

Credibility Determination: The Hardest Part of the Job



**UNHCR RSD WORKSHOP
YEREVAN, ARMENIA
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UNHCR REFERENCES:

UNHCR, “Beyond Proof: Credibility Assessment in EU Asylum Systems”, May 2013

UNHCR Ankara, RSD Workshop Materials, April 2011

Credibility and the Role of the Eligibility Officer



- Neutral and Impartial

- Seeking an answer to the question:

Does individual applicant meet the refugee definition?

not

- Would the applicant be a desirable immigrant?
- Is the applicant a dishonest person?
- What is the impact of my decision on border control?

How Do We Know?



- Have you had the experience of thinking that someone close to you (child/spouse/friend) is not telling the truth?
- What is a 'gut feeling' and is it a reliable judge of truth?
- Have you ever been wrongly accused of lying?
- Have you ever exaggerated to get something really important?



Where Does Credibility Fit?



- A refugee *fears* persecution
- A claimant who is not credible does not *genuinely fear* persecution
- Credibility determination must relate to facts that are material to the existence of a *genuine fear* of persecution.

UNHCR (1998)

Note on Burden and Standard of Proof in Refugee Claims



“Credibility is established where the applicant has presented a claim which is coherent and plausible, not contradicting generally known facts and therefore, on balance, capable of being believed”.

Indicators of Credibility



- Detail and specificity
- Internal consistency
- External Consistency
 - with evidence of others about relevant events (witnesses, family members etc.)
 - with expert evidence
 - with country of origin (COI) information
- Plausibility
- Demeanour

Credible ≠ True



- A narrative can be consistent, plausible, and full of detail, yet completely false
- A narrative can be implausible but true
- A claimant may be unable to provide specificity or detail yet be truthful
- A truthful claimant may contradict him or herself

Coping with Indeterminacy – Some Examples



- Avoidance
- The document chase
- Reliance on non-material facts that are easier to probe
- False confidence

Human Memory



- Memory is *not* like a movie that is recorded and replayed
- Memories are reconstructed at the time of recall
- Reconstruction is affected by context at time of re-telling
- Memories change over time and with re-telling
- Emotion and trauma affect memory and recall

Applicant Characteristics



- Culture
- Education, Class, Social Status, age, intellect
- Mental health
- Lack of Trust
- Stigma, Shame
- Gender, gender identity, sexual orientation

Decision Maker Characteristics



- Pre-disposition
- Faith in intuition
- Self-awareness
- Independence
- Burn-out and fatigue

WHAT TO DO?



1. Alert applicant of credibility problem and give him/her a chance to respond
2. Try to plan a line of questioning
3. Resist drawing conclusion on credibility until hearing is over
4. In cases where you remain skeptical despite the evidence:
 - a. know when to give the benefit of the doubt
 - b. do not use pretexts to reject claim
 - c. Be humble: after all, you might be wrong!



The pure and simple truth is rarely pure and never simple.

Oscar Wilde, Irish writer

The Importance of Being Earnest, 1895, Act 1

In the end, a good refugee adjudicator is someone very comfortable with doubt.

Michael Kagan

“The Myth of Experience in Refugee Status Determination”,
RSD Watch, 3 September 2009

(with thanks to Gladys McPherson)