BIA
Gundlach, IJ
A220 756 403/404/405, A220 766 250

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 3rd day of November, two thousand twenty-six.

PRESENT:

RAYMOND J. LOHIER, JR.,
Chief Judge,
JON O. NEWMAN,
DEBRA ANN LIVINGSTON,
Circuit Judges.

SALAMOUDINE TEOURI, ABIBATOU BOURAIMA, B.T., A.T.,
Petitioners,

v. **24-1035**
NAC

TODD BLANCHE, UNITED STATES

ATTORNEY GENERAL,
Respondent.[*]

FOR PETITIONERS:	Gary J. Yerman, Esq., New York, NY.
FOR RESPONDENT:	Brian Boynton, Principal Deputy Assistant Attorney General; Leslie McKay, Assistant Director; Gerald M. Alexander, Trial Attorney, Office of Immigration Litigation, United States Department of Justice, Washington, DC.

UPON DUE CONSIDERATION of this petition for review of a Board of Immigration Appeals ("BIA") decision, it is hereby ORDERED, ADJUDGED, AND DECREED that the petition for review is DENIED.

Petitioners Salamoudine Teouri, Abibatou Bouraima, and two children, all natives and citizens of Togo, seek review of a March 22, 2024 decision of the BIA affirming, without opinion, an April 18, 2023 decision of an Immigration Judge ("IJ") denying asylum, withholding of removal, and relief under the Convention Against Torture ("CAT"). *In re Salamoudine Teouri*, Nos. A 220 756 403/404/405, A220 766 250 (B.I.A. Mar. 22, 2024), *aff'g* Nos. A 220 756 403/404/405, A220 766 250 (Immig. Ct. N.Y.C. Apr. 18, 2023). We assume the parties' familiarity with the

[*] The Clerk of Court is directed to amend the caption as set forth above.

underlying facts and procedural history.

Because the BIA affirmed the IJ's decision without opinion, "we review the IJ's decision as the final agency determination." *Shunfu Li v. Mukasey*, 529 F.3d 141, 146 (2d Cir. 2008). We review an adverse credibility determination "under the substantial evidence standard." *Hong Fei Gao v. Sessions*, 891 F.3d 67, 76 (2d Cir. 2018). "[T]he administrative 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).

"Considering the totality of the circumstances, and all relevant factors, a trier of fact may base a credibility determination on . . . the consistency between the applicant's or witness's written and oral statements (whenever made and whether or not under oath, and considering the circumstances under which the statements were made), the internal consistency of each such statement, the consistency of such statements with other evidence of record . . . , and any inaccuracies or falsehoods in such statements, without regard to whether an inconsistency, inaccuracy, or falsehood goes to the heart of the applicant's claim, or any other relevant factor." *Id.* § 1158(b)(1)(B)(iii). "We defer . . . to an IJ's credibility determination unless, from the totality of the circumstances, it is plain

that no reasonable fact-finder could make such an adverse credibility ruling." *Xiu Xia Lin v. Mukasey*, 534 F.3d 162, 167 (2d Cir. 2008); *accord Hong Fei Gao*, 891 F.3d at 76. We conclude that substantial evidence supports the adverse credibility determination.

The IJ reasonably relied on inconsistencies concerning Bouraima's fear of female genital mutilation ("FGM"). Bouraima alleged that her father's family tried to subject her to FGM when she was 15 years old, but her written statement and testimony conflicted as to who brought her home when this was discovered and what happened afterward. She wrote that her mother and maternal aunt discovered the plan, travelled to Sokode where she was staying with her paternal aunt, and brought her home in a taxi, but she testified that her mother discovered what happened, called her maternal grandmother in Sokode, and that her grandmother brought her home in a car with several other passengers. Bouraima also wrote that her paternal aunt subsequently beat her mother, threatened to kick her mother out of her home, and called Bouraima at her maternal aunt's home to convince her to undergo FGM. But at the hearing, Bouraima denied that anyone physically harmed her mother and stated she did not communicate with her paternal aunt after moving. These inconsistencies are central to Bouraima's claim

as they go to whether there was an attempt to force her to undergo FGM. *See Xian Tuan Ye v. Dep't of Homeland Sec.*, 446 F.3d 289, 295 (2d Cir. 2006) (finding that "a material inconsistency in an aspect of [petitioner's] story that served as an example of the very persecution from which [petitioner] sought asylum . . . afforded substantial evidence to support the adverse credibility finding" (quotation marks and citation omitted)).

The IJ also reasonably relied on inconsistencies about Teouri's claim. He alleged that he was arrested by the Togolese government in 2017 for his membership in the National Pan-African Party and for participating in anti-government protests. His testimony that he returned home after a week in custody, lived there with Bouraima until the police came looking for him in 2020, and then moved his family to his uncle's house contradicted Bouraima's testimony, his uncle's statement, and his own written statement that he moved to his uncle's house after his release in 2017. His explanation that he moved around after his arrest does not resolve the inconsistency because Bouraima never mentioned living in their prior home, staying with her family, or accompanying him to temporary locations. *See Majidi*, 430 F.3d at 80. And the IJ reasonably deemed this inconsistency material because the extent to which Teouri interacted

with authorities or was forced to hide goes to his risk of future persecution. *See Xiu Xia Lin*, 534 F.3d at 167.

Moreover, Teouri testified that, when he fled to Benin in 2021, his three children who remained in Togo were living with his sister. But when DHS counsel pointed out that his and Bouraima's written statements reflected that the two eldest children were living with his uncle, he testified that he asked them to move there while he was in Benin. The IJ was not required to accept this explanation, particularly as Teouri did not clarify this point until confronted with the inconsistency. *See Majidi*, 430 F.3d at 80. And the IJ reasonably relied on this inconsistency. *See Xiu Xia Lin*, 534 F.3d at 167 (explaining that agency may rely on "*any* inconsistency," including those that "concern matters collateral or ancillary to the claim" if "the totality of the circumstances" supports the adverse credibility determination (quotation marks omitted)).

In sum, the multiple inconsistencies provide substantial evidence for the adverse credibility determination. *See id.*; *Likai Gao v. Barr*, 968 F.3d 137, 145 n.8 (2d Cir. 2020) ("[E]ven a single inconsistency might preclude an alien from showing that an IJ was compelled to find him credible. Multiple inconsistencies would so preclude even more forcefully."). The adverse credibility determination

is dispositive of asylum, withholding of removal, and CAT relief, because all three forms of relief rely on the same factual predicate. *See Hong Fei Gao*, 891 F.3d at 76.

For the foregoing reasons, the petition for review is DENIED. All pending motions and applications are DENIED and stays VACATED.

FOR THE COURT:
Catherine O'Hagan Wolfe,
Clerk of Court