

Immigration Court: BIA**Case:** *In re S-M-J-*, 21 I&N Dec. 722 (BIA 1997) (en banc)**Date:** January 31, 1997**Adjudicated by:** Schmidt, Dunne, Vacca, Heilman, Holmes, Hurwitz, Villageliu, Filppu, Cole, Mathon, Guendelsberger; **concurring:** Rosenberg**Opinion:** Rosenberg**Tags:** Immigration, asylum, country conditions, corroboration, sources**Question Presented:** Did applicant sufficiently support her case with corroborating evidence? Did the Service and the IJ contribute background info about country conditions?**Holdings:** Remanded.**Rationale:** Applicant has to put her personal testimony in context by giving country conditions from a reputable source, if reasonable to expect this. Corroborating evidence of personal experiences may be necessary too, depending on the availability of it.**Facts:** Citizen of Liberia, living with her uncle in Zaire when Liberian Government was overthrown in 1989—uncle was Liberian ambassador to Zaire. Evacuated to U.S. in 1991. Had seen on television in 1990 that her father's house and neighborhood in Liberia had been burned down, presumably because her father was of the Vai tribe. Prominent figures in Liberia are members of her family.**Procedural History:**

- **1995: IJ:** denied asylum and WH

Discussion:

- Burden of proof is on an applicant to establish her asylum claim.
- Testimony may be “the only evidence available, and it can suffice where the testimony is believable, consistent, and sufficiently detailed to provide a plausible and coherent account of the basis for the alien’s alleged fear.” 724
- Applicant must include general background information about their home country.
 - Provide supporting evidence of country conditions and specific facts sought to be relied on by the applicant, where such evidence is available.
 - If unavailable, explain why.
 - “Unreasonable demands are not placed on an asylum applicant to present evidence to corroborate particular experiences (e.g., corroboration from the persecutor.” 725

- “where it is reasonable to expect corroborating evidence for certain alleged facts pertaining to the specifics of an applicant’s claim, such evidence should be provided.” 725
 - Evidence of his or her place of birth
 - Media accounts of large demonstrations
 - Evidence of a publicly held office
 - Documentation of medical treatment
 - Reliable source documenting persecution of similarly-situated individuals
- “The absence of such corroborating evidence can lead to a finding that an applicant has failed to meet her burden of proof.” 725-26
- “However, specific documentary corroboration of an applicant’s particular experiences is not required unless the supporting documentation is of the type that would normally be created or available in the particular country and is accessible to the alien, such as through friends, relatives, or co-workers.” 726
- IJ may find testimony credible, but supporting evidence too general.

Commentary:

- “in light of the bifurcated process experienced by many asylum applicants, whereby applicants begin with a nonadversarial approach at a Service Asylum Office and move to a more ‘adversarial’ proceeding before an IJ, a cooperative approach in Immigration Court is particularly appropriate.” 723-24
- The DHS should step up with country conditions, too.
 - “The more background information the Service has about the applicant’s country, the more thorough and intelligent the examination will be.” 726
 - “The government wins when justice is done.” 727