



SESSION 4 (Thursday, 1 July, 11:30 - 13:15, BST)

4C - Country of Origin Information (COI) in Refugee Status Determination

Chair: Anthony Good (University of Edinburgh, UK)

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Country of Origin Information: The essential foundation for fair decision-making

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Considering the importance of Country of Origin Information as the essential foundation for qualitative decisions on international protection needs, it is remarkable that for the harmonization of the application of Country of Origin Information the European Commission has opted for (non-binding) practical co-operation rather than harmonization through more detailed legislation. As a result, the evidentiary assessment of Country of Origin Information by decision makers and judges has been left mostly to the discretion of the European Member States. Therefore, the harmonization of the application of Country of Origin Information in European Union Member States, in first instance decision-making as well as at the appeals level, should be achieved through the adoption of common standards and principles in binding EU legislation. The future Asylum Procedures Regulation should include references to all the most important common standards and principles, namely relevance, currency, accuracy, reliability, balance and transparency. Moreover, the EASO COI Report Methodology, or the common methodology to be developed by the future EU Agency for Asylum, should be given the status of a legally binding document through references in the asylum acquis. A more detailed framework for the evidentiary assessment of Country of Origin Information will improve convergence in asylum decision-making.

Keywords: Evidentiary assessment, country of origin information, quality standards, harmonisation, EU

It's not what you know, it's how you use it: On the application of country of origin information in judicial refugee status determination decisions

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Existing research has emphasised the different forms of knowledge available to refugee status determination (RSD) decision makers, as well as the differing conditions under which it is produced, but very little work has addressed how judicial decision makers interpret, represent and mobilise or side-line evidence within written verdicts, and how their approaches are localised.

This presentation (based on a paper) investigates how country of origin information (COI) is used in written judgements about RSD, taking Germany's Higher Administrative Courts decisions between 2016 and 2018 on Syrian draft evaders as a case study. Our quantitative and qualitative analysis of court verdicts shows that local courts draw different conclusions from the same evidentiary basis and freely utilise a menu of techniques including interpretation, framing and citation styles to amplify or dampen the argumentative force of COI within their reasoning. As such legal reasoning dominates evidence, meaning that evidence in refugee status determination is discursively highly malleable and based on local interpretations, frequently incidental to legal arguments, and unable to produce legal consensus. Our findings raise concerns that local courts use COI selectively to justify the positions they have adopted locally, rather than allowing their positions to be directed by COI or centralised interpretations. We conclude by reflecting on what, if anything, can be done about these seemingly opaque and unaccountable textual and discursive forms of discretionary and localised judicial power.

Keywords: Country of origin information, local interpretations, local legal practices, legal inconsistencies

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Mr. Valentin Feneberg (he/him/his) is a research assistant and PhD student at the Integrative Research Institute Law & Society at Humboldt-Universität zu Berlin, Germany. He studied Political Sciences, Sociology and Philosophy in Munich, Berlin and Oxford, and previously worked at the German Centre for Integration and Migration Research (DeZIM) in Berlin. In his socio-legal PhD research, he analyses the application of Country of Origin Information in asylum appeal adjudication in Germany.

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Ms. Laura Scheinert (she/her/hers) is a PhD Candidate in Advanced Quantitative Methods of Social Sciences/Human Geography at the University of Exeter, and part of the ASYFAIR Research Network. Her PhD explores judicial training in the field of asylum and refugee law. She is a

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Source assessment and the U.S. Department of State's annual human rights reports

Stephanie Huber

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The research compares the State Department's assessment of the situation in Eritrea, Iran, Iraq, Pakistan and Sudan in 2016, the last year of President Obama's administration, with the subsequent reports produced by President Trump's administration covering events in 2017, 2018, 2019 and 2020.

I will provide a short introduction on what source assessment is and its importance when submitting COI as evidence, as well as present key findings of ARC Foundation's research. Notable content changes identified were not consistent with the situation on the ground as documented by other sources and have the effect of downplaying the seriousness of the human rights situations in these countries. The principle changes related to women's rights, civil and political rights, and issues relating to LGBTI persons.

I believe this conference provides an ideal platform to inform a wide variety of stakeholders in the asylum field of the importance of undertaking a thorough source assessment and highlight limitations of even well-established sources which carry a lot of weight in refugee status determination processes throughout the world.

Keywords: Evidence, country of origin information, source assessment, U.S. Department of State's annual human rights reports

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ARC Foundation is a UK charity which specialises in the production and use of Country of Origin Information (COI) in refugee status determination. We review COI produced by the UK Home Office, as well as that published by the European Asylum Support Office (EASO). We also offer a case-specific COI research service and have been instructed in a number of UK Country Guidance cases. We are also regularly commissioned by UNHCR to produce country reports on information gaps identified by their decision-makers.

Ms. Stephanie Huber (she/her/hers) is ARC Foundation's Director and a COI specialist with over 14 years experience of conducting COI research for use in the refugee status determination process, and over 11 years experience of undertaking COI reviews for various national and international bodies.