensified when a knife slipped through his hand and cut his fingers. Fearing for their safety, his mother and brother retreated to a different room. Rodriguez-Lage took the knife, stabbed it through the door of the room where they were hiding, and accused them of making

him cut himself. They called the police, and his mother filed a police report. He was subsequently charged with aggravated assault.

The Department of Homeland Security then issued Rodriguez-Lage a Notice to Appear for overstaying his visa. Before an immigration judge (IJ), he requested Special Rule Cancellation of Removal for battered spouses under the Violence Against Women Act (VAWA cancellation), 8 U.S.C. § 1229b(b)(2),[1] asylum, withholding of removal, and protection under the Convention Against Torture. When asked about the November 2024 incident, for which charges were pending, Rodriguez-Lage explained the behavior was not typical for him, and he is still close to his mother and brother. He blames his actions on the depression stemming from his breakup with Suquilanda. As of the IJ hearing, however, he had not sought professional treatment for his symptoms, although he acknowledged while in detention that he may need therapy.

The IJ denied all requested relief. She found Rodriguez-Lage failed to establish that he was subjected to "extreme cruelty" by Suquilanda or that his removal would cause "extreme hardship" to himself or his mother, as is required to be eligible for VAWA cancellation. *See* 8 U.S.C. § 1229b(b)(2)(A)(i), (v). The IJ also determined that Rodriguez-Lage did not demonstrate he warranted a favorable

[1] Despite the statute's title, it provides protection for any noncitizen who meets the requirements, regardless of gender. *See* 8 U.S.C. § 1229b(b)(2).

exercise of discretion even if he were eligible.[2] The IJ acknowledged the likely dismissal of the criminal charges[3] but determined the underlying conduct was sufficiently concerning to deny relief.

Rodriguez-Lage appealed only the denial of VAWA cancellation, arguing that the IJ imposed a definition of extreme cruelty that did not account for psychological abuse and failed to balance the equities properly. The BIA dismissed the appeal on two grounds. First, it concluded that while Suquilanda's infidelity caused "significant emotional pain," her conduct did not rise to the level of extreme cruelty. A.R. 4. Second, it concluded there was no evidence of extreme hardship, noting that Rodriguez-Lage never sought mental-health treatment, submitted no medical evidence for either himself or his mother, and has family ties in Ecuador. Because those two findings were dispositive of eligibility for cancellation of removal, the BIA did not reach the IJ's discretionary denial. Rodriguez-Lage timely petitioned for review.

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[2] Cancellation of removal proceeds in two steps. The IJ first "decide[s] whether the noncitizen is eligible for cancellation under the relevant statutory criteria," then "decides whether to exercise his discretion favorably and grant the noncitizen relief." *Wilkinson v. Garland*, 601 U.S. 209, 212 (2024).

[3] They were later dismissed by the Union County Prosecutor's Office. Rodriguez-Lage otherwise has no criminal record.

II. ANALYSIS

A. The agency's extreme-cruelty determination is supported by substantial evidence.

We begin by addressing our jurisdiction to review Rodriguez-Lage's challenge to the extreme-cruelty determination. To qualify for VAWA cancellation, the noncitizen must show he "has been battered or subjected to extreme cruelty" by a spouse or parent. 8 U.S.C. § 1229b(b)(2)(A)(i). Our jurisdiction depends on whether the claim presents a question of fact, a question of law, or a mixed question of law and fact. We lack jurisdiction to review factual findings in cancellation-of-removal cases. *Wilkinson v. Garland*, 601 U.S. 209, 225 (2024). But we exercise a fresh review of questions of law and constitutional issues. 8 U.S.C. § 1252(a)(2)(D). "Questions of law" include mixed questions of law and fact, including "the application of a legal standard to undisputed or established facts." *Guerrero-Lasprilla v. Barr*, 589 U.S. 221, 225 (2020). In *Wilkinson*, on appeal from our Circuit, the Supreme Court clarified we have jurisdiction to review the agency's application of the "exceptional and extremely unusual hardship" standard for non-VAWA cancellation. 601 U.S. at 212. This "is a legal standard that an IJ must, at the first step, apply to a set of established facts." *Id.* at 217. The Court accordingly reversed our decision holding the hardship determination unreviewable. *Id.* at 226.

That reasoning extends to the extreme-cruelty standard for VAWA cancellation. To decide whether the noncitizen experienced extreme cruelty, the agency must apply the statutory standard to a given set of facts. Here, and rightly so, the parties do not dispute our jurisdiction to review this mixed

question post-*Wilkinson*. We previously held extreme-cruelty determinations unreviewable in *Johnson v. Attorney General*, 602 F.3d 508, 511–12 (3d Cir. 2010). We now confirm our jurisdiction over these determinations. As the Government acknowledges, the Supreme Court's recent caselaw on mixed questions has "overtaken" *Johnson*. Resp. Br. 22. This opinion therefore abrogates *Johnson* in relevant part.

The parties do, however, disagree on the proper categorization of Rodriguez-Lage's claim. Rodriguez-Lage argues it presents a question of law: whether the BIA erred by applying an unduly narrow definition of extreme cruelty that effectively required proof of physical violence. The Government, on the other hand, characterizes his argument as an unreviewable factual challenge. Neither side is fully correct.

Rodriguez-Lage's argument is best characterized as a challenge to the agency's application of the extreme-cruelty standard to the circumstances of his case. Tellingly, Rodriguez-Lage concedes that it adopted a definition of extreme cruelty that accounted for psychological abuse. His complaint is that the agency then "rejected [his] showing based on considerations that do not track that legal framework." Pet. Br. 24. In its opinion, the BIA noted Suquilanda disclosed the affair shortly after learning of her pregnancy rather than concealing it; the marriage lasted only about six months; and she left without further interaction. Rodriguez-Lage contends this analysis imposed legally erroneous, nonstatutory conditions on extreme cruelty by requiring the mistreatment be overt, a marriage last for some time, or the alleged abuser not end the relationship right away.

Not so. The agency's analysis does not read these factors into the standard. It noted their absence to conclude that Rodriguez-Lage's emotional pain, while significant, did not reflect extreme cruelty. His grievance is with the agency's application of the legal standard, not its definition.[4]

Nor does Rodriguez-Lage's claim present an unreviewable question of fact. Citing the opening brief, the Government argues that his labeling of Suquilanda's behavior—"psychological abuse," "coercive control," "persistent verbal humiliation, manipulation," "financial[] exploit[ation]," and revealing the affair "publicly" to "humiliate [him] before those closest to him"—presents a dispute of fact. Resp. Br. 18. These statements, according to the Government, "are not supported by the record, directly contradict Rodriguez-Lage's own testimony, and seek to contest the agency's factual findings." *Id.* Specifically, the Government claims they contradict Rodriguez's testimony explaining Suquilanda had belittled his lack of legal status, but she never sought to report him to immigration authorities or damage his reputation. They also purportedly contradict the IJ's finding that Suquilanda, by leaving Rodriguez-Lage shortly after revealing the pregnancy, did not trick him into providing financial support for her child with another man.

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[4] Rodriguez-Lage's reliance on out-of-circuit caselaw in *Ruiz v. U.S. Attorney General* is misplaced. 73 F.4th 852, 854–55 (11th Cir. 2023). *Ruiz* addressed a BIA decision that "require[d] proof of physical abuse as a precondition to showing 'extreme cruelty.'" *Id.* at 855. Here, on the other hand, the BIA considered Rodriguez-Lage's emotional harm but concluded it was insufficient.

The Government also suggests Suquilanda's intent to humiliate him is not supported by the record. Because he lived with his mother and brother, there was simply no choice but to reveal the affair with his mother present.

Although it is a close question, we find no direct factual contradictions between Rodriguez-Lage's characterizations and the record. His use of various labels to describe Suquilanda's behavior merely disputes whether her actions rose to extreme cruelty—an application of law to facts. Indeed, some of Rodriguez-Lage's characterizations borrow from the definition of extreme cruelty that the BIA used here. Though the INA does not define the term for VAWA cancellation, its implementing regulations have done so for VAWA self-petitions:

> [T]he phrase "was battered by or was the subject of extreme cruelty" includes, but is not limited to, being the victim of any act or threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury. *Psychological* or sexual *abuse* or *exploitation*, including rape, molestation, incest (if the victim is a minor), or forced prostitution shall be considered acts of violence. Other abusive actions may also be acts of violence under certain circumstances, including acts that, in and of themselves,

> may not initially appear violent but that are a part of an overall pattern of violence.

8 C.F.R. § 204.2(c)(1)(vi) (emphasis added). Rodriguez-Lage's accusations of psychological abuse and exploitation reflect this definition. His invocation of such labels does not dispute the underlying facts but is best read as an argument that they satisfy the standard.

Rodriguez-Lage's challenge leaves the IJ's findings undisturbed. In her order, the IJ found that, shortly after they wed, Suquilanda "started to critique [Rodriguez-Lage] and belittle him, particularly because he was not able to [travel] due to his legal status at the time." A.R. 78. However, she "never threatened to contact immigration to have him removed from the United States" or "damage his reputation . . . among his family or friends." *Id.* at 79. Claims of psychological abuse, coercive control, and persistent verbal humiliation and manipulation, while provocative, do not contradict these findings. The IJ never rejected the use of these terms to describe Suquilanda's behavior—it merely concluded her actions were not extremely cruel.

The same is true of Rodriguez-Lage's financial-exploitation claim. On this point, the IJ found only that Suquilanda "did not lead him on for years and try to maintain her double life, all the while having [him] pay money for her and her children thinking that her children, or at least one of her children[,] was his." A.R. 80. She did not conclude that Suquilanda never financially exploited Rodriguez-Lage. That leaves open the possibility of financial exploitation occurring in other ways—exactly what Rodriguez-Lage seems to be

asserting here. At his IJ hearing, Rodriguez-Lage testified to feeling "used" and "abused" to obtain "perhaps [a] financial benefit" because he "wouldn't ask [Suquilanda] to contribute for rent, or let her pay anything." A.R. 174. The IJ made no finding on whether Suquilanda financially exploited him in this manner. The financial-exploitation claim thus falls short of a factual dispute.

The characterization that comes closest to a factual dispute is Rodriguez-Lage's claim that Suquilanda meant to humiliate him by revealing the affair in front of his mother. We agree that assertion may seem speculative. But we think it is best read as an attempt to deploy the undisputed facts to meet the extreme-cruelty standard rather than as a dispute with the underlying factual findings. It is undisputed that Suquilanda revealed the affair in front of both of their mothers. His additional gloss—her intent—tries to characterize this fact in a way that satisfies extreme cruelty. This presents a reviewable dispute over the agency's application of law to fact.

We also note that all these characterizations appeared in Rodriguez-Lage's statement of the case and summary of argument, not as a direct attack on the IJ's factual findings. We hesitate to read them as a dispute with the IJ's findings when Rodriguez-Lage does not claim them as such.

Having confirmed our jurisdiction, we now review the agency's application of the extreme-cruelty standard. In *Wilkinson*, the Supreme Court directed "deferential" review of the "primarily factual" hardship determination. *Wilkinson*, 601 U.S. at 225. The Court did not further specify which deferential standard to use. *Id.* On remand, we endorsed the substantial-evidence standard over the abuse-of-discretion

standard. *Wilkinson v. Att'y Gen.*, 131 F.4th 134, 138–42 (3d Cir. 2025). In doing so, we explained that the agency, as the factfinder, is best suited to decide whether the noncitizen's hardship meets the statutory standard. *Id.* at 140. We found it appropriate to adopt the more deferential substantial-evidence standard generally used to review agency factfinding. *Id.*[5] Because the extreme-cruelty determination in VAWA cancellation is similarly fact intensive, we conclude the substantial-evidence standard applies. We will therefore uphold the agency's determination "unless any reasonable adjudicator would be compelled to conclude to the contrary." *Id.* at 142 (quoting *Nasrallah v. Barr*, 590 U.S. 573, 584 (2020)).

Like the BIA, we find instructive the regulatory definition of "battery or extreme cruelty" for VAWA self-petitions. 8 C.F.R. § 204.2(c)(1)(vi). This is because the statutes governing VAWA self-petitions and VAWA cancellation both provide relief for noncitizens who have experienced battering or extreme cruelty at the hands of a U.S.-citizen spouse. 8 U.S.C. §§ 1154(a), 1229b(b)(2). There is no indication Congress meant for the definitions of these terms to differ between VAWA self-petitions and cancellation.

Applying this definition, we conclude substantial evidence supports the BIA's extreme-cruelty determination. Rodriguez-Lage testified that Suquilanda never physically

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[5] Though we may not review factual findings in cancellation-of-removal proceedings, we apply substantial-evidence review to factfinding for other forms of immigration relief. *Wilkinson*, 131 F.4th at 140.

harmed or threatened him, threatened to report him to immigration authorities, or isolated him from his family and friends. The BIA considered the "significant emotional pain" Suquilanda's actions caused Rodriguez-Lage, but it explained the brief length of the marriage and her quick departure negated any claim of extreme cruelty. A.R. 4. Though we acknowledge marital infidelity might meet the definition of extreme cruelty in some circumstances, it does not do so here. Rodriguez-Lage's claim thus fails.

B. We may not review Rodriguez-Lage's challenge to facts underlying the agency's hardship determination.

In addition to extreme cruelty, a noncitizen must also show his "removal would result in extreme hardship" to himself, his child, or his parent. 8 U.S.C. § 1229b(b)(2)(A)(v). The BIA found "a dearth of evidence that [Rodriguez-Lage] or his mother have any medical issues." A.R. 5. Rodriguez-Lage disagrees, arguing the agency committed legal error by failing to consider "unrebutted medical evidence" of his mother's serious health conditions. Pet. Br. 26. The Government once again argues his claim is best characterized as a factual challenge.

The Government has the better argument. In *Wilkinson*, the Supreme Court explained that the agency's factual determinations, including "the seriousness of a family member's medical condition," remain unreviewable in cancellation-of-removal proceedings. *Wilkinson*, 601 U.S. at 225. The agency found no evidence that Rodriguez-Lage's mother requires mental-health care or treatment for any other health issues. Because Rodriguez-Lage merely seeks to

relitigate this factual finding, we have no jurisdiction to review.[6]

As an alternative, Rodriguez-Lage asks us to remand for the agency to consider new evidence that his mother's condition has worsened since his detention. But remand would be futile. When the "BIA on remand would be unable as a matter of law to grant the relief sought," "we may deny a petition for review, without regard to the various issues that might otherwise be in play in the case." *See Ricketts v. Att'y Gen.*, 955 F.3d 348, 352 (3d Cir. 2020). VAWA cancellation requires both extreme hardship and extreme cruelty. 8 U.S.C. § 1229b(b)(2)(A). Because Rodriguez-Lage failed to establish the latter, additional hardship evidence is immaterial.

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[6] For the same reasons that we have jurisdiction over the extreme-cruelty determination, we would have had jurisdiction if Rodriguez-Lage had instead challenged the agency's application of the extreme-hardship standard to the facts. *Wilkinson* held this to be true of the hardship determination in non-VAWA cancellation of removal, which is slightly different. *Wilkinson*, 131 F.4th at 142. While VAWA cancellation requires "extreme hardship" to the noncitizen, his child, or his parent, 8 U.S.C. § 1229b(b)(2)(A)(v), non-VAWA cancellation requires "exceptional and extremely unusual hardship" to the noncitizen's spouse, child, or parent, 8 U.S.C. § 1229b(b)(1)(D). Because of these differences, we clarify that application of the VAWA hardship standard is also a mixed question.

C. The agency did not violate Rodriguez-Lage's due-process rights.

Rodriguez-Lage asserts that the agency violated due process by failing to consider meaningfully letters from friends and family corroborating Suquilanda's history of psychological abuse. But the agency "need not discuss every piece of evidence"; its decisions need only permit meaningful review, and that occurred here. *Green v. Att'y Gen.*, 694 F.3d 503, 509 (3d Cir. 2012) (internal quotation marks omitted); *see also Toussaint v. Att'y Gen.*, 455 F.3d 409, 414 (3d Cir. 2006), *as amended* (Sept. 29, 2006). The BIA's decision referenced the letters from Rodriguez-Lage's family and friends, and it acknowledged, as they explained, that Suquilanda's actions caused Rodriguez-Lage a great deal of emotional pain. He does not identify any information from the letters that the agency failed to consider. Accordingly, the due-process claim fails.

D. Rodriguez-Lage's challenge to the agency's discretionary denial is not properly before us.

Rodriguez-Lage's last challenge is that the BIA erred by affirming the IJ's discretionary denial of cancellation based on his pending criminal charges, which were later dismissed. But our review is limited to the grounds on which the BIA relied. *Myrie v. Att'y Gen.*, 855 F.3d 509, 515 (3d Cir. 2017) ("If the [BIA] relies only on some of the grounds given for denying relief, we review only these grounds."). It concluded that Rodriguez-Lage failed to establish both extreme cruelty and extreme hardship, rendering discussion of discretion unnecessary. Because it never affirmed the IJ's discretionary denial, we cannot review this claim.

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For these reasons, we will deny in part and dismiss in part the petition for review.

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