Matter of Carol Y. OZUNA MENDOZA, Respondent

Decided October 26, 2026

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

(1) The Immigration Judge clearly erred in finding the respondent credible when she gave inconsistent, nonresponsive, evasive, and implausible testimony about the approximately 200 pounds of methamphetamines secreted throughout her vehicle and $8,000 in cash she possessed.

(2) The Department of Homeland Security demonstrated by clear and convincing evidence that there is reason to believe the respondent was a knowing participant in illicit drug trafficking.

FOR THE RESPONDENT: Mika Galilee-Belfer, Esquire, Tucson, Arizona

FOR THE DEPARTMENT OF HOMELAND SECURITY: Ashley L. Brunswick, Assistant Chief Counsel

BEFORE: Board Panel: HUNSUCKER and CHABAN, Appellate Immigration Judges; and WHITE, Temporary Appellate Immigration Judge.

WHITE, Temporary Appellate Immigration Judge:

The Department of Homeland Security ("DHS") appeals from the Immigration Judge's October 1, 2025, decision terminating these removal proceedings without prejudice. The respondent opposes the appeal. We sustain DHS' appeal, reinstate the proceedings, and remand the record to the Immigration Court.

I. BACKGROUND

The respondent is a native and citizen of Mexico and a lawful permanent resident of the United States. On June 22, 2025, between 2:00 a.m. and 3:00 a.m., the respondent sought admission into the United States as a returning lawful permanent resident at a port of entry in Nogales, Arizona. The respondent's three children were with her. According to a United States Customs and Border Protection ("CBP") report admitted into evidence, the respondent attempted to pass through vehicle inspection on the heels of the vehicle preceding her but was directed to stop and back up her vehicle. The report indicates that at these instructions the respondent "looked like she was upset." The respondent stated that she had nothing to declare and that she

was returning "home." The respondent's vehicle was scanned for inspection, and the scan inspection revealed "anomalies in all four doors, and both rear quarter panels." On further inspection, a Narcotics and Human Detection Canine alerted to the presence of narcotics.

The respondent's vehicle was loaded with 208.35 pounds of methamphetamines bundled in 193 separate packages. Conspicuously, these 193 bundles of methamphetamines were packaged with "tape that was silver in color with red lettering. The tape was used to adhere the packages to the body of the vehicle in what appeared to be some attempt to avoid detection with a buster for density readings/measurements." The 193 bundles of methamphetamines were secreted in panels throughout the respondent's vehicle. Photographs of these bundles were admitted into evidence and show their location concealed in the vehicle compartments. Also admitted into evidence were photographs of the bundles once removed from the respondent's vehicle. The respondent had in her possession $7,886 in United States currency and 8,740 Mexican pesos, which she stated was for work purposes.[1]

DHS charged the respondent with inadmissibility under section 212(a)(2)(C)(i) of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1182(a)(2)(C)(i) (2024), related to illicit trafficking in a controlled substance. At the July 28, 2025, hearing, the Immigration Judge asked the respondent if she applied for admission as a returning lawful permanent resident in Nogales, and the respondent replied, "I was already a permanent resident, my only mistake was to lend my car to a friend." The Immigration Judge then asked if the respondent brought a controlled substance into the United States, and the respondent replied, "I didn't bring it in consciously, what my attorney said was that I was a blind mule." The Immigration Judge then asked if the respondent brought "drugs, methamphetamine, into the United States, yes or no," and the respondent replied, "So, yes, but not consciously. I would never put my children at risk. I live here legally seven years working, selling tamales, walking to work. I have always behaved well."

At the hearing held on September 8, 2025, the respondent answered questions about trafficking narcotics into the United States and her activities in Mexico. The respondent testified that she was stopped with narcotics in her vehicle on June 22. She stated that she had gone to Mexico at around 11:30 a.m. on June 21 for an appointment with her cosmetologist for a lymphatic drainage. She stated that during her appointment she let a friend

[1] All of DHS' evidence was admitted into the record without objection.

borrow her vehicle to buy groceries. She stated that she was dropped off for her appointment at around 12:00 p.m., and her friend returned to pick her up at around 4:30 p.m. because the respondent had to retrieve her children at 5:00 p.m. and had parties to attend. The respondent stated that her friend had groceries, but not too many. The respondent stated that her friend told her that the friend had completed her errands, would see the respondent on Monday, and made plans to borrow the respondent's vehicle yet again.

The respondent has known her friend for about 17 or 18 years, and the respondent knows that her friend had problems with partners who trafficked in narcotics; however, the respondent disclaimed knowing further details of this narcotics trafficking. Tellingly, the respondent did not ask her friend about her recent partner because the respondent did not like the partner. Regarding the respondent's vehicle, the respondent testified that she had her vehicle with her from the time her friend retrieved her until she arrived at the United States-Mexico border. When the respondent was asked why she told a CBP officer that she had her vehicle detailed in Mexico and omitted mentioning her friend's use of the vehicle allegedly to acquire groceries, the respondent explained that she was asked if she had at any time let her vehicle go, and she told the officer yes, the day she was at the salon she had it detailed for 8 hours, which was Wednesday not Saturday. The respondent stated that she had since reentered the United States. Regarding crossing the border, the respondent stated that she would cross four to six times weekly since her children play sports in Mexico and goods and services are cheaper in Mexico. She testified that she goes through the X-ray machine every time she crosses the border, that she has been sent to secondary before, and that she has never had any issues.

In statements to CBP officers, the respondent said that she was returning home from a party in Mexico and had "no clue" why she was being detained. She stated that the vehicle containing 200 pounds of methamphetamines was hers and registered to her, and that she had gone to Mexico and left her vehicle with a friend to have it detailed. The respondent stated that she dropped the vehicle off and paid to have it detailed. According to the respondent, her friend was supposed to borrow her vehicle in the morning to run errands. The respondent stated that her former husband was somehow connected to the cartel and that she knows people who are involved in narcotics trafficking in Mexico.

The Immigration Judge determined that the respondent testified credibly and terminated the removal proceedings after ruling that DHS did not meet its burden to establish by clear and convincing evidence that the respondent is inadmissible as charged.

II. DISCUSSION

A. Credibility

The Immigration Judge's finding that the respondent was credible is clearly erroneous. *See Cooper v. Harris*, 581 U.S. 285, 309 (2017) (stating that under clear error review reversal is appropriate "only when 'left with the definite and firm conviction that a mistake has been committed'" (citing *Anderson v. City of Bessemer City*, 470 U.S. 564, 573–74 (1985))). The respondent's answers were vague, evasive, and nonresponsive. The Immigration Judge stated that the respondent did not answer his questions. Her response about being a mother was nonresponsive to the question of whether she knowingly participated in drug trafficking. The respondent also stated that her *attorney told her* that she was a "blind mule." The respondent's nonresponsive, vague, and evasive testimony reflects a lack of credibility. *See Lalayan v. Garland*, 4 F.4th 822, 839 (9th Cir. 2021) (upholding an adverse credibility determination based in part on the alien's "vague, evasive, and non-responsive answers"); *Turcios v. INS*, 821 F.2d 1396, 1400 (9th Cir. 1987) (recognizing that "evasive testimony" may be "deserving of a negative credibility finding"); *Matter of G-C-I-*, 29 I&N Dec. 176, 179 (BIA 2025) (holding that an alien's nonresponsive and evasive testimony supports an adverse credibility finding).

Furthermore, when questioned about her activities in Mexico, the respondent's testimony was inconsistent with her prior statements, vacillating between loaning her vehicle to a friend for errands while she was at the cosmetologist and dropping off her vehicle for 8 hours to have it detailed, or alternatively loaning her vehicle to a friend for personal use and to get a car wash for 6 hours, while getting her hair done at the salon—all in time to pick her children up and attend a party in Mexico. Such inconsistent responses are indicative of a lack of credibility, particularly when not reconciled. *See Kalulu v. Bondi*, 128 F.4th 1009, 1018–20 (9th Cir. 2024) (upholding the Board's determination that the alien was not credible based on inconsistent testimony). The Immigration Judge credited the respondent's explanation that her inconsistent answers about where her vehicle was and what she was doing in Mexico were related to different timeframes rather than a single event. The Immigration Judge also noted the respondent's demeanor and her consistent denial of having knowledge about the drugs in her vehicle.

Even considering the Immigration Judge's favorable finding with respect to the respondent's demeanor, the respondent's self-serving and evasive statements are not supported by objective evidence, and there is no

reconciling the conflicting accounts in her testimony. The respondent gave different answers to where she was going and when, and who was in possession of her vehicle, for what reason, and for how long. These inconsistencies were never reconciled. The respondent's explanation that she was referring to different days of the week is not plausible considering her consistent statements regarding the return of her vehicle in time to pick up her children and attend a party. Thus, the Immigration Judge clearly erred in finding that the inconsistencies can be attributed to different timeframes. The respondent's inconsistent answers and failure to harmonize these inconsistencies render her testimony not credible. *See Singh-Kaur*, 183 F.3d 1147, 1152–53 (9th Cir. 1999) (holding that inconsistent statements support an adverse credibility determination).

Additionally, the respondent gave conflicting accounts of how and why she had nearly $8,000 in her possession. She first stated that she had this amount for work purposes but then submitted a receipt for the sale of a truck by her partner to explain the amount. Yet, the letter from her partner does not discuss any such sale. Moreover, the receipt denotes payment in the amount of $8,000 to her partner on June 22, 2025, in Mexico. The respondent sought admission into the United States on June 22, 2025, between 2:00 a.m. and 3:00 a.m. Thus, the receipt appears to post-date when the respondent was in Mexico. The respondent also did not submit the title of the vehicle for the alleged sale, nor did she call the alleged recipient as a witness or include any declaration from him. The respondent offered no credible, plausible, or persuasive explanation or evidence for why she had nearly $8,000 in cash. Similarly, the respondent offered no plausible explanation for the presence of over 200 pounds of illegal drugs in 193 separate packages secreted throughout compartments in her vehicle. The respondent's story is implausible on its face.

The respondent's testimony is not supported or rehabilitated by the documentary evidence of record. The news articles she submitted detail the existence of blind mules and other drug trafficking schemes but are not specific to her. We are thus "left with the definite and firm conviction that a mistake has been made." *Matter of R-S-H-*, 23 I&N Dec. 629, 637 (BIA 2003) (quoting *United States v. United States Gypsum Co.*, 333 U.S. 364, 395 (1948)).

After a thorough review of the record, considering the totality of the circumstances, we conclude that the Immigration Judge clearly erred in finding the respondent credible when she gave inconsistent, nonresponsive, evasive, and implausible testimony about the approximately 200 pounds of methamphetamines secreted throughout her vehicle and $8,000 in cash she

possessed. We therefore reverse the Immigration Judge's positive credibility finding. *See, e.g.*, *Cooper*, 581 U.S. at 309 (defining clear error review).

B. Inadmissibility

A lawful permanent resident who is returning to the United States after traveling abroad is not regarded as seeking admission—and so is not subject to the inadmissibility grounds for removal—unless DHS establishes by clear and convincing evidence the applicability of one or more of the six statutory exceptions enumerated in section 101(a)(13)(C) of the INA, 8 U.S.C. § 1101(a)(13)(C) (2024). *Vazquez Romero v. Garland*, 999 F.3d 656, 664 (9th Cir. 2021); *Matter of Rivens*, 25 I&N Dec. 623, 625–26 (BIA 2011). At issue in this case is whether the respondent "has engaged in illegal activity after having departed the United States," which does not require a conviction or an admission. INA § 101(a)(13)(C)(iii), 8 U.S.C. § 1101(a)(13)(C)(iii).

There is no dispute on appeal that methamphetamine is a federally controlled substance and that transporting over 200 pounds of methamphetamines into the United States for payment constitutes illicit drug trafficking. The record further establishes that the substance in the respondent's vehicle was methamphetamine.

The Immigration Judge nonetheless determined that DHS did not meet its burden of proving by clear and convincing evidence that the respondent engaged in illegal activity after having departed the United States because the record did not establish that there was a reason to believe that the respondent was a *knowing* participant in illicit drug trafficking. The Immigration Judge based this finding on the respondent's lack of criminal history, her familiarity with port of entry protocols due to regular crossing, her credible testimony and consistent denial about having any knowledge of the methamphetamine in her vehicle, and her responsibility for her three young children.

The Immigration Judge's finding that the respondent was not a knowing participant is not supported by the record and is clearly erroneous. *See Cooper*, 581 U.S. at 309; *Matter of R-S-H-*, 23 I&N Dec. at 637. The record establishes that the respondent was both the owner and driver of a vehicle containing 208.35 pounds of methamphetamines, a significant amount for which the respondent had no credible explanation. She testified that she regularly crosses the border, making frequent, numerous trips to Mexico while living in the United States. Yet, an immigration officer who observed the respondent at the port of entry noted in a report that the respondent "looked upset" and that she "tried to follow the previous car" and had to be

told to stop and back up. The respondent also had nearly $8,000 in her possession—just under the federal reporting requirement. She offered inconsistent and implausible explanations for why she had this amount. Moreover, the respondent's assertions regarding her activities in Mexico and the possession of her vehicle were inconsistent and not supported by objective evidence, nor were the inconsistences reconciled. The respondent also admitted that she loaned her vehicle to a friend who she knew was formerly involved with a man who traffics in narcotics. Thus, her claim that she was not a knowing participant in drug trafficking is not credible.

Even were the respondent credible, she exhibited willful ignorance by letting her friend who she knew had ties to drug traffickers borrow her vehicle without questioning her friend. *See generally United States v. Ramos-Atondo*, 732 F.3d 1113, 1120–21 (9th Cir. 2013) (acknowledging that a criminal defendant cannot escape liability for narcotics trafficking based on deliberate ignorance). The respondent's claim that she was nothing more than a blind mule and had no knowledge of the drugs in her vehicle is self-serving and not supported by specific evidence. The presence of her children and her responsibility for them provide no indication of whether she knew about the drugs. Moreover, narcotics traffickers commonly enlist children in transporting narcotics to deflect attention from illegal activity, which undercuts the respondent's claim about being a blind mule based on the presence of her children. *See, e.g.*, *United States v. Garcia*, 730 F. Supp. 2d 1159, 1164 (C.D. Cal. 2010) (involving expert testimony that narcotics traffickers often include children "to dispel suspicion of criminal activity").

In view of the foregoing, clear and convincing evidence establishes that the respondent "has engaged in illegal activity after having departed the United States" for purposes of section 101(a)(13)(C)(iii) of the INA, 8 U.S.C. § 1101(a)(13)(C)(iii). Thus, the respondent is properly regarded as an applicant for admission.

In addition, this evidence establishes that the respondent is removable as charged. Specifically, the respondent is charged as inadmissible under section 212(a)(2)(C)(i) of the INA, 8 U.S.C. § 1182(a)(2)(C)(i), for knowingly participating in illicit drug trafficking. DHS demonstrated by clear and convincing evidence that there is reason to believe the respondent was a knowing participant in illicit drug trafficking. *See Gomez-Granillo v. Holder*, 654 F.3d 826, 838 (9th Cir. 2011) ("If [a respondent's] denial is not credible, then circumstantial evidence may establish the requisite 'reason to believe' that he knew he was transporting drugs."); *Lopez-Molina v. Ashcroft*, 368 F.3d 1206, 1211 (9th Cir. 2004) (explaining that "reason to believe" requires "reasonable, substantial, and probative evidence" (citation

omitted)); *Matter of Rico*, 16 I&N Dec. 181, 185–86 (BIA 1977) (finding a "reason to believe" the alien trafficked in a controlled substance based on the alien's lack of credibility and prior inculpatory statements).

Accordingly, the Immigration Judge erred in terminating these proceedings. *See Matter of J.J. Rodriguez*, 27 I&N Dec. 762, 763 (BIA 2020) ("It is well settled that an Immigration Judge may only terminate removal proceedings under specific circumstances identified in the regulations and where the charges of removability against a respondent have not been sustained." (citation modified)). We will sustain DHS' appeal and remand the record to the Immigration Court to allow the respondent to pursue any application for relief for which she may be eligible.

ORDER: DHS' appeal is sustained, and the Immigration Judge's October 1, 2025, decision is vacated.

FURTHER ORDER: These removal proceedings are reinstated, and the record is remanded to the Immigration Court for further proceedings consistent with the foregoing opinion and for the entry of a new decision.