

Charter of the personal interview



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Publisher:

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Edition:

August 2019

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FOREWORD

In light of a major reform of the Belgian asylum procedure in 2007, the CGRS initiated a reflection process on quality management, in particular with regard to the processing of applications for international protection. Several topics were examined and discussed in working groups, notably a working group on the preparation for and conduct during the asylum interview and a working group on how to create and maintain favourable conditions for the interview.

The asylum interview, which is at the heart of the asylum procedure, had also been chosen by a few staff members as a topic for their trainee report. They looked into issues such as deontological guidelines for the protection officer's attitude and guidelines for conducting an asylum interview.

Moreover, at a European level, the CGRS is closely involved in the development of training programmes for government officials working for the national asylum authorities of EU member states under the aegis of the European Asylum Support Office (EASO). These programmes cover many topics that were also examined by the quality working groups and their contents correspond to the basic philosophy of the CGRS.

In some countries, such as the United Kingdom, Switzerland and Canada, asylum bodies have already drawn up a so-called 'code of conduct' for the personal interview. This charter is largely inspired by these codes, as the objectives for the personal interview are the same everywhere, with a clear focus on efficiency and respect for the applicant for international protection. This charter also builds on lessons learned from applying the Royal Decree of 11 July 2003 on the procedure before the CGRS.

As a follow up to the drafting of a 'Deontological code for the work of interpreters and translators', it is now important for the CGRS to draft a code of 'good practices' regarding the personal interview.

FOREWORD

This charter, which is made public, will serve as the protection officer's code of conduct. Together with the briefing note on interview techniques and the training module on intercultural communication, it should serve as a guarantee for the quality of a key moment in the asylum procedure, i.e. the personal interview of the applicant for international protection.



1. THE PERSONAL INTERVIEW TAKES PLACE IN A PROFESSIONAL SETTING

- The protection officer creates a climate of confidence favourable to the establishment of the facts. His behaviour, attitude and appearance reflect the organization's neutrality, seriousness, professionalism and competence.
- The room where the personal interview takes place is kept clean and tidy.
- The protection officer makes sure the personal interview is not disturbed by outside interference. He puts his mobile phone in vibrate mode and asks the persons present to do the same.
- It may happen that a lawyer has to answer an urgent phone call. In this case, he shall have to leave the room. This obligation is explained to him at the start of the interview. The personal interview continues in the lawyer's absence, which must be recorded in the notes of the interview.
- The protection officer sees to it that the arrangement of furniture in the interview room favours direct visual contact between the applicant for international protection and himself.
- The protection officer personally goes to the waiting room to pick up the applicant for international protection. He addresses him by name. For reasons of confidentiality and privacy, the protection officer avoids, to the extent possible, to call out the applicant's name in the waiting room. If he recognizes the applicant for international protection on the basis of elements in his file (picture, date of birth, family composition), he addresses him personally.

2. IN ORDER TO PROPERLY PREPARE THE PERSONAL INTERVIEW, THE SPECIFIC CHARACTERISTICS OF EACH CASE ARE TAKEN INTO ACCOUNT

- From the course of the personal interview it should be shown that the preparation has been adapted to the specific characteristics of the file and that the documents in the file have been thoroughly examined, to the extent possible. To prepare for the personal interview, the protection officer takes into account the evidence available, the profile of the applicant for international protection and the related asylum files.
- The protection officer has a good knowledge of the situation in the applicant's country of origin. When preparing for the personal interview he consults the relevant and useful country of origin information.
- The protection officer has the required expertise to conduct personal interviews with applicants for international protection with specific profiles: applicants potentially falling under an exclusion clause or applicants belonging to a vulnerable group, such as unaccompanied foreign minors, traumatized applicants, applicants putting forward gender related asylum grounds (rape, sexual abuse, sexual orientation and gender identity), etc...
- The general course of the personal interview, the structure and key elements are all planned beforehand. The personal interview focuses on the topics that are crucial to the application and is structured around the identity of the applicant, the nature, motives and actors of persecution, the applicant's fear in case of a return to his country of origin, and the evidence at hand. This basic pattern is not rigorously fixed. Some flexibility is needed, depending on the course of the interview and the elements put forward.
- Questions and aspects that are crucial for the assessment of the application claim must be specified. The protection officer should identify those elements that need to be clarified during the personal interview.

3. THE PROTECTION OFFICER INFORMS THE APPLICANT ABOUT THE AIM, THE COURSE AND THE PRINCIPLES OF THE INTERVIEW AS WELL AS ABOUT THE APPEAL OPTIONS

- When the protection officer has taken the applicant for international protection to the room where the personal interview takes place, he introduces himself. He also introduces the other persons present and explains their role. However, he does not give the interpreter's name.
- The protection officer ascertains whether the applicant understands the interpreter.
- The protection officer briefly explains the asylum procedure, situates the personal interview within the procedure and outlines the appeal options. He uses a vocabulary that is understandable to the applicant for international protection.
- He checks with the applicant whether the latter's elected place of residence has not changed.
- The protection officer informs the applicant for international protection that he may request a break if necessary and that he should not hesitate to ask for water. The protection officer also reminds him that smoking is not allowed.
- The protection officer explains the course and the aim of the personal interview.
- He emphasizes the confidentiality of statements made during the personal interview and of every element of the file and ensures that no information will be conveyed to the actor of persecution. This confidentiality is guaranteed by Belgian legislation, in particular the obligation of professional secrecy.
- He explains the consequences of a refusal, or even a reluctance to collaborate. He also points to the applicant's obligation to tell the truth.

- He informs the lawyer or the trusted person accompanying the applicant that he is not allowed to intervene during the personal interview but that he can express himself at the end of the interview.
- The protection officer informs the applicant and his lawyer that it is possible to request access to the notes of the personal interview before the CGRS makes a decision and that this must be requested within two working days of the personal interview. Within eight working days of receiving the copy, the applicant or his lawyer may, if they so wish, make comments that will be taken into account by the CGRS. The form to request a copy of the notes of the personal interview is available on the CGRS's website.
- Form (French version):
www.cgra.be/sites/default/files/formulieren/demande_copie_notes_entretien-personnelen-cours-de-procedure-cgra.pdf
- Form (Dutch version):
www.cgvs.be/sites/default/files/formulieren/aanvraag-kopie-van-notities-persoonlijk-onderhoud_tijdens-procedure-cgvs.pdf

4. NO CHILDREN ARE PRESENT DURING THE PERSONAL INTERVIEW

- Unless they are under 12 months of age, children are not allowed to be present during the interview. Under exceptional circumstances justifying the presence of the child during the personal interview (e.g. specific problems of the child or its parent), the protection officer may authorize the child to remain present. If both parents are present, one of them can take care of the child in the family waiting room.

5. THE PERSONAL INTERVIEW IS CONDUCTED IN AN IMPARTIAL, LOYAL AND RESPECTFUL WAY

- All persons present treat the applicant for international protection with respect.
- The tone and language used during the interview have to take into account the personal situation of the applicant: gender, age, educational level, etc...
- Before, during or after the personal interview the persons present do not adopt an attitude liable to give an impression of partiality, discrimination, lack of respect or lack of professionalism.
- During the personal interview, the protection officer maintains a professional attitude towards the applicant: he shows empathy but stops short of showing compassion or sympathy.
- As soon as the protection officer realizes that there is a conflict of interest between him and the applicant, he immediately puts an end to the personal interview and informs his functional superior. The protection officer makes a record of this in the notes of the personal interview.
- When an applicant for international protection behaves aggressively or a lawyer or trusted person (or a guardian accompanying a minor) disturbs the interview through his behaviour, the protection officer reminds all parties present that they are required to assist with the smooth proceeding of the asylum procedure. Should the disruptive behaviour persist in spite of this warning, the protection officer puts an end to the personal interview and immediately informs his functional superior. The protection officer makes a record of the incident in the notes of the personal interview and also informs the Lawyers' Helpdesk of the CGRS.

6. THE PERSONAL INTERVIEW FOLLOWS A RESULTS ORIENTED APPROACH

- During the personal interview, the protection officer covers the crucial elements of the asylum application (evidence and decisive material elements) and examines them in depth so as to enable himself to take an informed decision.
- During the personal interview he identifies for himself, as conclusively as possible, all the elements that are essential for assessing the grounds for refugee status or subsidiary protection status.
- In order to obtain results, the protection officer holds the lead of the personal interview. If the applicant's declarations are not relevant to the questions, the protection officer intervenes and leads him back to the main (material) elements of his application. When necessary, he may at any time remind the applicant of the consequences of a lack of cooperation.
- The protection officer shows flexibility during the personal interview and adjusts himself to the situation when new material elements or new questions come up.
- At the end of the personal interview the protection officer asks the lawyer or the trusted person (or the guardian in the case of an unaccompanied minor) if he wishes to add something.

7. QUESTIONS ARE IMPARTIAL AND PRECISE; ALL QUESTIONS AND ANSWERS ARE FULLY TRANSLATED AND WRITTEN DOWN

- The protection officer ensures that the interpreter keeps within the limits of his function. He also sees to it that the applicant and the interpreter do not start a conversation unrelated to the content of the personal interview.

- The protection officer writes a report that duly and faithfully represents both the course and the content of the personal interview. All the applicant's declarations are written down verbatim; any summarizing should be avoided. Abbreviations may be used as long as they are commonly intelligible.
- In his written report, the protection officer clearly differentiates between his questions and the applicant's answers.
- When the applicant gives a very long answer, the protection officer makes sure the interpreter is able to translate this answer completely. Whenever necessary, he tactfully interrupts the applicant so as to allow the interpreter to translate.
- When the applicant and the interpreter have problems in understanding each other, the protection officer records this in the interview report.
- He also reports any behaviour of the applicant or any incident which affects the interview: hesitation, emotion, aggressiveness, inappropriate intervention of other persons present etc..., as long as the facts referred to are objectively discernible.

8. EFFICIENT CONVERSATION METHODS ARE USED

- The protection officer uses the most efficient and appropriate conversation methods in order to establish the facts that will serve as a basis for the decision.
- To facilitate establishment of the facts, the protection officer clearly explains to the applicant what is expected of him. He listens attentively, does not speak more than necessary and asks short questions that are easy to understand. To obtain necessary details or to clarify a point, closed questions can be used.
- He does not ask more than one question at a time.
- He does not ask suggestive or disapproving questions.

9. THE LANGUAGE USED DURING THE PERSONAL INTERVIEW IS ADAPTED TO THE APPLICANT AND TO HIS BACKGROUND

- The questions asked and the information given during the interview take into account the applicant's personality, experience and cultural background (age, gender, health, social position, education level, religion, etc...).
- The protection officer takes into account the various aspects of intercultural communication.
- If the applicant is an unaccompanied foreign minor or a person who has suffered acts of violence, the protection officer adjusts his approach and uses specific conversation methods.

10. IMPROBABLE OR CONTRADICTORY ELEMENTS CONCERNING IMPORTANT PARTS OF THE ASYLUM STATEMENT ARE ADDRESSED

- To the extent possible the protection officer evaluates, based on the information available to him (applicant's age, schooling, etc...), the level of accuracy that can be expected from the applicant in his declarations.
- Any possible misunderstanding is cleared out by rephrasing the question.
- The protection officer confronts the applicant with any improbable element, any implausible answer or contradiction in his statement, and gives him an opportunity to clarify these points.
- Hesitant or evasive answers are addressed during the personal interview.

- When the applicant is confronted with his own declarations, the persons present refrain from any disparaging remark or attitude towards him.

11. **BREAKS ARE PLANNED**

- A 15-minute break has to be taken every hour and a half. Beginning and end of the break are recorded in the notes of the personal interview. The protection officer shows the applicant and his lawyer to the coffee-corner which is reserved for them during the break.
- Depending on the circumstances, more frequent breaks may be used (unaccompanied minor applicant, traumatized applicant, etc...).
- During these breaks, the protection officer keeps the professional distance observed during the interview and sees to it that a professional distance is also kept between all persons present. To the extent possible, he does not leave them on their own.
- Except for the translation of questions and answers, the protection officer sees to it that the interpreter does not start a conversation with the applicant before, during or after the personal interview. As a rule, the protection officer never leaves the interpreter alone with the applicant for international protection.
- The maximum duration of the interview is set at 4 hours. This can exceptionally be extended by half an hour, if the nature of the file so requires and if the interpreter agrees to this extension. However, every action should be taken to avoid any such extension. When, even after an extended personal interview, decisive elements still remain unclear, the protection officer, together with the Dispatching unit, immediately tries to fix another date for the personal interview, which he immediately communicates to the applicant for international protection.

12. THE END OF THE PERSONAL INTERVIEW FOLLOWS A FIXED PATTERN AND CRUCIAL ELEMENTS OF THE ASYLUM STATEMENT ARE CLARIFIED

- At the end of the personal interview the protection officer takes some time to run through the notes of the personal interview, he checks whether the crucial elements have been sufficiently established and whether the elements that are essential for taking a decision have been closely examined and fully explained.
- He asks the applicant for international protection whether any points crucial to the asylum claim were not raised yet, in particular regarding his fear in case of a return to his country of origin.
- The protection officer asks the lawyer or the trusted person if he has any remarks about the course of the personal interview or the applicant's declarations. The protection officer writes down any remark the lawyer makes in this regard and informs the lawyer that he can still send written remarks after the personal interview.
- The duration of the personal interview and the time at which it started and ended must be recorded in the notes of the personal interview.
- The protection officer leads the applicant and the persons accompanying him to the exit and bids them farewell.



Want to know more about the CGRS?

You will find all the information about the personal interview and the asylum procedure on our website:



www.cgrs.be

You can keep up to date with the latest news via our Twitter account:



[@cgvs_cgra](https://twitter.com/cgvs_cgra)



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