

BOARD OF IMMIGRATION APPEALS

Matter of E-N-N-

29 I. & N. Dec. 586 (B.I.A. 2026) · No. ID 4185 · Decided March 20, 2026

SUMMARY

The Board of Immigration Appeals sustained the Department of Homeland Security’s appeal from an Immigration Judge’s grant of withholding of removal to a Cameroonian respondent. The Board found clear error in the Immigration Judge’s credibility determination and legal error in the conclusory finding of a pattern or practice of persecution against Anglophones in Cameroon, and remanded for further proceedings.

CASE DETAILS

COURT	Board of Immigration Appeals
WRITING FOR THE COURT	Gemoets, Appellate Immigration Judge; Chaban, Appellate Immigration Judge; Gillies, Temporary Appellate Immigration Judge
JURISDICTION	Board of Immigration Appeals
DECIDED	March 20, 2026
DOCKET	ID 4185
DISPOSITION	remanded
PROCEDURAL POSTURE	The Department of Homeland Security appealed an Immigration Judge's decision granting withholding of removal to the respondent, a native and citizen of Cameroon.
STANDARD OF REVIEW	The Board reviews an Immigration Judge's factual findings, including credibility determinations, for clear error and reviews legal conclusions de novo. The Board applied clear-error review to the credibility determination and identified legal error in the pattern-or-practice analysis.
PRECEDENTIAL VALUE	Published and designated as precedent by the Acting Attorney General under 8 C.F.R. § 1003.1(g)(3).
PARTIES	Department of Homeland Security v. E-N-N-, Respondent

TOPICS

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

PRACTICE AREAS

immigration law

removal proceedings

administrative law

evidence

QUESTIONS PRESENTED

1. Whether the Immigration Judge clearly erred by finding the respondent credible without addressing inconsistencies, implausibilities, and errors in the supporting medical evidence.
2. Whether the Immigration Judge legally erred in finding a pattern or practice of persecution against Anglophones in Cameroon based on a conclusory analysis, an incorrect likelihood standard, and without addressing the respondent's similarly situated family members who remained unharmed.
3. Whether the record should be remanded for further proceedings and a new decision.

HOLDINGS

1. The Immigration Judge clearly erred by finding the respondent credible without addressing material inconsistencies, implausibilities, and errors in the medical evidence. The failure to provide adequate credibility findings requires further evaluation on remand.
2. The Immigration Judge committed legal error by relying on a conclusory pattern-or-practice finding, applying a likelihood standard rather than the clear-probability or more-likely-than-not standard, and failing to explain why the respondent's unharmed, similarly situated family members did not undermine the claim.

KEY QUOTATIONS

“The Immigration Judge clearly erred in finding the respondent credible without addressing inconsistencies and implausibilities that were present in the record.” (586)

“This is not the correct standard for withholding of removal, which requires a “clear probability” or “more likely than not” standard to be met.” (587)

“ORDER: The appeal is sustained, and the record is remanded for further proceedings consistent with the foregoing opinion and entry of a new decision.” (588)

FACTUAL BACKGROUND

The respondent, a native and citizen of Cameroon, sought withholding of removal based in part on alleged persecution of Anglophones and injuries allegedly inflicted by government officials during prolonged detention. The record contained inconsistencies concerning the hospital, treatment received, and weapons allegedly used, as well as errors in medical documents. The respondent's mother, siblings, and child remained in Cameroon unharmed despite also being Anglophones.

PROCEDURAL HISTORY

The Immigration Judge granted withholding of removal on June 25, 2025. The Department of Homeland Security appealed, challenging the Immigration Judge's favorable credibility determination and pattern-or-

practice finding. The Board sustained the appeal and remanded the record for further proceedings and a new decision.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The Immigration Judge must reevaluate the respondent's credibility, address the inconsistencies, implausibilities, and medical-document errors, analyze whether the independent evidence establishes a pattern or practice of persecution, apply the clear-probability or more-likely-than-not standard, explain the significance of the respondent's unharmed family members, and enter a new decision. Both parties may submit additional evidence and arguments.

CASES CITED

- Matter of A-M-, 23 I&N Dec. 737, 740-42 (BIA 2005)
- INS v. Stevic, 467 U.S. 407, 424 (1984)
- Sanchez-Castro v. U.S. Att'y Gen., 998 F.3d 1281, 1286 (11th Cir. 2021)
- Suwarjo v. U.S. Att'y Gen., 274 F. App'x 794, 797 (11th Cir. 2008)
- Candra v. U.S. Att'y Gen., 222 F. App'x 865, 870-71 (11th Cir. 2007)
- Matter of M-S-, 21 I&N Dec. 125, 129 (BIA 1995)
- Matter of L-O-G-, 21 I&N Dec. 413, 422 (BIA 1996)

OPINION

PER CURIAM.

Cite as 29 I&N Dec. 586 (BIA 2026) Interim Decision #4185 Matter of E-N-N-, Respondent Decided by Board March 20, 2026 1 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 without addressing inconsistencies and implausibilities that were present in the record.

(2) The Immigration Judge's conclusory statement that there is a pattern or practice of persecution against Anglophones in Cameroon was not supported by record evidence, particularly given the Immigration Judge did not distinguish the respondent's family members, who remain unharmed in the country. FOR THE RESPONDENT: Fedelis N. Fondungallah, Esquire, Avondale, Arizona FOR THE DEPARTMENT OF HOMELAND SECURITY: Jessie Sizemore, Assistant Chief Counsel BEFORE: Board Panel: GEMOETS and CHABAN, Appellate Immigration Judges; GILLIES, Temporary Appellate Immigration Judge.

GEMOETS, Appellate Immigration Judge: The Department of Homeland Security (“DHS”) appeals from the decision of the Immigration Judge dated June 25, 2025, granting withholding of removal to the respondent, a native and citizen of Cameroon. Section 241(b)(3)(A) of the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1231(b)(3)(A) (2024).

The respondent opposes the appeal. The appeal will be sustained and the record remanded. On appeal, DHS argues the Immigration Judge clearly erred in her favorable credibility determination. See 8 C.F.R. § 1003.1(d)(3)(i) (2026).

We agree. DHS has pointed out numerous inconsistencies and implausibilities that were not addressed by the Immigration Judge. See INA §§ 208(b)(1)(B)(iii), 241(b)(3)(C), 8 U.S.C. §§ 1158(b)(1)(B)(iii), 1231(b)(3)(C) (2024) (setting forth standard for credibility determinations). 1 Pursuant to Order No. 6744-2026, dated April 21, 2026, the Acting Attorney General designated the Board’s decision in Matter of E-N-N- (BIA Mar.

20, 2026), as precedent in all proceedings involving the same issue or issues. See 8 C.F.R. § 1003.1(g)(3) (2026). Editorial changes have been made consistent with the designation of the case as a precedent. page 586 Cite as 29 I&N Dec. 586 (BIA 2026) Interim Decision #4185 For instance, the Immigration Judge failed to explain whether the medical evidence is reliable when there are clear errors in the documents and the respondent failed to provide a plausible explanation.

Furthermore, notable inconsistencies include the name of the hospital where treatment was provided, what treatment the respondent received, and what weapons caused his injuries that were purportedly produced by government officials beating him during prolonged detention.

The Immigration Judge simply states that she finds the respondent to be a credible witness without providing any further evaluation. 2 This is clear error and requires further evaluation on remand. 8 C.F.R. § 1003.1(d)(3)(i).

We also find legal error in the Immigration Judge’s determination that the respondent has proven there is a pattern or practice of persecution for those who are considered Anglophone in Cameroon. See Matter of A-M-, 23 I&N Dec. 737, 740–42 (BIA 2005); 8 C.F.R. § 1003.1(d)(3) (ii).

The Immigration Judge again provides only a conclusory statement without providing adequate rationale to explain the determination. Specifically, the Immigration Judge has not explained why the respondent’s independent evidence outside of his noncredible testimony would establish a pattern or practice such that he has met his burden to establish that his life or freedom would be threatened.

See 8 C.F.R. § 1208.16(b)(2)(i), (ii) (2026). Additionally, the Immigration Judge uses an incorrect standard by concluding that there is a “likelihood” that the respondent would be persecuted or harmed simply based on his race. This is not the correct standard for withholding of removal, which requires a “clear probability” or “more likely than not” standard to be met.

See *INS v. Stevic*, 467 U.S. 407, 424 (1984); *Sanchez-Castro v. U.S. Att’y Gen.*, 998 F.3d 1281, 1286 (11th Cir. 2021). Further, the Immigration Judge determined that the respondent meets the standard for a pattern or practice of persecution despite some of his family members remaining in Cameroon without being persecuted or harmed.

However, where similarly situated family remains unharmed in the country, the claim may be undermined. See 8 C.F.R. § 1208.16(b)(2)(i); *Suwarjo v. U.S. Att’y Gen.*, 274 F. App’x 794, 797 (11th Cir. 2008); *Candra v. U.S. Att’y* 2 A respondent’s credibility is an ancillary factor relevant to an Immigration Judge’s ultimate decision and requires an Immigration Judge’s analysis and findings to permit clear error review on appeal.

See INA § 240(c)(4)(B); 8 U.S.C. § 1229a(c)(4)(B) (2024); see also 8 C.F.R. § 1003.1(d)(3)(i). Accordingly, the Immigration Judge erred by failing to provide clear credibility findings. See *Matter of M-S-*, 21 I&N Dec. 125, 129 (BIA 1995) (holding that a persecution claim that lacks veracity cannot satisfy burdens of proof necessary to establish eligibility for asylum and withholding of removal). page 587 Cite as 29 I&N Dec.

586 (BIA 2026) Interim Decision #4185 Gen., 222 F. App’x 865, 870–71 (11th Cir. 2007). Here, the respondent’s mother, siblings, and child remain in Cameroon and have not been harmed despite also being Anglophones. The Immigration Judge’s decision provides no basis or explanation to distinguish the respondent’s family members from himself. Further analysis and explanation is necessary on remand.

On remand, both parties may also submit additional evidence and arguments relevant to these applications for relief and protection, or any other relief based on current case law. Our decision to remand the record to the Immigration Judge should not be construed as indicating an opinion on the ultimate resolution of the respondent’s case. See generally *Matter of L-O-G-*, 21 I&N Dec.

413, 422 (BIA 1996). ORDER: The appeal is sustained, and the record is remanded for further proceedings consistent with the foregoing opinion and entry of a new decision. page 588