

Matter of A-Q-R-K-, Respondent

*Decided by Board July 31, 2026*¹

U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals

The Immigration Judge erred in finding the respondent credible and granting asylum based on his claimed fear of the Taliban in Afghanistan without adequately addressing numerous inconsistencies between the respondent's testimony and evidence, including the credible fear interview.

FOR THE RESPONDENT: Humira M. Noorestani, Esquire, Washington, D.C.

FOR THE DEPARTMENT OF HOMELAND SECURITY: Julio C. Manjarrez, Counsel

BEFORE: Board Panel: MALPHRUS, Chief Appellate Immigration Judge; HUNSUCKER, Appellate Immigration Judge; WHITE, Temporary Appellate Immigration Judge.

HUNSUCKER, Appellate Immigration Judge:

The Department of Homeland Security ("DHS") appeals from the Immigration Judge's November 18, 2025, decision granting the respondent's application for asylum under section 208(b)(1)(A) of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1158(b)(1)(A) (2024). The respondent, a native and citizen of Afghanistan, opposes the appeal. The appeal will be sustained, and the record will be remanded.

In granting asylum, the Immigration Judge found that the respondent credibly established past persecution in Afghanistan on account of his imputed political opinion. The Immigration Judge, thereafter, applied a presumption of a well-founded fear of persecution and determined that DHS did not rebut the presumption. On appeal, DHS argues that the Immigration Judge clearly erred in finding the respondent credible. We conclude that remand is warranted.

¹ Pursuant to Order No. 7118-2026, dated September 1, 2026, the Attorney General designated the Board's decision in *Matter of A-Q-R-K-* (BIA July 31, 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.

The Immigration Judge found the respondent credible. However, the Immigration Judge's decision does not contain factual findings or legal analysis concerning numerous inconsistencies between the respondent's testimony and evidence. An Immigration Judge's analysis must reflect consideration of the totality of the circumstances in evaluating credibility. *See Matter of E-N-N-*, 29 I&N Dec. 586, 586–87 (BIA 2026) (concluding that an Immigration Judge clearly erred in finding the respondent credible without addressing inconsistencies and implausibilities that were present in the record); *see also* INA § 240(c)(4)(C), 8 U.S.C. § 1229a(c)(4)(C) (2024). A remand is thus warranted for the Immigration Judge to address the discrepancies in the record. The Immigration Judge should then reassess whether the respondent is or is not credible and has presented sufficient evidence to meet his burden of proof. *See Matter of S-H-*, 23 I&N Dec. 462, 465 (BIA 2002). We note some of these insufficiently addressed discrepancies below.

The respondent's testimony and evidence are inconsistent as to the existence of his marriage certificate and the birth certificates of his children. At the September 30, 2025, hearing, the respondent testified that there was no marriage certificate and there were also no birth certificates for his children. The Immigration Judge left the record open for the respondent to provide evidence of his marriage and his children's births. On October 29, 2025, the respondent filed a marriage certificate and birth certificates, documents he previously claimed did not exist.

The record also reflects inconsistencies in the respondent's testimony and evidence as to when his problems with the Taliban began. At the September 11, 2025, hearing, the respondent testified he had no problems with the Taliban when working as a teacher but that the problems began when he started advocating for women's rights in January 2016. The respondent also testified at the September 30, 2025, hearing that his problems with the Taliban started in 2011 when he began working with Senator Pashtoon. The supporting letter from Senator Pashtoon states that "[w]hen the Taliban regained control of Afghanistan, he was targeted and punished for his past work in defending women's rights" The respondent testified that the Taliban took control of Afghanistan in 2021.

The respondent's testimony and record evidence are inconsistent as to when he worked for the Youth National Combination. The respondent testified he started working for the Youth National Combination in 2016. However, the letter he provided verifying his employment with the Youth National Combination is dated 2016 and states that the respondent worked for that organization "for a period exceeding three years."

The respondent's testimony is also internally inconsistent as to whether he was paid for his work as a women's rights activist. He initially testified that he was not paid for this work. The respondent later testified that he was receiving payment for his work, specifically that someone "was paying us money and he was motivating us to work for the rights of the women." He also testified that the job "did not have any payment" and that "when [an individual] was giving us money, we were spending those money on the activities."

The respondent's testimony and credible fear interview are inconsistent as to how he knew the identity of the individuals who arrested him at his home on June 2, 2022. At the September 30, 2025, hearing, the respondent testified that the individuals identified themselves as Taliban intelligence officers to him when they took him to detention. However, during his credible fear interview, when asked how he knew they were Taliban intelligence officers, the respondent stated that "[w]hen elders of my tribe came to them, they requested for me to be released, and at that time I found out that it was the intelligence of the [T]aliban."

The respondent's testimony regarding the harm he feared following his June 2, 2022, arrest is internally inconsistent. The respondent initially testified he feared the Taliban would kill him. When later asked why the Taliban would kill him in 2023 when they had the opportunity to do so in 2022, he testified that at that time the Taliban would detain people but not kill them.

The respondent's testimony regarding the type of harm he experienced in Mexico and where and when he experienced the harm is internally inconsistent. Additionally, the respondent's testimony contradicts his credible fear interview, in which the respondent stated he did not experience any threats or harm while traveling to the United States. The Immigration Judge did not credit the respondent's testimony regarding his time in Mexico. On remand, the Immigration Judge should reassess and more fully analyze the testimony of the respondent to determine whether his testimony is sufficient to establish his claim in light of the conclusion that portions of the respondent's testimony were false.

The testimony and record evidence also contain omissions and inconsistencies as to the respondent's travel and living arrangements prior to arriving in the United States. The respondent testified that he lived in Germany for approximately 11 months prior to arriving in the United States and was given a temporary card to live and work there. He testified that he left Germany when his asylum application was rejected. The respondent

testified that he flew from Germany to Costa Rica, then traveled through Nicaragua, Honduras, Guatemala, and Mexico. He later testified that he moved to Pakistan in July 2022 and traveled to Austria in 2024. On his Application for Asylum and for Withholding of Removal (Form I-589), the respondent stated he lived in Pakistan from July 2022 to December 2024 and in Germany from January 2024 to December 2024. He also claimed he received a student visa to travel to Austria. On remand, the Immigration Judge should make clear factual findings regarding where the respondent lived and traveled prior to arriving in the United States, consider any documentation supporting his assertions, and assess the impact this has on his overall credibility. The Immigration Judge should also determine how the respondent obtained a student visa to enter Austria and permission to reside in Germany and how the respondent's ability to obtain such documents impacts his claim to be a refugee in flight. Further, the Immigration Judge should address the respondent's assertions that his spouse, children, parents, and siblings all remain in Afghanistan with no indication of harm.

In sum, remand is warranted for the Immigration Judge to further consider the respondent's credibility considering the many inconsistencies which were not sufficiently addressed. On remand, the Immigration Judge should allow the parties the opportunity to update the record. The Immigration Judge should then provide a comprehensive decision that includes specific credibility findings addressing the inconsistencies in the record and any other issues necessary for the adjudication of the asylum claim.

The Immigration Judge should also address the respondent's claims for withholding of removal under section 241(b)(3)(A) of the INA, 8 U.S.C. § 1231(b)(3)(A) (2024), and protection under the regulations implementing the Convention Against Torture ("CAT")² in the first instance. In remanding, we express no opinion as to the ultimate outcome of this case.

ORDER: The record is remanded to the Immigration Court for further proceedings consistent with the foregoing opinion and for the entry of a new decision.

² The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Dec. 10, 1984, S. Treaty Doc. No. 100-20, 1465 U.N.T.S. 85 (entered into force for United States Nov. 20, 1994). 8 C.F.R. §§ 1208.16(c), 1208.17 (2026); 8 C.F.R. § 1208.18(a) (2020).