



KNOWLEDGE-BASED HARMONISATION OF EUROPEAN ASYLUM PRACTICES

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Case Summary

Country of Decision/Jurisdiction	Germany
Case Name/Title	
Court Name <i>(Both in English and in the original language)</i>	Federal Administrative Court
Neutral Citation Number	9 B 239/89
Other Citation Number	
Date Decision Delivered	21/07/1989
Country of Applicant/Claimant	Unknown
Keywords	Credibility
Head Note (Summary of Summary)	Complaint against the admission of an applicant despite contradictory submission of facts. Relevance of applicant's cultural background.
Case Summary (150-500)	[Background facts of complaint not published]
<i>Facts</i>	The court of appeals held that the applicant had credibly demonstrated a relevant risk of persecution despite contradictions that could not be resolved. It took into account that the applicant was from a foreign cultural background. The complainant held that the court has substantially diverged from the Federal Administrative Courts practice.
<i>Decision & Reasoning</i>	<p>The Federal Administrative Court found that the court of appeals has not deviated from its relevant jurisdiction. It had not established an abstract rule according to which the demonstration of facts by applicants from foreign cultural areas would generally require a lower standard of probability.</p> <p>The Federal Administrative Court stated that in an individual case a trial court is free to consider the applicants submission of facts as credible with respect to the decisive aspects despite not being free from contradictions and that it has to be considered that the questioning of applicants with different cultural backgrounds bears significant problems.</p> <p>„1. Das Tatsachengericht kann im konkreten Einzelfall trotz nicht widerspruchsfreien Sachvortrags des Asylbewerbers dessen Angaben in den entscheidenden Punkten als glaubhaft ansehen.</p> <p>2. Es darf dabei berücksichtigen, dass die Befragung von Asylbewerbern aus anderen Kulturkreisen mit erheblichen Problemen verbunden ist.“ (Headnotes)</p> <p>Accordingly, taking into account its own experiences, the court of appeals has legitimately considered the difficulties that come with the questioning of applicants with different cultural backgrounds and that asylum seekers</p>



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	<p>receive advice from various directions, the meaning and possible consequences of which they are unable to understand. It has concluded that this situation frequently produces contradictory submissions that cannot weigh against the applicants. For that reason and with due account to these problems the court of appeals has heard the applicant in person and has gained the conviction that his submission was credible as regards its core.</p> <p>Remaining contradictions were also ascribed to limited mental capacities of the applicant, barring him from describing a sequence of events in its context.</p>
<i>Outcome</i>	The complaint was rejected.