

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Ani v. Bondi

Ani v. Bondi · No. 24-2339 · Decided October 16, 2025

SUMMARY

The Ninth Circuit denied Daniel Tochukwu Ani’s petition for review of the Board of Immigration Appeals’ denial of asylum, withholding of removal, and protection under the Convention Against Torture. The court held that substantial evidence supported the immigration judge’s adverse credibility determination based on Ani’s marriage fraud and continued denial of that fraud, even though it was unrelated to the substance of his persecution claim. The court also held that the Ninth Circuit’s falsus in uno, falsus in omnibus jurisprudence survived the REAL ID Act and Alam v. Garland.

CASE DETAILS

COURT	United States Court of Appeals for the Ninth Circuit
WRITING FOR THE COURT	Daniel A. Bress; Milan D. Smith, Jr.; Brian M. Morris
JURISDICTION	United States Court of Appeals for the Ninth Circuit
DECIDED	October 16, 2025
DOCKET	24-2339
DISPOSITION	denied
PROCEDURAL POSTURE	Petition for review of a final Board of Immigration Appeals decision denying asylum, withholding of removal, and protection under the Convention Against Torture.
STANDARD OF REVIEW	The court reviewed denials of asylum, withholding of removal, CAT relief, and adverse credibility determinations for substantial evidence; it reviewed the BIA's denial of a motion to remand for abuse of discretion. When the BIA agreed with the IJ, the court considered both decisions.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Daniel Tochukwu Ani v. Pamela Bondi, Attorney General

TOPICS

- asylum
- removal proceedings
- immigration
- evidence
- appellate procedure

PRACTICE AREAS

immigration law

removal proceedings

asylum

administrative law

appellate procedure

evidence

QUESTIONS PRESENTED

1. Whether the REAL ID Act and *Alam v. Garland* preclude an immigration judge from relying on an applicant's deliberate, material deception of immigration authorities in making an adverse credibility determination when the deception is unrelated to the substantive basis for the asylum claim.
2. Whether substantial evidence supported the IJ's adverse credibility determination based on Ani's marriage fraud, conflicting statements, and continued denial of the fraud.
3. Whether substantial evidence supported the denial of asylum and withholding of removal in the absence of credible testimony and where the documentary evidence did not compel a finding of past persecution or an objectively reasonable fear of future persecution.
4. Whether the BIA abused its discretion by denying Ani's motion to remand based on new evidence concerning the arrest and extradition of a prominent separatist leader.
5. Whether Ani exhausted his CAT claim.

HOLDINGS

1. After the REAL ID Act and *Alam*, the *falsus in uno, falsus in omnibus* principle remains available in immigration proceedings. An immigration judge may consider an applicant's material and conscious falsehoods, including deliberate deception of immigration authorities to obtain an immigration benefit, as an important factor in the totality-of-the-circumstances credibility analysis even when the deception is not directly related to the applicant's underlying asylum claim.
2. Substantial evidence supported the IJ's adverse credibility determination because Ani and L.B. admitted the marriage was fraudulent, Ani's sworn statement described the fraud as voluntary, the record contained significant inconsistencies concerning the marriage, and Ani continued to deny the fraud before the IJ.
3. The petitioner's testimony and documentary evidence did not compel a conclusion contrary to the agency's denial of asylum and withholding of removal. Without credible testimony, Ani failed to establish past persecution or an objectively reasonable fear of future persecution, and he therefore also failed to satisfy the more stringent standard for withholding of removal.
4. The BIA did not abuse its discretion in denying Ani's motion to remand because the new articles concerning Nnamdi Kanu were not material to whether Ani personally faced an objectively reasonable risk of persecution.
5. Ani's CAT claim was unexhausted and forfeited because he did not raise it before the BIA or the Ninth Circuit.

KEY QUOTATIONS

“Although that fraud did not directly relate to the petitioner’s account of persecution, it provided a sufficient basis for the immigration judge to find petitioner not credible.” (4)

“If a petitioner has deliberately deceived immigration authorities in the past when seeking immigration relief, it remains a permissible inference that the petitioner may be deceiving authorities in the present proceedings.” (19-20)

“In sum, after the REAL ID Act, the falsus maxim still allows IJs to make adverse credibility findings based on material falsehoods, even when they are not central to the basis for the present claim for immigration relief.” (21)

“When an applicant for immigration relief has attempted to defraud immigration authorities in seeking one form of relief, an IJ can disbelieve the applicant’s account when he is seeking a different form of relief.” (23)

FACTUAL BACKGROUND

Ani, a Nigerian citizen and member of the MASSOB separatist organization, alleged past persecution and a fear of future persecution based on his political activity and Igbo ethnicity. After entering the United States, he sought adjustment of status through a marriage to L.B.; USCIS concluded that the marriage was fraudulent after L.B. and Ani provided statements admitting that Ani paid L.B. to marry him for immigration purposes. In later removal proceedings, Ani denied committing marriage fraud and claimed that his prior admission had been coerced. The IJ found him not credible and denied relief, and the BIA ultimately affirmed after remand proceedings concerning future persecution.

PROCEDURAL HISTORY

An immigration judge denied Ani's applications for asylum, withholding of removal, and CAT protection after finding him not credible based principally on marriage fraud and his conflicting testimony about that marriage. The BIA initially remanded for further consideration of future persecution, but after additional proceedings the IJ again denied relief and the BIA dismissed Ani's appeal, denied a motion to remand, and deemed the CAT claim waived. Ani petitioned the Ninth Circuit for review.

DISPOSITION

denied

CASES CITED

- Alam v. Garland, 11 F.4th 1133 (9th Cir. 2021) (en banc)
- Sharma v. Garland, Sharma v. Garland, 9 F.4th 1052 (9th Cir. 2021)
- Ruiz-Colmenares v. Garland, 25 F.4th 742 (9th Cir. 2022)
- Zehatye v. Gonzales, 453 F.3d 1182 (9th Cir. 2006)
- Taggar v. Holder, 736 F.3d 886 (9th Cir. 2013)
- Garcia-Martinez v. Sessions, 886 F.3d 1291 (9th Cir. 2018)
- Shrestha v. Holder, 590 F.3d 1034 (9th Cir. 2010)
- Singh v. Holder, 643 F.3d 1178 (9th Cir. 2011)
- Singh v. Garland, 124 F.4th 690 (9th Cir. 2024)

- Lopez-Umanzor v. Gonzales, 405 F.3d 1049 (9th Cir. 2005)
- Yang v. Lynch, 822 F.3d 504 (9th Cir. 2016)
- Li v. Holder, 738 F.3d 1160 (9th Cir. 2013)
- Singh v. Holder, 638 F.3d 1264 (9th Cir. 2011)
- Cvitkovic v. United States, 41 F.2d 682 (9th Cir. 1930)
- Jibril v. Gonzales, 423 F.3d 1129 (9th Cir. 2005)
- Barajas-Romero v. Lynch, 846 F.3d 351 (9th Cir. 2017)
- Bringas-Rodriguez v. Sessions, 850 F.3d 1051 (9th Cir. 2017) (en banc)
- Alcaarez-Rodriguez v. Garland, 89 F.4th 754 (9th Cir. 2023)
- Umana-Escobar v. Garland, 69 F.4th 544 (9th Cir. 2023)