Jianzhong Qin v. Blanche

Docket No.: 24-19-ag

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Case Information

Court: U.S. Court of Appeals for the Second Circuit

Date Decided: September 11, 2026

Judges: Chief Judge Lohier, Circuit Judge Chin, Circuit Judge Nardini

Lower Court: Board of Immigration Appeals, affirming the Immigration Court in New York City (Immigration Judge's name not stated)

Parties and Attorneys

Petitioners: Jianzhong Qin, Yanwen Qin, Haidi Li; Represented By: Aleksander Boleslaw Milch

Respondent: Todd Blanche, United States Attorney General; Represented By: Brian M. Boynton, Edward E. Wiggins, Stephen Finn

Overview

Issue: Whether the agency adequately considered the cumulative harm and political context of mistreatment following protests against government demolition of an apartment building.

Lower Court Held: The agency denied asylum, withholding of removal, and Convention Against Torture (CAT) protection.

What Was Overturned: The Second Circuit granted the petition in part and remanded the asylum and withholding claims, but denied review as to CAT relief.

Why: The agency inadequately analyzed material persecution and political-nexus evidence, while substantial evidence supported its finding that future torture was not more likely than not.

Background

Qin, his wife, and their daughter were Chinese citizens. Qin credibly testified that authorities identified him as a leader of residents protesting demolition without adequate compensation. Police injured his thumb permanently, detained him for five days, withheld food and water for two days, and beat him with an electric baton when he refused to promise not to interfere with government activities.

Lower Court Decision

The immigration judge denied relief, characterizing Qin's conduct as an effort to prevent demolition rather than activity implicating a protected ground. The Board of Immigration Appeals (BIA) affirmed, concluding that the cumulative harm did not constitute persecution and reading the judge's decision as also finding no protected-ground nexus. The agency also denied CAT protection.

Second Circuit Reversal

Reviewing the immigration judge's decision as supplemented by the BIA, the Second Circuit applied substantial-evidence review to factual findings and the persecution determination, and de novo review to legal questions. The agency's inadequate treatment of protest leadership, detention conditions, retaliatory beating, and country evidence prevented meaningful review. On remand, it must assess the harm cumulatively and contextually and determine whether actual or imputed political opinion was at least one central reason for persecution; if so, it must address humanitarian asylum. CAT relief remained denied because Qin experienced no further harm during two years after demolition or a brief return to China, and did not allege plans to resume protests.

Legal Significance

This nonprecedential summary order reinforced that deferential substantial-evidence review still requires meaningful agency analysis of material evidence. Property-related protests require contextual examination of political motive, including mixed motives, rather than automatic characterization as private self-interest.

Key Takeaway

Develop evidence connecting protest leadership, official retaliation, and country conditions, and insist that the agency evaluate cumulative harm and actual or imputed political opinion.

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