United States Court of Appeals for the Second Circuit

August Term 2025
Argued: January 13, 2026
Decided: September 17, 2026

No. 25-304-ag

SANNY MONTEFAR NEMIS,

Petitioner,

v.

TODD BLANCHE, UNITED STATES ATTORNEY GENERAL,

Respondent.

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

Before: PARKER, RAGGI, and PARK, *Circuit Judges*.

Sanny Montefar Nemis petitions for review of a Board of Immigration Appeals ("BIA") decision concluding that he is removable because he was convicted of conspiracy to commit a crime involving moral turpitude ("CIMT"). Nemis was convicted of conspiracy to violate paragraph four of 18 U.S.C. § 1546(a), which provides for imprisonment of whomever

> knowingly makes under oath . . . any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presents any such application, affidavit, or other document which contains any such false statement or which fails to contain any reasonable basis in law or fact.

Applying the categorical approach, we conclude that Nemis was convicted of conspiracy to commit a CIMT. As the parties agree, knowingly making or presenting materially false statements to immigration authorities categorically constitutes a CIMT. The final subclause of § 1546(a), which addresses knowingly presenting a required immigration document lacking any reasonable basis in law or fact, also categorically describes a CIMT. Knowingly presenting to immigration authorities required materials that lack any reasonable legal or factual basis is deceitful conduct that impairs or obstructs an important government function. That type of misconduct falls within the BIA's definition of a CIMT, which we here adopt as our own. The BIA correctly concluded that Nemis is removable, so we **DENY** his petition for review.

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PARK, *Circuit Judge*:

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I. BACKGROUND

A. Nemis's Conviction

Nemis, a native and citizen of the Philippines, entered the United States on a temporary work visa in 2001 and adjusted to lawful permanent resident status in 2010.

In 2016, Nemis was indicted in the Southern District of New York for conspiracy to commit immigration fraud in violation of 18 U.S.C. §§ 371 and 1546(a). Section 371 imposes liability on persons who "conspire either to commit any offense against the United States" or "to defraud the United States," where "one or more of such persons do any act to effect the object of the conspiracy."

Section 1546(a) provides for imprisonment of whomever "knowingly makes under oath, or as permitted under penalty of perjury . . . , knowingly subscribes as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presents any such application, affidavit, or other document which contains any such false statement or which fails to contain any reasonable basis in law or fact."

The one-count indictment charged that "[i]t was a part and object of the conspiracy that" Nemis "and others prepared and submitted fraudulent applications in support of H-1B visa applications." Certified Admin. Rec. ("CAR") at 725–26. It alleged that, "[i]n furtherance of the conspiracy and to effect the illegal object thereof," Nemis sent emails to a co-conspirator ("CC-1") in which

Nemis "instructed CC-1 to provide false information to consular officials during CC-1's interview in support of CC-1's application to obtain an H-1B visa." *Id.* at 726.

Nemis pleaded guilty. During the plea colloquy, he admitted that he "did conspire with others to commit immigration fraud by submitting documents in support of H-1B visas to the United States government which [he] knew contained information which was false and misleading." *Id.* at 320. Nemis and his counsel explained that the visa applications falsely represented applicants' job qualifications or contained information about fake jobs. In 2017, the district court entered a judgment of conviction and sentenced Nemis to two years' probation.

B. <u>Immigration Proceedings</u>

In 2018, Nemis traveled outside the United States and tried to reenter. The Department of Homeland Security placed him in removal proceedings, charging that he had been convicted of a CIMT or conspiracy to commit a CIMT.[1] Nemis denied the charges of removability.

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[1] Under the Immigration and Nationality Act ("INA"), an "alien lawfully admitted for permanent residence . . . shall not be regarded as seeking an admission into the United States for purposes of the immigration laws unless the alien . . . has committed an offense identified in section 1182(a)(2) of this title." 8 U.S.C. § 1101(a)(13)(C)(v). Section 1182(a)(2), in turn, provides that any "alien convicted of . . . a crime involving moral turpitude . . . or an attempt or conspiracy to commit such a crime . . . is inadmissible." *Id.* § 1182(a)(2)(A)(i). "[A]liens who are inadmissible under [§ 1182(a)(2)] are" generally "ineligible to receive visas and ineligible to be admitted to the United States." *Id.* § 1182(a).

After a hearing, an immigration judge ("IJ") ordered Nemis's removal. The IJ reasoned that Nemis pleaded guilty to committing fraud over an extended period, which "is clearly behavior that constitutes a crime involving moral turpitude." CAR at 149. The BIA dismissed Nemis's appeal. *See Matter of Nemis*, 28 I. & N. Dec. 250, 261 (B.I.A. 2021).

In 2024, we granted Nemis's petition for review and remanded to the BIA because the agency had misapplied the categorical approach. *Nemis v. Garland*, No. 21-6151-ag, 2024 WL 1252947, at *2 (2d Cir. Mar. 25, 2024). We explained that, to "determine whether a petitioner was convicted of a CIMT, we apply the categorical approach and look to whether the 'criminal category must by definition, and in all instances, contain each of those elements that constitute a CIMT.'" *Id.* at *1. And if "a statute is divisible—that is, if it 'sets out one or more elements of the offense in the alternative and thereby defines multiple crimes'—we apply a 'modified' categorical approach," which "permits us to review a limited class of documents from the record of conviction to determine which of the alternate offenses was the crime of conviction that serves as the alleged CIMT." *Id.*

The parties did not dispute that the conspiracy statute (§ 371) is divisible and that the modified categorical approach applies. *See id.* After reviewing "the record documents underlying Nemis's prior conviction," we determined that "he was convicted of conspiring to violate § 1546(a)." *Id.* And § 1546(a), "which contains four paragraphs, is itself divisible because at least two of its paragraphs define distinct offenses." *Id.* "Paragraph three 'clearly requires proof of a fact that paragraph four does not, namely false identity, while paragraph four requires proof of knowing presentment of a false statement in an immigration document.'" *Id.* at *2 (alterations omitted). Applying the modified categorical approach to § 1546(a), we determined that "Nemis was charged with and ultimately convicted of violating only paragraph four." *Id.*

We concluded that the BIA misapplied the categorical approach in deciding whether paragraph four qualifies as a CIMT. Rather than evaluating the "minimum conduct" necessary to support a conviction under paragraph four, as the categorical approach requires, the BIA analyzed whether Nemis's *actual* conduct constituted a CIMT. *Id.* We remanded for the BIA to consider whether paragraph four necessarily sets forth a CIMT under the categorical approach. *Id.*

On remand, the BIA again dismissed Nemis's appeal, concluding that paragraph four of § 1546(a) categorically describes a CIMT. Nemis timely petitioned for review.

II. DISCUSSION

We conclude that paragraph four of § 1546(a) categorically describes a CIMT.[2] The first part of the paragraph makes it a crime

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[2] The parties initially briefed whether paragraph four categorically sets forth a CIMT. At our request, the parties filed supplemental briefs discussing whether paragraph four is divisible into multiple crimes based on whether the submitted document contained knowing falsehoods or knowingly lacked any reasonable basis in law or fact. In light of our conclusion that paragraph four, however committed, categorically describes a CIMT, we do not decide whether paragraph four is divisible. *See Stankiewicz v. Garland*, 103 F.4th 119, 129 (2d Cir. 2024) ("Where . . . there is no categorical match, we must determine whether the . . . statute of conviction is 'divisible.'").

knowingly to make or to present a materially false statement in a required immigration document. All agree that this is a CIMT. The remaining subclause, which covers the knowing presentment of a required immigration document that the presenter knows lacks any reasonable basis in law or fact, also categorically sets forth a CIMT. Such conduct requires that an individual knowingly and intentionally engage in deceitful behavior that impairs or obstructs an important government function—the enforcement of immigration laws and regulations. This combination of reprehensible conduct and a culpable mental state makes the reasonable-basis subclause a categorical match with the definition of a CIMT.

A. Legal Framework

Whether Nemis's "conviction falls within the definition of a CIMT is a question of law that we review de novo." *Cupete v. Garland*, 29 F.4th 53, 57 (2d Cir. 2022). "In considering whether a conviction is for a crime involving moral turpitude, the agency and the courts apply a 'categorical approach,' under which the focus is 'on the intrinsic nature of the offense rather than on the factual circumstances surrounding any particular violation.'" *Ottey v. Barr*, 965 F.3d 84, 94 (2d Cir. 2020). "A crime qualifies as a CIMT only if 'by definition, and in all instances, it contains those elements that constitute a CIMT.'" *Giron-Molina v. Garland*, 86 F.4th 515, 519 (2d Cir. 2023) (alterations omitted). "Thus, 'we look only to the minimum criminal conduct necessary to satisfy the essential elements of the crime, not the particular circumstances of the defendant's conduct.'" *Ottey*, 965 F.3d at 94.

The INA does not define "crime involving moral turpitude." *Jang v. Garland*, 42 F.4th 56, 60 (2d Cir. 2022). The BIA has construed

CIMTs as crimes requiring "two essential elements: reprehensible conduct and a culpable mental state." *Mota v. Barr*, 971 F.3d 96, 99 (2d Cir. 2020). As to the first element, the BIA has stated that a "crime involves reprehensible conduct if that conduct is 'inherently base, vile, or depraved, and contrary to the accepted rules of morality and the duties owed between persons or to society in general.'" *Id.* "As to a culpable mental state, 'crimes committed knowingly or intentionally generally have been found, on the categorical approach, to be CIMTs.'" *Id.* (alterations omitted).[3] While in the past we have deferred to the BIA construction, we today clarify that, on our own review of the statutory text, we adopt this construction. *See Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 406 (2024). We also adopt as our own the BIA's recognition that, in the context of crimes against the government, "crimes 'impairing or obstructing an important function of a department of the government by defeating its efficiency or destroying the value of its lawful operations by deceit, graft, trickery, or dishonest means involve moral turpitude.'" *Cupete*, 29 F.4th at 58 (alterations omitted).[4] We thus consider whether paragraph four of § 1546(a) is a "categorical match" with this standard. *Id.*

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[3] "Likewise, crimes committed recklessly (where recklessness is defined as a *conscious* disregard of substantial and unjustifiable risk) have, in certain aggravated circumstances, been found to express a sufficiently corrupt mental state to constitute a CIMT." *Gill v. INS*, 420 F.3d 82, 89 (2d Cir. 2005).

[4] Neither party challenged these BIA formulations in their briefs or arguments to this Court.

B. Paragraph Four of 18 U.S.C. § 1546(a) Categorically Describes a CIMT

Paragraph four covers (1) knowingly making or presenting a materially false statement in a required immigration document and (2) knowingly presenting a required immigration document that lacks any reasonable basis in law or fact. These offenses are categorically CIMTs.

1. *False-Statement Subclauses*

Paragraph four first addresses knowingly making or presenting materially false statements in required immigration documents. It covers "[w]hoever knowingly makes under oath," or "knowingly subscribes as true" "under penalty of perjury," "any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder," or whoever "knowingly presents any such application, affidavit, or other document which contains any such false statement." 18 U.S.C. § 1546(a).[5]

The parties agree that the false-statement subclauses categorically describe a CIMT. Knowingly making a materially false

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[5] The knowingly-presents portion of the paragraph uses the word "such" before the phrases "application, affidavit, or other document" and "false statement." Read in context, the word "such" refers to the types of documents and false statements identified earlier in the paragraph. *See Slack Techs., LLC v. Pirani*, 598 U.S. 759, 766 (2023) ("The word 'such' usually refers to something that has already been 'described' or that is 'implied or intelligible from the context or circumstances.'"); *Such*, BLACK'S LAW DICTIONARY (6th ed. 1990) (defining "[s]uch" as "[o]f that kind, having particular quality or character specified," "[i]dentical with, being the same as what has been mentioned," and "[a]like, similar, of the like kind").

statement to the government is a CIMT. *See Cupete*, 29 F.4th at 58 (holding that 18 U.S.C. § 1001(a), which requires "knowingly and willfully" making a materially false statement to, or concealing a material fact from, the government, categorically sets forth a CIMT). The false-statement provisions here similarly require knowingly making or presenting a materially false statement to the government, so they categorically set forth a CIMT.

2. *Reasonable-Basis Subclause*

The last subclause of paragraph four makes it a crime to "knowingly present[] any" "application, affidavit, or other document required by the immigration laws or regulations" "which fails to contain any reasonable basis in law or fact." 18 U.S.C. § 1546(a).[6] To determine whether this subclause categorically describes a CIMT, we first identify "the minimum criminal conduct necessary to satisfy

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Thus, "any such application, affidavit, or other document" means "any application, affidavit, or other document required by the immigration laws or regulations," and "any such false statement" means "any false statement with respect to a material fact."

[6] Congress added the reasonable-basis subclause to paragraph four in 1996. Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208, div. C, § 214, 110 Stat. 3009-546, 3009-572 (1996). This amendment expanded the scope of paragraph four, which previously included only the false-statement provisions. *See, e.g.*, 18 U.S.C. § 1546(a) (1995) (covering "[w]hoever knowingly makes under oath, or as permitted under penalty of perjury . . . knowingly subscribes as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presents any such application, affidavit, or other document containing any such false statement").

the essential elements of the crime," and then assess whether that conduct constitutes a CIMT. *Ottey*, 965 F.3d at 94.

i. Minimum Conduct

At a minimum, the reasonable-basis subclause requires the following: (1) an individual presents a document to immigration authorities to satisfy a legal requirement; (2) the document contains no materially false statements but lacks any reasonable basis in law or fact; (3) the individual knows that he is presenting a legally required document to immigration authorities; and (4) he knows that the document lacks any reasonable basis in law or fact.

First, the reasonable-basis subclause requires that the individual "present[]" a document "required by the immigration laws or regulations." 18 U.S.C. § 1546(a). "In common usage, the verb 'present' means 'to bring or introduce into the presence of someone.'" *Collins v. United States*, 996 F.3d 102, 110 (2d Cir. 2021) (quoting WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY 1793 (1986)). Likewise, "at law, 'presentment' is understood as '[t]he act of presenting or laying before a court or other tribunal a formal statement about a matter to be dealt with legally.'" *Id.* (quoting *Presentment*, BLACK'S LAW DICTIONARY (11th ed. 2019)). "We assume Congress was aware of this . . . meaning" when it added the reasonable-basis subclause to paragraph four. *Id.* Further, the fact that the document is "required by the immigration laws or regulations," *see* 18 U.S.C. § 1546(a), means that the individual must present it to immigration authorities to satisfy a legal requirement. The Fourth Circuit recently explained that a "requirement" is "something an entity sets as a necessary qualification." *United States v. Aborisade*, 163 F.4th 856, 861 (4th Cir. 2026) (alterations omitted) (quoting *Requirement*, BLACK'S LAW DICTIONARY (12th ed. 2024)). It then concluded that "the plain language of" paragraph four "clearly incorporates" the presentment of "false statements to [U.S. Citizenship and Immigration Services ('USCIS')] in . . . visa applications." *Id.* at 860, 862. The reasonable-basis provision thus requires that the individual submit a legally required document to immigration authorities.

Second, the document must lack "any reasonable basis in law or fact." 18 U.S.C. § 1546(a). The term "basis" means the "support" or "foundation" for the document. *Basis*, BLACK'S LAW DICTIONARY (6th ed. 1990). And "[r]ead naturally, the word 'any' has an expansive meaning, that is, one or some indiscriminately of whatever kind." *Ali v. Fed. Bureau of Prisons*, 552 U.S. 214, 219 (2008) (quotation marks omitted).[7] The reasonable-basis subclause therefore requires that the document, while not containing any false statements of material fact, lack any reasonable legal or factual support or foundation.

Third, the individual must "know[]" that he is presenting a document required by immigration laws or regulations. 18 U.S.C. § 1546(a). "An individual acts 'knowingly' when he acts with awareness of the nature of his conduct." *Knowingly*, BLACK'S LAW

[7] The parties agree that the subclause excludes the knowing presentment of immigration documents with materially false statements because that conduct is covered by the preceding false-statement subclauses. *See Conn. Fair Hous. Ctr. v. CoreLogic Rental Prop. Sols., LLC*, 167 F.4th 605, 623 (2d Cir. 2026) ("We avoid interpretations of statutes under which some provisions 'would be superfluous.'").

DICTIONARY (6th ed. 1990). So, he must be aware that he is submitting a legally required document to immigration authorities.

Finally, the individual must know that the document he is presenting to the government lacks any reasonable basis in law or fact. "As a matter of ordinary English grammar, we normally read the statutory term 'knowingly' as applying to all the subsequently listed elements of the crime." *Rehaif v. United States*, 588 U.S. 225, 230 (2019) (quotation marks omitted). "This is notably not a case where the modifier 'knowingly' introduces a long statutory phrase, such that questions may reasonably arise about how far into the statute the modifier extends." *Id.* The knowledge requirement thus applies both to the phrase "presents any [document required by immigration laws or regulations]" and to the subsequent phrase "fails to contain any reasonable basis in law or fact." 18 U.S.C. § 1546(a).

ii. Categorical Analysis

The minimum conduct covered by the reasonable-basis subclause of § 1546(a)'s fourth paragraph constitutes a CIMT because it necessarily involves deceit and impairment or obstruction of an important government function. *See Cupete*, 29 F.4th at 58. The conduct is deceitful because an individual who presents an immigration document that he knows is legally required but is without basis in law or fact implicitly represents that it satisfies the legal requirement while knowing that it does not. The presenter thus purposefully endeavors to mislead the government into thinking the document is supported by at least a good-faith basis in law and fact when the presenter knows that is not the case. *See Kawashima v. Holder*, 565 U.S. 478, 484 (2012) (defining "deceit" as "the act or practice of deceiving (as by falsification, concealment, or cheating)" (quoting WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY 584 (1993))). Moreover, such deceit impairs or obstructs an important government function—the enforcement of immigration laws and regulations. The conduct causes the government to rely on a document that has no basis in law or fact in its immigration operations. Even where it does not so rely, it causes the government to waste time and resources reviewing that document and discovering for itself the lack of merit known to its presenter. Thus, regardless of the individual's motive in knowingly submitting the baseless document, by doing so, he employs "dishonest means" that can "destroy[] the value of [the government's] lawful operations," *Cupete*, 29 F.4th at 58. Such conduct by deceit amounts to an intentional abuse of process reflective of a CIMT.

We are unpersuaded by Nemis's arguments to the contrary. First, he argues that the reasonable-basis subclause criminalizes at least some conduct that is not a CIMT, but the two examples he gives show the opposite. In the first example, an alien files a meritless asylum application so that he can be placed in removal proceedings and then seek cancellation of removal. This sort of strategic misuse of the asylum process to pursue a collateral immigration benefit plainly constitutes a CIMT under the BIA's standard. *See Matters of Jaso & Ayala*, 27 I. & N. Dec. 557, 558–59 (B.I.A. 2019) (affirming IJ's finding that respondents engaged in "an abuse of the asylum process" where the "asylum applications they submitted to the USCIS lacked merit" and "were filed for the sole purpose of securing a hearing on their cancellation [of removal] applications before an [IJ]"). The conduct is deceitful because the alien submits a knowingly meritless asylum application to pursue cancellation of removal. Those proceedings are available to him only on submission of an application supported by at least a reasonable basis in law and fact.[8] As even Nemis admits, that conduct "is dishonest in a colloquial sense." Reply Br. at 6. Although he maintains that it is "not legally fraudulent or deceitful," *id.*, he cannot explain how dishonest behavior "in a colloquial sense" is not deceitful. *See Dishonest*, MERRIAM-WEBSTER, https://www.merriam-webster.com/dictionary/dishonest (last visited Aug. 3, 2026) (defining "dishonest" as "characterized by lack of truth, honesty, or trustworthiness: unfair, deceptive" (capitalization omitted)); *see also Cupete*, 29 F.4th at 58 (stating that a CIMT may "destroy the value of [the government's] lawful operations by . . . dishonest means"). The conduct also involves impairment or obstruction of an important government function as explained above.

In Nemis's second example, an alien files a frivolous appeal of a removal order "to buy time to remain in the United States." Pet'r Br. at 17. But this conduct also qualifies as a CIMT. It is deceitful because the alien, by pursuing an appeal that he knows is meritless,

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[8] Under the INA, if "the Attorney General determines that an alien has knowingly made a frivolous application for asylum and the alien has received [notice of the consequences of doing so], the alien shall be permanently ineligible for any benefits under [the INA], effective as of the date of a final determination on such application." 8 U.S.C. § 1158(d)(6). As of January 11, 2021, frivolous asylum applications include applications that are "filed without regard to the merits of the claim" or "clearly foreclosed by applicable law." 8 C.F.R. § 208.20(c). And the "benefits" at issue include cancellation of removal. *See Albu v. Holder*, 761 F.3d 817, 819 (7th Cir. 2014) (denying petition for review of BIA decision that denied cancellation of removal under § 1158(d)(6)). So, as long as the alien receives the required notice and the government determines that he knowingly submitted a frivolous asylum application, he would be permanently ineligible for cancellation of removal.

looks to deceive the court and immigration authorities as to the good-faith basis of his appeal to secure something to which he would not otherwise be entitled, *i.e.*, more time in this country. And his deception involves an intent to impair or obstruct an important government function because his purpose is to delay removal. Nemis thus fails to identify a single example of conduct that is covered by the reasonable-basis subclause but does not qualify as a CIMT.

Second, Nemis's reliance on our decisions in *Mendez v. Barr*, 960 F.3d 80 (2d Cir. 2020), and *Jang* fares no better. In *Mendez*, we held that misprision of a felony is not categorically a CIMT.[9] We explained that nothing in the federal misprision statute, "either expressly or by reasonable inference," "speaks to intent." 960 F.3d at 84. We thus hypothesized that misprision had the potential to reach an innocent bystander who witnesses a gang shooting and falsely denies to the police knowledge of those involved for fear of gang retaliation, or a parent who discovers drugs in a teenage child's room and flushes them down the toilet. *See id.* at 85. Responding to the dissent's argument that "misprision qualifies as a CIMT because it involves 'dishonest and deceitful behavior,'" we stated that "almost all crimes involve . . . some dishonest and deceitful behavior," so we "require more to hold that a crime categorically constitutes a CIMT." *Id.* at 86. The reasonable-basis subclause of § 1546(a) demands that "more"—specifically, requiring knowing and

[9] *Mendez* interpreted the federal misprision statute, 18 U.S.C. § 4, which requires the government to "prove that (1) the principal committed and completed the alleged felony, (2) the defendant had full knowledge of that fact, (3) the defendant failed to notify the authorities, and (4) the defendant took steps to conceal the crime." 960 F.3d at 84.

intentional deceit in filing a document required by law. The subclause provides that the individual must present a required immigration document to the government, knowing it to lack any reasonable basis in law or fact. 18 U.S.C. § 1546(a). Such deception "committed knowingly or intentionally" is "reprehensible" and thus, "on the categorical approach," constitutes a CIMT. *Mota*, 971 F.3d at 99.

Jang is also inapplicable. We held that the New York crime of second-degree money laundering is not categorically a CIMT because "it does not require that the offender act with the 'evil intent' that the BIA has considered to be inherent in a CIMT: that is, an intention to *conceal* the underlying criminal activity that created the proceeds, to *impair* government function, or to *deceive* the government." *Jang*, 42 F.4th at 63 (citation omitted). Here, by contrast, the reasonable-basis subclause requires knowing involvement in deceitful conduct that impairs or obstructs an important government function, which makes it a categorical match with the CIMT standard.

Third, Nemis attempts to analogize the reasonable-basis subclause to Federal Rule of Civil Procedure 11, which "permits sanctions to be imposed for [civil] filings that . . . lack a reasonable basis in law or fact." *Lawrence v. Richman Grp. of CT LLC*, 620 F.3d 153, 158 n.2 (2d Cir. 2010). But Rule 11 liability is evaluated "under an objective standard of reasonableness," *Morley v. Ciba-Geigy Corp.*, 66 F.3d 21, 25 (2d Cir. 1995), not the actual-knowledge standard of the reasonable-basis subclause, which is more indicative of deceit. Rule 11 is thus inapposite.

Finally, Nemis invokes the rule of lenity. Even if the rule of lenity in the immigration context survived *Loper Bright*—which we need not decide—the rule would not apply here. We "turn[] to the rule of lenity only 'after applying the ordinary rules of statutory construction' and finding 'an ambiguous statute.'" *Vasquez v. Garland*, 80 F.4th 422, 435 n.10 (2d Cir. 2023) (alteration omitted). As explained above, there is no ambiguity about whether the reasonable-basis subclause categorically sets forth a CIMT—it does.

We thus conclude that all of paragraph four—the false-statement subclauses as well as the reasonable-basis subclause—categorically matches the BIA's CIMT standard. Nemis's conviction for conspiracy to violate paragraph four is therefore a conviction for conspiracy to commit a CIMT, so the BIA correctly dismissed his appeal from the IJ's removal order.

III. CONCLUSION

For the foregoing reasons, we deny the petition for review.