Using multi-member panels to tackle RSD complexities

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Research across a range of European jurisdictions suggests that the use of multi-member judicial panels at appeal stage improves the quality and fairness of RSD.

Appeals against negative refugee status determination (RSD) decisions are an essential component of fair asylum procedures and provide crucial oversight of the quality and accuracy of initial decisions. And yet, a worrying trend among signatories of the 1951 Refugee Convention sees States grappling with how to make appeals as quick and cheap as possible. One key tactic has been the reform and re-configuration of appeal bodies, notably in relation to the identity and number of participating judges.

Our findings, based on observational and interview data from the ASYFAIR Project,1 indicate that appellants, their legal representatives and judges appreciate multi-lateral teamwork in this complex area of law – an area which a) often depends on credibility assessment, b) is dependent on high levels of discretion and c) is infiltrated by cultures of denial and disbelief. While many States are retreating to single-judge procedures as a way of cutting costs and achieving efficiency, collaborative elements help promote accurate, high-quality decision-making, and future policy should reflect this.

A mediating effect

Democratic legal systems around the world recognise that matters of great importance should be deliberated and decided by a panel of adjudicators, rather than by a single judge.