

### Helpful Citations from Gao v. Sessions:

- See Hong Fei Gao v. Sessions, 891 F.3d 67, 78 (2d Cir. 2018) (internal citations omitted) (“[O]missions are less probative of credibility than inconsistencies created by evidence and testimony.”).
- “In the immigration context, in assessing the probative value of the omission of certain facts, an IJ should consider whether those facts are ones that a credible petitioner would reasonably have been expected to disclose under the relevant circumstances.” Hong Fei Gao v. Sessions, 891 F.3d 67, 78–79 (2d Cir. 2018).
- Hong Fei Gao v. Sessions, 891 F.3d 67, 77 (2d Cir. 2018) (“[A]lthough IJs may rely on non-material omissions and inconsistencies, not all omissions and inconsistencies will deserve the same weight.”)
- Hong Fei Gao v. Sessions, 891 F.3d 67, 77 (2d Cir. 2018) (“A trivial inconsistency or omission that has no tendency to suggest a [respondent] fabricated his or her claim will not support an adverse credibility determination.”)
- It is a well-established rule that in the Second Circuit adverse credibility determinations be “conducted on the record as a whole.” Hong Fei Gao v. Sessions, 891 F.3d 67, 78 (2d Cir. 2018) (quoting Tu Lin v. Gonzales, 446 F.3d 395, 402 (2d Cir. 2006)).
- Hong Fei Gao v. Sessions, 891 F.3d 67, 80 (2d Cir. 2018) (asylum applicants are not “required to list every incident that occurs in the *aftermath* of the alleged persecution” to be found credible) (emphasis original)
- Hong Fei Gao v. Sessions, 891 F.3d 67, 81 (2d Cir. 2018) (“where a third party’s omission creates no *inconsistency* with an applicant’s own statements—an applicant’s failure to explain third-party omissions is less probative of credibility than an applicant’s failure to explain his or her own omissions.”)
- Hong Fei Gao v. Sessions, 891 F.3d 67, 79 (2d Cir. 2018) (Supplemental non-contradictory testimony regarding medical treatment should not be viewed as an inconsistency and should not be afforded undue weight).
- Hong Fei Gao v. Sessions, 891 F.3d 67, 81 n.4 (2d Cir. 2018) (omissions regarding medical treatment can be the basis of an adverse credibility determination but should be “evaluated on a case-by-case basis and weighed in light of the totality of the circumstances.”).
- An “utterly trivial omission ... ha[s] no bearing on [an applicant’s] credibility.” Hong Fei Gao v. Sessions, 891 F.3d 67, 82 (2d Cir. 2018).
- “In deciding on the appropriate weight to afford an omission, IJs must distinguish between (1) omissions that arise merely because an applicant’s oral testimony is more detailed than his or her written application, and (2) omissions that tend to show that an applicant has fabricated his or her claim.” Hong Fei Gao v. Sessions, 891 F.3d 67, 82 (2d Cir. 2018).