

BOARD OF IMMIGRATION APPEALS

Matter of A-H-D-, Respondent

Matter of A-H-D-, 29 I. & N. Dec. 642 (BIA 2026) (Interim Decision #4195) · Decided May 26, 2026

SUMMARY

The Board of Immigration Appeals sustained DHS’s appeal from an Immigration Judge’s grant of withholding of removal to a Mauritanian respondent. The Board held that a three-day detention involving one beating without significant injury did not constitute persecution, and that Mauritania’s use of tribal conflict-resolution mechanisms did not establish that the government was unable or unwilling to control the alleged persecutors. The Board remanded for consideration of future harm, internal relocation, and protection under the Convention Against Torture.

CASE DETAILS

COURT	Board of Immigration Appeals
WRITING FOR THE COURT	MCCLOSKEY, Temporary Appellate Immigration Judge; GOODWIN, Appellate Immigration Judge; VOLKERT, Appellate Immigration Judge
JURISDICTION	U.S. Department of Justice, Executive Office for Immigration Review, Board of Immigration Appeals
DECIDED	May 26, 2026
DISPOSITION	sustained_and_remanded
PROCEDURAL POSTURE	The Department of Homeland Security appealed an Immigration Judge's decision granting the respondent withholding of removal under section 241(b)(3)(A) of the Immigration and Nationality Act. The Board sustained the appeal and remanded the record to the Immigration Court for further proceedings and a new decision.
STANDARD OF REVIEW	The Board reviewed whether the established facts met the legal standard for persecution de novo and reviewed the Immigration Judge's factual findings under the applicable standards governing agency review, including clear-error review under 8 C.F.R. § 1003.1(d)(3)(i).
PRECEDENTIAL VALUE	Published precedential decision of the Board of Immigration Appeals
PARTIES	Department of Homeland Security v. A-H-D-, Respondent

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QUESTIONS PRESENTED

1. Whether the respondent's three-day detention, including one beating that caused no significant injury and required no medical treatment, rose to the level of persecution based on political opinion.
2. Whether the respondent established that the Mauritanian Government was unable or unwilling to control his girlfriend's family, who allegedly persecuted him because of his membership in the Hadadin minority tribe.
3. Whether the record should be remanded for the Immigration Judge to determine whether the respondent faces a future threat sufficient for withholding of removal and whether he qualifies for protection under the Convention Against Torture.

HOLDINGS

1. A three-day detention during which the respondent was beaten once but sustained no significant injury, sought no medical treatment, and presented no evidence of additional aggravating harm did not rise to the level of persecution.
2. The respondent did not establish that the Mauritanian Government was unable or unwilling to control his girlfriend's family. A government's general deference to tribal mechanisms for resolving conflicts does not, by itself, demonstrate inability or unwillingness to control tribal persecutors.
3. Because the respondent did not establish past persecution, he was not entitled to a presumption that his life or freedom would be threatened on the same protected ground. The record had to be remanded for the Immigration Judge to determine in the first instance whether the respondent could establish a future threat sufficient for withholding of removal and whether he qualified for Convention Against Torture protection.

KEY QUOTATIONS

"The respondent's 3-day detention during which he was beaten once but did not sustain significant injury does not rise to the level of persecution." (642)

"Although a government may generally defer to tribal mechanisms for resolving tribal conflict, doing so does not indicate the government is unable or unwilling to control persecutors within a tribe." (642)

"Persecution is 'an extreme concept that does not include every sort of treatment our society regards as offensive.'" (643)

FACTUAL BACKGROUND

The respondent, a native and citizen of Mauritania, was arrested and detained for three days after participating in a political march supporting the former president. He was beaten once, but testified that he suffered no significant injury and did not seek medical treatment. Separately, after proposing marriage to a woman from a higher-ranked tribe, the respondent was attacked by her brother and cousins, sustaining injuries that required a seven-day hospital stay and multiple surgeries. His family reported the tribal attack to local police, who opened an investigation, and the respondent did not seek assistance from tribal leadership.

PROCEDURAL HISTORY

The Immigration Judge granted withholding of removal after finding that the respondent had established past persecution based on both political opinion and membership in the Hadadin minority tribe. The Immigration Judge denied asylum under the Circumvention of Lawful Pathways rule. The Department of Homeland Security appealed, arguing that the police mistreatment did not constitute persecution and that the respondent had not shown the Mauritanian Government was unable or unwilling to control his girlfriend's family. The Board rejected both past-persecution theories but remanded for the Immigration Judge to address future-threat eligibility for withholding of removal and the respondent's Convention Against Torture claim.

DISPOSITION

sustained_and_remanded

REMAND INSTRUCTIONS

The Immigration Judge must assess whether the respondent can establish that it is more likely than not that his life or freedom will be threatened on account of a statutorily protected ground if returned to Mauritania. The Immigration Judge should consider whether likely future harm would constitute persecution, whether it would be inflicted on account of a protected ground, whether the Mauritanian Government would be unable or unwilling to control the persecutor, and whether internal relocation is available. The Immigration Judge must also address the respondent's Convention Against Torture claim, make clear findings regarding what is likely to happen upon return, and determine whether any harm would constitute torture by, or with the consent or acquiescence of, the Mauritanian Government.

CASES CITED

- Bringas-Rodriguez v. Sessions, 850 F.3d 1051, 1062, 1062-72 (9th Cir. 2017) (en banc)
- Matter of A-S-B-, 24 I&N Dec. 493, 497 (BIA 2008)
- Matter of Z-Z-O-, 26 I&N Dec. 586 (BIA 2015)
- Matter of U. Singh, 25 I&N Dec. 670, 672 (BIA 2012)
- Duran-Rodriguez v. Barr, 918 F.3d 1025, 1028 (9th Cir. 2019)
- Mihalev v. Ashcroft, 388 F.3d 722, 729-30 (9th Cir. 2004)
- Sharma v. Garland, Sharma v. Garland, 9 F.4th 1052, 1060-64 (9th Cir. 2021)
- Gu v. Gonzales, 454 F.3d 1014, 1017-18, 1020-21 (9th Cir. 2006)
- Flores Molina v. Garland, 37 F.4th 626, 636 (9th Cir. 2022)

- Matter of O-Z- & I-Z-, 22 I&N Dec. 23, 26 (BIA 1998)
- Garcia-Martinez v. Ashcroft, 371 F.3d 1066, 1074 (9th Cir. 2004)
- Matter of O-R-E-, 28 I&N Dec. 330, 332 n.2 (BIA 2021)
- Matter of A-B-, 28 I&N Dec. 199, 203-07 (A.G. 2021)
- Matter of S-S-F-M-, 29 I&N Dec. 207 (A.G. 2025)
- Nahrvani v. Gonzales, 399 F.3d 1148, 1154 (9th Cir. 2005)
- Matter of S-H-, 23 I&N Dec. 462, 465 (BIA 2002)
- Barajas-Romero v. Lynch, 846 F.3d 351, 360 (9th Cir. 2017)
- Parada v. Sessions, 902 F.3d 901, 914-15 (9th Cir. 2018)
- Matter of P-B-B-, 28 I&N Dec. 43, 44 n.1 (BIA 2020)

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