

United States Court of Appeals
For the Eighth Circuit

No. 25-1867

Gurvinder Singh

Petitioner

v.

Todd Blanche, Attorney General of the United States

Respondent

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

Submitted: August 25, 2026

Filed: August 28, 2026

[Unpublished]

Before GRASZ, ERICKSON, and STRAS, Circuit Judges.

PER CURIAM.

Indian citizen Gurvinder Singh petitions for review of a decision of the Board of Immigration Appeals (BIA) upholding an immigration judge's (IJ's) adverse credibility determination and denial of asylum.¹

This court reviews “the BIA’s decision, as it is the final agency decision; however, to the extent the BIA adopted the findings or reasoning of the IJ, we also review the IJ’s decision as part of the final agency action.” Davila-Mejia v. Mukasey, 531 F.3d 624, 627 (8th Cir. 2008)(citation omitted). The BIA affirmed the IJ’s adverse credibility determination, concluding that the IJ provided specific, cogent reasons--namely, discrepancies between a 2015 visa application and Singh’s testimony during the merits hearing--for discounting Singh’s testimony. Even considering the portions of Singh’s claim that the IJ found were sufficiently corroborated, the BIA concluded that Singh failed to show the harms he suffered rose to the level required to prove past persecution. Singh also had not established a well-founded fear of future persecution, because he did not carry his burden to show that he could not safely and reasonably relocate within India in order to avoid persecution.

After careful consideration of the record and the parties’ arguments, we conclude that substantial evidence supports the agency’s specific and cogent reasons for determining Singh’s testimony lacked credibility. See Zongo v. Garland, 71 F.4th 656, 658 (8th Cir. 2023) (credibility determinations are findings of fact reviewed for substantial evidence); see also 8 U.S.C. § 1158(b)(1)(B)(ii) (applicant’s burden of proof on asylum claim may be satisfied through applicant’s testimony, but only if testimony is credible, persuasive, and specific); Coto-Albarenga v. Garland, 4 F.4th

¹The denial of withholding of removal and protection under the Convention Against Torture is not before this panel. See Chay-Velasquez v. Ashcroft, 367 F.3d 751, 756 (8th Cir. 2004) (claim not raised in opening brief is waived).

628, 632 (8th Cir. 2021) (IJ may base credibility determination on, inter alia, consistency within and between applicant's written and oral statements, the consistency of statements with other evidence of record, and any inaccuracies or falsehoods in such statements; reasons for agency's disbelief must be "specific enough that a reviewing court can appreciate the reasoning behind the decision and perform the requisite judicial review," and cogent enough that "a reasonable adjudicator would not be compelled to reach a contrary conclusion") (citation omitted). The adverse credibility determination is not precluded by the fact that the inconsistencies do not go to the heart of Singh's asylum claim. See id.

We further conclude substantial evidence supports the finding that Singh did not experience harm rising to the level of persecution. See Cano v. Barr, 956 F.3d 1034, 1039 (8th Cir. 2020) (persecution involves infliction or credible threat of death, torture, or injury; it is an extreme concept that excludes low-level intimidation and harassment) (citations and quotations omitted); Malonga v. Holder, 621 F.3d 757, 764-66 (8th Cir. 2010) (threats that are exaggerated, nonspecific, or lacking in immediacy do not support finding of persecution). Finally, substantial evidence supports the BIA's determination that Singh failed to establish he had a well-founded fear of future persecution because he could not safely and reasonably relocate within India. See Padilla-Franco v. Garland, 999 F.3d 604, 608 (8th Cir. 2021) (standard of review); 8 C.F.R. § 1208.13(b)(2)(ii), (3)(i) (effective July 16, 2019).

The petition is denied. See 8th Cir. R. 47B.
