

United States Court of Appeals for the Fifth Circuit

No. 25-60595

United States Court of Appeals
Fifth Circuit

FILED

September 2, 2026

Lyle W. Cayce
Clerk

RICHARD TADO TAZO,

Petitioner,

versus

TODD WALLACE BLANCHE, *Acting U.S. Attorney General,*

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
Agency No. A213 186 552

Before JONES, SOUTHWICK, and WILLETT, *Circuit Judges.*

PER CURIAM:*

Petitioner Richard Tado Tazo asks this court to vacate an unfavorable decision from the Board of Immigration Appeals (the “Board” or “BIA”). In particular, he appeals the (1) adverse credibility determination, (2) decision to deny withholding of removal relief, and (3) denial of his claim under the Convention Against Torture (“CAT”). After careful review, this court DENIES the petition.

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

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I. BACKGROUND

Tazo was born in Cameroon. He eventually left Cameroon because he had purportedly been “arrested, incarcerated, beaten[,] and tortured” based on his association with the Southern Cameroons National Council (“SCNC”).

In August 2019, Tazo arrived at the port of entry in San Ysidro, California. After a sworn border interview and a failed credible-fear interview confirmed that Tazo did not have his passport or any other valid entry document, an asylum officer issued a Notice to Appear (“NTA”) in October 2019, charging Tazo with removability and ordering him to appear before an immigration judge (“IJ”). Tazo admitted the allegations in the NTA and conceded removability.

Faced with removal, Tazo applied for asylum, withholding of removal, and protection from removal under CAT in January 2020 based on his nationality, political opinion, membership in the SCNC, and alleged past torture. In support of his application, Tazo submitted multiple exhibits.

The IJ heard Tazo’s testimony, considered his exhibits, and issued an oral decision denying withholding of removal and CAT relief.¹ As to withholding of removal, the IJ denied relief because Tazo failed to (1) establish his identity, (2) testify credibly, (3) prove that his purported mistreatment in Cameroon was severe enough to constitute persecution, (4) show that the purported persecution was actually caused by his political opinion, and (5) establish a clear probability that his life or freedom would be threatened should he return. And as to the CAT claim, the IJ denied relief

¹ The IJ did not consider Tazo’s asylum claim.

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because Tazo relied on his own incredible testimony, and his supporting evidence failed to corroborate his alleged injury by Cameroonian authorities.

Tazo appealed to the BIA. The BIA dismissed Tazo's appeal, determining that (1) Tazo's application for asylum² and withholding of removal was rightly denied because the IJ's adverse credibility determination was not clearly erroneous; and (2) Tazo's CAT claim failed because he did not sufficiently address his injuries, produce medical records, or "establish that he ha[d] an individualized risk of harm rising to the level of torture" Tazo now petitions for relief here.

II. STANDARD OF REVIEW

This court reviews the BIA's decision and considers the IJ's decision only to the extent it was relied upon or adopted by the BIA. *Suate-Orellana v. Barr*, 979 F.3d 1056, 1060 (5th Cir. 2020). The BIA's factual findings are reviewed for substantial evidence. *Singh v. Sessions*, 880 F.3d 220, 224 (5th Cir. 2018). "Thus, this court will not reverse an adverse credibility determination 'unless . . . the evidence is so compelling that no reasonable factfinder' could find the applicant's testimony incredible." *Ghotra v. Whitaker*, 912 F.3d 284, 289 (5th Cir. 2019) (quoting *Orellana-Monson v. Holder*, 685 F.3d 511, 518 (5th Cir. 2012)).

This court reviews the BIA's legal determinations de novo, "including whether the Board applied an inappropriate standard or failed to make necessary findings." *Iruegas-Valdez v. Yates*, 846 F.3d 806, 810 (5th Cir. 2017). "If this court determines that the BIA applied an inappropriate standard or neglected necessary findings, the court will vacate the decision

² Although the IJ did not consider asylum, the BIA analyzed it and stated that Tazo was ineligible because his testimony was not credible.

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and remand to the BIA.” *Ghotra*, 912 F.3d at 289 (citing *Iruegas-Valdez*, 846 F.3d at 811, 813).

III. DISCUSSION

On appeal, Tazo argues that (1) the adverse credibility determination was clearly erroneous and lacked substantial evidence; (2) the evidence he provided proves his eligibility for asylum and withholding of removal; and (3) the BIA erroneously denied CAT relief when it treated the lack of credibility as dispositive and discounted the independent and corroborating evidence. These arguments fail.

A.

The court starts with the adverse credibility determination because such a finding is fatal to asylum and withholding-of-removal claims. *See Arulnanthy v. Garland*, 17 F.4th 586, 596–97 (5th Cir. 2021) (holding that an adverse credibility determination forecloses asylum); *Majd v. Gonzales*, 446 F.3d 590, 595 (5th Cir. 2006) (“[F]ailure to establish eligibility for asylum is dispositive of claims for withholding of removal.”).

In general, an IJ has a “duty to make determinations based on the credibility of witnesses.” *Chun v. INS*, 40 F.3d 76, 78 (5th Cir. 1994). As part of this duty, an IJ must “consider[] the totality of the circumstances” and “all relevant factors.” 8 U.S.C. §§ 1158(b)(1)(B)(iii), 1229a(c)(4)(C), 1231(b)(3)(C). But any adverse credibility determination that an IJ makes “‘must be supported by specific and cogent reasons derived from the record.’” *Wang v. Holder*, 569 F.3d 531, 537 (5th Cir. 2009) (quoting *Zhang v. Gonzales*, 432 F.3d 339, 344 (5th Cir. 2005)). Those reasons need not “go[] to the heart of the applicant’s claim.” 8 U.S.C. §§ 1158(b)(1)(B)(iii), 1229a(c)(4)(C). For instance, under the relevant statutes, an IJ may base an adverse credibility determination on (1) “the demeanor, candor, or responsiveness of the applicant or witness”; (2) “the inherent plausibility of

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the applicant's or witness's account"; (3) "the consistency between the applicant's or witness's written and oral statements"; (4) "the internal consistency of each such statement"; (5) "the consistency of such statements with other evidence of record"; and (6) "any inaccuracies or falsehoods in such statements." *Id.* §§ 1158(b)(1)(B)(iii), 1229a(c)(4)(C).

Here, Tazo failed to show that the adverse credibility determination was clearly erroneous or lacked substantial evidence. Both the IJ and the BIA catalogued several specific inconsistencies in Tazo's statements and evidence. Indeed, Tazo stated in the sworn border interview that he was born in Bamenda, Cameroon, but his application for relief, supporting declaration, passport, birth certificate, and testimony before the IJ all identify Batibo, Cameroon, as his birthplace. In addition, Tazo confirmed in his initial border interview that he joined the SCNC in 2015, and he submitted a membership card that was signed and dated in August 2015. But in his application, he claimed that he joined in 2016, and he testified twice before the IJ that he became a member of the SCNC in 2016. And while Tazo stated that he did not have his passport because it "was robbed in Panama," he later testified that his passport was lost, not stolen, and that he did not tell the border patrol agent about being robbed. He also stated that he had to stick something to his passport and "hang it" around his neck and that "maybe [he] lost it unknowingly," but he did not know.

Tazo tries to explain these inconsistencies. His explanations fall short.

As to the birthplace, Tazo argues that the border interview was unreliable because it was not transcribed verbatim and was conducted in English, a language in which he is not fluent. Yet, in that interview, Tazo confirmed that he spoke English and even chose English as his preferred language. Then, after the interview was transcribed, Tazo initialed each

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page, attesting that his “answers [were] true and correct to the best of his knowledge” and that the transcribed statement was “a true and correct record of [his] interrogation.” Even more telling, the statement that he submitted in support of his application that listed his birthplace was handwritten *in English*.

Further, as to SCNC membership, Tazo stated that the date discrepancy arose because he filled out the membership card in 2015 and that SCNC leadership did not sign and return the card to him until April 2016. But when asked why the leadership would provide a date on the card that was different than the date that they signed or returned it, he responded that he did not know.

Finally, as for the passport, Tazo contends that the conflict between the sworn border interview and his later testimony was because of the “English barrier.” Again, though, Tazo previously confirmed that he spoke English, chose English as his preferred language, and even submitted a handwritten declaration that he personally wrote in English.

Based on these circumstances, the IJ and BIA could properly disregard Tazo’s explanations. After all, “[n]either an IJ nor the BIA is required to accept a petitioner’s explanation for the plain inconsistencies in h[is] story.” *Morales v. Sessions*, 860 F.3d 812, 817 (5th Cir. 2017) (quoting *Zeqiri v. Mukasey*, 529 F.3d 364, 371 (7th Cir. 2008)). Accordingly, the adverse credibility determination was not clearly erroneous and was supported by substantial evidence, and the BIA and IJ rightly denied relief as to Tazo’s asylum and withholding claims. *See Arulnanthy*, 17 F.4th at 596–97; *Majd*, 446 F.3d at 595.

B.

Apart from the asylum and withholding claims, Tazo also argues that the BIA erred in denying his CAT claim. To qualify for relief under CAT,

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an applicant must establish that “it is more likely than not” that he would be tortured in the proposed country of removal. 8 C.F.R. § 208.16(c)(2). “Torture is defined as any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person . . . by, or at the instigation of, or with the consent or acquiescence of, a public official acting in an official capacity.” *Id.* § 208.18(a)(1). “In assessing whether it is more likely than not that an applicant would be tortured in the proposed country of removal, all evidence relevant to the possibility of future torture shall be considered” *Id.* § 208.16(c)(3). We review the BIA’s conclusion that an alien is not eligible for relief under CAT for substantial evidence. *Morales*, 860 F.3d at 818. Under that standard, we will not reverse unless the evidence compels a contrary result. *Id.*

In this case, Tazo particularly argues that the BIA “improperly treated the [IJ’s] adverse credibility finding as effectively dispositive of CAT [relief]”; the BIA “discounted the corroborating affidavits” based on their “purported lack of medical-type detail” about the extent of injuries; and the country-conditions evidence, his testimony, and the corroborating evidence “supports more than generalized violence” and shows “an individualized danger of future torture involving public officials.” Those contentions lack merit.

First, though “an adverse credibility finding alone cannot defeat an applicant’s eligibility for relief,” *Ndifon v. Garland*, 49 F.4th 986, 989 (5th Cir. 2022) (citing *Arulnanthy*, 17 F.4th at 598), the BIA did not deny CAT relief based solely on the IJ’s adverse credibility finding. Instead, the BIA explicitly considered the affidavits from Tazo’s wife, friends, and uncle, as well as the country-conditions evidence Tazo provided.

Second, when looking at that corroborating evidence, the BIA stated that Tazo did not produce photographs or medical records that documented

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his injuries, nor did Tazo explain how the generalized county-conditions reports established an individual risk of harm that amounted to torture. That lack of evidence is fatal to Tazo's CAT claim. After all, "[g]eneralized country evidence tells us little about the likelihood state actors will torture any particular person," *Qorane v. Barr*, 919 F.3d 904, 911 (5th Cir. 2019), and "even 'rough and deplorable treatment . . . does not amount to torture,'" *Fuentes-Pineda v. Bondi*, 170 F.4th 914, 918 (5th Cir. 2026) (quoting *Matter of J-E-*, 23 I. & N. Dec. 291, 298 (BIA 2002) (en banc)). Without more, it is unclear whether Tazo suffered past torture or whether he would be tortured upon return to the Cameroons.

Thus, the BIA did not err in finding that he failed to demonstrate his entitlement to CAT relief—the evidence certainly does not "compel[] a contrary result." *Morales*, 860 F.3d at 818.

IV. CONCLUSION

In sum, the BIA did not err in affirming the IJ's adverse credibility finding, nor did it err in affirming the denial of CAT relief. Tazo's petition for review is therefore DENIED.