

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

Singh v. Garland

No. 20-60256, United States Court of Appeals for the Fifth Circuit (April 12, 2021)

SUMMARY

****Singh v. Garland, 5th Cir. 2021 (unpublished)**** – Petition for review of BIA denial of asylum, withholding of removal, and CAT relief. The court upheld the BIA’s adverse credibility determination under the substantial evidence standard, finding the record did not compel a finding of credibility. Key topics: immigration, adverse credibility determination, substantial evidence review, 8 U.S.C. § 1158(b)(1)(B)(iii), 8 U.S.C. § 1252(b)(4)(B).

CASE DETAILS

COURT	United States Court of Appeals for the Fifth Circuit
WRITING FOR THE COURT	Haynes; Willett; Ho
JURISDICTION	Federal
DECIDED	April 12, 2021
DOCKET	20-60256
DISPOSITION	denied
PROCEDURAL POSTURE	Petition for review of a BIA decision denying asylum, withholding of removal, and CAT relief.
STANDARD OF REVIEW	Legal findings are reviewed de novo, and factual findings are reviewed under the substantial evidence test. Credibility determinations are reviewed for substantial evidence.
PRECEDENTIAL VALUE	Unpublished
PARTIES	Jagjit Singh v. Merrick Garland, U.S. Attorney General

TOPICS

[immigration](#)[asylum](#)[removal proceedings](#)[standard of review](#)[appellate procedure](#)

PRACTICE AREAS

[Immigration](#)

QUESTIONS PRESENTED

1. Whether the adverse credibility determination is supported by substantial evidence.

HOLDINGS

1. The adverse credibility determination is supported by substantial evidence, and the petition for review is denied.

KEY QUOTATIONS

“without regard to whether an inconsistency, inaccuracy, or falsehood goes to the heart of the applicant’s claim[.]” (at 2)

“Because the agency’s adverse credibility determination is supported by substantial evidence, the petition for review is DENIED.” (at 3)

FACTUAL BACKGROUND

Singh, a native and citizen of India, applied for asylum, withholding of removal, and relief under the CAT. The IJ denied his application based on an adverse credibility determination, which the BIA affirmed.

PROCEDURAL HISTORY

The BIA dismissed Singh's appeal from an IJ's order denying his application for asylum, withholding of removal, and CAT relief, affirming the IJ's adverse credibility determination.

DISPOSITION

denied

CASES CITED

- *Zhu v. Gonzales*, 493 F.3d 588, 593 (5th Cir. 2007)
- *Sharma v. Holder*, 729 F.3d 407, 411 (5th Cir. 2013)
- *Matter of M-S-*, 21 I. & N. Dec. 125, 129 (BIA 1995)
- *Chun v. I.N.S.*, 40 F.3d 76, 78 (5th Cir. 1994)
- *Wang v. Holder*, 569 F.3d 531, 537-38 (5th Cir. 2009)
- *Mwembie v. Gonzales*, 443 F.3d 405, 413 (5th Cir. 2006)
- *Zhang v. Gonzales*, 432 F.3d 339, 344 (5th Cir. 2005)
- *Singh v. Sessions*, 880 F.3d 220, 225 (5th Cir. 2018)

CITED IN

- *Singh v. Garland*, *Singh v. Garland*, 11 F.4th 106, 115 (2d Cir. 2021)