



# EASO Practical Guide: Personal interview

*EASO Practical Guides Series*

December 2014

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European Asylum Support Office

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SUPPORT IS OUR MISSION

This practical guide has been developed in line with the EASO Quality Matrix methodology. EASO would like to thank the experts from the EU Member States as well as the Reference Group (composed of the European Commission, the United Nations High Commissioner for Refugees and the European Council on Refugees and Exiles) for their active contribution and support in the development of this practical guide.

# Introduction

**Why was this practical guide created?** The European Asylum Support Office (EASO) practical guide ‘Personal interview’ is intended as a practical checklist and brief guidance to accompany the case officers across the European Union and beyond in their daily work. It was created to support Member States in meeting one of their vital obligations in the Common European Asylum System (CEAS): the obligation to give the applicant a fair and effective opportunity to present the grounds for their application, where the personal interview plays a key role. The guide is designed in accordance with the relevant legal requirements and at the same time suggests a practical approach, applicable in the daily work of case officers. It meets the demand for the translation of those common standards into a common approach to their implementation.

**How does this practical guide relate to other EASO support tools?** As all EASO support tools, the practical guide on the personal interview is based on the common standards of the CEAS. The EASO’s mission is to support Member States through, inter alia, common training, common quality and common country of origin information. This guide is built in the same framework and should be seen as a complement to the other available tools. Its consistency with those tools has been a primary consideration, especially in relation to the closely related EASO Training Curriculum modules, such as the modules Interview Techniques, Interviewing Vulnerable Persons and Interviewing Children. The practical guide can in no way replace the need for core and advanced training, addressed by those modules. While the modules provide in-depth knowledge, skills and attitude training, this practical tool aims at recapping on a consistent content and approach in an instrument which supports the daily work of the case officer.

This is the pilot practical guide developed in the EASO Quality Matrix process. It should be seen in conjunction with the practical guides which follow, the next two being on evidence assessment and on identification of persons with special needs.

**What is in this practical guide?** The guide promotes a structured interview method, which is in line with the EASO Training Curriculum. This structured approach leads the user through the stages of preparation for the personal interview (Section 1), opening the interview and providing information (Section 2), conducting the interview (Section 3), including guidance regarding the substance of the application which needs to be explored during the interview (Section 4), and concludes with closing the interview and post-interview actions (Section 5).

**How was this practical guide created?** The guide was created by experts from Member States, facilitated by the EASO. Valuable input was further provided by a Reference Group, including the European Commission, the United Nations High Commissioner for Refugees (UNHCR) and the European Council on Refugees and Exiles (ECRE). The guide was then consulted and accepted by all Member States. It is the product of combined expertise, reflecting common standards and the shared objective to achieve high-quality asylum procedures.

**Who should use this practical guide?** This guide is primarily intended to support case officers in their daily work. It is considered useful both for new case officers, who could benefit from additional guidance, as well as for case officers with years of experience, who could use it as a reminder in their work. Moreover, it should be seen as a tool for self-evaluation, as well as quality supervision. With small adjustments, it could be applied as a quality assessment tool, and it could be of interest to any actor involved in the asylum procedure at this key stage.

**How should this practical guide be used?** The guide is constructed in three interlinked layers. The first one is a checklist, which provides an instant overview of the important elements in each of the stages from preparation for the personal interview to closing the interview and taking time for self-reflection. The second layer provides brief guidance, which explains and adds to each element in the checklist. The third layer provides references to international, European Union and national instruments mentioned within the guidance. **The layers are interactively connected by hyperlinks**, which enhances the practicality of the guide when used electronically.

**How does this practical guide relate to national legislation and practice?** This is a soft convergence tool, which reflects common standards and leaves space for national variations in legislation, guidance and practice. Each national authority can incorporate relevant pieces of legislation and guidance into the practical guide in the designated spaces, in order to provide its case officers with one-stop guidance for the personal interview.

# EASO Practical Guide:

## Personal interview checklist

### Section 1: Preparation

- Importance of preparation
- Case familiarisation
  - Gather information on the individual case
    - Read information on case file
    - Check available databases
  - Consult relevant country of origin information (COI)
  - Identify the material facts
  - Identify relevant non-international protection issues
  - Identify special procedural needs
    - Accompanied and unaccompanied minors
    - Disabled people
    - Elderly people
    - Pregnant women
    - Single parents with minor children
    - Victims of human trafficking
    - Persons with mental disorders
    - People subjected to torture, rape or other serious forms of psychological, physical or sexual violence
  - Consult relevant guidance
  - Prepare mentally
  - Prepare case plan
- Practical arrangements
  - Appropriate officer and interpreter
  - Room set-up and local procedures
  - Security concerns

## Section 2: Opening the interview

- Establish and maintain an atmosphere of trust
  - Display a professional attitude
  - Address the applicant directly
  - Use an appropriate tone and body language
- Make sure this is the right applicant
- Welcome/introduction
  - Greet the applicant professionally and explain the roles of people present in the room
  - Verify the understanding between the interpreter and the applicant
  - Ask the applicant about special needs
  - Encourage the applicant to indicate any communication/comprehension difficulties
- Provide information to the applicant
  - Explanation on the aim of the interview
  - Information about the interview framework and structure
  - Information about breaks
  - Information on confidentiality
  - Information about the obligations of the applicant/duty to cooperate
  - If applicable, information on the recording of the interview
  - Information about the written report

## Section 3: Conducting the interview

- Attitude
  - Neutrality
  - Non-judgemental attitude
  - Avoid misunderstanding due to culture-bound assumptions, values or expectations
- Manage the interview situation
  - Manage the dialogue
  - Manage the interpreter
- Free narrative
  - Introduce the free narrative
  - Encourage the applicant by being an active listener
- Probing phase
  - 'Signposting'
  - Confirm understanding
- Interview techniques and types of questions
  - Keep questions simple
  - Use open questions
  - Use closed questions appropriately
  - Use clarifying and reflective questions
  - Ask correct questions in a correct and fair way
  - Ask questions according to the capability and educational level of the applicant
- Opportunity to clarify inconsistencies

## Section 4: Substance of the application

- Gather information about past persecution or serious harm
  - What happened?
  - Who is/are the victim(s) of the persecution/serious harm?
  - Who is the author of the persecution/serious harm?
  - When did it happen?
  - Where did it happen?
  - Why did it happen?
  - What are the submitted documents and evidence (where applicable)?
- Ask about fear of persecution or serious harm
  - In case of return, what does the applicant think could happen?
  - Why does the applicant think it would happen?
  - From whom does the applicant fear persecution/serious harm in the event of a return to his/her country of origin?
- Explore reasons for persecution
  - Place for follow-up questions regarding the actual or imputed characteristics of the applicant
  - Some issues may need to be raised *ex officio*
- Explore reasons for subsidiary protection
  - Some issues may need to be raised *ex officio*
- Where applicable, explore other forms of protection
- Enquire about available protection in the country of origin
  - Has the applicant tried to seek protection from the relevant authorities/actors?
  - If so, from which authorities/actors of protection and what was the result?
  - If not, why not?
- If applicable, ask about an internal protection alternative
  - Is there a 'safe haven' in the applicant's country of origin?
  - Is it legally and practically accessible and is it reasonable to expect the applicant to settle there?
- If applicable, enquire into existing grounds for exclusion
  - Article 1D and Article 1E of the 1951 Geneva Convention
  - Article 1F of the 1951 Geneva Convention

## Section 5: Closing the interview

- Ensure that all relevant aspects of the application have been covered during the interview
  - Summarise all reasons provided for the application for protection and ask the applicant if the summary is correct
  - Ask the applicant if there is any additional information he/she would like to add
- Re-verify the understanding between the interpreter and the applicant
- Where applicable, offer others an opportunity to exercise their rights
- Inform the applicant about the next stages in the process
  - When will the decision, approximately, be taken?
  - How will the applicant receive the information about the decision?
  - If relevant, who will make the decision?
  - The right to appeal in case of a rejection of the application
  - If the response is positive: documentation, family reunification, the right to work, etc.
  - If applicable, rights and benefits while waiting for the decision
- If applicable at this stage, give the applicant an opportunity to comment on the interview report
- Offer the applicant an opportunity to ask questions
- Post-interview actions: reflect on the interview
  - Evaluation of the interview
  - Self-evaluation and reflection

# EASO Practical Guide:

## Personal interview guidance

### Section 1: Preparation [\[back\]](#)

The phase before the interview can be critical for its quality. It is the hallmark of a good case officer that he/she is well-prepared when entering the interview room.

#### 1.1. Importance of preparation [\[back\]](#)

Preparation is the key to a good interview. The better prepared the case officer is, the more efficient the interview will be, and the more relevant the questions asked will be. Failure to prepare wastes time in the interview, often results in irrelevant questions and can lead to the need for an additional interview.

It is the case officer's responsibility to set aside time in advance in order to familiarise him/herself with the case details so he/she can conduct a well-structured interview and also attempt to address any issues that have arisen prior to the commencement of the interview.

Sufficient time should be allocated for the interview. By being well-prepared, the interviewer ensures the time available can be focused upon the core of the claim and not upon issues of less significance for the application. An effective interview that gathers relevant evidence about the key aspects of the claim is essential to the just determination of the application.

#### 1.2. Case familiarisation [\[back\]](#)

##### 1.2.1. Gather information on the individual case [\[back\]](#)

###### a. Read information on case file [\[back\]](#)

The case file should be requested if it is not available. The case officer should familiarise him/herself with, if available, the application form, the registration interview, any written statements, identification and supporting documents, results of screening for special needs including medical reports and any other available information.

The case officer should identify any documents that might need to be translated and take the necessary steps according to national procedures.

###### b. Check available databases [\[back\]](#)

Information held on available databases or systems may be relevant to the assessment of the application. In particular, additional information or documents pertaining to the applicant's identity, nationality, family situation, personal circumstances and migration history may be available on these systems.

##### 1.2.2. Consult relevant country of origin information (COI) [\[back\]](#)

A case officer should be familiar with the situation in the applicant's country of origin both at the time of the alleged persecution or serious harm and currently. If information is not already available, the case officer may need to request or research information relevant to the application. The lack of COI corresponding to the person's account should not prejudice the case officer.

Precise and up-to-date COI can be obtained from a variety of sources, such as national COI units, EASO, UNHCR and other relevant human rights organisations.

### 1.2.3. Identify the material facts [\[back\]](#)

Depending on the amount of information already available, the case officer should try to identify in his/her preparation the material facts of the application. Material facts are facts that are directly linked to the definitions of a refugee or a person eligible for subsidiary protection. However, the case officer should keep an open mind and take into consideration that new facts might emerge in the process.

To read more about material facts go to [Section 4](#).

### 1.2.4. Identify relevant non-international protection issues [\[back\]](#)

In some Member States the case officer may need to identify grounds which do not fall under the definitions of a refugee or a person eligible for subsidiary protection, but which according to national rules are also considered by the determining authority. For example, depending on national legislation, such grounds may include humanitarian and/or compassionate grounds, family and private life or medical grounds.

If there are non-international protection grounds which you need to explore, you can find the information here: [\[Insert reference to national legislation and/or guidance\]](#).

### 1.2.5. Identify special procedural needs [\[back\]](#)

According to the working definition of a vulnerable applicant (applicant with special procedural needs), developed for the purposes of the EASO training curriculum on the basis of [Article 2\(d\) of Directive 2013/32/EU \(APD recast\)](#): ‘A vulnerable applicant is an applicant whose ability to understand and effectively present his/her case or fully participate in the process is limited due to his/her individual circumstances.’

The experiences of the applicant either in his/her home country, during the journey or in the country of asylum can have a strong influence. For example, the language barrier or the feeling of social exclusion he/she experiences can lead him/her into a situation of increased vulnerability.

The following sections contain information on the more common categories of persons with special needs.

#### a. Accompanied and unaccompanied minors [\[back\]](#)

[\(Article 15 of the APD recast\)](#)

Children, under the age of 18, should if possible be interviewed by a case officer who has received training in this area. Interviews with children should be conducted in a child-appropriate manner. For example, the case officer should adjust his/her language or tone appropriately depending on the individual applicant and his/her age and level of understanding. National legislation and procedures should be consulted for special arrangements, particularly with regard to putting in place the necessary support framework for the minor applicant within the interview setting, such as the presence of a guardian during the interview in the case of unaccompanied minors.

#### b. Disabled people [\[back\]](#)

The case officer should consider whether special care and support is required. The case officer should take into account the nature of the disability and act accordingly as different disabilities require different arrangements.

**c. Elderly people** [\[back\]](#)

The case officer should consider whether special care and support is required. For example, the interviewing officer should consider whether special assistance can be provided to help the applicant if they have limited mobility. The case officer should use appropriate questioning techniques and where necessary offer regular breaks.

**d. Pregnant women** [\[back\]](#)

Pregnant women will be expected to attend their interview, unless they are heavily pregnant or have medical difficulties. According to national practice, medical evidence may be required if this is the case. Pregnant women may have different physical needs and the interviewing officer should be aware of these when conducting the interview.

**e. Single parents with minor children** [\[back\]](#)

The case officer should ensure that arrangements are in place so that parents are not required to give an account of personal victimisation or humiliation if their children are present. For example, where the applicant has no means of placing his/her child in appropriate childcare, this will necessarily involve scheduling the interview at a time and place where childcare is available.

**f. Victims of human trafficking** [\[back\]](#)

Without prejudice to the possible need for international protection, victims of human trafficking are entitled to specific rights in accordance with [Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims \(5 April 2011\)](#). Such cases should be referred to a competent authority on trafficking if indicators are identified.

**g. Persons with mental disorders** [\[back\]](#)

The case officer should consider whether the applicant has the necessary mental capacity to participate in an interview. In a situation where the applicant is unfit to be interviewed for any reason, the scheduled interview should be postponed or should not take place.

If the applicant is deemed to be fit and able to be interviewed, consideration should then be afforded as to whether any special practical measures can be taken in order to sensitively address the applicant's special needs.

**h. People subjected to torture, rape or other serious forms of psychological, physical or sexual violence** [\[back\]](#)

The case officer should be aware that a victim of such traumatic experiences may experience particular difficulties in recounting his/her application for international protection. The difficulty may arise from the sensitive nature of the experiences that are to be recounted and any previous experience that the applicant may have had with officials in power. Therefore, the case officer, who notices in his/her preparation that the applicant has been subjected to such serious forms of violence or has shown signs of trauma, should remind him/herself to factor this in during the interview and show particular care and sensitivity in such circumstances. The case officer should be aware and accept that for some traumatic events the applicant may not be able or willing to provide details.

### 1.2.6. Consult relevant guidance [\[back\]](#)

After reviewing the case material, the case officer should have regard to any legal principles which might have relevance to what should be explored during the interview. He/she should identify the facts of the application within the context of the applicable legislation and jurisprudence. If in doubt, the case officer should refer to the relevant legal provisions as well as available specific guidance applied in his/her own national authority.

### 1.2.7. Prepare mentally [\[back\]](#)

Before beginning an interview it is important that the case officer mentally prepares him/herself by remembering that each case should be considered on its own merits.

When mentally preparing for an interview the case officer should ask him/herself which attitudes, thoughts or preconceptions relevant to the case may influence his/her objectivity and make an effort to avoid them.

Recounting traumatic experiences may be a painful experience for the applicant. The case officer should also be aware of the potential psychological impact of the account on him/herself. For example, descriptions of torture or photographs of sustained injuries can be deeply shocking and have a long-lasting effect. The case officer should also be mindful of the potential impact upon the interpreter and if possible before the interview commences brief him/her on relevant indications that difficult situations may arise during the interview.

### 1.2.8. Prepare case plan [\[back\]](#)

Each case officer develops his/her own individual method of preparation. Depending on what information is available it could be useful to draw up a timeline of the material facts in the application which can be referred to during the interview. In addition to such a chronological approach, a case plan can have a logical or thematic structure. This structure can also be useful when the time comes to draft a decision on the application.

A long list of questions prepared in advance may constrict the flow of the interview and be counter-productive. Therefore, it is considered that an outline of particular areas/elements relevant to the application proves more useful.

## 1.3. Practical arrangements [\[back\]](#)

In order for the interview to go ahead smoothly at the appointed time, the case officer must ensure all preliminary arrangements have been put in place in order to create a safe environment. Such an interview environment would help to obtain as much relevant information, necessary for a good decision, as possible.

If national legislation and/or guidance so provides, the case officer should make the necessary arrangements with the applicant's legal representative.

In keeping with the professional nature of the work, anyone called upon to conduct an interview should ensure their clothing is appropriate and fit for purpose.

### 1.3.1. Appropriate officer and interpreter [\[back\]](#)

(Article 15 of the APD recast)

Requests for a same-sex case officer or interpreter should be accommodated wherever possible, unless the determining authority has reason to believe that such a request is based on reasons which are not related to difficulties on the part of the applicant to present the grounds of his/her application in a comprehensive manner.

Every effort should be made to enable the applicant to provide a full and accurate account by assigning a case officer and interpreter of a sex that does not make the applicant feel threatened or uncomfortable. This is vitally important where the applicant has been a victim of rape or sexual abuse.

In some instances the applicant may express a preference for an interviewer and/or interpreter of the opposite sex. Some Member States have an established practice to satisfy such a request wherever possible.

When a child is interviewed, the case officer assigned to the case should have the appropriate knowledge and skills in order to conduct the interview in a child-friendly manner.

Other types of specialisation may also exist in your country according to the profile of the applicant.

### **1.3.2. Room set-up and local procedures** [\[back\]](#)

For reasons of confidentiality, an applicant will normally be interviewed alone or in the company of his/her legal representative or guardian in the case of unaccompanied minors. Depending on national legislation and practices, other persons may be admitted such as UNHCR representatives or persons providing legal or other counsel, emotional or medical support. This may be particularly relevant if any of the vulnerability factors previously listed are evident.

The case officer should make certain checks in advance into the suitability of the room and sitting arrangements. Sitting arrangements should reflect the principle that the main line of communication is between the case officer and the applicant and give the interpreter only a supporting role.

Additionally, the case officer should check, for example, whether any recording or other equipment, if required, is working. It is considered to be good practice for the case officer to provide a drink of water and have available tissues during the course of the interview, should they be required.

### **1.3.3. Security concerns** [\[back\]](#)

Where initial assessment of risk shows that the applicant has a history of violence, or if there are any other security concerns, the case officer should take necessary precautionary measures. This could involve notifying security staff in advance so that the applicant can be thoroughly searched on arrival, or asking a colleague to be present for the duration of the interview. The case officer should be fully apprised of the evacuation procedure in the event of a fire alarm sounding during the course of the interview or another emergency.

## Section 2: Opening the interview [\[back\]](#)

The interview situation is new and alien to most applicants. Therefore, it is considered good practice to spend enough time on creating a good communication atmosphere. In order to achieve this, the case officer should have a professional attitude and provide the applicant with enough information about the interview situation and the aim of the interview in an understandable manner.

### 2.1. Establish and maintain an atmosphere of trust [\[back\]](#)

The case officer's aim in the personal interview is to gather accurate and reliable information about the applicant's reasons for applying for protection. The way in which the case officer handles the interpersonal communication in the interview can greatly influence both the quality and the quantity of the information obtained. It is a good investment to spend enough time on developing a good communication atmosphere, in which all relevant persons feel safe and interact in a positive manner. This allows the applicant to relax and helps to reduce feelings of stress, anxiety or distrust and therefore encourages the applicant to provide information.

It also allows the case officer to relax and to observe the applicant. The case officer has the responsibility to create such an atmosphere of trust and confidence — having a professional attitude and showing empathy will help to achieve this goal.

The interview should be regarded as a dialogue in which the applicant should do most of the talking. The case officer's verbal and non-verbal communication should make clear to the applicant that he/she is in focus. The case officer should also adjust his/her communication according to the needs of the applicant. In practice this means using an appropriate language, giving information in a way that the applicant is able to understand, picking up signs from non-verbal communication and taking the intercultural issues into account. Subtly mirroring the applicant's body language, posture and pace (tempo) could aid in fostering an atmosphere of trust. Moreover, by explaining the role of each person present and each step and action in the process, the case officer could reduce any feelings of tension and anxiety.

#### 2.1.1. Display a professional attitude [\[back\]](#)

An essential aspect of the protection determination process is to have an objective and unbiased attitude. It is the case officer's task to ensure that the facts and circumstances of an application are established correctly. Often the personal interview is the basis for this 'factfinding'.

The interview has to be in compliance with the basic principles that ensure an attitude of respect, fairness and objectiveness. Having an open mind helps the case officer to build trust in the applicant; ensures that he/she treats each applicant with respect and dignity; and allows him/her to explore the application fully.

Observing basic communication styles like being flexible, patient, calm and an active listener helps to create a good communication atmosphere as a basis for receiving all the necessary information.

Last but not least, the case officer needs to be able to handle emotions, including his/her own, those of the applicant and those of other persons present. In doing so the case officer has to acknowledge and accept the emotions elicited during the interview, while keeping a balance between being empathetic and not getting personally attached or involved.

Having this attitude is often referred to as professionalism in the job, meaning that the case officer remains unbiased, inquisitive and respectful in his/her approach. This concerns communication with the applicant, the interpreter, the legal representative and other persons present. Often it requires self-reflection to identify one's attitude and to decide how to adjust it.

### **2.1.2. Address the applicant directly** [\[back\]](#)

As explained earlier, the case officer's verbal and non-verbal communication skills should make clear to the applicant that he/she is the focus of the interview. Therefore, it is essential to address the applicant directly, rather than speaking to the interpreter or the legal representative or other person and referring to the applicant in the third person.

### **2.1.3. Use an appropriate tone and body language** [\[back\]](#)

When interviewing applicants from different parts of the world, the case officer should be aware of the cultural differences in non-verbal communication and refrain from hasty interpretation of the body language of the applicant.

Furthermore, the case officer should always be aware of the power of his/her own body language and the danger of being perceived as, for example, disinterested or aggressive. On the other hand, knowledge about the power of non-verbal cues may be used to encourage communication during the interview.

See also [Section 3](#) for more information.

## **2.2. Make sure this is the right applicant** [\[back\]](#)

Depending on national practice, the case officer should ask to see the applicant's documents issued by the host country to ensure that he/she has the right applicant in front of him/her.

## **2.3. Welcome/introduction** [\[back\]](#)

### **2.3.1. Greet the applicant professionally and explain the roles of people present in the room** [\[back\]](#)

The interview situation is new and alien to most applicants. Many applicants do not understand who the person conducting the interview is or the purpose of the interview. It is therefore essential that the case officer greets the applicant professionally, introduces all persons present and explains their roles.

### **2.3.2. Verify the understanding between the interpreter and the applicant** [\[back\]](#)

The case officer should ask the applicant if he/she understands the interpreter and ask the interpreter if he/she understands the applicant.

### **2.3.3. Ask the applicant about special needs** [\[back\]](#)

In the introductory phase of the interview the case officer should always ensure the applicant is fit for the interview, by asking if there are health problems or other issues that he/she should take into account.

### **2.3.4. Encourage the applicant to indicate any communication/comprehension difficulties** [\[back\]](#)

The case officer should encourage the applicant to indicate any communication/comprehension difficulties throughout the interview. The case officer should use language adapted to the individual and contextual circumstances of the applicant (e.g. age, gender, education, social background, etc.). This is important in order to reach a mutual understanding of the interview situation and to safeguard the applicant's legal rights.

## **2.4. Provide information to the applicant** [\[back\]](#)

It is important that the applicant understands the process. Therefore, giving information is important. On the other hand, too much information can be overwhelming for an applicant. The case officer should adjust and explain the relevant information according to the individual applicant. Below are examples of information which should be given in all cases.

### **2.4.1. Explanation on the aim of the interview** [\[back\]](#)

It is important to explain the aim of the interview to the applicant. It should be clear for the applicant that the case officer needs to gather as much relevant, accurate and reliable information about the applicant's reasons for applying for international protection as possible.

### **2.4.2. Information about the interview framework and structure** [\[back\]](#)

It is important that the case officer explains to the applicant what the structure of the interview will be. According to national practice, the applicant may first be given the opportunity to correct or clarify any data that have been given to the authorities already, for example during the registration phase. Furthermore, the applicant will be given the opportunity to speak about the reasons of his/her application in his/her own words and at his/her own pace without interruptions during the free narrative. Following the free narrative, the case officer may ask more specific questions about different elements of the application.

### **2.4.3. Information about breaks** [\[back\]](#)

The case officer should inform the applicant about the breaks that will be taken and about the possibility for the applicant to indicate if he/she needs a break.

### **2.4.4. Information on confidentiality** [\[back\]](#)

(Article 15(2) and Article 48 of the APD recast)

It is important to stress what confidentiality really means. Many applicants come from countries in which there is no presumption that a government will guard the privacy of its citizens. Therefore, it may be difficult for some to understand the concept of 'confidentiality'. The case officer should also remember that the applicant may have good reasons to be hesitant to disclose information if he/she believes it is not confidential. The applicant might fear others will harm him/her, or he/she may fear for the lives and safety of family members and friends.

### **2.4.5. Information about the obligations of the applicant/duty to cooperate [\[back\]](#)**

(Articles 4 and 5 of the APD recast)

The case officer should explain why providing all relevant and correct information is beneficial in order to reach a good decision. When addressing the obligation to tell the truth, the case officer could stress the fact that this is explained to everybody. In doing so the case officer avoids being perceived as insinuating that the applicant intends to lie. It is also important to signal that it is only if the applicant knowingly provides false information that it may have negative consequences.

The case officer should also instruct the applicant that where he/she does not know the answer to a question he/she should just say that and not try to provide an answer by guessing.

### **2.4.6. If applicable, information on the recording of the interview [\[back\]](#)**

If applicable, the case officer should provide information on the recording of the interview and ask for consent depending on national guidance. The case officer should also inform the applicant on the practical steps of what will happen with the recording and how long it will be kept (including privacy law considerations when necessary).

### **2.4.7. Information about the written report [\[back\]](#)**

The case officer should also inform the applicant on the practical steps of what will happen with the written report and about the opportunity to make comments and/or provide clarification with regard to any mistakes or misinterpretations appearing in the report.

## Section 3: Conducting the interview [back]

The way the case officer conducts the interview has a significant impact on the overall quality and quantity of the information he/she gathers. Considerations include the attitude of the case officer as well as his/her verbal and non-verbal communication (interview techniques).

### 3.1. Attitude [back]

#### 3.1.1. Neutrality [back]

The case officer needs to be neutral. The case officer should try to be as objective and clear as possible. He/she should not be influenced by other cases or his/her own personal beliefs and opinions.

#### 3.1.2. Non-judgemental attitude [back]

The case officer should use an appropriate tone during the interview, display a non-judgemental attitude and remain unbiased and inquisitive in his/her approach and reaction to the applicant's statements, including when there are, for example, indications of inconsistencies, forged documents or excludable acts.

#### 3.1.3. Avoid misunderstanding due to culture-bound assumptions, values or expectations [back]

Knowledge about the applicant's culture is important. However, the case officer should be aware of the danger of stereotyping and bear in mind that the applicant is first and foremost an individual. Defining a person through cultural traditions alone can make the case officer unable to see the applicant's personal story.

The case officer should not assume that everybody understands things the same way as he/she does or that his/her way of understanding is the only correct one. The case officer should further realise how his/her own cultural background affects his/her way of interpreting relevant facts.

Self-awareness and self-reflection are required in order to identify one's attitude, verbal and non-verbal communication and to decide how to adjust them. Neglecting those attitudes could destroy an open and trustful interview atmosphere and impact negatively on the result of the interview.

### 3.2. Manage the interview situation [back]

#### 3.2.1. Manage the dialogue [back]

It is the case officer's responsibility to lead the applicant towards a fully explored international protection case. As an aid in this process, the case officer could follow a [case plan](#) (based on a logical, chronological or thematic structure), but it is also important to remain flexible.

#### 3.2.2. Manage the interpreter [back]

(Article 15(3)(c) of the APD recast)

An interpreter is necessary for bridging the language gap between the applicant and the case officer. If possible, it would be good practice to brief the interpreter on the case before the interview, especially in situations where particular sensitivity may be required.

It is important to inform the interpreter about his/her responsibility and role during the interview and to make sure he/she is properly placed in the interview room (at an equal distance from the case officer and the applicant, at the end of the desk).

Working with the interpreter, the case officer should try to speak slowly and clearly and pause frequently to allow him/her to interpret short segments, especially if detailed or complicated explanations are given. It is important that the case officer addresses the applicant directly (in the first person) and not through the interpreter using third-person phrasing regarding the applicant.

The case officer should confirm that the selected interpreter is able to provide an accurate and impartial interpretation of the applicant's account. The interpreter should have no connection to the applicant. Interpreters should always advise the case officer at the outset of an interview if they have a connection and if so what it is. Depending upon the nature of the connection, an alternative interpreter may have to be appointed.

The interpreter should not express an opinion or offer advice to the case officer or to the applicant. Nevertheless, there is sometimes a need for a contextual explanation from the interpreter where, for example, the target language may not have an appropriate word. In these cases it may be necessary for the interpreter to draw attention to this.

The case officer should monitor the interpreter during his/her work and ensure that he/she acts neutrally and impartially. Should the case officer have any concerns about the ability or conduct of the interpreter this should be addressed in accordance with national procedures (for example, by raising it with senior officials) and the interview may have to be suspended and recommenced with a different interpreter.

During the interview, the state of the applicant and the interpreter must be considered, and regular breaks should be taken.

### **3.3. Free narrative** [\[back\]](#)

#### **3.3.1. Introduce the free narrative** [\[back\]](#)

The aim of the free narrative phase is to elicit as much reliable and accurate information as possible by providing the applicant with an opportunity to give an uninterrupted personal account of the reasons for applying for protection. The case officer should invite the applicant to talk about the reasons for his/her application in his/her own words. A free narrative will in most cases give the case officer a large amount of accurate information and provide him/her with details that can be explored further later in the interview. Rather than interrupting the free narrative, the case officer may take notes on areas to return to after the free narrative.

The case officer should remind the applicant to provide as many details as he/she remembers regarding names, places, events, etc. that could be useful/relevant to the claim. The case officer should, however, be aware of the limitations of memory and have reasonable expectations regarding the amount and quality of information the applicant can elicit regarding the material facts. Memory processes are individual and influenced by a number of factors including the age, culture and background of the applicant, and especially by the impact of traumatic experiences.

#### **3.3.2. Encourage the applicant by being an active listener** [\[back\]](#)

Active listening is essential to encourage the applicant to elicit a detailed and coherent narrative.

The case officer should direct his/her non-verbal and verbal attention towards the applicant and be aware how non-verbal cues may be interpreted by the applicant, in order to improve communication skills and to help avoid misunderstandings.

The case officer should be aware that the use of minimal and neutral utterances such as: ‘Mm’, ‘I see’, ‘OK’ confirm that he/she is listening throughout the interview. The use of such utterances invites the applicant to continue talking and contributes to maintaining and expanding the narrative.

Short repetitions of part of the applicant’s narrative could be efficient both to reactivate the applicant’s memory and to be able to keep the right focus in the interview without interrupting the applicant. The case officer can further help the applicant to remember events and details by various memory techniques. Asking questions related to the perception associated with a particular event through the different senses or use of the present tense could be considered in this regard.

Some applicants have difficulties speaking freely. In such cases the case officer should try to take a more active role and ask more focused questions, but also remember to continue to introduce all topics and always start off a new topic by asking open questions.

The case officer should give the applicant enough time to concentrate and think back, and let the applicant him/herself stay in control of how much information he/she is willing to reveal, especially if he/she is talking about a traumatic or otherwise sensitive event.

If the applicant departs from the relevant information during the free narrative, the case officer should try to bring the narrative back on track in a sensitive manner. For example, the case officer could use the natural breaks in the narrative to explore if there was a reason for the applicant to raise these issues and if he/she considered them relevant to the application. Then the case officer can refer back to a relevant topic and ask the applicant to continue from there. The case officer should be watchful enough to not interfere too early, but give the applicant time to find his/her way into the narrative.

### 3.4. Probing phase [back]

The case officer should identify and follow up the essential parts of the applicant’s narrative. The case officer should explore one topic at a time. He/she should identify the main topics (the core of the claim) and follow by exploring sub-topics under that main topic in order to create a contextual coherence, a ‘flow’ in the conversation. This approach would help the applicant to provide a detailed narrative about the event in question. This is a good way to structure the interview and make sure all relevant elements are covered. It is important that the case officer always remains flexible and follows up on new information provided by the applicant.

#### 3.4.1. ‘Signposting’ [back]

The case officer should always introduce the frame of the topic before he/she continues with open or more focused questions. The introduction to the focused theme helps the applicant to keep going in the right direction, allowing the case officer to keep the interview focused and to receive relevant information without asking too many questions.

#### 3.4.2. Confirm understanding [back]

During the interview the case officer should use the opportunity to clarify understanding and seek confirmation of key statements. For example, the case officer could rephrase responses of the applicant concerning the key elements of his/her application and ask for confirmation that his/her understanding is accurate.

## **3.5. Interview techniques and types of questions [\[back\]](#)**

### **3.5.1. Keep questions simple [\[back\]](#)**

The level of language used and the way the case officer asks questions can lead to major misunderstandings and wrong conclusions. The questions asked during the interview should be clear, as simple as possible and conform to the age and level of education of the applicant. Multiple questions should be avoided.

### **3.5.2. Use open questions [\[back\]](#)**

The case officer should use open questions to ask the applicant to provide an account of an event or situation or for his/her knowledge, opinion or feelings. It is an invitation to the applicant to give as much information as possible. Open questions usually begin with 'how', 'why' or 'tell me', 'explain to me', 'please describe', etc.

### **3.5.3. Use closed questions appropriately [\[back\]](#)**

While the case officer should mainly rely on open questions, closed questions can be used by the case officer to test his/her own understanding of the applicant's account or to receive specific information.

However, the case officer should be cautious that a misplaced closed question or overuse of this type of question can disturb the conversation. It is, therefore, advisable to avoid them when a conversation or free narrative is in full flow. If too many closed questions are asked in a row, the applicant may have the feeling that he/she is being interrogated in a police manner, instead of being given the opportunity to explain their application in full detail.

### **3.5.4. Use clarifying and reflective questions [\[back\]](#)**

Clarifying and reflective questions are of importance when the case officer needs to elicit from the applicant a correct description of the actual event.

### **3.5.5. Ask correct questions in a correct and fair way [\[back\]](#)**

The case officer should ask questions in a correct, fair and non-suggestive way. Suggestive questions tend to lead the applicant to the desired or expected answer or give the applicant a false impression of what the content of the answer should be.

### **3.5.6. Ask questions according to the capability and educational level of the applicant [\[back\]](#)**

The case officer should ask questions according to the capability and educational level of the applicant. The case officer should always first check the level of education or the way the applicant is able to grasp certain notions in order to prevent a breach in communication due to the use of language which is too basic or too difficult and complex. When asking questions, the case officer should use the applicant's own words and phrases when possible.

### 3.6. Opportunity to clarify inconsistencies [\[back\]](#)

(Article 16 of the APD recast)

The applicant should be given the opportunity to present the application as completely as possible. This includes the opportunity to give an explanation regarding elements which may be missing and/or any inconsistencies or contradictions in the applicant's statements, as well as any potential discrepancies with information from other sources.

The case officer should also give the applicant the opportunity to explain potential discrepancies and contradictions with COI and known facts.

According to national practice, the case officer may further give the applicant an opportunity to explain possible inconsistencies with the account given by family members or witnesses.

A fundamental principle of fairness is that the applicant has access to the same information that the decision-maker has. The reason behind this is so that he/she is able to challenge it if he/she needs to and/or be prepared to deal with any information that might tend to negate the credibility of his/her claim. COI that might make a decision-maker inclined to make a negative credibility assessment should be put to the applicant for his/her response.

## Section 4: Substance of the application [\[back\]](#)

In order to conduct a good interview, the case officer should address all issues relevant to the application, with focus on the **material facts**. Interview techniques cannot be considered in isolation without an understanding of what should be covered. Actually, the very purpose of the interview techniques and attitudes summarised in this EASO practical guide is to enable the case officer to gather accurate and reliable information about the applicant's reasons for applying for protection in a fair and efficient way.

The following points are not suggestive of how the case officer should ask or formulate questions but rather a catalogue of what issues may need to be explored, depending on the particular circumstances of the application, in order to be able, at a later stage, to make an assessment. Indeed, several of the issues listed below will not have to be raised in all cases; they are mentioned here as a reminder and to provide guidance should the content of the application and/or national legislation or practice call for it.

The case officer should bear in mind that there is a shared duty between the authorities and the applicant to establish the facts of the application. This means, in particular, that during the interview, the case officer should (a) be acquainted with the relevant COI that could help to understand the applicant's situation and confirm or indicate discrepancies with elements of his/her statements (see also the sub-section [Consult relevant country of origin information](#)); (b) help the applicant to give a full account of his/her story by asking appropriate questions in an appropriate manner; (c) give the applicant opportunities to clarify any possible inconsistencies (see also the sub-section [Opportunity to clarify inconsistencies](#)).

### 4.1. Gather information about past persecution or serious harm [\[back\]](#)

(Article 4 of the Qualification Directive (recast) (QD))

#### 4.1.1. What happened? [\[back\]](#)

A detailed (as far as possible) account of events is necessary to assess the degree of seriousness of the past experiences of the applicant (see [Article 9\(1\)\(a\) and 9\(2\)](#) and [Article 15 of the QD](#)). An accumulation of various measures can also amount to persecution (see [Article 9\(1\)\(b\) of the QD](#)). The case officer should, therefore, be prepared to ask or hear about 'minor' facts/threats, the accumulation of which may amount to persecution or serious harm.

Furthermore, the case officer should remember that the absence of evidence of past persecution/serious harm does not mean that there is no future risk.

#### 4.1.2. Who is/are the victim(s) of the persecution/serious harm? [\[back\]](#)

Usually, the victim is the applicant him/herself. However, the applicant may be afraid because other persons with similar characteristics (Geneva Convention grounds, family members, living place, etc.) have suffered persecution/serious harm.

It may sometimes be the case that the applicant has no personal fear but is the representative of a dependant: a minor child or an incapable adult, on behalf of whom he/she has to explain the facts (e.g. female child at risk of female genital mutilation (FGM)).

The applicant's/victim's profile and background (age, ethnicity, education, religion, gender, place of residence, etc.) may in themselves be a material fact on the basis of which international protection should be granted. They are also important in order to 'locate' him/her in the society of his/her country of origin and may have a bearing on the credibility assessment to be applied at a later stage (see [Article 4\(2\) and 4\(3\)\(c\) of the QD](#)).

### 4.1.3. Who is the author of the persecution/serious harm? [back]

Actors of persecution/serious harm may be state or non-state agents, or both (see [Article 6 of the QD](#)). Determining who the said actor(s) is/are in the particular case is also important in order to assess at a later stage whether there may be an actor of protection (within the meaning of [Article 7 of the QD](#)) available or whether internal protection may be considered in accordance with [Article 8 of the QD](#).

### 4.1.4. When did it happen? [back]

Dates and chronological landmarks are useful for providing context, for testing consistency with information previously submitted by the applicant and for testing the applicant's account against other information such as COI, databases (Eurodac, visa information system (VIS), etc.), and so on.

Dates and chronological landmarks are useful for assessing, inter alia, the causal link between past events and the flight out of the country of origin. However, the case officer should remember that the applicant's personal circumstances, for example cultural background, trauma or other factors, may have an impact on the way the applicant is able to remember dates.

### 4.1.5. Where did it happen? [back]

(Names of) Places and landmarks are useful for providing a context and to be tested against COI.

### 4.1.6. Why did it happen? [back]

The case officer should provide the applicant an opportunity to give his/her personal point of view on why he/she or others has/have been (or is/are likely to become) victim(s) of persecution/serious harm. At the same time, the case officer should remember that the applicant may be unaware of the motivation of the actor(s) of persecution and/or unable to use legal terminology.

The aspect of 'why' is necessary for the case officer to establish a link with international protection grounds and in particular with refugee status grounds.

### 4.1.7. What are the submitted documents and evidence (where applicable)? [back]

Asking for explanations about the submitted documents and evidence is an integral part of the interview (see [Article 4\(2\) of the QD](#)).

Relevant aspects could be: For what purpose is the document submitted? What is its nature/content (if not translated)? Which fact/event does it relate to? What does it substantiate/demonstrate? Where does it come from? When did the applicant get it? How did the applicant get it?

When documents regarding certain elements could be presumed to exist but were not submitted, the case officer should further examine the reasons for non-submission, without prejudice to the outcome of the assessment to be conducted at a later stage.

## 4.2. Ask about fear of persecution or serious harm [back]

### 4.2.1. In case of return, what does the applicant think could happen? [back]

Future risk of persecution/serious harm is the crucial issue for the determination of international protection needs; the applicant should be given an opportunity to express what he/she fears — since this is the very ground of his/her application.

### 4.2.2. Why does the applicant think it would happen? [back]

While interviewing the applicant, the case officer should keep in mind that past persecution/serious harm can be an indication of future risk of repetition of similar persecution/serious harm (see [Article 4\(4\) of the QD](#)). On the other hand, lack of past persecution/serious harm does not mean there is no future risk (see also International protection needs arising *sur place*, [Article 5 of the QD](#)).

The reasons may be different than for the past persecutions/harm suffered if the situation of the individual or in the country of origin has changed.

### 4.2.3. From whom does the applicant fear persecution/serious harm in the event of a return to his/her country of origin? [back]

The actor(s) of persecution may be different to those concerned in past persecution/harm suffered if the situation of the individual or in the country of origin has changed.

Exploring this issue is necessary especially where there is no past persecution/serious harm.

## 4.3. Explore reasons for persecution [back]

(Article 10 of the QD, Article 1(A)(2) of the Geneva Convention)

### 4.3.1. Place for follow-up questions regarding the actual or imputed characteristics of the applicant [back]

Where the applicant provided an insufficient indication in response to ‘Why did it happen?’ it is still necessary to explore whether a reason for persecution exists in accordance with [Article 10 of the QD](#).

Where the applicant provided indications as to the reasons why he/she was or would be persecuted, additional questions may be necessary to ascertain that he/she actually possesses or is regarded by the actor of persecution as having the characteristics that motivate the alleged persecution.

In some Member States, characteristics not explicitly mentioned in the [1951 Geneva Convention](#) or [Article 10 of the QD](#) may constitute independent refugee status grounds according to national legislation (e.g. gender, ‘freedom fighter’, previous recognition as a refugee by the UNHCR or by another state party to the Geneva Convention).

If there are such additional grounds applicable in accordance with your legislation, you can find them here: [[Insert reference to national legislation](#)].

### 4.3.2. Some issues may need to be raised *ex officio* [back]

Some issues may have to be raised *ex officio* when the applicant does not mention them him/herself (e.g. FGM with regard to female applicants from certain countries of origin).

If there is legislation or specific guidance in this respect in your country, you can find it here: [Insert reference to national legislation/guidance].

## 4.4. Explore reasons for subsidiary protection [back]

(Article 15 of the QD)

Where the serious harm feared is ‘death penalty or execution’ (see Article 15(a) of the QD) or ‘torture or inhuman or degrading treatment or punishment’ (see Article 15(b) of the QD), the questions asked previously under sub-sections 4.1 and 4.2 should have already provided the necessary information. However, where the risk of serious harm is by reason of indiscriminate violence in situations of international or internal armed conflict, specific additional questions may be needed (see Article 15(c) of the QD).

If there are specifics in the way Article 15(c) QD is transposed in your country, you can find the text here: [Insert reference of your country’s relevant legal provisions].

### 4.4.1. Some issues may need to be raised *ex officio* [back]

Some issues may have to be raised *ex officio* when the applicant does not mention them him/herself (e.g. with regard to female applicants from certain countries of origin, existence/absence of a (male) relative or a family/ clan/tribal network or acquaintances able to provide ‘protection’ and/or subsistence according to local customs).

If there are specific legal provisions or relevant guidance in your country, you will find them here: [Insert reference of your country’s relevant legal provisions or guidance].

## 4.5. Where applicable, explore other forms of protection [back]

In some countries, granting leave to remain for non-international protection reasons (humanitarian, compassionate or medical grounds, etc.) may be a competence of the determining authority. See in Section 1 above the sub-section [Identify relevant non-international protection issues](#).

If there are specific legal provisions or relevant guidance in your country, you will find them here: [Insert reference of your country’s relevant legal provisions or guidance].

## 4.6. Enquire about available protection in the country of origin [back]

(Article 6(c) and Article 7 of the QD)

### 4.6.1. Has the applicant tried to seek protection from the relevant authorities/actors? [back]

This line of interviewing is usually not relevant if the State is the actor of persecution or serious harm.

However, in some countries, COI may suggest that protection/redress from an independent judiciary or another authority can be effective and accessible (see Article 7 of the QD).

It is necessary to explore this aspect where the actor of persecution/serious harm is a non-state agent (see [Article 6\(c\) of the QD](#)).

On the other hand, it would not be relevant if there is no available actor of protection.

#### **4.6.2. If so, from which authorities/actors of protection and what was the result? [back]**

It may be necessary to explore, during the interview, whether an actor of protection is unable or unwilling to act and whether its unwillingness to act was based on convention grounds (see [Article 6\(c\) of the QD](#)).

#### **4.6.3. If not, why not? [back]**

If the applicant has not tried to seek protection in his/her country of origin, the case officer should give him/her an opportunity to explain why, for example:

- he/she was prevented from seeking protection;
- he/she thinks it would have been of no avail.

### **4.7. If applicable, ask about an internal protection alternative [back]**

(Article 8 of the QD)

#### **4.7.1. Is there a ‘safe haven’ in the applicant’s country of origin? [back]**

For this part of the interview, bear in mind that the burden of proof of the availability of protection lies with the determining authority.

#### **4.7.2. Is it legally and practically accessible and is it reasonable to expect the applicant to settle there? [back]**

The case officer will have to check whether the applicant:

- can **safely** travel to that part of the country;
- can **legally** travel to and gain admittance to that part of the country; and
- can **reasonably** be expected to settle there and enjoy protection from persecution and serious harm.

### **4.8. If applicable, enquire into existing grounds for exclusion [back]**

(Articles 12 and 17 of the QD based on Article 1 D, E, F of the 1951 Geneva Convention)

Upon indications, during the interview the case officer may have to explore the issues relevant to exclusion.

#### **4.8.1. Article 1D and Article 1E of the 1951 Geneva Convention [back]**

For applicants of Palestinian origin: Does the applicant enjoy the protection or assistance from organs or agencies of the United Nations other than the UNHCR? (see [Article 12\(1\)\(a\) of the QD](#) based on [Article 1D of the Geneva Convention](#)). If the assistance ceased, the case officer should ask appropriate questions to determine whether it was for reasons beyond the applicant’s control and independent of his/her volition ([Case C-364/11 — \*Abed El Karem El Kott and Others\* — 19 December 2012](#)).

Does the applicant enjoy in the case officer's country (or in another country where he/she has taken residence) the rights and obligations which are attached to the possession of nationality of that country or rights and obligations equivalent to those? (see [Article 12\(1\)\(b\) of the QD](#) based on [Article 1E of the Geneva Convention](#)).

#### 4.8.2. Article 1F of the 1951 Geneva Convention [\[back\]](#)

##### **a. Has the applicant mentioned acts he/she has committed that could entail exclusion? (For acts entailing exclusion see [Article 12\(2\)](#) and [Article 17\(1\)](#) of the QD based on [Article 1F of the Geneva Convention](#))**

Should such a case occur, the case officer should:

- invite the applicant to confirm his/her statement;
- inform the applicant that the acts he/she mentions may exclude him/her from the benefit of international protection;
- enquire into possible mitigating circumstances.

There may be specific arrangements in your country regarding the examination of exclusion grounds, such as specialised case officers, need for a separate interview, etc. Please consult your national procedures here [\[insert reference to relevant guidance\]](#).

##### **b. Does COI or do testimonies suggest that the organisation the applicant belongs to (e.g. police, army, militia, guerrilla, terrorist group, mafia) has committed acts that could lead to exclusion?**

Should such a case occur, the case officer should elicit the following information regarding the applicant's position and/or role in the organisation.

- Was the applicant aware of the crimes?
- What was his/her personal involvement? Did he/she order, instigate, commit or knowingly provide the means of committing such crimes?
- Possible additional circumstances: length of stay, hierarchic position, tasks, consequences of acts, etc.
- Did he/she (dis)approve at that time? Does he/she (dis)approve now?
- Possible mitigating circumstances: mental capacity, duress, self-defence, etc.

##### **c. Is the applicant indicted/convicted for a serious (non-political) crime committed outside the country of refuge prior to his/her admission into the said country or does COI/external information/intelligence suggest that he/she committed one such crime?**

For this part of the interview, the case officer should bear in mind that the burden of proof of the conditions for exclusion lies with the determining authority.

Should such a case occur, the case officer should elicit the following aspects.

- What is the crime committed?
- If applicable, what makes the applicant think that the accusation is a cover for persecution/serious harm?
- If applicable, what makes the applicant think that the conditions of a fair trial have not been or will not be met?
- What can the sentence be? Is the death penalty envisaged? What are the conditions in the country's prisons?

Non-political crimes committed in a third country prior to the admission in the case officer's country may also lead to exclusion. In such cases, the case officer will have to explore the consequences on the situation of the applicant vis-à-vis his/her country of origin.

**d. Where applicable, does the applicant constitute a danger for the community/Member State? (Article 14(5) and Article 17(1)(d) of the QD)**

The case officer may additionally have to explore these grounds in relation to exclusion from subsidiary protection. See national legislation and guidance in this respect: [[insert reference to national legislation and guidance](#)].

**e. Non-refoulement in case of exclusion**

Where the competence of the determining authority is not limited to eligibility for refugee status or subsidiary protection, and where exclusion seems likely, the case officer — should the case so require, and in the unlikely event that the responses of the applicant at earlier stages of the interview did not provide sufficient information — may have to ask questions appropriate to assess, at a later stage, whether returning the applicant to his/her country of origin would be in breach of international obligations under human rights instruments, in particular [Article 3 of the ECHR](#) and [Article 3 of the CAT](#).

## Section 5: Closing the interview [\[back\]](#)

When the applicant has finished explaining the reasons for his/her application, and the case officer has asked all the relevant and necessary questions, it is time to enter the closing phase of the interview. This phase is mostly about making sure all the information that is relevant for the application has been properly explored. The closing phase is also about ensuring that the applicant has all the necessary information before he/she leaves the interview.

### 5.1. Ensure that all relevant aspects of the application have been covered during the interview [\[back\]](#)

When conducting an interview on the substance of an application for international protection, the case officer shall ensure that the applicant is given an adequate opportunity to present the elements needed to substantiate the application.

#### 5.1.1. Summarise all reasons provided for the application for protection and ask the applicant if the summary is correct [\[back\]](#)

According to national practice it might be necessary that the case officer summarises the core of the account provided by the applicant. Though time-consuming, this is a good way to ensure that the case officer has covered, in the written report, the main reasons provided by the applicant.

#### 5.1.2. Ask the applicant if there is any additional information he/she would like to add [\[back\]](#)

It is important to make sure that everything has been covered during the interview. The applicant should be given a fair chance to present elements needed to substantiate the application. Asking the applicant whether he/she has something to add also gives him/her a sense of having been treated fairly and having been listened to.

If the applicant has anything to add, the case officer should remain open and flexible. He/she should listen to and explore further any new topics relevant to the application.

The case officer might also have become aware of the existence of documents or other evidence at the applicant's disposal. The way in which those could/should be provided to the authority should be communicated to the applicant.

### 5.2. Re-verify the understanding between the interpreter and the applicant [\[back\]](#)

(Articles 12 and 15 of the APD recast)

At the end of the interview, the case officer should ask the applicant again if he/she has any concerns regarding the interpreter or the interpretation provided at the interview.

It is important to confirm when closing the interview that the applicant and the interpreter understood each other throughout the interview. According to established practice in some Member States, the case officer also asks the interpreter if he/she has understood the applicant throughout the interview.

### 5.3. Where applicable, offer others an opportunity to exercise their rights [\[back\]](#)

(Article 23 of the APD recast)

If the applicant's legal advisor, according to national regulations and practice, is present at the interview, he/she should be offered an opportunity to comment or ask the applicant questions relevant to the case at the end of the interview.

Depending on national legislation and procedures, other people such as guardians or accompanying adults attending the interview may also be offered the opportunity to speak.

If there is specific guidance in your country regarding the rights of different actors during the interview, you can find it here: [\[insert reference to national legislation/guidance\]](#).

### 5.4. Inform the applicant about the next stages in the process [\[back\]](#)

#### 5.4.1. When will the decision, approximately, be taken? [\[back\]](#)

Not knowing when the decision can be expected causes stress for the applicant. In most cases it may not be possible to give the applicant an exact date for when the decision will be taken; but the case officer should, by the end of the interview, at least give the applicant an indicative timeframe within which a decision will be taken.

#### 5.4.2. How will the applicant receive the information about the decision? [\[back\]](#)

The case officer should inform the applicant about how he/she will receive information regarding the outcome of his/her application. For example: Will the decision be communicated through the legal advisor or a case officer? Will the communication be in writing or/and oral?

#### 5.4.3. If relevant, who will make the decision? [\[back\]](#)

The idea is not to present the applicant with the name of a specific decision-maker. However, it could be considered good service to inform the applicant about, for example, by which office and at what level the decision will be taken.

#### 5.4.4. The right to appeal in case of a rejection of the application [\[back\]](#)

The applicant should be informed about his/her right to appeal in case the application is refused, including: When and to where should the appeal be lodged? Which authority will review the appeal? Will the applicant receive any help from her/his legal advisor?

The case officer should take into account that informing about the right to appeal may cause stress for the applicant and give him/her the impression that the authorities already have made a (negative) decision on the case. The case officer should emphasise that no decision has been made yet and that this information is offered to every applicant.

#### **5.4.5. If the response is positive: documentation, family reunification, the right to work, etc. [\[back\]](#)**

Depending on national practice, the case officer could inform the applicant about the consequences of being granted international protection. If the applicant, for example, has family members in a third country and wishes to reunite with them, what should he/she do, etc. As in the case of information regarding possible appeal of negative decisions, the case officer should be careful to emphasise that no decision has been made yet.

#### **5.4.6 If applicable, rights and benefits while waiting for the decision [\[back\]](#)**

In some Member States the information about the applicant's rights and benefits while waiting for the decision is provided at an early stage of the process. But if the applicant has not already received that information it would be appropriate for the case officer to provide him/her with it at the end of the interview.

### **5.5. If applicable at this stage, give the applicant an opportunity to comment on the interview report [\[back\]](#)**

(Article 17 of the APD recast)

The applicant shall be given the opportunity to make comments and/or provide clarification orally and/or in writing with regard to any mistranslations, misunderstandings or omissions in the report or in the transcript at the end of the personal interview or within a specified time limit before the determining authority takes a decision. It is important that the applicant is fully informed of the content of the report or of the substantive elements of the transcript, with the assistance of an interpreter if necessary.

Depending on national procedures and practice, the case officer may have to offer this opportunity at the end of the personal interview and seek the applicant's confirmation that the content of the report or the transcript correctly reflects the interview. If the applicant does not want to confirm the content of the transcript, the reason for the rejection should be recorded.

If available, additional practical information on the process in your country can be found here: [\[Insert reference to legal provisions/guidance\]](#).

### **5.6. Offer the applicant an opportunity to ask questions [\[back\]](#)**

The case officer should close up the interview by asking the applicant if he/she has any questions that he/she would like to ask. If necessary, the applicant should be referred to the relevant person/organisation.

### **5.7. Post-interview actions: reflect on the interview [\[back\]](#)**

#### **5.7.1. Evaluation of the interview [\[back\]](#)**

Even though the interview is finished, there might still be some issues that raise questions or that might need further follow-up. The most important question on which the case officer needs to reflect is whether all relevant elements have been explored as fully as possible or whether there is additional information which has to be collected in order to be able to decide on the application. This reflection on the case should be made soon after the interview, when all the information is still present in the case officer's mind, so no time is wasted to get familiar with the case again.

After the interview, it is also important to take time for reflection and self-analysis. The case officer should reflect on how the interview was experienced from the perspective of the applicant. Did the case officer show respect and empathy by using the right professional attitudes?

### 5.7.2. Self-evaluation and reflection [\[back\]](#)

The case officer may also use this practical guide to evaluate the way he/she conducted the interview and to identify areas for improvement in his/her work.

The case officer should also reflect on the way he/she experienced the interview, especially if traumatic or sensitive events were discussed. In order to maintain a professional attitude and be productive in his/her job, the case officer should regularly assess and attend to his/her own needs.

# Legal instruments and national references

## International instruments

- 1951 Geneva Convention and 1967 New York Protocol Relating to the Status of Refugees
- European Convention on Human Rights (ECHR)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

## European Union instruments

- Qualification Directive (recast) (QD)  
Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast)
- Asylum Procedures Directive (recast) (APD recast)  
Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast)
- Anti-trafficking Directive  
Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA

## Case-law of the Court of Justice of the European Union

- Case C-364/11, El Kott & Others (Judgment of the Court — Grand Chamber)

## National legal instruments and guidance

### National legal instruments

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### National guidance

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