

UNITED STATES BOARD OF IMMIGRATION APPEALS

Matter of F-B-A-

29 I. & N. Dec. 456 (BIA 2026) (Interim Decision #4165) · Decided February 20, 2026

SUMMARY

The Board of Immigration Appeals granted the respondent’s motion to reconsider but again sustained the Department of Homeland Security’s appeal. The Board held that the respondent had not shown that Russian authorities would be unable or unwilling to protect her from family-based religious persecution or that internal relocation within Russia was unreasonable. It also denied protection under the Convention Against Torture and ordered the respondent removed to Russia.

CASE DETAILS

COURT	United States Board of Immigration Appeals
WRITING FOR THE COURT	Hunsucker, Appellate Immigration Judge; Mullane, Appellate Immigration Judge; Gemoets, Appellate Immigration Judge
JURISDICTION	United States Board of Immigration Appeals
DECIDED	February 20, 2026
DISPOSITION	vacated
PROCEDURAL POSTURE	The Board reconsidered its prior decision sustaining the Department of Homeland Security's appeal from an Immigration Judge's grant of asylum. The Board granted the respondent's motion to reconsider to clarify its reasoning, but again sustained DHS's appeal, vacated the Immigration Judge's decision, vacated the stay of removal, and ordered the respondent removed.
STANDARD OF REVIEW	The Board reviewed the Immigration Judge's factual findings, including whether the government was unable or unwilling to protect the respondent and whether internal relocation was reasonably available, for clear error. The Board reviewed legal eligibility for asylum, withholding of removal, and CAT protection under the applicable statutory and regulatory standards.
PRECEDENTIAL VALUE	Published precedential decision of the Board of Immigration Appeals; Interim Decision #4165.
PARTIES	Department of Homeland Security v. Matter of F-B-A-, Respondent

TOPICS

asylum removal proceedings immigration agency adjudication standard of review

PRACTICE AREAS

immigration law asylum removal proceedings administrative law

QUESTIONS PRESENTED

1. Whether the respondent established that the Russian Government was unable or unwilling to protect her from persecution by private family members.
2. Whether the respondent established that internal relocation within Russia would be unreasonable or unavailable.
3. Whether the respondent was eligible for withholding of removal after failing to establish asylum eligibility.
4. Whether the respondent established eligibility for protection under the Convention Against Torture.

HOLDINGS

1. The unique barriers to reporting harm faced by children do not apply to adults, including adults who suffered harm as children.
2. The respondent failed to establish that the Russian Government was unable or unwilling to protect her from persecution by her family.
3. The Immigration Judge clearly erred in finding that the respondent could not reasonably relocate within Russia to avoid persecution.
4. The respondent was ineligible for asylum because she failed to establish that the Russian Government was unable or unwilling to protect her and that internal relocation would be unreasonable. She therefore also failed to establish eligibility for withholding of removal.
5. The respondent failed to establish that it was more likely than not that she would be tortured in Russia by, at the instigation of, or with the consent or acquiescence of a public official.

KEY QUOTATIONS

“Such unique barriers to reporting harm faced by children do not apply to adults, including adults who suffered harm as children.” (at 457-58)

“Given the size of Russia, the respondent’s membership in the country’s majority religion, and the insufficient evidence demonstrating her family maintains an interest in locating her more than 2 years after they last threatened her, the Immigration Judge’s finding that the respondent could not reasonably relocate to avoid persecution is clearly erroneous.” (at 459)

FACTUAL BACKGROUND

The respondent, an unmarried adult woman who was born in Tajikistan and is a citizen of Russia, feared persecution by family members because she converted from Islam to Russian Orthodox Christianity. Her family allegedly threatened to kill her for apostasy, and her brother threatened to behead her. Although she had lived in cities away from her family and outside their control, she never sought protection from Russian authorities and had not shown that her family retained an interest in locating her more than two years after their last threats.

PROCEDURAL HISTORY

The Immigration Judge found the respondent credible, found a well-founded fear of persecution by family members based on her conversion from Islam to Russian Orthodox Christianity, and granted asylum on March 14, 2025. The Board previously sustained DHS's appeal on November 7, 2025, vacated the Immigration Judge's decision, and ordered removal. The respondent timely moved for reconsideration, and the Board granted reconsideration for clarification but reached the same result, also denying asylum, withholding of removal, and CAT protection.

DISPOSITION

vacated

CASES CITED

- Matter of C-G-T-, 28 I&N Dec. 740, 743-44 (BIA 2023)
- Mejia-Alvarenga v. Garland, 95 F.4th 319, 324 (5th Cir. 2024)
- Sanchez-Amador v. Garland, 30 F.4th 529, 534 (5th Cir. 2022)
- Matter of F-R-A-, 28 I&N Dec. 460, 470 (BIA 2022)
- Matter of D-I-M-, 24 I&N Dec. 448, 451 (BIA 2008)
- Anderson v. City of Bessemer City, 470 U.S. 564, 573 (1985)
- Gonzales-Veliz v. Barr, 938 F.3d 219, 228-29 (5th Cir. 2019)
- INS v. Bagamasbad, 429 U.S. 24, 25 (1976)
- Pullman-Standard v. Swint, 456 U.S. 273, 292 (1982)
- Ball v. LeBlanc, 792 F.3d 584, 596 (5th Cir. 2015)
- Tzompantzi-Salazar v. Garland, 32 F.4th 696, 705 (9th Cir. 2022)
- Matter of O-A-R-G-, 29 I&N Dec. 30, 36 (BIA 2025)