NOT FOR PUBLICATION

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U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

VAZGEN ZOHRABYAN, Petitioner, v. TODD BLANCHE, Attorney General, Respondent.	No. 25-3388 Agency No. A096-159-002 MEMORANDUM[*]

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

Submitted October 20, 2026[**]
Pasadena, California

Before: N.R. SMITH and JOHNSTONE, Circuit Judges, and ORRICK, District Judge.[***]

Vazgen Zohrabyan, a native and citizen of Armenia, petitions for review of an order of the Board of Immigration Appeals ("BIA") dismissing an appeal of a

[*] 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 William Horsley Orrick, United States District Judge for the Northern District of California, sitting by designation.

decision from an Immigration Judge ("IJ") denying Zohrabyan's application for deferral of removal under the Convention Against Torture ("CAT").[1] Because the BIA affirmed the IJ and cited *Matter of Burbano*, 20 I. & N. Dec. 872 (BIA 1994), "[w]e review both the IJ's and BIA's decisions." *Cruz v. Bondi*, 146 F.4th 730, 737 (9th Cir. 2025). We review for substantial evidence the agency's adverse credibility finding and denial of CAT relief. *Ruiz-Colmenares v. Garland*, 25 F.4th 742, 748 (9th Cir. 2022). We have jurisdiction under 8 U.S.C. § 1252 and deny the petition.

Substantial evidence supports the Agency's denial of CAT relief. To obtain relief under the CAT, Zohrabyan "must show that it is more likely than not that he . . . will be tortured, and not simply persecuted upon removal to such country." *Dhital v. Mukasey*, 532 F.3d 1044, 1051 (9th Cir. 2008) (citation modified). Zohrabyan must also "demonstrate that he would be subject to a *particularized threat* of torture." *Id.* (citation modified). Zohrabyan did not demonstrate eligibility for CAT relief through (1) credible testimony or (2) documentary evidence.

1. The agency's adverse credibility finding based on Zohrabyan's omissions of his father's 2003 beating and 2004 death is supported by substantial

[1] Zohrabyan does not challenge the agency's prior adverse credibility and persecutor-bar findings or its denials of asylum, statutory withholding of removal, and withholding of removal under CAT. Thus, he has forfeited those issues. *See Santana-Gonzalez v. Bondi*, 172 F.4th 736, 742 (9th Cir. 2026.

evidence. Zohrabyan had opportunities to raise these events during his 2005 hearing and in his amended 2023 I-589 form.[2] But Zohrabyan testified about those events for the first time during his 2023 hearing, after the agency had denied asylum and withholding and remanded for further proceedings on CAT relief in 2021. Omissions that strengthen a claim, revealed after an applicant is unsuccessful before the agency, are probative of credibility. *See Zamanov v. Holder*, 649 F.3d 969, 974 (9th Cir. 2011).

Zohrabyan's theory of particularized risk is based on continued government interest in him over the decades since his 2002 whistleblower activities. As proof of that interest, he testified about the police pursuing his family to reach him, including the beating, harassment, and death of his father. Thus, the omissions went to the heart of Zohrabyan's claim. *See Zamanov*, 649 F.3d at 973. The agency considered but reasonably rejected Zohrabyan's explanations. *See Li*, 378 F.3d at 963. The record does not compel a contrary conclusion as to Zohrabyan's credibility.

2. An adverse credibility finding does not automatically defeat a CAT claim, which must be assessed independently on all record evidence. *See* 8 C.F.R.

[2] Because Zohrabyan's 2002 application predates the REAL ID Act, we are "bound to accept" the credibility finding "[s]o long as one of the identified grounds is supported by substantial evidence and goes to the heart of [the] claim." *Wang v. I.N.S.*, 352 F.3d 1250, 1259 (9th Cir. 2003); *see Li v. Ashcroft*, 378 F.3d 959, 964 (9th Cir. 2004).

§ 208.16(c)(3); *Lalayan v. Garland*, 4 F.4th 822, 840 (9th Cir. 2021). The agency considered all evidence relevant to the possibility that Zohrabyan would be tortured if removed to Armenia. The agency took into account that police tortured Zohrabyan in 2002 but that there was no credible evidence of their continued interest in him. *See* 8 C.F.R. § 208.16(c)(3)(i); *Cruz*, 146 F.4th at 735–36, 738 (relying in part on the passage of more than 14 years). The agency considered evidence about violations of human rights in Armenia and country conditions and determined that, while the evidence reflects police brutality, it did not establish that Zohrabyan himself faces a particularized risk of torture. *See* 8 C.F.R. § 208.16(c)(3)(iii), (iv). The record does not compel a contrary conclusion. *See Delgado-Ortiz v. Holder*, 600 F.3d 1148, 1152 (9th Cir. 2010) (explaining that generalized evidence is insufficient); *Lalayan*, 4 F.4th at 840 (explaining that when testimony is found not credible, reports alone would have to compel conclusion that a petitioner faces particularized risk of torture).

PETITION DENIED.[3]

[3] Zohrabyan's opposed motion for stay of removal (Dkt. Nos. 3, 8) is **DENIED.**