

REAL ID ACT CASES

Protected ground was not a "central reason" for the persecution

The respondents admitted that prior to their decision to build on the land the lead respondent's uncle deeded to him before dying, they did not have any problems with either his aunt or cousin, a major in the national police. Rather, the lead respondent described his relationship with his aunt as "relatively cordial." Only after deciding to build did his aunt say that he was not part of the extended "Sengabo" family, did he receive "anonymous" telephone calls from his cousin telling him to return to Burundi, and did his cousin come to his home three times. The respondents did not present any evidence of threats or taunts on account of their imputed Burundian nationality that occurred before the land dispute. Further, their expert witness testified that family violence is common and often extreme and identified land as ranking highest among potential sources of conflict there. The balance of the evidence therefore suggests that the respondents were targeted because of a fight over land, not because of their imputed nationality. A protected ground therefore was not a "central reason" for the persecution, as required under the REAL ID Act. *Matter of J-B-N & S-M-*, 24 I&N Dec. 208 (BIA 2007).

Applicant was not credible under standards enacted by REAL ID Act

The respondent's testimony was not credible under the standards enacted by the REAL ID Act. His testimony was inconsistent with that of his sister with regard to the date and length of his detention by the Chinese police, as well as the details of a church meeting that allegedly occurred in his home. The respondent's testimony also conflicted with his airport statements regarding the details of his trip from China to the United States and the number of church meetings he allegedly attended in China. Although only some of these inconsistencies went to the heart of his claim, they are all relevant in determining credibility under the REAL ID Act. When asked to explain some of these discrepancies, the Immigration Judge noted both the respondent's "agitated" demeanor and his "rapid manner" of testimony, suggesting that his explanation was fabricated. Further, the respondent's claim was implausible given his inability to identify the Bible during his airport interview and his failure to ever attend a church in the United States. Lastly, the respondent failed to provide available corroborating evidence in support of his claim, such as a statement from a relative or an affidavit from someone who could corroborate his role in home churches or the practice of Christianity. *Matter of J-Y-C-*, 24 I&N Dec. 260 (BIA 2007).