

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 14 2019

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

IQBAL SINGH; KULWINDER KAUR,
AKA Kulwinder Singh,

Petitioners,

v.

WILLIAM P. BARR, Attorney General,

Respondent.

No. 14-71433

Agency Nos. A088-431-358
A072-404-592

MEMORANDUM*

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

Submitted March 11, 2019**
San Francisco, California

Before: WALLACE, SILER,*** and McKEOWN, Circuit Judges.

Iqbal Singh and Kulwinder Kaur, natives and citizens of India, petition for review of the Board of Immigration Appeals' (Board) order dismissing their appeal

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

*** The Honorable Eugene E. Siler, United States Circuit Judge for the U.S. Court of Appeals for the Sixth Circuit, sitting by designation.

from an immigration judge's (IJ) decision denying their applications for asylum, withholding of removal, and relief under the Convention Against Torture (CAT).¹ We review for "substantial evidence and will uphold a denial supported by reasonable, substantial, and probative evidence on the record considered as a whole." *Ling Huang v. Holder*, 744 F.3d 1149, 1152 (9th Cir. 2014). We have jurisdiction under 8 U.S.C. § 1252, and we deny the petition.

Substantial evidence supports the Board's adverse credibility determination based on inconsistencies in the record regarding the nature of Singh's detentions and subsequent treatments. Taken together, all the inconsistencies identified by the Board support finding that Singh was not credible. *See also Shrestha v. Holder*, 590 F.3d 1034, 1042 n.3 (9th Cir. 2010) ("[T]he REAL ID Act now permits an IJ to base an adverse credibility determination on any inconsistency 'without regard to whether an inconsistency . . . goes to the heart of the applicant's claim.'" (quoting 8 U.S.C. § 1158(b)(1)(B)(iii))). Substantial evidence also supports the Board's finding that Singh's corroborative evidence did not otherwise establish his eligibility for relief. *See Garcia v. Holder*, 749 F.3d 785, 791 (9th Cir. 2014) (petitioner's documentary evidence was insufficient to rehabilitate credibility or independently support claim). Singh's explanations do not compel a contrary conclusion. *See Lata v. INS*, 204 F.3d 1241, 1245 (9th Cir. 2000). Thus, in the

¹ Kaur is Singh's wife and a derivate of his application.

absence of credible testimony, Singh's asylum and withholding of removal claims fail. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

Singh's CAT claim also fails because it is based on the same evidence the Board found not credible, and the record does not otherwise compel a finding that it is more likely than not that Singh would be tortured if returned to India. *See Almaghzar v. Gonzales*, 457 F.3d 915, 922–23 (9th Cir. 2006).

PETITION DENIED