

UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

Emmanuel Dwah Tiah v. Todd Blanche

Tiah · No. No. 24-2010 · Decided June 8, 2026

SUMMARY

The United States Court of Appeals for the Eighth Circuit denied Emmanuel Tiah’s petition for review of a Board of Immigration Appeals decision finding him removable under 8 U.S.C. § 1227(a)(2)(E)(ii) based on North Dakota convictions for violating protection orders. The court held that the actual protection orders were not required in the administrative record and that the record otherwise established removability by clear and convincing evidence. The court also rejected or declined to review Tiah’s remaining claims concerning termination of proceedings, cancellation of removal, due process, and a domestic-violence waiver.

CASE DETAILS

COURT	United States Court of Appeals for the Eighth Circuit
WRITING FOR THE COURT	Smith, Circuit Judge; Loken, Circuit Judge; Kobes, Circuit Judge
JURISDICTION	United States Court of Appeals for the Eighth Circuit
DECIDED	June 8, 2026
DOCKET	No. 24-2010
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Petition for review of the Board of Immigration Appeals' dismissal of Tiah's appeal from an immigration judge's order sustaining removability and denying cancellation of removal and other relief.
STANDARD OF REVIEW	The court reviewed the BIA's legal conclusions de novo and its factual findings for substantial evidence. It reviewed the BIA's decision as the final agency action and also reviewed the IJ's reasoning to the extent the BIA adopted it. The court lacked jurisdiction to review the discretionary denial of cancellation of removal under 8 U.S.C. § 1252(a)(2)(B)(i).
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Emmanuel Dwah Tiah v. Todd Blanche, Acting Attorney General of the United States

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QUESTIONS PRESENTED

1. Whether the government must submit the actual protection orders to establish removability under 8 U.S.C. § 1227(a)(2)(E)(ii).
2. Whether the administrative record established by clear and convincing evidence that the protection orders satisfied the statutory requirements for removability under 8 U.S.C. § 1227(a)(2)(E)(ii).
3. Whether the eventual dismissal of a protection order required termination of the removal proceedings.
4. Whether the immigration judge violated Tiah's due process rights by failing to obtain a knowing and voluntary waiver of his right to counsel.
5. Whether the court had jurisdiction to review the discretionary denial of cancellation of removal.
6. Whether Tiah was prima facie eligible for a domestic-violence waiver under 8 U.S.C. § 1227(a)(7)(A).

HOLDINGS

1. The actual protection orders were not required to sustain a charge of removability under 8 U.S.C. § 1227(a)(2)(E)(ii); the relevant content of the orders may be established through other documentary evidence in the record.
2. The record established by clear and convincing evidence that Tiah was removable under 8 U.S.C. § 1227(a)(2)(E)(ii).
3. Removability under 8 U.S.C. § 1227(a)(2)(E)(ii) is determined through a circumstance-specific inquiry rather than the categorical or modified categorical approach.
4. The later dismissal of the post-disposition no-contact order did not require termination of the removal proceedings because the statute does not require a valid no-contact order to remain in effect when immigration authorities take custody of the noncitizen or serve the Notice to Appear.
5. The court lacked jurisdiction to review the discretionary decision denying cancellation of removal.
6. Tiah did not establish a due process violation based on the immigration judge's handling of his right to counsel.

KEY QUOTATIONS

“We hold that copies of the actual protection orders were not required to determine Tiah’s removability under § 1227(a)(2)(E)(ii). We also hold that the record sufficiently established the elements of § 1227(a)(2)(E)(ii) by clear and convincing evidence.” (9)

“Accordingly, we hold that the actual protection order is not required to sustain a charge of removability under § 1227(a)(2)(E)(ii). Instead, the question is whether the record establishes, by clear and convincing evidence, that the requirements of § 1227(a)(2)(E)(ii) are satisfied to sustain the charge of removability.” (15)

“We read § 1227(a)(2)(E)(ii) to require that an alien’s removability be determined by the specific factual circumstances of the case and not on a categorical basis.” (11-12)

FACTUAL BACKGROUND

Tiah, a Liberian native and citizen and lawful permanent resident, was charged in North Dakota with disorderly conduct involving fighting behavior and terrorizing with a dangerous weapon in a domestic-violence context. North Dakota courts issued pre-disposition and post-disposition no-contact protection orders concerning his wife, Rose Tiah. Tiah was twice charged with and pleaded guilty to violating those orders, including by coming within 300 yards of Rose and by contacting her. The actual protection orders were not included in the administrative record.

PROCEDURAL HISTORY

The Department of Homeland Security charged Tiah with removability under 8 U.S.C. § 1227(a)(2)(E)(ii) based on two North Dakota convictions for violating protection orders. The immigration judge sustained the removability charge by clear and convincing evidence and denied cancellation of removal. The BIA dismissed Tiah's appeal, and Tiah petitioned the Eighth Circuit for review.

DISPOSITION

writ_denied

CASES CITED

- Hassan v. Rosen, 985 F.3d 587, 589 (8th Cir. 2021)
- 3M Co. v. Commissioner of Internal Revenue, 154 F.4th 574, 577-78 (8th Cir. 2025)
- Loper Bright Enterprises v. Raimondo, 603 U.S. 369, 400 (2024)
- Mencia-Medina v. Garland, 90 F.4th 1229, 1233-34 (8th Cir. 2024)
- Alva-Arellano v. Lynch, 811 F.3d 1064, 1066 (8th Cir. 2016)
- Ramirez v. Sessions, 902 F.3d 764, 772 (8th Cir. 2018)
- Michel v. Attorney General of the United States, No. 21-1649, 2022 WL 1421163, at *2-*3 (3d Cir. May 5, 2022)
- Alvarez v. Garland, 33 F.4th 626, 640-41, 646-47 (2d Cir. 2022)
- Sunuwar v. Garland, 989 F.3d 246, 244, 247-48 (3d Cir. 2021)
- Diaz-Quirazco v. Barr, 931 F.3d 830, 835 (9th Cir. 2019)
- Rodriguez v. Sessions, 876 F.3d 280, 282, 284 (7th Cir. 2017)
- Jules v. Garland, No. 23-6217-AG, 2024 WL 1252410, at *1-*2 (2d Cir. Mar. 25, 2024)
- Garcia v. Wilkinson, 847 F. App'x 50, 53 (2d Cir. 2021)

- *Garcia-Hernandez v. Boente*, 847 F.3d 869, 872-73 (7th Cir. 2017)
- *Cespedes v. Lynch*, 805 F.3d 1274, 1278 (10th Cir. 2015)
- *State v. Thesing*, 14 N.W.3d 574, 577 (N.D. 2024)

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