

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

**SUMMARY ORDER**

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING TO A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 25<sup>th</sup> day of March, two thousand twenty-one.

**PRESENT:**

DENNY CHIN,  
RICHARD J. SULLIVAN,  
WILLIAM J. NARDINI,  
*Circuit Judges.*

HOM PRASAD BOSEL,  
*Petitioner,*

v.

MERRICK B. GARLAND, UNITED  
STATES ATTORNEY GENERAL,  
*Respondent.\**

19-172  
NAC

**FOR PETITIONER:**

Jason Schaffer, Esq., Mungoven &  
Associates, P.C., New York, NY.

\* Pursuant to Federal Rule of Appellate Procedure 43(c)(2), Attorney General Merrick B. Garland is automatically substituted as Respondent.

1 **FOR RESPONDENT:**

Liza S. Murcia , Senior Litigation  
Counsel; Raya Jarawan, Trial  
Attorney, Office of Immigration  
Litigation, United States  
Department of Justice, Washington,  
DC.

7 UPON DUE CONSIDERATION of this petition for review of a  
8 Board of Immigration Appeals ("BIA") decision, it is hereby  
9 ORDERED, ADJUDGED, AND DECREED that the petition for review  
10 is DENIED.

11 Petitioner Hom Prasad Bosel, a native and citizen of  
12 Nepal, seeks review of a December 18, 2018 decision of the  
13 BIA affirming a November 22, 2017 decision of an Immigration  
14 Judge ("IJ") denying his application for asylum, withholding  
15 of removal, and relief under the Convention Against Torture  
16 ("CAT"). *In re Hom Prasad Bosel*, No. A205 614 579 (B.I.A.  
17 Dec. 18, 2018), *aff'g* No. A 205 614 579 (Immig. Ct. N.Y.C.  
18 Nov. 22, 2017). We assume the parties' familiarity with the  
19 underlying facts and procedural history in this case.

20 We review the IJ's decision as supplemented by the BIA  
21 under the substantial evidence standard, and we review  
22 questions of law *de novo*. See 8 U.S.C. § 1252(b)(4)(B);  
23 *Paloka v. Holder*, 762 F.3d 191, 195 (2d Cir. 2014).

1       Where, as here, the agency found past persecution, an  
2       asylum applicant has a rebuttable presumption of a well-  
3       founded fear of future persecution.       See 8 C.F.R.  
4       § 1208.13(b)(1).<sup>†</sup> The government may rebut that presumption  
5       if it shows, by a preponderance of the evidence, either that  
6       there has been "a fundamental change in circumstances such  
7       that the applicant no longer has a well-founded fear of  
8       persecution in [his or her] country of nationality," or that  
9       the applicant could avoid future persecution "by relocating  
10      to another part of [his or her] country of nationality . . . ,  
11      and under all the circumstances, it would be reasonable to  
12      expect the applicant to do so." 8 C.F.R. § 1208.13(b)(1)(i)-  
13      (ii). Because we conclude that substantial evidence supports  
14      the agency's relocation finding, we do not reach its changed  
15      circumstances determination.       See *INS v. Bagamasbad*, 429  
16      U.S. 24, 25 (1976) ("As a general rule courts and agencies  
17      are not required to make findings on issues the decision of  
18      which is unnecessary to the results they reach.").

19       The record supports the agency's conclusion that Bosel  
20      could reasonably relocate within Nepal to avoid future

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<sup>†</sup> All citations are to the version of the regulations in effect at the time of the IJ's decision.

1 persecution. See 8 C.F.R. § 1208.13(b)(1)(i)(B); *Singh v.*  
2 *BIA*, 435 F.3d 216, 219 (2d Cir. 2006) ("Asylum in the United  
3 States is not available to obviate re-location to sanctuary  
4 in one's own country."). In determining the reasonableness  
5 of relocation, the agency may consider, among other factors,  
6 "whether the applicant would face other serious harm in the  
7 place of suggested relocation; any ongoing civil strife  
8 within the country; administrative, economic, or judicial  
9 infrastructure; geographical limitations; and social and  
10 cultural constraints, such as age, gender, health, and social  
11 and familial ties." 8 C.F.R. § 1208.13(b)(3). The agency  
12 considered Bosel's ability to relocate, noting that he had  
13 relocated and remained unharmed for two extended periods in  
14 different parts of Nepal. Bosel relocated to Parbat in  
15 August 2005 and remained unharmed but politically active  
16 until returning to his hometown in June 2007. And he lived  
17 unharmed in Kathmandu for 20 months before leaving for the  
18 United States despite allegations that the Maoists knew his  
19 location. Given that Bosel previously successfully avoided  
20 persecution by relocating within Nepal, the agency reasonably  
21 concluded that the government rebutted the presumption of

1 future persecution. See 8 C.F.R. § 1208.13(b) (3); *Singh*, 435  
2 F.3d at 219. This conclusion is dispositive of asylum,  
3 withholding of removal, and CAT relief. See *Lecaj v. Holder*,  
4 616 F.3d 111, 119-20 (2d Cir. 2010).

5 For the foregoing reasons, the petition for review is  
6 DENIED. All pending motions and applications are DENIED and  
7 stays VACATED.

8 FOR THE COURT:  
9 Catherine O'Hagan Wolfe,  
10 Clerk of Court