



**SESSION 1 (Wednesday, 30 June, 10:30 – 12:15, BST)**

### **1B - Credibility I: Credibility Assessments and Discretion**

**Chair:** Sule Tomkinson (Université Laval, Canada)

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#### **Spaces of discretion in asylum adjudication: An insight into Italian tribunals specialised in asylum**

**Alice Lacchei**

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Sciences)*

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The present contribution falls within a PhD research project on discretion in asylum adjudication in Italian and French lower courts. The research investigates how discretion takes shape within those courts and how it may influence asylum adjudication. In order to do this, it studies practices adopted by judges during their daily work through the lens of the Street-Level Bureaucracy. Although this approach is not usually applied to study the work of judges, it allows to address the issue of discretion in lower courts dealing with international protection from a different perspective. The present contribution aims at presenting some preliminary results based on a fieldwork in an Italian court-section specialised in asylum. These results represent an interesting starting point for further comparative reflections. In particular, they show how the scope of discretion and its constraints develop at the micro-level (judges) and the meso-level (court-section) as well as in the interrelation between these two dimensions. Moreover, they show how different factors contribute to shape discretion, such as vague norms, resource limitations, organisational arrangements, roles, as well as values, ideas and perceptions. Finally, they allow to make some hypotheses on the influences that discretionary practices may have on asylum adjudication within the Italian case. Data have been collected in a fieldwork of two months, which allowed to observe 100 hearings and conduct two background interviews and six semi-structured interviews. Furthermore, shadowing was used to follow five judges specialised in international protection during their daily work and the different stages of the procedure.

**Keywords:** Asylum adjudication, lower courts, discretion, Italy

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Ms. Alice Lacchei (she/her/hers) is a PhD candidate in Political and Social Sciences at the University of Bologna. She was an honour student in Political Science at the Sant'Anna School of Advanced Studies (Pisa), where she collaborated with the research team DREAM (Data, REsearch and Analysis on Migration). In 2019 she earned a Masters degree in International Studies (curriculum Governance of Migration) from the University of Pisa. In her current PhD project she investigates how discretion takes shape and influences asylum adjudications in lower courts, by focusing on Italy and France. Her research interests are asylum adjudications, asylum policies and street-level bureaucracy.

**Interviewing asylum-seekers in the courtroom: The experience of a French judge in light of scholarly insights (NOT INCLUDED IN VIDEO)**

**Fabrice Langrognnet**

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This paper addresses the question of asylum interviews in the courtroom from the viewpoint of judges. Building on the author's singular experience as both a French immigration judge (2010-2014) and a migration scholar, it resorts to the method of ego-history to discuss some of the scholarly insights from the social sciences about that particular moment of interaction against the author's own recollections and archives.

Whether inside countries or at their borders, the legal standards by which States evaluate people's alleged recollections are becoming less and less favourable to claimants, in a context of widespread efforts to both fast-track and toughen screening procedures (Kerwin, 2015; Thielemann and Hobolth, 2016; Fitzgerald, 2019). From one particular vantage point, that of the judicial review, in France, of the denials of entry issued against individuals filing for asylum at international airports, the paper looks at the ways in which negative representations about asylum-seekers have pervaded, beyond the applicable law itself, multiple elements of the hearing, and specifically its narrative core, the persecution claims. In most advanced nations, the safeguards meant to ensure the fairness of the states' assessment of protection requests have faced repeated challenges in recent years. Yet this erosion of procedural and substantive rights has been documented more extensively with regard to RSD-tasked institutions than the court systems. This paper argues in that respect that in addition to normative and structural considerations, both the social scientists and those interested in protecting asylum-seekers' rights should also take into account some contingent and context-specific biases.

**Keywords:** Asylum narratives, asylum hearings, France

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Dr. Fabrice Langrognnet (he/him/his) is a lawyer and a historian of migration. After serving for five years as a senior judge in the administrative branch of the French judiciary, specialising in

immigration and asylum cases, he completed a PhD in migration history at the University of Cambridge in 2019, where he was a Gates scholar. He is now a Leverhulme fellow at the University of Oxford (2021-2024), where his research deals with refugee history, in particular asylum procedures at European airports in the 1980s and 1990s. Fabrice is also an associate researcher at the Centre d'histoire sociale des mondes contemporains, a joint University of Paris 1/CNRS lab. In 2020-2021, Fabrice was a visiting research scholar and Fung Global Fellow at Princeton University. Before his PhD, Fabrice graduated from the École normale supérieure LSH, Sciences-Po, ÉNA, and EHESS, all in France.

### **The fiction of credibility assessment: How poor interpretation and transcription undermine adjudication procedures in Italy**

**Lorenzo Vianelli**

*Postdoctoral researcher, PI CONDISOBS*

University of Luxembourg

The paper radically calls into question the efficacy of RSD procedures by focusing on the limitations of credibility assessment in adjudication processes in Italy. Whilst oral testimony has gradually become the key criterion against which applicants' credibility is assessed, empirical evidence exposes the weaknesses and risks of a decision-making system that is based on applicants' statements. The weak spot of the system does not lie on the reliance on statements in itself, but it is rather due to the fact that the statements considered in the decision-making have never been expressed by applicants. "Statements" are in fact the result of multiple layers of translation and transcription, which tend to be incomplete, hasty and perfunctory. Drawing on 62 interviews with actors involved in asylum appeals in Italy, i.e. judges, lawyers, appellants and interpreters, the paper explores two of these layers. The first concerns poor interpretation services that in some cases lead to a radical alteration of applicants' actual words. The second stems from rushed asylum hearings and an excessive reliance on the transcripts of asylum interviews, which, not being verbatim, are far from representing the voice of applicants. The paper therefore shows how decisions that can be crucial for the lives of applicants often rest on extremely flimsy foundations. The findings from the Italian context are used to emphasise the overall absurdity of RSD procedures at large and the need to move beyond an unfair system that is based on an artificial distinction between legitimate and illegitimate forms of mobility.

**Keywords:** Refugee status determination, interpretation, transcription, categories, Italy

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Mr. Lorenzo Vianelli (he/him/his) is a postdoctoral researcher at the University of Luxembourg, where he is the principal investigator of the H2020 project CONDISOBS. After he obtained his PhD from the University of Warwick in 2018, he was a postdoctoral researcher in the H2020 project CEASEVAL at the University of Luxembourg and in the ERC-funded project ASYFAIR at the University of Exeter. His research focuses on migration management, reception, asylum procedures, border struggles, and 'secondary movements' in the European Union.