Matter of S-N-K-C-, Respondent

Decided by Board September 9, 2026 [1]

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

Where a declaration and amended asylum application filed shortly before the merits hearing do not merely add details but completely change the nature and substance of the respondent's original claim, and the respondent does not adequately explain the prior omission, the Immigration Judge clearly errs in finding the respondent credible.

FOR THE RESPONDENT: Nurullah Celik, Esquire, Dallas, Texas

FOR THE DEPARTMENT OF HOMELAND SECURITY: Scott D. Swanberg, Assistant Chief Counsel

BEFORE: Board Panel: HUNSUCKER and GEMOETS, Appellate Immigration Judges; WHITE, Temporary Appellate Immigration Judge.

HUNSUCKER, Appellate Immigration Judge:

The Department of Homeland Security ("DHS") appeals from the Immigration Judge's August 21, 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).[2] The respondent, a native and citizen of Turkey, opposes the appeal.[3] The appeal will be sustained, and the Immigration Judge's order granting asylum will be vacated.

[1] Pursuant to Order No. 7273-2026, dated October 27, 2026, the Attorney General designated the Board's decision in *Matter of S-N-K-C-* (BIA Sep. 9, 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.

[2] While the Immigration Judge found that the respondent met his burden for withholding of removal under section 241(b)(3)(A) of the INA, 8 U.S.C. § 1231(b)(3)(A) (2024), he did not enter a specific order addressing this relief or the respondent's application for protection under the Convention Against Torture.

[3] During the pendency of the appeal, the respondent filed a motion to expedite the appeal. We will construe this as part of his appellate brief.

The Immigration Judge found the respondent credible. The Immigration Judge also found the respondent met his burden to establish that the Government of Turkey, and its actors, persecuted him on account of his political opinion. DHS argues that the Immigration Judge erred in finding the respondent credible.

DHS argues that the Immigration Judge should have made an adverse credibility finding against the respondent due to inconsistencies and omissions between the respondent's asylum applications, his amended application, and his testimony. DHS also argues that the respondent did not corroborate material parts of his claim.

On March 20, 2025, the respondent filed a Form I-589, Application for Asylum and for Withholding of Removal. That application was resubmitted and signed on April 23, 2025. In response to the question about whether or not he had ever been accused, charged, arrested, detained, interrogated, convicted and sentenced, or imprisoned in any country other than the United States, the respondent indicated "no."

On August 18, 2025, just days before his immigration hearing, the respondent filed a declaration and amendments to his asylum application stating that he had been detained five times in Turkey, beginning in 2016. Three of those alleged detentions happened after an argument he allegedly had with the nephew of the President of Turkey. He also claimed that he had faced "physical violations" during most of the detentions. The respondent testified consistently with these newly made amendments, but this information is dramatically different than the information he presented in his March 20, 2025, application.

The respondent testified that the Government of Turkey became aware of his social media activity in 2016, which led to several of his arrests. The respondent testified that he could not provide corroborating evidence of his previous social media posts, including the injuries he suffered in detention, due to the Government deleting his old accounts. However, none of these details are included in the respondent's asylum applications. While the applications ask for specific details including why any claimed harm or mistreatment occurred, the respondent's asylum applications do not mention he was ever targeted for his social media activity or any other reason.

The respondent claims that he personally confronted the Turkish President about perceived injustices and the President's failure to make good on his election promises. The respondent testified that he was beaten under the authority of the President's nephew because of this interaction. However,

the respondent's asylum applications make no mention of him confronting or actually speaking to the President of Turkey for any reason or that he was harmed as a result of such action.

While an alien may provide additional detail regarding his claim during testimony, "an [Immigration Judge] may rely on *any* inconsistency or omission in making an adverse credibility determination as long as the 'totality of the circumstances' establishes that an asylum applicant is not credible." *Santos-Alvarado v. Barr*, 967 F.3d 428, 438 (5th Cir. 2020) (citation omitted). Here, the differences between the respondent's written applications and the claim he asserted in his testimony and documents filed shortly before his hearing are dramatic. The respondent amends the vague and general claims presented on his application for asylum to assert a personal confrontation with the President of Turkey where, following the President's order, the respondent was arrested and subject to physical abuse. These additional details go far beyond merely adding additional details, but rather completely change the nature and substance of the respondent's original claim. *See Morales v. Sessions*, 860 F.3d 812, 817 (5th Cir. 2017) (upholding an adverse credibility finding where the alien "fail[ed] to mention *half* of the reason that she claim[ed] to possess a well-founded fear of persecution" in her asylum application); *see also Arulnanthy v. Garland*, 17 F.4th 586, 593–94 (5th Cir. 2021) (upholding an adverse credibility finding based on discrepancies between the alien's claimed instances of past persecution, when one of the instances was omitted from his credible fear interview).

The Immigration Judge's determination that the respondent's attorney is to blame for not including the newly asserted information in the respondent's previously filed applications is not supported by the record. The respondent signed his March asylum application, acknowledging that the information contained therein was true and correct. Similarly, he signed his declaration and amended application stating that all of the information was true and correct. *See Matter of A.J. Valdez and Z. Valdez*, 27 I&N Dec. 496, 499 (BIA 2018) (holding that an applicant's "signature on an immigration application establishes a strong presumption that he or she knows the contents of the application and has assented to them"). While the respondent testified that he advised his attorney of all the details of his case during the preparation of his asylum application, that testimony is without support in the record. The respondent restates this claim on appeal. But the respondent fails to explain why it was not until shortly before his merits hearing that he first claimed to have been arrested and harmed on the order of the President of his country immediately following an in-person confrontation with the

President. Considering the totality of the record, the Immigration Judge's credibility finding is clearly erroneous.

Moreover, the respondent did not provide sufficient corroborating evidence in light of these inconsistencies. *See Matter of G-C-I-*, 29 I&N Dec. 176, 181 (BIA 2025) ("Corroboration is especially important where testimony from the respondent or other key witnesses lacks a strong foundation or otherwise is not entirely persuasive, even when issues with the testimony are not sufficient for an adverse credibility finding."). Aside from letters of support from family members and friends, interested parties who are not available for cross-examination, the respondent provided no evidence of his political activities in Turkey. There is no independent evidence of any social media presence or activity by the respondent from his time in Turkey. To the extent that the letters from his friends and family corroborate the respondent's testimony about his meeting with the Turkish President, such knowledge is predicated upon what was told to them by the respondent.

The Immigration Judge's adverse credibility finding is clearly erroneous. *See* INA §§ 208(b)(l)(B)(iii), 241(b)(3)(C), 8 U.S.C. §§ 1158(b)(1)(B)(iii), 1231(b)(3)(C) (2024); 8 C.F.R. § 1003.1(d)(3)(i) (2026). Because the Immigration Judge's credibility finding is clearly erroneous, his determination that the respondent has established his eligibility for asylum is reversed. Further, the respondent is unable to establish his eligibility for withholding of removal based on his incredible testimony. *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). The respondent is also unable to establish his eligibility for protection under the Convention Against Torture ("CAT")[4] based on his incredible claim. *See Santos-Alvarado*, 967 F.3d at 439 (upholding the denial of asylum, withholding of removal, and protection under the CAT where the respondent did not submit sufficient evidence to independently corroborate his incredible testimony); *see also Zhu Yu Chun v. INS*, 40 F.3d 76, 79 (5th Cir. 1994) ("Without credible evidence, the [Board] had no basis upon which to grant asylum or withhold deportation.").

ORDER: DHS' appeal is sustained.

[4] 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) (2026); 8 C.F.R. § 1208.18(a) (2020).

FURTHER ORDER: The Immigration Judge's decision granting the respondent's application for asylum pursuant to section 208 of the INA is vacated.

FURTHER ORDER: The respondent's applications for asylum and withholding of removal under sections 208(b)(1)(A) and 241(b)(3)(A) of the INA, 8 U.S.C. §§ 1158(b)(1)(A), 1231(b)(3)(A), and protection under the CAT are denied.

FURTHER ORDER: The respondent is ordered removed to Turkey.

NOTICE: If a respondent is subject to a final order of removal and willfully fails or refuses to depart from the United States pursuant to the order, to make timely application in good faith for travel or other documents necessary to depart the United States, or to present himself or herself at the time and place required for removal by the DHS, or conspires to or takes any action designed to prevent or hamper the respondent's departure pursuant to the order of removal, the respondent shall be subject to a civil monetary penalty of up to $998 for each day the respondent is in violation. *See* INA § 274D, 8 U.S.C. § 1324d (2024); 8 C.F.R. § 280.53(b)(14) (2026). Further, any respondent that has been denied admission to, removed from, or has departed the United States while an order of exclusion, deportation, or removal is outstanding and thereafter enters, attempts to enter, or is at any time found in the United States shall be fined or imprisoned not more than 2 years, or both. *See* INA § 276(a), 8 U.S.C. § 1326(a) (2024).