

The use of country guidance case law in refugee recognition outside the UK

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The use of country guidance case law is now a well-established tool in refugee recognition in the UK, with lawyers, State decision-makers and independent judges using these determinations. There now exist over 300 country guidance cases relating to asylum seekers from more than 60 countries. These are in the public domain, located on the Courts and Tribunals website,¹ and are sorted by country with links to a full copy of the determination for each case.

They were introduced in the refugee status determination process in the UK in 2002 to help provide consistency in decision-making when considering the same or similar issues and evidence for individual applicants relating to their country of origin. When applied in the UK, they go beyond being solely a source of country of origin information, additionally providing guidance that is treated as authoritative in the refugee status determination process (unless there are good reasons not to rely on them).²

As an open-access resource, these decisions can and are being used by some decision-makers in the refugee recognition process outside the UK. If relying on them, it is important to ensure that the

most recent determination on the issue is being considered and that the decision-maker properly takes account of other and any new country of origin evidence that has emerged since the country guidance case was determined and that may be relevant to the case in question. It is also critical that the specific facts of the individual application are considered. The *Best Practice Guide to Asylum and Human Rights Appeals*³ provides useful guidance on how a country guidance case may apply to an individual claim.

Although clearly not authoritative in refugee recognition processes outside the UK, country guidance determinations should be perceived as one source of open-access information.

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1. The most recent list, published in September 2020, is at bit.ly/UK-country-guidance-Sept2020
2. See the Upper Tribunal (Immigration and Asylum Chamber) Guidance Note 2011 No 2 bit.ly/guidance-note-2
3. Henderson M, Moffatt R and Pickup A (2020) *Best Practice Guide to Asylum and Human Rights Appeals* www.ein.org.uk/bpg/contents