

# Forced Migration

## Class 13: adjudication

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## Challenges of Adjudication

## Evidentiary Rules

# Challenges of Adjudication

Nature of the issues

Situation of the applicant

Situation of the adjudicator

# Evidentiary Rules

Burdens of proof

Credibility

Sufficiency

# Evidentiary Rules

**INA § 242(b)(1)(B)(ii)** “Where the trier of fact determines that the applicant should provide evidence that corroborates otherwise credible testimony, such evidence must be provided unless the applicant does not have the evidence and cannot reasonably obtain the evidence.”

# Evidentiary Rules

## **INA § 242(b)(1)(B)(iii):**

Credibility determination to be based on totality of circumstances, including:

- ▶ demeanor, candor, or responsiveness
- ▶ inherent plausibility
- ▶ inconsistencies, inaccuracies, or falsehoods without regard to whether they go to the heart of the claim
- ▶ any other relevant factor