24-777 URIAS-ORELLANA V. BONDI

DECISION BELOW: 121 F.4th 327

LOWER COURT CASE NUMBER: 24-1042

QUESTION PRESENTED:

The Immigration and Nationality Act (INA) provides that noncitizens on American soil are generally eligible for asylum if they qualify as a "refugee." 8 U.S.C. § 1158(b)(1)(A). A refugee is someone with "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). Noncitizens are presumptively eligible for asylum if they have "suffered persecution in the past." 8 C.F.R. § 1208.13(b)(1).

If ordered removed by an immigration judge (IJ), noncitizens may appeal the removal order-and with it, the denial of asylum-to the Board of Immigration Appeals (BIA). From there, "judicial review" is available in "an appropriate court of appeals." 8 U.S.C. § 1252(a)(5). The INA mandates judicial deference on "findings of fact" and three other kinds of administrative decisions. *Id.* § 1252(b)(4). The statute also explicitly provides for judicial review of the BIA's decisions on "questions of law," but does not establish a deferential standard of review for such decisions. *Id.* § 1252(a)(2)(D), (b)(9).

The question presented is:

Whether a federal court of appeals must defer to the BIA's judgment that a given set of undisputed facts does not demonstrate mistreatment severe enough to constitute "persecution" under 8 U.S.C. § 1101(a)(42).

CERT. GRANTED 6/30/2025