

Matter of Y-M-B-, Respondent

*Decided by Board August 21, 2026*¹

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

The respondent did not meet his burden to establish that he is not a flight risk where he engaged in asylum fraud and where the Immigration Judge denied his application for asylum.

FOR THE RESPONDENT: Leah N. Haynes, Esquire, Merrifield, Virginia

FOR THE DEPARTMENT OF HOMELAND SECURITY: Darren Crew, Counsel

BEFORE: Board Panel: GOODWIN and GEMOETS, Appellate Immigration Judges;
TERRIEN, Temporary Appellate Immigration Judge.

TERRIEN, Temporary Appellate Immigration Judge:

The Department of Homeland Security (“DHS”) appeals from the Immigration Judge’s April 20, 2026, order granting the respondent’s release from custody on a bond of \$12,000. On May 28, 2026, the Immigration Judge issued a memorandum setting forth his rationale for granting a bond. The respondent opposes the appeal. The appeal will be sustained.

When reviewing bond determinations, we review the Immigration Judge’s underlying factual findings for clear error, but whether the respondent poses a flight risk is a question of judgment we review de novo. *Matter of A-L-S-*, 29 I&N Dec. 794, 798 (BIA 2026).

On our de novo review, we determine that the facts found by the Immigration Judge do not meet the respondent’s burden to establish that he is not a flight risk. 8 C.F.R. § 1003.1(d)(3)(ii) (2026). Two facts stand out. First, the respondent, who entered the United States without lawful authorization, admittedly filed an application for asylum that intentionally misrepresented by omission the fact that he had traveled through Greece

¹ Pursuant to Order No. 7208-2026, dated September 24, 2026, the Attorney General designated the Board’s decision in *Matter of Y-M-B-* (BIA August 21, 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.

before coming to the United States and had attempted to gain lawful status there. This fact was material as it would have led to the revelation that the respondent was granted asylum in Greece under a different identity with a different name and different date of birth. This implicates critical issues including the respondent's identity, his credibility, statutory bars to relief, and his willingness to commit immigration fraud in Greece, the United States, or both countries. *See Matter of I-S-M-*, 29 I&N Dec. 811, 812 (BIA 2026) (explaining that "identity is 'perhaps the most critical of elements' of an asylum claim" (citation omitted)). After DHS submitted evidence that established the fraud, the respondent filed an affidavit that admitted the omission was intentional, blamed his prior attorney, and indicated that he is exploring a potential claim of ineffective assistance of counsel. The Immigration Judge correctly found that potentiality did not mitigate this significant negative factor. "[E]vidence of an alien's inconsistent representations to immigration officials" is a "'very serious adverse factor[]' and compelling reason[] to conclude that the alien is a poor bail risk." *Matter of A-W-M-K-*, 29 I&N Dec 805, 809 (BIA 2026) (citation omitted).

Second, the respondent's application for asylum and related relief was denied by the Immigration Judge on February 13, 2025. While it is currently pending on appeal, this is the only relief the respondent has pursued, and its denial by the Immigration Judge reflects that the respondent's prospects for immigration relief are diminished. *Id.* at 806 (explaining that the denial of an application for relief showed an alien's "prospects for obtaining lawful status in the United States are diminished"). Moreover, given the recent revelation of apparent fraud in the respondent's application and the host of questions it raises about his identity, his credibility, and statutory bars to relief, his prospects for success on appeal are remote. *Id.* at 808 (concluding that "the likely success or failure of any viable defense against removal is a proper factor in evaluating flight risk" and that "potentially serious adverse evidence" in the record cuts against the likelihood of success); *cf. Matter of E-Y-F-G-*, 29 I&N Dec. 103, 104–05 (BIA 2025) (providing that even an Immigration Judge's grant of relief may not adequately mitigate flight risk).

The respondent has equities in his favor, including the lack of a criminal history, a fixed address in the United States, proof of authorized employment and tax payment, and letters of support. On appeal, he argues that he has never missed an immigration hearing. But "[i]nherent in the concept of flight risk is not only whether the alien will appear at future hearings . . . , but also whether the alien" will "comply with future orders." *Matter of A-L-S-*, 29 I&N Dec. 794, 797 (BIA 2026). The incentives for the respondent to appear at immigration hearings and thus prolong his proceedings in order to remain in the United States are different than the incentives to comply with

a final order of removal. *Id.* Particularly here, where the respondent filed an application for immigration benefits that intentionally omitted significant material facts which DHS discovered only after the application had already been adjudicated, we have minimal confidence that he will comply with a future order that enforces the immigration laws against him.

Ultimately, on our de novo review and weighing both positive and negative factors, the respondent did not meet his burden to establish that he is not a flight risk. Furthermore, given the aggravating factors present, there is no monetary bond or non-monetary condition that can ensure the respondent's future appearance and compliance.

ORDER: DHS' appeal is sustained, and the Immigration Judge's April 20, 2026, order granting release from custody on a \$12,000 bond is vacated.

FURTHER ORDER: The respondent shall be detained without bond.