

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 25-1741

ARIANNE GUILLERMINA BRACHO HERNANDEZ; ALEXCEILL ARTURO
SALAZAR BRACHO; IVMONT JAVIER SALAZAR RATTIA; SEBASTIAN
ANDRES SALAZAR BRACHO,
Petitioners

v.

ATTORNEY GENERAL UNITED STATES OF AMERICA

On Petition for Review of a Decision of
the Board of Immigration Appeals
(Agency Nos. 215-743-604, 215-743-563, 215-743-605, 215-743-606)
Immigration Judge: Forrest W. Hoover III

Submitted Under Third Circuit L.A.R. 34.1(a)
on September 15, 2026

Before: HARDIMAN, BIBAS, and RENDELL, *Circuit Judges*

(Filed: September 16, 2026)

OPINION*

* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

HARDIMAN, *Circuit Judge*.

Petitioners seek review of a Board of Immigration Appeals (BIA) decision that denied their applications for asylum, withholding of removal, and deferral of removal under the Convention Against Torture (CAT). We will deny their petition.

I

Arianne Guillermina Bracho Hernandez (Bracho), her husband, Ivmont Javier Salazar Rattia (Salazar), and their two adult sons, Alexceill Arturo Salazar Bracho (Alexceill) and Sebastian Andres Salazar Bracho (Sebastian), are natives and citizens of Venezuela. Alexceill was admitted to the United States on a student visa in January 2014, but he stopped attending college 15 months later, and his visa expired in April 2018. Bracho, Salazar, and Sebastian were admitted on tourist visas in 2017.

In June 2018, Bracho and Alexceill filed applications for asylum, withholding of removal, and deferral of removal under the CAT.¹ In August 2018, the Department of Homeland Security initiated removal proceedings against Petitioners. DHS charged Bracho, Salazar, and Sebastian with removability because they overstayed their visas. *See* 8 U.S.C. § 1227(a)(1)(B). And DHS charged Alexceill with removability because he failed to stay in school as his student visa required. *See* 8 U.S.C. § 1227(a)(1)(C)(i). Petitioners conceded they were removable as charged.

After considering Petitioners' testimony and their supporting documents, the IJ denied their applications for asylum, withholding of removal, and CAT protection. The IJ

¹ Bracho listed Salazar and Sebastian as derivatives on her application.

concluded that Petitioners were not credible because their testimony was inconsistent and implausible. The IJ also denied Alexceill's asylum application because he failed to file his application within a year of his last entry into the United States.

Petitioners appealed. The BIA adopted and affirmed the IJ's decision and dismissed the Petitioners' appeal. As relevant here, the BIA held that the IJ's adverse credibility finding was not clearly erroneous. The BIA also affirmed that Alexceill's application for asylum was untimely, and that he did not qualify for an exception. And independent of Petitioners' non-credible testimony, the BIA held that they did not show they merited CAT protection.

This timely petition followed.

II²

Petitioners primarily argue that the BIA erred in deeming their testimony not credible.³ Witness credibility is an issue of fact, *Dia v. Ashcroft*, 353 F.3d 228, 247 (3d Cir. 2003) (en banc), so we review the IJ's adverse credibility determination for substantial evidence, disturbing it only if "any reasonable adjudicator would be compelled to conclude to the contrary," *Galeas Figueroa v. Att'y Gen.*, 998 F.3d 77, 91

² We have jurisdiction under 8 U.S.C. § 1252(a)(1). The BIA had jurisdiction under 8 C.F.R. §§ 1003.1(b)(3) and 1240.15. Because the BIA "invoke[d] specific aspects of the IJ's analysis and factfinding" in support of its conclusions, we review both decisions. *Sunuwar v. Att'y Gen.*, 989 F.3d 239, 246 (3d Cir. 2021) (quoting *Uddin v. Att'y Gen.*, 870 F.3d 282, 289 (3d Cir. 2017)).

³ Petitioners also claim that the IJ failed to consider their country-conditions evidence. Not so. The IJ admitted the country conditions reports into the record and referred to them in his decision.

(3d Cir. 2021) (quoting 8 U.S.C. § 1252(b)(4)(B)). An IJ may find a lack of credibility based on an inconsistency “without regard to whether [the] inconsistency . . . goes to the heart of the applicant’s claim.” 8 U.S.C. § 1158(b)(1)(B)(iii). But “trivial” inconsistencies will not support an adverse credibility determination. *Sunuwar v. Att’y Gen.*, 989 F.3d 239, 251 n.7 (3d Cir. 2021). We agree with the BIA that a reasonable factfinder could conclude that the inconsistencies and improbabilities the IJ relied on to make its adverse credibility finding were not trivial.

Consider a few examples. First, Petitioners were inconsistent about Alexceill’s knowledge of the family’s situation in Venezuela. This detail matters because, as the IJ put it, Alexceill’s awareness of his family’s predicament is “a central question both to whether he qualifies for an exception to the one-year filing deadline,” and, as the BIA observed, whether he had a “basis to worry” about his family, as his affidavit in support of his asylum and withholding application indicated. A.R. 5, 141. On the one hand, Alexceill and Bracho testified that Alexceill was not aware that his brother participated in political protests against the Maduro regime until the family reunited in the United States in December 2017. But Alexceill’s original statement said: “I know that during the April 19 march in Caracas, several people were shot and killed by the government or collectives. As Sebastian’s brother, I was worried that Sebastian would be killed or seriously injured on April 19, due to his participation in the student and opposition marches.” A.R. 1714. As the IJ explained, “[i]t would not make sense for Alexceill to worry whether Sebastian would be harmed on April 19, 2017, if he only learned of these

activities after December 24, 2017, when he was allegedly informed for the very first time of what had already happened.” A.R. 142.

Alexceill also averred: (1) that “due to the threats of violence that my parents and Sebastian suffered in Venezuela, I began to discuss a plan with my parents for them to escape”; (2) that he worked with his father to save money so that his family could “flee” to the United States, the “only place” where they would be safe; and (3) that “[b]efore these incidents in April of 2017, I had every intention of returning home to Venezuela.” A.R. 1715. Yet Alexceill later testified that after his family arrived, he learned that his family was “being attacked or being in danger” and now understood that “it was very much clear that we could not go back.” A.R. 249–50. In sum, the inconsistencies between Alexceill’s written statement and oral testimony concerned key details of his knowledge of his family’s welfare in Venezuela. A reasonable factfinder could expect a credible witness to recount those details consistently, so substantial evidence supports the IJ’s adverse credibility determination.

Second, substantial evidence establishes that Petitioners’ testimony that they were the subject of a campaign of government persecution was improbable. *Dia*, 353 F.3d at 249. Petitioners assert that the government persecuted them by firing Salazar from the Ministry of Culture in 2011 and blacklisting him from future employment. But Salazar did not testify about any other jobs he applied for or what, if any, reason was provided to him by potential employers for not hiring him. Petitioners contend that Salazar was fired and blacklisted because he reported his boss for fraud, but allegations of a persecution campaign are hard to square with other parts of the record. Alexceill obtained a

government-funded scholarship to study in the United States in 2014; Bracho started working at the government-associated Cultural Mission several years after Salazar was fired and kept working there for months (until she left for the United States) after her boss allegedly learned of Sebastian's activities in protesting the government; and Petitioners traveled abroad repeatedly. A reasonable factfinder considering all that could find it implausible that that the Venezuelan government was engaging in a campaign of persecution against Petitioners.

Finally, if more support for the adverse credibility determination were needed, substantial evidence establishes that Petitioners' testimony about the cause of the gas explosion in their apartment also was implausible. Bracho testified that she believed Salazar's former employer sent "other people" to cause a gas explosion in the family's apartment, but none of the Petitioners identified who the alleged "other people" might be or provided a basis for Bracho's belief. A.R. 201. Instead, the fire investigators' report stated that the leaking gas in their apartment was set off by a spark caused by an electrical component in their refrigerator. In response, Bracho speculated that the gas company could somehow have caused the explosion or conspired to conceal its true cause. In this context, a reasonable factfinder could conclude, as the IJ did, that Petitioners' allegations were implausible, and we cannot say any reasonable factfinder would be compelled to

disagree that the explosion was anything but an accident. *See Nasrallah v. Barr*, 590 U.S. 573, 583–84 (2020).⁴

Finally, Petitioners have forfeited any challenge to the BIA’s determination that the other, credible evidence in the record did not support CAT relief. *See Barna v. Bd. of Sch. Dirs. of Panther Valley Sch. Dist.*, 877 F.3d 136, 145 (3d Cir. 2017). Petitioners challenge only their adverse credibility determination. So we need not address this part of the BIA’s CAT analysis.⁵

* * *

For the stated reasons, we will deny the petition.

⁴ Petitioners claim that the IJ was not permitted to rely on the asylum officer’s notes when making the adverse credibility determination. But as the BIA explained, to the extent that the IJ relied on those notes, he reasonably determined they were accurate. *See Matter of S-S-*, 21 I. & N. Dec. 121, 124 (B.I.A. 1995) (permissible to rely on asylum officer notes that “contain a meaningful, clear, and reliable summary of the statements made by the applicant at the interview”). And in any case, given the other discrepancies in the record, any such reliance was harmless. *Li Hua Yuan v. Att’y Gen.*, 642 F.3d 420, 427 (3d Cir. 2011).

⁵ Petitioners also argue Alexceill qualifies for an exception to the asylum application time bar under 8 C.F.R. § 1208.4(a)(4)-(5). The BIA determined that the IJ did not err in finding that Alexceill’s adverse credibility determination meant that Alexceill could not carry his burden to establish changed or extraordinary circumstances. We lack jurisdiction over that inquiry. *Real v. Att’y Gen.*, 147 F.4th 361, 366 (3d Cir. 2025) (extraordinary circumstances); *Sukwanputra v. Gonzales*, 434 F.3d 627, 635 (3d Cir. 2006) (changed circumstances).