

BOARD OF IMMIGRATION APPEALS

Matter of R-A-U-

29 I&N Dec. 582 (BIA 2026) · No. ID 4184 · Decided February 27, 2026

SUMMARY

The Board of Immigration Appeals held that the Immigration Judge clearly erred in finding the applicant credible due to numerous inconsistencies and omissions concerning his alleged persecution in Morocco, asylum history in Germany, and immigration statements. The Board reversed the Immigration Judge’s asylum decision and remanded for consideration of withholding of removal, protection under the Convention Against Torture, firm resettlement, and any other relevant issues.

CASE DETAILS

COURT	Board of Immigration Appeals
WRITING FOR THE COURT	Hunsucker, Appellate Immigration Judge; Goodwin, Appellate Immigration Judge; Gemoets, Appellate Immigration Judge
JURISDICTION	Board of Immigration Appeals
DECIDED	February 27, 2026
DOCKET	ID 4184
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Department of Homeland Security appealed the Immigration Judge's decision granting the applicant asylum.
STANDARD OF REVIEW	The Board defers to the Immigration Judge's factual findings, including credibility findings, unless they are clearly erroneous.
PRECEDENTIAL VALUE	Published and designated as precedent by the Acting Attorney General for proceedings involving the same issue or issues.
PARTIES	Department of Homeland Security v. Matter of R-A-U-, Applicant

TOPICS

- asylum
- removal proceedings
- evidence
- standard of review
- appellate procedure

PRACTICE AREAS

- immigration law
- asylum
- administrative law
- evidence

QUESTIONS PRESENTED

1. Whether the Immigration Judge clearly erred in finding that the applicant's testimony was credible despite material inconsistencies and omissions in the record.
2. Whether the record should be remanded for adjudication of the applicant's withholding-of-removal and Convention Against Torture applications that the Immigration Judge did not address.
3. Whether the Immigration Judge should further consider firm resettlement in Germany and, if appropriate, eligibility for relief apart from the applicant's noncredible testimony.

HOLDINGS

1. The Immigration Judge clearly erred in concluding that the applicant presented a credible claim for asylum because the record contained material inconsistencies and omissions concerning his alleged persecution, German asylum proceedings, identity, travel history, and statements to immigration officials.
2. The record had to be remanded because the Immigration Judge did not adjudicate the applicant's applications for withholding of removal and protection under the Convention Against Torture after granting asylum.
3. On remand, the Immigration Judge may further consider the applicant's credibility if additional evidence warrants reconsideration, should address whether the applicant was firmly resettled in Germany, and should alternatively address eligibility for relief or protection apart from the applicant's noncredible testimony if appropriate.

KEY QUOTATIONS

“Based on inconsistencies and omissions in the record, the Immigration Judge clearly erred in concluding the applicant presented a credible claim for asylum.” (29 I&N Dec. at 582)

“On this evidentiary record, the Immigration Judge clearly erred in concluding the applicant presented a credible claim for asylum.” (29 I&N Dec. at 584)

FACTUAL BACKGROUND

The applicant, a native and citizen of Morocco, claimed that he was arrested and beaten by Moroccan police because of his father's political activity and feared persecution based on his bisexual identity. He also described an asylum application and extended stay in Germany, repeated returns there from other European countries, and eventual denial of his German asylum application. The record contained substantial inconsistencies and omissions concerning his arrest, alleged beating, family history, German asylum proceedings, identity, travel history, and statements to United States immigration officials.

PROCEDURAL HISTORY

The Immigration Judge granted the applicant's asylum application on May 23, 2025, finding that he testified credibly, suffered past persecution in Morocco, feared future persecution there because he was bisexual, was not firmly resettled in Germany, and merited asylum as a matter of discretion. The Immigration Judge did not

adjudicate the applicant's applications for withholding of removal or protection under the Convention Against Torture. DHS appealed, challenging the credibility determination. The Board reversed the Immigration Judge's decision and remanded for adjudication of the alternative applications and further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the Immigration Judge's May 23, 2025, decision and remand the record for further proceedings and entry of a new decision. The Immigration Judge must adjudicate the withholding-of-removal and Convention Against Torture applications, may further consider credibility if additional evidence warrants it, should address firm resettlement in Germany, and should, if appropriate, alternatively address eligibility for relief or protection apart from the applicant's noncredible testimony.

CASES CITED

- Weng v. Holder, 593 F.3d 66, 71-72 (1st Cir. 2010)
- Matter of S-H-, 23 I&N Dec. 462 (BIA 2002)
- Matter of R-S-H-, 23 I&N Dec. 629, 637 (BIA 2003)