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## **Osgoode-Trinity Guidelines for Assessing the Credibility of Refugee Claimants**

### **Introduction**

The purpose of these Guidelines is to help members of the Refugee Protection Division of the Immigration and Refugee Board to make sound credibility assessments. Legal scholarship and policy instruments in Canada and abroad warn of the dangers of rejecting a refugee claimant's evidence based on certain kinds of inferences (about the claimant's demeanour, about minor inconsistencies in his/her testimony, etc.). Rather than repeat these important warnings, these Guidelines draw on recent cognitive scientific research to clarify the aim of credibility assessment in the refugee hearing context, and to propose a structured approach to this inquiry.

### **Definitions and principles**

#### ***Credibility judgment vs. credibility assessment***

#### **Guideline 1**

**The psychological process of *credibility judgment*, the process by which a member decides whether a claimant is telling the truth, is distinct from the legal process of *credibility assessment*, the process by which a member formulates lawful conclusions about the credibility of a claimant's testimony.**

A member may disbelieve a claimant without knowing why. Indeed, research suggests that *credibility judgments* are often rapid and intuitive impressions that may be influenced by factors into which decision-makers have little insight.<sup>i</sup> To be lawful, however, a *credibility assessment* must be reasonably supported: it must be justifiable, transparent and intelligible.<sup>ii</sup> The legal process of credibility assessment therefore requires members to answer different questions and to use different cognitive processes than those that give rise to their credibility judgments.

#### ***Credibility of relevant statements***

#### **Guideline 2**

**The member is tasked with assessing the credibility of the claimant's relevant statements.**

'Statements' is a deliberately vague term. A statement can be a sentence, a thought, a discrete allegation or a series of allegations. In assessing credibility, members are free to focus their attention on any relevant unit or units of the claimant's written or oral evidence.

While a member must consider the totality of the claimant's evidence in assessing the credibility of any statement, the member is not obliged to assess the credibility of each of the claimant's statements, nor of the claimant's narrative as a whole. Members should assess the credibility of relevant statements. A statement will be relevant if accepting or rejecting it will help the member to reach a reasonable conclusion on the ultimate question of whether the claimant faces a risk within the meaning of the *Act*.

### *Credibility vs. deceptiveness*

#### **Guideline 3**

**A credible statement is one that is not deceptive. A deceptive statement is one that the claimant does not believe to be true and makes with the intention of misleading the listener.**

For a statement to be deceptive, the claimant does not have to believe it to be false. In keeping with common law principles, a statement will be deceptive if the claimant either believes it to be false in whole or in part, believes it to be less than the whole truth, or makes it with reckless indifference to whether it is false or true – provided the claimant also intends the statement to mislead the listener.<sup>iii</sup> Without this deceptive intention, a statement that the claimant does not believe to be true is not deceptive. For instance, a claimant may credibly speculate, guess, provide a hypothetical example, give an incomplete account, use words in a non-literal sense, speak unclearly, or simply misspeak.

### *Credibility vs. reliability*

#### **Guideline 4**

**A member may reject a credible statement if he/she reasonably concludes that it is unreliable. A member cannot reasonably reject a statement as unreliable without impugning its credibility unless the claimant could be mistaken about its subject matter.**

When a claimant testifies about something beyond his/her experience, or makes an inference or offers an opinion, the member might conclude on the evidence that there is a reasonable chance that the claimant is mistaken. The member could then reasonably conclude that the claimant's statement, while credible, is unreliable.<sup>iv</sup> When the claimant testifies about matters within his/her own experience, however, if there is little chance that the claimant could be mistaken, the only reasonable basis for concluding that the statement is unreliable is the finding that it is not credible.

## *Credibility assessment vs. lie detection*

### **Guideline 5**

**Since a refugee claimant's testimony is presumed to be truthful, the claimant is not required to prove that his/her statements are credible. The member should nonetheless look for reasons to accept the claimant's statement along with reasons to reject it.**

Since a claimant's statements are presumed to be truthful, the process of credibility assessment is ultimately aimed at determining the presence or absence of deception, not credibility. Over the course of the hearing, however, it is crucial that members be open to being struck by impressions of credibility along with impressions of deceptiveness, because of the interplay between the credibility judgment and credibility assessment processes.

In the legal process of *credibility assessment*, the presumption of truthfulness will stand until the member has heard the sum of the claimant's evidence and can decide, based on all the evidence, whether this presumption should be displaced. But if *credibility judgments* are often automatic and intuitive, a member may conclude that he/she disbelieves the claimant on very little evidence in the first few minutes of the hearing. Limiting the credibility assessment process to the search for deception may then create a self-fulfilling prophecy based on two known cognitive effects: 'confirmation bias,' the tendency of those convinced of a proposition to scan only for evidence that supports it and overlook any evidence that might challenge it;<sup>v</sup> and 'investigator bias,' the tendency of those looking for deception to find it where none exists.<sup>vi</sup> Members should look for reasons to believe the claimant along with reasons to disbelieve him/her, in order to begin the credibility assessment process with as balanced a view of the evidence as possible.

### Objective and process

#### *The objective of credibility assessment*

### **Guideline 6**

**The objective of the credibility assessment inquiry is to establish whether it is unreasonable to accept the claimant's statement as credible.**

While members will attempt to make accurate credibility judgments, the aim of the credibility assessment inquiry is not to determine whether the claimant is telling the truth. Correctly evaluating whether the claimant is telling the truth is neither necessary nor sufficient as a matter of law, and doing so reliably is beyond the capabilities of any tribunal decision-maker.

In Canadian law, members' credibility findings will be judged for their reasonableness rather than for their accuracy. A lawful credibility decision is one that is justified, transparent and intelligible and that "falls within a range of possible, acceptable outcomes which are defensible in respect of

the facts and law” – even if it is incorrect.<sup>vii</sup> As a result, when a member makes a reasonable but mistaken decision to disbelieve a genuine refugee, although Canada will breach its non-refoulement obligation if it deports that person,<sup>viii</sup> the member has done all that the law asks. On the same basis, an unreasonable credibility decision – one that is unjustified, opaque, unintelligible, indefensible – is unlawful, even if it is correct.

That the law requires members to make reasonable decisions rather than accurate ones makes sense for two practical reasons: in most cases the accuracy of a credibility finding can never be verified, and when it comes to assessing credibility in situations like a refugee hearing – “in real time with no special aids or training” – human beings have an accuracy rate that is little better than random chance.<sup>ix</sup> This ability does not improve with on-the-job experience. Experienced assessors like veteran police detectives, customs agents, prison officers, and refugee status decision-makers are no more accurate than novices or college students, likely because they rarely know if they have made the right decision.<sup>x</sup> They lack the feedback that they would need to be able to adjust their methods and learn from their mistakes.<sup>xi</sup> Moreover, the most promising new approaches to lie detection, developed over the last decade by cognitive psychologists for use in the criminal context, train investigators in interrogation methods that are grounded in the well-supported theory that liars must expend more mental energy than truth-tellers.<sup>xii</sup> Researchers note a fundamental problem, however, with using these methods in a refugee hearing. While a guilty suspect may well have to work harder than an innocent one to keep his story straight, compared to a person who has brought a false refugee claim, a truthful claimant may have to work as hard if not harder to communicate through trauma, through fear, through an interpreter and across cultural barriers.<sup>xiii</sup>

To make a lawful credibility assessment, if not an accurate one, the member should aim to establish whether it would be *unreasonable* to accept the claimant’s evidence as credible, not whether it would be *reasonable* to accept it. This is because in the case of a tie – if it would be reasonable to accept the evidence but equally reasonable to reject it – this framing resolves doubt in the claimant’s favour, which is the sole and express purpose of the legal presumption of credibility.

### *The process of credibility assessment*

#### **Guideline 7**

**Members should enter the hearing with some notion in mind of the range of credible testimony that they could expect to encounter. Members will use their own judgment in developing this theoretical credibility spectrum but should regularly re-evaluate it in light of relevant and reliable social scientific evidence.**

Under Canadian law, a limited number of factors provide a legal basis for disbelieving a refugee claimant’s sworn testimony: inconsistencies within the claimant’s statements or between the statements and other evidence; the omission of relevant information from the claimant’s statements; the implausibility of the claimant’s statements (including the implausibility, in light of his/her conduct, of his/her claim to be afraid); evidence of certain kinds of misconduct, such as tendering fraudulent documents; and, in limited cases, the claimant’s demeanour.<sup>xiv</sup>

Before entering a hearing, members should turn their minds to these potentially relevant factors, imagining for themselves, from their everyday experience, roughly what they would expect to see from credible testimony generally. How consistent is a true story across retellings? How unlikely can an occurrence be and still be plausible? How will a truthful person act when they recount their experiences? Members should then ask themselves, based on their experience with and knowledge of the refugee claim context, how much to expand this range to take into account factors particular to this setting. What might cause a truthful refugee claimant's testimony to deviate from this imagined norm?

It is vital that members enter the hearing imagining a truthful claimant to try to lessen the marked tendency toward skepticism of professional credibility assessors.<sup>xv</sup> If a member is predisposed to disbelieve a claimant's statements, his/her credibility judgments may consequently be less accurate. They may also be more accurate. How a 'lie bias' affects a member's accuracy will depend on an unknown and unknowable factor: what proportion of claimants are telling the truth. Even if most claimants are lying, however, and a member's lie bias therefore increases the *accuracy* of his/her judgments, it is nonetheless an *unlawful* orientation for a credibility assessment in a refugee hearing. This is because the law has the opposite bias. The presumption of truthfulness, like the presumption of innocence in the criminal law, reflects a principled decision to sacrifice accuracy in order to protect the rights of the vulnerable. Both presumptions ensure that decision-makers will make a greater number of errors overall in exchange for making fewer of them at the expense of a disadvantaged class of litigant.<sup>xvi</sup>

Members should look to social scientific evidence for help in developing and refining this theoretical credibility spectrum. The UNHCR notes that credibility assessment "should be undertaken through the lens of various disciplines, including legal, cultural, psychological, anthropological, and sociological," and that it is "necessary that the credibility assessment, in all its aspects, is informed by the substantial body of relevant empirical evidence that exists in these fields."<sup>xvii</sup> Indeed, guidelines for refugee status decision-makers in Canada and abroad directly incorporate insights from the social sciences about, for example, the effects of trauma on memory,<sup>xviii</sup> on demeanour,<sup>xix</sup> and on a claimant's ability to recount his/her experiences;<sup>xx</sup> about the variability and limits of everyday non-traumatic memory;<sup>xxi</sup> and about the limits of children's ability to recall events and recount their experiences.<sup>xxii</sup>

The function of social scientific evidence in this context is to help the member to decide how much variation to expect from truthful testimony in a refugee hearing. Members should bear this function in mind in evaluating the reliability of such evidence. Evidence that falls short of proving universal truths about human behaviour may yet cause a member to rethink expectations that he/she has developed based only on his/her own experience and common sense.

## **Guideline 8**

**Members should begin the credibility assessment process by identifying for themselves any factor or factors that raise doubts in their minds about the credibility of the claimant's statements.**

During the course of the hearing, members should monitor their own responses to the claimant's testimony with the aim of identifying for themselves, privately, any doubts that they have about the claimant's credibility. Although their credibility judgments may be influenced by factors into which they have little insight, members should nonetheless try to recognize as many of the sources of their doubt as they can. In this process, members are not limited to trying to identify factors that provide a legal basis for a negative credibility assessment, or factors that raise reasonable doubts. At this stage in the credibility assessment process, members should simply try to identify all potential sources of concern.

### **Guideline 9**

**After hearing all of the claimant's evidence, members should evaluate each of the concerns that they have identified and set aside any that are not a legal basis for a negative credibility finding.**

In setting aside factors that are not legally relevant, members are not conceding that these factors have led them to make a faulty credibility judgment. They are rather acknowledging that these factors can play no role in a lawful credibility assessment, whether or not they in fact allowed the member to reach an accurate conclusion about the claimant's credibility.

### **Guideline 10**

**Members should then ask themselves whether they believe, on the strength of any remaining concerns, that the claimant's statement falls outside of their notional range of credible testimony. If so, they should conclude, based on these legally relevant factors, that it is unreasonable to accept the statement as credible. If not, they should conclude that there is no reasonable basis for displacing the presumption that it is credible.**

To provide a lawful basis for disbelieving the claimant's statement, a legally relevant factor or factors must reasonably cause the member to believe that the statement falls outside of the range of credible testimony that he/she could expect to encounter in a refugee hearing.

While a member cannot be expected to identify all of the factors that led him/her to disbelieve a claimant, to support a negative credibility assessment the member must nonetheless identify legally relevant factors that he/she believes influenced his/her credibility judgment. For a credibility assessment to be lawful, it is not enough for members to identify factors that objectively justify their conclusions. Members must identify factors that they believe helped to persuade them of the claimant's deceptiveness, rather than factors that they imagine will satisfy the Court on judicial review. If a member supports his/her decision with factors that are a sound basis for concluding that the claimant is lying, but that the member him/herself does not believe in good faith influenced his/her judgment, this decision will fail the legal test for reasonableness: while it might be justified, it is not transparent.

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<sup>i</sup> For a review see M Hartwig & PA Granhag, “Exploring the Nature and Origin of Beliefs about Deception: Implicit and Explicit Knowledge among Lay People and Presumed Experts” in PA Granhag, A Vrij, & B Verschuere (Ed.), *Detecting deception: current challenges and cognitive approaches* (Chichester, West Sussex, UK: John Wiley & Sons, Ltd., 2015) 125-154. See also M Hartwig & CF Bond Jr, “Why Do Lie-Catchers Fail? A Lens Model Meta-Analysis of Human Lie Judgments” (2011) 137 *Psychological Bulletin* 643; Judee K. Burgoon, J. Pete Blair & Renee E. Strom, “Cognitive Biases and Nonverbal Cue Availability in Detecting Deception” (2008) 34 *Human Communication Research* 572; Marc-André Reinhard, “Need for Cognition and the Process of Lie Detection” (2010) 46 *Journal of Experimental Social Psychology* 961.

<sup>ii</sup> *Dunsmuir v. New Brunswick* [2008] 1 SCR 190 [*Dunsmuir*] at para 47.

<sup>iii</sup> See for example discussion in *Lakex Mines Ltd. et al v. Marathon Realty Company Limited* [1980] BCJ No 125 (BCSC) at 335. See also *United Shoe Machinery Co. v. Brunet* [1909] AC 330 (HL); *Nocton v. Lord Ashburton* [1914] AC 932 (HL); *Peek v. Gurney* (1873) LR 6 HL 377 at 403; *Derry v. Peek* (1889) 14 APCC 337 (HL); *Tapp and Another v. Lee* (1803) 3 Bos & Pul 367, 127 ER 200 at 203.

<sup>iv</sup> For the fact that members are not obliged to accept claimants’ opinions and inferences, see discussion in *Derbas v. Canada (Solicitor General)* [1993] FCJ No 829 at para 3 (Pinard J); *Ramos v. Canada (Minister of Citizenship and Immigration)* [2012] FCJ No 1496, 2012 FC 1372 at para 37 in obiter (Mandamin J). For discussion of the role of reliability generally, see UN High Commissioner for Refugees (UNHCR), *Summary of Deliberations on Credibility Assessment in Asylum Procedures, Expert Roundtable, 14-15 January 2015, Budapest, Hungary, 5 May 2015*, available at: <http://www.refworld.org/docid/554c9aba4.html> [Expert Roundtable] paras 19-29.

<sup>v</sup> For a general review see for example Raymond S. Nickerson, “Confirmation Bias: A Ubiquitous Phenomenon in Many Guises” (1998) 2 *Review of General Psychology* 175; A Hergovich, R Schott & C Burger, “Biased Evaluation of Abstracts Depending on Topic and Conclusion: Further Evidence of a Confirmation Bias Within Scientific Psychology” (2010) 29 *Current Psychology* 188 at 188-189; WM Epstein, “Confirmational response bias and the quality of the editorial processes among American social work journals” (2004) 14 *Research on Social Work Practice* 450 at 451-452.

<sup>vi</sup> SM Kassin, CA Meissner & RJ Norwick, “‘I’d know a false confession if I saw one’: A comparative study of college students and police investigators” (2005) 29 *Law and Human Behavior* 211-227 at 213; E Garrido, J Massip & C Herrero “Police officers’ credibility judgments: Accuracy and estimated ability” (2004) 39 *International Journal of Psychology* 276-289 at 267; J Masip, H Alonso, E Garrido, & E Anton (2005). “Generalized Communicative Suspicion Among Police Officers: Accounting for the Investigator Bias Effect. *Journal of Applied Social Psychology*, 35, 1046; SM Kassin & CT Fong, “He’s guilty’: Investigator bias and judgments of truth and deception” (2002) 26 *Law and Human Behavior* 469-480.

<sup>vii</sup> *Dunsmuir*, above note ii, para 47.

<sup>viii</sup> The granting of refugee status is declaratory: the decision to grant his/her claim does not make the claimant a refugee but merely recognizes that pre-existing status. For discussion, see for example *The 1951 Convention Relating to the Status of Refugees and its 1967 Protocol: A Commentary*, Ed. Andreas Zimmerman, Assistant Eds., Jonas Dörschner, Felix Machts (Oxford: Oxford University Press, 2011).

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<sup>ix</sup> Two recent reviews of hundreds of studies involving tens of thousands of subjects, stretching over many decades and across a wide variety of contexts, reveal strikingly little variance in the human ability to assess credibility by observing testimony. The “typical” accuracy rate across these hundreds of studies is just slightly better than random chance; for the mean of these studies, “54% is a reasonable estimate,” in tests where 50% would represent chance. Charles F Bond, Jr. & Bella M DePaulo, “Accuracy of Deception Judgments” (2006) 10 *Personality and Social Psychology Review* 214-234 at 230; Charles F Bond, Jr. & Bella M DePaulo, “Individual Differences in Judging Deception: Accuracy and Bias” (2008) 134 *Psychological Bulletin* 477-492.

<sup>x</sup> See for example Bond 2008, above note ix; Kassin, above note vi; Garrido 2004, above note vi; Bella M DePaulo and Roger L. Pfeifer, “On-the-Job Experience and Skill at Detecting Deception” (1986) 16 *Journal of Applied Social Psychology* 249; Hartwig 2015, above note i; PA Granhag, LA Strömwall & M Hartwig, “Granting asylum or not? Migration Board personnel’s beliefs about deception” (2005) 31 *Journal of Ethnic and Migration Studies* 29-50. In one famous study, US Secret Service agents were found to have significantly higher than average lie-detection accuracy rates, and researchers theorized that they had possibly learned to rely more heavily on ‘non-verbal’ cues; P Ekman & M O’Sullivan, “Who can catch a liar?” (1991) 46 *American Psychologist* 913-20; and P Ekman & M O’Sullivan, “Who is misleading whom?: A reply to Nickerson and Hammond” (1993) 48 *American Psychologist* 989-90. Other studies have since found that other professionals who similarly rely on ‘behavioral clues’ are also able to achieve better-than-average lie-detection accuracy; P Ekman, M O’Sullivan & MG Frank, “A few can catch a liar” (1999) 10 *Psychological Science* 263-6. However, for a methodological criticism of these studies, suggesting that the better-performing subjects may have had an unfair advantage, see CF Bond Jr., “Commentary: A few can catch a liar, sometimes: Comments on Ekman and O’Sullivan (1991), as well as Ekman, O’Sullivan, and Frank (1999)” (2008) 22 *Applied Cognitive Psychology* 1298-1300.

<sup>xi</sup> For a discussion of this “feedback hypothesis” see for example Granhag 2005, above note x; PA Granhag & LA Strömwall, ‘Repeated interrogations – Stretching the deception detection paradigm’ (1999) 7 *Expert Evidence* 163; LA Strömwall, PA Granhag, A-C Jonsson, ‘Deception among pairs: “Let’s say we had lunch and hope they swallow it!”’ (2003) 9 *Psychology, Crime & Law* 109.

<sup>xii</sup> For a good summary, see Laura Zimmerman, “Deception detection: Researchers have developed new strategies to help police and other investigators catch liars in the act” (2016) 47 *Monitor on Psychology (American Psychological Association)* 46. For more in-depth discussion and analysis, see PA Granhag, A Vrij, & B Verschuere (Ed.), *Detecting deception: current challenges and cognitive approaches* (Chichester, West Sussex, UK: John Wiley & Sons, Ltd., 2015).

<sup>xiii</sup> See Z Given-Wilson, J Herlihy, & M Hodes, “Telling the story: A psychological review on assessing adolescents’ asylum claims” (2016) 57 *Canadian Psychology/Psychologie canadienne* 265; H Rogers, S Fox & J Herlihy, “The importance of looking credible: the impact of the behavioural sequelae of post-traumatic stress disorder on the credibility of asylum seekers” (2015) 21 *Psychology, Crime & Law* 139; J Herlihy, L Jobson & S Turner, “Just Tell Us What Happened to You: Autobiographical Memory and Seeking Asylum” (2012) 26 *Applied Cognitive Psychology* 661.

<sup>xiv</sup> See for example Immigration and Refugee Board of Canada, “Assessment of Credibility in Claims for Refugee Protection” (Jan 2004). For a discussion in the international refugee law context, see UN High Commissioner for Refugees (UNHCR), *Beyond Proof, Credibility Assessment in EU Asylum Systems: Full Report*, May 2013, available at: <http://www.refworld.org/docid/519b1fb54.html> [“Beyond Proof”]; Expert Roundtable, above note iv; James C. Hathaway & Michelle Foster, *The Law of Refugee Status* (2<sup>nd</sup> ed.) (Cambridge: Cambridge University Press, 2014) s.2.6. Of note, several authoritative sources suggest that demeanour evidence should never be relied upon in assessing a refugee claimant’s credibility: see for example UK Home Office, “Asylum Decision Making Guidance (Asylum Instructions) – 1. Assessing Credibility and Refugee Status, 5.6.4”; Hathaway 2014, above, at 143; Michael Kagan, “Is Truth in the Eye of the Beholder? Objective Credibility Assessment in Refugee Status Determination” (2003) 17 *Georgetown Immigration Law Journal* 367. The Canadian Federal Courts, however, while warning about the potential unreliability of inferences based on a claimant’s demeanour, have not rejected demeanour evidence entirely. See for example *Valtchev v. Canada (Minister of Citizenship and Immigration)* [2001] FCJ No 1131 at para 24 (Muldoon J);

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*Rajaratnam v. Canada (Minister of Citizenship and Immigration)* [2014] FCJ No 1125, 2014 FC 1071 at para 46 (O’Keefe J).

<sup>xv</sup> See for example Bond 2006, above note ix at 229; Kassin 2002, above note vi; E Garrido, J Massip & C Herrero “Police officers’ credibility judgments: Accuracy and estimated ability” (2004) 39 *International Journal of Psychology* 276; M Hurst, & M Oswald, “Mechanistic underlying response bias in deception detection” (2012) 18 *Psychology, Crime & Law* 759 at 760-1; Masip 2005, above note vi; J Masip, H Alonso, C Herrero & E Garrido, “Experienced and Novice Officers’ Generalized Communication and Veracity Judgments” (2016) 40 *Law and Human Behavior* 169.

<sup>xvi</sup> For discussion of the function of the presumption of innocence in the criminal context, see for example James B Thayer, “The Presumption of Innocence in Criminal Cases” (1896) 6 *Yale Law Journal* 185; John Kaplan, “Decision Theory and the Factfinding Process” (1968) 20 *Stanford Law Review* 1065 at 1077; RS Radford, “Statistical Error and Legal Error: Type One and Type Two Errors and the Law” (1987) 21 *Loyola of Los Angeles Law Review* 843 at 849; Michael L DeKay, “The Difference between Blackstone-Like Error Ratios and Probabilistic Standards of Proof” (1996) 21 *Law and Social Inquiry* 95 at 95-99. For a general discussion of role of error preference in law, see Thomas R. Lee, “Pleading and Proof: The Economics of Legal Burdens” (1997) 2 *Brigham Young University Law Review* 1; Mike Redmayne, “Standards of Proof in Civil Litigation” (1999) 62 *Modern Law Review* 167; David Hamer, “The Civil Standard of Proof Uncertainty: Probability, Belief and Justice” (1994) 16 *Sydney Law Review* 506; CR Williams, “Burdens and Standards in Civil Litigation” (2003) 25 *Sydney Law Review* 165; Ralph K Winter, “The Jury and the Risk of Nonpersuasion” (1971) *Law and Society Review* 336.

<sup>xvii</sup> Beyond Proof, above note xiv at 41.

<sup>xviii</sup> Immigration and Refugee Board of Canada, *Chairperson’s Guideline 8: Procedures with Respect to Vulnerable Persons Appearing Before the IRB*, s.4a); UK Home Office, *Asylum Decision Making Guidance (Asylum Instructions): Gender in Asylum Claims*, s.7.2; *Asylum Decision Making Guidance (Asylum Instructions): Assessing Credibility and Refugee Status*, s.5.5; Australian Administrative Appeals Tribunal, *Guidelines on Assessment of Credibility*, paras 22, 29; Australian Administrative Appeals Tribunal, *Guidelines on Vulnerable Persons*, para 93.

<sup>xix</sup> Immigration and Refugee Board of Canada, *Chairperson’s Guideline 8: Procedures with Respect to Vulnerable Persons Appearing Before the IRB*, s.4a); *Chairperson’s Guideline 4: Women Refugee Claimants Fearing Gender-Related Persecution*, D3; Immigration and Refugee Board, “Assessment of Credibility in Claims for Refugee Protection” (Jan 2004), s.2.3.7; Australian Administrative Appeals Tribunal, *Guidelines on Assessment of Credibility*, para 22; Australian Administrative Appeals Tribunal, *Guidelines on Vulnerable Persons*, para 93.

<sup>xx</sup> Immigration and Refugee Board of Canada, *Chairperson’s Guideline 8: Procedures with Respect to Vulnerable Persons Appearing Before the IRB*, s.4a); *Chairperson’s Guideline 4: Women Refugee Claimants Fearing Gender-Related Persecution*, D3; UK Home Office: *Asylum Decision Making Guidance (Asylum Instructions): Assessing Credibility and Refugee Status*, s.5.5; *Asylum Decision Making Guidance (Asylum Instructions): Gender in Asylum Claims*, 7.2; Australian Administrative Appeals Tribunal, *Guidelines on Assessment of Credibility* (para 29); Australian Administrative Appeals Tribunal, *Guidelines on Vulnerable Persons*, para 93.

<sup>xxi</sup> UK Home Office: *Asylum Decision Making Guidance (Asylum Instructions): Assessing Credibility and Refugee Status*, 5.5; Australian Administrative Appeals Tribunal, *Guidelines on Assessment of Credibility*, paras 30-31.

<sup>xxii</sup> Immigration and Refugee Board of Canada, *Chairperson’s Guideline 3: Child Refugee Claimants: Procedural and Evidentiary Issues*, B1; UK Home Office: *Children (Asylum Policy Guidance): Processing Children’s Asylum Claims*, 39-40; Australian Administrative Appeals Tribunal, *Guidelines on Vulnerable Persons*, paras 47-48.