

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 22 2026

FOR THE NINTH CIRCUIT

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

XIUYAN WU,

Petitioner,

v.

TODD BLANCHE, Attorney General,

Respondent.

No. 25-5371

Agency No.
A200-248-707

MEMORANDUM*

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

Submitted September 17, 2026**
Pasadena, California

Before: NGUYEN, R. NELSON, and DESAI, Circuit Judges.

Xiuyan Wu, a native and citizen of China, petitions for review of the Board of Immigration Appeals' ("BIA") decision affirming the immigration judge's ("IJ") order denying her asylum application but granting her application for withholding of removal. We have jurisdiction under 8 U.S.C. § 1252(a)(1). We

* 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).

deny the petition.

“[A]n immigration judge may grant or deny asylum in the exercise of discretion to an applicant who qualifies as a refugee.” 8 C.F.R. § 1208.14(a). We review the agency’s discretionary denial of asylum for abuse of discretion. *Kalubi v. Ashcroft*, 364 F.3d 1134, 1137 (9th Cir. 2004).

Here, the agency’s decision was not “arbitrary, irrational, or contrary to law.” *See Velarde v. INS*, 140 F.3d 1305, 1310 (9th Cir. 1998) (citation omitted). Although the agency found that Wu’s forced sterilization favored granting her asylum, it also found that “significant adverse factors weigh against” it. Specifically, the agency found that because Wu was granted withholding of removal, “the chance of future persecution in China was eliminated.” *See Kalubi*, 364 F.3d at 1141 (recognizing that “withholding of removal eliminates the chance of future persecution as [petitioner] cannot be returned to the country from which [s]he fled”). The agency also found that Wu “disregarded United States immigration laws when entering the United States” and “was on vacation in Canada prior to her entry.” And the agency considered Wu’s family ties in the United States and decided that it did not merit asylum.

Wu contends the adverse factors here were not “sufficiently egregious to warrant discretionary denial.” However, discretionary denial of asylum does not require that adverse factors be “egregious.” Instead, we recognize that factors

“probative in one context may not be in others” and require the agency to consider and weigh “all relevant favorable and adverse factors.” *Kalubi*, 364 F.3d at 1139. Because the agency did so here, it did not abuse its discretion in denying Wu’s asylum application. *See id.*

Wu also contends the agency did not properly consider family reunification. *See* 8 C.F.R. § 1208.16(e) (2020) (requiring “[r]econsideration of discretionary denial of asylum” when applicant is granted withholding of removal and directing consideration of factors including “reasonable alternatives available to the applicant such as reunification with . . . minor children in a third country”). But the agency explicitly considered potential reunification with her two sons. The IJ noted that Wu’s sons continued to reside in China after Wu left and since they were now adults, they could apply for visas to visit Wu in the United States.

PETITION DENIED.¹

¹ Wu’s motion to stay removal, Dkt. No. 18, and supplemental motion to stay removal, Dkt. No. 21, are denied. The temporary stay of removal is lifted.