

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Singh-Kar v. Bondi

137 F.4th 94 (2d Cir. 2025) · No. 22-6309 · Decided May 21, 2025

SUMMARY

The Second Circuit denied a petition for review of a Board of Immigration Appeals decision rejecting an Indian national's applications for asylum, withholding of removal, and Convention Against Torture relief. The court held that substantial evidence supported the agency's finding that a single incident of police misconduct and general country conditions evidence were insufficient to prove the Indian government's inability or unwillingness to protect the petitioner from private persecution. Additionally, the court ruled that the petitioner failed to preserve his CAT claim on appeal and did not demonstrate ineffective assistance of counsel.

CASE DETAILS

COURT	United States Court of Appeals for the Second Circuit
WRITING FOR THE COURT	CARNEY; PARK; NARDINI
JURISDICTION	United States Court of Appeals for the Second Circuit
DECIDED	May 21, 2025
DOCKET	22-6309
DISPOSITION	other
PROCEDURAL POSTURE	Petition for review of Board of Immigration Appeals order affirming immigration judge's denial of asylum, withholding of removal, and Convention Against Torture relief.
STANDARD OF REVIEW	Substantial evidence for factual findings; de novo for legal questions.
PRECEDENTIAL VALUE	published
PARTIES	Rajanbir Singh-Kar v. Pamela Bondi, United States Attorney General

TOPICS

- asylum
- removal proceedings
- judicial review of agency action
- standard of review
- immigration

PRACTICE AREAS

- immigration

QUESTIONS PRESENTED

1. Whether a single incident of police misconduct is sufficient to show that the Indian government is unable or unwilling to protect the petitioner.
2. Whether general country-conditions evidence can establish that the Indian government is unable or unwilling to protect the petitioner.
3. Whether the petitioner preserved his Convention Against Torture claim for judicial review.
4. Whether the petitioner demonstrated ineffective assistance of counsel.

HOLDINGS

1. A single incident of police misconduct is insufficient to establish that the Indian government is unable or unwilling to protect the petitioner.
2. General country-conditions evidence alone does not compel a finding that the Indian government is unable or unwilling to protect the petitioner.
3. The petitioner failed to preserve his CAT claim, so the claim is not before the court.
4. The petitioner failed to show prejudice from alleged ineffective assistance, so the claim fails.

KEY QUOTATIONS

“We hold that the agency acted well within its discretion in finding that this evidence was insufficient to establish Singh-Kar’s entitlement to asylum or withholding of removal.” (at 14)

“A court may review a final order of removal only if . . . the alien has exhausted all administrative remedies available to the alien as of right.” (at 12)

FACTUAL BACKGROUND

Singh-Kar, an Indian citizen unlawfully present in the United States, alleged that members of a rival political party attacked him twice and that a police officer slapped and threatened him when he attempted to report the attacks. He claimed that the Indian government was unable or unwilling to protect him.

PROCEDURAL HISTORY

Immigration judge denied Singh-Kar’s asylum, withholding of removal, and CAT claims; the Board of Immigration Appeals affirmed; Singh-Kar petitioned the Second Circuit for review.

DISPOSITION

other

CASES CITED

- Singh v. Garland, Singh v. Garland, 11 F.4th 106 (2d Cir. 2021)
- Castellanos-Ventura v. Garland, 118 F.4th 250 (2d Cir. 2024)

- Pan v. Holder, 777 F.3d 540 (2d Cir. 2015)
- Scarlett v. Barr, 957 F.3d 316 (2d Cir. 2020)
- Jian Qiu Liu v. Holder, 632 F.3d 820 (2d Cir. 2011)
- Kambolli v. Gonzales, 449 F.3d 454 (2d Cir. 2006)
- Y.C. v. Holder, 741 F.3d 324 (2d Cir. 2013)
- Likai Gao v. Barr, 968 F.3d 137 (2d Cir. 2020)
- Quituizaca v. Garland, 52 F.4th 103 (2d Cir. 2022)
- Paucar v. Garland, 84 F.4th 71 (2d Cir. 2023)
- Strickland v. Washington, 466 U.S. 668 (1984)

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