

BOARD OF IMMIGRATION APPEALS

Matter of D-G-B-L-

29 I&N Dec. 392 (BIA 2026) · No. ID 4156 · Decided January 15, 2026

SUMMARY

The Board of Immigration Appeals held that the serious nonpolitical crime bar to asylum and withholding of removal does not include a duress exception. The Board concluded that the respondent’s admitted drug-trafficking-related conduct established serious reasons to believe she had committed a qualifying crime, making her ineligible for asylum and withholding. The Board also denied protection under the Convention Against Torture, finding insufficient evidence of a particularized risk of torture and government acquiescence, sustained DHS’s appeal, vacated the Immigration Judge’s decision, and ordered removal to Mexico.

CASE DETAILS

COURT	Board of Immigration Appeals
WRITING FOR THE COURT	Gemoets, Appellate Immigration Judge; Mullane, Appellate Immigration Judge; Hunsucker, Appellate Immigration Judge
JURISDICTION	U.S. Department of Justice, Executive Office for Immigration Review, Board of Immigration Appeals
DECIDED	January 15, 2026
DOCKET	ID 4156
DISPOSITION	other
PROCEDURAL POSTURE	The Department of Homeland Security appealed the Immigration Judge's decision granting the respondent asylum and protection under the Convention Against Torture. The Board sustained the appeal, vacated the Immigration Judge's decision, denied the respondent's applications, and ordered her removed to Mexico.
STANDARD OF REVIEW	The Board reviews an Immigration Judge's credibility findings for clear error, reviews whether established facts satisfy the serious nonpolitical crime bar de novo, and reviews whether the record establishes eligibility for CAT protection de novo.
PRECEDENTIAL VALUE	Published precedential decision of the Board of Immigration Appeals
PARTIES	Department of Homeland Security v. D-G-B-L-

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QUESTIONS PRESENTED

1. Whether the Immigration Judge clearly erred in finding the respondent credible despite inconsistencies, omissions, and alleged implausibility in her account.
2. Whether the serious nonpolitical crime bar to asylum and withholding of removal includes a duress exception.
3. Whether the respondent established that it was more likely than not that she would be tortured in Mexico with the consent or acquiescence of a public official.
4. Whether the Immigration Judge's reliance on generalized country-conditions evidence and an assumed cartel threat established a particularized threat of torture and governmental acquiescence.

HOLDINGS

1. The Immigration Judge's credibility finding was not clearly erroneous because the Immigration Judge considered the relevant testimony, documentary evidence, inconsistencies, omissions, and the respondent's explanations under the totality of the circumstances.
2. The serious nonpolitical crime bar to asylum and withholding of removal does not include a duress exception. A respondent may not use duress as an affirmative defense to overcome probable cause that she committed a serious nonpolitical crime.
3. The respondent's admissions that she knowingly laundered millions of dollars for a drug cartel established probable cause that she committed a serious nonpolitical crime in Mexico, and her duress claim was legally insufficient to satisfy her burden of showing that the bar did not apply.
4. The respondent failed to establish that it was more likely than not that she would be tortured in Mexico because the record did not demonstrate a particularized, current threat from her former partner or the Sinaloa cartel.
5. The respondent failed to establish that a Mexican public official would consent to or acquiesce in torture because generalized governmental ineffectiveness and the record of prior police interactions did not show that officials had awareness of specific conduct amounting to torture and thereafter breached a legal duty to intervene.

KEY QUOTATIONS

"The serious nonpolitical crime bar to asylum and withholding of removal does not include a duress exception." (29 I&N Dec. at 392)

“Based on the foregoing, we conclude that the serious nonpolitical crime bar to asylum and withholding of removal does not include a duress exception.” (29 I&N Dec. at 397)

“Acquiescence requires a public official, “prior to the activity constituting torture, have awareness of such activity and thereafter breach his or her legal responsibility to intervene to prevent such activity.”” (29 I&N Dec. at 399)

FACTUAL BACKGROUND

The respondent, a native and citizen of Mexico, admitted that from 2009 through 2023 she electronically transferred and physically transported millions of dollars in drug-trafficking proceeds for the Sinaloa drug cartel. She stated that she knew the money came from a drug business and that her conduct was illegal in Mexico, but argued that she acted under duress because of abuse by her former partner. She also alleged that the former partner had severely harmed and threatened her, but the record lacked objective evidence that he or the cartel currently sought to harm her or that Mexican officials would acquiesce in any torture.

PROCEDURAL HISTORY

The Board had previously remanded the record on October 17, 2024, for further proceedings. On March 12, 2025, the Immigration Judge granted the respondent's applications for asylum and CAT protection. DHS appealed, challenging the Immigration Judge's credibility determination and the finding that duress prevented application of the serious nonpolitical crime bar. The Board sustained the appeal, vacated the Immigration Judge's decision, denied asylum, withholding of removal, and CAT protection, and ordered removal.

DISPOSITION

other

CASES CITED

- *Brnovich v. Democratic Nat'l Comm.*, 594 U.S. 647, 687 (2021)
- *Rodriguez v. Holder*, 683 F.3d 1164, 1171 (9th Cir. 2012)
- *Anderson v. City of Bessemer City*, 470 U.S. 564, 575 (1985)
- *Gonzalez-Castillo v. Garland*, 47 F.4th 971, 974 (9th Cir. 2022)
- *Matter of E-A-*, 26 I&N Dec. 1, 3, 7-8 (BIA 2012)
- *District of Columbia v. Wesby*, 583 U.S. 48, 57, 68 (2018)
- *Villalobos Sura v. Garland*, 8 F.4th 1161, 1167 (9th Cir. 2021)
- *Ornelas v. United States*, 517 U.S. 690, 699 (1996)
- *Go v. Holder*, 640 F.3d 1047, 1052-53 (9th Cir. 2011)
- *Matter of Negusie*, 28 I&N Dec. 120, 126, 132 n.7, 139-141, 146 (A.G. 2020)
- *Dean v. United States*, 556 U.S. 568, 572 (2009)
- *Bates v. United States*, 522 U.S. 23, 29 (1997)
- *Louisville & Nashville R.R. Co. v. Mottley*, 219 U.S. 467, 479 (1911)

- *Lopez v. Garland*, 116 F.4th 1032, 1043 (9th Cir. 2024)
- *United States v. Temple*, 105 U.S. 97, 99 (1881)
- *United States v. Oakland Cannabis Buyers' Co-op.*, 532 U.S. 483, 491 (2001)
- *Dixon v. United States*, 548 U.S. 1, 6-7 (2006)
- *United States v. Bailey*, 444 U.S. 394, 402 (1980)
- *Matter of Devison*, 22 I&N Dec. 1362, 1366 n.8 (BIA 2001)
- *INS v. Aguirre-Aguirre*, 526 U.S. 415, 427-28 (1999)
- *INS v. Bagamasbad*, 429 U.S. 24, 25 (1976)
- *Matter of A-A-R-*, 29 I&N Dec. 38, 41 (BIA 2025)
- *Matter of M-B-A-*, 23 I&N Dec. 474, 479 (BIA 2002)
- *Dhital v. Mukasey*, 532 F.3d 1044, 1051 (9th Cir. 2008)
- *Matter of J-C-A-G-*, 29 I&N Dec. 331, 333-34 (BIA 2025)
- *Matter of O-A-R-G-*, 29 I&N Dec. 30, 36 (BIA 2025)
- *Garcia-Milian v. Holder*, 755 F.3d 1026, 1034 (9th Cir. 2014)
- *Zheng v. Ashcroft*, 332 F.3d 1186, 1194 (9th Cir. 2003)

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