



# EASO Practical Guide: Evidence Assessment

*EASO Practical Guides Series*

March 2015

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European Asylum Support Office

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SUPPORT IS OUR MISSION

This practical guide has been developed in line with the EASO Quality Matrix methodology. EASO would like to thank the experts from the EU Member States as well as the Reference Group (composed of the European Commission, the United Nations High Commissioner for Refugees and the European Council on Refugees and Exiles) for their active contribution and support in the development of practical guide.

# Introduction

**Why was this practical guide created?** The EASO practical guide 'Evidence Assessment' is intended as a practical checklist and brief guidance to accompany the case officers across the European Union and beyond in their daily work. The guide is designed in accordance with the relevant legal requirements and at the same time suggests a practical approach, applicable in the daily work of case officers. It meets the demand for the translation of those common standards into a common approach to their implementation and the overall aim of the Common European Asylum System (CEAS) of treating alike cases alike.

**How does this practical guide relate to other EASO support tools?** As are all EASO support tools, the practical guide on evidence assessment is based on the common standards of the CEAS. EASO's mission is to support Member States through, inter alia, common training, common quality and common country of origin information. This guide is built in the same framework and should be seen as a complement to the other available tools. Its consistency with those tools has been a primary consideration, especially in relation to the closely related EASO Training Curriculum module 'Evidence Assessment'. The guide can however in no way replace the need for core training, addressed by this module. While the module provides in-depth knowledge, skills and attitude training, this practical tool aims at recapping a consistent content and approach in an instrument which supports the daily work of the case officer.

This is a practical guide developed in the EASO Quality Matrix process. It should be seen in conjunction with the practical guides previously developed and the ones which follow, for example the Practical Guide on the Personal Interview and the Practical Guide on Identification of Persons with Special Needs.

**What is in this practical guide?** The guide promotes evidence assessment as a structured approach, which is in line with the EASO Training Curriculum. This approach is to be applied at every stage of the asylum examination process. The guide is divided into three main parts. The first part is about gathering information, the second part concerns credibility assessment and the third part is risk assessment. The focus of the guide is credibility assessment. Risk assessment is briefly looked at as a transition to the next and final step of the examination of the need for international protection.

**How was this practical guide created?** The guide was created by experts from Member States, facilitated by EASO. A Reference Group, including the European Commission and UNHCR, further provided valuable input. Material provided by the Reference Group such as the UNHCR 'Beyond proof: Credibility Assessment in EU Asylum Systems' and the Hungarian Helsinki Committee 'Credibility Assessment in Asylum Procedures: Multidisciplinary Training Manual' were important sources of information for drafting this practical guide. The guide was then consulted and accepted by all Member States. It is the product of combined expertise, reflecting the common standards and the shared objective to achieve high quality asylum procedures.

**Who should use this practical guide?** This guide is primarily intended to support case officers in their daily work. It is considered useful both for new case officers, who could benefit from additional guidance in this core aspect of their work, as well as for case officers with years of experience, who could use it as a reminder when dealing with individual cases. Moreover, it should be seen as a tool for self-evaluation, as well as quality supervision. With small adjustments, it can be applied as a quality assessment tool, and can be of interest to any actor involved in the asylum procedure.

**How should this practical guide be used?** This guide is designed to be as practical as possible. It is constructed in three interlinked layers. The first one is a checklist, which provides an instant overview of the important elements in each of the stages from gathering information, through linking evidence to the material facts and doing a credibility assessment, to risk assessment. The second layer provides brief guidance, which explains and adds to each element in the checklist. The third layer provides references to international, European Union and national instruments mentioned within the guidance. The layers are interactively connected by hyperlinks, which enhances the practicality of the guide when used electronically. The guide further includes a template, which can be used while assessing a concrete case.

**How does this practical guide relate to national legislation and practice?** This is a soft convergence tool, which reflects the common standards and leaves space for national variances in legislation, guidance and practice. Each national authority can incorporate relevant pieces of legislation and guidance into the guide in the designated spaces, in order to provide its case officers with one-stop guidance for evidence assessment.

# EASO Practical Guide: Evidence Assessment Checklist

## The importance of evidence assessment

### Step 1. Gathering information

- Identify the material facts
  - Link the material facts to the requisites of the definition of a refugee
  - Link the material facts to the requisites of the definition of the person eligible for subsidiary protection
  - Remember that identification of material facts is an ongoing process
- Apply the shared burden of proof to gather pieces of evidence
  - Check if the applicant fulfils his/her duty to substantiate (burden of proof for the applicant)
    - Has the applicant made a genuine effort to provide all statements and documentation at his/her disposal?
    - Has all the evidence been provided as soon as possible?
    - Has the applicant given a satisfactory explanation for lack of supporting evidence?
  - Fulfil the case officer's duty of investigation (burden of investigation for the case officer)
    - Inform the applicant about his/her duties
    - Ask the applicant to clarify what is unclear
    - Address apparent inconsistencies, lack of sufficient information, plausibility issues
    - Obtain relevant country of origin information
    - Obtain other evidence if applicable
    - Deal properly with persons with special procedural needs
  - If applicable, take into consideration the specific substantiation rules (shifted burden of proof)
    - Is Article 4(4) QD (past persecution/serious harm or direct threats thereof) relevant?
    - May protection in the country of origin be available?
    - May Internal Protection (also known as Internal Flight Alternative) be applicable?
    - May exclusion from international protection be applicable?
    - Does the applicant come from a safe country of origin designated according to your national legislation?
- Collect pieces of evidence relevant to the material facts
  - Collect statements of the applicant
    - Personal Interview
    - Written Statements
  - Collect evidence from other sources
    - Documents presented by the applicant
    - Country of Origin Information (COI)
    - Other pieces of evidence
      - Expert reports
      - Medical and psychological reports
      - Language analysis reports
      - Information from other persons (witness testimony)
      - Information from state authorities of the Member State
      - Information from other Member States

## Step 2. Credibility Assessment

- Link the evidence to each material fact
- Assess the statements of the applicant according to the credibility indicators
  - Make findings on internal credibility
    - Sufficiency of details and specificity
    - Consistency
    - Demeanour should not be used as a credibility indicator
  - Make findings on external credibility
    - Consistency with COI
    - Consistency with generally known information
    - Consistency with other pieces of evidence
  - Make findings on plausibility
- Assess the documents
  - Relevance
  - Existence
  - Content
  - Form
  - Nature
  - Author
- Assess medical and psychological evidence
- Take into consideration individual and circumstantial factors that could lead to distortions
  - Factors related to the applicant
    - Memory
    - Trauma and PTSD
    - Other psychological and health problems
    - Age
    - Education
    - Culture, religion and beliefs
    - Sexual orientation and gender identity (SOGI)
    - Gender
  - Factors related to the case officer
    - Be aware of the effect of stress, workload and deadlines
    - Be aware of the effect of long-term exposure to asylum accounts
    - Avoid prejudices and stereotypes
    - Importance of self-evaluation and supervision
  - Factors related to the interview situation
- Determine which material facts are to be accepted
  - Look at all the evidence linked to each material fact in its entirety
    - Determine which facts are established (accepted) or not (rejected)
    - Determine which facts still remain uncertain
  - Apply Article 4(5) QD for those material facts which remain uncertain (benefit of the doubt)

### Step 3. Risk Assessment

- Analyse the well-founded fear of persecution/real risk of serious harm
  - Apply Article 4(3) QD
  - Take into consideration past persecution and serious harm or the lack thereof
  - Apply the standard of proof



# EASO Practical Guide: Evidence Assessment Guidance

## The importance of evidence assessment [\[back\]](#)

Evidence assessment can be defined as the primary method of establishing the facts of an individual case through the process of examining and comparing available pieces of evidence.

The area of evidence assessment is, in general, not regulated by international law. The 1951 Geneva Convention does not provide for any specific provisions dealing with evidence assessment. Some guidance has, however, been developed in the field both in the form of the UNHCR 'Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees' (reissued 2011), paragraphs 195–205, and in the UNHCR 'Note on Burden and Standard of Proof in Refugee Claims' (1998).

In the area of evidence assessment the [Qualification Directive](#) (QD) constitutes the first legally binding supranational instrument of regional scope establishing what criteria the applicant needs to meet in order to qualify as a refugee or a person otherwise in need of international protection. The QD relies to a large extent on international and European refugee and human rights instruments and jurisprudence.

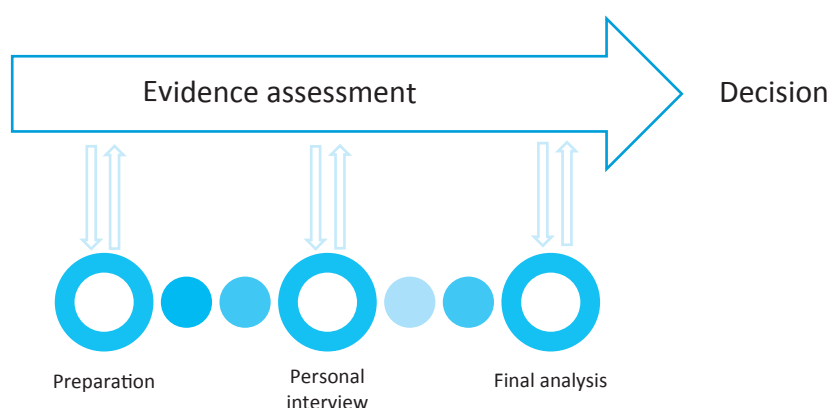
However, European countries have different legal traditions and varying practices in evidence assessment in general. If Member States apply similar legal concepts on eligibility for international protection, but their appreciation of the evidence is different, they may easily reach different conclusions. Moreover, asylum procedures are different from any other legal procedure, partly due to the lack of 'usual' means of objective evidence and due to the grave consequences of the decision taken. Therefore, establishing requirements for specific procedural norms for the assessment of evidence in the asylum procedure and the knowledge of these standards are essential for a fair and effective decision-making process.

**Evidence assessment is a methodology to be aware of throughout the whole process of examining an asylum claim.**

This practical guide presents a three-step approach to evidence assessment:

- Step 1: Gathering Information;
- Step 2: Credibility Assessment;
- Step 3: Risk Assessment.

The case officer applies those steps throughout the different stages of the asylum procedure:



## Step 1. Gathering information [\[back\]](#)

### 1.1. Identify the material facts [\[back\]](#)

In order to assess a claim for international protection the case officer needs to identify the material facts.

Material facts are facts that are directly linked to the definition of refugee ([Article 1\(A\)\(2\) of the 1951 Geneva Convention](#) and [Article 2\(d\) QD](#)) or of person eligible for subsidiary protection ([Article 2\(f\) and Article 15 QD](#)) and go to the core of the application. It is usually redundant to focus on minor or non-essential facts that do not affect the central elements of the claim.

The proper identification of the material facts is crucial both for credibility and for the risk assessments. If a fact is not material then there is no need to take it for consideration, whether it is accepted or not by the case officer. When the case officer accepts a material fact he/she can assess the need for international protection based on that fact. A material fact which is not accepted during the credibility assessment shall not be taken into account for the risk assessment. For detailed information on credibility and risk assessment see step 2 and step 3.

See the [template](#) for identifying the material facts.

#### 1.1.1. Link the material facts to the requisites of the definition of a refugee [\[back\]](#)

The central elements of the refugee definition are the following:

- The applicant must be a third-country national outside his/her country of origin (or a stateless person outside his/her country of habitual residence);
- The applicant must have a well-founded fear of being persecuted;
- The feared persecution must be linked to the (or the perceived) race, religion, nationality, political opinion or membership of a particular social group of the applicant;
- The applicant must be unable or, owing to the well-founded fear, be unwilling to avail him/herself of the protection of the country of origin;
- The applicant must not be excluded from refugee status.

#### 1.1.2. Link the material facts to the requisites of the definition of the person eligible for subsidiary protection [\[back\]](#)

The requisites for a person to be eligible for subsidiary protection are listed below:

- The applicant must be a third-country national outside his/her country of origin (or a stateless person outside his/her country of habitual residence);
- The applicant must be a person who does not qualify as a refugee;
- There must be substantial grounds for believing that the applicant would face a real risk of suffering serious harm as defined in [Article 15 QD](#);
- The applicant must be unable or, owing to such risk, be unwilling to avail him/herself of the protection of the country of origin;
- The applicant must not be excluded from subsidiary protection.

#### 1.1.3. Remember that identification of material facts is an ongoing process [\[back\]](#)

The basic principle is that the case officer should be open-minded and take into consideration that new facts may emerge throughout the entire process.

The identification of material facts is an ongoing process which takes place from the moment the applicant for international protection lodges the application until the case officer starts the risk assessment.

The case officer identifies material facts of the application when preparing for the interview, based on initially available information, while interviewing the applicant and when he/she considers the documents and evidence submitted, the accounts given by family members or witnesses or the country of origin information.

See the [template](#) for illustration on how to identify material facts.

## 1.2. Apply the shared burden of proof to gather pieces of evidence [\[back\]](#)

In applications for international protection the starting point is that the applicant has the burden of proof for the claim he/she makes. However, due to the special characteristics of the asylum procedure, the question of the burden of proof becomes more complex.

The process of gathering the pieces of evidence in order to establish the material facts is governed by three main principles:

1. Applicant's duty to substantiate (burden of proof for the applicant);
2. Case officer's duty of investigation (burden of investigation for the case officer);
3. Specific substantiation rules (shifted burden of proof).

### 1.2.1. Check if the applicant fulfils his/her duty to substantiate (burden of proof for the applicant) [\[back\]](#)

The case officer should inform the applicant of his/her burden of proof which implies an obligation for the applicant to deliver a credible statement, to present all evidence at his/her disposal and to cooperate with the authorities in the examination of his/her application.

Following [Article 4\(1\) QD](#), the Member States may consider it the duty of the applicant to submit as soon as possible all elements needed to substantiate the application for international protection. The elements consist of the applicant's statements and all the documentation at the applicant's disposal regarding the applicant's age, background, including that of relevant relatives, identity, nationality(ies), country(ies) and place(s) of previous residence, previous asylum applications, travel routes, travel documents and the reasons for applying for international protection ([Article 4\(2\) QD](#)).

#### 1.2.1.1. Has the applicant made a genuine effort to provide all statements and documentation at his/her disposal? [\[back\]](#)

The applicant should provide the case officer with all the relevant pieces of evidence at his/her disposal.

When evaluating the conduct of the applicant in this respect (i.e. what evidence he/she should possess or be practically capable of obtaining) the case officer should take into consideration all individual and contextual circumstances of the case, like the available means to obtain the evidence, physical/mental health of the applicant, level of his/her education, the situation in the country of origin, family connections, why and how the applicant fled the country, relevant legislation of the country of origin, etc.

#### 1.2.1.2. Has all the evidence been provided as soon as possible? [\[back\]](#)

The applicant is expected to present all available evidence at his/her disposal as soon as possible. In this way, the case officer is able to identify and assess properly and in a timely manner all the material facts of the case. Compliance with this obligation is closely connected to the obligation of the authority to inform the applicant about his/her duties in the asylum procedure, the means at the applicant's disposal to provide the evidence and the individual and contextual circumstances of the case.

A practical approach is to discuss with the applicant which evidence he/she foresees presenting and agree on a reasonable timeframe.

### **1.2.1.3. Has the applicant given a satisfactory explanation for lack of supporting evidence? [back]**

For some facts of the case the applicant may not be able to provide supporting evidence. It is for the case officer to assess if the explanation given by the applicant as to why he/she cannot present additional evidence can be accepted. The explanation offered by the applicant should be weighted taking into account the individual and contextual circumstances of the case, based on the credibility indicators and factors that may lead to distortions (see also 2.4 on factors that could lead to distortions).

### **1.2.2. Fulfil the case officer's duty of investigation (burden of investigation for the case officer) [back]**

The applicant must be given the opportunity to present all the material facts and all the relevant pieces of evidence. In cooperation with the applicant, it is the duty of the determining authority to establish the relevant elements of the application. In order to fulfil this obligation, the case officer must:

#### **1.2.2.1. Inform the applicant about his/her duties [back]**

The applicant must be informed about his/her duties in the asylum procedure, including the obligation to cooperate, and the consequences of not complying with such duties. Information should be provided as early as possible in accordance with national procedures. The information has to be given in a language which the applicant understands or is reasonably supposed to understand and ought to be easy to comprehend. The information given must include the applicable time frames to meet the obligations. The applicant should also receive practical information about the means to comply with his/her obligations according to national legislation and practice.

#### **1.2.2.2. Ask the applicant to clarify what is unclear [back]**

The case officer must clarify all the relevant facts of the application in collaboration with the applicant taking into consideration the evidence available, the country of origin information and the possible factors that can cause distortions (2.4 on factors that could lead to distortions). The assessment of the case must not be based on aspects that are unclear for the case officer and must not leave room for assumptions, speculation, conjecture, intuition or gut feelings.

#### **1.2.2.3. Address apparent inconsistencies, lack of sufficient information, plausibility issues [back]**

Any inconsistencies, plausibility issues and lack of sufficient information should be brought to the attention of the applicant and he/she should be given the possibility to clarify such points. The case officer should also focus on identifying their causes in order to be able to assess properly their impact for the credibility assessment. The case officer should take into account the potential presence of distorting factors (2.4 on factors that could lead to distortions) that could influence the consistency of the applicant's statements and his/her ability to provide detailed information.

#### **1.2.2.4. Obtain relevant country of origin information [back]**

In order to assess the case, the case officer should obtain relevant, precise and up-to-date country of origin information (COI). COI should be as specific as possible, and not be limited to the general situation in the country of origin. It should come from different sources, such as national COI units, EASO, UNHCR and other relevant human rights organisations. The COI should be objective and the approach to collecting it should be impartial (the one collecting it should not look into COI that would support only a negative or only a positive decision).

#### **1.2.2.5. Obtain other evidence if applicable [back]**

In order to assess the case, the case officer may also have to obtain other pieces of evidence *ex officio* (see also section 1.3.2.3 on other pieces of evidence).

#### **1.2.2.6. Deal properly with persons with special procedural needs [back]**

In order to effectively substantiate the application, certain applicants may be in need of special procedural guarantees due, inter alia, to their age, gender, sexual orientation, gender identity, disability, serious illness, mental disorders or as a consequence of torture, rape or other serious forms of psychological, physical or sexual violence.

Member States shall assess within a reasonable period of time after an application is made whether the applicant is in need of special procedural guarantees and, where this is the case, provide him/her with adequate support.

There should be a particular emphasis on the investigative role of the case officer in case of persons with special procedural needs. The case officer should gather the relevant information with particular consideration to the special needs of the applicant. In order to properly assess the influence of these circumstances on the case at hand, the case officer may require relevant expert opinions (e.g. for mental disorders, consequences of forms of psychological, physical or sexual violence, etc.). The case officer should also allow the applicant with special procedural needs sufficient time to present the elements needed to substantiate the application for international protection and take such needs into consideration for conducting the personal interview.

### **1.2.3. If applicable, take into consideration the specific substantiation rules (shifted burden of proof) [back]**

The burden of proof shifts to the case officer when he/she argues that an internal protection alternative or protection is available in the country of origin or that there are elements which suggest that the applicant should be excluded from international protection. This shifting also happens if the applicant shows that he/she has already been subject to persecution or serious harm, or to direct threats of such persecution or such harm in the country of origin. There are also cases, such as the possible application of the safe country of origin concept, in which the burden of proof shifts to the applicant.

#### **1.2.3.1. Is Article 4(4) QD (past persecution/serious harm or direct threats thereof) relevant? [back]**

During the examination of the facts the case officer may establish that the applicant has substantiated that he/she has already been subject to persecution or serious harm, or to direct threats of such persecution or such harm in the country of origin. This would be a serious indication of the applicant's well-founded fear of persecution or real risk of suffering serious harm, unless there are good reasons to consider that such persecution or serious harm will not be repeated. It is the duty of the case officer to demonstrate whether there are such good reasons.

#### **1.2.3.2. May protection in the country of origin be available? [back]**

While the applicant has to substantiate his/her application (risk of persecution/serious harm if returned to the country of origin) the burden to prove that protection is available in the country of origin (the opposite) lies with the case officer.

In order to affirm the availability of protection in the country of origin, in the process of identifying the material facts of the application the case officer should establish if the applicant has tried to seek protection from the relevant authorities/actors; why not if he/she has not; from which authorities/actors protection was sought, what the result of this action was and if protection is accessible, effective and of non-temporary nature (Article 7 QD).

#### **1.2.3.3. May Internal Protection (also known as Internal Flight Alternative) be applicable? [back]**

If provided by national law, the case officer may assert that internal protection against persecution or serious harm is effectively available to the applicant in a part of the country of origin. In this situation it is for the case officer to prove that there is such a part of the country of origin where the applicant can safely and legally travel to, gain admittance to and can reasonably be expected to settle (Article 8 QD).

In order to support such a finding, when identifying the material facts, the case officer shall have regard to the general circumstances prevailing in that part of the country and to the personal circumstances of the applicant. He/she shall ensure that precise and up-to-date information covering both the general situation in the country and the situation in the identified region of protection in that country is obtained from relevant sources, such as UNHCR and EASO.

Where the state or agents of the state are the actors of persecution or serious harm, the case officer should presume that effective internal protection is not available to the applicant.

When the applicant is an unaccompanied minor, the availability of appropriate care and custodial arrangements, which are in the best interest of the unaccompanied minor, should form part of the investigation made by the case officer as to whether protection is effectively available.

#### **1.2.3.4. May exclusion from international protection be applicable? [back]**

In the process of establishing the material facts (before the factual examination), the case officer may identify grounds which could lead to the exclusion of the applicant from international protection.

If the case officer considers that the applicant should be denied protection based on exclusion then he/she has to substantiate that according to [Article 12 QD](#) and [Article 17 QD](#).

The exclusion must be based on clear and credible evidence. The applicant must be given the possibility to challenge the evidence that is used to support the exclusion.

#### **1.2.3.5. Does the applicant come from a safe country of origin designated according to your national legislation? [back]**

Some Member States have introduced the concept of safe country of origin and designated certain countries as safe countries of origin according to their national legislation. Depending on national legislation and practice, if the applicant comes from such a country the case officer could presume its safety for the applicant, unless he/she presents counter-indications. The designation of a country as safe cannot establish an absolute guarantee of safety for each national of that country.

Where an applicant shows that there are serious grounds for considering the country not to be safe in his/her particular circumstances, the designation of the country as safe can no longer be considered relevant for him/her. According to national guidance and practice, the case officer should give the applicant an effective opportunity to provide such counter-indications, including informing the applicant accordingly and addressing it in the personal interview.

### **1.3. Collect pieces of evidence relevant to the material facts [back]**

It is for the case officer to investigate and examine the available evidence and, if appropriate, invite the submission of further evidence material that may reasonably be provided (for example media reports, medical evidence, etc.).

It is essential for high quality decision-making that the case officer assists the applicant by thoroughly examining all of the evidence submitted and that he/she provides the applicant with the opportunity to submit any relevant evidence.

All the evidence should be collected with a view to satisfying [Article 4\(3\) QD](#). The case officer should ensure that he/she understands the relevance of any evidence presented by the applicant in support of the application.

In some situations even if the applicant has made a genuine effort to provide all statements and documentation at his/her disposal and has offered a satisfactory explanation for not being able to provide some evidence, the case officer may consider it necessary to obtain additional information in order to clarify all the relevant facts of the case. The supplementary information could be gathered from further statements of the applicant, of his/her family members, expert opinions, new written evidence, more precise country of origin information, etc. National legislation and guidance may include time limits to gather additional information.

It is accepted that applicants often cannot substantiate their statements by independent documentary or other evidence. For example, there could be logistical or security-related difficulties in obtaining original official documents from the country of origin. However, any information that is submitted may greatly assist the case officer in assessing the overall credibility of the claim.

#### **1.3.1. Collect statements of the applicant [back]**

The applicant's personal testimony is usually the most important piece of evidence, sometimes the only evidence. This evidence may be submitted in a number of different ways including a personal interview or written statement, or both.

### **1.3.1.1. Personal Interview [back]**

The personal interview will, in most cases, be the main source of evidence for the case officer when assessing the application. It is therefore essential that the interview is conducted in such a manner as to ensure that high quality evidence is obtained from the applicant.

Guidance on how to complete a high quality interview can be found in the **EASO Practical Guide on the Personal Interview**.

### **1.3.1.2. Written Statements [back]**

There may be situations where written statements would be admitted as further evidence in support of an application. If national guidance is inserted regarding the admissibility of written statements, you can find it [here](#).

## **1.3.2. Collect evidence from other sources [back]**

In addition to providing their own testimony via a personal interview and/or a written statement, applicants may also provide additional supporting evidence in a variety of forms.

Below you will find guidance on the most common types of evidence submitted and how they should be dealt with. When collecting evidence from other sources the case officer should be cautious and observe the rules regarding confidentiality.

### **1.3.2.1. Documents presented by the applicant [back]**

Any documents presented by an applicant as evidence to support his/her claim must be examined thoroughly. The case officer should first ensure that he/she is aware of what documents are submitted and their relevance to the application. The case officer should also, where possible, obtain information as to the generally expected content and form of any of the documents presented (e.g. arrest warrants, court summons). Such information may be obtained through relevant country of origin information.

The case officer should also be satisfied as to how the applicant has obtained the documents they have submitted. If an applicant submits a document that they would not ordinarily be able to obtain, this may have an impact on whether or not the case officer can rely on that document as a corroborative piece of evidence. If the applicant has obtained documents that they would not be expected to be able to possess, he/she should be given the opportunity to explain how he/she has acquired them.

Passports should be checked for entry/exit stamps, visas, evidence of return to the country of origin, etc., both in order to confirm the applicant's immigration history, and to confirm the applicant's account of events for credibility assessment purposes.

Where such expertise is available, documents could be examined by a relevant specialist to see if they are genuine, or if there is evidence that they are counterfeit. If documents are found to be counterfeit, the applicant should be given the opportunity to explain how he/she has obtained them.

If national guidance is inserted regarding whether original documents must be submitted or copies would be acceptable, you can find it [here](#).

If national guidance is inserted regarding whether translations are to be obtained by the applicant or by the Member State's authority, you can find it [here](#).

### **1.3.2.2. Country of Origin Information (COI) [back]**

The availability of high quality COI is essential to the decision-making process. The case officer must be confident that the information that he/she has available is relevant, precise and up to date and that it comes from a variety of sources. Such sources may include national COI units, EASO, UNHCR and other relevant human rights organisations.



When information is not already available, the case officer may need to request or research information relevant to the application.

If national guidance is inserted regarding obtaining COI, you can find it [here](#).

### **1.3.2.3. Other pieces of evidence [back]**

- **Expert reports [back]**

Case officers may also have at their disposal a variety of expert reports to assist them in the decision-making process. Such reports could be provided by the applicant himself/herself or arranged by the determining authority.

Applicants may seek to rely on expert reports which provide information regarding their particular cultural background, country situation or other matter relevant to the application. Such reports may be particularly useful where there is an absence of COI from other sources, or where such COI is vague or too general.

However, this does not mean that such reports should be accepted in the same way as COI. Case officers must decide what weight to place on such reports when assessing both the credibility of the claimed material facts and when later assessing risk on return.

If national guidance is inserted regarding collecting expert reports and the circumstances in which they can be requested, you can find it [here](#).

- **Medical and psychological reports [back]**

Reports by professionally qualified clinicians arranged by Member States or the applicant or his/her representative, which support a claim that the applicant has been tortured or subjected to serious harm, should be given appropriate weight in the decision ([Article 18 APD recast](#)). It is not the role of the case officer to make clinical judgements of their own about medical evidence or on medical matters in general.

As well as providing an assessment of issues such as evidence of torture, medical reports may also provide essential information regarding the applicant's ability to provide a lucid and detailed account of what has happened to him/her. For example, a report confirming that an applicant is suffering from trauma and as a result has problems recalling events in a lucid manner may help the case officer to decide how to interpret his/her evidence and what weight to place on apparent deficiencies in detail or coherence.

- **Language analysis reports [back]**

Case officers may have access to language analysis reports which are produced by language experts who talk and listen to individuals, and then come to a reasoned opinion as to their likely place of origin.

If national guidance is inserted regarding the admissibility of such reports and how they should be obtained, you can find it [here](#).

- **Information from other persons (witness testimony) [back]**

In addition to information provided by qualified experts in their field, testimony may also be submitted/requested from other individuals or groups which may assist in assessing the credibility of an applicant's account. Such testimony can come from a wide variety of sources, including:

- family members
- schools
- political groups
- religious groups.

Such evidence should be examined carefully and assessed to see how it supports or contradicts an applicant's account. When the case officer collects such evidence, particular consideration should be given to the issue of confidentiality. The case officer should also come to a finding on what weight he/she gives to such testimony and whether the witness is himself/herself a reliable witness.



- **Information from state authorities of the Member State [\[back\]](#)**

It is possible that there may be information held by other state departments which may assist in establishing the material facts of an application. For example, it may be appropriate to request information such as:

- Eurodac fingerprint matches;
- that on registration of marriages;
- police/court records;
- medical records (consent of the applicant may be required according to national legislation and guidance).

In case officials of the Member States collect pieces of evidence within the country of origin, particular care should be taken in order not to put the applicant or related persons at risk.

- **Information from other Member States [\[back\]](#)**

In some circumstances it may be appropriate to request information about the applicant from another Member State in which he/she has previously resided. Any such requests may require the consent of the applicant due to issues of confidentiality.

If national guidance is inserted regarding how such requests should be submitted, you can find it [here](#).

## Step 2. Credibility Assessment [\[back\]](#)

Having gathered all information and collected the pieces of evidence, the case officer should focus on assessing the pieces of evidence supporting each material fact.

### 2.1. Link the evidence to each material fact [\[back\]](#)

The case officer should remember that ‘material facts’ are not equal with proven facts, in the way that ‘facts’ are usually understood in the civil law system, but more with revealed allegations which in the asylum context have to be assessed as credible or not.

Throughout the process of collecting evidence it is essential to ensure that all of the evidence that is being collected is relevant to the material facts of the case. In many cases certain types of evidence may relate to multiple material facts (e.g. the personal interview or written statements).

See the [template](#) for linking the pieces of evidence to the material facts.

### 2.2. Assess the statements of the applicant according to the credibility indicators [\[back\]](#)

#### 2.2.1. Make findings on internal credibility [\[back\]](#)

Internal credibility includes sufficiency of details and specificity as well as consistency.

##### 2.2.1.1. Sufficiency of details and specificity [\[back\]](#)

What level of detail is required or how many details are necessary?

As a rule, the more **details** which are reported and available the better the picture will be. This refers to the fact that normally real experienced events can be reported more vividly and spontaneously. However, the case officer should remember that there may be a reasonable explanation as to why the applicant cannot recall details of a certain event and keep in mind possible distortions (see also [2.4 on factors that could lead to distortions](#)). Therefore, lack of details does not affect credibility in all situations.

**Specificity** is met by the very personal, individual circumstances and the way an event is experienced and expressed. The core storyline of many cases may be very similar, but each case has its own singular specificities which make it unique. In such cases it may be helpful not to stick too much to the core elements of the claim but also to question more around the event and to work out the specificities by doing so. If the applicant’s account lacks any specificity it may be an indication of lack of credibility.

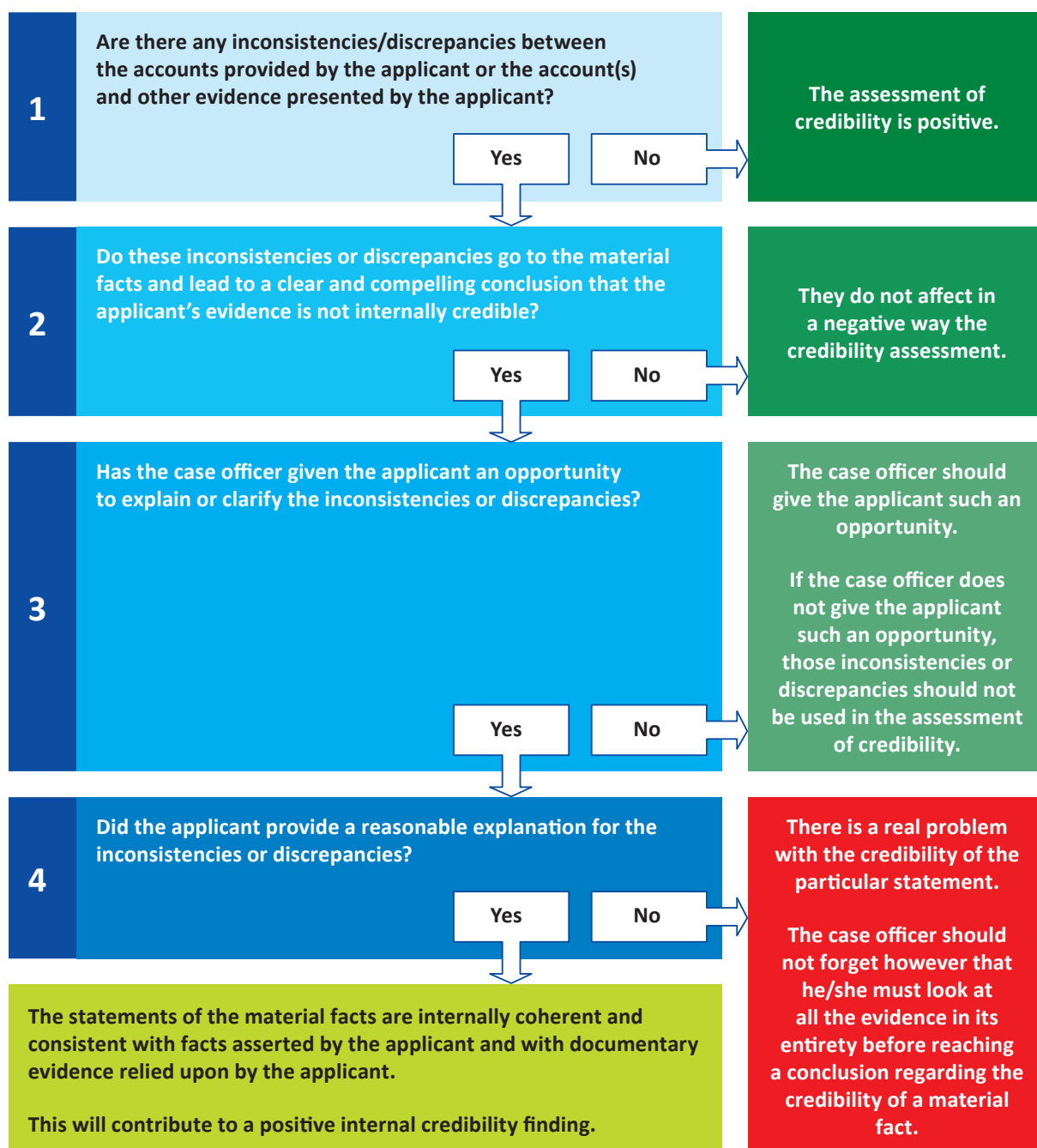
Normally the personal interview is the most important source of information for collecting as much detail and specification as possible and much depends on the case officer’s interviewing skills (creating a good atmosphere, good interview techniques, background knowledge of the case) to elicit the material details.

##### 2.2.1.2. Consistency [\[back\]](#)

Consistency is commonly understood to comprise a lack of discrepancies, contradictions and variations in the material facts presented by the applicant. It relates to:

- the oral or written statements given by the applicant in general;
- different declarations about the same subject at different times during the procedure;
- different information about the same subject from other evidence presented by the applicant.

The four-stage test presented below may be useful as a guide on how the case officer should deal with (in)consistency:



### 2.2.1.3. Demeanour should not be used as a credibility indicator [back]

Demeanour generally describes non-verbal communication signals and a manner of behaviour such as tone of voice and speech modulation, manner of acting, eye contact and facial expression, etc. These are mostly visible during the personal interview.

The case officer should not rely on demeanour as an indicator of credibility. Findings based on the applicant's demeanour would often amount to simple assumptions and subjective judgements based on gut feelings.

### 2.2.2. Make findings on external credibility [\[back\]](#)

External credibility relates to consistency with country of origin information (COI), known facts and other pieces of evidence collected by the determining authority.

#### 2.2.2.1. Consistency with COI [\[back\]](#)

COI can be used for several aspects of the consideration of an application. It may be used to corroborate the applicant's account of the material facts as well as for forming the background evidence to be used in assessing risk on return.

- **Corroborative COI**

If objective COI supports the applicant's evidence then there is no serious reason for doubt and the claimed fact can be accepted.

- **Contradictory COI**

COI which clearly contradicts the claimed material fact is a negative credibility factor. Therefore, the applicant should be given the opportunity to give additional explanation.

- **Lack of COI**

Lack of COI does not necessarily mean that the claimed fact/event did not take place. For example, it can be due to limited access to information in the country of origin, or due to the smaller scale and prominence of the event, etc. Therefore, lack of COI should not in itself lead to a negative credibility finding.

#### 2.2.2.2. Consistency with generally known information [\[back\]](#)

Certain facts are commonly known and cannot be reasonably disputed (such as laws of physics for example). Those facts do not depend on culturally different perceptions. Such facts would normally not need to be supported by additional evidence. The applicant's account should be consistent with such generally known information in order to be found credible. In applying this concept, the case officer should be careful not to extend it to notions that he/she takes for granted due to his/her social, cultural and personal background.

#### 2.2.2.3. Consistency with other pieces of evidence [\[back\]](#)

Other pieces of evidence may include statements by dependants and witnesses, documents from other state authorities, expert reports, etc. Such pieces of evidence may be supportive or contradictory to the applicant's statements. As a starting point, the internal credibility of those other pieces of evidence needs to be assessed. If a piece of evidence is contradictory to the applicant's statements, the case officer has to address this and give the applicant an opportunity to explain the inconsistencies. The case officer should take into account this explanation.

### 2.2.3. Make findings on plausibility [\[back\]](#)

To be plausible the sequence of events has to have the quality of being likely and seeming possible to a reasonable person.

Case officers should be aware that the concept of plausibility should be used cautiously, at least to avoid speculations and subjective assumptions or preconceptions. An asserted fact may be wholly plausible when considered in the context of the applicant's circumstances including gender, age, sexual orientation, gender identity, education, social and cultural background, life experiences and circumstances in the country of origin or place of habitual residence, etc. The case officer should be aware that there may be differences between his/her own perspective and the applicant's, which could potentially explain apparent implausibility.

A finding of implausibility must be based on reasonably drawn and objectively justifiable inferences and the case officer should give clearly articulate reasons for finding an account implausible.

See the [template](#) for linking the pieces of evidence to the material facts.

## 2.3. Assess the documents [\[back\]](#)

Documents should be assessed according to the following steps:

- [Relevance \[back\]](#)

Relevance refers to whether the document relates to a particular material fact. Relevance should be clarified with the applicant.

- [Existence \[back\]](#)

Existence refers to whether a type of document exists according to general information.

- [Content \[back\]](#)

The following elements need to be assessed:

- Does the document contain any internal contradictions?
- Is it compatible with the applicant's statements?
- Is it compatible with COI?
- Is the document precise? Precision refers to the level of details of relevance to a particular material fact.
- Is the document a direct account of a material fact? Does the information come from a direct source or is it a recounting of the applicant's statements?

- [Form \[back\]](#)

The form of a document is relevant to assessing its authenticity. Depending on national practice, it may include an assessment by an expert or comparison to reference materials. The case officer has to be cautious with regard to making a conclusion on authenticity based solely on the form of the document, as in some countries there would be no standardised form for certain types of documents.

- [Nature \[back\]](#)

The element of the nature of the document refers to whether the document is presented in original or in copy, what its condition is, whether there is any damage or evidence of alterations. Original documents would normally have more value in the assessment. However, the case officer should keep in mind that some documents cannot be obtained in original.

- [Author \[back\]](#)

The case officer should ascertain the qualifications of the author and his/her objectivity and/or relevant experience.

Documents should be considered together with other pieces of evidence that go towards establishing the particular material fact they are intended to support, as well as other elements of the credibility assessment. A document must be assessed in the same way as any other piece of evidence. It is not appropriate to attach no weight to a document without giving reasons for reaching this finding based on the available evidence — i.e. sourced objective country information regarding its reliability taken together with other evidence on this point.

See [section 1.3.2.1](#) for more information on documents presented by the applicant.

See the [template](#) with regard to making credibility findings.

### 2.3.1. Assess medical and psychological evidence [\[back\]](#)

A very specific type of evidence, made up by a qualified person, is medical or psychological evidence. A case officer should not make medical judgements or give his/her opinion on a treatment prescribed by a doctor. A doctor is not supposed to make credibility or legal judgments.

Medical or psychological reports should include sufficient information regarding the qualifications of the medical expert and the methods of examination in order to allow an independent assessment of its reliability. According to national guidance, such assessment can be made by the case officer or by an expert.

In cases where there are allegations of torture, for example, the medical reports should be assessed in relation to the standards of the [Istanbul Protocol](#).

If in doubt, the case officer may have the possibility to request a second opinion in accordance with national practice. If relevant national guidance is inserted, you can find it [here](#).

## 2.4. Take into consideration individual and circumstantial factors that could lead to distortions [\[back\]](#)

While examining the credibility of evidence supporting the material facts, the case officer ought to keep in mind that the applicant's individual position and personal circumstances may seriously influence the way the applicant sees and presents events concerning the application. Some distortions in receiving and interpreting information may also emerge from the case officer's life and professional experience as well as prejudices.

Such phenomena — typical of human nature — are virtually impossible to get rid of. It is necessary however to be aware of them when conducting a personal interview (see the **EASO Practical Guide on the Personal Interview**) as well as when assessing credibility. It is also necessary to always analyse whether such individual and subjective factors might have had an impact on credibility indicators or could explain an apparent inconsistency or discrepancy in the applicant's statements.

Many of the distortion factors often intersect each other. Awareness of those factors is indispensable for persons working in the asylum field. A non-exhaustive list of possible factors that could lead to distortions is provided below.

### 2.4.1. Factors related to the applicant [\[back\]](#)

Oral statements are the main (very often the only) evidence provided by the applicant. While assessing their credibility the case officer needs to pay attention to checking if the applicant had a chance to properly recall and present facts and if the presented information was appropriately received and understood. Numerous factors may have an important impact in this process.

#### 2.4.1.1. Memory [\[back\]](#)

Human memory has its layers and limits and it is necessary to accept this while working with asylum applicants who often have only their memories to rely on in their statements. Recalling dates, details of an event that occurred a long time ago or describing people whom they met once may be a very difficult exercise.

The case officer should have realistic expectations towards the level of details of distant, often traumatic memories when conducting a personal interview and when analysing its outcome afterwards. The way the interview is conducted also has an impact on the amount and quality of information the applicant is able to retrieve. Suggestive questions for example should be avoided during the interview as they may influence the applicant's account of events. For additional guidance see the **EASO Practical Guide on the Personal Interview**.

#### 2.4.1.2. Trauma and PTSD [\[back\]](#)

A relevant medical report or a psychologist's opinion in the applicant's file are usually clear evidence confirming that the person concerned experienced something so traumatic, that his/her ability to remember, recall past events, keep track of the subject and give a structured account of it may be seriously hindered, even impossible. Traumatic experiences could also lead to fear and lack of trust, which could affect the amount and quality of information the applicant is willing to provide.

Statements of persons who have experienced trauma or suffer from Post-Traumatic Stress Disorder (PTSD) are usually fragmented, detached from a time axis, not controlled by will but triggered by sensory impulses. Traumatized people may avoid speaking about difficult experiences.

It is advisable to give more weight to objective circumstances in the case rather than the subjective element of fear presented by the applicant. When examining an application of a traumatized person, the case officer should not have the same level of expectations when applying the credibility indicators (see [section 2.2 on the use of](#)

credibility indicators). In particular, the case officer should be cautious when making negative credibility findings on the basis of the applicant's statements.

It is also worth remembering that traumatic events or experiences might have arisen after leaving the country of origin, including in the country where the asylum procedure takes place.

#### **2.4.1.3. Other psychological and health problems [back]**

Difficulties in giving clear and coherent statements may also have a source in medical problems and addictions of the applicant, e.g. taking strong medicine, mental disabilities, depression or addiction to drugs or alcohol. Lack of knowledge about these factors and failure to address them may lead to wrong conclusions on credibility.

#### **2.4.1.4. Age [back]**

The factor of age can be crucial to take into consideration when assessing credibility. It is especially important in cases of unaccompanied minors or cases where children are interviewed as witnesses in their parents' (guardians') cases.

Statements of a child may be inconsistent, include unclear expressions or statements that were heard from adults travelling with them or their relatives, etc. It is important therefore that the interview is conducted in a child-friendly manner (see the **EASO Practical Guide on the Personal Interview**).

Age is a relevant factor both for the time when statements are provided and for the time when the event was experienced.

Depending on the circumstances, age-related distortions may also be relevant in the case of elderly persons.

#### **2.4.1.5. Education [back]**

The difference in educational level may have an impact on the applicant's ability to observe and recall events, as well as to articulate needed content or to properly understand questions. Laconic and blunt responses or mistakes in dates and distances may indicate limited vocabulary, limited general knowledge, inability to understand and describe abstract terms or lack of awareness that a detailed account is required.

#### **2.4.1.6. Culture, religion and beliefs [back]**

The culture, religion and beliefs of a person determine the way in which he/she defines his/her identity, perceives social roles and relationships of power, understands, interprets and retells information. Dates, seasons, distances, time of social initiation or involvement in public life, the notion of close family and body language can vary depending on those factors.

Other factors such as education, age, language, gender or social status and customs are also important in this respect.

While assessing the credibility of a claim the case officer should be aware of potential differences due to cultural and/or religious background. Intercultural competence is often necessary to look at the received information from a different perspective and helps to decipher apparently inconsistent statements with a cultural code.

Nevertheless, the case officer should not make an applicant 'a prisoner' of his/her own culture and should not assume *a priori* that a person coming from a certain cultural or religious background acts in a certain way, and as a consequence refrain from addressing a potential credibility issue. Only after asking and not getting an answer should the case officer check if any cultural, social, religious or other barriers might have been a reason for the particular credibility issue.

#### **2.4.1.7. Sexual orientation and gender identity (SOGI) [back]**

SOGI-related issues could often be sensitive and require specific knowledge on this topic as well as special attention in the assessment of credibility. The case officer should not equate this requirement with accepting without analysis everything the applicant says in such a case. However, a high level of awareness and respect for human dignity and diversity is needed, because the applicant's account in such cases is directly connected to very delicate, personal issues.

Persons whose applications are related to SOGI which is not accepted in their country of origin often have to conceal their true identity, feelings and opinions in order to avoid shame, seclusion and stigmatisation, very often also the risk of violence. Stigma and feelings of shame may further inhibit the applicant from disclosing information within the asylum context. There are numerous cases where the applicant discloses him/herself as being lesbian, gay, bisexual, trans or intersex only in a subsequent application.

The case officer should refrain from stereotypical assumptions regarding the behaviour or look of members of sexual minorities, keeping in mind that other factors such as cultural and social background, education and gender may strongly influence this particular applicant.

#### **2.4.1.8. Gender [back]**

Gender is not about biological sex but refers to the specific expectations of a society towards the way women and men should behave, the balance of power between the sexes, their role and adequate attributes in the society. Gender roles not only affect one's perceiving of self but also influence behaviour, attitude to social and political life as well as ways of persecution or causing harm — they may differ depending on the gender of the victim and the perpetrator.

The applicant may not be aware that certain behaviour towards him/her may be considered as infringing his/her human rights, because all his/her life he/she has been treated in such a way. On the other hand, stigma and/or feelings of shame may inhibit the applicant from disclosing information.

#### **2.4.2. Factors related to the case officer [back]**

Working in the asylum field means constantly working with people from different cultures, different social backgrounds and life experience. It is one of the factors that makes the case officer's job interesting. Nevertheless, the case officer is also a person and may experience stress and frustration in this challenging working environment.

Different factors can influence the objectivity of the case officer:

##### **2.4.2.1. Be aware of the effect of stress, workload and deadlines [back]**

Stress, workload and short deadlines often act together and may have a decisive impact on the final assessment of the application.

In his/her everyday work a case officer is expected to fulfil quantitative targets, draft well substantiated decisions on time, and has to deal with applicants that are not cooperative or whose personal experience was very traumatic.

Let's not forget that a case officer has his/her private life which can also be a source of problems and stressful situations that may impact on his/her attitude to professional tasks and ability to cope with stress at work. Even such trivial things as hunger, headache or irritation may distort the credibility assessment process. The professional case officer needs to be aware of these factors and make a constant effort to minimise their impact.

Before drawing a conclusion on credibility of particular evidence or on general credibility, the case officer should try to focus only on the specific case. It may be helpful to take a short break before making a determination on credibility.

##### **2.4.2.2. Be aware of the effect of long-term exposure to asylum accounts [back]**

Several years of exposure to the applicants' accounts of torture and ill-treatment (not always being credible) can lead to effects ranging from routine and inability to see each case impartially and individually, to secondary traumatising and displaying symptoms similar to those of persons suffering from PTSD.

Long-term exposure to asylum stories could make the case officer more inclined to avoid getting deeper into statements in order to avoid traumatic accounts, or lead to 'compassion fatigue' or 'case hardening'. In such cases the case officer could be more inclined to draw unfounded conclusions, without conducting a proper credibility assessment.



### 2.4.2.3. Avoid prejudices and stereotypes [back]

Categorising newly met persons by using stereotypical schemes in memorising or coping with repeated tasks is normal for human beings and most of us do that. It is important however to be aware of this and always stay open minded, no matter what our previous personal and professional experience. Otherwise the real account of events presented by the applicant may not be received properly or may be misunderstood.

The aim is to avoid drawing predetermined conclusions about credibility in the case of an applicant who has apparent similar characteristics to several earlier cases where certain credibility findings were made.

### 2.4.2.4. Importance of self-evaluation and supervision [back]

The case officer should reflect on his/her own performance, needs, as well as potential difficulties met while working on certain asylum cases. It may be advisable to discuss them with colleagues, a psychologist or a supervisor in order to get the necessary support and enhance self-knowledge or to identify a need for additional and/or refresher training.

Lack of positive feedback, unclear expectations of superiors or performance indicators often generate stress and can lead to burnout. Regular supervision and response to the case officer's concerns can improve professional motivation and facilitate exchange of experience.

### 2.4.3. Factors related to the interview situation [back]

Various aspects of the interview situation can have an impact on the applicant's statements: the formal context of the conversation, which in itself can be stressful for an applicant; the expectation of discussing matters related to personal life with strangers; the presence of a child which is distracting the applicant; time pressure due to the limited amount of time allocated for the interview. All this should be properly addressed before and during the personal interview to minimise the impact of the interview situation on the statements but it is also worth keeping it in mind while analysing the applicant's credibility.

It is necessary to be aware that oral statements of the applicant are very often received in a language that is not the applicant's first language and/or through an interpreter. This factor may be a source of distortions that the case officer needs to be aware of.

The asylum authority's duty is to provide a reliable and competent interpreter for the asylum interview. However, the interpreter is a human being and inevitably acts as an additional 'filter' of the information he/she hears or reads.

See also **EASO Practical Guide on the Personal Interview** on the role of the interpreter.

Examples of possible results of distortions related to language barriers and the interview context can be the following:

- While assessing credibility, the case officer should keep in mind that some **apparent inconsistencies or discrepancies in the applicant's statements or translated documents may be due to language barriers** (e.g. one word having different meanings depending on the context, lack of the interpreter's knowledge of the correct equivalent of the word in the language of the Member State, etc.).
- The applicant's **anxiety, shame or lack of trust in the interpreter** present at the interview may hold him/her back from telling the truth or providing more detailed information. Additional factors mentioned earlier: gender, cultural background and fear of stigmatisation, could also play role in such cases.
- Another aspect of it could be the applicant's claim that discrepancies between his/her present and previous statements are due to **lack of language competence of the interpreter** (or his/her own language incompetence if an interpreter's services were not used) when in fact the statements he/she gave were simply inconsistent.

It is always for the case officer to — where possible — give the applicant an opportunity to address apparent inconsistencies and finally assess whether an explanation given is to be accepted in the particular case.

## 2.5. Determine which material facts are to be accepted [back]

### 2.5.1. Look at all the evidence linked to each material fact in its entirety [back]

The case officer should not draw conclusions on the credibility of a material fact, by looking at the evidence in isolation. Every piece of evidence, documentary and oral, has to be given the weight, great or little, due to it. The assessment of each piece of evidence and the circumstances surrounding the evidence will affect its 'quality' and pertinence to the case, and thereby the weight the case officer should attach to it. When looking at all pieces of evidence linked to each material fact and considering the weight of each, the case officer distinguishes if they are supportive or contradictory.

#### 2.5.1.1. Determine which facts are established (accepted) or not (rejected) [back]

By looking at the evidence in the round the case officer will be able to accept or reject material facts.

**Accepted facts:** An asserted fact may be accepted because, when taking into account the applicant's individual and contextual circumstances and if necessary the reasonableness of the explanations provided by the applicant with regard to the potentially adverse credibility findings, the applicant's statements about that fact are:

- sufficiently detailed;
- internally consistent;
- consistent with information provided by family members and witnesses;
- consistent with available specific and general objective information;
- plausible when considered in the light of the applicant's individual and contextual circumstances;
- and especially when supported by convincing documentary or other evidence (i.e. based on the credibility, reliability and the weight of such evidence);

**Rejected facts:** An asserted fact may be rejected because, when taking into account the reasonableness of the explanations provided by the applicant with regard to the potentially adverse credibility findings and the applicant's individual and contextual circumstances, the applicant's statements about that fact are not sufficiently detailed, consistent, and plausible and/or are contradicted by other reliable objective evidence.

#### 2.5.1.2. Determine which facts still remain uncertain [back]

There can be facts which are internally credible (coherent and plausible) and do not run counter to available specific and general information relevant to the applicant's case, but remain uncertain because they are unsupported by documentary or other evidence, or they are facts about which an element of doubt remains. These elements will need further assessment in order to determine whether to accept or reject them.

### 2.5.2. Apply Article 4(5) QD for those material facts which remain uncertain (benefit of the doubt) [back]

Notwithstanding the efforts of an applicant, and of the determining authority, to gather evidence to substantiate the material facts asserted by the applicant, there may still be some uncertainty regarding some of the facts.

In such cases [Article 4\(5\) QD](#) allows the case officer to reach a clear conclusion on whether to accept an asserted material fact and resolve doubts:

**'Where Member States apply the principle according to which it is the duty of the applicant to substantiate the application for international protection and where aspects of the applicant's statements are not supported by documentary or other evidence, those aspects shall not need confirmation, when the following conditions are met:**

- (a) the applicant has made a genuine effort to substantiate his application;
- (b) all relevant elements at the applicant's disposal have been submitted, and a satisfactory explanation has been given regarding any lack of other relevant elements;

- (c) the applicant's statements are found to be coherent and plausible and do not run counter to available specific and general information relevant to the applicant's case;
- (d) the applicant has applied for international protection at the earliest possible time, unless the applicant can demonstrate good reasons for not having done so; and
- (e) the general credibility of the applicant has been established.'

Article 4(5) QD is also known in some Member States' systems as applying the benefit of the doubt.

The five criteria of Article 4(5) QD are cumulative. This means that the case officer should be satisfied that all of them are met (to some extent). When all five criteria are met, the case officer should apply Article 4(5) QD (give the benefit of the doubt) and accept the material fact. There would after all be no reason not to do so.

However, the case officer should strike a reasonable balance between points (a), (b), (c), (d) and (e), taking into account the individual and contextual circumstances of the applicant. This means that the case officer should assess to what extent every criterion is met or not; and it can be that the high extent to which a criterion is met (for instance very strong statements) will compensate for the lower extent to which another criterion is met (for instance poor explanation for not having applied for international protection at the earliest possible time).

See section 1.2.1 for more guidance on letters (a) and (b) and sections 2.2 to 2.4 for more guidance on letter (c). This section provides further guidance with regard to letter (e):

***The general credibility of the applicant has been established (Article 4(5) QD):***

When assessing whether a material fact is established, the case officer will also look at what we could call the 'credibility record' of the applicant. Or, in other words, the case officer will take into account the (positive/negative) credibility findings he/she has made when assessing other material facts.

Moreover, some facts may become relevant for assessing the general credibility of an applicant even if they are not material facts as such.

Other factors may also affect the general credibility record of the applicant:

- Behaviour indicating that the applicant does not fear returning to his/her home country; or
- Behaviour by the applicant that can be an indication that the applicant is concealing information; misleading; or obstructing or delaying the handling or resolution of the application.

A weight has to be given to each factor depending on the circumstances of the case. The case officer should keep in mind that the points in the applicant's favour may outweigh the points against.

If the case officer concludes that general credibility is so insufficient that he/she rejects the material fact, then the case officer has to explain why he/she considers it as damaging the credibility of the claim.

At the end of the credibility assessment each material fact has to be categorised as accepted or rejected which supposes that the case officer reached a clear conclusion on each material fact.

See the [template](#) on accepting and rejecting material facts.

## Step 3. Risk Assessment [back]

Risk assessment is the forward-looking analysis to assess the need for international protection of the particular applicant.

An applicant does not have to be credible on every aspect of the application in order to be given international protection.

The case officer will progress the assessment of the application by making a risk assessment on the basis of all accepted material facts, before reaching a final conclusion on the application.

### 3.1. Analyse the well-founded fear of persecution/real risk of serious harm [back]

The analysis of the well-founded fear of an applicant and the real risk of serious harm he/she might be exposed to if returned is the final stage of the examination of an application for international protection. It looks into the future risk based on the facts the case officer has at hand at the time the decision is taken. The inherent difficulties in making a prognosis about what would happen if the applicant returns today, tomorrow or in the near future, and the absence of a clear decision-making structure, might lead the case officer to resort to basing decisions on subjectivity. Negative international protection decisions can, if there is an error, lead to grave human rights violations. It is therefore of utmost importance that the risk assessment is done based on an objective methodology and not out of speculation. The objective of the previous steps described in this guide is establishing a basis from which risk assessment begins.

When doing a risk assessment the case officer makes an analysis of risk based on the established material facts in relation to the standard of proof relevant to establishing the well-founded fear of persecution or the real risk of serious harm.

#### 3.1.1. Apply Article 4(3) QD [back]

Article 4(3) QD stipulates the following relating to the assessment of the application for asylum in its entirety:

‘The assessment of an application for international protection is to be carried out on an individual basis and includes taking into account:

- (a) all relevant facts as they relate to the country of origin at the time of taking a decision on the application; including laws and regulations of the country of origin and the manner in which they are applied;
- (b) the relevant statements and documentation presented by the applicant including information on whether the applicant has been or may be subject to persecution or serious harm;
- (c) the individual position and personal circumstances of the applicant, including factors such as background, gender and age, so as to assess whether, on the basis of the applicant’s personal circumstances, the acts to which the applicant has been or could be exposed would amount to persecution or serious harm;
- (d) whether the applicant’s activities since leaving the country of origin were engaged in for the sole or main purpose of creating the necessary conditions for applying for international protection, so as to assess whether these activities will expose the applicant to persecution or serious harm if returned to that country;
- (e) whether the applicant could reasonably be expected to avail himself of the protection of another country where he could assert citizenship.’

#### 3.1.2. Take into consideration past persecution and serious harm or the lack thereof [back]

The case officer needs to take notice that the existence of past persecution or serious harm can alter not only the burden of proof (see [section 1.2.3.1 on specific substantiation rules](#)) but also the applicable standard of proof. In [Article 4\(4\) QD](#) it is stipulated that the fact that an applicant has already been subject to persecution or serious harm or to direct threats of such persecution or such harm, is a serious indication of the applicant’s well-founded fear of persecution or real risk of suffering serious harm, unless there are good reasons to consider that such persecution or serious harm will not be repeated.

The previous steps of evidence assessment should have led the case officer to conclude what has happened to the applicant in the past and present.

The fact that the applicant previously has been subject to persecution does not, in itself, mean that there is a future risk for persecution even though it can be a serious indication.

It is also important to keep in mind that the absence of previous persecution does not mean that there is no future risk of persecution.

To make the final assessment the case officer needs to look at the prevalence of previous events in relation to whom the applicant is, and what the situation in his/her country of origin is.

### **3.1.3. Apply the standard of proof [back]**

The elements listed in [Article 4\(3\) QD](#) have to be analysed in relation to the applicable standard of proof in order to be able to make a risk assessment. The most commonly applied standard of proof in assessing the well-founded fear of persecution and the real risk of serious harm is 'reasonable degree of likelihood'. The applicable standard of proof should in any case be lower than 'beyond reasonable doubt'.

If national guidance is inserted regarding the applicable standard of proof, you can find it [here](#).

## Legal instruments and national links

### International instruments

#### 1951 Geneva Convention and 1967 New York Protocol relating to the status of Refugees

- The texts of the 1951 Geneva Convention and 1967 New York Protocol are available in different languages at <http://www.refworld.org/docid/3be01b964.html>

#### Istanbul Protocol (United Nations)

Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 9 August 1999

- The text of the Istanbul Protocol is available in different languages at <http://www.refworld.org/docid/4638aca62.html>

### European Union instruments

#### Qualification Directive (recast) [QD]

Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast)

- The text of the QD is available in different languages at <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1422980659651&uri=CELEX:32011L0095>

#### Asylum Procedures Directive (recast) [APD recast]

Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast)

- The text of the APD recast is available in different languages at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32013L0032>

## **National legal instruments and guidance**

**National guidance on written statements** [\[back\]](#)

**National guidance on documents presented by the applicant** [\[back\]](#)

**National guidance on obtaining COI** [\[back\]](#)

**National guidance on expert reports** [\[back\]](#)

**National guidance on language analysis reports** [\[back\]](#)

**National guidance on collecting information from other Member States** [\[back\]](#)

**National guidance on requesting an expert medical/psychological opinion** [\[back\]](#)

**National guidance on standard of proof** [\[back\]](#)

## Template for evidence assessment

A Word version of the template can be found as attachment to this Practical Guide.

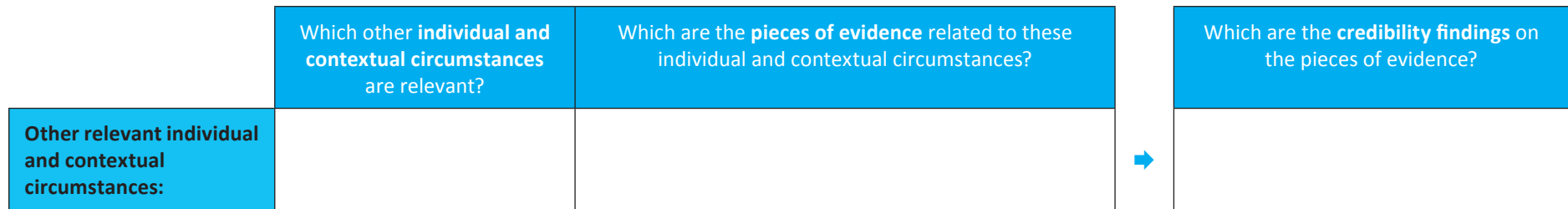
This template is meant to be completed throughout the different stages of your working process when dealing with an individual case.

The aim is to have a clear overview on all identified material facts and the pieces of evidence presented by the applicant and collected by the case officer (step 1). → Once

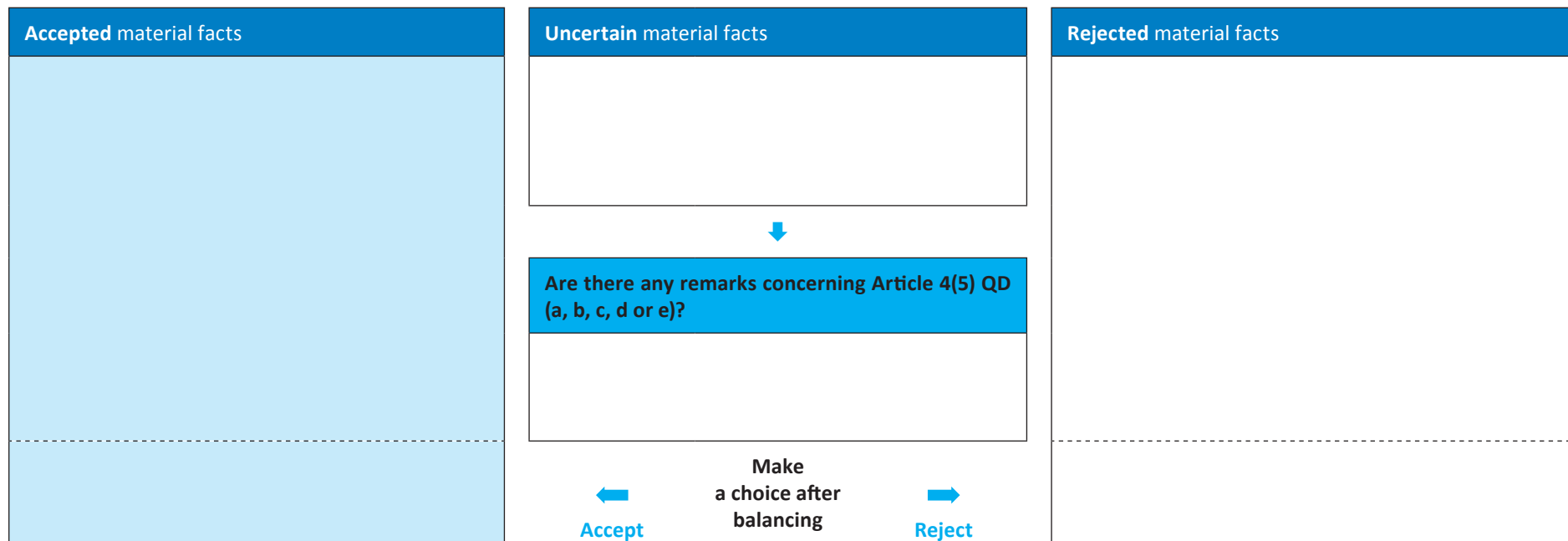
you have this overview you can proceed to the next step where you can formulate your opinion on the credibility findings on each piece of evidence (steps 2.1 –2.4) → on which basis you decide and fill in which material facts you accept and which you reject (step 2.5), if necessary applying Article 4(5) QD. → Finally, you proceed to the risk assessment on the basis of the accepted material facts (step 3).

| Step 1: Gathering Information  |                                       |  | Steps 2.1–2.4: Credibility Assessment                                  |
|--|---------------------------------------|--|--|
| Concerning ...   | Which are the <b>material facts</b> ? |  | Which are the <b>pieces of evidence</b> related to the material facts? |
| ... country of origin:   |                                       |  | →  |
| ... past problems and future fear:   |                                       |  | →  |
| ... reasons why the applicant experienced/ fears problems:   |                                       |  | →  |
| ... reasons why the applicant is unable or unwilling to avail him/ herself of the protection of the country of origin: |                                       |  | →  |
| ... reasons why the applicant should be excluded:  |                                       |  | →  |





**Step 2.5 Credibility Assessment**



**Step 3 Risk Assessment**



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