

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

May 12, 2022

Lyle W. Cayce
Clerk

No. 20-61229
Summary Calendar

JUAN GABRIEL TZUL LACAN,

Petitioner,

versus

MERRICK GARLAND, *U.S. Attorney General,*

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A072 425 517

Before BARKSDALE, WILLETT, and DUNCAN, *Circuit Judges.*

PER CURIAM:*

Juan Gabriel Tzul Lacan, a native and citizen of Guatemala, petitions for review of the Board of Immigration Appeals' (BIA) dismissing his appeal from the denial of his application for cancellation of removal, contending he

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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demonstrated his removal would cause exceptional and extremely unusual hardship to his children.

In reviewing the BIA's decision, the immigration judge's decision is considered only to the extent it influenced the BIA. *Singh v. Sessions*, 880 F.3d 220, 224 (5th Cir. 2018). Factual findings are reviewed for substantial evidence; legal conclusions, *de novo*. *Trejo v. Garland*, 3 F.4th 760, 774 (5th Cir. 2021).

Cancellation of removal is available if, *inter alia*, applicant establishes applicant's spouse, child, or parent would suffer exceptional and extremely unusual hardship if applicant were removed. 8 U.S.C. § 1229b(b)(1). Despite Lacan's assertions to the contrary, the consequences facing his children if he were removed are not "'substantially' beyond the ordinary hardship that would be expected when a close family member leaves this country". *Trejo*, 3 F.4th at 775 (quoting *In re Monreal-Aguinaga*, 23 I. & N. Dec. 56, 62 (B.I.A. 2001)).

Because the record does not compel a finding that his children would suffer exceptional and extremely unusual hardship if he were removed, substantial evidence supports the determination that he is ineligible for cancellation of removal.

DENIED.