

Case Summary: Immigration Law Advisor

U.S. Department of Justice, Executive Office for Immigration Review

<http://www.justice.gov/eoir/immigration-law-advisor>

In **Matter of J-R-R-A-**, 26 I&N Dec. 609 (BIA 2015), the Board developed guidance for an Immigration Judge assessing the credibility of an alien with competency issues. First, the Board pointed out that when an applicant exhibits indicia of incompetency, his or her competency must be assessed in accordance with **Matter of M-A-M-**, 25 I&N Dec. 474 (BIA 2011). Next, the Board explained that when an asylum applicant has mental health issues that may result in delusions, an unreliable recounting of events, or testimony that is disjointed or incoherent, the applicant may nonetheless sincerely believe the testimony and may not be deliberately attempting to fabricate a claim. Noting that such occurrences should be considered on a case-by-case basis, the Board instructed Immigration Judges to, as a safeguard, generally accept the applicant's subjective belief in the claim and proceed to a determination whether the applicant can meet his or her burden of proof based on the objective evidence of record.