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AI, CREDIBILITY, AND EVIDENCE IN ASYLUM LAW: DIALECT RECOGNITION, TRANSCRIPT SUMMARISATION, DOCUMENT ANALYSIS, AND COUNTRY-OF-ORIGIN RESEARCH

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I. ABSTRACT

Artificial intelligence is increasingly entering refugee status determination through tools such as dialect recognition, name transliteration, speech transcription, transcript summarisation, document analysis, country-of-origin research, and case matching. These tools are often presented as instruments of efficiency, consistency, and administrative support. Yet, in asylum law, they operate within a field where proof is already fragile and credibility is often decisive. Applicants may flee without documents, lose evidence during displacement, face trauma-related memory gaps, or remain unable to obtain corroboration from unsafe States. In such conditions, AI-shaped evidence may not merely assist decision-makers. It may silently influence how truth, identity, origin, and risk are understood. This paper examines the legal reliability standard that should govern AI-assisted evidence in asylum adjudication. It argues that technical accuracy alone cannot justify evidentiary reliance. Asylum decisions require legal trustworthiness, which must include explainability, traceability, data quality, contestability, human oversight, and protection against sole or decisive reliance on automated outputs. The paper analyses the doctrinal foundation of credibility assessment, the benefit of doubt principle, evidentiary vulnerability of asylum seekers, and the risks of administrative over-reliance on technical tools. It further evaluates the EU AI Act, especially its classification of asylum-related AI systems as high-risk, and considers its relationship with asylum law safeguards, non-refoulement, individual assessment, and the right to an effective

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remedy. The paper concludes that AI may assist asylum decision-making, but it must never replace human legal judgment. In refugee protection, technology must remain subordinate to fairness, reasons, and the duty to protect people from persecution and serious harm.

II. KEYWORDS

Artificial Intelligence, Asylum Law, Refugee Status Determination, Credibility Assessment, Evidence, Dialect Recognition, Country-of-Origin Information, EU AI Act

III. INTRODUCTION

A. Background: Technology in Refugee Status Determination

Technology has entered refugee status determination through tools that appear practical, efficient, and administratively modest. Asylum authorities now use or consider systems for language analysis, dialect recognition, name transliteration, biometric comparison, speech transcription, document examination, country-of-origin research, mobile-phone data review, and case matching. These tools do not merely support office management. They shape the evidentiary environment in which an applicant's identity, origin, fear, and credibility are tested. In protection law, this distinction is vital. Technical output may look like assistance. Yet it may influence the officer's first view of truth.[2]

Refugee status determination has always depended on careful fact-finding. The 1951 Refugee Convention protects a person who has a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group, or political opinion. This legal definition needs human narration. It needs proof of risk. It also needs an assessment of whether the applicant's account fits known country's conditions and personal circumstances. Technology now enters this inquiry at many points. It can

[2] COSTICA DUMBRAVA, EUROPEAN PARLIAMENTARY RESEARCH SERVICE, ARTIFICIAL INTELLIGENCE IN ASYLUM PROCEDURES IN THE EU 5–6 (2025), https://www.europarl.europa.eu/RegData/etudes/BRIE/2025/775861/EPRS_BRI(2025)775861_EN.pdf (last visited June 20, 2026).

organise facts, but it can also reframe them. It can make uncertainty look clean. It can make doubt look scientific.[3]

The modern asylum file is therefore no longer only a collection of statements, documents, interviews, and country reports. It may also contain machine-shaped evidence. A transcript may be generated automatically. A summary may be produced by software. A dialect result may question origin. A document tool may flag irregularity. A country research system may retrieve sources through hidden ranking logic. Each intervention affects the record which later travels through first-instance decisions, appeals, and judicial review. The evidentiary chain becomes partly digital, partly human, and partly opaque.[4]

The EU AI Act recognises the sensitivity of this field. It classifies certain AI systems used in migration, asylum, and border control as high-risk. It also covers systems used to assist competent authorities in examining asylum applications, including assessments of the reliability of evidence. This classification is not symbolic. It shows that AI in asylum procedure may affect fundamental rights, legal status, family unity, liberty, and protection from return to harm. Therefore, AI cannot be studied only as a technology issue. It must be studied as an evidentiary and human-rights issue.[5]

B. Fragility of Proof and Credibility in Asylum Claims

Proof in asylum law is fragile because persecution rarely leaves orderly evidence. A person may flee at night. A family may destroy political material before soldiers arrive. A survivor of torture may have no medical record. A woman who faced sexual violence may disclose only after trust develops. An LGBTQI+ applicant may have lived in concealment. A child may not know dates, routes, or official names. Stateless people and

[3] Convention Relating to the Status of Refugees art. 1(A)(2), July 28, 1951, 189 U.N.T.S. 137.
[4] UNHCR, BEYOND PROOF: CREDIBILITY ASSESSMENT IN EU ASYLUM SYSTEMS 27–31 (2013), https://www.unhcr.org/media/full-report-beyond-proof-credibility-assessment-eu-asylum-systems (last visited June 20, 2026).
[5] Regulation (EU) 2024/1689 of the European Parliament and of the Council, Annex III, point 7(c), 2024 O.J. (L 2024/1689).

minorities may possess weak or inconsistent documents. These are not exceptional gaps. They are features of displacement itself.[6]

Credibility therefore becomes central. Yet credibility in asylum law cannot mean neat memory or perfect chronology. Trauma may disturb narration. Translation may distort meaning. Shame may delay disclosure. Cultural distance may make an answer appear evasive. Fear of authority may make the applicant cautious. UNHCR's credibility guidance recognises that applicants may struggle to substantiate every part of their claim and that decision-makers may need to give the benefit of the doubt where the account is generally credible. This principle protects the humanitarian nature of refugee law.[7]

Courts have also treated asylum proof differently from ordinary civil proof. In *Karanakaran v. Secretary of State for the Home Department*, [2000] EWCA Civ 11, the Court of Appeal rejected a rigid probability approach and allowed decision-makers to consider material across a spectrum of certainty while assessing future risk. The case remains important because asylum adjudication often deals with incomplete facts. The legal task is not to demand mathematical certainty. It is to assess whether return would expose the applicant to a real risk of persecution or serious harm.[8]

The fragility of proof makes AI both attractive and dangerous. Authorities may seek technical tools to reduce delays, verify identity, and bring consistency. Yet these tools may also magnify error. A mistranscription may damage credibility. A dialect mismatch may wrongly question nationality. A summary may remove context. A document flag may shift suspicion onto a person who cannot obtain better proof. In such cases,

[6] UNHCR, HANDBOOK ON PROCEDURES AND CRITERIA FOR DETERMINING REFUGEE STATUS ¶ 196 (rev. ed. 2019), https://www.unhcr.org/sites/default/files/legacy-pdf/5ddfcdc47.pdf (last visited June 20, 2026).
[7] UNHCR, HANDBOOK ON PROCEDURES AND CRITERIA FOR DETERMINING REFUGEE STATUS ¶¶ 203–04 (rev. ed. 2019), https://www.unhcr.org/sites/default/files/legacy-pdf/5ddfcdc47.pdf (last visited June 20, 2026).
[8] Karanakaran v. Secretary of State for the Home Department, [2000] EWCA Civ 11.

technology does not merely assist decision-making. It may silently alter the standard by which vulnerability is believed.[9]

C. Research Objectives

1. To examine the doctrinal foundation of proof, credibility, and evidentiary vulnerability in asylum law.
2. To analyse the role of AI systems in shaping evidence and credibility findings in refugee status determination.
3. To evaluate the EU AI Act and related asylum-law safeguards governing AI systems used in migration, asylum, and border control.
4. To propose a legally sound AI reliability standard based on explainability, traceability, human oversight, contestability, and prohibition of sole or decisive reliance on AI-generated findings.

D. Research Questions

1. What legal reliability standard should govern AI-shaped evidence in refugee status determination where credibility, identity, and proof are already fragile?
2. How do AI tools such as dialect recognition, transcript summarisation, document analysis, name transliteration, and country-of-origin research affect credibility assessment in asylum proceedings?
3. To what extent does the EU AI Act adequately regulate high-risk AI systems used in migration, asylum, and border control, particularly where such systems assist in assessing the reliability of evidence?
4. What procedural safeguards are necessary to ensure that AI-assisted asylum decision-making remains consistent with individual assessment, benefit of doubt, non-refoulement, and the right to an effective remedy?

[9] Directive 2013/32/EU of the European Parliament and of the Council, art. 10(3), 2013 O.J. (L 180) 60.

E. Research Methodology

This research adopts doctrinal and analytical legal research methodology. It relies on primary legal sources such as the 1951 Refugee Convention, the 1967 Protocol, EU asylum directives, the EU AI Act, the Charter of Fundamental Rights of the European Union, and relevant judicial decisions of the European Court of Human Rights, the Court of Justice of the European Union, and other persuasive courts. It also uses secondary sources such as UNHCR handbooks, EUAA materials, European Parliamentary Research Service reports, scholarly articles, books, and policy studies on artificial intelligence, credibility assessment, digital evidence, and refugee status determination.

The study examines how AI tools such as dialect recognition, transcript summarisation, document analysis, name transliteration, and country-of-origin research affect the evidentiary structure of asylum claims. It further evaluates whether existing legal safeguards sufficiently address the risks of opacity, bias, over-reliance, and procedural unfairness. The methodology is qualitative in nature and focuses on legal interpretation, doctrinal synthesis, comparative reasoning, and normative analysis to propose an AI reliability standard grounded in explainability, contestability, human oversight, and protection against refoulement.

IV. CREDIBILITY AND EVIDENCE IN ASYLUM LAW: THE DOCTRINAL FOUNDATION

A. Nature of Proof in Asylum Proceedings

Proof in asylum proceedings carries a distinct humanitarian character. It does not resemble ordinary civil proof, where parties usually preserve documents, call witnesses, and reconstruct events with relative stability. The asylum applicant often escapes in fear. He may cross borders without papers. She may lose documents during flight. Many applicants cannot obtain police records, medical evidence, travel papers, or corroborative testimony from the very State or group that caused the feared persecution. Therefore, refugee status determination cannot demand perfect proof. It must assess risk through a

realistic, protective, and context-sensitive lens. The 1951 Refugee Convention defines a refugee through a "well-founded fear" of persecution. This formulation itself blends subjective fear with objective risk, and it requires decision-makers to examine both personal narrative and country conditions.[10]

The burden of substantiation generally begins with the applicant. Yet asylum law does not treat this burden as rigid or adversarial. Article 4(1) of Directive 2011/95/EU allows Member States to require the applicant to submit all elements needed to substantiate the claim. However, it also places the authority under a duty to assess those elements in cooperation with the applicant. This cooperative model matters. It recognises that asylum adjudication deals with unequal access to proof. The applicant provides the personal account. The authority must then test it against law, country-of-origin information, patterns of persecution, and available evidence. Thus, proof becomes an evaluative process, not a mechanical hunt for documents.[11]

Courts have also rejected the idea that asylum proof should follow the hard structure of ordinary civil litigation. In *Karanakaran v. Secretary of State for the Home Department*, [2000] EWCA Civ 11, the Court of Appeal treated asylum fact-finding as a broad evaluative exercise. The decision-maker must consider all material that may bear on risk, even where some parts remain uncertain. This approach is doctrinally important for AI-shaped evidence. If asylum proof already tolerates uncertainty, then dialect recognition, transcript summaries, document checks, and algorithmic country research cannot convert uncertain human experience into false administrative certainty.[12]

The evidentiary inquiry also remains forward-looking. The question is not only whether persecution occurred in the past. The central question asks whether return would expose the applicant to a real risk of persecution or serious harm. Past harm may support future risk, but it does not exhaust the inquiry. Country conditions may change. Political

[10] Convention Relating to the Status of Refugees art. 1(A)(2), July 28, 1951, 189 U.N.T.S. 137.
[11] Directive 2011/95/EU of the European Parliament and of the Council, art. 4(1), 2011 O.J. (L 337) 9.
[12] Karanakaran v. Secretary of State for the Home Department, [2000] EWCA Civ 11.

movements may collapse. Armed groups may expand. Family, religion, gender, sexuality, ethnicity, and digital traces may sharpen risk over time. Article 4(3) of Directive 2011/95/EU therefore requires an individual assessment, including all relevant facts about the country of origin at the time of decision, the applicant's statements, documents, background, gender, age, and personal circumstances.[13]

B. Credibility Assessment and the Benefit of Doubt Principle

Credibility assessment stands at the centre of asylum adjudication because many claims depend on testimony. Yet credibility cannot mean a narrow search for minor inconsistencies. Trauma, translation gaps, poor memory, shame, fear of officials, cultural distance, and interview pressure may affect narration. A delayed disclosure of sexual violence or political activity may not show fabrication. A wrong date may not destroy the whole account. Decision-makers must therefore distinguish between material contradictions and natural human variation. The UNHCR Handbook accepts that, after a genuine effort to substantiate the story, some statements may remain incapable of strict proof. In such cases, the applicant may receive the benefit of the doubt if the account appears generally credible.[14]

The benefit of doubt principle does not remove scrutiny. It disciplines scrutiny. It applies only when the applicant has made a sincere effort, has supplied available evidence, has given a coherent account, and has offered a plausible explanation for gaps. This principle reflects the moral structure of refugee law. The cost of error is asymmetric. A mistaken grant may affect immigration control. A mistaken refusal may expose a person to persecution, torture, or death. For this reason, the evidentiary threshold in asylum law

[13] Directive 2011/95/EU of the European Parliament and of the Council, art. 4(3), 2011 O.J. (L 337) 9.
[14] UNHCR, HANDBOOK ON PROCEDURES AND CRITERIA FOR DETERMINING REFUGEE STATUS ¶¶ 203–04 (rev. ed. 2019), https://www.unhcr.org/sites/default/files/legacy-pdf/5ddfcdc47.pdf (last visited June 20, 2026).

must remain lower than the criminal standard and more flexible than conventional civil proof.[15]

The European Court of Human Rights has given this principle concrete force under Article 3 of the European Convention on Human Rights. In *J.K. and Others v. Sweden*, App. No. 59166/12, Eur. Ct. H.R. (2016), the Grand Chamber held that where an applicant's account appears credible, he should receive the benefit of the doubt unless good reasons justify a contrary conclusion. The Court also recognised that asylum applicants may face serious practical difficulty in producing evidence from their country of origin. This reasoning strengthens procedural fairness. It stops authorities from rejecting claims merely because a persecuted person cannot produce evidence from unsafe places.[16]

Credibility also requires lawful reasoning. The decision-maker must identify why a fact matters, why an inconsistency is material, and why external evidence confirms or weakens the account. Directive 2013/32/EU requires an appropriate examination of applications and insists that determining authorities assess applications objectively and impartially. This duty becomes more demanding when AI enters the evidentiary chain. If a transcript summariser removes hesitation, emotion, or context, it may distort credibility. If dialect recognition misclassifies origin, it may wrongly impeach identity. If document analysis marks a paper as suspicious without explainable reasons, it may unfairly shift the burden back to the applicant.[17]

Country-of-origin information also affects credibility. A claim may appear implausible to an officer until reliable country material shows that the alleged practice exists. Conversely, general country reports cannot erase an applicant's individual risk. The Court of Justice has insisted on an individual assessment in protection claims. In *CF and DN v. Bundesrepublik Deutschland*, Joined Cases C-901/19 and C-915/19, ECLI:EU:C:2021:472, the Court rejected fixed numerical thresholds for serious harm and

[15] JAMES C. HATHAWAY & MICHELLE FOSTER, THE LAW OF REFUGEE STATUS 120–25 (2d ed. 2014).
[16] J.K. and Others v. Sweden, App. No. 59166/12, Eur. Ct. H.R. ¶ 97 (2016).
[17] Directive 2013/32/EU of the European Parliament and of the Council, art. 10(3), 2013 O.J. (L 180) 60.

required a comprehensive appraisal of all relevant circumstances. The same logic applies to credibility. A human story cannot be reduced to data points alone.[18]

C. Evidentiary Vulnerability of Asylum Seekers

Asylum seekers enter adjudication with a structural evidentiary disadvantage. They often flee in haste. They may carry no passport, no police record, no medical file, and no proof of political opinion, religion, sexuality, ethnicity, or family persecution. In many cases, the persecuting State controls the documents which the applicant needs. In other cases, the applicant cannot safely contact family members, former colleagues, lawyers, doctors, or local officials. Therefore, refugee status determination cannot treat missing evidence as ordinary non-production. It must treat it as a predictable feature of forced displacement.[19]

This vulnerability deepens when the applicant belongs to a persecuted group that hides its identity for survival. Survivors of sexual violence may narrate facts slowly. LGBTQI+ applicants may not possess public proof of identity or relationships. Religious converts may lack formal membership records. Political dissidents may avoid digital traces. Children may not understand dates or routes. Trauma may disturb memory and sequence. So, credibility assessment must not punish fear, silence, shame, or fragmented recollection. Article 4(5) of Directive 2011/95/EU recognises this logic. It allows authorities to accept unsupported statements where the applicant has made a genuine effort, has submitted available material, has given a coherent account, and has shown general credibility.[20]

The European Court of Human Rights has also treated evidentiary vulnerability with care. In *R.C. v. Sweden*, App. No. 41827/07, Eur. Ct. H.R. (2010), the applicant relied on a medical certificate indicating injuries consistent with torture. The Court found that

[18] CF and DN v. Bundesrepublik Deutschland, Joined Cases C-901/19 & C-915/19, ECLI:EU:C:2021:472.
[19] UNHCR, HANDBOOK ON PROCEDURES AND CRITERIA FOR DETERMINING REFUGEE STATUS ¶ 196 (rev. ed. 2019), https://www.unhcr.org/sites/default/files/legacy-pdf/5ddfcdc47.pdf (last visited June 20, 2026).
[20] Directive 2011/95/EU of the European Parliament and of the Council, art. 4(5), 2011 O.J. (L 337) 9.

national authorities could not dismiss such material through abstract scepticism. The case matters because it links credibility with contextual proof. Medical evidence, even when not conclusive, may strengthen a narrative. It may also shift the inquiry from suspicion to risk. In asylum law, a document rarely proves the whole story. Yet it may corroborate the core of persecution.[21]

UNHCR's study *Beyond Proof* rightly shows that credibility assessment depends on memory, demeanour, interpretation, culture, trauma, and decision-maker expectations. These factors make asylum fact-finding unusually fragile. A confident narrative may be false. A hesitant narrative may be true. A neat chronology may reflect coaching. A broken chronology may reflect harm. Therefore, legal reliability must rest on careful reasons, not intuition. This point becomes crucial when AI systems enter the process. If a system converts speech, dialect, documents, or country information into neat outputs, it may hide the very uncertainty that asylum law must preserve.[22]

D. Risks of Administrative Over-Reliance on Technical Tools

Administrative over-reliance begins when authorities treat technical output as objective truth. In asylum proceedings, this danger carries unusual force. A dialect tool may suggest that an applicant does not come from the claimed region. A transcription system may omit hesitation, tone, distress, or interpreter intervention. A summarisation tool may compress a painful narrative into sterile bullet points. A document-analysis tool may mark a certificate as suspicious without explaining the basis. Each output may appear neutral. Yet each may carry training-data limits, language bias, cultural blind spots, and design assumptions.[23]

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[21] R.C. v. Sweden, App. No. 41827/07, Eur. Ct. H.R. (2010).
[22] UNHCR, BEYOND PROOF: CREDIBILITY ASSESSMENT IN EU ASYLUM SYSTEMS 27–31 (2013), https://www.unhcr.org/media/full-report-beyond-proof-credibility-assessment-eu-asylum-systems (last visited June 20, 2026).
[23] COSTICA DUMBRAVA, EUROPEAN PARLIAMENTARY RESEARCH SERVICE, ARTIFICIAL INTELLIGENCE IN ASYLUM PROCEDURES IN THE EU 4–6 (2025), https://www.europarl.europa.eu/RegData/etudes/BRIE/2025/775861/EPRS_BRI(2025)775861_EN.pdf (last visited June 20, 2026).

Directive 2013/32/EU requires asylum authorities to examine applications objectively and impartially. It also requires precise and up-to-date country-of-origin information from relevant sources. This duty does not disappear when a machine assists the officer. Rather, it becomes more demanding. The authority must know what the tool did, what data it used, what margin of error it carried, and how the applicant can challenge the result. Without this discipline, AI-shaped evidence may silently alter the burden of proof. The applicant may then have to disprove a machine, instead of explaining a human claim.[24]

Recent EU parliamentary material records several AI uses in asylum systems, including dialect recognition, name transliteration, automatic speech transcription, case matching, and mobile-phone data analysis. The same material warns that inaccurate or biased AI applications may jeopardise asylum rights, reinforce discrimination, and weaken procedural safeguards. This warning fits the doctrine of evidentiary vulnerability. Asylum seekers are already struggling to produce conventional proof. If authorities add opaque technical proof against them, the procedure may look modern while becoming less fair.[25]

The EU AI Act confirms the seriousness of this risk. Annex III classifies AI systems used by competent authorities to assist the examination of asylum, visa, or residence applications as high-risk, including systems that assess the reliability of evidence. This classification matters doctrinally. It shows that asylum-related AI does not operate as a mere clerical tool. It may influence eligibility, credibility, identity, and protection outcomes. Therefore, human oversight must mean real review, not ritual approval. The

[24] Directive 2013/32/EU of the European Parliament and of the Council, art. 10(3), 2013 O.J. (L 180) 60.
[25] COSTICA DUMBRAVA, EUROPEAN PARLIAMENTARY RESEARCH SERVICE, ARTIFICIAL INTELLIGENCE IN ASYLUM PROCEDURES IN THE EU 1 (2025), https://www.europarl.europa.eu/RegData/etudes/BRIE/2025/775861/EPRS_BRI(2025)775861_EN.pdf (last visited June 20, 2026).

officer must test the tool. The officer must give reasons. The officer must remain legally responsible.[26]

Over-reliance also threatens the right to an effective remedy. If the applicant cannot see the adverse technical finding, understand its logic, or obtain meaningful disclosure, appeal rights become hollow. Article 47 of the Charter of Fundamental Rights of the European Union protects an effective remedy and fair hearing. This protection requires more than access to a tribunal. It requires reasons capable of challenging. In AI-assisted asylum adjudication, fairness therefore demands disclosure, explainability, contestability, and independent human evaluation before any technical output affects credibility.[27]

V. THE ENTRY OF AI INTO ASYLUM DECISION-MAKING

A. AI as Evidentiary Assistance Rather than Neutral Administration

AI enters asylum decision-making through seemingly modest functions. It translates names. It transcribes interviews. It detects dialects. It compares documents. It summarises narratives. It organises country-of-origin information. Yet these functions do not remain purely clerical. They shape the evidentiary record on which credibility, identity, and fear of persecution are assessed. An asylum file is not a neutral archive. It is a legally constructed account of vulnerability. Therefore, every technical intervention that selects, compresses, ranks, or labels facts affects adjudication.[28]

The EU AI Act recognises this danger. Annex III classifies certain AI systems in migration, asylum, and border control as high-risk. It expressly includes systems used to assist competent authorities in examining asylum, visa, or residence applications, including related assessments of the reliability of evidence. This wording is doctrinally important.

[26] Regulation (EU) 2024/1689 of the European Parliament and of the Council, Annex III, 2024 O.J. (L 2024/1689).
[27] Charter of Fundamental Rights of the European Union, art. 47, 2012 O.J. (C 326) 391.
[28] JAMES C. HATHAWAY & MICHELLE FOSTER, THE LAW OF REFUGEE STATUS 118–25 (2d ed. 2014).

It rejects the fiction that such tools merely help administration. Once an AI system informs reliability, it enters the law of evidence. It influences whether a person appears truthful, documented, traceable, or suspicious.[29]

AI assistance may still serve lawful purposes. It may reduce delays. It may help officers search for large country reports. It may identify inconsistencies that require clarification. It may also support linguistic access where interpreters are scarce. However, efficiency cannot become the governing value of asylum procedure. Directive 2013/32/EU requires applications to be examined individually, objectively, and impartially. That obligation belongs to the determining authority, not to a model. The officer must retain judgment. The applicant must retain voice. The record must be maintained nuance.[30]

The central error lies in treating AI output as administrative neutrality. A dialect tool may rely on limited speech samples. A transcript system may miss tone, fear, hesitation, or interpreter confusion. A summarisation tool may remove details that later become legally decisive. A document-analysis tool may assign suspicion without showing why. These outputs appear clean because machines produce them in structured form. But structure is not truth. It may only make uncertainty look official.[31]

The European Parliament Research Service has noted that AI technologies in EU asylum systems promise efficiency and consistency, yet inaccurate or biased applications may jeopardise the right to asylum, reinforce discrimination, and weaken procedural safeguards. It also records uses such as dialect recognition, name transliteration, automatic speech transcription, and case matching. These examples show why AI must

[29] Regulation (EU) 2024/1689 of the European Parliament and of the Council, Annex III, point 7(c), 2024 O.J. (L 2024/1689).
[30] Directive 2013/32/EU of the European Parliament and of the Council, art. 10(3), 2013 O.J. (L 180) 60.
[31] UNHCR, BEYOND PROOF: CREDIBILITY ASSESSMENT IN EU ASYLUM SYSTEMS 27–31 (2013), https://www.unhcr.org/media/full-report-beyond-proof-credibility-assessment-eu-asylum-systems (last visited June 20, 2026).

be framed as evidentiary assistance. It should generate questions, not conclusions. It should support inquiry, not replace reasons.[32]

A lawful model of AI use must therefore follow three limits. First, no adverse credibility finding should rest solely or decisively on AI output. Secondly, the applicant must know when such output has affected the file. Thirdly, the applicant must have a fair chance to explain, correct, and challenge it. These limits flow from the right to an effective remedy and fair hearing under Article 47 of the Charter of Fundamental Rights of the European Union. Without disclosure and contestability, technical assistance becomes silent adjudication.[33]

B. Key use cases in asylum systems

1. Dialect and Language Recognition

Dialect and language recognition tools test an applicant's claimed region or country of origin through speech. In asylum law, this is never a small technical step. Origin may affect nationality, risk, Convention nexus, internal relocation, and credibility. Germany's Federal Office for Migration and Refugees use the Language Biometrics Assistance System, known as DIAS, to support origin assessment through phonetic patterns in speech. The tool has been used for certain Arabic dialects and later for Dari-Persian, Farsi, and Pashtu. Yet a dialect is not a passport. People move, study, marry, trade, flee, and live among other speech communities. Therefore, dialect recognition should only raise a line of inquiry. It should not become a substitute for individual assessment.[34]

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[32] COSTICA DUMBRAVA, EUROPEAN PARLIAMENTARY RESEARCH SERVICE, ARTIFICIAL INTELLIGENCE IN ASYLUM PROCEDURES IN THE EU 1–2 (2025), https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2025)775861 (last visited June 20, 2026).

[33] Charter of Fundamental Rights of the European Union, art. 47, 2012 O.J. (C 326) 391.

[34] COSTICA DUMBRAVA, EUROPEAN PARLIAMENTARY RESEARCH SERVICE, ARTIFICIAL INTELLIGENCE IN ASYLUM PROCEDURES IN THE EU 5–6 (2025), https://www.europarl.europa.eu/RegData/etudes/BRIE/2025/775861/EPRS_BRI(2025)775861_EN.pdf (last visited June 20, 2026).

The legal danger lies in treating linguistic probability as legal identity. A person may speak the language of exile better than the language of birth. A stateless person may inherit mixed speech patterns. A trafficked child may acquire the speech of a transit country. Moreover, dialect datasets may under-represent border regions, minorities, nomadic groups, and displaced populations. Therefore, the use of language analysis must remain anchored in Article 4(3) of Directive 2011/95/EU, which requires an individual assessment of the applicant's statements, documents, background, age, gender, and personal circumstances.[35]

2. Name Transliteration and Identity Matching

Name transliteration tools standardise names originally written in non-Latin scripts. They may assist identity management, reduce spelling errors, and connect scattered records. In asylum administration, this may help where Arabic, Persian, Pashto, Urdu, Tigrinya, or Cyrillic names enter European files through different spelling systems. Yet the same tool may also create suspicion. A name variation may look like deception, although it may simply reflect phonetics, interpreter practice, family naming customs, or a border officer's spelling choice. The European Parliament Research Service records that such tools have been used in Germany to standardise names and assess the plausibility of statements about origin.[36]

Identity matching also carries a burden of data protection. The asylum seeker gives deeply personal data under conditions of dependency. Authorities may then compare names, biometrics, device data, and immigration records. Such processing must satisfy accuracy, purpose limitation, data minimisation, and fairness. A false identity match can damage credibility at the earliest stage. It may also contaminate later reasoning.

[35] Directive 2011/95/EU of the European Parliament and of the Council, art. 4(3), 2011 O.J. (L 337) 9.
[36] COSTICA DUMBRAVA, EUROPEAN PARLIAMENTARY RESEARCH SERVICE, ARTIFICIAL INTELLIGENCE IN ASYLUM PROCEDURES IN THE EU 5 (2025), https://www.europarl.europa.eu/RegData/etudes/BRIE/2025/775861/EPRS_BRI(2025)775861_EN.pdf (last visited June 20, 2026).

Therefore, transliteration outputs must remain auditable, corrigible, and open to explanation by the applicant under Article 5 of the General Data Protection Regulation.[37]

3. Speech Transcription and Transcript Summarisation

Speech transcription tools convert asylum interviews into written records. Summarisation tools compress testimony into shorter notes. These systems may help overburdened administrations. They may also reduce delays. Yet they operate at the heart of credibility. Tone, pauses, fear, shame, confusion, repair, and emotional distress may matter. A transcript that cleans speech too much may erase vulnerability. A summary that compresses detail may remove the very fact which later proves persecution. In Italy, authorities have tested an AI tool called S.I.N.D.A.C.A. for automatic transcription of asylum interviews.[38]

Directive 2013/32/EU gives legal importance to the personal interview and its record. Article 17 requires either a thorough and factual report or transcript of every substantive element. It also gives applicants an opportunity to comment on mistranslations or misconceptions before a decision is taken, subject to the Directive's terms. This safeguard becomes sharper where AI assists transcription. The applicant must be able to see the record, correct mistakes, and explain gaps. Otherwise, a machine-generated transcript may acquire evidentiary force without procedural fairness.[39]

4. Document Authentication and Analysis

Document analysis tools may examine identity papers, certificates, court records, political membership cards, medical documents, travel papers, screenshots, photographs, metadata, and mobile extracts. They may detect signs of alteration. They may compare fonts, layouts, seals, or machine-readable zones. They may also classify documents by

[37] Regulation (EU) 2016/679 of the European Parliament and of the Council, art. 5, 2016 O.J. (L 119) 1.
[38] COSTICA DUMBRAVA, EUROPEAN PARLIAMENTARY RESEARCH SERVICE, ARTIFICIAL INTELLIGENCE IN ASYLUM PROCEDURES IN THE EU 5 (2025), https://www.europarl.europa.eu/RegData/etudes/BRIE/2025/775861/EPRS_BRI(2025)775861_EN.pdf (last visited June 20, 2026).
[39] Directive 2013/32/EU of the European Parliament and of the Council, art. 17, 2013 O.J. (L 180) 60.

risk. This may assist an authority where forged documents are common. Yet asylum law has never treated documents as self-proving or self-destroying. In *Tanveer Ahmed v. Secretary of State for the Home Department*, [2002] UKIAT 00439, the tribunal treated documentary reliability as a matter for assessment in the round, not as a matter of formal appearance alone.[40]

AI document tools create a special risk because they can produce suspicion without reasons. A document from a collapsed State may look irregular because institutions were irregular. Police notice may lack standard format because a local unit issued it in crisis. A medical certificate may contain errors because the applicant fled before formal treatment. Conversely, a forged document may look technically sound. Therefore, document authentication must be tied to country conditions, source evaluation, chain of custody, and applicant explanation. A risk label should never displace legal judgment.[41]

5. Country-of-Origin Research

Country-of-origin information is the bridge between personal testimony and objective risk. AI can search large volumes of country reports, case law, news, sanctions material, human rights reports, and open-source intelligence. This may help officers identify relevant risks faster. EUAA has proposed a digital casework assistant that could extract case-relevant COI and case law from large datasets, support risk analysis, and filter open-source material or applicants' mobile devices. Used carefully, such tools may improve consistency. Used badly, they may flatten complex countries into searchable fragments.[42]

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[40] Tanveer Ahmed v. Secretary of State for the Home Department, [2002] UKIAT 00439.
[41] W. H. Byrne, Digital Evidence in Refugee Status Determination, 118 AJIL UNBOUND 102, 104–06 (2024), https://www.cambridge.org/core/journals/american-journal-of-international-law/article/digital-evidence-in-refugee-status-determination/364DFA8021871DB36FF71AB39FB93131 (last visited June 20, 2026).
[42] EUROPEAN UNION AGENCY FOR ASYLUM, EUAA STRATEGY ON DIGITAL INNOVATION IN ASYLUM PROCEDURES AND RECEPTION SYSTEMS 33–34 (2023), https://www.euaa.europa.eu/sites/default/files/publications/2023-10/2023_EUAA-Strategy-on-Digital-Innovation-in-Asylum-Procedures-and-Reception-Systems_EN.pdf (last visited June 20, 2026).

The law requires COI to remain precise, current, balanced, and connected to the applicant's facts. In *Mibanga v. Secretary of State for the Home Department*, [2005] EWCA Civ 367, the Court of Appeal criticised an approach that reached an adverse credibility finding before properly integrating background and expert evidence. This logic matters for AI-assisted COI. A machine cannot merely retrieve general country information. The decision-maker must ask whether the material speaks to the applicant's profile, region, timeline, gender, religion, political activity, or family history.[43]

EUAA's COI methodology also shows that country research is a disciplined evidentiary craft. It builds on common EU guidelines, fact-finding standards, and specialist research methods. AI should therefore support source discovery, not replace source evaluation. A generated answer may cite official material and still miss context. It may overvalue recent sources. It may ignore minority experiences. It may merge contested facts. Hence, AI-generated COI must disclose its sources, search terms, date limits, selection logic, and uncertainty. Without that, it may turn research into automation.[44]

6. Case Matching and Risk Pattern Identification

Case matching tools compare a new application with earlier files. They may reveal recurring country risks, similar patterns of persecution, or inconsistent decision-making. In principle, this can improve equality. Similar cases should not receive wildly different outcomes without reason. Yet asylum claims often share narrative patterns because persecution itself has patterns. A militia may use the same threats. A police unit may use the same detention method. A smuggler may impose the same route. Similarity therefore may corroborate, rather than impeach, an applicant.[45]

The Netherlands uses a text-mining tool known as Case Matcher to identify applications made on similar grounds. Its stated value lies in reducing caseworker time and

[43] Mibanga v. Secretary of State for the Home Department, [2005] EWCA Civ 367.
[44] EUROPEAN UNION AGENCY FOR ASYLUM, COI REPORT METHODOLOGY (2023), https://www.euaa.europa.eu/publications/coi-report-methodology (last visited June 20, 2026).
[45] JAMES C. HATHAWAY & MICHELLE FOSTER, THE LAW OF REFUGEE STATUS 118–25 (2d ed. 2014).

supporting consistency. Yet the European Parliament Research Service notes a concern that similar narratives may lead officials to suspect fabrication. This risk is doctrinally serious. It converts collective persecution into a credibility problem. It may also penalise people who flee the same conflict, cite the same political event, or describe the same detention practice.[46]

Risk pattern identification also overlaps with predictive analytics. A model may highlight profiles, groups, routes, digital traces, or security concerns. Under the EU AI Act, systems used by competent authorities to assist examination of asylum applications, including assessments of the reliability of evidence, fall within the high-risk category. That classification confirms the legal nature of the risk. Case matching must not become hidden credibility scoring. It must remain explainable, contestable, and subject to human adjudicatory responsibility.[47]

VI. THE RELIABILITY PROBLEM: FROM TECHNICAL ACCURACY TO LEGAL TRUSTWORTHINESS

Technical accuracy and legal trustworthiness are not the same thing. An AI tool may perform well in laboratory conditions. It may also produce neat percentages, labels, and confidence scores. Yet asylum adjudication does not decide abstract data quality. It decides whether a human being faces persecution, torture, or serious harm on return. Therefore, the legal question is not simply whether a tool is accurate. The deeper question is whether its output can fairly bear evidentiary weight in a fragile protection claim.[48]

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[46] COSTICA DUMBRAVA, EUROPEAN PARLIAMENTARY RESEARCH SERVICE, ARTIFICIAL INTELLIGENCE IN ASYLUM PROCEDURES IN THE EU 6, 10 (2025), https://www.europarl.europa.eu/RegData/etudes/BRIE/2025/775861/EPRS_BRI(2025)775861_EN.pdf (last visited June 20, 2026).

[47] Regulation (EU) 2024/1689 of the European Parliament and of the Council, Annex III, point 7(c), 2024 O.J. (L 2024/1689).

[48] UNHCR, HANDBOOK ON PROCEDURES AND CRITERIA FOR DETERMINING REFUGEE STATUS ¶¶ 196, 203–04 (rev. ed. 2019), https://www.unhcr.org/sites/default/files/legacy-pdf/5ddfcdc47.pdf (last visited June 20, 2026).

A dialect tool may correctly identify a speech pattern in many samples but still fail a borderland speaker. A transcript tool may capture words, but miss pauses, fear, confusion, or interpreter correction. A summarisation tool may preserve the broad story yet omit the small fact that explains persecution. These are not minor clerical defects. They alter credibility. In asylum law, details often carry the claim. So, a system that looks technically reliable may remain legally unsafe.[49]

Legal trustworthiness requires context. It asks who created the tool, what data to train it, what groups it under-represents, what error rate applies, and whether the applicant can challenge the result. It also asks whether the decision-maker understood the tool or merely accepted it. Directive 2013/32/EU requires applications to be examined objectively and impartially. These standard demands reasoned human assessment, not silent reliance on technical form.[50]

The benefit of doubt principle also narrows the place of AI. UNHCR accepts that strict proof may be impossible where an applicant has genuinely tried to substantiate the claim and gives a generally credible account. In *J.K. and Others v. Sweden*, App. No. 59166/12, Eur. Ct. H.R. (2016), the Grand Chamber recognised the practical difficulty of producing evidence in asylum cases and linked credibility with fair assessment of risk. AI cannot dilute that protection by making uncertainty appear resolved.[51]

The EU AI Act treats asylum-related AI as high-risk when it assists competent authorities in examining applications, including by assessing the reliability of evidence. This classification is legally significant. It shows that such systems may affect rights, status, liberty, family unity, and protection from refoulement. Hence, accuracy metrics must be joined with traceability, disclosure, data quality, human oversight, and contestability.[52]

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[49] UNHCR, BEYOND PROOF: CREDIBILITY ASSESSMENT IN EU ASYLUM SYSTEMS 27–31 (2013), https://www.unhcr.org/media/full-report-beyond-proof-credibility-assessment-eu-asylum-systems (last visited June 20, 2026).
[50] Directive 2013/32/EU of the European Parliament and of the Council, art. 10(3), 2013 O.J. (L 180) 60.
[51] J.K. and Others v. Sweden, App. No. 59166/12, Eur. Ct. H.R. ¶ 97 (2016).
[52] Regulation (EU) 2024/1689 of the European Parliament and of the Council, Annex III, point 7(c), 2024 O.J. (L 2024/1689).

A legally trustworthy AI output should therefore remain provisional. It may guide questions. It may support research. It may have flag issues. But it must not decide credibility. The decision-maker must give independent reasons. The applicant must receive a fair chance to answer. In refugee status determination, trustworthiness begins where technical confidence submits to legal fairness.[53]

VII. REGULATORY FRAMEWORK: EU AI ACT AND ASYLUM PROCEDURES

A. AI Systems in Migration, Asylum, and Border Control

The EU AI Act treats migration, asylum, and border control as a distinct regulatory field because decisions in this field act directly on vulnerable persons. Asylum applicants do not meet the State as ordinary service users. They meet it in fear, dependency, and legal uncertainty. Therefore, AI systems used in this field cannot be treated as mere tools of administrative convenience. They may affect entry, registration, interview records, identity verification, credibility findings, risk assessment, and access to international protection.[54]

AI systems in asylum administration may perform several functions. They may assist dialect recognition, language analysis, name transliteration, document verification, interview transcription, country-of-origin research, risk scoring, case matching, biometric comparison, and detection of people at borders. Some of these tools only organise information. Others influence the substance of eligibility. The legal distinction matters. A tool that schedules appointments or sorts of files perform administrative support. A tool that assesses evidence, identity, origin, or risk enters the adjudicatory process.[55]

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[53] Karanakaran v. Secretary of State for the Home Department, [2000] EWCA Civ 11.
[54] Regulation (EU) 2024/1689 of the European Parliament and of the Council, recital 60, 2024 O.J. (L 2024/1689).
[55] COSTICA DUMBRAVA, EUROPEAN PARLIAMENTARY RESEARCH SERVICE, ARTIFICIAL INTELLIGENCE IN ASYLUM PROCEDURES IN THE EU 5–6 (2025), https://www.europarl.europa.eu/RegData/etudes/BRIE/2025/775861/EPRS_BRI(2025)775861_EN.pdf (last visited June 20, 2026).

The EU AI Act's Recital 60 expresses central constitutional concern. It states that AI systems in migration, asylum, and border control must not allow Member States or EU bodies to circumvent obligations under the 1951 Refugee Convention and its 1967 Protocol. It also links the use of AI with the principle of non-refoulement. This is crucial. Technology may modernise procedure, but it cannot reduce the legal duty not to return a person to persecution or serious harm.[56]

B. Classification of Asylum-Related AI Systems as High-Risk Systems

Annex III point 7 of the EU AI Act identifies four high-risk categories in migration, asylum, and border control management. These include AI systems used as polygraphs or similar tools, systems used to assess risks posed by persons entering or staying in a Member State, systems used to assist examination of asylum, visa, or residence applications and associated complaints, and systems used to detect, recognise, or identify natural persons in migration or border contexts, except travel-document verification. This classification reveals that asylum-related AI can influence fundamental rights and legal status.[57]

The most important category for this research is Annex III point 7(c). It covers AI systems used to assist competent public authorities in examining asylum applications, including related assessments of the reliability of evidence. This phrase is broad. It may include tools that assess the plausibility of narratives, authenticity of documents, consistency of prior statements, origin from speech, or reliability of phone-location data. Once a system affects evidentiary reliability, it cannot be described as neutral software. It becomes part of the proof structure.[58]

[56] Regulation (EU) 2024/1689 of the European Parliament and of the Council, recital 60, 2024 O.J. (L 2024/1689).
[57] Regulation (EU) 2024/1689 of the European Parliament and of the Council, Annex III, point 7, 2024 O.J. (L 2024/1689).
[58] Regulation (EU) 2024/1689 of the European Parliament and of the Council, Annex III, point 7(c), 2024 O.J. (L 2024/1689).

The AI Act also recognises that not every use of AI in asylum administration should automatically become high-risk. Article 6(3) creates a limited filter for systems that perform narrow procedural tasks, improve completed human activity, detect patterns without replacing human assessment, or perform preparatory tasks. Yet this exception must be read carefully. A transcription tool that merely records an interview may appear preparatory. But if it ranks inconsistencies, suggests credibility concerns, or recommends outcomes, it crosses into high-risk assessment.[59]

C. Duties of Transparency, Human Oversight, Data Quality, and Record-Keeping

The AI Act imposes a structured compliance model for high-risk systems. Article 9 requires risk management across the system's lifecycle. This is not a one-time technical check. It requires identification, evaluation, mitigation, and monitoring of risks. In asylum law, those risks include wrongful credibility rejection, bias against minority dialects, exclusion of vulnerable narratives, and over-reliance on automated evidence signals.[60]

Article 10 deals with data and data governance. It requires training, validation, and testing data to satisfy quality requirements where such data are used. This duty has direct asylum relevance. Dialect datasets may underrepresent border communities. Document datasets may not capture conflict-zone papers. Country datasets may privilege majority-language sources. If the data does not reflect displaced populations, the output may become discriminatory even while appearing precise.[61]

Article 11 requires technical documentation, and Article 12 requires automatic logging for high-risk AI systems. These provisions support evidentiary traceability. An asylum applicant cannot challenge an adverse technical finding without knowing what the

[59] Regulation (EU) 2024/1689 of the European Parliament and of the Council, art. 6(3), 2024 O.J. (L 2024/1689).
[60] Regulation (EU) 2024/1689 of the European Parliament and of the Council, art. 9, 2024 O.J. (L 2024/1689).
[61] Regulation (EU) 2024/1689 of the European Parliament and of the Council, art. 10, 2024 O.J. (L 2024/1689).

system did. The appellate body also cannot review invisible reasoning. Logs and documentation therefore convert AI use from hidden influence into reviewable administrative action.[62]

Article 13 requires transparency and information to deployers. It aims to ensure that deployers can understand a system's capabilities, limitations, and intended purpose. In asylum proceedings, this duty must extend into reasoned decision-making. The officer must know whether a tool gives probability, a classification, a confidence score, or a mere flag. The officer must also know what the tool cannot decide. Otherwise, human review becomes formal rather than real.[63]

Article 14 requires human oversight. This duty is central to asylum adjudication. The human officer must retain authority to understand, disregard, or override AI output. Human oversight cannot mean clicking approval after a machine has shaped the file. It must mean independent judgment. It must also mean sensitivity to trauma, interpretation errors, missing documents, and the benefit of doubt principle.[64]

Article 15 addresses accuracy, robustness, and cybersecurity. These requirements matter because asylum files contain sensitive personal data, political history, biometric information, movement patterns, and sometimes mobile-phone extracts. A system breach or corrupted output may endanger not only the applicant but also relatives in the country of origin. Therefore, technical security is part of protection, not just institutional compliance.[65]

[62] Regulation (EU) 2024/1689 of the European Parliament and of the Council, arts. 11–12, 2024 O.J. (L 2024/1689).
[63] Regulation (EU) 2024/1689 of the European Parliament and of the Council, art. 13, 2024 O.J. (L 2024/1689).
[64] Regulation (EU) 2024/1689 of the European Parliament and of the Council, art. 14, 2024 O.J. (L 2024/1689).
[65] Regulation (EU) 2024/1689 of the European Parliament and of the Council, art. 15, 2024 O.J. (L 2024/1689).

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D. Relationship Between AI Regulation and Asylum Law Safeguards

The EU AI Act does not replace asylum law. It sits beside it. Directive 2013/32/EU continues to regulate asylum procedures. It requires individual, objective, and impartial examination of applications. It also requires access to accurate and up-to-date country-of-origin information. These duties remain binding even when AI assists the authority. A technically compliant AI system may still produce an unfair asylum decision if the applicant cannot know, explain, or challenge its use.[66]

Directive 2011/95/EU also remains central. Article 4 requires assessment of facts and circumstances in cooperation with the applicant and requires an individual evaluation of the applicant's statements, documents, background, age, gender, and personal circumstances. AI cannot narrow this inquiry into data points. A dialect score cannot replace lived history. A document flag cannot erase trauma. A country report summary cannot decide personal risk without attention to the applicant's profile.[67]

The Charter of Fundamental Rights of the European Union supplies the constitutional frame. Article 18 protects the right to asylum with due respect for the Refugee Convention. Article 19 protects against removal where there is a serious risk of torture, inhuman or degrading treatment, or other protected harm. Article 47 protects an effective remedy and fair hearing. These guarantees require reasons that can be understood and contested. They also require that adverse AI-shaped evidence should not remain hidden inside the administrative file.[68]

The European Court of Human Rights has reinforced the need for careful risk assessment in removal cases. In *F.G. v. Sweden*, App. No. 43611/11, Eur. Ct. H.R. (2016), the Grand Chamber held that national authorities must assess known risks before removal where serious Article 2 or Article 3 consequences may arise. This principle is directly based on

[66] Directive 2013/32/EU of the European Parliament and of the Council, art. 10(3), 2013 O.J. (L 180) 60.
[67] Directive 2011/95/EU of the European Parliament and of the Council, art. 4, 2011 O.J. (L 337) 9.
[68] Charter of Fundamental Rights of the European Union, arts. 18, 19, 47, 2012 O.J. (C 326) 391.

AI-assisted asylum decisions. If a system narrows the inquiry, misreads credibility, or suppresses relevant risk, the State cannot avoid responsibility by pointing to the tool.[69]

The Court of Justice has also insisted on individualised assessment in protection claims. In *A, B and C v. Staatssecretaris van Veiligheid en Justitie*, Joined Cases C-148/13 to C-150/13, ECLI:EU:C:2014:2406, the Court rejected methods of assessing sexual-orientation claims that violated human dignity and privacy. The case shows that fact-finding methods in asylum law must respect fundamental rights. This reasoning applies to AI. A method that appears evidentiary may still be unlawful if it humiliates, profiles, or intrudes disproportionately.[70]

AI regulation therefore supplies infrastructure. Asylum law supplies substance. Data quality, documentation, logging, transparency, and oversight are necessary. Yet they are not enough. The final legality of AI-shaped evidence depends on whether it preserves individual assessment, the benefit of doubt, non-refoulement, fair hearing, and effective remedy. In refugee status determination, the State may use technology. But it must still be decided as a lawful and humane adjudicator.[71]

VIII. TOWARDS AN AI RELIABILITY STANDARD FOR ASYLUM EVIDENCE

An AI reliability standard for asylum evidence must begin from a simple premise. Technical accuracy is not enough. The tool may classify speech, match names, summarise interviews, or examine documents with measurable accuracy. Yet asylum law asks a deeper question. Can the output fairly influence a decision about persecution, credibility, and non-refoulement. Therefore, legal reliability must test the tool's source, purpose, limits, data quality, explainability, and effect on the applicant's chance to answer.[72]

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[69] F.G. v. Sweden, App. No. 43611/11, Eur. Ct. H.R. (2016).
[70] A, B and C v. Staatssecretaris van Veiligheid en Justitie, Joined Cases C-148/13 to C-150/13, ECLI:EU:C:2014:2406.
[71] Convention Relating to the Status of Refugees art. 33, July 28, 1951, 189 U.N.T.S. 137.
[72] Regulation (EU) 2024/1689 of the European Parliament and of the Council, Annex III, point 7(c), 2024 O.J. (L 2024/1689).

The first element should be explainability. The authority must know what the system did and why the output matters. A dialect tool should disclose whether it identifies language, region, probability, or mere similarity. A transcript summariser should identify omissions and uncertainty. A document tool should explain the feature that raised suspicion. If the system cannot produce reasons fit for administrative review, its output should carry little or no adverse evidentiary weight.[73]

The second element should be traceability. The decision-maker must preserve the chain between input and output. This includes the audio sample, document image, interview transcript, country sources, search parameters, model version, time of processing, confidence level, and human intervention. Article 12 of the EU AI Act makes logging central for high-risk systems. In asylum adjudication, logging becomes a rule of evidence. It allows appeal bodies to see whether the machine shaped the file or merely assisted it.[74]

The third element should be context sensitivity. AI evidence must be read against displacement, trauma, mixed dialects, lost documents, poor interpretation, and fear of State institutions. Article 4 of Directive 2011/95/EU requires an individual assessment of the applicant's personal circumstances. Therefore, no technical result should override age, gender, identity, country conditions, cultural practice, or the applicant's explanation. The standard must treat vulnerability as legally relevant, not as noise in the data.[75]

The fourth element should be contestability. The applicant must know that AI has been used where it affects the reasoning. He or she must receive the substance of the adverse output and a fair chance to respond. In *M.M. v. Minister for Justice, Equality and Law Reform*, Case C-277/11, ECLI:EU:C:2012:744, the Court of Justice reaffirmed the importance of the right to be heard in protection procedures. That principle must cover

[73] Regulation (EU) 2024/1689 of the European Parliament and of the Council, art. 13, 2024 O.J. (L 2024/1689).
[74] Regulation (EU) 2024/1689 of the European Parliament and of the Council, art. 12, 2024 O.J. (L 2024/1689).
[75] Directive 2011/95/EU of the European Parliament and of the Council, art. 4, 2011 O.J. (L 337) 9.

AI-shaped adverse inferences, because a hidden inference cannot be meaningfully answered.[76]

The fifth element should be a prohibition on sole or decisive reliance. AI may flag a question. It may support a line of inquiry. It may identify material requiring clarification. Yet it must not decide credibility, origin, identity, document reliability, or future risk by itself. The European Court of Human Rights in *J.K. and Others v. Sweden*, App. No. 59166/12, Eur. Ct. H.R. (2016), recognised the practical difficulty of proving asylum claims and accepted the benefit of doubt where the applicant's account appears credible. Machine output cannot weaken that protective logic.[77]

IX. PROCEDURAL SAFEGUARDS AND INSTITUTIONAL ACCOUNTABILITY

Procedural safeguards must start with disclosure. The asylum authority should inform the applicant when AI materially assists transcription, summarisation, dialect assessment, document analysis, country research, or credibility-related reasoning. Disclosure need not expose protected source code in every case. Yet it must reveal enough to permit challenge. The applicant should know the type of system used, the output generated, the adverse inference drawn, and the way in which the officer used it.[78]

Human oversight must be substantive. Article 14 of the EU AI Act requires human oversight for high-risk AI systems. In asylum law, this means that the case officer must understand the tool, question the tool, and remain free to reject the tool. Oversight cannot mean routine approval. It must involve active review of error risks, applicant vulnerability, source quality, and legal relevance. A human who cannot explain the output cannot lawfully rely on it.[79]

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[76] M.M. v. Minister for Justice, Equality and Law Reform, Case C-277/11, ECLI:EU:C:2012:744.
[77] J.K. and Others v. Sweden, App. No. 59166/12, Eur. Ct. H.R. ¶ 97 (2016).
[78] Directive 2013/32/EU of the European Parliament and of the Council, art. 11, 2013 O.J. (L 180) 60.
[79] Regulation (EU) 2024/1689 of the European Parliament and of the Council, art. 14, 2024 O.J. (L 2024/1689).

Data quality must also become a procedural safeguard. Many asylum applicants come from regions with weak documentation, conflict records, minority languages, and unstable institutions. Poor datasets can therefore reproduce geopolitical blindness. Article 10 of the EU AI Act requires data governance for high-risk systems. For asylum evidence, this should require testing across dialect minorities, gendered claims, stateless populations, conflict-zone documents, and applicants with trauma-affected narration.[80]

Record-keeping must protect appeal rights. Every AI-assisted step that may influence the decision should be stored in the case file. This includes raw input, generated output, confidence score, user prompt where applicable, system version, source list, officer notes, and reasons for acceptance or rejection. Without this record, Article 47 of the Charter becomes thin. The applicant may have a formal remedy, but not a real way to challenge the evidence used against him or her.[81]

Institutional accountability should extend beyond the individual file. Authorities should conduct periodic audits of AI systems used in asylum work. These audits should examine error patterns, bias, false positives, false negatives, language-group performance, appeal reversals, and disproportionate effects on vulnerable applicants. The results should inform procurement, training, and suspension of unsafe tools. In this field, administrative convenience cannot justify systemic opacity.[82]

Training is equally necessary. Asylum officers, interpreters, lawyers, and appeal bodies must understand what AI can and cannot prove. They must know that a transcript is not testimony. A summary is not memory. A dialect score is not nationality. A document flag is not forgery. A country's report extract is not individual risk. This training should link

[80] Regulation (EU) 2024/1689 of the European Parliament and of the Council, art. 10, 2024 O.J. (L 2024/1689).
[81] Charter of Fundamental Rights of the European Union, art. 47, 2012 O.J. (C 326) 391.
[82] Regulation (EU) 2024/1689 of the European Parliament and of the Council, art. 9, 2024 O.J. (L 2024/1689).

technical literacy with refugee law principles, especially benefit of doubt, individual assessment, and non-refoulement.[83]

Remedies must be effective where AI contributes to error. If an adverse decision relies on undisclosed or unchallengeable AI output, the reviewing body should treat that as a procedural defect. It may require disclosure, fresh interview, independent expert review, or remittal for reconsideration. In serious removal cases, the State must assess known risk with special care. In *F.G. v. Sweden*, App. No. 43611/11, Eur. Ct. H.R. (2016), the Grand Chamber stressed the duty to assess real risks before removal. That duty cannot be diluted by technical systems.[84]

X. CONCLUSION

AI now enters asylum adjudication at the most delicate point of the legal process. It does not only help officers manage files. It shapes speech, identity, documents, country research, and credibility. A dialect result may affect origin. A transcript may frame memory. A summary may erase hesitation or fear. A document tool may attach suspicion to fragile proof. These effects matter because refugee status determination already works within evidentiary scarcity. The applicant often lacks papers, witnesses, and safe access to official records. Therefore, AI-shaped evidence must be treated as legally consequential, not as neutral administrative convenience.[85]

The doctrinal foundation of asylum law resists mechanical proof. The Refugee Convention protects people who face persecution on return, and the prohibition of refoulement gives that protection practical force. The benefit of doubt principle further recognises that strict proof may be impossible in forced displacement. A system that

[83] UNHCR, BEYOND PROOF: CREDIBILITY ASSESSMENT IN EU ASYLUM SYSTEMS 27–31 (2013), https://www.unhcr.org/media/full-report-beyond-proof-credibility-assessment-eu-asylum-systems (last visited June 20, 2026).
[84] F.G. v. Sweden, App. No. 43611/11, Eur. Ct. H.R. (2016).
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converts uncertainty into technical confidence can disturb this structure. It may make a vulnerable account look inconsistent, incomplete, or false. So, the question should not be whether AI is efficient. The correct question is whether it remains fair, explainable, contestable, and human-rights compliant.[86]

The EU AI Act offers an important regulatory starting point. It classifies AI systems used to assist examination of asylum applications, including reliability of evidence, as high-risk systems. This is significant. It confirms that asylum-related AI can affect rights, status, and protection outcomes. Yet the AI Act cannot alone secure justice. Its duties of data quality, logging, transparency, human oversight, accuracy, and robustness must operate with asylum-law safeguards. Individual assessment, impartial examination, access to reasons, and an effective remedy must remain central.[87]

The proper legal position is therefore restrained and principled. AI may assist inquiry. It may organise information. It may flag possible inconsistencies. It may support country-of-origin research. But it must not become the decisive judge of credibility, identity, or risk. No adverse finding should rest solely on an opaque system. The applicant must know the technical material used against them. The decision-maker must explain its relevance. The appellate body must be able to review it. In asylum law, legal trustworthiness begins where technical output submits to human judgment, procedural fairness, and the enduring duty of protection.[88]

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