

The unspoken aspect of credibility: How recognisable are you?

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Credibility is often the most important factor that dictates the success of a refugee application. Refugee status is usually granted by state-level bureaucrats based on whether they believe the person will be in danger of persecution upon returning to their country of origin. Other researchers have found that credibility assessments can be based on perceived trust and be inconsistent between decision-makers. The Australian Administrative Appeals Tribunal suggests that the decision-maker 'must make its assessment on the basis that it is possible, although not certain, that the applicant's account of past events is true'. Credibility involves two elements: internal consistency of the narrative and external consistency with objective evidence, including the applicant's documentation and information related to their claim.

Therefore, this assessment comes down to whether the narrative delivered by the person seeking asylum and their documentation is believable. The narrative must be consistent, clear and plausible, and associated with the right amount of emotion. To be externally consistent, the applicant needs to provide identifiable documentation or be congruent with other expert evidence.

We argue that there is another component of credibility that is yet unspoken – to what extent the applicant can be understood. The refugee status determination process is an inconsistent process that is often based on a decision-maker's subjective belief of an applicant's testimony. All refugee applicants apply under a specific ground of the Refugee Convention and must fit into understood categories (race, religion, nationality, etc.) that have explicit and implicit boundaries. The category, and therefore the applicant, is understood in a certain way by the decision-maker. We argue that it is easier to be understood in a category if the narrative presented is familiar to the decision-maker. To what extent does the story the applicant is telling align with what the decision-maker knows and understands – their worldview? This ability to be understood by the decision-maker is what we are interested in exploring.

This phenomenon is relevant to all asylum-seeking cases due to the power of the decision-maker and the subjectivity of their decisions. However, we theorise that being understood is harder for those within the LGBTIQ+ community. It is well documented that LGBTIQ+ applicants face a multitude of stereotypes and biases from decision-makers worldwide. Their sexuality or gender often falls further outside of the life experiences that might be recognisable to the average decision-maker.

This is further shown by the fact that some individuals within the LGBTIQ+ community face more challenges in being granted refugee status. Research has shown that lesbian and gay cisgender people can navigate the refugee status determination system in Australia more easily than bisexuals. The story told by applicants becomes even less recognisable for the adjudicators when the individual confounds both gender and sexuality norms. Our preliminary research found that identity categories that fit outside of the Western LGBTIQ+ norms and complicate the boundaries around gender and sexuality are significantly less understood by Australian decision-makers.

This raises questions and complexities for LGBTIQ+ individuals navigating the refugee status determination system. Can applicants tell a credible story around their authentic identity if it does not fit into the decision-makers worldview of what an LGBTIQ+ person should look like?



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