

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals

For the Seventh Circuit

Chicago, Illinois 60604

Submitted December 6, 2023

Decided December 12, 2023

Before

JOEL M. FLAUM, *Circuit Judge*

FRANK H. EASTERBROOK, *Circuit Judge*

MICHAEL B. BRENNAN, *Circuit Judge*

No. 23-1916

CHUNYU WU,
Petitioner,

Petition for Review of an Order of the
Board of Immigration Appeals.

v.

No. A088-571-006

MERRICK B. GARLAND,
Attorney General of the United States,
Respondent.

ORDER

Chunyu Wu seeks review of a decision of the Board of Immigration Appeals, which dismissed his appeal of an immigration judge's denial of his applications for asylum, withholding of removal, and protection under the regulations implementing the Convention Against Torture. After review, we deny his petition.¹

¹ The parties agreed to submit this case for decision on the briefs under Federal Rule of Appellate Procedure 34(f). We granted their motion to waive oral argument.

I. Background

Wu, a native and citizen of the People's Republic of China, arrived in the United States in 2010 on a non-immigrant visitor visa, which he overstayed. He was charged with removability under 8 U.S.C. §1227(a)(1)(B). He filed an asylum application and applied for withholding of removal and protection under the Convention Against Torture (CAT). In 2019, Wu provided written materials and sworn testimony in support of his application at an immigration hearing. He claimed he was persecuted in China due to his political opinions and he fears further persecution if he returns.

The immigration judge denied Wu's applications, finding that Wu was not credible because portions of his testimony were inconsistent or implausible and lacked adequate corroboration. Wu appealed to the Board of Immigration Appeals, which dismissed his case. In addition to finding that Wu waived his right to challenge the immigration judge's CAT denial, the Board concluded that the record supported the immigration judge's adverse credibility findings, and the Board agreed with the immigration judge's evaluation that Wu's corroboration evidence did not rehabilitate his discredited testimony or independently satisfy his burden of proof.

II. Discussion

Where, as here, the Board "agrees with the immigration judge's decision but supplements that decision with its own analysis ... [we] review both the underlying decision and the Board's additional reasoning." *Cojocari v. Sessions*, 863 F.3d 616, 621 (7th Cir. 2017). We review "administrative findings of fact, including credibility determinations, for substantial evidence." *Santashbekov v. Lynch*, 834 F.3d 836, 839 (7th Cir. 2016). An immigration judge's credibility findings should be "overturned only in extraordinary circumstances." *Cui v. Garland*, 71 F.4th 592, 600 (7th Cir. 2023). We may not reverse an immigration judge's determination as to the availability of corroborating evidence under the asylum statute unless "a reasonable trier of fact is compelled to conclude that such corroborating evidence is unavailable." 8 U.S.C. § 1252(b)(4).

Wu contends he met his burden of proof because he "testified consistently and in detail regarding the harm he suffered while in China." After Wu protested a governmental environmental policy, he asserts the Chinese government harmed him. Wu says that harm rose to the level of persecution. Wu claims the Board clearly erred in affirming the immigration judge's finding that Wu's testimony was inconsistent. He

points to documentary and other evidence he says corroborates his position. Wu is incorrect.

First, the Board did not err in affirming the immigration judge's adverse credibility determinations against Wu. The immigration judge identified significant inconsistencies, explained why major aspects of Wu's claims were implausible, and detailed the reasons why Wu's explanations for these inconsistent and implausible statements were not persuasive. These discrepancies provided an ample basis for the agency's adverse credibility finding, and they require deference from this court.

Wu's testimony was not only inconsistent with his written statement, but also internally inconsistent. This included details as to who the Chinese government arrested and brought to a mental hospital with Wu, who assisted Wu in escaping China, and how Wu applied for and received his passport. Further, portions of Wu's testimony were implausible, including the circumstances of Wu's escape from a mental hospital, and Wu's ability to obtain a visa in light of his own testimony and relevant country conditions.

The immigration judge and the Board accurately identified and explained the inconsistencies and implausibilities in Wu's evidence and testimony, for which he offered either incomplete or inadequate explanations. If an agency's adverse credibility finding is supported by "specific, cogent reasons that bear a legitimate nexus to the finding," *Capric v. Ashcroft*, 355 F.3d 1075, 1086 (7th Cir. 2004), then the record does not compel reversal of the agency's adverse credibility finding. Substantial evidence supports the agency's adverse credibility finding as to Wu.

Second, the Board did not err in affirming the immigration judge's finding that Wu failed to adequately corroborate his claims. Rather, the immigration judge and the Board identified and discussed multiple instances of this.

An immigration judge "enjoys substantial leeway to demand corroboration of an asylum applicant's allegations whether or not the judge finds the applicant credible." *Krishnapillai v. Holder*, 563 F.3d 606, 618 (7th Cir. 2009). That judge need only "point[] to rational reasons" why an applicant's claims require additional support. *Darinchuluun v. Lynch*, 804 F.3d 1208, 1214 (7th Cir. 2015).

Substantial evidence supports the immigration judge's determination that Wu's documentary evidence was insufficient to corroborate his otherwise incredible testimony, as well as that Wu failed to present other, reasonably available evidence to corroborate his claim. The evidence Wu submitted to corroborate his claim was insufficient because it was "vague and lacking in detail and ultimately did not adequately corroborate his claim." This is especially true where key participants in Wu's testimony lacked knowledge of their role in his supposed escape. Wu also failed to present other corroborative evidence which was reasonably available to him, such as statements from a relative Wu claims to have stayed with for months in hiding, and from a friend Wu claims helped him obtain and pay for travel arrangements. Wu's failure to provide adequate corroborative evidence is fatal to his attempts to rehabilitate his deficient testimony. As a result, the agency's denial of Wu's applications for asylum and withholding of removal should be upheld by this court.

Finally, if we affirm decisions of the immigration judge and the Board, Wu asks us to conclude that he qualifies for withholding of removal. Wu's argument covers a single page, recites some case law regarding general asylum standards, and reiterates his arguments from the prior sections. For the reasons listed above, the immigration judge and the Board did not err in denying Wu all forms of relief, so he does not qualify for withholding of removal.

For these reasons, we DENY the petition for review.