



Credibility and Religion Cases

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- Religion is not a legally controversial ground in refugee cases.

- Common examples: Iran, Eritrea, China

- *But how can an adjudicator know if the person is really a member of the targeted religion?*

The “religious imposter” problem



What must be believable?



Classic Credibility Case in RSD

“I was in prison.”

Credibility = The asserted event is believable

We accept, for RSD, that the person really was in prison.

Religious Case

“God sacrificed his only son.”

Credibility = ?????

The asserted event is a matter of religious faith.

Governments and UNHCR cannot judge the believability of the statement.

+ Sincerity Test

“God sacrificed his only son.”

Credibility = We believe that the s/he believes

How can we measure sincerity?

Knowledge quiz

Ask about depth and range of beliefs

Ask for a narrative of religious motivation and experience

Sincerity is risky

Risk of false negatives: Religion is an individual, subjective experience

Risk of false positives: People can learn without believing

+ Sincerity Test

The sincerity test is a logical trap.

- Sincerity measures a person's statements of religious belief against his/her actual beliefs.
- But we can only know his or her actual religious beliefs through his/her statements of belief.

In religion, apparent vagueness, inconsistency and conflicted action do not prove insincerity.

+ Eyes of the Persecutor Test

- Refugee status is based on risk of persecution.
- We need to understand the persecution more than the religion.

What triggers persecution?

Behavior or Immutable Identity

+ An objective approach

“God commands us to pray on the Sabbath.”

- Statement of belief.
- We cannot judge credibility or sincerity.

“I went to church on Sunday.”

- Asserts an objective fact, not abstract belief.
- Credibility can be assessed (level of detail, consistency; etc.)
- Independent verification possible (there may be witnesses)



What to ask, and not ask

(when behavior triggers persecution)



IGNORE

- Internal beliefs
- Religious knowledge
- Subjective descriptions of religious experiences

INQUIRE

- Religious activities and contacts
- Experience of persecution
- Religious practice in exile
- Witnesses