

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

September 21, 2026

Christopher M. Wolpert
Clerk of Court

MYRIAM CALDERON-PAEZ; PEDRO
ELIAS SANTOS-SANABRIA; P.M.S.D.,

Petitioners,

v.

TODD BLANCHE, United States
Attorney General,*

Respondent.

No. 25-9560
(Petition for Review)

ORDER AND JUDGMENT**

Before **HARTZ**, **BACHARACH**, and **EID**, Circuit Judges.

Pedro Elias Santos-Sanabria, with his wife, Myriam Calderon-Paez, and their minor child, P.M.S.D. (together, “Petitioners”), are natives and citizens of Colombia. They petition for review of the Board of Immigration Appeals’ decision upholding the Immigration Judge’s (“IJ”) denial of their applications for asylum, withholding of

* Todd Blanche is now the Attorney General of the United States and has been substituted as Respondent. *See* Fed. R. App. P. 43(c)(2).

** After examining the briefs and appellate record, this panel has determined unanimously to honor the parties’ request for a decision on the briefs without oral argument. *See* Fed. R. App. P. 34(f); 10th Cir. R. 34.1(G). The case is therefore submitted without oral argument. This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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.

removal, and protection under the Convention Against Torture (“CAT”). Exercising jurisdiction under 8 U.S.C. § 1252(a)(1), we deny the petition for review.

I. Background & Procedural History

In 2002, when Santos-Sanabria was fourteen years old, a paramilitary group called the United Self Defense Forces of Colombia (“AUC”) took over his hometown of Charalá. They forced Santos-Sanabria and others his age to work for them. The leader of the AUC was a man called Don Victor, who violently sexually abused Santos-Sanabria. Beyond this physical abuse, the AUC also forced Santos-Sanabria to watch as they punished townspeople who resisted them. For example, they made him watch them burn his friend alive for disobeying orders. And they made him watch while dissenting community members dug a mass grave, which they threw these dissenters into after shooting and killing them.

In 2006, Santos-Sanabria escaped to a town called Bucaramanga. He lived there for sixteen years, taking various jobs and eventually working as a taxi driver. In 2022, Santos-Sanabria returned to his hometown to visit his mother and son, P.M.S.D. But four men from the group Autodefensas Gaitanistas de Colombia (“AGC”), a successor organization to the AUC, intercepted Santos-Sanabria’s truck and told him to take a package to Bucaramanga for them. The men referenced his previous work for the AUC and threatened to kill his mother and recruit his son if he refused. Believing that these men had worked under Don Victor and fearing the consequences if he refused, he agreed to take the package. After delivering the

package to a town just outside Bucaramanga, Santos-Sanabria immediately fled Colombia with his wife and son.

Once in the United States, Santos-Sanabria was put in removal proceedings. He conceded removability and filed for asylum, withholding of removal, and CAT relief, with Calderon-Paez and P.M.S.D. as derivative beneficiaries. The IJ held a hearing on the applications, during which Santos-Sanabria testified. Based on Santos-Sanabria's testimony and other evidence in the record, the IJ found Santos-Sanabria credible and determined he suffered past harm severe enough to rise to the level of persecution. But the IJ denied the applications for relief on several grounds and ordered Petitioners removed to Colombia.

To start, the IJ found the material support bar rendered Santos-Sanabria ineligible for asylum and withholding of removal because his work for the AUC, even though it was involuntary, constituted material support to a terrorist organization. *See* 8 U.S.C. § 1182(a)(3)(B)(iv)(VI). The IJ also made several alternative findings justifying the denial of asylum and withholding of removal, including that Santos-Sanabria could reasonably relocate within Colombia.¹

The IJ denied CAT relief because Santos-Sanabria failed to show he would more likely than not be tortured if he returned to Colombia. Considering all relevant evidence, the IJ found that Santos-Sanabria could likely safely relocate within the country and that the Colombian government would neither seek to harm him nor

¹ We do not discuss the alternative findings here because we find the IJ's conclusions on internal relocation dispositive.

acquiesce in his future torture. And despite the existence of government corruption and violence by armed, non-state actors, the government was taking action to curb such violence, including investigating and prosecuting human-rights violators and protecting victims.

The BIA summarily affirmed the IJ's decision without opinion. Petitioners then filed this petition for review, arguing the IJ erred and misapplied the applicable law in reaching each of its conclusions.²

II. Analysis

When the BIA affirms an IJ's decision without opinion, we review the IJ's decision as the final agency action. *See Tulengkey v. Gonzales*, 425 F.3d 1277, 1279 (10th Cir. 2005). We review the IJ's factual findings for substantial evidence and its legal conclusions de novo. *Id.* at 1280. Under the substantial evidence standard, factual findings "are conclusive unless any reasonable adjudicator would be compelled to conclude to the contrary." *Id.* (internal quotation marks omitted).

A. Asylum & Withholding of Removal

To be eligible for asylum, an applicant must prove he is a refugee as defined by the Immigration and Nationality Act. *See Jimenez v. Bondi*, 156 F.4th 1037, 1044 (10th Cir. 2025); 8 U.S.C. § 1101(a)(42). This requires the applicant to prove, in relevant part, that he was persecuted or has a well-founded fear of future persecution on account of a protected ground. *See Jimenez*, 156 F.4th at 1044; 8 U.S.C.

² Santos-Sanabria was removed to Colombia in February 2026.

§ 1158(b)(1)(A)–(B); 8 C.F.R. § 1208.13(b)(1)–(2). Regardless of whether an applicant suffered past persecution, he will be unable to show a well-founded fear of future persecution if he “could avoid persecution by relocating to another part of” his home country. 8 C.F.R. §§ 1208.13(b)(1)(i)(B), 1208.13(b)(2)(ii); *see also* *Rivera–Barrientos v. Holder*, 666 F.3d 641, 646 (10th Cir. 2012) (where past persecution shown); *Ritonga v. Holder*, 633 F.3d 971, 976–77 (10th Cir. 2011) (where past persecution not shown).

“[W]hether a noncitizen can avoid future persecution by internally relocating is a factual determination.” *Addo v. Barr*, 982 F.3d 1263, 1268 (10th Cir. 2020). To make this determination, courts consider the size of the applicant’s country of nationality; the geographic location of the feared persecution; “the size, numerosity, and reach” of the persecutor; and “the applicant’s demonstrated ability to relocate to the United States.” 8 C.F.R. § 1208.13(b)(3). Where the persecutor is neither the government nor government-sponsored, internal relocation is presumed reasonable unless the applicant proves otherwise by a preponderance of the evidence. *Id.* § 1208(b)(3)(iii).

Our analysis starts and ends with the IJ’s finding that Santos-Sanabria could safely relocate within Colombia because this, alone, precludes relief. *See Zzyym v. Pompeo*, 958 F.3d 1014, 1033–34 (10th Cir. 2020) (“[W]e can uphold administrative action when an agency gives two independent reasons and only one of them is valid.”); *INS v. Orlando Ventura*, 537 U.S. 12, 18 (2002) (“[A]n individual who can relocate safely within his home country ordinarily cannot qualify for asylum here.”).

Even if Santos-Sanabria had established that he suffered past persecution on account of his proposed social groups, substantial evidence supports the IJ's conclusion that he and his family could safely relocate within Colombia.

This is not a hypothetical inquiry here. As the IJ noted, the record shows that Santos-Sanabria lived and worked safely in Bucaramanga for over fifteen years. And paramilitary members only targeted him in 2022 when he returned to his hometown. Petitioners argue the IJ failed to consider that the men who targeted him in 2022 knew who he was—including that the AUC had targeted him previously—and had threatened his mother and son. But Petitioners present no evidence or argument that these men have any influence outside Santos-Sanabria's hometown. Petitioners point to evidence that paramilitary groups like the AGC have national reach and regularly locate their victims even after relocation. But the record does not show that this happened to Santos-Sanabria. Further, the IJ cited record evidence establishing that even though paramilitary groups are present in parts of Colombia, other parts of the country are relatively safe.

Petitioners also argue the IJ improperly put the burden on them to prove internal relocation was not reasonable instead of properly shifting the burden to the government to show the opposite. But the substantial evidence standard we must apply is "highly deferential" to the IJ's findings. *Wiransane v. Ashcroft*, 366 F.3d 889, 897 (10th Cir. 2004); *see also Yuk v. Ashcroft*, 355 F.3d 1222, 1236 (10th Cir. 2004) ("[I]t is not our prerogative to reweigh the evidence, but only to decide if substantial evidence supports the IJ's decision."). Regardless of which party bore the

burden on this issue, we find the evidence in the record supports the IJ’s internal relocation finding.

We decline to disturb the IJ’s ruling that Santos-Sanabria—and by extension, Petitioners—is ineligible for asylum. By necessity, this means they are also ineligible for withholding of removal based on the same facts. *See Jimenez*, 156 F.4th at 1048 (noting withholding of removal has higher standard than asylum).

B. CAT Relief

We also decline to disturb the IJ’s finding that Santos-Sanabria was ineligible for CAT relief. To be eligible for CAT protection, an applicant must prove it is more likely than not that, if removed to his home country, he would be tortured by, at the instigation of, or with the consent or acquiescence of public officials acting in their official capacity. *Htun v. Lynch*, 818 F.3d 1111, 1122 (10th Cir. 2016) (citing 8 C.F.R. §§ 1208.16(c)(2), 1208.18(a)(1)). In assessing the likelihood of future torture, the IJ had to consider all relevant evidence, including evidence of past torture, the possibility of safe internal relocation, “gross, flagrant, or mass human rights violations” in the country, and other relevant country conditions evidence. 8 C.F.R. § 1208.16(c)(3). We review the IJ’s CAT determination for substantial evidence. *Htun*, 818 F.3d at 1118; *see also Nasrallah v. Barr*, 590 U.S. 573, 583–84 (2020) (holding factual findings underlying CAT determinations are reviewable under the “highly deferential” substantial evidence standard).

Petitioners argue the IJ’s CAT analysis failed to consider all relevant evidence in the aggregate, instead overemphasizing Santos-Sanabria’s many years without

harm in Bucaramanga. They insist the record shows that the government is corrupt, ineffective, and inadequate or absent in rural areas of Colombia, and they fault the IJ for not explaining how local authorities would keep Petitioners safe.

Contrary to Petitioners' claims, we find the IJ considered all relevant factors in the aggregate. The IJ appropriately acknowledged Santos-Sanabria's past torture. Santos-Sanabria suffered greatly at the hands of the AUC. But evidence of past torture does not entitle Santos-Sanabria to a presumption of future torture. *See Niang v. Gonzales*, 422 F.3d 1187, 1202 (10th Cir. 2005). Noting this, the IJ found Santos-Sanabria had not presented evidence showing he would be specifically targeted in the future, especially considering he had safely relocated within Colombia without harm for sixteen years. And it was both reasonable and permissible for the IJ to consider Santos-Sanabria's prior internal relocation in the CAT analysis. *See* 8 C.F.R. § 1208.16(c)(3)(ii) (providing evidence of safe relocation "shall be considered" as relevant to possibility of future torture).

The IJ also addressed Petitioners' evidence that violent paramilitary and guerilla groups remain active in the country, especially in rural areas. But Petitioners do not explain why they could not relocate to a *non*-rural area, where government efforts at combatting paramilitary groups appear to be more effective. And the IJ acknowledged evidence that Colombian officials were sometimes corrupt and that government efforts to combat violence were not always adequate. But the IJ weighed this evidence against examples of the government acting to prevent violence and protect citizens from armed, non-state actors. Petitioners fault the IJ for citing

general government efforts rather than analyzing how the government would or did respond to Santos-Sanabria specifically. But the regulations do not explicitly require such consideration for CAT. *See generally* 8 C.F.R. § 1208.16(c)(3). And even if they did, that analysis would be impossible here because Santos-Sanabria never reported his harm to any government official. *See Singh v. Bondi*, 130 F.4th 848, 860 (10th Cir. 2025).

In short, we presume the IJ considered the whole record, even if he does not discuss every piece of evidence in his decision. *See id.* And the substantial evidence standard precludes us from weighing the evidence ourselves; it requires us instead to “guarantee that factual determinations are supported by reasonable substantial, and probative evidence considering the record as a whole.” *Id.* (internal quotation marks omitted). Applying that standard here, nothing in the record compels reversal.

III. Conclusion

We affirm.

Entered for the Court

Allison H. Eid
Circuit Judge