UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-1541

MARIA LAURA SERRANO-DE MELENDEZ; LUIS CARLOS MELENDEZ-SERRANO; KEVIN ENRIQUE MELENDEZ-SERRANO; F.N.M.S.,

Petitioners,

v.

TODD BLANCHE, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals.

Submitted: June 9, 2026 Decided: August 19, 2026

Before AGEE, Circuit Judge, and TRAXLER and KEENAN, Senior Circuit Judges.

Petition for review granted; order vacated and remanded by unpublished per curiam opinion.

ON BRIEF: Victor Legorreta, LAW OFFICES OF MICHAEL E. ROSADO, P.C., Laurel, Maryland, for Petitioners. Brett A. Shumate, Assistant Attorney General, Jessica E. Burns, Rosanne M. Perry, Office of Immigration Litigation, Civil Division, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

PER CURIAM:

Maria Laura Serrano-De Melendez ("Serrano") and her three minor children (collectively, "Petitioners") are natives and citizens of El Salvador. Petitioners seek review of the Board of Immigration Appeals ("BIA") order dismissing their appeal of the decision of the immigration judge ("IJ") denying their applications for asylum, withholding of removal, and protection under the Convention Against Torture ("CAT"). For the following reasons, we grant their petitions for review and remand for further proceedings.[1]

I.

A.

Serrano and her children fled to the United States from El Salvador in July 2015 after members of the MS gang murdered Salvador Enrique Melendez Rivas ("Salvador")—Serrano's husband and the father of her children. The persecution of Serrano's family began in 2012, when the MS gang began extorting money from Serrano and Salvador and threatened to kill the whole family if they did not comply. In 2014, a leader of the MS gang known as "El Cruel" contacted Serrano and told her he wanted to have sex with her and did not care that she was married to Salvador. When Serrano told Salvador about El Cruel's behavior, the two confronted El Cruel and were warned never to do so again.

In 2015, the MS gang attempted to recruit Salvador to join, but he refused because he had a wife and family and wanted to continue working as a Microbus driver. After he

[1] Petitioner Serrano is the lead Petitioner in this case. Her children filed separate applications for relief and protection based on the same set of facts set forth in her application and were also listed as derivative beneficiaries on her asylum application.

refused, Serrano and Salvador noticed MS gang members acting suspiciously. For example, they would get on Salvador's bus, pay the fare, and immediately get off the bus. Salvador told Serrano that he thought the men were looking for someone to kill.

In April 2015, Salvador was shot and killed by four MS gang members while he was working. Salvador's friend, Anibal Melendez ("Anibal"), was seated near him on the Microbus and witnessed the murder. Anibal called Serrano and told her about the shooting, but Salvador was dead when she arrived. At Salvador's wake, a friend of Serrano told her that she had seen three masked gang members in the vicinity prior to the murder. MS gang members also approached Serrano at the wake. They asked her if she knew who killed her husband. She lied and said she did not. They told her that "it was better to leave it like that, not to go to the police because otherwise, they [would] kill [her] children and [her]." J.A. 151. That evening, and for a few days after, Serrano and her children saw a blue van with tinted windows parked outside their home and believed the gang was watching them. They fled to Serrano's mother's home in another city, where they briefly hid until they entered the United States. After she left El Salvador, Serrano's mother-in-law told her that MS gang members had asked about her whereabouts and Serrano's friend told her a gang member's girlfriend had also asked where she was located.

In support of their requests for relief, Petitioners submitted Anibal's statement. Anibal cooperated with the local police after the murder and identified three of the four gang members who murdered Salvador. The men were arrested but released without charges. Anibal believes the men paid for their release. After they were released, the police stopped all communication with Anibal and offered him no protection, forcing him

to also go into hiding. Petitioners also submitted statements from Serrano's mother and mother-in-law, confirming that Salvador was murdered by gang members and that Serrano and her children fled El Salvador because of the threats.

B.

After they entered the United States in July 2015, without admission or parole, the Department of Homeland Security placed Petitioners in removal proceedings. Petitioners sought asylum, withholding of removal, and protection under the CAT.

Under the Immigration and Nationality Act, the Attorney General may "grant asylum to any alien who qualifies as a refugee." *Toledo-Vasquez v. Garland*, 27 F.4th 281, 286 (4th Cir. 2022) (cleaned up). "To qualify as a refugee, an applicant must demonstrate that he is unable or unwilling to return to, and is unable or unwilling to avail himself of the protection of, his native country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion." *Id.* (cleaned up). "Persecution occurs 'on account of' a protected ground if that ground serves as at least one central reason for the feared persecution." *Id.* (cleaned up). "A central reason is not necessarily *the* central reason or even a dominant central reason, but it must be more than incidental, tangential, superficial, or subordinate to another reason for harm." *Id.* (cleaned up). "[W]ithholding of removal covers a narrower . . . set of circumstances than asylum," and requires the applicant to "demonstrate a clear probability of persecution." *Yi Ni v. Holder*, 613 F.3d 415, 427 (4th Cir. 2010) (cleaned up). "Because of the higher standard required for withholding of

removal, we follow the general rule that an applicant who is ineligible for asylum is necessarily ineligible for withholding of removal." *Id.* (cleaned up).

To prevail on a claim under the CAT, an applicant must first establish that "it is more likely than not that if removed he will suffer future mistreatment—that is, he will endure severe pain or suffering that is intentionally inflicted." *McDougall v. Bondi*, 150 F.4th 637, 642 (4th Cir. 2025) (cleaned up). If the claimant establishes a likelihood of future torture, he must also show "that this likely future mistreatment will occur at the hands of government officials or with the consent or acquiescence of government officials." *Id.* (cleaned up).

Serrano sought asylum based on her membership in two particular social groups ("PSGs"): (1) her family ties to her murdered husband; and (2) her status as a Salvadoran woman. She also sought asylum based on her imputed anti-gang political opinion. Her children sought protection as family members of their father and mother.

The IJ issued an oral decision, finding that Serrano's "testimony was believable, consistent, and sufficiently detailed to be deemed credible" and that there was "no indication that any material element of her claim was deliberately fabricated." J.A. 86. However, the IJ concluded that Petitioners failed to establish persecution on account of their membership in a family-based PSG and failed to prove that the police were or would be unable or unwilling to control their persecutors.[2] The IJ did not address Serrano's claim

[2] The IJ also found that Petitioners' family-based PSG was not cognizable based upon a vacated agency opinion, *see Matter of L-E-A-*, 27 I&N Dec. 581 (A.G. 2019), that (Continued)

for asylum based on her membership in the PSG of Salvadoran women. The IJ also rejected Petitioners' request for withholding of removal and protection under the CAT. In a single-member decision, the BIA dismissed Petitioners' appeal of the IJ's decision without addressing Serrano's argument that the IJ ignored the claim based on her status as a Salvadoran woman.

On appeal, Petitioners argue that the IJ and BIA failed to announce their decisions in terms sufficient to enable appellate review. In the alternative, Petitioners argue that the IJ and BIA erred in denying relief on the merits.

II.

A.

In reviewing decisions of the BIA, "[w]e review factual findings for substantial evidence, treating them as conclusive unless any reasonable adjudicator would be compelled to conclude to the contrary." *Portillo Flores v. Garland*, 3 F.4th 615, 626 (4th Cir. 2021) (en banc) (cleaned up). "[W]e will uphold the BIA's decision unless it is manifestly contrary to law and an abuse of discretion." *Id.* (cleaned up). Such an abuse of discretion occurs if the agency "fails to offer a reasoned explanation for its decision, or if it distorts or disregards important aspects of the applicant's claim." *Id.* (cleaned up). The applicant "is entitled to know that agency adjudicators reviewed all his evidence, understood it, and had a cogent, articulable basis for its determination that his evidence

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was contrary to our precedent, *see Garcia v. Garland*, 73 F.4th 219, 230 (4th Cir. 2023). The BIA did not rely on this ruling, and the government does not defend it.

was insufficient." *Id.* (cleaned up). Although they "need not write an exegesis on every contention," the IJ and BIA must "consider the issues raised and announce its decision in terms sufficient to enable a reviewing court to perceive that it has heard and thought and not merely reacted." *Cortes v. Garland*, 105 F.4th 124, 135 (4th Cir. 2024) (cleaned up).

B.

Having reviewed the administrative record and the agency decisions, we cannot discern that the agency adjudicators sufficiently considered the legally significant evidence and adequately explained the basis for their denial of relief.

We start with the agency's evaluation of Petitioners' claims for asylum and withholding of removal, and we find several deficiencies. First, in evaluating the element of nexus, the IJ recognized that Serrano had been threatened in the past (in connection with the gang's extortion) and found that Serrano and her children were being followed or observed by people in a blue van outside their home after Salvador's wake. But the IJ made no mention of Serrano's testimony that gang members came to the wake, questioned her as to whether she knew the identity of her husband's murderers, and specifically threatened to kill her and her children if she went to the police about her husband's murder. The IJ also did not mention evidence that gang members inquired into her whereabouts after she left her mother's home and entered the United States. Accordingly, we are not satisfied that the IJ adequately considered and addressed the evidence that Serrano's familial relationship with her husband may have been at least one central reason for the persecution. *See, e.g., Cruz v. Sessions*, 853 F.3d 122, 129 (4th Cir. 2017) (holding that the "BIA and IJ short-sightedly focused on [the persecutor's] articulated purpose of

preventing [petitioner] from contacting the police, while discounting the very relationship that prompted her to search for her [missing] husband, to confront [the persecutor], and to express her intent to contact the police").

The IJ's analysis of the third element is also deficient. The IJ recounts that Serrano claims she did not go to the police about the gang because they were complicit but found it significant that suspects were arrested but released because they were apparently masked. However, the IJ does not grapple with Anibal's statement that, after he specifically identified three of the gang members who murdered Salvador, the police released them from custody, stopped taking his calls, offered him no protection, and caused him to go into hiding. And, again, the IJ appears to have either forgotten or ignored Serrano's testimony that gang members asked Serrano at the wake if she knew who killed her husband and directly threatened to murder her and her children *if* she went to the police about his murder. In this circuit, there is "no requirement that an applicant persist in seeking governmental assistance when doing so (1) would have been futile *or* (2) have subjected her to further abuse." *Orellana v. Barr*, 925 F.3d 145, 153 (4th Cir. 2019) (emphasis added) (cleaned up). Here, the IJ failed to consider the gang's specific threat at the wake or how it might have applied to the second exception.

Regarding Serrano's claim that she suffered past persecution and has a well-founded fear of future persecution on account of her membership in the PSG of Salvadoran women, we are at a loss as to why the claim was ignored by the IJ and the BIA. Although we express no opinion on the merits, Serrano was entitled to have it considered.

Finally, Serrano's claim for asylum based on her "anti-gang" political opinion rests upon her argument that she was persecuted and would be subjected to future persecution, because she and Salvador "went against the gang" when: (1) she rejected El Cruel's sexual advances; (2) she and Salvador confronted El Cruel; and (3) her husband refused to join the gang. She argued that expert reports and country conditions reports support this claim. The IJ's evaluation of this claim consists of nothing more than a summary conclusion that there was "little to no evidence that [Petitioners had] actually been persecuted on account of the gangs seeking to overcome a view in which they see as antithetical to theirs." J.A. 89. The IJ did not recite or address the specifics of the claim and did not mention the expert reports and country conditions evidence.

In addition to these deficiencies, the record indicates that some of the factual findings that were made are not supported by the record. For example, the IJ stated that the murderers "apparently" wore masks as a possible reason why the police released them—presumably in support of his conclusion that Petitioners failed to prove futility. But Serrano stated that a *female* friend told her that she saw masked gang members in the area at the time of the murder. The *male* eyewitness to the murder did not say that the murderers were masked, and he identified three of the four gang members to police. Even if we assume that this created a discrepancy in the evidence, the IJ did not address it at all.

The IJ also thought it significant that Serrano "admitted that other members in the community received extortion demands." J.A. 87. But Serrano testified that she did *not* know if any other members of the community had been extorted; she only testified that she was aware that it was common for El Salvadoran gangs to do so in her country. And while

the IJ found that "gangs" had attempted to recruit her and her husband, we see no indication that Serrano was ever recruited to become a member of any gang. Serrano testified that the MS gang recruited her husband, murdered him shortly after he refused to join, and then threatened her and her children with death if she went to the police for justice.

In affirming the IJ's decision, the single-member BIA decision also fails to meaningfully engage with Petitioners' evidence and arguments and ignores Petitioners' argument that the IJ failed to address Serrano's PSG of Salvadoran women.

To conclude, we do not now find the evidence so compelling as to require the grant of relief. But as we have explained, "applicant[s] for asylum [are] entitled to know that agency adjudicators reviewed all [their] evidence, understood it, and had a cogent, articulable basis for its determination that [their] evidence was insufficient." *Orellana*, 925 F.3d at 153; *see also Baharon v. Holder*, 588 F.3d 228, 233 (4th Cir. 2009) ("Those who flee persecution and seek refuge under our laws have the right to know that the evidence they present . . . will be fairly considered and weighed by those who decide their fate."). Here, the opinions of the IJ and BIA fell far short of these expectations.

III.

For the reasons set forth above, we grant the petition for review, vacate the orders denying Petitioners relief, and remand the case to the BIA for further proceedings consistent with this opinion. On remand, the agency adjudicators must consider the relevant, credible evidence in the record and articulate the basis for their decisions to either grant or deny relief.

PETITION GRANTED; VACATED AND REMANDED