

sovereignty while accommodating forced migrants. Whittaker's more objective view of these issues is his book's greatest strength and weakness. No book about such a controversial topic can be completely objective and he, like Marfleet, advocates more for forced migrants themselves rather than for nation-state interests. Further, in Whittaker's book of 144 pages, his arguments are often summarized in bullet points providing superficial detail. This approach does not give the reader a comprehensive introduction to the subject. Marfleet's book is more rigorously argued and his ideas are more consistent throughout. His novel approach in describing the history of migration is useful and fascinating even for those well acquainted with contemporary forced migration issues. Unfortunately, his open borders hypothesis is likely to alienate some readers who argue for the fundamental protection of the nation-state in the age of terror. Whittaker's and Marfleet's books are timely and simultaneously answer questions and raise many more about the future of the refugee regime.

Natalie Ondiak *Center for American Progress, Washington DC*

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Proof, Evidentiary Assessment and Credibility in Asylum Procedures. Edited by Gregor Noll. Leiden/Boston: Martinus Nijhoff, 2005. ix + 233pp. €160/\$216. ISBN 90 0414 0654.

Much of the academic work on asylum adjudication focuses on obstacles to institutional access or on the content of material law. Offering an exciting and welcome appraisal of legal, empirical and scholarly challenges pertaining to legal procedure, *Proof, Evidentiary Assessment and Credibility in Asylum Procedures* explores the politics of admission to the 'protected memberships' of European national communities. Despite ongoing European efforts to homogenize policy, and the obligations imposed by international law, both standards of procedure and recognition rates vary widely. Asylum adjudication is characterized by a confounding mixture of practices, such as the ambiguous conceptualization of burden of proof and the deferral of evidentiary assessments to the individual case officers' discretion, effectively limiting the scope of judicial review. At the same time, the current political climate has led to a reification of *credibility* as a technique for identifying deserving candidates for admission. Thus, despite the legislative and socio-cultural emphasis on human rights norms, the asylum adjudication machinery remains a problematic construct.

Described by Noll as a double hybrid, the design of asylum procedures incorporates inquisitorial and adversarial models, as well as featuring elements and concepts derived from administrative and penal procedures. As Noll points out, this area of law is characterized both by a fragmented theoretical apparatus, and by a dearth of scholarly attention. Rather than

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DJ Losen



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Proof, Evidentiary Assessment and Credibility in Asylum Procedures. The Raoul Wallenberg Institute Human Rights Library Gregor Noll, 2005 Today a majority of asylum cases are arguably decided on the basis of evidentiary assessment rather than issues of material law Although the EU wide Common European Asylum System purports to harmonise domestic practices at a minimum level it fails to offer remedies for this crucial issue which poses challenges for practitioners and academics alike Without a coherent approach to evidentiary assessment asylum law will remain fragmented and open to discretionary excess Up to now academic research has not addressed issues of proof and credibility in the asylum procedure to an extent reflecting its practical importance This edited volume attempts to fill the void Academic experts on the theory of evidence international criminal law human rights law refugee law sociology of law and psychology have contributed chapters exploring both empirical and normative dimensions of evidentiary assessment Drawing on the results of a 12 month research project within the framework of the Refugee Research Programme and of three interdisciplinary expert conferences held at the Danish Centre for Human Rights Copenhagen the Institute for International Integration Studies Dublin and the Faculty of Law Lund this volume sets new parameters for an informed debate on evidence in asylum cases *The Central Law Journal*, 1888 Vols 64 96 include Central law journal s international law list

Proof, Evidentiary Assessment and Credibility in Asylum Procedures Gregor Noll, 2005-03-01 Today a majority of asylum cases are arguably decided on the basis of evidentiary assessment rather than issues of material law Although the EU wide Common European Asylum System purports to harmonise domestic practices at a minimum level it fails to offer remedies for this crucial issue which poses challenges for practitioners and academics alike Without a coherent approach to evidentiary assessment asylum law will remain fragmented and open to discretionary excess Up to now academic research has not addressed issues of proof and credibility in the asylum procedure to an extent reflecting its practical importance This edited volume attempts to fill the void Academic experts on the theory of evidence international criminal law human rights law refugee law sociology of law and psychology have contributed chapters exploring both empirical and normative dimensions of evidentiary assessment Drawing on the results of a 12 month research project within the framework of the Refugee Research Programme and of three interdisciplinary expert conferences held at the Danish Centre for Human Rights Copenhagen the Institute for International Integration Studies Dublin and the Faculty of Law Lund this volume sets new parameters for an informed debate on evidence in asylum cases

Cyclopedia of Law and Procedure William Mack, Howard Pervear Nash, 1913 **Cyclopedia of Law and Procedure**, 1913 **Complete Word Index of Annotations in American Law Reports**, 1937 *The Vermont Digest, Annotated*, 1911 The Criminal Justice Periodical Index, 1988 *Gregor Noll (Hrsg.): Proof, Evidentiary Assessment and Credibility in Asylum Procedures (The Raoul Wallenberg Institute Human Rights Library ; Vol. 16)* Stefan Keßler, 2005 Index to Legal Periodicals & Books, 2004 **Evidence in European Asylum Procedures** Ida

Staffans,2012-04-19 Evidentiary assessment holds a central position in all forms of judicial decision making Also the asylum procedure is dependent on solutions made in theory and practice regarding evidentiary issues This book explores the particular framework of evidentiary assessment in selected European appellate asylum procedures and discusses the relationship between these procedures on the one hand and between these procedures and other legal systems including the EU legal order on the other Conclusions are made regarding the similarities and differences between the German English and Finnish asylum procedures and the position and impact of European legal norms on the national procedures The book further discusses possibilities for harmonization and the future work towards a Common European Asylum System *The New York Times Index* ,1971 *Assessing Testimonial Evidence in Asylum Proceedings* Rosemary Byrne,2010 Although credibility determinations rest at the core of refugee protection international refugee law has failed to develop a body of evidentiary principles that is tailored to the unique dimensions of the testimony of those seeking asylum This article examines recent developments in assessing oral testimony in international criminal law International criminal law judges like national asylum adjudicators must transcend geographic linguistic cultural educational and psychological barriers in order to assess the credibility of testimony As a result these new international courts have developed a body of principles of international evidence law for assessing the testimony of alleged victims of and witnesses to human rights abuses Current social science research on the asylum procedures in several jurisdictions reveals that asylum decision makers often fail to adapt the determination process to account for the realities of refugees presenting their cases in legal fora directing proceedings with a presumptive skepticism of claims It is argued that the nuanced and rigorous model for the assessment of the testimonial evidence of alleged victims and witnesses of human rights abuses in war crimes trials introduces effective international norms for the assessment of credibility in asylum proceedings **Vertical Judicial Dialogues in Asylum Cases** Dana Baldinger,2015-05-12 What do international and EU law require from the national asylum judge with regard to the intensity of judicial scrutiny to be applied and evidentiary issues To answer that question an analysis is made of the provisions on national judicial proceedings contained in the Refugee Convention RC the International Covenant on Civil and Political Rights ICCPR the UN Convention against Torture CAT the European Convention on Human Rights ECHR and the EU Charter of Fundamental Rights In addition the assessment as performed by the UN Human Rights Committee the UN Committee against Torture and the European Court of Human Rights in cases concerning the expulsion of asylum seekers is analysed Rigorous Scrutiny Versus Marginal Review Dana Baldinger,2013 This book explores what international and EU law require from the national asylum judge with regard to the required intensity of the judicial scrutiny to be applied and with regard to evidentiary issues such as the standard and burden of proof the assessment of credibility the required level of individualisation the admission and evaluation of evidence opportunities for presenting evidence and time limits for submitting evidence To that end an analysis is made of the provisions on national judicial proceedings contained in the

Refugee Convention the International Covenant on Civil and Political Rights the UN Convention against Torture the European Convention on Human Rights the Charter of Fundamental Rights of the EU and a number of secondary EU law instruments such as the EU Qualification Directive and the EU Asylum Procedures Directive with a particular focus on issues of evidence and judicial scrutiny

Evidence and Credibility Assessment in the Context of the Common European Asylum System ,2018 This judicial analysis has been developed by a process having two components an editorial team ET of judges and tribunal members with overall responsibility for the final product and a drafting team of experts In order to ensure the integrity of the principle of judicial independence and that the EASO professional development series for members of courts and tribunals is developed and delivered under judicial guidance an ET composed of serving judges and tribunal members with extensive experience and expertise in the field of asylum law was selected under the auspices of a joint monitoring group JMG The JMG is composed of representatives of the contracting parties EASO and IARLJ Europe The ET reviewed drafts gave detailed instructions to the drafting team drafted amendments and was the final decision making body as to the scope structure content and design of the work The work of the ET was undertaken through a combination of face to face meetings in Oslo in May 2016 Valletta in January 2017 and Amsterdam in April 2017 as well as regular electronic telephonic communication

Assessment of Credibility by Judges in Asylum Cases in the EU C. A. F. M. Grütters, Elspeth Guild, Sebastiaan de Groot, 2013 Seminar contributions of a seminar at Radboud University Nijmegen 16 April 2013 on Judicial Scrutiny and Credibility Assessment in Asylum Procedures Page 11

Credibility Assessment in Asylum Procedures - a Multidisciplinary Training Manual ,2013

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