

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

October 20, 2026

Christopher M. Wolpert
Clerk of Court

SIRANUSH CHILINGARIAN,

Petitioner,

v.

TODD BLANCHE, United States Attorney
General,

Respondent.

No. 25-9591
(Petition for Review)

SIUZANNA CHILINGARIAN,

Petitioner,

v.

TODD BLANCHE, United States Attorney
General,

Respondent.

No. 25-9592
(Petition for Review)

KAREN CHILINGARIAN,

Petitioner,

v.

TODD BLANCHE, United States Attorney
General,

Respondent.

No. 25-9593
(Petition for Review)

ORDER AND JUDGMENT*

Before **MATHESON** and **PHILLIPS**, Circuit Judges, **URIAS**,** District Judge.

Petitioners Siranush, Siuzanna, and Karen Chilingarian—mother, daughter and son—are dual citizens of Armenia and Russia. They fled with their husband and father Artur to the United States from Russia after his employer assaulted and threatened him. The Department of Homeland Security (“DHS”) charged the Chilingarians with inadmissibility under the Immigration and Nationality Act (“INA”) and initiated removal proceedings.

An immigration judge (“IJ”) granted the Chilingarians’ application for protection from removal to Russia under the Convention Against Torture (“CAT”). DHS appealed. The Board of Immigration Appeals (“BIA”) vacated the IJ’s order, severed Petitioners’ cases from Artur’s, remanded Artur’s case to the IJ, and denied Petitioners CAT protection. Exercising jurisdiction under 8 U.S.C. § 1252(a), we deny the Chilingarians’ petitions for review, largely due to inadequate briefing.

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

** The Honorable David H. Urias, U.S. District Judge, District of New Mexico, sitting by designation.

I. BACKGROUND

A. *IJ Proceedings*

1. Applications

Based on Artur’s experiences in Armenia and Russia, each Chilingarian separately applied for asylum and withholding of removal under the INA, *see* 8 U.S.C. §§ 1158, 1231(b)(3), and for CAT protection, *see* 8 C.F.R. §§ 1208.16(c), 1208.17, and 1208.18. In his application, Artur listed his wife and children as derivative beneficiaries of his asylum claim. *See* 8 U.S.C. § 1158(b)(3)(A). The IJ consolidated their cases, designating Artur “Lead Respondent.” AR-1 at 89-90.¹

2. Hearings

The IJ held hearings on the applications.² At the outset, the Chilingarians conceded their removability and designated Armenia and Russia as potential countries for removal.

Artur testified about his experiences working for over 15 years in Armenia and Russia as a chef for the wealthy and politically connected Petrosian family. *See id.* at 152-99. For the last 12 of those years, the Chilingarians lived in Kaluga, Russia, where Artur worked at a Petrosian-owned restaurant and at a Petrosian family member’s

¹ The parties cite primarily to the administrative record in appeal No. 25-9591, which we cite as “AR-1.” We cite the records in No. 25-9592 and No. 25-9593 as “AR-2” and “AR-3.”

² Artur’s direct examination occurred on August 5, 2024. Cross-examination and redirect took place on November 15, 2024.

mansion. He testified that, despite his many requests to return to Armenia, the Petrosians forced him to remain in Russia under threat of violent reprisal. In October 2021, Artur asked his boss, Artavazd Petrosian, if he could return to Armenia to care for his sick mother. In response, Artavazd and three men kidnapped Artur and broke his arm. Before Artur left for the hospital, Artavazd warned him that if he told staff there about what happened, “then the same [would] happen to [his] family and to [his] son.” *Id.* at 194. Several months later, Artur and his family fled to Mexico City and soon crossed the border into the United States.

At the hearing’s conclusion, the IJ asked the parties whether they wished to present any additional witnesses. The parties said no.

3. IJ Order

In his written decision, the IJ recounted Artur’s testimony and the State Department’s country reports on human rights practices in Armenia and Russia. The IJ stated, “As Siranush, Siuzanna, and Karen base their claims for relief on [Artur’s] experiences in Armenia and Russia, the Court assesses [Artur’s] claim and applies its findings to [Petitioners’] claims.” *Id.* at 49. The IJ found that Artur’s testimony was credible, but that Artur and the Petitioners had failed to establish eligibility for asylum, withholding of removal, or CAT protection from removal to Armenia.³

³ The Chilingarians did not appeal these rulings to the BIA and do not challenge them here.

The IJ ruled, however, that the Chilingarians were entitled to CAT protection from removal to Russia. Crediting Artur’s testimony, the IJ found that (1) the Petrosians “control[led] his movement and employment for twelve years,” beat him and broke his arm when he requested to leave, and were connected to high-ranking Russian government officials; (2) the Chilingarians could not relocate within Russia without the Petrosians finding out where they live; (3) Artur’s “interactions with the Petrosian family also show that they are not opposed to using violence to protect or grow the family’s various illicit enterprises”; and (4) Artur possessed “over twelve years of institutional knowledge of how the Petrosian family operates its family business and which high-ranking government officials the family has dealings with,” which would motivate the Petrosians to seek out the Chilingarians if they returned to Russia. *Id.* at 58. The IJ also noted that the country report on Russia indicated “the government would turn a blind eye to [the Chilingarians’] future torture.” *Id.* The IJ concluded the Chilingarians had “met their burden to warrant protection” and granted CAT protection from removal to Russia to each family member. *Id.* at 59-60.

B. BIA Proceedings

1. Appeal

DHS appealed to the BIA, arguing the IJ “erred in granting [Petitioners’] applications for protection under CAT for Russia because the decision does not explain specifically why their requests were granted—it contains no independent analysis of [Petitioners’] claims.” *Id.* at 70.

Petitioners, respondents before the BIA, argued (1) “[t]he INA permits an immigration judge to apply the same immigration finding to all rider applicants,” *id.* at 28; (2) “even if the Immigration court was required to make such findings for each [applicant], DHS should be precluded from making such an argument at the appellate stage,” *id.* at 30; and (3) “DHS failed to file a Motion to Remand, as required by statute,” *id.* at 31.

2. BIA Order

A three-judge BIA panel sustained DHS’s appeal as to Petitioners. It severed the Chilingarians’ claims and issued separate orders for each applicant. *See id.* at 3 n.3; AR-2 at 3 n.3; AR-3 at 3 n.3. It explained, “We have severed the cases on appeal, as we are sustaining the DHS appeal with respect to [Petitioners] . . . but remanding the record for further proceedings in [Artur’s] case.” AR-1 at 3 n.3; AR-2 at 3 n.3; AR-3 at 3 n.3.

The BIA accepted that Artur’s testimony was credible but held the IJ erred in concluding that Petitioners had met their burdens under CAT without the IJ’s conducting “any specific analysis regarding [each] particular respondent’s likelihood of future torture.” AR-1 at 4; *accord* AR-2, at 4; AR-3 at 4. The BIA considered the IJ’s findings that Artur, “who was previously held in a secluded area by the Petrosians and subjected to physical harm, would be sought out for torture by the Petrosians” and that Artur “feared his family would be targeted alongside him.” AR-1 at 4; *accord* AR-2 at 4; AR-3 at 4. But it found these findings insufficient to warrant CAT protection for every family member “in the absence of other factual findings regarding [each] specific respondent’s likelihood of future torture.” AR-1 at 4; *accord* AR-2 at 4; AR-3 at 4. The BIA

concluded that the IJ clearly erred in finding that each Petitioner had established a “clear probability of future torture.” AR-1 at 4; *accord* AR-2 at 4; AR-3 at 4.

The BIA vacated the IJ’s orders on Petitioners’ CAT claims and ordered Siranush, Siuzanna, and Karen “removed to Armenia or, in the alternative, Russia.” AR-1 at 4-5; *accord* AR-2 at 4-5; AR-3 at 4-5. After the BIA decision, all of Petitioners’ applications were denied. Only Artur’s CAT protection from removal to Russia remained, and the BIA remanded it to the immigration court for further proceedings.⁴ Petitioners timely petitioned this court for review.⁵

II. DISCUSSION

We can discern two arguments raised in Petitioners’ opening brief: (1) the BIA’s decision to deny CAT relief outright instead of remanding for them to testify violated their right to due process, *see* Pet’rs’ Br. at x, 9, 11-15; and (2) the BIA abused its discretion in severing Petitioners’ cases from Artur’s, *see id.* at x, 9, 15-21. The remaining issues, however, change in confounding ways throughout the sections of their brief.

In the “Statement of the Issues,” Petitioners assert that the BIA (3) “erred as a matter of law by failing to provide an individualized analysis of each Petitioner’s CAT

⁴ At oral argument, government counsel said the BIA remanded Artur’s case for further fact-finding regarding CAT’s “state action” requirement. *See* Oral Arg. at 18:29-19:38.

⁵ Petitioners filed a motion to reopen with the BIA on February 17, 2026, Pet’rs’ Reply Br. at 15, two months after filing their petition for review with this court, *see* Pet’rs’ Br. at ix.

eligibility”; and (4) in reversing the IJ’s grant of CAT relief, where “Petitioners were persecuted in Russia and Armenia” and the BIA “ignored” the evidence in the record. *Id.* at x.

In the “Summary of Argument,” Petitioners say “the Board erred as a matter of law by reversing” the IJ’s order “without showing how the [IJ] actually erred,” *id.* at 10, without indicating whether this is a new argument or part of the issue (3). Also, possibly referring to issue (4), Petitioners assert that the BIA “erred as a matter of law when it found that Petitioners did not warrant a grant of CAT protection and reversed the [IJ]’s correct decision.” *Id.*

In the “Argument” section, Petitioners abandon any reference to the BIA’s alleged failure to “provide an individualized analysis,” instead framing issue (3) as the BIA’s failure to “show[] the [IJ] erred.” *Id.* at 21. Under issue (4), they argue that they are “entitled to CAT protection” based on Artur’s testimony and “warrant individualized analysis.” *Id.* at 25.

As we explain below, the problems with Petitioners’ briefing go beyond just the framing of issues. They have waived or abandoned all but their severance argument, and on that the BIA did not abuse its discretion.

A. Waived Issues

1. Appellate Waiver and Abandonment

a. Inadequate-Briefing Waiver

“Issues not raised in the opening brief are deemed abandoned or waived.” *Burke v. Pitts*, 157 F.4th 1326, 1342 (10th Cir. 2025) (quoting *Sawyers v. Norton*, 962 F.3d

1270, 1286 (10th Cir. 2020)). “This rule ‘applies equally to arguments that are inadequately presented in an opening brief.’” *Id.* at 1342-43 (quoting *United States v. Walker*, 918 F.3d 1134, 1151 (10th Cir. 2019)).

Under Federal Rule of Appellate Procedure 28(a)(8)(A), arguments in the opening brief must be organized “under appropriate headings and in the order indicated” and must contain the “appellant's contentions and the reasons for them, with citations to the authorities and parts of the record on which the appellant relies.” *See Herrera-Castillo v. Holder*, 573 F.3d 1004, 1010 (10th Cir. 2009) (applying Rule 28(a) to petition for review of BIA decision).

“‘Cursory statements, without supporting analysis and case law’ are inadequate to preserve an issue.” *Burke v. Regalado*, 935 F.3d 960, 1014 (10th Cir. 2019) (quoting *Bronson v. Swensen*, 500 F.3d 1099, 1105 (10th Cir. 2007)). “We thus ‘will not consider such issues adverted to in a perfunctory manner, unaccompanied by some effort at developed argumentation,’ in the opening brief.” *United States v. Clay*, 148 F.4th 1181, 1201 (10th Cir. 2025) (quoting *United States v. Wooten*, 377 F.3d 1134, 1145 (10th Cir. 2004)). A reply brief cannot salvage inadequate argumentation in an opening brief. *Id.*

In *Herrera-Castillo*, we declined to consider a noncitizen petitioner’s equal protection claim under the doctrine of appellate-briefing waiver, explaining:

Equal protection comprises a substantial portion of the opening brief, but nowhere does Herrera articulate his specific contentions, the action he is challenging, or how the government specifically violated his rights. Instead, the brief cites to cases only tangentially relevant to the one before this court, reviews irrelevant allegations of immigration abuses by

the government, and makes policy arguments beyond the court's purview.

573 F.3d at 1010.

b. Abandonment

An appellant who presents an argument in an opening brief may still “abandon” the argument. Abandonment may occur when the reply brief concedes an argument previously raised, *see, e.g. Maccagnan v. Cherry Creek School Dist. No. 5*, 182 F.4th 1169, 1191 n.21 (10th Cir. 2026), or when counsel “intentionally abandon[s] it at oral argument,” *United States v. Elmore*, 101 F.4th 1210, 1222 (10th Cir. 2024). When this happens, we generally do not consider the argument. *See United States v. Jumaev*, 20 F.4th 518, 546 n.14 (10th Cir. 2021).

2. Waived or Abandoned Issues

a. Due process claim

In their opening brief, Petitioners argue that the BIA's decision to vacate and deny CAT protection rather than remand for them to testify violated their due process rights. *See Pet'rs' Br.* at 13-14.

Petitioners' briefing does not enable meaningful appellate review. They recite general due process principles in the immigration context and recount the BIA proceedings. *See id.* at 11-14. But they provide little to no analysis, just conclusory assertions such as, “To summarily deny Petitioners their due process rights to testify on their behalf and to develop an evidentiary record before the Immigration Court

individually is a clear violation of their due process rights.” *Id.* at 14; *see Regalado*, 935 F.3d at 1014.

As the Government points out in its response, Petitioners cite no authority that the BIA was required to remand, nor explain why failure to remand violated due process. *See* Resp. Br. at 42-43. Petitioners’ only two case citations, *see* Pet’rs’ Br. at 15, are not on point. *See Goldberg v. Kelly*, 397 U.S. 254, 267-68 (1970) (holding that state’s termination-of-welfare-benefits procedure violated recipients’ due process rights); *Rochin v. California*, 342 U.S. 165, 172 (1952) (holding that officers’ conduct—extracting morphine capsules from criminal defendant’s stomach—“shock[ed] the conscience” and denied due process).

Because Petitioners’ opening brief “cites to cases only tangentially relevant to the one before this court,” “makes policy arguments beyond the court’s purview,” and fails to explain “how the [BIA] specifically violated [their] rights,” *Herrera-Castillo*, 573 F.3d at 1010, it does not satisfy Rule 28(a).

Adding to the brief’s deficiency is the Petitioners’ inclusion of a quote they attribute to *Goldberg* that does not appear in that opinion. *Contrast* Pet’rs’ Br. at 15 (“[I]t violates ‘the most elementary notions of due process.’”), *with Goldberg*, 397 U.S. at 267-68. And elsewhere in the opening brief, Petitioners cite to two cases that do not exist: “*Sameeh v. Gonzales*, 453 F.3d 1150, 1155 (10th Cir. 2006),” Pet’rs’ Br. at 16, and “*Naranjo Garcia v. Garland*, 990 F.3d 1177, 1189 (9th Cir. 2021),” *id.* at 19.⁶

⁶ These errors appear to be the product of generative artificial intelligence (“AI”). If so, we have repeatedly cautioned that “[a]ttorneys who choose to use [AI] must be

In their reply brief, Petitioners attempt a late-stage argument that the IJ failed to put them on “notice that individual testimony was necessary.” Reply Br. at 12. This argument is unavailing. First, before issuing its order granting CAT relief, the IJ expressly asked counsel if Petitioners wanted to testify, and counsel declined. AR-1 at 238-39. Second, Petitioners did not raise this argument in their opening brief, which contested the BIA’s handling of their CAT claims, not the IJ’s. This new due process argument, raised for the first time in the reply brief, is therefore also waived. *See United States v. Martinez*, 92 F.4th 1213, 1233 n.4 (10th Cir. 2024).

In sum, because Petitioners “do[] not explain *why* the [BIA] erred” or why that error implicated their due process rights, and because they “do[] not cite *any* authority on these points,” this is a “textbook example” of inadequate briefing. *Clay*, 148 F.4th at 1201-02. The purpose of the appellate-briefing waiver is to “protect[] us from issuing ‘an improvident or ill-advised opinion,’” particularly on constitutional issues. *In re Syngenta AG MIR 162 Corn Litig.*, 61 F.4th 1126, 1181 n.34 (10th Cir. 2023) (quoting *United States v. Leffler*, 942 F.3d 1192, 1197-98 (10th Cir. 2019)). We therefore decline to consider the merits of this claim.

willing to also apply ‘actual intelligence in its execution.’” *Lichfield v. Kubler*, 183 F.4th 1248, 1271 (10th Cir. 2026) (quoting *Amarsingh v. Frontier Airlines, Inc.*, No. 24-1391, 2026 WL 352016, at *6 (10th Cir. Feb. 9, 2026) (unpublished)). Because the Government pointed out one of these citation errors in its response brief, *see* Resp. Br. at 45 n.9, “[w]e are further concerned that the [r]epley [b]rief did not appropriately remedy the misstatements of law.” *Lichfield*, 183 F.4th at 1271. Nor has counsel filed a Notice of Errata, as counsel did in *Lichfield*. *Id.* “Submission of a brief containing fabricated or hallucinated citations is a divergence from the standards expected of attorneys appearing before this court.” *Id.*

b. BIA legal error claim

In their opening brief’s Statement of Issues and Summary of Argument sections, Petitioners assert the BIA erred by failing to provide “individualized assessments of each applicant’s specific circumstances, fears, and threats to their lives.” Pet’rs’ Br. at 10. Later, Petitioners argue instead that the BIA erred “as a matter of law by reversing the immigration court’s CAT grant without showing the immigration court erred,” *id.* at 21, mostly reciting various standards of review, some that are completely irrelevant. *See, e.g., id.* at 23 (“The Administrative Procedure Act requires agencies to ‘examine the relevant data and articulate a satisfactory explanation for its [sic] action’” (quoting *Motor Vehicle Mfrs. Ass’n of the U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983))).

Apart from framing a disjointed argument, the brief’s most critical defect is its failure to address how the BIA erred. “The first task of an appellant is to explain to us why the [lower] court’s decision was wrong.” *Martinez*, 92 F.4th at 1265 (quoting *Nixon v. City & County of Denver*, 784 F.3d 1364, 1366 (10th Cir. 2015)). Because Petitioners have failed to do so, they have waived this argument. *See id.*

c. BIA’s denial of CAT protection

Petitioners’ opening brief argues they are entitled to CAT relief based on the existing record. *See* Pet’rs’ Br. at 25-31. But Petitioners have abandoned that argument in their reply brief, conceding that Petitioners “did not adequately discharge [their] burden” of “establishing CAT eligibility before the Immigration Court.” Reply Br. at 14. And at oral argument, Petitioners’ counsel confirmed they are not pursuing this issue.

See Oral Arg. at 01:45-52 (“Petitioners are not arguing that Artur’s testimony automatically satisfied each separate CAT burden.”). We therefore do not address it. See *United States v. Carel*, 668 F.3d 1211, 1216 n.7 (10th Cir. 2011).

B. Severance

Petitioners argue the BIA abused its discretion in severing the family’s previously consolidated cases, particularly the severance of their CAT claims from Artur’s. Pet’rs’ Br. at 15-17.

1. Standard of Review

Under 8 C.F.R. § 1003.1(d)(4), the BIA may prescribe rules governing its proceedings. The BIA’s practice manual states that “[t]he Board may sever appeals at its discretion or upon request of one or both of the parties.” Exec. Off. for Immigr. Rev., U.S. Dep’t of Just., EOIR Policy Manual § 3.10(c), <https://www.justice.gov/eoir/policy-manual-eoir/part-III/bia/chapter-3-10> [<https://perma.cc/W5QM-RM98>]. We therefore review the BIA’s sua sponte decision to sever for abuse of discretion.

2. No Abuse of Discretion

The BIA did not abuse its discretion.

First, Petitioners assert their claims are “derivative” of Artur’s, Pet’rs’ Br. at 16, and that severance frustrated the purpose of “[f]amily-[b]ased CAT [c]laims,” *id.* at 19. But although a family member of a noncitizen who is granted asylum may be granted the same status derivatively under the INA, *see* 8 U.S.C. § 1158(b)(3)(A), CAT does not provide such derivate relief. *Rosas-Garcia v. Bondi*, No. 24-9567, 2025 WL 2827216, at *1 n.1 (10th Cir. Oct. 6, 2025) (unpublished); *accord Tino v. Garland*, 13 F.4th 708, 709

n.1 (8th Cir. 2021). Rather, each CAT applicant must show a “particularized risk” of future torture. *Lockwood Alvarez v. Garland*, No. 20-9502, 2022 WL 3023692, at *4 (10th Cir. Aug. 1, 2022) (unpublished).⁷

Second, although Artur’s testimony may be relevant to Petitioners’ CAT claims, *see Moundih v. Bondi*, No. 24-9508, 2025 WL 1903790, at *4 (10th Cir. July 10, 2025) (unpublished), severance did not prevent the BIA from considering Artur’s testimony in determining whether Petitioners were entitled to CAT protection. *See* AR-1 at 4 (noting that Artur “was previously held in a secluded area by the Petrosians” and “subjected to physical harm,” and that he “feared his family would be targeted alongside him”); *accord* AR-2 at 4; AR-3 at 4.

Third, Petitioners argue “[t]he Board cannot simultaneously find that (1) [Artur’s] case requires further factual development through remand, but (2) [Petitioners’] cases can be summarily denied based on the existing record.” Pet’rs’ Br. at 18. This argument concerns the BIA’s decision to remand, not to sever.

In sum, Petitioners have failed to show that the BIA abused its discretion by severing their CAT claims and removal proceedings from Artur’s.

III. CONCLUSION

We deny the petitions for review.

⁷ Unpublished cases are not binding precedent, but we may consider them for their persuasive value. *See* Fed. R. App. 32.1(a); 10th Cir. R. 32.1(A).

Entered for the Court

Scott M. Matheson, Jr.
Circuit Judge