

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 1 2026

FOR THE NINTH CIRCUIT

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

LUIS FERNANDO ALBARRAN-
SOTELO,

Petitioner,

v.

TODD BLANCHE, Attorney General,

Respondent.

No. 25-5904

Agency No.
A200-946-919

MEMORANDUM*

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

Argued and Submitted September 14, 2026
Portland, Oregon

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

Luis Fernando Albarran-Sotelo, a native and citizen of Mexico, seeks review of a decision by the Board of Immigration Appeals (“BIA”) affirming an Immigration Judge’s (“IJ”) denial of his application for asylum and humanitarian asylum. We have jurisdiction under 8 U.S.C. § 1252. We grant the petition in part, deny the petition in part, and remand.

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

“Where, as here, the BIA agrees with and incorporates specific findings of the IJ while adding its own reasoning, we review both decisions.”¹ *Bhattarai v. Lynch*, 835 F.3d 1037, 1042 (9th Cir. 2016). “We review questions of law de novo and the agency’s factual findings for substantial evidence.” *Urquia-Yanez v. Blanche*, 176 F.4th 622, 626 (9th Cir. 2026) (quoting *Ruiz-Colmenares v. Garland*, 25 F.4th 742, 748 (9th Cir. 2022)). Under the substantial evidence standard, the agency’s “findings of fact are conclusive unless any reasonable adjudicator would be compelled to conclude to the contrary.” 8 U.S.C. § 1252(b)(4)(B).

1. Substantial evidence did not support the agency’s determination that Petitioner could safely and reasonably relocate anywhere in Mexico “outside of [the state of] Guerrero.” Because Petitioner had proven past persecution—being kidnapped by the Jalisco Cartel and held for ransom—the Government “ha[d] the burden of showing that relocation is both safe and reasonable under all the circumstances.” *Afriyie v. Holder*, 613 F.3d 924, 934 (9th Cir. 2010), *overruled on other grounds by Bringas-Rodriguez v. Sessions*, 850 F.3d 1051 (9th Cir. 2017) (en banc); 8 C.F.R. § 1208.13(b)(1)(ii). In assessing whether the Government satisfied its burden, the agency was required to analyze Petitioner’s “individualized situation to determine whether . . . there are one or more general or specific

¹ We refer to the BIA and the IJ collectively as “the agency.”

areas . . . where he has no well-founded fear of persecution and where it is reasonable to relocate.” *Singh v. Whitaker*, 914 F.3d 654, 661 (9th Cir. 2019); *Kaur v. Wilkinson*, 986 F.3d 1216, 1231 (9th Cir. 2021) (instructing the BIA on remand to conduct a “thorough, individualized analysis of [the petitioner’s] ability to relocate internally, placing the burden on the government”), *abrogated in part on other grounds by Urias-Orellana v. Bondi*, 607 U.S. 537 (2026).

The Government proposed that Petitioner could safely and reasonably relocate anywhere in Mexico outside of Guerrero because his kidnapping by the Jalisco Cartel occurred in that state. Because “outside of Guerrero” is a “generally defined area,” the Government was required to make “a more comprehensive showing of proof that the *entirety* of the area is safe for relocation, as compared to, for example, a specific city.” *Singh*, 914 F.3d at 660 (emphasis added).²

Based on its “acknowledg[ment] that [Petitioner] was persecuted by the Jalisco Cartel,” the agency appeared to accept the premise that Petitioner could

² The Government forfeited any challenge to this standard by not raising one in its brief. Even if there were no requirement for a more comprehensive showing, substantial evidence would not support the agency’s conclusion that the entirety of Mexico outside Guerrero was a safe and reasonable relocation area, given the internal contradictions in its discussion of avoiding the Jalisco Cartel. *See Nat. Res. Def. Council v. U.S. EPA*, 38 F.4th 34, 44 (9th Cir. 2022) (observing that “[t]he agency’s reasoning must . . . be coherent and internally consistent” to satisfy the substantial evidence standard); *Perez-Arceo v. Lynch*, 821 F.3d 1178, 1186 (9th Cir. 2016) (“When an IJ makes seemingly inconsistent findings with respect to an adverse credibility determination, it is necessary to remand the record for more factfinding and clarification.”).

only safely relocate in areas where the Jalisco Cartel “[d]id not conduct operations.” But the agency also found that the Jalisco Cartel has a dominant presence in seven Mexican states. In light of that finding, no reasonable adjudicator could conclude that the “entirety” of Mexico other than Guerrero—including the seven states where Petitioner’s persecutor was the dominant criminal actor—was a safe and reasonable relocation area. *Id.* Because substantial evidence did not support the agency’s relocation determination, we remand for further consideration of Petitioner’s asylum claim, including whether the Government can rebut the presumption of a well-founded fear of future persecution by proving that relocation to a more specific area would be safe and reasonable.

2. Substantial evidence supports the agency’s determination that Petitioner’s kidnapping and the treatment he suffered during it do not rise to the level of “atrociousness” that merits humanitarian asylum. *See id.* at 657, 662 (denying petition as to humanitarian asylum where the petitioner was threatened, detained by police, and beaten for six days); *Hanna v. Keisler*, 506 F.3d 933, 936, 939 (9th Cir. 2007) (upholding the agency’s conclusion that the petitioner did not suffer atrocious persecution when he was jailed and tortured for a month); *Kumar v. INS*, 204 F.3d 931, 932-33, 935 (9th Cir. 2000) (holding that the record did not compel a contrary conclusion to the agency’s denial of humanitarian asylum where the petitioner was sexually assaulted in front of her parents, forced to watch her

father beaten and threatened with death, and dragged from a temple and beaten).

Nor does the record compel the conclusion that Petitioner established “a reasonable possibility that he . . . may suffer other serious harm” upon removal to Mexico. 8

C.F.R. § 1208.13(b)(1)(iii)(B).

**PETITION GRANTED IN PART, DENIED IN PART, and
REMANDED.**