19-1155 BARR V. DAI

DECISION BELOW: 884 F.3d 858

LOWER COURT CASE NUMBER: 15-70776

QUESTION PRESENTED:

1. Whether a court of appeals may conclusively presume that an asylum applicant's testimony is credible and true whenever an immigration judge or the Board of Immigration Appeals adjudicates an application without making an explicit adverse credibility determination.

2. Whether the court of appeals violated the remand rule as set forth in INS v. Ventura, 537 U.S. 12 (2002) (per curiam), when it determined in the first instance that respondent was eligible for asylum and entitled to withholding of removal.

CONSOLIDATED WITH 19-1156 FOR ONE HOUR ORAL ARGUMENT

CERT. GRANTED 10/2/2020