Matter of B-S-A-N-, Respondent

Decided October 9, 2026

U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals

(1) Immigration Judges should generally deny asylum applications filed by nationals of highly developed, democratic countries that broadly respect and protect human rights, except in extraordinary circumstances involving national security or foreign policy considerations.

(2) European Union citizens are presumptively ineligible for a discretionary grant of asylum in the United States because they are entitled to indefinitely reside lawfully in any EU member state.

FOR THE RESPONDENT: Jonathan H. Lamb, Esquire, Houston, Texas

FOR THE DEPARTMENT OF HOMELAND SECURITY: Lisa A. Keshavarz, Counsel

BEFORE: Board Panel: RADICS, Deputy Chief Appellate Immigration Judge; MONTANTE and GALLOW, Appellate Immigration Judges.

RADICS, Deputy Chief Appellate Immigration Judge:

The respondent, a native of France and a citizen of France and Gabon, appeals from the Immigration Judge's July 28, 2022, decision denying her applications for asylum under section 208(b)(1)(A) of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1158(b)(1)(A) (2018), withholding of removal under section 241(b)(3)(A) of the INA, 8 U.S.C. § 1231(b)(3)(A) (2018), and protection under the regulations implementing the Convention Against Torture ("CAT").[1] We will dismiss the appeal.[2]

[1] The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Dec. 10, 1984, S. Treaty Doc. No. 100-20, 1465 U.N.T.S. 85 (entered into force for United States Nov. 20, 1994). 8 C.F.R. §§ 1208.16(c), 1208.17 (2026); 8 C.F.R. § 1208.18(a) (2020).

[2] We requested and received supplemental briefs from the parties on whether the respondent would merit a favorable exercise of discretion on her asylum application.

I. FACTUAL AND PROCEDURAL HISTORY

The respondent is a dual citizen of France and Gabon. The respondent and her family moved from France to Gabon when she was an infant, although she has visited France multiple times since. She was most recently admitted to the United States in August 2016 as a nonimmigrant student, but she failed to attend school as required. She filed an asylum application with United States Citizenship and Immigration Services in July 2018.[3] The Department of Homeland Security ("DHS") placed her in removal proceedings in July 2019, and she renewed her asylum application before the Immigration Judge. The respondent claims that she is eligible for asylum and related protection because she will be harmed based on her family's opposition to the rule of Ali Bongo, the former president of Gabon, and his Gabonese Democratic Party ("PDG").[4] She alleges that agents of the Gabonese Government would find and harm her in France if she lived there.

II. DISCUSSION

A. Eligibility for Relief and Protection

An alien may be granted asylum in the United States if he or she meets the definition of refugee set forth in section 101(a)(42) of the INA, 8 U.S.C. § 1101(a)(42) (2024). INA § 208(b)(1)(A), 8 U.S.C. § 1158(b)(1)(A). The respondent bears the "burden to prove her entitlement to refugee status as a person who is unable or unwilling to return to her country of nationality due to past persecution or a well-founded fear of persecution on a protected ground." *L.N. v. Garland*, 109 F.4th 389, 395–96 (5th Cir. 2024). "Persecution refers to harm inflicted either by the government or by private actors whom the government 'is unable or unwilling to control.'" *Bertrand v. Garland*, 36 F.4th 627, 631 (5th Cir. 2022) (citing *Sanchez-Amador v. Garland*, 30 F.4th 529, 533 (5th Cir. 2022)). "A government is not 'unable or unwilling' to protect against private violence merely because it has difficulty solving crimes or anticipating future acts of violence." *Id.* at 632.

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[3] We assume without deciding that the respondent established an exception to the 1-year asylum filing deadline. *See* INA § 208(a)(2)(B), (D), 8 U.S.C. § 1158(a)(2)(B), (D) (2018).

[4] Mr. Bongo was deposed in a coup d'etat in 2023, and he relocated to Angola in 2025. *See* Paul Njie, *Gabon's ousted president and family freed after two years and fly to Angola*, BBC (May 16, 2025), https://www.bbc.com/news/articles/c20x3d48509o. We may take administrative notice of commonly known facts such as current events and the contents of official documents. 8 C.F.R. § 1003.1(d)(3)(iv) (2026).

As a dual citizen of France and Gabon, the respondent must establish that she has a well-founded fear of persecution and would lack protection in each country to qualify for asylum. *Matter of B-R-*, 26 I&N Dec. 119, 121–22 (BIA 2013). The respondent has never been harmed in France, so she is not entitled to a presumption of a well-founded fear of persecution there. *Rangel v. Garland*, 100 F.4th 599, 608 n.10 (5th Cir. 2024) (citing 8 C.F.R. § 1208.13(b)(1)). To meet her burden to show that she has a well-founded fear of persecution in France, the respondent must establish that she has "a subjective fear of persecution" and her fear is "objectively reasonable." *Id.* at 607. On de novo review, we conclude that the respondent has not established an objectively reasonable fear of persecution in France. *See Matter of Z-Z-O-*, 26 I&N Dec. 586, 590–91 (BIA 2015) ("[W]hether an asylum applicant has established an objectively reasonable fear of persecution based on the events that the Immigration Judge found may occur upon the applicant's return to the country of removal is a legal determination that remains subject to de novo review.").

The respondent claims that some unidentified Gabonese Government agents would seek to harm her in France based on her father's refusal to join the PDG in Gabon and her own opposition to the PDG. However, her "own speculations and conclusional statements, unsupported by independent corroborative evidence," are insufficient to establish that she has a well-founded fear of persecution in France. *Matter of Sibrun*, 18 I&N Dec. 354, 358 (BIA 1983). The respondent has not explained how evidence of diplomatic, military, and economic ties between France and Gabon demonstrates that Gabonese officials in France would have the desire and ability to target her for persecution. She also has not pointed to any objective record evidence showing that the French Government would be unable or unwilling to protect her from harm by Gabonese supporters of the PDG in France.

Although the respondent stated that the Gabonese embassy in France confiscated her cousin's passport when he tried to renew it after he participated in a protest, such conduct does not amount to persecution as a matter of law. *See Rangel*, 100 F.4th at 599, 604 ("Persecution *always* requires an 'extreme' level of conduct—no matter if the alleged mistreatment is physical or not." (citing *Qorane v. Barr*, 919 F.3d 904, 909–10 (5th Cir. 2019))). Nor has the respondent shown that the embassy's actions vis-à-vis her cousin were in any way part of a pattern of harm "tied to [her] personally." *Matter of A-K-*, 24 I&N Dec. 275, 278 (BIA 2007). The objective reasonableness of the respondent's fear is further undermined by the fact that her two sisters have lived unharmed in France for many years even though the respondent testified that people would perceive them as

being opposed to the PDG. *See Vazquez-Guerra v. Garland*, 7 F.4th 265, 270 (5th Cir. 2021) (explaining that the safety of similarly situated family members in the country of removal undermines a claim of future persecution).

Based on the foregoing, we conclude that the respondent has not met her burden to demonstrate a well-founded fear of persecution in France. Without a well-founded fear of persecution in France, the respondent is ineligible for asylum. *Matter of B-R-*, 26 I&N Dec. at 121–122. The respondent's failure to establish a well-founded fear of persecution in France also means she necessarily cannot meet the higher standard required to establish her eligibility for statutory withholding of removal to France. *L.N.*, 109 F.4th at 394. Furthermore, as she did not establish a well-founded fear of persecution in France, she cannot establish her eligibility for withholding of removal to France under the CAT because "torture is a higher bar than is persecution." *Rangel*, 100 F.4th at 610 (citing *Qorane*, 919 F.3d at 911). We need not consider the respondent's eligibility for withholding of removal to Gabon under the INA or CAT because France was the only country of removal designated by DHS and identified by the Immigration Judge. *See* 8 C.F.R. § 1240.11(c)(1) (2026) (providing that an alien may apply for protection from removal "to any of the countries to which the alien might be removed [as identified by the Immigration Judge] pursuant to § 1240.10(f)"); *see also Su Hwa She v. Holder*, 629 F.3d 958, 965 (9th Cir. 2010) ("[A]n applicant is not entitled to adjudication of an application for withholding of removal to a country that nobody is trying to send them to.").

B. Asylum Claims by Nationals of Safe Countries

This case illustrates the meritless nature of asylum claims by nationals of highly developed democratic countries, such as France, that are widely recognized for their human rights protections. In adjudicating claims for asylum, we must keep in mind the "core regulatory purpose of asylum," which "is not to provide applicants with a broader choice of safe homelands, but rather to protect refugees with nowhere else to turn." *Matter of B-R-*, 26 I&N Dec. at 122 (citation modified). This principle is critical to our consideration of asylum applications because the expenditure of scarce adjudicatory resources on claims for aliens who do not need protection from the United States ultimately impedes and "delay[s] the adjudication of meritorious" claims for refugees with nowhere else to go. *DHS v. Thuraissigiam*, 591 U.S. 103, 113 n.9 (2020). Considering the purpose of asylum and the public interest in the prompt adjudication of meritorious claims, it is incumbent on us to "limit an alien's ability to claim asylum in

the United States when other safe options are available." *Matter of B-R-*, 26 I&N Dec. at 122.

"The immigration court system has no more solemn duty than to provide refuge to those facing persecution or torture in their home countries, consistent with the immigration laws." *Matter of O-M-O-*, 28 I&N Dec. 191, 197 (BIA 2021). Our asylum laws are designed to protect aliens who cannot return to their home countries because they face harm "inflicted either by the government of a country or by persons or an organization that the government [is] unable or unwilling to control." *Matter of S-S-F-M-*, 29 I&N Dec. 207, 209 (A.G. 2025) (quoting *Matter of Acosta*, 19 I&N Dec. 211, 222 (BIA 1985)). Unfortunately, too many aliens with governmental protection readily available to them in their home countries nonetheless abuse the asylum process by using it as a means to remain in the United States. Indeed, Congress has long been "concerned that '[t]he asylum system has been abused by those who seek to use it as a means of "backdoor" immigration.'" *Joaquin-Porras v. Gonzales*, 435 F.3d 172, 179–80 (2d Cir. 2006) (quoting H.R. Rep. No. 104-469(I), at 107 (1996)).

It cannot reasonably be disputed that our country's asylum system is currently overwhelmed with cases. *See East Bay Sanctuary Covenant v. Trump*, 932 F.3d 742, 754 (9th Cir. 2018) (recognizing that the United States "has experienced a staggering increase in asylum applications" and our country's "obligation to process these applications in a timely manner, consistent with our statutes and regulations, is overburdened"). In this overwhelmed system, meritless claims distract time, attention, and resources away from meritorious claims and can even cause unwarranted skepticism of asylum applications and the asylum system in general. *See Matter of O-M-O-*, 28 I&N Dec. at 198 (recognizing that manufactured claims "raise doubts about the validity of legitimate claims and unfairly undermine confidence" in the asylum system). Meritless asylum claims by nationals of highly developed, democratic countries that provide effective protection to their citizens constitute an abuse of the asylum process, waste scarce adjudicatory resources, and unfairly deprive bona fide refugees of timely consideration of their claims. *See Matter of Andrade Jaso and Carbajal Ayala*, 27 I&N Dec. 557, 558 (BIA 2019) (observing that filing a meritless asylum application is an abuse of the asylum process).

Considering these points, we hold that Immigration Judges should generally deny asylum applications filed by nationals of highly developed, democratic countries that broadly respect and protect human rights, except in extraordinary circumstances involving national security or foreign policy considerations. Absent such extraordinary circumstances, it will generally

be appropriate for Immigration Judges to pretermit asylum applications filed by nationals of those countries, typically at the master calendar stage. *See Matter of H-A-A-V-*, 29 I&N Dec. 233, 237–38 (BIA 2025) (holding that it is appropriate for an Immigration Judge to pretermit a respondent's asylum application when a respondent does not meet his burden to establish prima facie eligibility). Application of this rule to such claims will help deter abuse of the asylum system and preserve our resources for the efficient consideration of legitimate claims. This holding applies not only to asylum eligibility but also to claims for statutory withholding of removal and CAT protection because those forms of protection require a greater likelihood of harm, and in the CAT context, "a greater degree of governmental complicity than is required to establish a government is unable or unwilling to protect a respondent in the asylum context." *Matter of O-A-R-G-*, 29 I&N Dec. 30, 36 (BIA 2025).

The category of countries to which our holding applies includes all members of the European Union ("EU").[5] It also includes Iceland, Liechtenstein, Norway, and Switzerland, which are associated with the EU through the European Economic Area or European Free Trade Area, as well as the European microstates of Monaco, Andorra, and San Marino. The category also includes the United Kingdom, Canada, Australia, New Zealand, Japan, and South Korea. All of these countries are widely recognized for their extensive human rights protections, democratic values, peaceful transfer of power traditions, fair and effective justice systems, and highly developed economies. *See* 8 C.F.R. § 1003.1(d)(3)(iv) (the Board may take administrative notice of commonly known facts). We also note that EU citizens have a right to reside in any other EU country, thus further obviating any claim that they need to seek protection in the United States.[6]

We acknowledge that no nation has perfect country conditions and some degree of societal discrimination and mistreatment is inevitable in any homeland. But persecution "is an extreme concept that means something considerably more than discrimination or harassment." *Singh v. Blanche*,

[5] The EU includes Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, and Sweden. *See* European Union, *EU countries*, https://european-union.europa.eu/principles-countries-history/eu-countries_en (last visited Oct. 9, 2026).

[6] *See* European Commission, *Free movement and residence*, https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/democracy-eu-citizenship-anti-corruption/free-movement-and-residence_en (last visited Oct. 9, 2026).

176 F.4th 1139, 1145 (9th Cir. 2026) (citation omitted). There is simply no realistic basis on which anyone could claim that the governments of these countries persecute their citizens. Moreover, no country can be expected to "prevent *all* risk of harm," and a government is "not 'unable or unwilling' to control violent nonstate actors when it demonstrates efforts to subdue said groups." *Hussain v. Rosen*, 985 F.3d 634, 648 (9th Cir. 2021). Violent criminal activity by private actors is an unfortunate reality in every country, including the highly developed ones identified above as well as even the United States. But a "government is not 'unable or unwilling' to protect against private violence merely because it has difficulty solving crimes or anticipating future acts of violence." *Bertrand*, 36 F.4th at 632. "In even the most well-functioning, well-funded of criminal justice systems, innocent people will be victimized by crime, the police will at times prove ineffective, and the guilty may go unpunished." *Matter of A-B-*, 28 I&N Dec. 199, 206 (A.G. 2021). A government's failure to apprehend and prosecute perpetrators in individual cases is insufficient to establish that a government is unwilling or unable to investigate and punish them. *Matter of A-G-O-F-*, 29 I&N Dec. 772, 774 (BIA 2026).

The countries identified in this decision all have effective law enforcement and judicial systems that demonstrate their ability and willingness to control violent activity by private actors and protect the rights of their citizens. *See Galeas Figueroa v. Att'y Gen. U.S.*, 998 F.3d 77, 90 (3d Cir. 2021) ("[I]f a government is willing and able to afford some protection to an individual against harms inflicted by private actors, then that government is not sufficiently complicit in the private conduct for those acts to constitute persecution for purposes of relief from removal."). Indeed, many of these countries have lower rates of societal violence than the United States. Considering the overall effectiveness of these countries' law enforcement and criminal justice systems, it is implausible that anyone could demonstrate the level of "persistent or 'systemic' inaction" required to establish that a government is unable or unwilling to protect its citizens from private persecution. *Martinez-Martinez v. Bondi*, 147 F.4th 831, 837 (7th Cir. 2025) (citation omitted).

Our holding today applies to highly developed democratic countries that broadly respect and protect human rights as discussed herein based on current conditions. We recognize that country conditions can and do change over time, and countries may be added to or removed from this category of safe countries based on significant governmental changes or other developments impacting individual human rights. Evaluation of country conditions evidence in individual cases may warrant adding or removing countries from the category of safe countries set forth in this decision.

The respondent's case illustrates the unfounded nature of persecution claims from highly developed democratic countries such as France. She provided no persuasive objective evidence that the French Government would be unable or unwilling to control the unidentified Gabonese agents she claims to fear in France. Her inability to present such evidence is unsurprising considering that France, an EU member, is widely recognized as a country that places a strong value on human rights and has a robust legal system that effectively safeguards those rights. While her asylum application may not be frivolous in the sense that it does not contain false information, it is nonetheless patently meritless. Like any other French citizen, she may readily avail herself of the protection of the French Government from the people she claims to fear. And she is free to live in any other country within the EU. As a citizen of France who does not require protection in the United States, the respondent cannot establish her eligibility for asylum and related protection from removal to France.

C. Discretionary Considerations for EU Nationals

Although the INA allows any alien in the United States to apply for asylum, *see* section 208(a)(1) of the INA, 8 U.S.C. § 1158(a)(1), "the decision whether to grant an application is committed to the Attorney General's discretion." *Matter of Jean*, 23 I&N Dec. 373, 384 (A.G. 2002); *see also INS v. Cardoza-Fonseca*, 480 U.S. 421, 428 n.5 (1987) (explaining that the asylum statute "does no more than establish that 'the alien *may* be granted asylum *in the discretion of the Attorney General*'" (citing *INS v. Stevic*, 467 U.S. 407, 423 n.18 (1984))). The Board, which exercises the Attorney General's delegated authority, has "the authority to announce 'a general policy by which [our] exercise of discretion will be governed.'" *Matter of Herrera-Nunez*, 29 I&N Dec. 691, 692–93 (BIA 2026) (quoting *INS v. Yueh-Shaio Yang*, 519 U.S. 26, 32 (1996)).

In deciding whether an asylum applicant merits a favorable exercise of discretion, we weigh the favorable and adverse factors "in light of the totality of the circumstances." *Matter of P-A-C-*, 29 I&N Dec. at 710. Important factors among others in this analysis include "whether the alien followed orderly refugee procedures that were available in countries the alien passed through, whether the alien engaged in fraudulent conduct to circumvent them, and whether the alien has a safe haven in a third country." *Id.*; *see also Kalubi v. Ashcroft*, 364 F.3d 1134, 1140 (9th Cir. 2004) ("In an appropriate case, 'forum shopping' might conceivably be part of the totality of circumstances that sheds light on a request for asylum in this country.").

Even if an EU national could establish a well-founded fear of persecution in his country of nationality,[7] we conclude that he would not be entitled to asylum as a matter of discretion unless he shows that he cannot safely reside in any of the other 26 member states of the European Union. EU citizens have the "primary and individual right to move and reside freely within the territory" of EU member states. Directive 2004/38/EC of the European Parliament and of the Council of 29 Apr. 2004 on the Right of Citizens of the Union and Their Family Members to Move and Reside Freely Within the Territory of the Member States, 2004 O.J. (L 158) 77, 78 ("EU Directive").[8] Indeed, this "free movement of persons constitutes one of the fundamental freedoms of the internal market, which comprises an area without internal frontiers, in which freedom is ensured in accordance with the provisions of the Treaty." *Id.*

In accordance with EU citizens' fundamental right to freedom of movement within the bloc, member states are required to grant EU citizens "leave to enter their territory with a valid identity card or passport." *Id.* at 91 (art. 5, para. 1). EU citizens also have the right to reside in any member state indefinitely provided they: (1) are employed or self-employed; (2) have health insurance and sufficient resources to support themselves; or (3) are enrolled in school, have health insurance, and assure the host country they have sufficient resources to support themselves. *Id.* at 93 (art. 7, para. 1). The right to residence extends to the EU citizen's family members, regardless of whether those family members are EU nationals. *Id.* at 93–94, 109 (art. 7, paras. 1-2, art. 18). A worker who becomes unemployed maintains his or her residency rights as long as he or she is injured, registers as a job seeker, or starts vocational training. *Id.* at 94 (art. 7, para. 3). EU citizens and their

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[7] The Ninth Circuit recently applied its "disfavored group" analysis to certain people in Romania, an EU country, in *Lapadat v. Bondi*, 145 F.4th 942, 958–61 (9th Cir 2025), and concluded that the Board "likely erred when it determined that [the petitioner] lacked a 'sufficient individualized risk of future persecution to make his fear of return to Romania objectively reasonable.'" 145 F.4th at 962. We agree with the courts of appeals that have rejected the Ninth Circuit's judicially-created "disfavored group" standard as being inconsistent with the INA. *See Lingeswaran v. U.S. Att'y Gen.*, 969 F.3d 1278, 1293 (11th Cir. 2020); *Salim v. Holder*, 728 F.3d 718, 722 (7th Cir. 2013); *Kho v. Keisler*, 505 F.3d 50, 55 (1st Cir. 2007); *Lie v. Ashcroft*, 396 F.3d 530, 538 n.4 (3d Cir. 2005). *See also generally Garland v. Ming Dai*, 593 U.S. 357, 365 (2021) (recognizing that "a reviewing court is 'generally not free to impose' additional judge-made procedural requirements on agencies that Congress has not prescribed and the Constitution does not compel" (quoting *Vermont Yankee Nuclear Power Corp. v. Natural Res. Def. Council, Inc.*, 435 U.S. 519, 524 (1978))).

[8] Https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32004L0038.

families who entered the host country to seek employment cannot be expelled from the host country as long as they continue to seek employment and have a genuine chance of being hired. *Id.* at 104 (art. 14, para. 4). After 5 years, an EU citizen and his or her family members are entitled to permanent resident status in the host country. *Id.* at 105 (art. 16, paras. 1–2).[9]

As explained above, the EU grants citizens of its member states nearly unfettered rights to reside anywhere within the bloc. Moreover, every EU member state is a signatory to the 1951 Refugee Convention and the 1967 Protocol, and is thus bound by the same refugee protection obligations as the United States. *See* United Nations High Commissioner for Refugees, *States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol*.[10] Consistent with the core purpose of asylum, which is to provide humanitarian protection to refugees who cannot safely reside anywhere else, we hold that EU citizens are presumptively ineligible for a discretionary grant of asylum in the United States because they are entitled to indefinitely reside lawfully in any EU member state and thereby obtain safe haven.[11] This presumption may be overcome based on national security or foreign policy considerations.

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[9] An asylum applicant does not have a well-founded fear of persecution if "[t]he applicant could avoid future persecution by relocating to another part of the applicant's country of nationality." 8 C.F.R. § 1208.13(b)(1)(i)(B) (2026). It seems that this principle could logically extend to EU nationals who can safely relocate within the EU, a supranational entity "which comprises an area without internal frontiers." EU Directive at 78. Moreover, the relative ease with which EU nationals can firmly resettle in another EU country is inconsistent with any claim that they would require asylum in the United States. *See* INA § 208(b)(2)(A)(vi), 8 U.S.C. § 1158(b)(2)(A)(vi) (2024) (providing that an alien is ineligible for asylum if "the alien was firmly resettled in another country prior to arriving in the United States").

[10] Available at https://www.unhcr.org/sites/default/files/legacy-pdf/3b73b0d63.pdf (last visited Oct. 9, 2026).

[11] Immigration Judges assessing discretionary asylum eligibility may similarly consider other bilateral or multilateral residence agreements affecting non-EU nationals, such as the Mercosur Residence Agreement covering certain South American countries and the Trans-Tasman Travel Arrangement between Australia and New Zealand. *See generally* Diego Acosta, *Free Movement in South America: The Emergence of an Alternative Model?*, Migration Pol'y Inst. (Aug. 23, 2016), https://www.migrationpolicy.org/journal/feature/free-movement-south-america-emergence-alternative-model; Australian Gov't Productivity Comm'n & New Zealand Productivity Comm'n, *Strengthening trans-Tasman economic relations* (Joint Study, Final Report, Nov. 2012), https://www.treasury.govt.nz/sites/default/files/2024-05/pc-inq-stter-final-report-v4.pdf.

On appeal, the respondent argues that her ability to reside in other EU member states is speculative because there are certain requirements she must meet to do so. However, she does not explain why she would be unable to meet those requirements. For instance, the only administrative requirements for establishing indefinite residency in another EU country are characterized as "formalities" by which the EU citizen must register within 3 months and obtain a certificate of residency. EU Directive at 95–97 (art. 8). Considering that the respondent has been able to obtain a nonimmigrant student visa to enter the United States and then seek asylum before two different Federal agencies, she has not shown that she would be unable to comply with the significantly more minimalistic administrative requirements for establishing residency in an EU member state. Moreover, she has not argued or presented any evidence showing that she would be unable to obtain employment or enroll in school and obtain health insurance in another EU country as required by the EU Directive.[12] The respondent also does not claim, and could not reasonably claim, to have a well-founded fear of persecution in every EU member state.

The respondent argues that she has numerous discretionary equities, including lengthy residence in the United States, significant community ties, two brothers who live in Texas, and education culminating in an associate's degree. She does not even attempt to argue that residing in an EU country other than France would cause her any significant degree of hardship. Having considered the totality of the circumstances, we conclude that the respondent would not merit a discretionary grant of asylum.

III. CONCLUSION

The respondent, a dual citizen of France and Gabon, is ineligible for asylum because she does not have a well-founded fear of persecution in France. Her inability to establish a well-founded fear of persecution in France precludes her from establishing her eligibility for withholding of removal to France. And even if she were solely a French citizen, she would be ineligible for asylum and related protection because France is a presumptively safe country. Moreover, she would not merit a favorable exercise of discretion for asylum because she can safely reside in another EU country. Accordingly, the following order will be entered.

ORDER: The appeal is dismissed.

[12] The respondent's attorney stated that the respondent has worked as a delivery driver since August 2019. She has not explained why she could not perform similar work in Europe.

NOTICE: If a respondent is subject to a final order of removal and willfully fails or refuses to depart from the United States pursuant to the order, to make timely application in good faith for travel or other documents necessary to depart the United States, or to present himself or herself at the time and place required for removal by DHS, or conspires to or takes any action designed to prevent or hamper the respondent's departure pursuant to the order of removal, the respondent shall be subject to a civil monetary penalty of up to $998 for each day the respondent is in violation. *See* INA § 274D (2024), 8 U.S.C. § 1324d; 8 C.F.R. § 280.53(b)(14) (2026). Further, any respondent that has been denied admission to, removed from, or has departed the United States while an order of exclusion, deportation, or removal is outstanding and thereafter enters, attempts to enter, or is at any time found in the United States shall be fined or imprisoned not more than 2 years, or both. *See* INA § 276(a), 8 U.S.C. § 1326(a) (2024).