Paca-Acan v. Blanche

Docket No.: 23-7500

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Case Information

Court: U.S. Court of Appeals for the Second Circuit

Date Decided: September 24, 2026

Judges: Circuit Judge Carney, Circuit Judge Lee, Circuit Judge Pérez

Lower Court: Board of Immigration Appeals, affirming Immigration Judge Drucker (Immigration Court, New York City)

Parties and Attorneys

Petitioners: Jimmy Fernando Paca-Acan, Jhenifer Anabel Guaman-Shambi, S.A.P.; Represented By: Caridad Pastor

Respondent: Todd Blanche, United States Attorney General; Represented By: Brian M. Boynton, Cindy S. Ferrier, Marie V. Robinson

Overview

Issue: Whether the agency adequately considered mixed motives and supporting evidence when finding no nexus between childhood domestic abuse and proposed family- and gender-based social groups.

Lower Court Held: The agency denied asylum and withholding of removal because Guaman-Shambi's father sought free labor, not harm on account of a protected ground.

What Was Overturned: The Second Circuit granted the petition, vacated the Board of Immigration Appeals' decision, and remanded for further consideration.

Why: The agency failed to conduct a mixed-motive analysis or address important expert and country-conditions evidence supporting a protected-ground motive.

Background

Guaman-Shambi, her husband, and their minor child are Ecuadorian citizens. She alleged that her father physically abused her for years during childhood and forced her to perform domestic work and heavy labor. She asserted persecution based on four proposed social groups concerning daughters who disobey fathers, women who defy men, her nuclear family, and women who reject patriarchal norms.

Lower Court Decision

The immigration judge denied asylum, withholding of removal, and protection under the Convention Against Torture (CAT), and the Board of Immigration Appeals (BIA) affirmed. Without resolving the cognizability of all proposed groups, the agency found no protected-ground nexus because the father sought free labor. Guaman-Shambi did not challenge the CAT denial on appeal.

Second Circuit Reversal

The Second Circuit reviewed factual findings, including nexus, for substantial evidence and legal questions de novo. Under 8 U.S.C. § 1158(b)(1)(B)(i) [requiring a protected ground to be at least one central reason for persecution], a protected motive need not be exclusive. Although evidence supported a labor motive, the agency omitted a mixed-motive analysis and overlooked expert evidence linking parental abuse to ownership and patriarchal control, along with country evidence concerning gender-based violence and child abuse. The Second Circuit vacated and remanded without deciding whether the remaining proposed groups were cognizable or whether the evidence established mixed motives. It denied pending motions and applications and vacated stays.

Legal Significance

This non-precedential summary order underscores that evidence of an economic motive does not eliminate the need to consider supported protected-ground motives. Failure to address material evidence can require remand even under deferential substantial-evidence review.

Key Takeaway

Develop expert and country-conditions evidence connecting abuse to protected characteristics, and expressly request mixed-motive analysis when economic and protected-ground explanations overlap.

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