NOT FOR PUBLICATION

FILED

OCT 27 2026

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

OGANES DOGANYAN, Petitioner, v. TODD BLANCHE, Attorney General, Respondent.	No. 25-7259 Agency No. A070-381-086 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.

Petitioner Oganes Doganyan seeks review of an order of the Board of Immigration Appeals ("BIA") dismissing Petitioner's appeal of an Immigration Judge's ("IJ") order denying Petitioner's application for asylum, withholding of removal, and protection under the Convention Against Torture ("CAT").

[*] 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).

"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." *Duran-Rodriguez v. Barr*, 918 F.3d 1025, 1027-28 (9th Cir. 2019). We review the agency's "particularly serious crime" determination for abuse of discretion. *Avendano-Hernandez v. Lynch*, 800 F.3d 1072, 1077 (9th Cir. 2015); *see* 8 U.S.C. § 1231(b)(3)(B)(ii). We review the agency's factual findings for substantial evidence. *Edgar G.C. v. Bondi*, 136 F.4th 832, 842 (9th Cir. 2025). We have jurisdiction under 8 U.S.C. § 1252, and we deny the petition.

1. The agency did not abuse its discretion in determining that Petitioner's convictions for Mail Fraud, Aiding and Abetting and Causing an Act to be Done under 18 U.S.C. § 1341 and 18 U.S.C. § 2, and Conspiracy to Commit Money Laundering under 18 U.S.C. § 1956(h), constitute particularly serious crimes precluding Petitioner's eligibility for withholding of removal under the INA and CAT.[1] "The applicable legal standard to determine if a crime is particularly serious . . . requires the agency to ask whether 'the nature of the conviction, the underlying facts and circumstances and the sentence imposed justify the presumption that the convicted immigrant is a danger to the community.'" *Avendano-Hernandez*, 800 F.3d at 1077 (quoting *Delgado v. Holder*, 648 F.3d 1095, 1107 (9th Cir. 2011) (en

[1] Petitioner does not challenge the agency's determination that he is statutorily ineligible for asylum because he was convicted of an aggravated felony.

banc)). "Our review is limited to ensuring that the agency relied on the appropriate factors and proper evidence to reach [its] conclusion." *Id.* (citation modified).

In determining that Petitioner's convictions were particularly serious crimes, the IJ reviewed the underlying facts of the convictions, including that Petitioner "was involved in a scheme to defraud private health insurance plans by submitting fraudulent claims" and that this "fraudulent scheme took place over a long period of time, evidencing [Petitioner's] willing participation in an ongoing sophisticated plot to defraud health insurance plans while enticing innocent victims to participate in completely bogus studies that sometimes did not occur." The IJ also noted that Petitioner was ordered to pay restitution in the total amount of over $1.4 million and was sentenced to 33 months in prison. Because the agency relied on the appropriate factors and proper evidence, the agency did not abuse its discretion in conducting the particularly serious crime analysis. *See Arbid v. Holder*, 700 F.3d 379, 385 (9th Cir. 2012) (finding no abuse of discretion in agency's determination that the petitioner's conviction for mail fraud constituted a particularly serious crime).

Petitioner argues that the agency erred by "weighing the financial loss heavily without citing evidence of physical danger to the community." However, "we cannot reweigh evidence to determine if the crime was indeed particularly serious." *Bare v. Barr*, 975 F.3d 952, 966 (9th Cir. 2020) (citation modified). To

the extent Petitioner argues that the agency was required to consider separately whether Petitioner was a danger to the community, that argument fails because "[i]t is irrebuttably presumed that once a crime is determined to be particularly serious, the individual who committed that crime presents a danger to the community." *Gomez-Sanchez v. Sessions*, 892 F.3d 985, 996 (9th Cir. 2018); *see also Chmukh v. Garland*, 124 F.4th 670, 680 (9th Cir. 2024); 8 C.F.R. § 1208.16(d)(2)(i).

Petitioner also argues the agency failed to consider that Petitioner was the sole provider for his disabled father and that Petitioner's motivation for his crime was to support his father. Petitioner does not identify any evidence in the record to support this contention. Furthermore, Petitioner did not raise this argument before the BIA and therefore has failed to exhaust it. *See Umana-Escobar v. Garland*, 69 F.4th 544, 550 (9th Cir. 2023).

2. The agency did not err in concluding that Petitioner failed to establish his eligibility for deferral of removal under CAT. To qualify for deferral of removal under CAT, Petitioner must show that it is "more likely than not" that he "will be tortured at the instigation of, or with the acquiescence of the [Armenian] government." *Delgado*, 648 F.3d at 1108 (quoting *Silaya v. Mukasey*, 524 F.3d 1066, 1073 (9th Cir. 2008)). Petitioner contends that he is entitled to deferral of removal because he suffers from Factor II Deficiency, a rare and potentially life-

threatening blood clotting disorder, and will be denied access to healthcare in Armenia. Specifically, Petitioner contends that he is stateless and due to his prior criminal convictions, he will be denied Armenian citizenship and therefore access to Armenia's public health system.

Substantial evidence supports the agency's determination that Petitioner failed to meet his burden of showing that he will more likely than not be tortured if returned to Armenia. As an initial matter, Petitioner failed to meaningfully challenge before the BIA the IJ's conclusion that Petitioner has a right to Armenian citizenship under the Armenian citizenship law.[2] Petitioner has therefore failed to exhaust his argument that he does not have a right to Armenian citizenship. *See Umana-Escobar*, 69 F.4th at 550. Furthermore, Petitioner failed to establish that the Armenian government possesses the requisite specific intent to torture Petitioner. *See Andrade v. Garland*, 94 F.4th 904, 915 (9th Cir. 2024); *see also* 8 C.F.R. § 1208.18(a)(5). Although "the *intentional* denial of medical care as a form of punishment could suffice to establish a CAT claim," *Cole v. Holder*, 659 F.3d 762, 774 (9th Cir. 2011), Petitioner does not point to any evidence in the record demonstrating that the government of Armenia possesses such intent.

[2] We reject Petitioner's argument that the BIA engaged in "impermissible fact finding." The IJ determined, based on the evidence before her and her interpretation of the Armenian citizenship law, that Petitioner would likely be recognized as an Armenian citizen. The BIA merely noted that Petitioner failed to present any arguments to challenge this conclusion.

Finally, we reject Petitioner's contention that the agency failed to consider the aggregate risk of torture resulting from Petitioner's statelessness, criminal history, and medical condition. The IJ expressly considered "all the harm [Petitioner] could face in the aggregate." The BIA likewise adopted and affirmed the IJ's reasoning and rejected Petitioner's contention that the IJ failed to conduct an aggregate analysis.

PETITION DENIED.[3]

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