

The Role of COI in Refugee Status Determination

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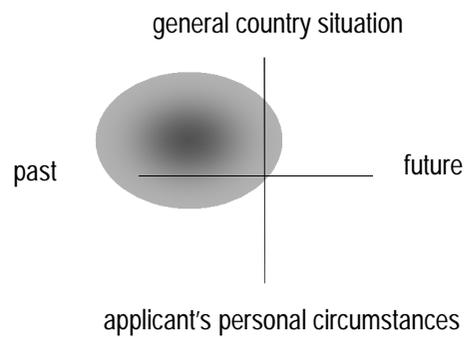
UNHCR, Division of International Protection



What is COI? Scope and Content

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The Field of COI in RSD



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Situating COI in RSD / Asylum Procedures

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Use of COI in RSD / Asylum Procedures

- **Preparing for the RSD interview**
- **Conducting the RSD interview**
- **Assessing the claim:**
 - Assess the applicant's credibility
 - Assess the risk of future persecution (well-founded fear / State protection)
 - Assess whether there is an internal flight alternative
 - Assess whether the applicant should be excluded from international protection

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Scope of COI

Protection-related questions

Inclusion assessment

- Well-founded fear / availability of state protection
- Availability of internal flight alternative / internal relocation alternative (IFA / IRA)

Exclusion assessment

Credibility questions

- Determine the truthfulness of the applicant's factual statements by checking for consistency with available COI.
- Pose COI questions to the applicant to test the truthfulness of particular aspects of his/her claim. (Such questions may themselves be unrelated to the core of the applicant's claim.)

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Procedural Standards

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Procedural Standards

Shared burden of proof (UNHCR Handbook, paragraph 196)

“While the burden of proof in principle rests on the applicant, the duty to ascertain and evaluate all the relevant facts is shared between the applicant and the examiner.”

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Procedural Standards



Data Protection

- “Do No Harm”
- Beware of possible risks to the applicant before contacting the authorities of the applicant’s country of origin
- Search techniques: beware of your “electronic footprint”

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Procedural Standards



“Equality of Arms”

- COI used in asylum procedures should ideally be in the public domain.
- If the information is not in the public domain, and cannot be made publicly available (for reasons of security, confidentiality, witness protection, etc.), the information should be made available to the applicant (or his/her lawyer) on a confidential basis.

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Procedural Standards



Opportunity to respond...

... to adverse credibility findings:

Any inconsistencies between the applicant’s statements and the available COI must be put to the applicant during the interview (or during a subsequent interview) and the applicant must be given an opportunity to provide an explanation for such inconsistencies.

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Procedural Standards



Opportunity to respond...

... to findings about international protection needs:

COI that is used for arguing that the applicant is not in need of international protection must be shared with the applicant.

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Benefit of the Doubt



UNHCR Handbook on the **Benefit of the doubt**

- “203. After the Applicant has made a genuine effort to substantiate his/her story there may still be a lack of evidence for some of his/her statements.... It is hardly possible for a refugee to “prove” every part of his/her case... It is therefore frequently necessary to give the benefit of the doubt.
- 204. The benefit of the doubt should however only be given when all available evidence has been obtained and checked and when the examiner is satisfied as to the Applicant’s general credibility ...”

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Challenges and Limitations



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COI Limitations



- **The available COI may be too generic: lack of specificity.**
- **COI may be incomplete: it may not be possible to corroborate (all of) the applicant’s statements.**

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COI Limitations



There may be relevant COI available, but this information may be “old”:

- **Sometimes “old” information is in fact still current, whereas in other cases “old” information is out-of-date.**
- **In any given case, it may be hard to tell whether the available COI is still current.**
- **The date of publication of COI is an important indicator of whether COI is still current, but it is not decisive.**

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COI Limitations



Possible explanations for the absence of COI:

The more serious the conditions in the country of origin, the less reliable COI may be available.

- Repressive regimes may place constraints on freedom of expression and freedom of movement.
- The security situation in (a part of) the country of origin may be so serious that few actors have direct access to the area in question.

⇒ In these circumstances, it may be possible to use COI about the general circumstances in the country of origin to explain the absence of COI about particular events or circumstances.

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COI Limitations



Other possible explanations for the “absence” of COI:

- Events may have been reported in a medium that does not generate retrievable information on the internet (for example news broadcasts on local radio stations).
- COI may exist, but not in an accessible language.

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COI Limitations



○ The reliability of available COI may be in doubt

- Problems of methodology
- Bias
- Note: Sources of COI that have the most relevant and detailed information may also be the least reliable sources.

○ COI may be inconclusive

- Different sources of COI may contradict each other, and different sources of COI could be cited to support or refute a claim for international protection.

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Balancing COI



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