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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MANINDER SINGH,

Petitioner,

v.

MERRICK B. GARLAND, Attorney
General,

Respondent.

Nos. 19-72494
20-72273

Agency No. A200-945-790

MEMORANDUM*

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

Submitted On September 12, 2022**
San Francisco, California

Before: HAWKINS, S.R. THOMAS, and FRIEDLAND, Circuit Judges.

Petitioner Maninder Singh, a native and citizen of India, seeks review of the Board of Immigration Appeals' ("BIA") order denying his motion to reopen and the BIA's dismissal of his appeal from the Immigration Judge's ("IJ") denial of his

* 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).

application for withholding of removal. We have jurisdiction under 8 U.S.C. § 1252.

1. The BIA did not abuse its discretion by denying Singh’s motion to reopen based on his marriage to a Muslim woman. Although Singh did not legally marry her until after his original hearing, he married her through a religious wedding ceremony and lived with her and her children for many years prior to the hearing. Evidence regarding his relationship with her was available prior to the hearing and could have been presented at the hearing. 8 C.F.R. § 1003.2(c)(1); *see Goel v. Gonzales*, 490 F.3d 735, 738 (9th Cir. 2007).

2. The BIA did abuse its discretion by denying Singh’s motion to reopen without considering the evidence he presented regarding changed country conditions for Muslims in India. *Franco-Rosendo v. Gonzales*, 454 F.3d 965, 966 (9th Cir. 2006) (“The BIA abuses its discretion when it fails to consider and address in its entirety the evidence submitted by a petitioner.” (quotation marks omitted)). The worsening country conditions for Muslims in India can be an independent basis for reopening. The fact that these changed country conditions are made relevant by Singh’s conversion to Islam—which cannot by itself serve as a basis for reopening—does not change the analysis. *See Chandra v. Holder*, 751 F.3d 1034, 1038–39 (9th Cir. 2014) (holding that, in evaluating untimely motions

to reopen, the BIA must consider changed country conditions evidence made relevant by changed personal circumstances which are not part of the statutory exception for untimely motions). We grant the petition on this issue alone.

3. The BIA did not err in denying Singh's motion to reopen based on ineffective assistance of counsel. Substantial evidence supports the BIA's factual finding that Singh never disclosed his conversion to Islam or his marriage to a Muslim woman to his prior counsel. Therefore, any prejudice arising from prior counsel's failure to raise claims for relief based on Singh's changed personal circumstances "was directly attributable to [Singh]'s failure to inform [prior counsel] rather than the quality of [prior counsel]'s representation." *Azanor v. Ashcroft*, 364 F.3d 1013, 1023 (9th Cir. 2004).

4. The BIA did not err in dismissing Singh's appeal from the IJ's denial of his application for withholding of removal. The BIA applied the correct nexus standard to Singh's claim for withholding of removal. Additionally, substantial evidence supports the BIA's determination that Singh failed to meet the nexus standard. The BIA reasonably concluded that the land mafia threatened and attacked Singh because they wanted to take his land for pecuniary purposes, and that hostility to small landowning farmers in Haryana was not a motivating factor for their persecution. "[L]andownership may be the basis of a particular social

group.” *Cordoba v. Holder*, 726 F.3d 1106, 1114 (9th Cir. 2013). But merely owning land and being threatened is insufficient; one must show that a persecutor’s desire to harm a particular social group was at least “a reason” for the persecution. *Barajas-Romero v. Lynch*, 846 F.3d 351, 360 (9th Cir. 2017); *see also Zetino v. Holder*, 622 F.3d 1007, 1016 (9th Cir. 2010) (holding that an applicant’s “desire to be free from harassment by criminals motivated by theft . . . bears no nexus to a protected ground”).

PETITION FOR REVIEW GRANTED IN PART; DENIED IN PART.