

United States Court of Appeals For the First Circuit

Nos. 24-1686
25-1026

ALDENIR PEREIRA ALVES; CRISTIANA BARROS ALVES; I.B.A.; J.B.A.,

Petitioners,

v.

TODD BLANCHE, Attorney General,*

Respondent.

PETITIONS FOR REVIEW OF AN ORDER
OF THE BOARD OF IMMIGRATION APPEALS

Before

Gelpí, Howard, and Dunlap,
Circuit Judges.

Randy Olen for petitioners.

Anthony J. Nardi, Trial Attorney, Office of Immigration
Litigation, with whom Brett A. Shumate, Assistant Attorney
General, Civil Division, Jessica E. Burns and Kohsei Ugumori,
Senior Litigation Counsel, Office of Immigration Litigation, were
on brief, for respondent.

August 24, 2026

* Pursuant to Federal Rule of Appellate Procedure 43(c)(2),
Attorney General Todd Blanche is automatically substituted for
former Attorney General Pamela J. Bondi as respondent.

DUNLAP, Circuit Judge. Petitioners are Aldenir Pereira Alves and Cristiana Barros Alves and their two minor children, natives and citizens of Brazil. Petitioners challenge the Board of Immigration Appeals' ("BIA") dismissal of their appeal from an Immigration Judge's ("IJ") denial of their applications for asylum and withholding of removal under the Immigration and Nationality Act ("INA"), 8 U.S.C. §§ 1158(b)(1), 1231(b)(3), and protection under the United Nations Convention Against Torture ("CAT"), as well as the BIA's denial of their motions to reopen and reconsider. We deny the petitions for review.

I.

A. Background Facts

Petitioners entered the United States without authorization on or about October 24, 2021, at or near Otay Mesa, California. That same day, Petitioners were served with notices to appear from the Department of Homeland Security, charging each of them with removability under § 212(a)(6)(A)(i) of the INA. Through counsel, Petitioners each conceded their removability and filed applications for asylum, withholding of removal, and CAT protection.¹ Petitioners appeared before the IJ for merits hearings in March and December 2023.

¹ Petitioners' removal proceedings were initially consolidated with those of Cristiana's siblings, Poliana and Robson, and Poliana's minor child. The IJ eventually severed the proceedings, however, because the siblings could not derive asylum

Cristiana testified before the IJ as follows. Petitioners left Brazil because their family had been "persecuted and threatened" by two particular Brazilian military police officers between approximately 2012 and 2020, with the period between 2013 to 2014 being "the most painful." The police officers targeted Petitioners' family on account of Cristiana's brother, Jaider, who was the boss of a Brazilian gang for around two years prior to his arrest on July 27, 2015. Jaider has since been serving a twelve-year prison sentence. Prior to his arrest, Jaider lived at his and Cristiana's mother's house, where their siblings, Poliana and Robson, and Robson's two daughters, also lived. Before she married Aldenir in 2012, Cristiana had also lived at her mother's house, but thereafter she lived about fifteen minutes away.

Although the two police officers never confronted Petitioners in their home, Petitioners observed the officers mistreat Cristiana's mother and siblings when they visited at her mother's house. Cristiana's mother's house was the gathering place for Cristiana and her siblings. Cristiana was present in her mother's house around ten to twelve times when the police officers were there, and she also was aware of approximately ten other times when the police officers were at her mother's house

from each other's claims and "the nature of the harms to each family unit" differed.

when she was not present. Each time Cristiana witnessed the police officers' visits to her mother's house, the same two police officers were always present. The officers threatened to arrest the family if they would not open the door and threatened to charge Cristiana's mother with drug trafficking if she would not cooperate. Cristiana's mother would allow the officers to enter her house without a warrant "because she was very humble," and, with one exception, the family would allow the officers into the home because they were afraid of the officers. Once, in 2014, the officers arrested Poliana for contempt when she tried to keep them from entering the home to look for Jaider. Upon entering the house, the officers -- armed with guns and brandishing sticks -- threatened the family with arrest and broke furniture in the house. The officers accused the family of being criminals like Jaider, and threatened to use them as an example and send a message about the treatment that gang members' families could expect. Cristiana believed she could have been arrested if she had opposed the police officers.

In addition to arresting Poliana, the police also beat Robson with their fists and a stick on several occasions, both in the house and in the street, though Robson did not go to the hospital to treat the pain out of fear of the police. Although Cristiana's husband, Aldenir, was never "personally harmed, threatened, or mistreated by anyone in Brazil," he testified that

he witnessed a police officer beat and kick Robson a couple times, though Aldenir did not know the reason for the police brutality.

Cristiana also testified that the police officers never found any evidence of criminal activities in her mother's house, and she believed that the officers would just come to scare her family and make known that criminals' families would be so treated. While Cristiana stated that, to the best of her knowledge, none of her family members other than Jaider had been in a gang or had a criminal record, evidence in the administrative record -- including her own affidavit -- indicates that Robson had a prior drug trafficking conviction in Brazil. She was aware that Robson had been arrested in Brazil due to what she believed was planted evidence, but Cristiana stated that she did not know if he was convicted for drug trafficking and that she had never talked to Robson about his arrest because she felt uncomfortable doing so. Still, Cristiana said she never saw any drugs or criminal activity in her mother's house before or after she was married. She testified that the last time the police entered her mother's home was around February 2020.²

² This date is inconsistent with Petitioners' affidavits, which state that after Robson was released from prison around March 2021, "the police continued entering [the mother's] home looking for any excuse to file additional false charges against Robson."

Petitioners also feared the police officers due to media reports that the two officers had planted evidence against a man, arrested him, and raped his wife -- allegations for which the officers were never arrested, although they were "set apart" before eventually returning to work. Because she is Jaider's sister, Cristiana fears that if she returns to Brazil, she or her kids could be harmed like the woman who was reportedly raped by the two police officers. Although she was never physically harmed or arrested in Brazil, the police officers did call Cristiana a criminal and threatened to detain her due to her association with Jaider. She only encountered the police at her mother's house, however -- never at her own -- and had never opposed any police officers at any point in her life. Still, even if she stayed away from her mother's house, Cristiana fears returning to Brazil because she would be Jaider's only family member in the country, given that her mother passed away in March 2020. She believes that the police would go after her to affect Jaider, who is still imprisoned.

Cristiana fears the Brazilian police in general, in addition to the two local officers who would visit her mother's house. She believes that the local military police communicate with the federal and state police throughout Brazil. She believes that she could not live safely anywhere in Brazil.

B. Immigration Court Decisions

On December 22, 2023, the IJ issued an oral decision denying Petitioners' applications and ordering them removed to Brazil. Although the IJ found Petitioners' testimony to be credible and corroborated, the IJ determined that Petitioners failed to establish past persecution or reasonable fear of future persecution.

The IJ first concluded that Petitioners "individually and collectively failed to establish that the harm, mistreatment, and suffering they endured in Brazil rises to the level of past persecution." The IJ noted that Cristiana and Aldenir both testified that they had never been "physically harmed or mistreated in Brazil," nor were they "directly threatened," despite observing the mistreatment of Robson and Poliana. The IJ observed that the fact the police only went to Cristiana's mother's house was "not coincidental" as it was the place where Jaider was arrested and "so the police had identified this as a potential locus of criminal misconduct." The IJ also found that Petitioners failed to present "evidence that the threats they did receive while they were visiting [Cristiana's] mother's house were so menacing as to cause significant actual suffering and harm." The IJ noted that Petitioners had not submitted any type of medical report showing that their experiences had caused "long-lasting, significant mental or physical effects." The IJ further stated that

Petitioners never experienced the police misconduct in their own home, "only witnessed it approximately [fifty] percent of the time when they happened to be visiting [Cristiana's] mother's home," and "could essentially avoid that mistreatment if they had just not visited that house or perhaps relocated to another part of Brazil."

Further, the IJ concluded that there was insufficient evidence that Petitioners had a well-founded fear of future persecution. The IJ noted that Petitioners had avoided physical harm and mistreatment in Brazil from 2014 through 2021 and that they only witnessed mistreatment and threats while visiting Cristiana's mother's house. The IJ also noted the speculative nature of Cristiana's belief that the police would seek her out if she returned to Brazil, as it appeared that the police officers were motivated to go to Cristiana's mother's house specifically because Jaider "was a notorious gang member who had attempted to kill someone and also was involved in drug trafficking" and that was his "household." There was no evidence the police sought out Cristiana elsewhere and no "evidence as to why it would be unreasonable for [Petitioners] to go back and live away from their mother's house and avoid the locus" of the police misconduct. The IJ further observed that the police were motivated to target the mother's house because "they believed that there was continued criminal misconduct" there. The IJ recognized that Robson had

been convicted of a drug offense, and that there was insufficient evidence to prove that he had been a victim of police corruption. Moreover, the IJ noted that the U.S. Department of State Country Report submitted by Petitioners showed "a mixed picture of police impunity and corruption," as there were resources to address corruption. The Country Report thus undercut Petitioners' argument that they had a reasonable basis for fear of persecution by the two officers, who had been "dismissed for sexual violence" and later reinstated. Accordingly, the IJ made a "predictive finding that [Petitioners] do not have a reasonable possibility of being persecuted on account of their family should they return there." Because the IJ found that Petitioners could not prove asylum eligibility, "they were necessarily unable to meet the higher standard required to succeed on the claim for withholding of removal."³

Petitioners appealed the IJ's decision, raising the arguments already made to the IJ and additionally arguing that the same IJ who had denied their applications thereafter granted Poliana's asylum application. They contended that their applications and Poliana's application were based on "virtually the same facts," except that Poliana had resisted the police and been arrested in 2014, had lived in the mother's house, and been

³ The IJ (and BIA) also rejected Petitioners' CAT claim, and Petitioners do not challenge that decision here.

present more often than Petitioners when the police officers came. To support this argument, Petitioners included a form order from the IJ dated February 8, 2024, that granted Poliana asylum but included no reasoning for the IJ's decision in her case.

The BIA dismissed the appeal. It affirmed the IJ's decision that the cumulative harm Petitioners experienced did not constitute persecution, as Petitioners "were never physically harmed or arrested in Brazil, and the threats of arrest they experienced from military police officers were not sufficiently severe so as to rise to the level of persecution." The BIA stated that the physical harm that Cristiana's siblings experienced "constitutes only limited and indirect harm" to Petitioners, as the siblings were not "targeted by military police for the purpose of harming the [Petitioners] themselves." The BIA also affirmed the IJ's decision that Petitioners had failed to show a well-founded, objectively reasonable fear of persecution. The BIA reasoned that Petitioners had not alleged that they had been threatened by military police after 2020; the "threats and mistreatment . . . from military police officers between 2013 and 2020 occurred exclusively at the [house of the mother], who is now deceased," and Petitioners could reasonably avoid that house; Petitioners had never experienced harm from police apart from the mother's home, even though they lived fifteen minutes away; and Petitioners and their family had been harmed only by two specific

police officers, so fear of future harm countrywide by Brazilian military police generally was not well-founded. As to Petitioners' argument that Cristiana would be the "sole target of the same corrupt police officers," the BIA agreed with the IJ that this fear was speculative, "particularly given the police officers' interest in her brother, who also resided [at] their mother's house." The BIA affirmed the IJ's denial of Petitioners' asylum applications, and also affirmed its conclusion that Petitioners had necessarily failed to satisfy the higher bar for withholding of removal.

One judge on the BIA panel dissented, however, concluding that remand to the IJ was warranted "to consider whether and to what extent it is relevant that [Cristiana's] sister received a grant of asylum a few weeks after the [IJ] denied asylum in [Cristiana's] case." The dissent also expressed concern that the IJ improperly required Petitioners to show they could not relocate within Brazil, without acknowledging the presumption against the reasonability of internal relocation where applicants are persecuted by the government or a government sponsor.

The majority rejected the dissent's conclusions, reasoning that arguments based on new evidence on appeal are generally treated as a motion to remand and that -- because Poliana "experienced past physical harm in Brazil," rendering her "not similarly situated" to Petitioners -- the IJ's form order granting

Poliana asylum was "insufficient to establish [Cristana's] own prima facie eligibility for asylum." Further, the majority disagreed that the IJ had made an implicit internal relocation finding, as avoiding the mother's house does not constitute relocation. Petitioners initially challenged the BIA's decision in this court in No. 24-1686.

Thereafter, Petitioners filed a compound motion to reopen and motion to reconsider with the BIA, arguing that they had "newly discovered material facts that were not available to be presented at the former hearing" and that the BIA had erred in applying the law in its dismissal of their appeal. Petitioners argued that the IJ's grant of asylum to Poliana was new and material evidence and that their claims were based "on virtually the same material facts and circumstances" as Poliana's. Moreover, Petitioners contested the BIA's characterization of the evidence concerning persecution.⁴ To support their motions, Petitioners submitted additional affidavits from Cristiana and Poliana, stating that the police never visited Poliana's workplace or Cristiana's house because the police "did not need to," but could instead threaten and intimidate them at their mother's house. The affidavits also stated that the sisters did not seek treatment

⁴ Petitioners also made an equal protection and due process argument under the Fourteenth Amendment, not pressed before us, arguing that Petitioners were similarly situated to Poliana and thus should have also been granted asylum.

for their psychological or mental health because they feared police retaliation based on reports of police corruption and misconduct.

The BIA denied Petitioners' motions to reopen and reconsider, noting that Petitioners' arguments as to persecution and similarity to Poliana's case were "the same as or substantially similar to the arguments they raised on appeal," and thus could not be reconsidered.⁵ As to the motion to reopen, the BIA noted that the form order granting Poliana asylum had also been previously submitted with Petitioners' appellate brief and addressed by the BIA in its prior decision. Further, the affidavits filed with the motion to reopen did not show prima facie eligibility for asylum and even if they had, Petitioners had not explained why the affidavits were unavailable earlier. Petitioners subsequently petitioned this court for review of the BIA's denial of their motions to reopen and reconsider in No. 25-1026. We granted Petitioners' motion to consolidate Nos. 24-1686 and 25-1026 for appeal.

II.

Petitioners challenge the BIA's denial of their asylum and withholding of removal applications. When the BIA affirms the holdings of the IJ but "adds its own analysis -- as it did here -- we review both decisions as a unit." Mayancela v. Bondi,

⁵ The BIA also concluded that Petitioners had failed to provide authority to support their constitutional claims.

136 F.4th 1, 10 (1st Cir. 2025) (quoting Lee v. Barr, 975 F.3d 69, 73 (1st Cir. 2020)). We review the portions of the IJ's decision that the BIA adopted, "and the BIA's decision as to [any] additional ground." Esteban-Garcia v. Garland, 94 F.4th 186, 190-91 (1st Cir. 2024) (alteration in original) (quoting López-Pérez v. Garland, 26 F.4th 104, 110 (1st Cir. 2022)). "We review the entirety of the agency's determination of past persecution or a well-founded fear of future persecution -- both the underlying factual findings and the application of the INA's standard for persecution to those findings -- using the deferential, 'substantial evidence' standard." Maldonado-Ruiz v. Bondi, 169 F.4th 315, 322 (1st Cir. 2026) (quoting Urias-Orellana v. Bondi, 607 U.S. 537, 543 (2026)). "[S]ubstantial evidence 'means -- and means only -- such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.'" Id. (quoting Urias-Orellana, 607 U.S. at 544). Under the substantial evidence standard, the BIA's persecution determination is "conclusive unless any reasonable adjudicator would be compelled to conclude to the contrary." Urias-Orellana, 607 U.S. at 545 (quoting 8 U.S.C. § 1252(b)(4)(B)). "Questions of law, of course, are reviewed de novo." Mayancela, 136 F.4th at 10 (quoting Vasili v. Holder, 732 F.3d 83, 89 (1st Cir. 2013)).

A. Asylum

In general, to be eligible for asylum, Petitioners must prove that they meet the INA's definition of a refugee. 8 U.S.C. § 1158(b)(1). As relevant here, the INA defines "refugee" as someone "who is unable or unwilling to return to" his native country "because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion." 8 U.S.C. § 1101(a)(42)(A). "Establishing persecution requires proof of three discrete elements: a threshold level of past or anticipated serious harm, a nexus between that harm and government action or inaction, and a causal connection to one of the five statutorily protected grounds." Maldonado-Ruiz, 169 F.4th at 322 (quoting Ramos-Hernandez v. Bondi, 163 F.4th 44, 51 (1st Cir. 2025)). Under the first element, applicants must either "(1) demonstrat[e] past persecution, thereby creating a presumption of a well-founded fear of future persecution; or (2) otherwise demonstrat[e] a well-founded fear of future persecution." Hernandez-Mendez v. Garland, 86 F.4th 482, 486 (1st Cir. 2023). In the absence of proof of past persecution, applicants must "demonstrate a well-founded fear of future persecution that is 'both subjectively genuine and objectively reasonable.'" Esteban-Garcia, 94 F.4th at 191 (quoting Ang v. Holder, 723 F.3d 6, 10-11 (1st Cir. 2013)). "A well-founded fear of future persecution on account of a

protected ground means a 'reasonable possibility' of harm for purposes of asylum." Hernandez-Mendez, 86 F.4th at 486 (quoting Hincapie v. Gonzales, 494 F.3d 213, 218 (1st Cir. 2007)). On both past and future persecution claims, applicants will be denied asylum if they fail to establish any one of the three persecution elements. Esteban-Garcia, 94 F.4th at 191.

1. Past Persecution

Substantial evidence supports the BIA's determination that the IJ did not err in finding that Petitioners failed to establish past persecution. Establishing past persecution is a "heavy burden" and a "daunting task." Martínez-Pérez v. Sessions, 897 F.3d 33, 39 (1st Cir. 2018) (quoting Vasili, 732 F.3d at 89). "Past persecution requires evidence that the asylum applicant suffered 'discriminatory experiences' that 'reached a fairly high threshold of seriousness' and occurred with 'some regularity and frequency.'" Medina-Suguilanda v. Garland, 121 F.4th 316, 321-22 (1st Cir. 2024) (quoting Vasili, 732 F.3d at 89). Persecution requires more harm than "unpleasantness, harassment, and even basic suffering." Urias-Orellana v. Garland, 121 F.4th 327, 335 (1st Cir. 2024) (quoting Santos Garcia v. Garland, 67 F.4th 455, 461 (1st Cir. 2023)), aff'd sub nom. Urias-Orellana v. Bondi, 607 U.S. 537. "'[C]redible, specific threats can amount to persecution if they are severe enough' -- particularly if they are death threats." Montoya-Lopez v. Garland, 80 F.4th 71, 80 (1st

Cir. 2023) (quoting Aguilar-Escoto v. Garland, 59 F.4th 510, 516 (1st Cir. 2023)). "Unfulfilled threats," however, "rarely prove past persecution unless they are 'so menacing as to cause significant actual suffering or harm.'" Vargas-Salazar v. Garland, 119 F.4th 167, 173 (1st Cir. 2024) (quoting Touch v. Holder, 568 F.3d 32, 40 (1st Cir. 2009)).

We first note that the record contains no evidence, much less compels the conclusion, that Petitioners received any death threats or other menacing threats that caused actual suffering. At most, the record reflects that the police officers threatened Cristiana with arrest if she would not open the door to her mother's house to allow the police to enter and accused her of being a criminal like her brother, Jaider. For his part, Aldenir confirmed that he was never "personally harmed, threatened, or mistreated by anyone in Brazil."⁶

⁶ Petitioners argue that the IJ's statement that Petitioners were not "directly threatened" by the police is contrary to the evidence. Error is not readily apparent, except as to Cristiana. The record reflects that, among Petitioners, only Cristiana experienced threats along with her mother and siblings at the mother's house. Aldenir confirmed that he was never threatened, and there is no evidence that the minor children were ever threatened. In any event, after stating that Petitioners were never directly threatened, the IJ noted three times in the next two paragraphs of his decision that there was insufficient evidence to conclude that the threats Petitioners had received were menacing enough to result in actual suffering or harm. Accordingly, the IJ clearly understood that at least Cristiana had experienced threats when she was at her mother's house. The IJ's statement, to the extent erroneous, is harmless. See Avelar Gonzalez v. Whitaker, 908 F.3d 820, 825 n.2 (1st Cir. 2018) ("[M]istake of

Persecution "normally involves severe mistreatment," and we have affirmed that unfulfilled threats of kidnapping, even where the victim was at the same time robbed of "all of his belongings," did not cause "significant actual suffering or harm" sufficient to amount to past persecution. Hernandez-Mendez, 86 F.4th at 487-88 (quoting Ordenez-Quino v. Holder, 760 F.3d 80, 87 (1st Cir. 2014)). The record is devoid of evidence that Petitioners were physically harmed, mistreated, or arrested. And despite Petitioners' assertions that they were "deeply traumatized by what happened to [them and their] family members in Brazil," they have not made a showing that compels a finding of severe mistreatment amounting to significant actual suffering or harm.

Further, it was not unreasonable for the BIA to conclude that Cristiana's siblings' arrests and beatings were "only limited and indirect harm" to Petitioners. Indeed, the record does not suggest, much less compel, a conclusion that such harm to Cristiana's siblings was inflicted for the purpose of harming Petitioners. It was not unreasonable to conclude that Cristiana's brothers were being investigated for suspected crimes, given their subsequent arrests and convictions; and it is uncontested that Poliana was arrested for refusing the police entry to her home. True, Petitioners stated that they believed that the police were

fact by an IJ constituted harmless error because it did not affect the outcome of the decision.").

threatening and mistreating their family members in order to send a message and make an example out of them. "An alien who claims that harm to a relative is evidence that she herself has been persecuted," however, "must present more than gossamer strands of speculation and surmise." Moreno v. Holder, 749 F.3d 40, 45 (1st Cir. 2014).

Petitioners' reliance on Precetaj v. Holder, 649 F.3d 72 (1st Cir. 2011), is misplaced. In Precetaj, members of the Socialist Party of Albania repeatedly threatened the petitioner so that he would not report their crimes, and told him to "expect retribution when the Socialist Party won the election," which it ultimately did. Id. at 74. In addition to issuing those threats, they beat him twice; set his car on fire; kidnapped his son and beat his son twice; assaulted, raped, and kidnapped his daughter, holding her for three days; and attacked and beat him again. Id. In that case, we vacated and remanded the BIA's decision finding no past persecution and denying asylum because the BIA failed to adequately account for the abuse of the petitioner's children, which we said was "specifically designed to send a message" to the petitioner. Id. at 76, 78. By contrast, here, Petitioners have not presented similarly compelling evidence that the mistreatment of their family members was "specifically designed" to send Petitioners a message. See id. Rather, the record supports the

BIA's conclusion that the police viewed Cristiana's mother's home as the potential locus of criminal activity.

Because substantial evidence supports the BIA's conclusion that Petitioners did not suffer past persecution in Brazil, they are "not entitled to the presumption of future persecution." See Santos Garcia, 67 F.4th at 462.

2. Future Persecution

Likewise, substantial evidence supports the BIA's conclusion that the IJ did not err in finding that Petitioners failed to show a well-founded fear of future persecution. Petitioners have not demonstrated that their fear of persecution by the military police is objectively reasonable. As discussed, Petitioners -- at most -- suffered only indirect harm from the military police from 2012 to around February 2020, the latest date that, according to Cristiana's testimony, the police had entered her mother's house.⁷ Further, as Petitioners left Brazil on October 19, 2021, they remained in Brazil for over a year and a half without experiencing any harm or threats. See Villafranca v. Lynch, 797 F.3d 91, 96 (1st Cir. 2015) (stating that petitioner

⁷ Although Petitioners' affidavits vaguely assert that police continued to search the mother's home post-March 2021 to look for criminal evidence against Robson, there is no evidence that compels us to conclude that it was unreasonable for the IJ to credit Cristiana's testimony and conclude that the police had not threatened Petitioners since 2020. See Bopaka v. Garland, 123 F.4th 552, 559-60 (1st Cir. 2024) (stating that we review IJ credibility determinations for substantial evidence).

remaining in his homeland unharmed for around six months after an attack supported conclusion that petitioner's fear of persecution was not objectively reasonable). This period without harm or threats likely reflects the fact that Robson was in prison from November 2020 to March 2021 and then left Brazil for the United States in April or May 2021. Further, from 2012 to 2021, the police never came to Petitioners' home, which was only about fifteen minutes from the mother's house. Cristiana testified that her mother's house was the police officers' target, and it was not unreasonable for the IJ to conclude based on the evidence presented that the police officers were targeting the mother's house due to Jaider's suspected criminal activities. While Cristiana testified that she believed the motive of the police was to send a message to family members of criminals, the evidence does not compel that conclusion. The evidence that both her brothers were convicted in Brazil for criminal activities and the fact that the police did not visit Petitioners' house (ever), or the mother's house after the brothers were both in prison, reasonably supports the conclusion that the police targeted the house where the brothers lived because they suspected that the brothers were criminals.

Similarly, Petitioners' stated subjective fear of Brazilian police does not compel a conclusion that their fear of future persecution is well-founded. Petitioners testified that two specific police officers were the persecutors of their family.

These officers appear to have been previously punished for alleged misconduct. And Petitioners submitted evidence in the Country Report that though there are problems with police impunity and lack of accountability and judicial inefficiency in Brazil, the government has made efforts to address corruption. Moreover, Petitioners' argument that Cristiana would be the police's sole remaining target among her family members upon her return to Brazil is undercut by the evidence that Petitioners remained in Brazil for at least five months after Robson entered the United States without experiencing any visits from the police. Thus, the BIA was not unreasonable to conclude that Cristiana's fear of being targeted upon return to Brazil is speculative.

Petitioners latch on to the BIA dissent's concern that the IJ improperly required them to demonstrate that they were unable to internally relocate within Brazil to avoid government persecutors. See 8 C.F.R. § 1208.13(b)(1)(i)(B), (b)(3)(i)-(ii) (2026). We agree with the BIA majority, however, that the IJ did not actually make a relocation finding. As the majority noted, by simply avoiding the mother's house, Petitioners would not be required to relocate at all -- Petitioners already lived fifteen minutes away from that targeted house and had not experienced any police misconduct at their own home.⁸

⁸ As to the IJ's passing suggestion that Petitioners could "perhaps relocate[] to another part of Brazil," an internal

3. Similarly Situated Argument

Petitioners argue that the IJ erred by denying their asylum applications while granting Poliana's application. They argue that the sisters were similarly situated and that the BIA should have remanded their case for a reconciliation between the cases. Our review of a denial of a motion to remand⁹ is for abuse of discretion, which is "highly deferential." Moreno v. Garland, 51 F.4th 40, 46 (1st Cir. 2022) (quoting Adeyanju v. Garland, 27 F.4th 25, 51 (1st Cir. 2022)). Petitioners cannot prevail on a motion to remand if, inter alia, they fail to "make a showing of prima facie eligibility for the relief [sought]." Id. (alteration in original) (quoting Rivera-Medrano v. Garland, 47 F.4th 29, 35 (1st Cir. 2022)).

The BIA did not err in rejecting Petitioners' similarly situated argument. The BIA noted that Petitioners had supported their argument for similarity to Poliana's case by submitting to the BIA the IJ's form order granting Poliana asylum. The form

relocation analysis is only applicable where, unlike here, there is a finding of persecution. In other words, even if there is a presumption that internal relocation is unreasonable for Petitioners, there is no need to relocate where there is no finding of past persecution or well-founded fear of future persecution. See 8 C.F.R. § 1208.13(b)(1)(i)(B); Caz v. Garland, 84 F.4th 22, 27-28 (1st Cir. 2023); Khattak v. Holder, 704 F.3d 197, 202-03 (1st Cir. 2013).

⁹ When Petitioners appealed the IJ's decision to the BIA, the BIA construed Petitioners' similarly-situated argument as a motion to remand.

order forwarded by Petitioners includes neither the IJ's reasoning for granting Poliana asylum nor any facts about her particular case. In considering Petitioners' similarly situated argument, the BIA was correct to not assume any facts about Poliana's case. And given the facts in evidence in Petitioners' case, including evidence that Poliana had been arrested and lived in the mother's home, there was a sound basis for the BIA to conclude that Poliana's case differed from Petitioners'. The BIA thus did not abuse its discretion in concluding that the new evidence submitted by Petitioners on appeal to the BIA did not make a prima facie showing of their own eligibility for asylum.

B. Withholding of Removal

The standard of proof for withholding of removal -- clear probability -- is higher than that for asylum. Cortez-Mejia v. Garland, 121 F.4th 938, 945 (1st Cir. 2024). "To obtain relief in the form of withholding of removal, an [applicant] must establish a clear probability that, if returned to his homeland, he will be persecuted on account of a statutorily protected ground." De La Cruz-Quispe v. Bondi, 161 F.4th 17, 24-25 (1st Cir. 2025) (alteration in original) (quoting Mendoza v. Bondi, 133 F.4th 139, 142 (1st Cir. 2025)). Thus, "[a] petitioner who cannot clear the lower hurdle for asylum will necessarily fail to meet the higher bar for withholding of removal." Vargas-Salazar, 119 F.4th at 173 (quoting Paiz-Morales v. Lynch,

795 F.3d 238, 245 (1st Cir. 2015)). As Petitioners have not proven their case for asylum, their withholding-of-removal claim necessarily fails too. See De La Cruz-Quispe, 161 F.4th at 24-25.¹⁰

III.

For the foregoing reasons, the petitions for review are **denied**.

¹⁰ While Petitioners have also appealed the BIA's denial of their compound motions to reopen and reconsider, they present neither argument as to how the BIA erred in denying reconsideration of their similarly situated argument, nor any arguments whatsoever with respect to the BIA's dismissal of the new affidavits submitted by the sisters. They have thus waived that claim. See Varela-Chavarria v. Garland, 86 F.4th 443, 452 n.7 (1st Cir. 2023); see also Xirum v. Bondi, 141 F.4th 345, 355 (1st Cir. 2025) (noting that "issues adverted to in a perfunctory manner, unaccompanied by some effort at developed argumentation, are deemed waived" (quoting United States v. Zannino, 895 F.2d 1, 17 (1st Cir. 1990))).