

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 20-12478
Non-Argument Calendar

Agency No. A206-685-780

MOHAMMAD ARIF HOSSAIN,

Petitioner,

versus

U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of a Decision of the
Board of Immigration Appeals

(July 19, 2021)

Before NEWSOM, LUCK, and ANDERSON, Circuit Judges.

PER CURIAM:

Mohammad Hossain petitions for review of the Board of Immigration Appeals's dismissal of his appeal of the immigration judge's denial of his application for asylum, withholding of removal, and relief under the United Nations Convention Against Torture. Because Hossain's testimony was not credible and his remaining evidence failed to establish his claims, we deny his petition for review.

FACTUAL BACKGROUND AND PROCEDURAL HISTORY

Hossain is a native and citizen of Bangladesh. In 2014, he unlawfully entered the United States and the government charged him with being removable under 8 U.S.C. section 1182(a)(7)(A)(i)(I). Hossain conceded removability and filed an application for asylum, withholding of removal, and relief under the Convention Against Torture, arguing that he feared persecution because of his political opinion.

In his application, Hossain alleged that he feared that he would be killed by supporters of the Awami League, the ruling political party in Bangladesh, because he was an active member of the Bangladesh National Party, a rival party. Hossain also submitted an affidavit in support of his application, in which he said that his "whole family" supported the BNP, but he was the only active member. He "became visibly and actively involved with the BNP" when he joined the BNP student group at his college and attended meetings and protests. He also worked with the BNP group in his village to recruit new members and promote the group's meetings and

protests. BNP members were “often cursed at and yelled at by the AL supporters” for putting up signs and banners, which happened to Hossain “many times.”

Hossain said that “there were two major attacks that made [him] flee Bangladesh.” The first was on April 3, 2013. Hossain described the incident this way:

I was putting up flyers with my friend Rubel Bepary informing of an upcoming BNP meeting. We was approached by about 10-15 AL supporters who spoke angrily and aggressively to us, saying things like “how dare you” put up BNP materials. They told us to take down the flyers. I ignored them. When we didn’t do what they said, they attacked us. They hit me, kicked me, and beat me. They also beat my friend Rubel. They hit us with hockey sticks and bamboo rods. One or two had machetes, and my friend Rubel got cut on the shoulder. There were too many of the AL members and we couldn’t defend ourselves; we did not have weapons. I guess somebody saw what was happening and ran to get my father. Soon my father and others came to help, my father told them to leave me alone. They threatened to beat my father, but when they saw a lot of people with him, they backed off.

The next day, Hossain’s father took him to a doctor because he was bruised all over, his face was bloodied, and the AL supporters beat his feet with sticks, making it difficult to walk. The doctor gave him bandages and pain relievers. Hossain then went to report the attack to the police, but they accused him of making a false report and threatened to arrest him.

The second attack was on April 15, 2013. Hossain attended the BNP meeting that he had been promoting before the first attack. On his walk home from the meeting about ten AL supporters approached him armed with knives, hockey sticks,

and bamboo rods. They told Hossain that they had “warned [him] last time” and now were “going to kill” him. The AL supporters “hit[] and slapp[ed]” Hossain before his parents came outside to help him. Hossain’s father’s hand was “stepped on and badly injured” during the struggle. The “commotion drew people over” to the scene and the AL supporters left, but first told Hossain: “This is not over. We will get you. You are dog food.”

After the attacks, Hossain was “terrified to leave the house” and afraid to “engage in political activities” or to go to work. Hossain left Bangladesh and headed to the United States. After he left the county, AL supporters went to his parents’ house to look for Hossain and threatened to kill him. Hossain learned from his father that his friend “Rubel was found murdered in a field.” Hossain feared that if he went back to Bangladesh he would also be murdered.

In support of his application, Hossain filed three affidavits from BNP officials, affidavits from both of his parents, the U.S. State Department’s 2015 country report on Bangladesh, and several articles, including one from Human Rights Watch. According to the BNP officials, Hossain had been an active BNP member since 2007, worked in communications, carried banners publicly, and was publicly known. One of the affidavits also said that AL supporters attacked Hossain on April 3, 2013, and April 15, 2013, and that “everyday the leaders of BNP are murdered,” abducted, and sent to jail by the AL.

Hossain's father's affidavit said that his family supported the BNP and that Hossain joined the BNP student group in 2007 while in college. Hossain "campaign[ed] for" and worked to "inform the public about the BNP," which led to AL "target[ing]" him and "threatening to kill him." On April 3, 2013, "10-15 [AL] members attacked [Hossain] and his friend Rubel and beat them badly." Hossain's father learned of the attack, gathered some neighbors, and ran to help Hossain and Rubel. When the AL supporters saw that Hossain's father "brought a group of men with [him,] [they] left the area."

After the attack, Hossain's father took Hossain to a doctor because his feet were injured in the attack, and the doctor gave Hossain bandages and pain medicine. Hossain tried to report the attack to the police, but they "told him he could be arrested for making a false report." On April 15, 2013, AL supporters, armed with knives, hockey sticks, and bamboo sticks, attacked Hossain when he was returning from a BNP meeting. Hossain's father heard the attack and ran outside to protect his son. After Hossain left Bangladesh, his father told Hossain that AL supporters came to their house looking for Hossain, and that Rubel was found murdered in a field. Hossain's father worried that if Hossain went back to Bangladesh, he might also be murdered.

Similar to her husband's affidavit, Hossain's mother's affidavit said that her family supported the BNP, Hossain joined the BNP student group while in college,

Hossain was an active BNP member, and AL leaders had targeted and threatened to kill Hossain. Hossain's mother described the April 3, 2013 attack the same way Hossain's father did: "10-15 [AL] members attacked [Hossain] and his friend Rubel and beat them badly." Hossain's father went to help Hossain and "stop the AL members from killing" him. Hossain's father then took Hossain to a doctor, and Hossain tried to report the attack to the police, but they accused him of making a false report and threatened to arrest him. Hossain's mother witnessed the second attack, on April 15, 2013, when AL supporters attacked Hossain with knives, hockey sticks, and bamboo sticks. The AL supporters said they would be back, would beat Hossain again, and that he would be their "dog's meal." Hossain's mother feared that if Hossain returned to Bangladesh, he would be murdered like his friend Rubel was.

Hossain's medical record showed that, on April 3, 2013, he was treated for a fractured toe and bruised head, neck, arm, knee, and leg. The doctor gave him some bandages and pain pills.

The U.S. Department of State's 2015 country report on Bangladesh confirmed that Bangladesh's human rights problems included extrajudicial killings, forced disappearances, arbitrary arrests and detentions, and that politically motivated violence and official corruption were a serious problem. There have been "[t]housands of arrests of BNP activists and allegations of extrajudicial killings,

deliberate shootings in the leg by police, and claims of torture accompanied the violence.” The report also noted that AL affiliated youth groups are known to engage in political violence.

The article by Human Rights Watch said that authorities in Bangladesh used arbitrary arrests and indiscriminate use of force to keep the BNP from boycotting the January 5, 2014 election, and the ruling AL leaders called on supporters to help prevent a political demonstration by the BNP. Hossain’s other articles noted violent clashes between the AL and the BNP, other extrajudicial political violence, disappearances of BNP leaders, and governmental abuse of power.

At the removal hearing, Hossain testified that on April 3, 2013 he, Rubel, “and another 10 to 15 people” were attacked by ten to fifteen AL supporters. Hossain said that the AL supporters attacked all of the BNP members he was with. Hossain’s leg, hand, and forehead were injured. Rubel’s shoulder was injured. The other ten to fifteen BNP members were also injured, though “very lightly.” Hossain’s father arrived with another ten to fifteen people and the AL supporters left because they saw “that there’s a lot of people.” After the attack, Hossain’s father brought him to a doctor and then to report the attack to the police. Hossain told the police that the other ten to fifteen BNP members witnessed the attack, but the police “did not listen.”

On cross-examination, the government asked Hossain why he did not mention that there were ten to fifteen additional BNP members at the April 3, 2013 attack in his application or affidavit. Hossain answered that he “did say that like me and my friend, when we were just putting [up] the poster[s] along with 10 to 15 BNP people.” The government clarified that it was asking about his affidavit, not about his testimony at the hearing and Hossain responded: “Still I’m saying that, ma’am, it should be there, that me, my friend and another 10 to 15 people were there.” The immigration judge then explained to Hossain that the government was pointing out that his affidavit did not say anything about the other BNP members. Hossain told the immigration judge that he left the other BNP members out of his affidavit because he and Rubel “were injured more” so he “didn’t think it ha[d] to be written.” The remainder of Hossain’s testimony was consistent with his affidavit.

The immigration judge denied Hossain’s application, finding that he was not credible and that the evidence he provided failed to establish his claims. The immigration judge noted that the affidavits were “internally consistent” and described the two alleged attacks “with precision regarding all substantive details.” The immigration judge found that it was “highly significant” that Hossain testified that he and Rubel were with ten to fifteen other BNP members during the first attack because that was absent from all of the affidavits and, thus, “clearly contradicted by the documentary evidence of record.”

The immigration judge explained that “the omission was highly significant” because Hossain’s affidavit said that he and Rubel could not defend themselves because there “were too many” AL supporters—which was “a clear expression of the fact that [they were] outnumbered”—and that the AL supporters only backed off when they saw “a lot of people” with Hossain’s father. The immigration judge found that this “omission” of the additional BNP members “pervade[d] the corroborative documents submitted in support of the application.” For example, Hossain’s father was “in a clear position to observe” how many BNP members were present at the first attack but his affidavit only referred to an attack on his “son and his friend Rubel.” And a letter from one of the BNP officials described the attack as an attack on only Hossain, despite ten to fifteen other BNP members allegedly also having been attacked.

The immigration judge acknowledged Hossain’s explanation that he omitted the additional BNP members because they were not as injured as he and Rubel were, but found the explanation to be unpersuasive. The immigration judge explained that whether there were ten to fifteen additional BNP members who were attacked was “highly probative and material” and “so fundamental to the respondent’s story, simply stating who was with him during the first attack,” because the “information would call into question the whereabouts of the similarly situated individuals, and also whether they have received any further mistreatment.” The immigration judge

also noted that Hossain was counseled when he applied for asylum, his application and affidavit were otherwise detailed, and when Hossain was first asked about the omission he was “non-responsive.” For those reasons, the immigration judge found that the omission was “highly relevant and clearly reflect[ed] [Hossain’s] lack of credibility.”

On the merits of Hossain’s asylum, withholding of removal, and Convention Against Torture relief claims, the immigration judge explained that “[e]ven after discounting [Hossain’s] testimony, and after a full review of the remaining documentation,” Hossain had not “met his burden of proof.” The immigration judge noted that Hossain submitted “extensive documentation” about the BNP and “specific documents” about his “particular case and circumstances,” including the affidavits from his parents and the BNP officials, and a medical record. The immigration judge found that the “documentary evidence raise[d] more questions than it answer[d]” because the omission of the additional ten to fifteen BNP members was a “material omission” from the affidavits, and the medical record did not “definitively establish any cause” for Hossain’s injuries.

Hossain appealed to the board, arguing that the immigration judge’s adverse credibility determination was erroneous because his testimony about the other ten to fifteen BNP members was merely additional detail and not inconsistent with the record. The board dismissed Hossain’s appeal, concluding that the immigration

judge's adverse credibility determination was not clearly erroneous and Hossain had failed to establish his claims. The board agreed with the immigration judge that Hossain "did not provide a reasonable explanation for omitting an important aspect of the first incident of harm he experienced."

The board explained that although Hossain testified that he did not think he should include the additional BNP members in his affidavit, he also testified that he reported to the police that these other BNP members were witnesses and had been attacked. The board also noted that although Hossain's affidavit said that he and Rubel could not defend themselves because they were outnumbered, if there were ten to fifteen additional BNP members with them, "then the two groups would have had fairly even numbers." The board concluded "[b]ased on the totality of the circumstances, the [i]mmigration [j]udge's adverse credibility determination ha[d] not been shown to be clearly erroneous."

The board also agreed with the immigration judge's "evaluation of [Hossain's] corroborative evidence." Adopting the immigration judge's reasoning, the board concluded that the immigration judge "properly accorded the appropriate weight to the individualized evidence proffered by [Hossain], including the affidavits of [Hossain's] parents and the letter from the BNP member." Because Hossain's testimony was not credible and "no other evidence independently established his burden of proof," the board concluded that Hossain could not

establish his asylum, withholding of removal, or Convention Against Torture relief claims.

STANDARD OF REVIEW

We review the board's decision "as the final judgment, unless the [board] expressly adopted the [immigration judge's] opinion." Perez-Zenteno v. U.S. Att'y Gen., 913 F.3d 1301, 1306 (11th Cir. 2019) When the board "agrees with the [immigration judge's] reasoning, we review the decisions of both the [board] and the [immigration judge]." Id. Where, as here, the board agreed with the immigration judge's adverse credibility determination, "we review the decisions of both the [i]mmigration [j]udge and the [b]oard regarding" that finding. Mohammed v. U.S. Att'y Gen., 547 F.3d 1340, 1344 (11th Cir. 2008).

We review de novo the board's legal determinations. Rivera v. U.S. Att'y Gen., 487 F.3d 815, 820 (11th Cir. 2007). "This court reviews administrative fact findings under the highly deferential substantial evidence test." Adefemi v. Ashcroft, 386 F.3d 1022, 1026–27 (11th Cir. 2004) (en banc). We "must affirm the [board's] decision if it is supported by reasonable, substantial, and probative evidence on the record considered as a whole." Rivera, 487 F.3d at 820. "Under the substantial evidence test, we view the record evidence in the light most favorable to the agency's decision and draw all reasonable inferences in favor of that decision." Id. (quoting Adefemi, 386 F.3d at 1027). We may reverse "findings

of fact made by administrative agencies, such as the [board], . . . only when the record compels a reversal; the mere fact that the record may support a contrary conclusion is not enough to justify a reversal of the administrative findings.” *Id.*

DISCUSSION

Hossain argues that the board and the immigration judge erred in denying his asylum, withholding of removal, and Convention Against Torture relief claims because they relied on an erroneous adverse credibility determination and “improperly discounted” the remaining evidence. We disagree.

Asylum Claim

Under the Immigration and Naturalization Act, the Attorney General may grant asylum if an alien meets the statutory definition of a “refugee.” *See* 8 U.S.C. § 1158(b)(1)(A). A “refugee” is “any person who is outside any country of such person’s nationality” who is unwilling to return to that 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.” *Id.* § 1101(a)(42)(A). To prove refugee status, an applicant “must, with specific and credible evidence, establish (1) past persecution on account of a statutorily protected ground or (2) a well-founded fear of future persecution on account of a protected ground.” *Rivera v. U.S. Att’y Gen.*, 487 F.3d 815, 820 (11th Cir. 2007) (quotation marks omitted).

“An applicant bears the burden of satisfying the [immigration judge] that [his] testimony is credible, is persuasive, and refers to specific facts sufficient to demonstrate that the applicant is a refugee.” Lyashchynska v. U.S. Att’y Gen., 676 F.3d 962, 967 (11th Cir. 2012). Under the REAL ID Act, an immigration judge must determine an applicant’s credibility this way:

Considering the totality of the circumstances, and all relevant factors, a trier of fact may base a credibility determination on the demeanor, candor, or responsiveness of the applicant or witness, the inherent plausibility of the applicant’s or witness’s account, the consistency between the applicant’s or witness’s written and oral statements (whenever made and whether or not under oath, and considering the circumstances under which the statements were made), the internal consistency of each such statement, the consistency of such statements with other evidence of record (including the reports of the Department of State on country conditions), and any inaccuracies or falsehoods in such statements, without regard to whether an inconsistency, inaccuracy, or falsehood goes to the heart of the applicant’s claim, or any other relevant factor.

8 U.S.C. § 1158(b)(1)(B)(iii). An immigration judge “must offer specific, cogent reasons for an adverse credibility finding.” Forgue v. U.S. Att’y Gen., 401 F.3d 1282, 1287 (11th Cir. 2005).

An adverse credibility determination “is a finding of fact” reviewed under the substantial evidence standard. Xia v. U.S. Att’y Gen., 608 F.3d 1233, 1239 (11th Cir. 2010). “To reverse the finding under that standard, we must conclude not only that the evidence supports a contrary finding, but that it compels one.” Id. (cleaned up). The “mere fact that the record may support a contrary finding is not

enough to justify a reversal.” Id. (citing Adefemi, 386 F.3d at 1027). “This deferential standard prevents us from reweighing the evidence from scratch.” Id. (cleaned up).

A. Hossain’s Credibility

Here, the immigration judge and the board offered specific, cogent reasons why Hossain was not credible. First, the immigration judge and the board found that Hossain’s testimony that he and Rubel were attacked along with another ten to fifteen BNP members was “clearly contradicted” by the affidavits he submitted because, despite describing the attack “with precision regarding all substantive details,” those affidavits alleged that only Hossain and Rubel were attacked. The adverse credibility finding was supported by substantial evidence. Hossain’s affidavit said that: he was “putting up flyers with [his] friend Rubel”; he and his friend Rubel were “approached by about 10-15 AL supporters who spoke angrily and aggressively to [them]”; and the AL supporters “attacked” Hossain and “also beat [his] friend Rubel.” Hossain’s father, who witnessed the attack, submitted an affidavit, which said that: there was an attack on his “son and his friend Rubel”; there were ten to fifteen AL supporters who attacked his “son and his friend Rubel”; and Hossain’s father “shouted at the AL members to leave [his] son and Rubel alone.” But Hossain testified at the hearing that he was with “another 10 to 15” BNP members when he was attacked. His and his father’s affidavits contradicted that

testimony.

Second, the immigration judge and the board found that “the omission was highly significant” because Hossain’s affidavit alleged that he and Rubel could not defend themselves because they were outnumbered by the AL supporters, and the AL supporters only backed off when they saw “a lot of people” with Hossain’s father. This materiality finding was supported by substantial evidence. Hossain’s affidavit said that there “were too many of the AL members and [Hossain and Rubel] couldn’t defend [themselves]” and that Hossain’s father and some other people came to help and, “when [the AL supporters] saw a lot of people with [Hossain’s father], they backed off.” As the board explained, it would not have been true that Hossain and his friend were outnumbered if they were also with ten to fifteen other BNP members when they were attacked.

Third, the immigration judge and the board found that Hossain’s explanation—that he omitted the additional BNP members from his affidavit because they were less injured than he and Rubel were—was unpersuasive because whether there were ten to fifteen other BNP members with Hossain and Rubel was “highly probative and material” and “so fundamental to [Hossain’s] story,” and when Hossain was first asked about the omission he was “non-responsive.” The unpersuasive explanation finding was supported by substantial evidence. Hossain testified that the other BNP members were attacked and that he told the police that

the other ten to fifteen BNP members witnessed the attack. If Hossain thought it was important to tell the police that there were ten to fifteen other attack victims and witnesses, it makes little sense that he would omit them from his affidavit because they suffered minor injuries. And these additional BNP members were not only important witnesses to Hossain's attack; their presence fundamentally changes Hossain's story because his and his father's affidavits said that Hossain and Rubel were outnumbered and that the AL supporters retreated because they saw "a lot of people" with Hossain's father. If there were ten to fifteen other people with Hossain and Rubel, there would have already been "a lot of people" with them and they would have had roughly the same number of people as the group of ten to fifteen AL supporters.

The record also shows that Hossain was inconsistent in explaining his omission. When the government asked Hossain why he did not mention the additional ten to fifteen BNP members in his application or affidavit, Hossain first answered that he did say that in his testimony. The government then clarified that it was asking about his affidavit, not about his testimony at the hearing and Hossain responded that he had included the information in his affidavit as well: "it should be there, that me, my friend and another 10 to 15 people were there." But after the immigration judge told Hossain that it was not there, Hossain told the immigration judge that he left the other BNP members out of his affidavit because he and Rubel

“were injured more” so he “didn’t think it ha[d] to be written.”

Hossain, citing Tang v. U.S. Att’y Gen., 578 F.3d 1270 (11th Cir. 2009) and Kueviakoe v. U.S. Att’y Gen., 567 F.3d 1301, 1305 (11th Cir. 2009), argues that the board and immigration judge’s credibility finding should not have hinged on his omission of the ten to fifteen additional BNP members from his asylum application and affidavit. But those cases do not help him. In Tang, we held that an immigration judge “should not focus exclusively on airport interview omissions” because “the alien is not represented by counsel and may be markedly intimidated by official questioning” and the immigration judge “should keep in mind that an airport interview is not an application for asylum.” Tang, 578 F.3d at 1279. Here, as the immigration judge noted, Hossain was counseled when he submitted his asylum application and affidavit. And Hossain was not under the pressure of being interviewed by an immigration official after an international flight; he had the time and opportunity to put his testimony on paper with the help of his attorney.

In Kueviakoe, we held that the immigration judge erred in finding “inconsistencies” between the applicant’s testimony and his written statement. Kueviakoe, 567 F.3d at 1305. We explained that the “identified inconsistencies were not sufficient to support a finding of lack of credibility because they were not inconsistencies at all”—for example, the “use of the word ‘car’ in [the] testimony and ‘truck’ in [the] written statement.” Id. Here, Hossain didn’t just use a different

word to describe how many people were with him; he changed his story entirely. Rather than two people unable to defend themselves because they were outnumbered by ten to fifteen attackers, there were two people joined by another ten to fifteen people being attacked by a group roughly the same size.

Because substantial evidence supported the board and immigration judge's specific, cogent reasons for finding that Hossain was not credible, we cannot say that the record compels reversal of that adverse credibility determination. See Xia, 608 F.3d at 1240 (holding that substantial evidence supported an adverse credibility determination where the applicant's testimony "included at least one internal inconsistency" and "one omission"); Chen v. U.S. Att'y Gen., 463 F.3d 1228, 1232 (11th Cir. 2006) (holding that substantial evidence supported an adverse credibility determination where there was "a discrepancy between [the applicant's] testimony at his removal hearing and credible fear interview about the number of people with whom he practiced" his religion; a discrepancy between the applicant's asylum application and his testimony at the removal hearing as to the date he was arrested; and "when confronted with these inconsistencies," the applicant "was very evasive").

B. Remaining Evidence

Hossain argues that "substantial other evidence on the record support[ed] [his] claims of persecution in Bangladesh." "Of course, an adverse credibility

determination does not alleviate the [immigration judge's] duty to consider other evidence produced by an asylum applicant.” Forgue, 401 F.3d at 1287. Here, the immigration judge considered the remaining evidence but gave it no weight, finding that the “documentary evidence raise[d] more questions than it answer[d]” because the omission of the additional ten to fifteen BNP members was a “material omission” from his parents’ affidavits and the BNP officials’ affidavits, and the medical records did not “definitively establish any cause” for Hossain’s injuries.

The immigration judge’s decision to discount Hossain’s remaining evidence was supported by substantial evidence because his parents’ affidavits and the BNP officials’ affidavits suffered from the same inconsistency as Hossain’s testimony. Hossain testified that on April 3, 2013 he, Rubel, “and another 10 to 15 people” were attacked by ten to fifteen AL supporters. Hossain also testified that he told the police that the other ten to fifteen BNP members were witnesses to the attack. But Hossain’s father’s affidavit said that: there was an attack on his “son and his friend Rubel”; there were ten to fifteen AL supporters who attacked his “son and his friend Rubel”; and he “shouted at the AL members to leave [his] son and Rubel alone.” Hossain’s mother’s affidavit described the April 3, 2013 attack the same way: “10-15 [AL] members attacked [Hossain] and his friend Rubel and beat them badly.” The affidavits from the three BNP officials failed to mention the additional ten to fifteen of their members who were also allegedly attacked. These material omissions

from the affidavits called into question their reliability. See Mohammed, 547 F.3d at 1347 (denying petition for review where the immigration judge “denied relief on the basis of both [its] adverse credibility determination and [its] finding that [the applicant] had not offered any reliable corroborative evidence”).

Hossain’s medical record, standing alone, could not prove that he suffered or would likely suffer persecution because it did not give a cause for his injuries. And Hossain’s report from the State Department and articles on conditions in Bangladesh could not prove that he suffered or would likely suffer persecution because that evidence was not specific to him. See Imelda v. U.S. Att’y Gen., 611 F.3d 724, 729 (11th Cir. 2010) (“[U]se of country reports cannot substitute for an analysis of the unique facts of each applicant’s case.”); Mohammed, 547 F.3d at 1346 (holding that the record did not “compel a finding that [the applicant] presented specific, detailed facts showing a good reason to fear that he [would] be singled out for persecution” because the evidence was “not specific to” the applicant (cleaned up)).

Hossain contends that the board and the immigration judge “improperly discounted” his evidence. But, though an immigration judge is “obligated to consider [an applicant’s] documentary evidence, the [i]mmigration [j]udge [is] under no obligation to credit it or assign it decisive weight.” Mohammed, 547 F.3d at 1347. Here, the immigration judge and the board considered Hossain’s other evidence, and their conclusion that the other evidence did not support the asylum

claim was supported by substantial evidence.

Withholding of Removal and Convention Against Torture Relief

Because Hossain failed to establish a claim of asylum on the merits, and all three of his claims relied on the same not-credible and unreliable evidence, he also failed to establish eligibility for withholding of removal or protection under the Convention Against Torture. See Forgue, 401 F.3d at 1288 n.4 (“Because Forgue has failed to establish a claim of asylum on the merits, he necessarily fails to establish eligibility for withholding of removal or protection under” the Convention Against Torture.).

PETITION DENIED.