

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-13918
Non-Argument Calendar

ISRAEL VELASQUEZ-LUCAS,

Petitioner,

versus

U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of a Decision of the
Board of Immigration Appeals
Agency No. A070-627-759

Before ROSENBAUM, GRANT, and KIDD, Circuit Judges.

PER CURIAM:

Israel Velasquez-Lucas is a native and citizen of Guatemala who entered the United States in 1993 and had removal proceed-

ings instituted against him in 1998. Velasquez-Lucas conceded removability under 8 U.S.C. § 1182(a)(6)(A)(i), an immigration judge denied his application for asylum and withholding of removal, and the Board of Immigration Appeals (“BIA”) affirmed.

In June 2025, Velasquez-Lucas moved to reopen his removal proceedings based on new evidence or, alternatively, under the BIA’s sua sponte authority, so that he could apply for cancellation of removal. The BIA denied the request, finding that Velasquez-Lucas’s motion, which was filed decades after the final removal order, was untimely. The BIA also declined to exercise its authority to sua sponte reopen the proceedings, concluding that (1) Velasquez-Lucas’s potential eligibility for cancellation of removal after entry of the final removal order did not constitute an “exceptional situation,” and (2) in any event, he had not provided sufficient evidence “to establish the requisite level of exceptional and extremely unusual hardship for cancellation of removal.”

Velasquez-Lucas now petitions our Court for review of the BIA’s order. In his initial and only brief on appeal, Velasquez-Lucas argues that the BIA erred by refusing to consider his newly acquired statutory eligibility for relief from removal and his specific evidence of hardship. He further asserts that the BIA’s decision lacked a reasoned analysis of the hardship that his removal would inflict on his daughter, who is a United States citizen.

“[W]e have held on several occasions that we lack jurisdiction to review a decision of the BIA not to exercise its power to reopen a case sua sponte.” *Bing Quan Lin v. U.S. Att’y Gen.*, 881 F.3d

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860, 871 (11th Cir. 2018) (emphasis omitted), *overruled in part on other grounds by Santos-Zacaria v. Garland*, 143 S. Ct. 1103 (2023). And we have rejected the argument that our Court may assert jurisdiction over legal claims related to or underlying requests for sua sponte reopening. *See Butka v. U.S. Att’y Gen.*, 827 F.3d 1278, 1285–86 (11th Cir. 2016) (distinguishing sua sponte and statutory reopening cases).

The only exception we have recognized to this jurisdictional rule is the potential review of constitutional issues linked to the BIA’s denial of sua sponte reopening. *See id.* at 1284–86; *see Bing Quan Lin*, 881 F.3d at 871 (“Constitutional claims related to the BIA’s discretionary decisions are different.”). But Velasquez-Lucas does not raise any such claims here. Rather, all of his challenges relate to purported legal errors the BIA committed in rendering its discretionary decision. *See Butka*, 827 F.3d at 1285–86.

We therefore lack jurisdiction to consider Velasquez-Lucas’s challenges to the BIA’s order and **DISMISS** his petition for review.