

NOT FOR PUBLICATION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

GURPREET SINGH; N. S. D.; DALJEET
KAUR DEOL,

Petitioners,

v.

TODD BLANCHE, Attorney General,

Respondent.

No. 25-5792

Agency Nos.

A243-155-397

A243-155-362

A243-155-398

MEMORANDUM*

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

Submitted September 18, 2026**
Portland, Oregon

Before: W. FLETCHER, FRIEDLAND, and DE ALBA, Circuit Judges.

Petitioner Gurpreet Singh, a native and citizen of India, seeks review of a Board of Immigration Appeals' (BIA) decision dismissing his appeal from an immigration judge's (IJ) order denying his applications for asylum, withholding of

* 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).

removal, and protection under the Convention Against Torture (CAT).¹ Because the parties are familiar with the facts, we do not recount them here. We have jurisdiction pursuant to 8 U.S.C. § 1252. We deny the petition.

“Where, as here, the BIA agrees with the IJ decision and also adds its own reasoning, we review the decision of the BIA and those parts of the IJ’s decision upon which it relies.”² *Duran-Rodriguez v. Barr*, 918 F.3d 1025, 1027–28 (9th Cir. 2019). “We review questions of law de novo and the agency’s factual findings for substantial evidence.” *Ruiz-Colmenares v. Garland*, 25 F.4th 742, 748 (9th Cir. 2022) (citation modified).

1. Substantial evidence supports the agency’s adverse credibility determination and determination that corroborative evidence did not rehabilitate Petitioner’s testimony.

An adverse credibility determination is a factual finding reviewed for substantial evidence. *See Alam v. Garland*, 11 F.4th 1133, 1137 (9th Cir. 2021) (en banc); *see also id.* (interpreting 8 U.S.C. § 1158(b)(1)(B)(iii) to require totality of the circumstances review). The IJ was not required to credit Petitioner’s various

¹ Petitioner’s wife and minor child are derivative beneficiaries of Petitioner’s applications and also filed separate applications for asylum, withholding of removal, and protection under CAT based on the same facts in Petitioner’s applications. Because all the applications rise and fall with Petitioner’s, we address Petitioner’s applications alone.

² We refer to the BIA and the IJ collectively as “the agency.”

explanations for the inconsistencies in the record, *see Kalulu v. Bondi*, 128 F.4th 1009, 1016 n.4 (9th Cir. 2024), and “the record does not compel the finding that the IJ’s unwillingness to believe [Petitioner’s] explanation[s] . . . was erroneous.” *Zamanov v. Holder*, 649 F.3d 969, 974 (9th Cir. 2011).

The BIA highlighted inconsistencies and omissions from the record in support of the agency’s adverse credibility determination. Starting with the inconsistencies, Petitioner’s testimony and first application for relief provided different accounts of his sister’s death. When asked to explain these inconsistent statements, Petitioner provided answers that gave no explanation, and the agency was not compelled to accept the answers even if they were reasonable. *See Li v. Garland*, 13 F.4th 954, 961 (9th Cir. 2021). Nor are the inconsistencies “utterly trivial . . . , such as a typographical error,” which would not, on its own, “form a sufficient basis for an adverse credibility determination.” *Shrestha v. Holder*, 590 F.3d 1034, 1043 (9th Cir. 2010). They are, at least, “minor inconsistencies that have a bearing on a petitioner’s veracity [and] may constitute the basis for an adverse credibility determination.” *Ren v. Holder*, 648 F.3d 1079, 1089 (9th Cir. 2011).

Petitioner also testified that he joined the Punjab police in 2011, but his applications for relief state that he joined the police in 2014 and 2018, respectively. When asked about these inconsistencies, Petitioner incorrectly stated that he had

provided a 2011 start date on his “application,” but neither application for relief provided that date.

Petitioner nonetheless argues that the applications’ instructions asked for the last five years of work history, which would explain a 2018 start date, but Petitioner provided a 2014 start date in one of his applications. Moreover, both applications asked for the last five years of residential history, and Petitioner provided residential history starting almost a decade prior to 2018 in both applications. These details cut against Petitioner’s argument that the application instructions explain the inconsistent dates. As with the inconsistencies regarding Petitioner’s sister’s death, the inconsistent dates are, at least, a “minor” inconsistency and “may constitute the basis for an adverse credibility determination.”³ *See id.*

Turning to the omissions, Petitioner’s first application for relief mentions nothing of Rakesh Kumar, Petitioner’s report that Kumar and other police officers were allegedly engaging in bribery, the threats and harm Petitioner allegedly faced after making the report, or retaliation by the police. Yet these omissions go to the

³ The inconsistent dates, in fact, go to the heart of Petitioner’s claims. *Cf. Ren*, 648 F.3d at 1084 (“[T]he REAL ID Act abrogated this circuit’s rule that inconsistencies that do not go to the heart of an applicant’s claim may not support an adverse credibility determination.”). If Petitioner joined the police force after 2014, then he would not have learned that police officers engaged in bribery in 2014, and he could not have reported the corruption that kicked off the incidents leading to his claims.

heart of Petitioner's claims. *Cf. Ren*, 648 F.3d at 1084.

When asked about the omissions, Petitioner testified that he filed one application for relief with the agency. This is inaccurate, as Petitioner filed two applications. More to the point, Petitioner's response did not address the omissions, as the IJ noted. Petitioner's nonresponsive explanation supports the agency's adverse credibility determination, and the agency was not required to accept Petitioner's explanation. *See Shrestha*, 590 F.3d at 1045.⁴

Because his application depended on his testimony, Petitioner did not satisfy his burden of proof to show eligibility for asylum and withholding of removal. *See Mukulumbutu v. Barr*, 977 F.3d 924, 927 (9th Cir. 2020).

2. Substantial evidence also supports the agency's determination that Petitioner did not rehabilitate his testimony with corroborating evidence. *See id.* Petitioner specifically takes issue with the agency's adverse determinations regarding photographs, medical records, affidavits, and country conditions evidence he submitted. We address each type of evidence in turn.

First, Petitioner forfeited the issue of the agency's determination as to the photographs because Petitioner did not provide reasoning in his opening brief in

⁴ Petitioner argues that his second application for relief and testimony supplement his first application for relief. Yet we rejected a similar argument in *Kin v. Holder*, concluding that that such an explanation is "not persuasive enough to compel the conclusion that the omissions were immaterial." 595 F.3d 1050, 1057 (9th Cir. 2010). The same is true here.

support of his argument that the photographs were improperly discounted. *See Martinez-Serrano v. I.N.S.*, 94 F.3d 1256, 1259 (9th Cir. 1996) (“Issues raised in a brief that are not supported by argument are deemed abandoned.”).

Second, Petitioner’s age is listed as 35 in the medical records, even though he was 33 when examined. When asked about this, Petitioner testified that the medical professional who created the records estimated his age. Petitioner later testified that his mother provided the medical professional other information that appears in his medical records. As the IJ noted, “no other portion of the medical documents [except for Petitioner’s age] appear estimated,” despite Petitioner’s mother’s supposed provision of information to the medical professional.

Given Petitioner’s varied testimony regarding his medical records, substantial evidence supports the agency’s determination that the records were created after Petitioner departed from India and were therefore unreliable. *See Wang v. Sessions*, 861 F.3d 1003, 1007–08 (9th Cir. 2017) (concluding that “the petitioner has the burden to satisfy the trier of fact by offering credible and persuasive evidence”).

Third, Petitioner submitted affidavits from his mother, uncle, supervisor, and two witnesses. Petitioner’s argument to the contrary notwithstanding, the agency reasonably concluded that the affidavits were insufficient to rehabilitate Plaintiff’s testimony because the affiants were not available for cross examination. *See*

Garcia v. Holder, 749 F.3d 785, 791 (9th Cir. 2014).

Fourth, although Petitioner represents that country conditions evidence he submitted generally documents “police corruption, retaliation against whistleblowers, and lack of effective state protection in India,” Petitioner does not argue that any of the country conditions evidence corroborates the specific events underlying his claims. *Cf. Prasad v. I.N.S.*, 47 F.3d 336, 338 (9th Cir. 1995) (requiring “credible, direct, and specific evidence of facts supporting a reasonable fear of persecution on the relevant ground” (citation modified)).⁵

Ultimately, without credible testimony or corroborative evidence that would rehabilitate his testimony, Petitioner cannot satisfy his burden of proof to show eligibility for asylum and withholding of removal. *See Mukulumbutu*, 977 F.3d at 927.

3. Ineligibility for asylum and withholding of removal “does not necessarily preclude eligibility for CAT relief.” *Wang*, 861 F.3d at 1009. Yet Petitioner’s CAT claim is “based on the same statements” and documents that the agency

⁵ To the extent that Petitioner additionally argues that certain records he submitted—such as identification cards—are “authenticated” and “consistent” with his claims, he does not argue that those records *corroborate* his claims, and the record does not compel that finding. *See Wang*, 861 F.3d at 1009. Moreover, Petitioner argues that the agency required unattainable forms of corroborating evidence. Yet the agency does not appear to have required such evidence, and Petitioner does not cite any portion of the over 5,000-page record to substantiate his representation.

determined were not credible or did not sufficiently rehabilitate Petitioner's testimony. *See id.* (citation modified); *see also Singh v. Bondi*, 130 F.4th 1142, 1156 (9th Cir. 2025) (denying petition for review on CAT claim after adverse credibility determination because there was not enough individualized evidence to compel the conclusion the petitioner would be tortured upon removal).

Accordingly, substantial evidence supports the agency's determination that Petitioner failed to show it is more likely than not that he would be tortured if removed to India. *See Wang*, 861 F.3d at 1009.

PETITION DENIED.⁶

⁶ Petitioner's motion for a stay, Dkt. No. 7, is **DENIED**.