

United States Court of Appeals for the Fifth Circuit

No. 23-60335
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED
February 14, 2024

Lyle W. Cayce
Clerk

KARANDEEP SINGH,

Petitioner,

versus

MERRICK GARLAND, *U.S. Attorney General,*

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
Agency No. A220 846 708

Before WILLETT, DUNCAN, and RAMIREZ, *Circuit Judges.*

PER CURIAM:*

Karandeep Singh, a native and citizen of India, petitions for review of a decision by the Board of Immigration Appeals (BIA) dismissing his appeal and affirming the Immigration Judge's (IJ's) denial of his application for asylum, withholding of removal, and protection under the Convention Against Torture (CAT). The BIA affirmed the denial of Singh's asylum and withholding-of-removal claims based on the IJ's adverse-credibility findings.

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

No. 23-60335

The BIA likewise affirmed the IJ’s decision with respect to Singh’s requested relief under CAT because it was predicated on the same evidence underlying his nonmeritorious asylum claim and because Singh had not presented individualized evidence sufficient to establish eligibility for protection.

We review the BIA’s decision and consider the IJ’s decision only to the extent it influenced the BIA. *Singh v. Sessions*, 880 F.3d 220, 224 (5th Cir. 2018). Our review is limited and deferential. “This court reviews factual findings for substantial evidence,” *Wang v. Holder*, 569 F.3d 531, 536 (5th Cir. 2009), and will not disturb those findings “unless the evidence compels” a contrary conclusion, *Singh*, 880 F.3d at 224–25.

We find that a contrary conclusion is not compelled by the evidence here. Indeed, the adverse-credibility findings were properly “supported by specific and cogent reasons derived from the record.” *Id.* at 225 (internal quotation marks and citation omitted). As the BIA noted, there was a myriad of inconsistencies in Singh’s testimony, his declarations, and his family members’ affidavits concerning the political attacks that he and family allegedly endured. By way of example, (1) Singh indicated in his initial asylum application that he was married with three children, yet a later version indicated that he was single, (2) Singh initially said that his mother was still alive and living in Punjab, yet he later testified that his mother died as a result of his political affiliations, and (3) his family members’ affidavits conflicted on, among other details, whether he received treatment from a hospital after one of his alleged attacks.

Singh, for his part, does not so much refute these inconsistencies and all the others but instead argues that they are all immaterial. The inconsistencies “are unrelated to the heart of Petitioner’s asylum claim,” he argues, and thus have “no bearing on the truthfulness of his asylum

No. 23-60335

petition.” We have previously observed, however, that a petitioner’s “focus on the importance of the inconsistencies is misguided.” *Avelar-Oliva v. Barr*, 954 F.3d 757, 768 (5th Cir. 2020). That is because inconsistencies need not go “to the heart of the claim,” 8 U.S.C. § 1158(b)(1)(B)(iii), and the BIA “may rely on *any* inconsistency or omission in making an adverse credibility determination as long as the totality of the circumstances establishes that an asylum applicant is not credible,” *Avelar-Oliva*, 954 F.3d at 764 (internal quotation marks and citation omitted).

As for Singh’s additional contention that the IJ did not provide him a sufficient opportunity to explain the inconsistencies in the record, that claim was not presented to the BIA and is thus unexhausted. *See* 8 U.S.C. § 1252(d)(1) (“A court may review a final order of removal only if . . . the alien has exhausted all administrative remedies available to the alien as of right”). We therefore decline to consider the claim. *See Carreon v. Garland*, 71 F.4th 247, 257 (5th Cir. 2023) (declining to consider issue raised by petitioner because it was not raised before the BIA).

In short, we uphold the IJ’s adverse-credibility determination. That determination, in turn, suffices to deny Singh’s claims for asylum and withholding of removal. *See Arulnanthy v. Garland*, 17 F.4th 586, 597 (5th Cir. 2021) (“[P]roblems with some of an applicant’s factual claims can justify finding that all the applicant’s factual claims are false”); *see also Chun v. INS*, 40 F.3d 76, 79 (5th Cir. 1994) (“Without credible evidence, the BIA had no basis upon which to grant asylum or withhold deportation.”). There is accordingly no need to consider Singh’s remaining arguments concerning such relief. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (“As a general rule[,] courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach.”).

No. 23-60335

Singh lastly contests the denial of his claim for CAT protection, asserting that there is rampant violence against members of his political party (the Mann party) and that the Government of India “has turned a blind eye in such cases,” as indicated by Singh’s own testimony. The evidence cited by Singh, however, does not actually suggest that there is a general risk in India of mistreatment of Mann Party members. But even if the evidence suggested otherwise, this type of “[g]eneralized country evidence tells us little about the likelihood state actors will torture any particular person,” including Singh. *Quorane v. Barr*, 919 F.3d 904, 911 (5th Cir. 2019). Beyond such evidence, Singh relies only on the same facts underpinning his asylum claim (*i.e.*, the alleged political attacks on him and how the police allegedly responded to such attacks) that the IJ and BIA found lacked credibility. Singh has therefore failed to show that the record compels the conclusion that he is eligible for CAT protection. *See Morales v. Sessions*, 860 F.3d 812, 818 (5th Cir. 2017).

The petition for review is accordingly DENIED.