

Matter of Leticia CORNEJO-AGUILAR, Respondent

Decided by Board August 7, 2026¹

U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals

The Immigration Judge properly determined that the respondent did not merit cancellation of removal under section 240A(a) of the Immigration and Nationality Act, 8 U.S.C. § 1229b(a) (2018), as a matter of discretion, where the respondent's significant equities were outweighed by her involvement in money laundering and alien smuggling, conviction for child abuse, history of abuse and neglect investigations, and attempt to minimize her involvement in and knowledge of events that led to her grandson's death.

FOR THE RESPONDENT: Siovhon S. Ayala, Esquire, Tucson, Arizona

FOR THE DEPARTMENT OF HOMELAND SECURITY: Jennifer M. Wiles, Senior Attorney

BEFORE: Board Panel: MALPHRUS, Chief Appellate Immigration Judge; HUNSUCKER, Appellate Immigration Judge; WHITE, Temporary Appellate Immigration Judge.

MALPHRUS, Chief Appellate Immigration Judge:

The respondent, a native and citizen of Mexico and a lawful permanent resident of the United States, appeals from the Immigration Judge's November 6, 2020, decision denying her application for cancellation of removal under section 240A(a) of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1229b(a) (2018), and ordering her removal from the United States. The Department of Homeland Security ("DHS") opposes the appeal. The appeal will be dismissed.

The respondent entered the United States as a lawful permanent resident on September 10, 1968. On March 12, 2016, the respondent's 20-month-old grandson died in her home. Based on the resulting criminal investigation into her grandson's death, on June 20, 2016, the respondent was charged with and indicted on three counts: 1) child abuse of a person under 15 years of age

¹ Pursuant to Order No. 7211-2026, dated September 24, 2026, the Attorney General designated the Board's decision in *Matter of Leticia Cornejo-Aguilar* (BIA August 7, 2026), as precedent in all proceedings involving the same issue or issues. See 8 C.F.R. § 1003.1(g)(3) (2026). Editorial changes have been made consistent with the designation of the case as a precedent.

likely to result in death or serious physical injury; 2) second degree murder; and 3) endangerment. On November 18, 2019, the respondent ultimately pled guilty to one count of child abuse, non-death or serious physical injury, in violation of section 13-3623.B(3) of the Arizona Revised Statutes. On February 24, 2020, DHS issued a notice to appear charging the respondent as an alien “who at any time after admission is convicted of a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment” pursuant to section 237(a)(2)(E)(i) of the INA, 8 U.S.C. § 1227(a)(2)(E)(i) (2018).² On June 4, 2020, the Immigration Judge sustained the charge of removability.³

On being found removable as charged, the respondent filed an application for cancellation of removal. In denying the respondent’s application for cancellation of removal, the Immigration Judge concluded that the respondent had not testified credibly. The Immigration Judge further concluded that the respondent had not established that she merited a favorable exercise of discretion.

As an initial matter, we affirm the Immigration Judge’s adverse credibility finding, because it is not clearly erroneous. *See* 8 C.F.R. § 1003.1(d)(3)(i) (2026) (stating that findings as to the credibility of testimony are factual findings); *Cooper v. Harris*, 581 U.S. 285, 299, 309 (2017) (holding that under clear error review, a court may reverse only when “left with the definite and firm conviction that a mistake has been committed,” and where there are “two permissible . . . views of the evidence,” the factfinder’s choice between them cannot be clearly erroneous (citations omitted)). The Immigration Judge’s credibility determination is supported by specific and cogent reasons tethered directly to the evidence of record. *See* INA § 240(c)(4)(C), 8 U.S.C. § 1229a(c)(4)(C) (2018).

In finding that the respondent was not credible, the Immigration Judge relied on material inconsistencies between the respondent’s testimony and the extensive documentary evidence of record. In addition to the child abuse-

² We note that following the issuance of the notice to appear, several amendments were made to the factual allegations contained therein but no amendments were ever made to the sole charge of removability.

³ The respondent has not challenged the Immigration Judge’s removability finding on appeal. Accordingly, we deem this issue waived. *See Matter of O-R-E-*, 28 I&N Dec. 330, 336 n.5 (BIA 2021) (explaining that when a respondent does not substantively appeal an issue addressed in an Immigration Judge’s decision, that issue may be deemed waived by the Board).

related conviction resulting from the death of her grandson that rendered her removable, the Immigration Judge found that the respondent had additional criminal history including a conviction for contributing to the delinquency of a minor and involvement in money laundering related to alien smuggling. The Immigration Judge also noted that the respondent had been investigated by the Arizona Department of Child Safety 10 times including 3 cases where investigators substantiated claims of abuse or neglect committed against her children. In this regard, the Immigration Judge found that the respondent's testimony regarding the extent of her criminal history, as well as the circumstances surrounding her criminal conduct, was directly contradicted by police reports, medical examination reports, and contemporaneous newspaper articles written about the events surrounding her grandson's death.

Specifically, the Immigration Judge first found that the respondent's testimony that she was only involved in two Western Union transactions was directly contradicted by the investigation report that determined that the respondent was involved in many transactions over the period of about 1 year. The Immigration Judge also found that the investigation resulted in a recommendation that the respondent be charged with 11 counts of money laundering. When confronted with this inconsistency, the respondent was unable to provide an explanation. *See Matter of D-R-*, 25 I&N Dec. 445, 455 (BIA 2011) (providing that an Immigration Judge is not required to adopt an applicant's explanation for an inconsistency if there are other permissible views of the evidence based on the record), *remanded on other grounds sub nom., Radojkovic v. Holder*, 599 F. App'x 646 (9th Cir. 2015). The respondent has not challenged this finding on appeal and as such has not established clear error in the Immigration Judge's conclusion that her testimony was not credible regarding the extent of her involvement in a money laundering scheme.

Next, the Immigration Judge found that the respondent's testimony regarding the circumstances surrounding the death of her grandson was completely contradicted by the documentary evidence. Before the Immigration Judge, the respondent repeatedly testified that her grandson's death was due to a ruptured appendix, delayed care by paramedics, and CPR that crushed his ribs. She testified that before her grandson's death there was no indication that he was sick and that, aside from a bruise on his thigh, he had no other injuries. The respondent also testified that there were no drugs in her home and that her grandson was never allowed to be around any drugs. The Immigration Judge found this testimony wholly inconsistent with the documentary evidence including the respondent's pre-sentencing report, several police reports, and medical examination findings. Contrary to the

respondent's testimony, the documentary evidence reflects that her grandson's death was caused by acute peritonitis due to blunt force trauma to the torso and that, at the time of death, he had contusions to his chest and abdomen, fractures to several ribs at various stages of healing, contusions and abrasions on his head and extremities, and oxycodone and THC in his system. Police reports also establish that there was evidence the respondent's grandson had been repeatedly vomiting earlier in the day, that during resuscitation attempts a family member suggested to paramedics that they should administer Narcan, and that drug paraphernalia and marijuana was later found in the respondent's home. One of the respondent's granddaughters also reported that she had seen the respondent's son-in-law hitting and punching the respondent's grandson.

When confronted with this evidence, the respondent claimed that she had no knowledge that there were any drugs in her home until her criminal proceedings, did not know anything about her grandson's repeatedly vomiting, and did not know why her daughter would suggest that Narcan should be administered. The respondent also claimed that her granddaughter is a liar, asserted that the report indicating that her grandson had been exposed to drugs was a lie, and denied the reports from the medical examiner and paramedics. In light of the blatant inconsistencies, the Immigration Judge concluded that the respondent was not credible and had attempted to convince the court that her grandson had died at the hands of paramedics despite the fact that the respondent and five other family members had pled guilty to criminal offenses related to his death. *Matter of D-R-*, 25 I&N Dec. at 454–55 (explaining that an Immigration Judge may make “reasonable inferences from direct and circumstantial evidence in the record” and is not required to accept an applicant's account where the record supports other plausible views of the evidence).

On appeal, the respondent asserts that the Immigration Judge erred in finding her not credible. Specifically, she asserts that her testimony was not inconsistent with the documentary evidence because she had only expressed her belief regarding what had happened to her grandson, had no medical training to be able to determine the exact causes of her grandson's death, and had no way of knowing that her account of events did not match the medical reports. Despite affirmatively testifying that her grandson's ribs were broken by the paramedics who administered CPR, on appeal the respondent also argues that she would have no way of knowing that his ribs were broken. The respondent's arguments are unavailing because they are not supported by the record and do not establish clear error in the Immigration Judge's credibility determination. Contrary to the respondent's appellate assertions, information concerning her grandson's official cause of

death, the nature of his injuries, and the circumstances surrounding his death, were available to the respondent long before she testified in Immigration Court. These facts were outlined in the respondent's own pre-sentencing report prepared in January of 2020. Additionally, several publicly available articles from 2016 provided detailed coverage of her grandson's death and the findings of the criminal investigation. Moreover, these same records were submitted by DHS and made a part of the record almost a month before she testified. Accordingly, the respondent's assertions that she had no way of knowing her grandson's actual cause of death or that her testimony was directly contrary to the medical evidence are wholly meritless.

In sum, the Immigration Judge permissibly relied on extensive and material inconsistencies in the respondent's testimony and concluded, without clear error, that the respondent was not credible. *See* INA § 240(c)(4)(C), 8 U.S.C. § 1229a(c)(4)(C); *Matter of J-Y-C-*, 24 I&N Dec. 260, 266 (BIA 2007) (concluding that the Immigration Judge properly considered the totality of circumstances in finding that the respondent lacked credibility based on his demeanor, implausible testimony, lack of corroboration, and inconsistent statements). The Immigration Judge did not clearly err in determining that the respondent's testimony was entirely contradicted by the objective documentary evidence including police and medical reports. *See Cooper*, 581 U.S. at 309.

Exercising de novo review, we also affirm the discretionary denial of the respondent's application for cancellation of removal. *See* 8 C.F.R. § 1003.1(d)(3)(ii) (2026); *Matter of Castillo-Perez*, 27 I&N Dec. 664, 670–71 (A.G. 2019); *Matter of Arguelles*, 22 I&N Dec. 811, 817 (BIA 1999); *Matter of C-V-T-*, 22 I&N Dec. 7, 10–12 (BIA 1998). In exercising discretion, we “must balance the adverse factors evidencing the alien's undesirability as a permanent resident with the social and humane considerations presented in his [or her] behalf to determine whether the granting of . . . relief appears in the best interest of this country.” *Matter of C-V-T-*, 22 I&N Dec. at 11 (alteration in original) (quoting *Matter of Marin*, 16 I&N Dec. 581, 584 (BIA 1978)). Factors relevant to discretion include family ties within the United States, length of residence in this country, evidence of hardship to the respondent's family if deportation occurs, military service, history of employment, property or business ties, service to the community, and, where a criminal record exists, proof of rehabilitation. *Id.* Where adverse factors are present, the respondent should present offsetting favorable evidence, which may require unusual or even outstanding equities, to outweigh the negative factors. *Id.* at 11–12.

The Immigration Judge considered the respondent's positive equities including the long duration of her residence in the United States, her status as a lawful permanent resident for 50 years, her extensive family ties in the United States including 13 children and approximately 27 grandchildren who are United States citizens, and her ownership of a trailer and pickup truck. *See Matter of Marin*, 16 I&N Dec. at 584–85 (finding residence of long duration in this country and history of employment are appropriate discretionary factors to consider). Despite finding that the respondent had several significant positive equities, the Immigration Judge concluded that those equities were outweighed by several negative factors including the respondent's involvement in alien smuggling and money laundering, the fact that she had been the subject of 10 investigations by the Arizona Department of Child Safety, including 3 substantiated findings of abuse or neglect, her involvement in her grandson's death, and her attempt to downplay that involvement.

We, like the Immigration Judge, find that the respondent's attempts to minimize her involvement in and knowledge of the events that led to her grandson's death to be a significant negative factor that weighs against an exercise of discretion. *See Matter of Richards*, 29 I&N Dec. 658, 660–61 (BIA 2026) (recognizing that a lack of candor regarding criminal history constitutes a significant discretionary factor in the exercise of discretion); *Matter of Burbano*, 20 I&N Dec. 872, 876 (BIA 1994) (“[L]ack of candor in itself serves as an adverse factor weighing against a favorable exercise of discretion.”). Moreover, the respondent's attempts to mislead the Immigration Judge regarding her grandson's cause of death are devious and disingenuous. *See Matter of Gomez-Beltran*, 26 I&N Dec. 765, 768 (BIA 2016) (“Truthful testimony and disclosures are critical to the effective operation of the immigration court system.”). These factors, when combined with the respondent's involvement in money laundering and alien smuggling, her conviction for child abuse, and her history of abuse and neglect investigations, drastically tip the scale against an exercise of discretion particularly in the absence of unusual or outstanding equities. *See Matter of C-V-T-*, 22 I&N Dec. at 11–12. Having reweighed these factors de novo, we arrive at the same conclusion as the Immigration Judge. Therefore, we will not disturb the decision to deny relief on discretionary grounds. *See Pereira v. Wilkinson*, 592 U.S. 224, 231 (2021) (explaining that an applicant for discretionary relief from removal bears the burden of demonstrating both that he is statutorily eligible for such relief and that he merits a favorable exercise of discretion).

Finally, we are not persuaded by the respondent's assertion that the Immigration Judge demonstrated extreme bias against her. While we

acknowledge the respondent's argument concerning the propriety of the Immigration Judge's finding that her testimony that she is a full-time housewife who spends her time cleaning and caring for her home was inconsistent with the paramedic's report indicating that there were cockroaches everywhere and the respondent's trailer was filthy, the Immigration Judge did not err in characterizing this as an inconsistency. *See Matter of D-R-*, 25 I&N Dec. at 454 (explaining that an Immigration Judge may make "reasonable inferences from direct and circumstantial evidence" in the record). Moreover, merely noting discrepancies in the respondent's testimony, without more, does not support the respondent's assertion that the Immigration Judge abandoned his neutrality and is insufficient to demonstrate bias.

ORDER: The respondent's appeal is dismissed.

NOTICE: If a respondent is subject to a final order of removal and willfully fails or refuses to depart from the United States pursuant to the order, to make timely application in good faith for travel or other documents necessary to depart the United States, or to present himself or herself at the time and place required for deportation by DHS, or conspires to or takes any action designed to prevent or hamper the respondent's departure pursuant to the order of deportation, the respondent shall be subject to a civil monetary penalty of up to \$998 for each day the respondent is in violation. *See* INA § 274D, 8 U.S.C. § 1324d (2018); 8 C.F.R. § 280.53(b)(14) (2026). Further, any respondent that has been denied admission to, removed from, or has departed the United States while an order of exclusion, deportation, or removal is outstanding and thereafter enters, attempts to enter, or is at any time found in the United States shall be fined or imprisoned not more than 2 years, or both. *See* INA § 276(a), 8 U.S.C. § 1326(a) (2018).