

BOARD OF IMMIGRATION APPEALS

Matter of Y-H-L-

29 I&N Dec. 698 (BIA 2026) · No. ID 4206 · Decided May 8, 2026

SUMMARY

The Board of Immigration Appeals denied the respondent’s motions to reconsider and reopen her denied applications for asylum and withholding of removal. The Board held that the Immigration Judge properly required reasonably available corroboration for the respondent’s testimony concerning an alleged forced abortion in China and properly determined that relevant medical records were reasonably obtainable. The Board also rejected the respondent’s ineffective-assistance claims, concluding that prior counsel reasonably relied on a certified translation and that the remaining allegations did not establish prejudice.

CASE DETAILS

COURT	Board of Immigration Appeals
WRITING FOR THE COURT	MCCLOSKEY, Temporary Appellate Immigration Judge; GORMAN, Deputy Chief Appellate Immigration Judge; GOODWIN, Appellate Immigration Judge
JURISDICTION	Board of Immigration Appeals
DECIDED	May 8, 2026
DOCKET	ID 4206
DISPOSITION	other
PROCEDURAL POSTURE	The respondent filed timely motions to reconsider and reopen the Board's prior decision dismissing her appeal from an Immigration Judge's denial of her applications for asylum and withholding of removal.
STANDARD OF REVIEW	The Board reviews de novo the threshold determination whether corroborating evidence is required and reviews the Immigration Judge's factual findings for clear error. A motion to reconsider requires a showing of material error of fact or law, and ineffective-assistance allegations must establish deficient performance and a reasonable likelihood that the result would have differed.
PRECEDENTIAL VALUE	Published and designated as precedent by the Acting Attorney General pursuant to Order No. 6933-2026.

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QUESTIONS PRESENTED

1. Whether reconsideration was warranted because the Immigration Judge and Board improperly required corroboration of the respondent's otherwise credible but unpersuasive testimony.
2. Whether the Immigration Judge clearly erred in finding that medical records or checkup books corroborating the alleged forced abortion were reasonably obtainable.
3. Whether the respondent established ineffective assistance of counsel sufficient to warrant reopening based on counsel's reliance on a certified translation and other alleged omissions.

HOLDINGS

1. Reconsideration was not warranted because the respondent failed to identify an error of fact or law in the Board's prior determination that the Immigration Judge properly required corroboration of her limited-weight, unpersuasive testimony.
2. The Immigration Judge properly found that checkup books or medical records documenting the alleged abortion or follow-up care were reasonably obtainable, and the Board discerned no clear error in that finding.
3. Reopening was not warranted because the respondent failed to establish ineffective assistance of counsel or a reasonable likelihood that the outcome would have been different absent the alleged errors.

KEY QUOTATIONS

"We conclude that the Immigration Judge complied with Pinel-Gomez, as he made sufficient findings to satisfy both the requisite components for a lack of corroboration determination under Second Circuit law." (699)

"Counsel can reasonably rely upon a translation that is certified true and accurate by a translator who certifies their competence in the foreign language." (700)

FACTUAL BACKGROUND

The respondent, a native and citizen of China, testified that Chinese officials forced her to abort a third pregnancy after she had two children and directed her to return for tubal ligation. The Immigration Judge found her testimony unpersuasive and determined that reasonably obtainable checkup books or medical records should

have corroborated the alleged abortion but were not submitted. The respondent also alleged that prior attorneys provided ineffective assistance by relying on a certified translation, failing to challenge evidentiary issues, and failing to address alleged fraud similarities in her application.

PROCEDURAL HISTORY

The Immigration Judge denied the respondent's applications for asylum and withholding of removal on June 9, 2020. The Board dismissed her appeal on March 18, 2025, affirming the Immigration Judge's determination that her testimony was unpersuasive and that reasonably available corroborating evidence was missing. The respondent then moved to reconsider based on the corroboration ruling and moved to reopen based on alleged ineffective assistance of prior counsel; the Board denied both motions.

DISPOSITION

other

CASES CITED

- Liu v. Holder, 575 F.3d 193, 196 (2d Cir. 2009)
- Wei Sun v. Sessions, 883 F.3d 23, 28 (2d Cir. 2018)
- Pinel-Gomez v. Garland, 52 F.4th 523, 529-30 (2d Cir. 2022)
- Cooper v. Harris, 581 U.S. 285, 293 (2017)
- Matter of Mariscal-Hernandez, 28 I&N Dec. 666, 673 (BIA 2022)
- Matter of J.J. Rodriguez, 27 I&N Dec. 762, 765-66 (BIA 2020)

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