

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-12057
Non-Argument Calendar

MASRI SASTRAWAN,

Petitioner,

versus

U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of a Decision of the
Board of Immigration Appeals
Agency No. A098-564-173

Before ROSENBAUM, ABUDU, and ANDERSON, Circuit Judges.

PER CURIAM:

Masri Sastrawan petitions for review of an order of the Board of Immigration Appeals (“BIA”) denying his motion to reopen based on changed country conditions in Indonesia. He argues

that the passage of a new criminal code and increasing religious hostility against Christians, along with the death threats made to him by his family because of his conversion to Christianity, constitute changed country conditions. After careful review, we deny the petition for review.

Background

Sastrawan, a native and citizen of Indonesia, was admitted into the United States in 2000 with a C1 visa, allowing him to stay for 29 days. In 2006, the Department of Homeland Security (“DHS”) served Sastrawan a Notice to Appear (“NTA”) charging him as removable pursuant to (1) Immigration and Nationality Act (“INA”) § 237(a)(1)(B), 8 U.S.C. § 1227(a)(1)(B), as an alien who remained in the United States for a time longer than allowed; and (2) INA § 237(a)(3)(A), 8 U.S.C. § 1227(a)(3)(A), for failing to notify the Attorney General of his current address and failing to furnish the Attorney General with required information.

Sastrawan applied for asylum, withholding of removal, and protection under the Convention Against Torture (“CAT”). He said that he feared returning to Indonesia because he had married a Christian woman and converted to Christianity, and that his family and people in his hometown, who were Muslim, would not accept him.

In support of his application, Sastrawan submitted articles from between 2001 and 2008 discussing violence against Christians in Indonesia and the imprisonment of Christians in Indonesia under blasphemy charges, as well as the 2008 U.S. State Department

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Report on Indonesia, and the 2007 U.S. State Department International Religious Freedom Report. The two reports noted that the Indonesian government generally respected religious freedom, especially for the six officially recognized religions (Buddhism, Catholicism, Confucianism, Hinduism, Islam, and Protestantism), but that it “ban[ned] proselytizing” and “sometimes tolerated discrimination against and the abuse of religious groups.”

Following a merits hearing in 2009, an immigration judge (“IJ”) denied Sastrawan’s application for asylum, withholding, and CAT protection, and ordered his removal. The IJ reasoned that, although there was some evidence of religious discrimination in society, there was no evidence that the Indonesian government would persecute or torture Sastrawan, and that being ostracized by his family for converting to Christianity did not rise to the level of persecution. Sastrawan appealed to the BIA, which affirmed the IJ’s decision.

In September 2012, Sastrawan moved to reopen and for reconsideration of his removal order, asserting that conditions in Indonesia had materially changed. In relevant part, he argued that the U.S. State Department’s 2010 International Religious Freedom Report, along with two recent news articles, revealed a new pattern or practice of persecuting Christians in Indonesia.

The BIA denied the motion. It concluded that Sastrawan did not show that conditions for religious minorities had materially changed since the 2009 merits hearing. We denied Sastrawan’s petition for review of this decision, holding that the agency did not

abuse its discretion because Sastrawan had not shown that conditions for Christians in Indonesia had materially worsened. *Sastrawan v. U.S. Att’y Gen.*, 537 F. App’x 903 (11th Cir. 2013). We explained that, although the 2010 Religious Freedom Report noted “that Muslim groups used violence and intimidation to close churches, that the government has failed to punish perpetrators of religious violence, and that some areas have implemented Islamic law,” the 2007 Religious Freedom Report “contained reports of similar incidents.” *Id.*

In February 2019, Sastrawan filed a second motion to reopen. He asserted that a recent rise in anti-Christian violence had occurred, particularly against those who had converted from Islam, and presented updated country reports and news articles.

The BIA denied this motion as untimely and number-barred. The court found that although Sastrawan submitted documentation updating the courts on conditions within Indonesia, it did not reveal a material difference that would have affected Sastrawan’s claims. To be sure, the BIA explained, the application of Sharia law to non-Muslims in Aceh province was a changed condition. But, the BIA reasoned, that change was not material to Sastrawan because he was from a different province.

In July 2023, Sastrawan filed a third motion to reopen. The BIA’s denial of that motion is the subject of this petition for review. In support of his third motion to reopen, Sastrawan submitted up-

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dated country reports, news articles, and documentation describing recent incidents of religious violence and the implementation of stricter religious regulations in certain provinces.

Sastrawan's third motion to reopen argued that country conditions had changed for two reasons. First, he asserted that family members had made credible death threats for his conversion to Christianity from Islam, which they viewed as apostasy. Second, he cited revisions to the criminal code, which Indonesia's parliament passed in December 2022, that allegedly "expanded the scope of blasphemy and apostasy provisions." Sastrawan noted that, under the new legislation, which was "set to take effect in 2026, pending approval of implementing regulations," the blasphemy code had been increased from "one to six articles" and "for the first time include[d] an article outlawing leaving a religion or a belief as apostasy." Thus, Sastrawan argued that country conditions had changed because, under the revised criminal code, he could now be charged with blasphemy and apostasy.

The BIA denied the third motion to reopen as untimely and number-barred. The BIA found that Sastrawan had not established changed country conditions in Indonesia material to his case. First, the BIA noted that the recently enacted articles on blasphemy and apostasy had "not been implemented yet." Second, the BIA observed that "[t]he 2022 Department of State's International Religious Freedom Report suggests the new laws would punish those committing or inciting hostile acts or discrimination, not those who simply convert." Third, the BIA otherwise found that the new

evidence submitted with the motion to reopen was comparable to the evidence of conditions at the time of the 2009 hearing. Fourth, the BIA emphasized that Indonesia generally affords constitutional and statutory protections to religious minorities, including Protestants. Although the BIA acknowledged isolated incidents of religious violence, it determined that no material change in country conditions occurred sufficient to warrant reopening. And finally, the BIA found that the threats from Sastrawan's family constituted changed personal circumstances rather than evidence of a country-wide shift.

Sastrawan now petitions for review. He asserts that the BIA abused its discretion in concluding that he failed to establish a material change in country conditions.

Discussion

We have jurisdiction to review final orders of removal and, by extension, orders denying motions to reopen final removal orders. INA § 242(a)(1), 8 U.S.C. § 1252(a)(1); *Patel v. U.S. Att'y Gen.*, 334 F.3d 1259, 1261 (11th Cir. 2003). “We review the BIA’s denial of a motion to reopen removal proceedings for abuse of discretion,” so our review “is limited to determining whether the BIA exercised its discretion in an arbitrary or capricious manner.” *Zhang v. U.S. Att’y Gen.*, 572 F.3d 1316, 1319 (11th Cir. 2009) (alteration adopted, quotation marks omitted). “[A]s motions to reopen are disfavored, especially in removal proceedings,” the moving party bears a heavy burden. *Id.*

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The INA provides that a noncitizen may file one motion to reopen removal proceedings, and it must be filed within 90 days after issuance of the final administrative order of removal. INA § 240(c)(7)(A), (C)(i), 8 U.S.C. § 1229a(c)(7)(A), (C)(i). The 90-day time limit, however, does not apply to a motion that seeks reopening to apply for relief from removal (including CAT relief) based on changed conditions in the country of removal, if “the changed conditions are material and could not have been discovered” during the removal proceedings. *Blake v. U.S. Att’y Gen.*, 945 F.3d 1175, 1178 (11th Cir. 2019) (quotation marks omitted); *see* INA § 240(c)(7)(C)(ii), 8 U.S.C. § 1229a(c)(7)(C)(ii).

“An alien who attempts to show that the evidence is material bears a heavy burden and must present evidence that demonstrates that . . . the new evidence would likely change the result in the case.” *Jiang v. U.S. Att’y Gen.*, 568 F.3d 1252, 1256-57 (11th Cir. 2009); *see also Blake*, 945 F.3d at 1178-79 (noting that petitioner who files an untimely motion to reopen to seek CAT relief, asserting changed country conditions, must show “that his risk of harm was materially affected by [the] changed country conditions . . . as opposed to changed personal circumstances.”). “An alien cannot circumvent the requirement of changed country conditions by demonstrating only a change in [his] personal circumstances.” *Zhang*, 572 F.3d at 1319; *see Jiang*, 568 F.3d at 1258 (“[C]hanged personal circumstances do not meet the standard for a petition to reopen . . .”).

The question before us is whether the BIA abused its discretion when it denied Sastrawan's motion to reopen as untimely and number-barred after concluding that he had not shown a material change in country conditions. Sastrawan contends that conditions for Christians in Indonesia have generally worsened since his 2009 merits hearing, pointing to the expansion of Indonesia's blasphemy and apostasy provisions and reports of increased hostility towards Christian converts. He also argues that the death threats his family has made against him since his conversion constitute new evidence of internal persecution.

But we cannot find, based on this record, that the BIA acted arbitrarily or capriciously in concluding that Sastrawan failed to establish changed country conditions material to his case. Viewed collectively, Sastrawan's submissions did not satisfy the rigid standard for reopening based on changed country conditions.

As the BIA noted, Indonesia's expanded blasphemy and apostasy provisions had not been implemented when the BIA denied the third motion to reopen in May 2025. And there was conflicting evidence as to the expected scope of the provisions. According to the 2022 Religious Freedom Report, the expanded blasphemy and apostasy provisions made it unlawful to commit or incite hostile acts or discrimination against religion, to disseminate "such public information," or to "publicly incite[] others to change or leave their religion or profess no religion or belief." Nothing in the 2022 Religious Freedom Report suggested that the expanded

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provisions would apply to private religious conversions like Sastrawan's, despite vague claims to that effect in other articles Sastrawan submitted. Thus, the Board reasonably found that the legal developments Sastrawan cited were either not yet implemented or not shown to apply to circumstances like Sastrawan's.

Plus, the BIA expressly considered Sastrawan's other new evidence, noting that though there were instances of violence against religious minorities in Indonesia, those incidents were comparable to the evidence of conditions at the time of his 2009 hearing. The BIA reiterated that Indonesia continued to provide constitutional and statutory safeguards for religious minorities, including Protestants, within the country, and that the government generally respected religious freedom of the officially recognized religions. While Sastrawan contends that Indonesia has become "increasingly inhospitable for religious minorities," the BIA reasonably concluded that he did not meet his heavy burden of establishing a material change in Indonesia's treatment of religious minorities that would warrant the reopening of his 2009 removal proceeding. *See Zhang*, 572 F.3d at 1319.

Finally, the BIA did not abuse its discretion in finding that Sastrawan's personal circumstances, including recent death threats by family members, did not establish "materially changed country conditions." Our precedent is clear that a noncitizen "cannot circumvent the requirement of changed country conditions by

demonstrating only a change in [his] personal circumstances,” rather than changed country conditions. *Zhang*, 572 F.3d at 1319; see *Blake*, 945 F.3d at 1178–79.

Because we cannot say that Sastrawan’s evidence showed a material shift in Indonesia’s treatment of Christians, the BIA did not act arbitrarily or capriciously in concluding that Sastrawan’s evidence did not satisfy the heavy burden required to reopen his removal proceedings.

PETITION DENIED.