NOT FOR PUBLICATION

FILED

OCT 27 2026

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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

HARPINDER SINGH, Petitioner, v. TODD BLANCHE, Attorney General, Respondent.	No. 25-5502 Agency No. A201-735-900 MEMORANDUM[*]

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

Submitted October 23, 2026[**]
San Francisco, California

Before: CALLAHAN, LEE, and KOH, Circuit Judges

Harpinder Singh ("Singh"), a native and citizen of India, petitions for review of the Board of Immigration Appeals' ("BIA") decision dismissing his appeal from an Immigration Judge's ("IJ") denial of asylum, withholding of removal, and protection under the Convention Against Torture ("CAT"). We have jurisdiction

[*] 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).

under 8 U.S.C. § 1252, and we deny the petition.

Where, as here, "the BIA expressed agreement with the reasoning of the IJ, this court reviews both the IJ[']s and the BIA's decisions." *Kumar v. Holder*, 728 F.3d 993, 998 (9th Cir. 2013). "We review factual findings, including adverse credibility determinations, for substantial evidence," which we uphold "unless any reasonable adjudicator would be compelled to conclude to the contrary." *Bhattarai v. Lynch*, 835 F.3d 1037, 1042 (9th Cir. 2016) (citations omitted).

Substantial evidence supports the agency's adverse credibility determination and denial of Singh's claims for asylum and withholding of removal. The agency relied upon inconsistencies and omissions to reach its adverse credibility determination.[1] *See Li v. Garland*, 13 F.4th 954, 961 (9th Cir. 2021) (holding that "inconsistencies . . . supported by substantial evidence . . . are sufficient to support the adverse credibility determination"); *Lai v. Holder*, 773 F.3d 966, 971 (9th Cir. 2014) (stating that "an omission may form the basis for an adverse credibility finding"); *see also* 8 U.S.C. § 1158(b)(1)(B)(iii).

First, Singh provided conflicting descriptions of the October 13, 2018 attack

[1] The BIA expressly declined to rely on the IJ's finding that Singh's medical documentation was inconsistent with Singh's second declaration because Singh was not given an opportunity to explain the discrepancy. We "evaluate only the portions of the IJ's adverse credibility finding that the BIA relied on" and therefore do not consider the IJ's finding with respect to Singh's medical documentation. *Lai v. Holder*, 773 F.3d 966, 974 n.2 (9th Cir. 2014).

that he suffered. Both Singh's testimony at the IJ hearing and Singh's first declaration stated that his attackers slapped him, punched him, and pulled his hair. Singh's hearing testimony also expressly stated that his attackers did not beat him with sticks. However, Singh's second declaration stated that his attackers "started beating [him] with hockey sticks and regular sticks," and the police report Singh submitted also stated that the attackers "started beating [Singh] with sticks." The BIA found this discrepancy material because it "directly addresses the severity of harm that he claims he experienced." An inconsistency need not be material to support an adverse credibility determination, but an inconsistency that bears directly on persecution carries substantial weight. *See Shrestha v. Holder*, 590 F.3d 1034, 1044 (9th Cir. 2010) (holding that an IJ may rely on any factor that, considered in the totality of the circumstances, has a "bearing on a petitioner's veracity"); *Rodriguez-Ramirez v. Garland*, 11 F.4th 1091, 1093 (9th Cir. 2021) (upholding an adverse credibility determination that gave substantial weight to inconsistencies bearing directly on the applicant's claim of persecution).

The IJ gave Singh an opportunity to explain the discrepancy regarding the first attack, and the IJ gave "specific, cogent reason[s]" reason for rejecting each of Singh's explanations. *Guo v. Ashcroft*, 361 F.3d 1194, 1199 (9th Cir. 2004). Regarding Singh's second declaration, Singh claimed that he "did not give that statement to write." However, the IJ noted that the second declaration bears

Singh's signature and counsel's certification that it was read back to Singh in Punjabi. Regarding the police report, Singh claimed that a translator wrote down the wrong thing on the police report. However, the IJ observed that the police report was originally written in Punjabi, Singh's native language, and therefore "cannot be a representation of statements made by Respondent to an interpreter." The agency was not required to credit a plausible alternative account. *See Li*, 13 F.4th at 961 ("the IJ and Board were not compelled to accept [petitioner's] explanation for the discrepancy" even if the explanation "were reasonable").

Second, Singh's declarations were also inconsistent with the affidavit of Onkar Singh, a claimed eyewitness. Singh's second declaration stated that Onkar Singh helped Singh during the January 24, 2019 attack, but Onkar Singh's affidavit stated that he helped Singh during the October 13, 2018 attack. Singh's second declaration also stated that Onkar Singh was working in a nearby field and came to help Singh, whereas Onkar Singh said he was "at home" and "came out of the house" to help Singh. Onkar Singh also stated that Singh suffered a beating with "sticks and baseballs," which conflicts with Singh's hearing testimony and first declaration that he was slapped, punched, and that his hair was pulled in October 2018.[2]

[2] We need not reach Singh's unexhausted arguments that the IJ denied Singh an opportunity to address these discrepancies and that Singh's second declaration is reconcilable with Onkar Singh's affidavit. *See* 8 U.S.C. § 1252(d)(1); *Umana-*

Third, Singh's second declaration stated that at the second attack he "recognized one of the men from the first attack in October 2018," even though Singh testified that his attackers' faces were covered during both attacks. Singh explained that he believed the men were the same because "the voice and tone of the voice seemed familiar from the first attack." The IJ acknowledged that explanation but found that noting a familiar voice is "significantly removed from stating unequivocally," as the second declaration did, that Singh recognized one of the men. *See Zamanov v. Holder*, 649 F.3d 969, 974 (9th Cir. 2011) (holding that an IJ need not accept even a plausible explanation for an inconsistency where the IJ gives a specific and cogent reason for rejecting it).

Singh's argument that the agency erred in relying upon Singh's omission of Khalistan from his credible fear interview, his asylum application, and both of his declarations does not demonstrate that the record compels a contrary credibility determination. Singh is correct that omissions are less probative of credibility than direct contradictions and that a collateral omission with no tendency to suggest fabrication cannot support an adverse credibility finding. *See Iman v. Barr*, 972 F.3d 1058, 1067 (9th Cir. 2020). However, an omission "must still be weighed in light of the totality of the circumstances and all relevant factors." *Id*. Therefore, the

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Escobar v. Garland, 69 F.4th 544, 550 (9th Cir. 2023) (noting that administrative exhaustion, while not jurisdictional, is a claims-processing rule that the court "must enforce" when it is properly raised (citation omitted)).

agency did not err in treating an omission as one factor among several that supported an adverse credibility determination.

We need not rely on the inconsistency in Singh's accounts of the political identity of his attackers to affirm the adverse credibility determination because the grounds above support the adverse credibility determination and the record does not compel "any reasonable adjudicator" to conclude that Singh was credible. *Bhattarai*, 835 F.3d at 1042 (citations omitted). Thus, the adverse credibility determination is dispositive of Singh's applications for asylum and withholding of removal. *See* 8 U.S.C. §§ 1158(b)(1)(B)(ii), 1231(b)(3)(A).[3]

2. Substantial evidence supports the agency's denial of relief under CAT.[4] Singh argues that the BIA erred in holding that country conditions evidence can never establish eligibility for relief under CAT. The BIA did not do so. The BIA held that "where the only evidence to support a torture claim is the respondent's discredited testimony and general country condition reports of violence, the reports alone are *generally* insufficient to show the respondent faces a clear probability of

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[3] We need not reach Singh's unexhausted adverse credibility arguments that the IJ failed to give Singh an opportunity to supply corroborating evidence and that the IJ erred in giving reduced weight to affidavits from individuals located in India. *See* 8 U.S.C. § 1252(d)(1).

[4] We also need not reach Singh's unexhausted CAT arguments that Singh faces torture as a Sikh rather than on account of his political opinion; that the affidavits of fellow Mann party members are "potentially dispositive"; and that the agency failed to consider all evidence relevant to the possibility of future torture. *See* 8 U.S.C. § 1252(d)(1).

torture." The BIA also considered Singh's country conditions evidence, which Singh described as demonstrating "widespread corruption and extrajudicial killings committed by police." The BIA cited relevant precedent and concluded that reports of generalized violence do not establish that Singh himself faces a clear probability of torture. *See Alphonsus v. Holder*, 705 F.3d 1031, 1049 (9th Cir. 2013) ("Despite the troubling country reports, the record evidence does not compel the conclusion that [petitioner] himself will be, more likely than not, *tortured* upon his return." (emphasis in original)), *abrogated on other grounds by Guerrero v. Whitaker*, 908 F.3d 541 (9th Cir. 2018). Thus, the record does not compel the conclusion that Singh is more likely than not to be tortured if returned to India. 8 C.F.R. § 1208.16(c)(2).

PETITION DENIED.[5]

[5] Singh's motion to stay removal (Dkt. No. 2) is denied. The temporary stay of removal entered pursuant to General Order 6.4(c) (Dkt. No. 4) is lifted, effective immediately.