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Case No. 26-3065

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

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KELLY L. STEPHENS, Clerk

RUSLAN GURYANOV, Petitioner, v. TODD BLANCHE, Attorney General, Respondent.	)	ON PETITION FOR REVIEW FROM THE UNITED STATES BOARD OF IMMIGRATION APPEALS OPINION

Before: GIBBONS, SUTTON, and DAVIS, Circuit Judges.

JULIA SMITH GIBBONS, Circuit Judge. The Board of Immigration Appeals (BIA) determined that Ruslan Guryanov is inadmissible to the United States and ordered his removal after finding that he falsely represented himself to be a United States citizen while attempting to buy a gun. Because Guryanov's sole argument in his petition for review is unexhausted, and because we find no reversible error in the BIA's opinion, we deny his petition for review.

I.

A.

The Immigration and Nationality Act provides a path to lawful permanent residence for a noncitizen who marries a citizen. Under 8 U.S.C. § 1255(a), the Attorney General may adjust the status of a noncitizen to that of a lawfully admitted permanent resident if "an immigrant visa is immediately available to [the noncitizen] at the time his application is filed." And an immigrant visa can be "immediately available" to the spouse of a citizen. *Hatchet v. Andrade*, 106 F.4th 574, 577 (6th Cir. 2024) (citing 8 U.S.C. §§ 1151(b)(2)(A)(i), 1154(a)(1)(A)).

§ 1255(a) also requires, however, that the noncitizen "is admissible to the United States." "The noncitizen bears the burden of proving that they are both admissible, and, by the same token, not inadmissible" based on the criteria set forth in 8 U.S.C. § 1182. *Hatchet*, 106 F.4th at 577. One way a noncitizen may become "inadmissible" under § 1182 is by making a false representation of citizenship. *Id.* Any noncitizen "who falsely represents, or has falsely represented, himself or herself to be a citizen of the United States for any purpose or benefit under . . . any . . . Federal or State law is inadmissible." 8 U.S.C. § 1182(a)(6)(C)(ii)(I); *see Patel v. Garland*, 596 U.S. 328, 334 (2022).

B.

Petitioner Ruslan Guryanov is a noncitizen who entered the United States in June 2004 on a temporary visa. Guryanov overstayed his visa, and the government initiated removal proceedings, which have continued off and on for more than two decades.

In February 2009, Guryanov married a United States citizen. Based on his marriage, he applied to United States Citizenship and Immigration Services (USCIS) for an adjustment of status to that of a lawful permanent resident. Concurrently, he moved to terminate removal proceedings while the adjustment of status was adjudicated.

Later that year, Guryanov attempted to buy a gun. He and his wife had been victims of a home invasion, and he wanted a gun for protection and for his wife's peace of mind. He placed an order with a gun store.

When Guryanov arrived at the gun store to pick up his order, an employee asked him to fill out a firearms transaction record—a form required under federal law for all gun sales. 27 CFR § 478.124; 18 U.S.C. § 923. One question on the form asks, "What is your country of citizenship?" Firearms Transaction Record, AR 299. Directly below, there is a checkbox labeled "United States

of America." *Id.* That checkbox was marked on Guryanov's form. *Id.* After reviewing Guryanov's form and finding that Guryanov was not in fact a lawful permanent resident, the store denied the sale.

In July 2011, USCIS denied Guryanov's application for an adjustment of status. USCIS explained that Guryanov was inadmissible because he "checked United States of America" under "country of citizenship" on the firearms transaction record when he was "not a citizen of the United States of America." USCIS Denial, AR 534–35. USCIS also denied Guryanov's motion to reopen and reconsider. USCIS further explained that a noncitizen is inadmissible if he misrepresents himself as a citizen "for any purpose of benefit under" law. USCIS Denial of Mot., AR 538 (quoting 8 U.S.C. § 1182(a)(6)(C)(ii)(I)). And here, USCIS determined, Guryanov's "purpose in declaring [him]self to be a U.S. citizen was to purchase a firearm" from a federally licensed gun dealer. *Id.* at AR 539.

Guryanov moved to reopen his removal proceedings in immigration court, which allowed him to continue to seek an adjustment of status through an application for relief from removal. Guryanov's hearing was delayed for nearly nine years due to a series of continuances issued by the court.

In July 2020, Guryanov appeared at his immigration court hearing. Guryanov primarily contended that he was admissible to the United States because he did not actually mark the checkbox next to "United States of America" on the firearms transaction record. Hr'g Tr., AR 182–187. Instead, Guryanov suggested, someone else must have marked the checkbox on his form. *Id.* Guryanov relied on three witnesses. First, Guryanov testified on his own behalf. He stated that he felt confused while filling out the form due to the noisy environment in the store and stopped filling out the form "at some point." *Id.* at AR 182. He then testified that he did not recall

reading or answering the citizenship question, and that the handwriting under the question did not look like his own. *Id.* at AR 186–95. Second, a polygraph examiner testified that Guryanov had truthfully answered "No" to the question, "Did you intentionally represent yourself as a U.S. citizen to purchase a firearm?" *Id.* at AR 235, 246, 252. Third, a private investigator testified that when he visited the gun store in 2011 it was "a very loud and distracting place to be." *Id.* at AR 261–62.

In the alternative, Guryanov presented a legal argument. He argued that the word "representing" in § 1182(a)(6)(C)(ii)(I) imposes a "knowledge or willfulness" requirement because "the concept of representing yourself is active, it requires knowledge or willfulness. It isn't an accident." *Id.* at AR 287–90. Thus, according to Guryanov, even if he did mark the "United States of America" checkbox under the citizenship question, he did not "represent[]" himself to be a United States citizen because he did not mark the checkbox willfully. *Id.*

The immigration court denied Guryanov's application for adjustment of status and ordered his removal. The court began by making credibility determinations. It determined that the private investigator was credible and that the polygraph examiner was not credible. Immigr. Ct. Op., AR 61–63. And it determined that Guryanov was also not credible based on "his demeanor, his candor, the inherent plausibility of his claim, along with inconsistencies in his testimony between direct and cross, along with his statements made to the polygraph examiner." *Id.* at AR 63–64. The court gave "no credence to [Guryanov's] claim that he did not answer [the citizenship question on the firearms transaction record], not only based on what [] appear[ed] to be similar handwriting throughout the form, but also [Guryanov's] statements to the polygraph examiner that he did examine and answer [the citizenship question]." *Id.* at AR 64. The court noted that Guryanov

"gave very vague answers" in response to questioning and ultimately "confirmed that he could not remember whether he answered" the citizenship question. *Id.*

The court also discussed the legal standard under § 1182(a)(6)(C)(ii)(I) and rejected Guryanov's argument that the word "representing" imposes a "willful or knowledge requirement." *Id.* at AR 67–68. The court explained that "represent[ing]" means "speaking or writing or asserting." *Id.* The court acknowledged, however, that a different statutory term imposes a related requirement—a noncitizen is inadmissible only if the false representation of citizenship was made "for any purpose or benefit under . . . any . . . federal or state law." *Id.* (citing *Ferrans v. Holder*, 612 F.3d 528, 531 (6th Cir. 2010)).

The court then made findings of fact. It found that Guryanov "did fill out" the firearms transaction record and "did make an assertion of United States citizenship," "likely . . . because he was worried about his wife and family after the break-in at their house" and wanted to buy a gun. *Id.* at AR 68. Further, it found that when Guryanov filled out the form, "he was fully aware that he was illegally in the United States." *Id.* at AR 69. Finally, it found that Guryanov "knowingly made a false claim to U.S. citizenship to receive a benefit under federal and state law." *Id.*

Guryanov appealed to the BIA. In his brief, Guryanov argued that the immigration court erred in determining that he and the polygraph examiner were not credible and by finding that Guryanov falsely represented himself to be a citizen. Guryanov BIA Br., AR 27–33. He repeated his contention that he "did not in fact make a representation . . . that he was a United States citizen." *Id.* at AR 33. Guryanov's notice of appeal included additional issues that were not in his brief: Relevant here, it stated that "[t]he Immigration Court committed an error of law when it interpreted [§ 1182(a)(6)(C)(ii)(I)] to impose a strict liability standard on [Guryanov] regardless of [his] lack of unlawful intent." Notice of Appeal to BIA, AR 46.

In December 2025, the BIA "adopt[ed] and affirm[ed]" the immigration court's denial of adjustment of status and order of removal. BIA Op., AR 3–5. The BIA concluded that the immigration court properly questioned Guryanov and properly considered polygraph evidence. *Id.* at AR 4. It then upheld the immigration court's credibility determinations and findings of fact under a "clearly erroneous" standard of review, explaining that the immigration judge "explained her reasoning for weighing the evidence . . . in the manner she did." *Id.*

Guryanov filed a petition for review in this court.

II.

"The Immigration and Nationality Act grants us jurisdiction to review a 'final order of removal' entered or affirmed by the [BIA]." *Morris v. Blanche*, 179 F.4th 489, 495 (6th Cir. 2026) (quoting 8 U.S.C. § 1252(a)(1)). "Where the [BIA] adopts the [immigration court's] decision and supplements that decision with its own comments, as in this case, we review both the BIA's and the [immigration court's] opinions." *Hachem v. Holder*, 656 F.3d 430, 434 (6th Cir. 2011). We review questions of law de novo. *Singh v. Rosen*, 984 F.3d 1142, 1148 (6th Cir. 2021). We lack statutory jurisdiction to review credibility determinations or findings of fact. *Rahman v. Bondi*, 131 F.4th 399, 408 (6th Cir. 2025) (citing *Wilkinson v. Garland*, 601 U.S. 209, 225 (2024)).

III.

Guryanov presents one argument in his petition for review: that the word "falsely" in § 1182(a)(6)(C)(ii)(I) requires that a noncitizen acted with "deliberate deceptiveness." CA6 R. 12, Pet'r Br., at 25–42. Applying his reading of "falsely," he contends he is admissible because he did not represent himself to be a citizen with "deliberate deceptiveness." *Id.* He argues that we have jurisdiction to review the issue because it involves a question of law (or at least, a mixed question of law and fact). CA6 R. 20, Reply Br., at 2.

Guryanov is right that the meaning of "falsely" is a question of law that we have jurisdiction to review. *See Singh*, 984 F.3d at 1148. But his argument fails for multiple threshold reasons. First, it is unexhausted. Second, even if it was exhausted, and even if Guryanov was correct about the meaning of "falsely," he could not prevail given the unreviewable and uncontested findings of fact in this case. We therefore deny Guryanov's petition for review without reaching the statutory interpretation question.

A.

We may review a final order of removal only when the noncitizen "has exhausted all administrative remedies available . . . as of right." 8 U.S.C. § 1252(d)(1). "That is a mandatory claim-processing rule we must enforce when one of the parties properly raises it," *Cristales-de Linares v. Bondi*, 161 F.4th 401, 413 (6th Cir. 2025) (citation modified), as the government has done here, CA6 R. 17, Resp't Br., at 10–11.

"Once the Government contends that an issue is unexhausted, we may only consider that issue if it was 'reasonably developed in the petitioner's brief to the [BIA].'" *Cristales-de Linares*, 161 F.4th at 413 (quoting *Khalili v. Holder*, 557 F.3d 429, 433 (6th Cir. 2009)). A noncitizen may also raise an issue in the notice of appeal to the BIA, but if the noncitizen "*does* file a separate written brief, 'all issues not raised in an appellant's briefs [are waived], even if the issue has been raised in the notice of appeal.'" *Cuevas-Nuno v. Barr*, 969 F.3d 331, 335 (6th Cir. 2020) (quoting *Hassan v. Gonzales*, 403 F.3d 429, 433 n.5 (6th Cir. 2005)) (emphasis in original). As an exception to our exhaustion rule, we may consider "issues raised sua sponte by the BIA" even if they are unexhausted. *Khalili*, 557 F.3d at 435.

The sole issue that Guryanov presents in his petition for review—the definition of "falsely" in § 1182(a)(6)(C)(ii)(I)—is unexhausted because Guryanov did not mention the issue in his BIA

brief. *See* Guryanov BIA Br., AR 17–34. Indeed, Guryanov "acknowledge[s] and concede[s] that his arguments regarding the definitions of the terms 'false' and 'falsely' were not presented." CA6 R. 12, Pet'r Br., at 39. And the exception for "issues raised sua sponte by the BIA" does not apply because the BIA did not address the definition of "falsely" in its decision. *Khalili*, 557 F.3d at 435; *see* BIA Op., AR 3–6.

Guryanov's arguments to the contrary are unavailing. *See* CA6 R. 12, Pet'r Br., at 39–42. Guryanov points out that he raised the intent requirement under § 1182(a)(6)(C)(ii)(I) more generally in his notice of appeal to the BIA, which stated that "[t]he Immigration Court committed an error of law when it interpreted [§ 1182(a)(6)(C)(ii)(I)] to impose a strict liability standard on [Guryanov] regardless of [his] lack of unlawful intent." Notice of Appeal to BIA, AR 46. But that broad statement did not mention the specific issue here—the definition of "falsely"—and could refer to other issues, such as the intent requirement imposed by the statutory language "for any purpose or benefit." *See* Immigr. Ct. Op., AR 66–68.

To the extent Guryanov contends the relevant issue is the intent requirement under § 1182(a)(6)(C)(ii)(I) more generally, he waived that issue by including it in his notice of appeal to the BIA but leaving it out of his brief to the BIA. *Cuevas-Nuno*, 969 F.3d at 335 (quoting *Hassan*, 403 F.3d at 433 n.5); *see* Guryanov BIA Br., AR 17–34. And contrary to Guryanov's suggestion, the BIA did not address that issue sua sponte. *See* CA6 R. 12, Pet'r Br., at 42; BIA Op., AR 3–6.

B.

Guryanov's argument fails for another reason: Even if Guryanov was correct about the meaning of "falsely"—a conclusion on which we take no position here—he could not prevail. Based on his preferred interpretation, Guryanov contends that § 1182(a)(6)(C)(ii)(I) requires a

claim of United States citizenship made with "deliberate deceptiveness." CA6 R. 12, Pet'r Br., at 33. But the immigration court's unreviewable and uncontested findings of fact meet that standard.

The immigration court found that when Guryanov filled out the firearms transaction record, "he was fully aware that he was illegally in the United States" and that he "did make an assertion of United States citizenship," "likely . . . because he was worried about his wife and family after the break-in at their house." Immigr. Ct. Op., AR 68–69. It concluded that Guryanov "knowingly made a false claim to U.S. citizenship to receive a benefit under federal and state law." *Id.*

Those findings of fact—which Guryanov concedes are unreviewable, CA6 R. 12, Pet'r Br., at 38—amount to a finding of "deliberate deceptiveness" under Guryanov's preferred definition of "falsely." Thus, Guryanov's sole argument in his petition for review does not affect the outcome.

IV.

For the above reasons, we deny the petition for review.