

NOT FOR PUBLICATION

In the  
United States Court of Appeals  
For the Eleventh Circuit

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No. 25-13245  
Non-Argument Calendar

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PRANAYKUMAR UMEDBHAI PATEL,  
MUKTABEN PRANAYKUMAR PATEL,

*Petitioners,*

*versus*

U.S. ATTORNEY GENERAL,

*Respondent.*

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Petition for Review of a Decision of the  
Board of Immigration Appeals  
Agency No. A209-268-152

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Before JORDAN, ABUDU, and ANDERSON, Circuit Judges.

PER CURIAM:

Pranaykumar Patel (“Mr. Patel”) and Muktaben Patel (“Mrs. Patel”), husband and wife, petition for review of the Board of Immigration Appeals’ order affirming the Immigration Judge’s denial of their applications for cancellation of removal under 8 U.S.C. § 1229b(b)(1). They contend that the BIA erred in finding that they had not shown that their removal to India would result in “exceptional and extremely unusual hardship” to their U.S. citizen daughter, Mahi, and to Mr. Patel’s U.S. lawful permanent resident mother, Madhukantaben. After careful review, we deny the petition.

## I

Mr. and Mrs. Patel are natives and citizens of India. Mr. Patel entered the United States without inspection in 2001, and Mrs. Patel entered without inspection in 2004. Their daughter, Mahi, was born in Florida in 2007 and is a United States citizen. Mr. Patel’s mother, Madhukantaben, lives with the family and is a lawful permanent resident and qualifying relative.<sup>1</sup>

On April 8, 2019, the Department of Homeland Security began removal proceedings against Mr. and Mrs. Patel by issuing Notices to Appear. DHS charged them with removability under the

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<sup>1</sup> Through counsel, Mr. Patel represented to the Immigration Judge that Madhukantaben is now a naturalized United States citizen but failed to provide any evidence regarding her naturalization. The IJ therefore continued to treat her as a lawful permanent resident instead of a U.S. citizen, and we do the same. As the IJ noted, it is a distinction without a difference for purposes of the Patels’ cancellation of removal petition.

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Immigration and Nationality Act, 8 U.S.C. 1182(a)(6)(A)(i), as immigrants who arrived in the United States without being admitted or paroled. Through counsel the Patels conceded their removability as charged on December 6, 2019.

Three weeks later, the Patels separately filed their applications for cancellation of removal under § 240A(b)(1) of the INA, 8 U.S.C. § 1229b(b)(1). Both Patels requested cancellation on grounds that their removal would result in exceptional and extremely unusual hardship to their qualifying relatives. Both Patels listed their U.S. citizen daughter, Mahi, as the qualifying relative. Mr. Patel additionally listed his LPR mother, Madhukantaben.

On February 24, 2022, the Patels appeared before the IJ for a merits hearing on their applications for cancellation of removal. At this hearing, Mrs. Patel testified as the sole witness, and she stated that the family would take Mahi and Madhukantaben with them if removed to India. The IJ found that Mrs. Patel was, outside of some minor discrepancies, a credible witness.

With respect to medical hardship, Mrs. Patel testified that Mahi suffers from asthma, low blood pressure, chest pain, anxiety, fainting spells, and lack of sleep, that Mahi uses an inhaler several times daily, and that Mahi faints every two or three days. Mahi's medical records, however, described her as "healthy," "without abnormal findings," and with "no significant medical history," and a cardiologist reported that she had no cardiac-related issues and that her blood pressure was "low normal." A family therapist reported

that Mahi would be at risk of developing a major depressive disorder if she moved to India and suggested that Mahi might not be able to obtain treatment there. The therapist, however, offered no foundation for the latter opinion regarding the availability of treatment in India, and had no demonstrated expertise in India's healthcare system.

Mrs. Patel further testified to Madhukantaben's medical conditions, stating that Madhukantaben suffers from dementia, diabetes, and depression, among other medical ailments; requires assistance with daily activities; and receives considerable daily care from Mrs. Patel. Madhukantaben takes medication and visits a doctor every other month. Mrs. Patel testified that there was "no [health] insurance system" in India, but she admitted on cross-examination that, while that testimony was based on her experience when she was last in India in 2004, she had not researched the availability of medical care in India and had not spoken to any doctors or medical experts with current knowledge of healthcare there. DHS submitted a report, for the limited purpose of impeaching that testimony, stating that all Indian citizens can obtain free outpatient and inpatient care at government facilities.

As to education, Mrs. Patel testified that Mahi excels academically and aspires to a career in medicine. Mrs. Patel went on to testify that Mahi would struggle in school in India because she does not read or write Gujarati, the language of instruction and examination in Gujarat, India, where the family would return; that Mahi would have difficulty with the exams required to pursue

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medicine because of her caste; and that the family would not be able to afford tuition at private schools. The therapist's report, however, indicated that Mahi is fluent in Gujarati, excels academically, is social, and makes friends easily.

Mrs. Patel also testified regarding the family's finances, stating that the Patels operate a convenience store generating roughly \$3,000 per month in the United States but could expect to earn only about \$124 per month as agricultural laborers in India. The record showed that Mr. Patel previously worked in agriculture in India and that both Patels have extensive work histories in this country.

The IJ denied the applications, finding that the Patels failed to show that their removal would result in exceptional and extremely unusual hardship for their qualifying relatives. The IJ found that Mrs. Patel showed no reliable evidence that Mahi's or Madhukantaben's medications and treatment would be unavailable in India, discounted the therapist's opinion regarding counseling services in India for lack of foundation, noted the absence of evidence that Mahi's new school could not accommodate her, observed that Mahi could return to the United States to pursue her education, and found the record devoid of evidence that the Patels would be unable to obtain employment in India. The IJ also noted that the Patels have a car and approximately \$9,000 in joint assets, which could be used to aid the family's relocation to India. "[C]onsidering the aggregate circumstances," the IJ concluded that the requisite hardship showing had not been made.

The Patels timely filed an appeal to the BIA. The BIA dismissed the Patels' appeal. The BIA noted that the IJ found Mrs. Patel to be a credible witness, but affirmed its conclusion that her testimony and the other evidence provided was insufficient to meet the standards for cancellation. The BIA determined that it was unnecessary to reach the question of whether the medical conditions of the Patels' qualifying relatives were serious, as the Patels failed to meet their burden to show that adequate medical care for the claimed conditions was unavailable in India. Specifically, the BIA found no clear error in the IJ's weighing of the parties' conflicting documentary evidence on healthcare availability and concluded that the Patels' evidence of a mental health crisis in India was generalized and did not address their relatives' specific conditions. With respect to financial and educational hardship, the BIA acknowledged that Mahi may face fewer educational opportunities and that the qualifying relatives may face a lower standard of living, but determined that those detriments did not support a finding of the required hardship. Ultimately, the BIA concluded that "[c]onsidering all the hardship factors in this case cumulatively," the relatives would not experience hardship rising to the level of "exceptional and extremely unusual" hardship. This petition followed.

## II

Our review is limited. We review the decision of the BIA and, to the extent that the BIA "expressly adopts or agrees with" it, the IJ's opinion or reasoning. See *Lopez-Martinez v. U.S. Att'y Gen.*, 149 F.4th 1202, 1206 (11th Cir. 2025) (quotation omitted). Our re-

view of the BIA’s legal conclusions is *de novo*. *See Id.* We lack jurisdiction to review “factual determinations underlying an [IJ]’s or the [BIA]’s decision to deny an application for cancellation of removal,” but we retain jurisdiction over “constitutional claims or questions of law.” *Id.* (citing *Wilkinson v. Garland*, 601 U.S. 209, 225 (2024), and 8 U.S.C. § 1252(a)(2)(B)(i), (a)(2)(D)).

The application of the “exceptional and extremely unusual hardship” standard to a given set of facts is a mixed question of law and fact that we may review, but “[b]ecause this mixed question is primarily factual, that review is deferential.” *Wilkinson*, 601 U.S. at 222, 225. More specifically, we review this “mixed” question under a “substantial evidence” standard—we ask “[w]hether on the record as a whole there is substantial evidence to support [the] agency[’s] findings.” *Lopez-Martinez*, 149 F.4th at 1207 (quoting *Universal Camera Corp. v. NLRB*, 340 U.S. 474, 491 (1951)). The ultimate facts underlying the hardship determination, however, “remain unreviewable”—including, for example, “an IJ’s factfinding on credibility, the seriousness of a family member’s medical condition, or the level of financial support a noncitizen currently provides.” *Wilkinson*, 149 F.4th at 225.

Under 8 U.S.C. § 1229b(b)(1), the Attorney General may cancel the removal of a noncitizen who, among other things, “establishes that removal would result in exceptional and extremely unusual hardship” to a spouse, parent, or child who is a United States citizen or lawful permanent resident. That standard is a “high” one. *See Flores-Alonso v. U.S. Att’y Gen.*, 36 F.4th 1095, 1098 (11th

Cir. 2022). The hardship to qualifying relatives must be “‘substantially’ beyond the ordinary hardship that would be expected when a close family member leaves this country.” *Matter of Monreal-Aguinaga*, 23 I. & N. Dec. 56, 62 (B.I.A. 2001) (en banc). To make this determination, the BIA considers the “ages, health, and circumstances” of the qualifying relatives, with all hardship factors “considered in the aggregate.” *Id.* at 63–64. Where a claim rests on the health of a qualifying relative who would accompany the applicant abroad, the applicant must establish both that the relative has a serious medical condition and that adequate medical care for that condition is not reasonably available in the country of removal. *See Lopez-Martinez*, 149 F.4th at 1211.

#### A

Although the Patels primarily challenge the BIA’s determination that the evidence failed to establish that their removal would result in “exceptional and extremely unusual hardship” to their qualifying relatives, they at times also contest the factual findings underlying that determination. We therefore begin by identifying the aspects of their petition that we may not review. They assert that the BIA relied on “outdated” medical records over more recent evidence, credited DHS’s “misleading and contradictory” healthcare evidence over the Patels’ documentary submissions and Mrs. Patel’s firsthand testimony, and disregarded testimony regarding Mahi’s language abilities, the cost of schooling in India, and the family’s employment prospects.

These quarrels with factfinding—the seriousness of the relatives’ medical conditions, the availability and adequacy of medical care and education in India, the weight due conflicting documents—are factual. *See Wilkinson*, 601 U.S. at 222. *See also Flores-Alonso*, 36 F.4th at 1099–1100. Whether particular healthcare or educational services are, or are not, available in the country of removal “is a purely factual issue over which we have no jurisdiction.” *Lopez-Martinez*, 149 F.4th at 1211. The same is true of the parties’ dispute over whether Mahi is fluent in Gujarati. The record contains conflicting evidence on that point, and the Patels maintain that she is not fluent, but, in its discussion of educational hardship, the IJ credited evidence indicating that Mahi is fluent in Gujarati. We lack the jurisdiction to reconsider that factual determination. Thus, to the extent the petition asks us to revisit factual determinations, we cannot do so. *See Wilkinson*, 601 U.S. at 225.

## B

What remains is the reviewable mixed question of whether the BIA permissibly concluded that the Patels failed to demonstrate that removal would result in exceptional and extremely unusual hardship to Mahi and Madhukantaben. *See Wilkinson*, 601 U.S. at 221–22. We review that question under a deferential substantial evidence standard. *See Lopez-Martinez*, 149 F.4th at 1211. Applying that standard, we conclude that the BIA’s determination is adequately supported.

The Patels’ principal legal argument is that the BIA analyzed each hardship “in isolation” rather than cumulatively, in violation

of *Monreal-Aguinaga*'s instruction that all hardship factors be considered in the aggregate. See *Monreal-Aguinaga*, 23 I. & N. Dec. at 64. The record does not bear that out. The IJ discussed the medical, educational, and financial hardship factors individually—as any orderly decision must—but expressly denied relief “considering the aggregate circumstances.” The BIA did the same, “[c]onsidering all the hardship factors . . . cumulatively, including the hardships that may result from medical, economic, educational, and emotional factors,” and concluding that the Patels did not demonstrate extremely and exceptionally unusual hardship to their qualifying relatives. That an adjudicator addresses hardship factors individually before aggregating them does not establish that the aggregation never occurred. The BIA applied the correct legal framework. See *Monreal-Aguinaga*, 23 I. & N. Dec. at 63–64. See also *Lopez-Martinez*, 149 F.4d at 1211.

Nor did the BIA err in its assessment of whether the evidence of hardship meets the high bar required to be eligible for cancellation of removal. With respect to medical hardships, the BIA found no reliable evidence that the medications or treatments Mahi and Madhukantaben receive would be unavailable in India, and it discounted the therapist's contrary opinion, which lacked any foundation in knowledge of India's healthcare system, as well as Mrs. Patel's testimony, given her admission that she had neither researched the question nor consulted anyone with relevant knowledge. On materially similar facts—a qualifying relative with a diagnosed condition, controlled by medication that the petitioners failed to show was “not reasonably available” in the country of

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removal—we have upheld the BIA’s conclusion that the hardship was not exceptional and extremely unusual. *See Lopez-Martinez*, 149 F.4th at 1211–12.

With respect to educational and financial hardships, the BIA acknowledged that Mahi may face fewer educational opportunities in India and that the family may experience a lower standard of living. But diminished educational opportunities and a lower standard of living, while relevant, are generally insufficient in themselves to establish “exceptional and extremely unusual hardship.” *Compare Matter of Andazola-Rivas*, 23 I. & N. Dec. 319, 323–24 (B.I.A. 2002) (en banc) (considering, as part of an education-based hardship application, whether the qualifying relative “would be deprived of all schooling or of an opportunity to obtain any education”). *See also Monreal-Aguinaga*, 23 I. & N. Dec. at 73. The Patels’ reliance on the Ninth Circuit’s decision in *Kaur v. Garland*, 2 F.4th 828 (9th Cir. 2021)—to establish that Madhukantaben would face persecution-level stigma as a widow—is misplaced: that case involved threats of harm from a widow’s in-laws, and the BIA was presented with no comparable evidence here.

We cannot say that the BIA’s conclusion that this evidence, considered cumulatively, does not result in hardship rising to the required “exceptional and extremely unusual hardship” standard lacks substantial evidence in the record. The Patels’ removal will undoubtedly impose real hardship on their daughter and on Mr. Patel’s mother, as removal nearly always does. But Congress reserved cancellation of removal for hardship “substantially beyond

that which ordinarily would be expected to result” from a close family member’s removal. *See Monreal-Aguinaga*, 23 I. & N. Dec. at 58. *See also Flores-Alonso*, 36 F.4th at 1098. The BIA’s determination that this record does not clear that high bar was a permissible application of the statutory standard, and there is no basis for a finding that its decision lacks substantial-evidence support in the record.

### III

We deny the petition because the BIA’s finding that the “exceptional and extremely unusual hardship” standard was not met is supported by substantial evidence.

**PETITION DENIED.**