Complexity of fact-finding in refugee determination

Obstacles for the claimant in presenting claim and evidence
- Lack of familiarity with Canadian legal system & norms
- Language and use of interpretation
- Access to evidence
- Access to counsel / poor legal representation / myths about process
- Memory/trauma

Does the person need Canada’s protection?
- Assessing unfamiliar circumstances
- Implicit bias / danger of reliance on common sense
- Limited time (with claimant; and to make a decision)

Obstacles for decision-makers in understanding the claim and evidence

Nature of the inquiry
- High stakes
- Forward-looking risk assessment
- Inquisitorial mixed with onus on claimant to present claim