FILED

DEC 12 2022

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MEI QI; Y. Z., Petitioners, v. MERRICK B. GARLAND, Attorney General, Respondent.	No. 16-73993 Agency Nos. A206-346-369 A206-346-370 MEMORANDUM[*]

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted December 8, 2022[**]
San Francisco, California

Before: GRABER and WATFORD, Circuit Judges, and BATAILLON,[***] District Judge.

Petitioners Mei Qi and her minor daughter, natives and citizens of China, timely seek review of the Board of Immigration Appeals' ("BIA") dismissal of

[*] This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

[**] The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

[***] The Honorable Joseph F. Bataillon, United States District Judge for the District of Nebraska, sitting by designation.

their appeal from an immigration judge's ("IJ") denial of their asylum claim. We deny the petition.

1. Substantial evidence supports the agency's adverse credibility determination. That determination is a factual finding, which we review for substantial evidence, Mukulumbutu v. Barr, 977 F.3d 924, 925 (9th Cir. 2020), and must uphold unless the evidence compels a contrary finding, Farah v. Ashcroft, 348 F.3d 1153, 1156 (9th Cir. 2003). Here, the IJ considered "the totality of the circumstances" and "all relevant factors," 8 U.S.C. § 1158(b)(1)(B)(iii), and provided specific, cogent reasons for the finding, Shrestha v. Holder, 590 F.3d 1034, 1042–43 (9th Cir. 2010). Lead Petitioner claims that she was forced to have an abortion and to use an IUD. In finding her not credible, the IJ relied on many inconsistencies. To name just a few: different dates of divorce; different frequency of required ultrasound tests; different employment history; and different cities where certain events occurred. The record, including the documentary evidence, did not compel the IJ to accept Lead Petitioner's explanations for the inconsistencies. Li v. Ashcroft, 378 F.3d 959, 962–63 (9th Cir. 2004), superseded on other grounds by statute, 8 U.S.C. § 1158(b)(1)(B)(iii).

2. The IJ did not abuse her discretion in denying Petitioners' request for a continuance. See Nakamoto v. Ashcroft, 363 F.3d 874, 883 n.6 (9th Cir. 2004)

(stating standard of review). Petitioners sought the continuance to obtain foreign documents pertaining only to the dates of Lead Petitioner's marriage and divorce. In view of the timing of the request—at the close of the merits hearing—and in view of Petitioners' failure to obtain and authenticate documents even though they had more than a year to do so, the agency permissibly ruled that Petitioners failed to show "good cause" for a continuance. 8 C.F.R. § 1003.29.

3. The BIA did not abuse its discretion in denying Petitioners' request to remand their case to the IJ to consider newly authenticated documents. See Taggar v. Holder, 736 F.3d 886, 889 (9th Cir. 2013) (stating standard of review). Petitioners failed to show that the documents presented were previously unavailable or that they would have changed the outcome of the proceeding.

PETITION DENIED.