United States Court of Appeals
For the First Circuit

No. 25-1556

DUKE ST. VAUGHN KEITH BROMFIELD,

Petitioner,

v.

TODD BLANCHE, Attorney General,*

Respondent.

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

Before

Dunlap, Lynch, and Kayatta,
Circuit Judges.

Patrick N. Long and Patrick Long Law Firm, P.C. on brief for petitioner.

Brett A. Shumate, Assistant Attorney General, Civil Division, Holly M. Smith, Assistant Director, and Krishana Patel, Trial Attorney, Office of Immigration Litigation, on brief for respondent.

August 25, 2026

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* 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**. Petitioner Duke St. Vaughn Keith Bromfield ("Bromfield"), a citizen of Jamaica, appeals from the Board of Immigration Appeals' ("BIA") affirmance of the Immigration Judge's ("IJ") denials of his two applications for relief in his removal proceedings. Bromfield's first application sought an adjustment of status while the second sought asylum, withholding of removal, or protection pursuant to the United Nations Convention Against Torture ("CAT"). Upon consideration, we conclude that we lack jurisdiction to review the agency's discretionary denial of Bromfield's application for an adjustment of status. Likewise, we lack jurisdiction to review the agency's determination that Bromfield's asylum application was untimely and that he did not qualify for an exception to the filing deadline. We therefore dismiss the petition as to the adjustment of status and asylum application denials. Further, for the reasons explained below, we deny the remainder of Bromfield's petition for review.

I.

Bromfield, a native and citizen of Jamaica, was admitted to the United States as a non-immigrant visitor on a B-2 tourist visa on September 30, 2004, and, though he was only authorized to remain in the United States until March 29, 2005, he has not left the country since. On March 28, 2009, he was arrested by the U.S. Border Patrol in Vermont and charged as removable pursuant to a violation of the Immigration and Naturalization Act ("INA"). He was released from custody on April 20, 2009, and around that time he hired an attorney, Sheri Murray, to represent him in immigration court.

Bromfield married a U.S. citizen in May 2009, and on July 9, 2009, Bromfield's then-wife filed an I-130 petition to seek lawful status for Bromfield. The Department of Homeland Security ("DHS") initiated removal proceedings by filing a Notice to Appear with the New York immigration court on July 16, 2009, and Bromfield successfully moved to change venue to Boston, Massachusetts. On April 1, 2010, Bromfield conceded his removability under Section 237(a)(1)(B) of the INA and indicated he planned to apply for an adjustment of status and voluntary departure. But after Bromfield and his wife divorced on May 5, 2010, Bromfield requested that the I-130 petition be withdrawn.

On May 12, 2010, Bromfield was indicted in the U.S. District Court for the District of New Hampshire on one count of false statements in violation of 18 U.S.C. § 1001(a)(2) and one count of false representation of a Social Security number in violation of 42 U.S.C. § 408(a)(7)(B), after providing false information on his application for a U.S. passport. Specifically, he was indicted for indicating falsely that he was born in the U.S. Virgin Islands.

Bromfield married another U.S. citizen on May 22, 2010; years later, in 2018, this marriage would also end in divorce. On June 30, 2010, his second wife filed a new I-130 petition on Bromfield's behalf. DHS initially denied the I-130 petition, noting that Bromfield's back-to-back marriages to different U.S. citizens raised an inference of marriage fraud that the petition did not overcome. Bromfield's wife appealed the denial, and an IJ in the Boston immigration court administratively closed the case for removal against Bromfield for false statements and false representation pending that appeal. Ultimately, on January 7, 2013, U.S. Citizenship and Immigration Services granted the I-130 petition based on Bromfield's second marriage. Bromfield's case was then re-calendared before the immigration court, where he sought to adjust his status.

At a hearing on June 30, 2015, DHS asserted that Bromfield was not eligible for an adjustment of status because he had fraudulently represented himself as a U.S. citizen born in the U.S. Virgin Islands when applying for a passport. Bromfield, through Attorney Murray, conceded ineligibility for an adjustment of status for that reason; after receiving a continuance to research whether any other forms of relief were available for Bromfield, Bromfield's counsel returned to court in November 2015, did not represent that Bromfield was eligible for any other forms of relief, and stated that Bromfield would not accept voluntary departure. Accordingly, the immigration court ordered Bromfield removed to Jamaica, denied the application for adjustment of status, and denied a waiver of Bromfield's conviction. Though she reserved the right to appeal, Attorney Murray did not file a notice of appeal to the BIA on behalf of Bromfield.

In January 2016, Bromfield and his brother, Cavkil Bromfield ("Cavkil"), approached Attorney Murray to discuss applying for fear-based relief, but Attorney Murray declined to file the application for such relief, indicating it would be more advantageous to wait. Later, Cavkil again reached out to Attorney Murray, who informed him she was on vacation; Bromfield then retained different counsel by September 19, 2016, and that attorney filed a motion to reopen on September 27, 2016. Bromfield also filed an I-589 Application for Asylum and Request for Withholding of Removal. In addition, he filed a complaint with the Massachusetts Board of Bar Overseers alleging that Attorney Murray provided ineffective assistance of counsel by failing to act with reasonable diligence and denying Bromfield his rights to appeal and apply for fear-based relief.

At Bromfield's hearing in support of his application for relief, Bromfield testified that he was afraid to return to Jamaica because he believed he would be targeted by gangs, as his brother Cavkil had been a police officer in Jamaica working on a specialized unit targeting gang members. Bromfield recalled that when he was 14 or 15 years old, he was playing with friends by a river in Jamaica when he was approached by armed gang members who "told [him] that they wanted [his] brother and if they cannot get him they're going to get the next best thing," impliedly threatening to harm Bromfield in his brother's stead. Bromfield described another incident in which gang members stormed through his school brandishing firearms and yelling that Bromfield's brother was not going to stop them. He further claimed that gang members, while looking for his brother, had tied up and beaten Bromfield's parents and kidnapped his aunt, holding her for ransom. Cavkil testified about his work as a police officer in Jamaica and stated that his house had been shot at on multiple occasions and that he believes he would be killed if he returned to Jamaica.

After reviewing the evidence presented, on March 3, 2023, the IJ denied Bromfield's applications for relief. At the outset, the IJ rejected Bromfield's request to adjust his status, noting his convictions for "various federal offenses, including passport fraud," and concluded that Bromfield was ineligible for waiver. The IJ further noted that Bromfield was "no longer married to his U.S. citizen spouse," as he and his second wife had divorced in 2018, and that, even if Bromfield had been eligible to adjust status, he "would have denied such application as a matter of discretion." As the IJ determined, Bromfield's "convictions in federal court are significant and serious; the negative equities . . . outweigh the positive."

Turning to Bromfield's other claims, the IJ determined that Bromfield was not credible based on inconsistencies in Bromfield's and his brother's testimony and affidavits, as well as Bromfield's evasive demeanor. Accordingly, he concluded that Bromfield's "asylum and withholding applications [we]re not supported by credible testimony, nor sufficient independent evidence to establish eligibility." The IJ also found Cavkil's testimony not credible.

The IJ went on to make additional findings in the alternative. As to Bromfield's asylum claim, the IJ concluded that the application was untimely because Bromfield failed to file it within one year of his arrival in the United States, see 8 U.S.C. § 1158(a)(2)(B), and instead waited to apply until twelve years after his entry. He further found that Bromfield's filing delay could not be excused by any "changed circumstances" that materially affected Bromfield's eligibility for asylum nor any "extraordinary circumstances" that directly related to the delay in the filing of the application. See 8 U.S.C. § 1158(a)(2)(D).

The IJ also rejected the asylum claim on the merits. Because "the record fail[ed] to establish that [Bromfield] either expressed a political opinion or that one was imputed to him," the IJ concluded Bromfield failed to establish past persecution or valid fears of future harm based on an imputed political opinion. In addition, he rejected Bromfield's argument that he had suffered past harm and feared future harm based on membership in a proposed particular social group ("PSG") of the "immediate family of police officers who have resisted corruption and gang activity," because this group was "not defined with particularity" and "the evidentiary record d[id] not establish that the proposed PSG [was] considered or recognized by Jamaican society to be a distinct social group." The IJ further concluded Bromfield failed to "m[e]et his burden to establish a subjective fear of future persecution" -- specifically, of being targeted by gang members because his brother had worked as a police officer in a specialized gang task force -- because his testimony was not credible.

Finally, the IJ rejected Bromfield's withholding of removal and CAT claims. Because Bromfield failed to prove that his life or freedom would be threatened in Jamaica on account of his membership in a PSG or his political opinion, he failed to establish eligibility for withholding of removal. See 8 U.S.C. § 1231(b)(3)(A); 8 C.F.R. § 1208.16(b). After examining whether Bromfield met the requirements for CAT relief based on reliable, independent evidence in the record, the IJ concluded "that he ha[d] not met his burden to establish that it [wa]s more likely than not he would be tortured in Jamaica by, at the instigation of, or with the acquiescence of a public official or one acting in an official capacity" and denied his application for CAT protection.

Bromfield appealed to the BIA, arguing that the IJ applied the wrong circuit's law and had clearly erred by making adverse credibility determinations and failing to appropriately consider emergency conditions. The BIA adopted and affirmed the IJ's decision and dismissed the appeal. It determined that the IJ "did not clearly err in finding the respondent not credible upon consideration of the totality of the circumstances," including the "multiple inconsistencies between [his] testimony, his affidavit, and other record evidence as well as his convictions for making false statements and making false representation of a social security number." It further held there was no factual or legal error in the IJ's findings that Bromfield's asylum application was time-barred and no extraordinary or changed circumstances excused his untimeliness, that he was ineligible to adjust his status, that his proposed PSG was not cognizable, and that Bromfield did not establish a well-founded fear of persecution for asylum purposes. The BIA also noted that Bromfield had "not challenged the [IJ]'s denial of protection under the CAT" and so he had "waived" that issue. This appeal followed.

II.

A. Standard of Review

We acknowledge the limits on our jurisdiction. Pursuant to 8 U.S.C. § 1252(a)(2)(A), "no court shall have jurisdiction to review . . . any individual determination or to entertain any other cause or claim arising from or relating to the implementation or operation of an order of removal pursuant to section 1225(b)(1)," id. § 1252(a)(2)(A)(i), or "a decision by the Attorney General to invoke the provisions of such section," id. § 1252(a)(2)(A)(ii). Moreover, pursuant to 8 U.S.C. § 1252(a)(2)(B), we lack "jurisdiction to review . . . any judgment regarding the granting of relief under section . . . 1182(i)," which permits the Attorney General to discretionarily waive the bar to admission for an immigrant who has committed fraud or a willful misrepresentation, or under sections "1229b . . . or 1255" -- governing adjustments of status -- or "any other decision or action of the Attorney General . . . the authority for which is specified under this subchapter to be in the discretion of the Attorney General . . . other than the granting of [asylum] relief under section 1158(a)." Id. § 1252(A)(2)(B)(i), (ii). That said, we retain jurisdiction to "review . . . constitutional claims or questions of law," id. § 1252(a)(2)(D), including mixed questions regarding "the application of a legal standard to undisputed or established facts," Guerrero-Lasprilla v. Barr, 589 U.S. 221, 225 (2020).

In removal proceedings "where, as here, the BIA embraces the decision of the IJ, merely adding its gloss to the IJ's findings and conclusions, we treat the two decisions as one" and, "[i]n this spirit, we sometimes refer to the combined decisions . . . as the decision of the agency." Bazile v. Garland, 76 F.4th 5, 14 (1st Cir. 2023) (citation modified). When reviewing the agency's decision-making, "we examine the agency's answers to legal questions de novo and consider whether its factual findings are supported by substantial evidence." Id. The "deferential 'substantial evidence' standard" under which we evaluate the agency's findings of fact "applies equally to asylum, withholding of removal, and CAT claims." Orelien v. Gonzales, 467 F.3d 67, 70 (1st Cir. 2006) (quoting Guzman v. INS, 327 F.3d 11, 15 (1st Cir. 2003)). "[W]e will not disturb the agency's determination on a fact-based issue unless the record evidence compels a reasonable factfinder to make a contrary determination." Bazile, 76 F.4th at 14 (citation modified); see 8 U.S.C. § 1252(b)(4)(B).

B. Choice of Law

Before reviewing Bromfield's claims, we must first address his concern regarding which circuit's law applies. "Choice of law determinations are questions of law," and we review them "de novo." Robidoux v. Muholland, 642 F.3d 20, 22 (1st Cir. 2011). Bromfield argues that the BIA erred in affirming the IJ's decision because that decision analyzed Bromfield's claims through the lens of Fourth Circuit case law, and the BIA, while expressly applying First Circuit law on one issue presented, otherwise adopted the IJ's decision without expressly indicating how First Circuit law applied to the other issues presented, instead citing mostly BIA precedent. Bromfield is correct that First Circuit law governs his case, but there is no need to remand on that basis given that the IJ’s decision relied on First Circuit law in the alternative and the BIA’s decision indicates that it considered only First Circuit and agency precedent.

For context, as recounted above, Bromfield's proceedings began in New York, but Bromfield successfully transferred venue to Boston, which is within our court's jurisdiction. DHS served Bromfield with a notice to appear before an IJ in Boston, Massachusetts, and the notice of internet-based hearing that was sent to Bromfield likewise indicated the court was in Boston. The IJ appeared at Bromfield's January 27, 2023 hearing via videoconference from the Immigration Adjudication Center in Richmond, Virginia. In his March 3, 2023 order, the IJ stated that Bromfield's case fell "in the jurisdiction of the 4th Circuit," though he also noted that "even if the Court analyzed

[Bromfield]'s claim under the laws of the 1st Circuit, it would come to the same conclusion."

The INA provides that petitions for review "shall be filed with the court of appeals for the judicial circuit in which the immigration judge completed the proceedings." 8 U.S.C. § 1252(b)(2). Courts of appeal have diverged in how they interpret the "completed the proceedings" language and, specifically, which circuit's law an IJ must apply when the IJ hears the case remotely from a different circuit than that where the noncitizen appears. Our court had not addressed these questions until August 2023 -- five months after the IJ issued his order in Bromfield's case. In Bazile, we held that an IJ "completes the proceedings" for purposes of § 1252(b)(2) in the "administrative venue . . . where 'proceedings' commenced when the charging document was filed (unless a formal change of venue has been effected)." 76 F.4th at 13 (quoting 8 C.F.R. § 1003.14(a)). Accordingly, under the law of our circuit, the IJ "complete[d] the proceedings" in Massachusetts, despite appearing via videoconference from Virginia. Moreover, as we observed in Bazile, BIA precedent -- specifically, Matter of Garcia, which issued three weeks after the IJ issued his decision in Bromfield's case -- "now requires IJs and the BIA to apply the law of the circuit where administrative venue lies" and where "proceedings [we]re commenced . . . unless a motion for change of venue has been granted." Id. at 14; see Matter of Garcia, 28 I. & N. Dec. 693, 704 (B.I.A. 2023). Here, administrative venue lies in Boston, and so under Bazile and Matter of Garcia, the law of our circuit governs.

Without the benefit of these decisions, the IJ relied on Herrera-Alcala v. Garland -- a Fourth Circuit decision holding that the place where the IJ "completed the proceedings" for purposes of § 1252(b)(2) is "the location of the Immigration Judge," which here was Virginia -- and concluded that Fourth Circuit law applied. 39 F.4th 233, 242–43 (4th Cir. 2022). Bromfield, however, has "a reasonable expectation" that "the same circuit law that will be used to resolve [his] petition for review" -- that is, First Circuit law -- "should also [have been] applied in the underlying proceedings." Matter of Garcia, 28 I. & N. at 699–700; see Bazile, 76 F.4th at 13 ("[T]he reasonable expectations of litigants are best served if the choice of law remains the same as a case moves through the immigration court, the BIA, and the circuit court."). Given the reasoning of the decisions under review, we find that this expectation is sufficiently satisfied here.

We find it sufficient that the IJ applied First Circuit law in the alternative "to resolve [Bromfield's] petition for review," see Matter of Garcia, 28 I. & N. at 700, and by adopting the IJ's decision, the BIA adopted the legal conclusion that "if

[it] analyzed [Bromfield's] claim under the laws of the 1st Circuit, it would come to the . . . conclusion" that the case fails. The IJ cited two of our court's precedents addressing whether an applicant has demonstrated a well-founded fear of persecution for asylum purposes or eligibility for CAT relief or withholding of removal. See Rebenko v. Holder, 693 F.3d 87, 93–94 (1st Cir. 2012); Morales-Morales v. Sessions, 857 F.3d 130, 136 (1st Cir. 2017). By adopting the IJ's decision, the BIA adopted the IJ's alternative analysis of the asylum, CAT, and withholding of removal claims under the law of our circuit. Bromfield's concern that the BIA did not expressly cite First Circuit law on every issue ignores the incorporation of the IJ's decision into that of the BIA. Moreover, the BIA did expressly cite First Circuit law regarding the IJ's credibility determination, and it avoided citing Fourth Circuit law; together, this indicates the BIA conducted its analysis through the lens of First Circuit, rather than Fourth Circuit, law.

Thus, this is not a case where "the BIA's de novo review is meaningless" because it "incorrectly applie[d] the legal standard," which would require us to "remand so that the petitioner may obtain meaningful BIA review." See Akinsanya v. Garland, 125 F.4th 287, 297 (1st Cir. 2025). On the contrary, thanks to the IJ's alternative rationale based on First Circuit law, the BIA's adoption of that rationale in full, and the BIA's analysis of additional First Circuit case law, Bromfield's "reasonable expectation" that our circuit's law would be "applied in the underlying proceedings" has been satisfied. See Matter of Garcia, 28 I. & N. at 699–700; Bazile, 76 F.4th at 13. We therefore proceed to conduct our own de novo review of the BIA's conclusions of law, as well as those of the IJ to the extent the BIA adopted them.

C. Adjustment of Status

Bromfield argues that the IJ's finding him ineligible for an adjustment of status was legally erroneous for two reasons. First, he argues that by treating his divorce from his second wife (which occurred in 2018 after Attorney Murray's purportedly ineffective assistance of counsel) as invalidating his application, the IJ failed to place him in the same position he would have been in but for his prior attorney's ineffective assistance, as he argues Matter of Lozada, 19 I. & N. Dec. 637 (B.I.A. 1988), requires. Second, he argues that the IJ misinterpreted the waiver requirements. Neither argument persuades us.

Bromfield's Lozada argument founders because it oversimplifies the IJ's rationale for rejecting his application for an adjustment of status. While the IJ did note in passing that Bromfield was "no longer married to his U.S. citizen spouse," this was not the core of the IJ's reasoning; rather, the IJ denied

Bromfield an adjustment of status primarily because Bromfield had made a false claim of U.S. citizenship, which made him ineligible regardless of his marital status. Under 8 U.S.C. § 1182(a)(6)(C)(ii)(I), "[a]ny alien who . . . has falsely represented[] himself . . . to be a citizen of the United States for any purpose or benefit under this chapter . . . is inadmissible." It was for this reason that the IJ originally rejected Bromfield's application for an adjustment of status on November 18, 2015, when Bromfield was still married. By doing so again for the same reason when Bromfield reopened his case, the IJ avoided treating Bromfield differently based on circumstances that occurred after his counsel's complained-of conduct.

Bromfield's waiver arguments are similarly unavailing. Under 8 U.S.C. § 1252(a)(2)(B)(i), we lack "jurisdiction to review . . . any judgment" by the Attorney General to deny discretionary relief that might otherwise be available "under section 1182(h), 1182(i), 1229b, 1229c, or 1255." <u>See generally</u> <u>Patel</u> v. <u>Garland</u>, 596 U.S. 328, 338, 347 (2022) (emphasizing that this section prohibits review of <u>any</u> judgment under the enumerated provisions, "not just discretionary judgments or the last-in-time judgment," and "clearly indicate[s] that judicial review of fact determinations is precluded in the discretionary-relief context"). Here, the IJ held that even if Bromfield were eligible to adjust status, "the Court would have denied such application as a matter of discretion" because Bromfield's "convictions in federal court [we]re significant and serious" and "the negative equities . . . outweigh[ed] the positive." This is a purely discretionary decision that we lack jurisdiction to review. See Mele v. Lynch, 798 F.3d 30, 32 (1st Cir. 2015); see Moreno v. Garland, 51 F.4th 40, 45-46 (1st Cir. 2022). We therefore dismiss Bromfield's petition as to adjustment of status.

D. Asylum

As a general rule, asylum seekers must apply for asylum within one year of their arrival in the United States, see 8 U.S.C. § 1158(a)(2)(B); however, the agency may consider untimely applications where an applicant "demonstrates to the satisfaction of the Attorney General either the existence of changed circumstances which materially affect the applicant's eligibility for asylum or extraordinary circumstances relating to the delay in filing." Id. § 1158(a)(2)(D) (emphasis added). Bromfield does not contest that the asylum application he filed in 2016, twelve years after arriving in the United States in 2004, was untimely. Instead, he argues that the BIA erred in affirming the IJ's decision that the one-year bar applied because the changed circumstances in the Jamaican political landscape making the One Order gang more powerful and the extraordinary circumstance of his prior attorney's misconduct should have excused the untimeliness of his asylum application.

We lack jurisdiction to review the BIA's determination that Bromfield's untimely application was not excused because, as the agency aptly observes, "whether an applicant established an exception to the one-year deadline for filing an asylum application is a question statutorily dedicated to the Attorney General's discretion and does not involve a mixed question of fact and law." Bromfield's contention that the extraordinary and changed circumstances determinations present mixed questions runs counter to our precedent: our court has made clear that the determination of whether extraordinary or changed circumstances exist "to the satisfaction of the Attorney General" "is an unreviewable discretionary judgment." Zapet-Alvarado v. Bondi, 152 F.4th 329, 336 (1st Cir. 2025) (emphasis added), cert. denied sub nom. Zapet-Alvarado v. Blanche, No. 25-1081, 2026 WL 1855098 (U.S. June 29, 2026). Accord Real v. Att'y Gen. of U.S., 147 F.4th 361, 368 (3d Cir. 2025); A.P.A. v. U.S. Att'y Gen., 104 F.4th 230, 241 (11th Cir. 2024). In effect, Bromfield is asking us to "second-guess the agency's assessment of the merits of the 'extraordinary circumstances' claim" and the changed circumstances claim. Lordes v. Mukasey, 288 F. App'x 712, 715 (1st Cir. 2008). This we cannot do. See id. We thus defer to the agency's determination that the asylum application's untimeliness is not excused and do not reach the merits of the asylum claim.

E. Withholding of Removal

Finally, we arrive at Bromfield's withholding of removal claim.[1] An otherwise removable alien who applies for withholding of removal bears the burden of establishing that it is "more likely than not" that his "life or freedom would be threatened in the proposed country of removal on account of race, religion, nationality, membership in a particular social group, or political opinion," and he may satisfy this burden through credible testimony regarding past or likely future persecution. 8 C.F.R. § 1208.16(b); see 8 U.S.C. § 1231(b)(3)(A); Zapet-Alvarado, 152 F.4th at 337. Bromfield argues that the BIA erred in denying his application for withholding of removal on the grounds that his testimony was not credible and that he failed to present a cognizable PSG. Upon review, we affirm the BIA's finding that Bromfield was not credible, as substantial evidence of inconsistent testimony supports this factual determination. Further, we affirm the BIA's determination that Bromfield's proposed PSG was not cognizable.

[1] We note, briefly, that Bromfield has not petitioned our court for review of the denial of his application for CAT relief. Nor could he: as the agency observes, because Bromfield failed to raise a challenge to the IJ's denial of his application for CAT relief before the BIA below, Bromfield has forfeited that claim. See 8 U.S.C. § 1252(d)(1) (requiring exhaustion).

1. **Credibility**

Immigration courts are tasked with assessing the credibility of testimony offered in support of applications for relief, and to do so, they evaluate "the totality of the circumstances, and all relevant factors." 8 U.S.C. § 1229a(c)(4)(C). Such factors include the applicant's and witness's "demeanor, candor, or responsiveness," as well as "the inherent plausibility of [their] account[s], the consistency between [their] written and oral statements . . . , the internal consistency of each such statement, the consistency of such statements with other evidence of record . . . , and any inaccuracies or falsehoods in such statements." Id. Credibility determinations are factual findings for which we defer to the agency "as long as they are supported by reasonable, substantial, and probative evidence on the record considered as a whole." Molina-Diaz v. Wilkinson, 989 F.3d 60, 63 (1st Cir. 2021) (citation modified).

Here, the IJ's finding, which the BIA adopted, that Bromfield was "not credible upon consideration of the totality of the circumstances and all relevant factors" is sufficiently supported by record evidence showing multiple inconsistencies between Bromfield's testimony and affidavit and the testimony of other witnesses. For example, Bromfield's affidavit attached to his September 2016 motion to reopen made no mention of the incident at the river about which he testified. Bromfield testified inconsistently about whether his aunt, cousin, or both had been kidnapped, and when asked on cross-examination why his written statement indicated that his cousin was kidnapped rather than his aunt as he had testified, Bromfield attributed this to a "mix-up" in his statement. Further, Bromfield's testimony that one of his attackers during the river incident may have had a gun in a plastic bag was inconsistent with the testimony of his brother Cavkil that the attackers had been "waving guns." Bromfield's testimony that gang members ran armed through his school was also inconsistent with Cavkil's affidavit, which did not mention the brandishing of firearms. The IJ also noted that Bromfield's demeanor undermined his credibility; he was evasive, non-responsive, and blamed his counsel for discrepancies in his testimony and written statement. See generally 8 U.S.C. § 1158(b)(1)(B)(iii)(listing "demeanor, candor, [and] responsiveness" and "the consistency between the applicant's . . . written and oral statements" as credibility factors).

"Since the IJ has the best vantage point from which to assess the witnesses' testimonies and demeanors, we accord significant respect to [this] . . . determination[]"and "will not upset the agency's credibility determination unless [Bromfield] can show the record evidence, considered as a whole, would compel a reasonable factfinder to make a contrary determination." See

Mam v. Holder, 566 F.3d 280, 283 (1st Cir. 2009) (citation modified). He cannot do so; indeed, he concedes as much by failing on appeal to challenge the IJ's findings and instead focusing his argument on what he claims is sufficient independent evidence establishing that he faced a well-founded fear of future prosecution, "notwithstanding any credibility issues."

"Because the IJ can disregard or discount evidence he finds incredible, an adverse credibility determination can prove fatal to a claim for . . . withholding of removal if the applicant cannot meet his burden of proof without relying on his own testimony," and "[s]uch is the case here." Melhem v. Gonzales, 500 F.3d 78, 81 (1st Cir. 2007) (citation modified). The independent, supposedly corroborating evidence to which Bromfield directs us consists of third-party reports describing the general political condition in Jamaica and evidence of Bromfield's brother's police service, neither of which suffices to indicate a clear threat to Bromfield specifically. "Generalized country conditions reports that do not shed light on the asylum applicant's particular situation are ordinarily not enough to establish fear of future persecution." Rodrigues v. Garland, 124 F.4th 58, 66 (1st Cir. 2024). Bromfield's reports are no different. Meanwhile, the letter from a police sergeant regarding Cavkil's police service and noting the "great risk" and general "threat" to "members of [police] families" does not compel us to find that

Bromfield, specifically, is at risk of harm in Jamaica when viewed in light of the record as a whole; another witness who had multiple family members involved in Jamaican law enforcement testified to regularly returning to Jamaica without incident. Accordingly, Bromfield's evidence in the record is insufficient to compel us to reverse the agency's credibility determination.

2. Particular Social Group

The IJ's decision as to withholding of removal is also supportable on the independent ground that Bromfield failed to identify a cognizable PSG. Whether Bromfield's proposed PSG of "immediate family of police officers who have resisted corruption and gang activity" is cognizable under the INA "is a question of law that we review de novo." See Hernandez-Mendez v. Garland, 86 F.4th 482, 490 (1st Cir. 2023). For a proposed PSG to be cognizable, it must be "(1) composed of members who share a common immutable characteristic, (2) defined with particularity, and (3) socially distinct within the society in question." Id. (quoting Paiz-Morales v. Lynch, 795 F.3d 238, 244 (1st Cir. 2015)). A PSG "must not be amorphous, overbroad, diffuse, or subjective." Montoya-Lopez v. Garland, 80 F.4th 71, 83 (1st Cir. 2023). Moreover, the proposed PSG must be "generally recognized in the community as a cohesive group." Larios v. Holder, 608 F.3d 105, 109 (1st Cir. 2010) (quoting Mendez-Barrera v. Holder, 602 F.3d 21, 26 (1st Cir. 2010)).

Bromfield's proposed PSG fails to satisfy this standard. The proposed PSG -- "immediate family of police officers who have resisted corruption and gang activities" -- "represents a 'large, diffuse portion of society with characteristics simply too amorphous to readily distinguish the boundaries of membership,'" because the characteristic of resisting corruption and gang activity is not clearly defined and could, as the agency points out, encompass a wide range of activities from refusing to accept bribes to actively investigating gang members. See Montoya-Lopez, 80 F.4th at 83 (quoting Mayorga-Vidal v. Holder, 675 F.3d 9, 15 (1st Cir. 2012)). Bromfield's proposed PSG thus lacks definite boundaries. Further, Bromfield has pointed to no record evidence establishing that Jamaican society recognizes as a discrete group the families of officers who have, in some way, resisted gangs and corruption. See Larios, 608 F.3d at 109.[2]

[2] We are unpersuaded that the out-of-circuit case law Bromfield cites for the proposition that police officers and their families are socially distinct enough to constitute a PSG justifies contours as indefinite as those of the PSG Bromfield proposes here. Unlike the "particular social group of former police officers" the court found "conceivable" in Sanjaa v. Sessions, being the immediate family member of a police officer who has resisted corruption and gang activity is not a well-defined characteristic. 863 F.3d 1161, 1165 (9th Cir. 2017) (citation omitted). It is instead open to interpretation. Although in R.R.D. v. Holder the proposed PSG of "honest former law-enforcement agents in Mexico" included indefinite language, the government did not contest its specificity. 746 F.3d 807, 809-10 (7th Cir. 2014) ("Both the IJ and the BIA . . . thought that . . . if criminal organizations target[ed] all honest law-enforcement officers, [the petitioner would] be entitled to asylum.").

The vague "resisted corruption or gang activity" language in Bromfield's proposed PSG resembles language in putative PSGs that our court has rejected. In Alvarado-Reyes v. Garland, we held that a proposed PSG of "Salvadoran men who resist gang recruitment" was overbroad, because whether a person displayed resistance was largely subjective and not defined. 118 F.4th 462, 472–73 (1st Cir. 2024). Similarly, in Mendez-Barrera, we explained that a putative PSG of "young women recruited by gang members who resist such recruitment" was not cognizable because it was unclear "who may be considered 'young,' the type of conduct that may be considered 'recruit[ment],' and the degree to which a person must display 'resist[ance],'" and these "ambiguous group characteristics" were "largely subjective" and "fail[ed] to establish a sufficient level of particularity." 602 F.3d at 27 (first two alterations in original). The same is true here. "Given [Bromfield's] loose description of the group, it is virtually impossible to identify who is or is not a member," and so the proposed PSG "is not sufficiently particular to be legally cognizable." See id.

III.

For the foregoing reasons, we **dismiss** the petition to review the adjustment of status and asylum application denials for lack of jurisdiction, and we **deny** the remainder of the petition for review.