

Determining Accepted Material Facts



UNHCR
The UN Refugee Agency

Material Facts

The facts which relate to the refugee criteria are known as the “**material facts**” of the claim.

It is on the basis of the material facts that you will:

- identify the elements of the refugee criteria which should be the focus of your examination and legal analysis and
- answer the main questions, or “**eligibility issues**”, to determine whether the refugee criteria are met.

Experience as an RSD decision-maker contributes to become more skilled at quickly spotting the material facts of a claim and understanding their link to the refugee criteria.

Appreciation of the relevance or significance of particular facts will develop and evolve over the course of the examination of the claim.

Decisions about the significance of the facts obtained and what additional facts need to be gathered must be based on the understanding of how these facts relate to the refugee criteria.

An adverse finding of credibility in a claimant's testimony shall be based on:

-real contradictions or discrepancies that are of a significant or serious nature.

Minor or peripheral inconsistencies in the claimant's evidence should not lead to a finding of a general lack of credibility where **documentary evidence supports the plausibility of the claimant's story.**

- Inconsistency
- Misrepresentation
- Concealment

should not lead to a rejection of the claim where these are not material to the claim.

Where a claimant is found to be lying, and the lie is material to the claim

The decision maker must, nevertheless, look at:

- all the evidence and arrive at a conclusion based on the entire body of evidence before it.

If the claimant's story is being rejected outright, the contradictions must relate to central elements or critical points, that is, the foundation of the claim.

When the testimony appears to be consistent as a whole, the decision maker must point out contradictions or implausibilities that relate to central aspects of the claim to support that the claimant is not credible.

Rejecting a claim based solely on the non-credibility of secondary or peripheral issues, without evaluating the credibility of the evidence concerning the substance of the claim, constitutes an error.

In some cases, while the discrepancies and contradictions considered individually might have seemed insignificant, when taken together and considered in context, they may support a finding of lack of credibility.

Determining Evidence linked
to each material fact

Determining Accepted and
Rejected Fact

How to deal with Uncertain
Facts

Thank You!!