

Interviewing Applicants for Refugee Status (RLD 4)

1995

Introduction

Why this module?

Interviewing is a task that is an integral part of many functions performed by staff concerned with protecting and assisting refugees. These functions may include providing counselling, seeking durable solutions, or documenting human rights violations. Interviewing is particularly important within the context of determining refugee status. To do it well requires certain skills that can be developed and improved. The essential purpose of this module is to help you develop your skills in this regard.

We should never forget that being recognised – or not – as a refugee will have direct implications on the life and well-being of the applicant and his or her family. This places a heavy burden of responsibility on the person conducting the interview whether or not this person is the final decision-maker.

What does the module contain?

There are **seven chapters** which are designed to help you to prepare for and conduct an interview, to overcome a number of specific problems you may encounter, and to reach a fair conclusion. Wherever possible the advice given is in the form of checklists to help you through the various steps. This module provides basic information which is specifically geared towards conducting interviews in the context of refugee status determination. The information presented in this module is by no means exhaustive, but represents a compilation of general instructions, rules and practical tips.

Who can use it?

Those most directly concerned are UNHCR and government personnel involved in refugee status determination procedures in the field. Persons working with resettlement applications and counselling will also find it useful. In addition, this module should be of interest to non-governmental organizations or UNHCR implementing partners who are concerned with refugee protection and status determination procedures.

Which other training tools and sources to use?

Other UNHCR training materials, guidelines and notes of relevance for conducting interviews are listed below. Copies of these materials can be obtained from UNHCR Headquarters:

- An Introduction to the International Protection of Refugees (RLD 1), 1992
- Determination of Refugee Status (RLD 2), 1989
- Interpreting in a Refugee Context (RLD 3), 1993 and Training Video on "Interpreting in a Refugee Context", 1995
- Handbook on Procedures and Criteria for Determining Refugee Status, 1991

- Guidelines on Preventing and Responding to Sexual Violence against Refugees, 1995
- Note on Certain Aspects of Sexual Violence against Refugee Women, A/AC.96/822, 1993
- Guidelines on the Protection of Refugee Women, EC/SCP/67, 1991
- Note on Refugee Women and International Protection, EC/SCP/59, 1990
- Refugee Children: Guidelines on Protection and Care, 1994
- Working with Unaccompanied Minors in the Community, 1994
- Guidelines on Evaluation and Care of Victims of Trauma and Violence, 1995
- People-Oriented Planning at Work: Using POP to Improve UNHCR Programming, 1994
- Community Services for Urban Refugees, 1994

Chapter 1 Preparing for the Interview

In this Chapter you will learn:

- what background information to study;
- how to prepare the interpreter;
- how to make sure the setting is suitable;
- how to plan your time.

Preparing for the interview is a crucial part of the process. An interviewer who is well-informed and well-prepared will be in a position to establish a relationship with the applicant which provides an atmosphere of confidence and trust. Proper preparation and information will allow an interviewer to ask the right questions, deal with any difficulties which may arise during the course of the interview, and ultimately make a fair assessment of the applicant's credibility.

Doing your homework

This can only begin with the applicable refugee definition which in most cases will be, or will be based upon, that contained in the 1951 Refugee Convention. According to Article 1 A(2) of this fundamental instrument, the term "refugee" applies to any person who:

"...owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable, or, owing to such fear, is unwilling to return to it".

A thorough understanding of this definition, the criteria it contains, and how they apply is an essential pre-requisite for conducting refugee determination interviews. The Training Modules entitled An Introduction to the International Protection of Refugees (RLD 1) and Determination of Refugee Status (RLD 2), as well as the Handbook on Procedures and Criteria for Determining Refugee Status, are tools that can help you.

The Organization of African Unity (OAU) Convention

In addition to incorporating the definition of a refugee as found in the 1951 Convention, Article 1(2) of the 1969 OAU Convention defines a "refugee" as including:

"...every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality".

The Cartagena Declaration on Refugees

Another definition of "refugee" is found in Conclusion 3 of the 1984 Cartagena Declaration. Similar to the OAU Convention, and in addition to the definition of refugee as found in the 1951 Convention, persons will be granted protection if they:

"...have fled their country because their lives, safety, or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violations of human rights or other circumstances which have seriously disturbed public order".

Knowing the applicable refugee definition, though essential, is not enough. Numerous other sources of information must be assembled. These will, of course, vary according to the location and circumstances in which the interview takes place. What follows are a number of suggestions that can be used as a checklist.

- What other international legal instruments may apply (international human rights and humanitarian law)?
- What do you know of the country of origin of the applicant?
- What national legislation is of relevance (Immigration Acts, Aliens Acts, nationality laws, laws relating to extradition, or domestic human rights legislation)?
- What is the relevant jurisprudence?

Identifying sources of information

It should be emphasized that knowledge of the country of origin of the applicant is crucial for preparing for the interview. You must become familiar with basic facts about the country from which the claimant has come. The information you gather should include the following:

- the basic political and administrative organization of the country of origin. For example, does the country have an elected government, political parties, an independent legal system, a civilian police force, autonomous or semi-autonomous local or regional governments, restrictions on freedom of movement, etc.?
- respect for and adherence to fundamental human rights in the country of origin, and any reports of harassment or persecution of any individual or groups of individuals on grounds related to the definition of a refugee;
- the basic geography (maps) of the country of origin, and the economic and social characteristics of the country including: the major population centres, distances between cities, ethnic or tribal groups, the main sources of employment, the system for the distribution of goods, economic or population dislocations affecting particular groups or areas, and so on;
- the culture of the country with respect to such issues as the definition of family and the nature of

family relationships, the role and status of women, attitudes towards homosexual relationships, attitudes towards “foreign” influences, etc.;

In addition, you may have to seek or collect more detailed information concerning such matters as: the operational methods of the police, military or security services, the criminal and military justice systems, and terms of punishment for criminal, military or political offences.

As noted above, the type of information to be collected should not be limited to legal materials. Human rights reports, general country of origin information, specialized reports concerning ethnic, religious, gender issues or political groups, and news reports of current events are just some of the sources which can be employed for reference purposes. Uncovering this information will require investigation and imagination. Here again are a few suggestions that include support you can obtain from UNHCR Headquarters and sources of information that you will need to assemble locally.

Protection databases

The Centre for Refugee Documentation at Headquarters maintains several information databases to which Branch Offices are being linked. So far, those available are as follows:

- REFCAS national CASE LAW on refugee protection;
- REFLEG national LEGISLATION on refugee matters;
- REFINT INTERNATIONAL INSTRUMENTS (texts and reservations);
- REFLIT BIBLIOGRAPHY of books, periodicals and articles;
- REFPRO annual field office PROTECTION REPORTS (reserved to UNHCR staff);
- REFINFO country and refugees information database;
- WRITENET weekly event reports and country information chronologies.

Country of origin information

The sources of this information are many and varied, including governments, other UN agencies, refugee, human rights and non-governmental organizations, research and documentation centres, academies, national and international media and external information networks and databases. The Centre for Documentation on Refugees (CDR) is a part of this global network. It manages an extensive collection of information stored in library format and computer databases. Updating existing databases and developing new sources of information is an important aspect of the work of CDR, as is training UNHCR, government and independent researchers to use and access this information.

A principal aim of CDR is to provide up-to-date information which can be employed by UNHCR staff and others working within protection activities, status determination, training, and research concerning refugees. The CDR maintains an extensive collection of books and periodicals on refugee issues, human rights issues, migration, and other relevant topics. The Centre also maintains, with the help of the UNHCR Bureaux and Field Offices, a collection of documents relating to refugees and asylum seekers in national and international law. This includes both legislation and case law. The CDR also prepares responses to questions concerning such issues as causes of flight and problems of return, as well as broader information on historical, political, legal and social developments in a country or region. CDR shares information with an international network via an electronic E-Mail and Bulletin Board called IRENE and publishes a quarterly literature survey on refugees.

It is further suggested that UNHCR Field Offices collect and update their own sources of country of origin information. This is especially important when a Field Office is dealing with a number of

refugees arriving from the same country of origin and specialized reference materials are regularly consulted.

Another useful source of country of origin information is the worldwide network of UNHCR Field Offices. Most Field Offices have access to open sources of information concerning the country in which they operate, including contemporary legislative and political developments, news reports or other documented accounts of events. Specific requests for information should be forwarded through the CDR, Regional Legal Advisers, or respective Heads of Desk at Headquarters.

Knowing the content of the application

Even if you are working under time constraints, be sure to read the basic data and registration forms and other relevant testimonies and translate and examine copies of all documents received from the applicant in advance of the interview. This will help you:

- to ask the right questions and identify what information may be missing, incomplete, contradictory or unclear;
- to inspire confidence in the applicant. An interviewer who fumbles in his or her papers, uncertain as to the applicant's correct name and personal history will be viewed with suspicion. This can be an obstacle to obtaining an honest account of the claim on which the outcome of the application will depend.

Preparing the interpreter

In many cases, the interview will take place with the assistance of an interpreter. This may constitute an additional obstacle to communication. It is important to brief the interpreter in advance of the interview to make sure that he or she understands what to do. You should explain how you intend to conduct the interview and what types of questions you will ask the applicant. Some explanations on the refugee determination process and common terminology may also be helpful. In all cases you should provide guidance as to the code of ethics expected of the interpreter. It is particularly important to insist on the **confidentiality** of all information that concerns the applicant. You should also ensure that the interpreter understands that he or she must remain neutral and objective during the interview process.

Interpreters should understand that everything the interviewer and applicant say must be interpreted. It is not sufficient to summarize or embellish what is being said through filling in missing information. Nor should the interpreter try to improve on the words or phrases of the applicant in order to make him or her sound more coherent, credible or educated. The interpreter should be trained to take notes during the interview in order to ensure the accuracy of what is being translated, and to record all the facts clearly. Any names of persons or places must be spelled out so they are clear. The interpreter should also be told that the interviewer or applicant may ask for clarification whenever necessary.

If you are not satisfied with the interpreting arrangement then the interview should not proceed. For example, such a situation may arise if the applicant does not fully understand the interpreter due to differences of dialect. Similarly, in a situation where refugee interpreters are employed, an interpreter should not be engaged if he or she is closely related to the applicant through family ties or other connections such as political party affiliation. It is important to recall that the relation between the applicant and the interpreter will have an impact on their ability and willingness to communicate. You should therefore make sure that the applicant and the interpreter feel comfortable with one another. This is important not only to preserve the objectivity of the interview process, but to prevent against the interpreter being placed in a position where he or she can be pressured by the applicant.

You will find additional advice and tips on these various points in the UNHCR Training Module RLD 3 and the training video entitled "Interpreting in a Refugee Context". These materials are

available from UNHCR Headquarters.

The importance of the physical setting and your attitude

In preparation for an interview you should assume a caring attitude and provide a setting that encourages the applicant to communicate. Try to provide a comfortable physical environment for the interview, and establish a good impression by greeting the applicant and addressing him or her throughout the interview in a respectful and attentive manner. Be aware of your posture and body language.

Also be attentive to how you dress. If you dress in a formal manner this may intimidate the applicant and make him or her feel uneasy and unwilling to communicate. You should dress in an appropriate and culturally sensitive manner as this will show that you respect the applicant and it will reflect positively on your attitude.

Never use a threatening or harsh tone with the applicant but at all times be reassuring and encourage the applicant to answer your questions fully and truthfully. You may not have a choice as regards the location of the interview. However, give careful attention to the following details as they will influence the general atmosphere of the process.

➤ *Privacy*

Confidentiality is an essential condition. Testimonies may cover information which the applicant has not even revealed to his or her spouse or family. Communication cannot be established if there exists a fear of being overheard by others. It is therefore most important to ensure that the interview area is completely private.

Ensuring a private setting, especially in the field, may not always be possible. Difficult circumstances such as hot, noisy, crowded or stressful settings are clearly more difficult for interpreters, refugees and interviewers. If such a setting cannot be avoided then this should be explained to the refugee and the interpreter. You should also try to remedy the worst conditions by, for example, bringing drinking water or other refreshments and ensuring there is a place to sit.

➤ *No interruptions*

Make sure that there are no distractions while the interview is taking place. Telephone calls or interruptions by other people should be avoided. You should place a notice at the entrance to the interview room which indicates that you are not to be disturbed during the interview.

➤ *No noise*

Any distracting noises will interfere with the concentration of the applicant, the interpreter, and the interviewer.

➤ *Seating arrangements and the interview room*

Arrange the table and chairs on the same level and, if possible, in a well lit area. Avoid signs of authority in the interview room and surrounding environment. (e.g. court-room settings, bars on windows, locked doors, the presence of uniformed personnel, etc.). Also avoid seating the applicant in such a way that he or she is facing a source of light as this may tend to "blind" the applicant.

Where you should sit

The place which the interviewer and interpreter occupy in relation to the applicant is an important detail.

You should try to arrange the seating so that the interpreter is to the side of the interviewer and slightly withdrawn. This will allow the interviewer and applicant to communicate face to face.

The preferred position is illustrated in the sketch below.



In the event you are interviewing a child, the interpreter should sit closer to the child than to the interviewer in order to avoid being perceived in a position of authority and to put the applicant at ease.

Planning your time

It is likely that your time for each interview will be limited. This is another reason why careful preparation is important. Begin by assessing the main aspects of the case, then plan your interview in such a way as to concentrate on the areas where there are omissions or contradictions. Try to anticipate where tact and special interviewing skills may be needed to help overcome communication barriers.

Sketch out a schedule that allows time for breaks if the interview is going to be long. Never forget that interviewing is an emotionally draining and intense exercise for all parties to the process. In particular, it is necessary to provide breaks for the interpreter and the applicant. You as interviewer must also take regular breaks in order to perform most effectively. You should plan time for the possible intervention of additional persons to be interviewed, for example, family members of the applicant (spouses, children) or other witnesses such as medical professionals (in the case of torture victims or persons with disabilities). Before starting the interview it is necessary to remind the applicant of the procedures and schedule to be followed. If the interview will last a considerable length of time, keep in mind that as a general rule you should provide a 5 to 10 minute break for every 1 to 1.5 hours of interviewing.

Recalling the objectives

As a final step in your preparations, it is important to be clear in your approach and to remind yourself of the importance of the interview process for the applicant's future and that of his or her family.

In this regard, *it is important to recall that the interview is not a trial.*

It is an opportunity to discuss and present all the facts and events which form the basis of an applicant's claim to refugee status.

To summarize, the objectives of the interview process are as follows:

- You must document with as many details as possible the applicant's story, including both the objective and subjective elements. You must allow the applicant to tell his or her story fully, and

you must direct the interview by planning your questions carefully in order to cover all aspects of the claim.

- As an essential part of the decision-making process you must assess the applicant's story and credibility in connection with the principles and criteria for determination of refugee status. This requires that the applicant's story be carefully documented and cross-checked.

The pages that follow contain advice on how to achieve these objectives.

Chapter 2 Conducting the Interview

In this Chapter you will learn:

- how to introduce the interview;
- how to establish and maintain confidence;
- how to put your questions;
- methods that can help get to the true story;
- how to close the interview.

As we have seen in the previous chapter, the purpose of the interview is to uncover the facts and to provide a picture of events that is as complete and objective as possible. As interviewer, there are two pitfalls to avoid:

- appearing judgmental or aloof;
- being overly sympathetic.

For persons with limited experience of interviewing asylum-seekers this is no easy task. Conducting interviews in the refugee context is a difficult and time consuming process. This chapter is intended to provide you with a suggested framework for conducting interviews.

Opening the interview

The way you open the interview will set the tone for the rest of the proceedings. The message you must convey to the applicant from the outset is that:

- you are there to hear his or her story in a totally neutral way;
 - as a representative of your organization you are concerned and respectful of his or her distress;
- but
- you work within a legal framework which imposes certain specific conditions when it comes to eligibility for refugee status.

Step 1 Putting the applicant at ease

Take care to show courtesy and respect by:

- smiling and shaking hands (or some other appropriate gesture of greeting);
- using the applicant's family name (having already made sure that you know how to pronounce it correctly);

- introducing yourself;
- if the interview is not on time, apologizing for the delay;
- asking if the applicant is prepared to be interviewed.

Step 2 Introducing the interpreter

Having introduced the interpreter and having explained his or her role, you should check that the applicant and the interpreter understand one another. To do this invite the applicant to talk informally for a few moments with the interpreter, then ask if he or she is satisfied that they understand each other. In the case of women applicants, every effort should be made to use a female interpreter and interviewer. This is especially important for claims which may involve aspects of sexual violence.

Care should also be taken if children are to be interviewed. In such circumstances you should arrange to have a trusted adult accompany the child during the interview (see Chapters 4 and 5).

Step 3 Reviewing basic personal information

You should already have read the applicant's basic data or registration form. However, you may find it necessary to go over certain points to make sure that the information you have is accurate and complete. A sample Basic Data/ Registration Form can be found in Appendix 1 to this Training Module.

Step 4 Providing some background explanations

Before commencing the interview the applicant must be provided with certain information. This can be done by giving written information to the applicant during an earlier contact with your office, or by providing it orally before starting the interview. In either case, the following information should be explained to the applicant:

- the applicable refugee definition;
- the procedures followed with respect to the determination of refugee status.

It is particularly important for the applicant to understand that the **following questions** must be established:

- Does the applicant fear persecution?
- Is this fear well-founded?
- Is the persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, or for reasons defined in the OAU Convention or Cartagena Declaration definition of a "refugee"?

This is why many of the questions that will be asked during the interview will concern:

- the conditions that exist in the country of origin, and more especially in the region where the applicant comes from; what kind of difficulties the applicant, members of his or her family, or similarly situated persons have experienced in the past;
- what difficulties might be expected if he or she were to return to that country;
- why these difficulties will arise.

Before proceeding, make sure that the applicant has understood the purpose of the interview, and of the questions you will be asking.

Step 5 Reminding the applicant of his or her rights and obligations

Having by now explained your role as interviewer, it is important to outline the applicant's own rights and obligations. These mainly include:

- The right to **confidentiality**. Reassure the applicant that none of the information he or she will reveal to you will be shared with the authorities of the country of origin, or with any other third party without the applicant's express consent. You should reassure the applicant that both you and the interpreter will respect the confidentiality of the interview and are under oath to do so. This reassurance is indispensable in order that the applicant may feel that it is safe to talk openly about past experiences and events.
- The right to **counsel**. For refugee determination interviews conducted exclusively by UNHCR personnel in the field, legal or other counsel would not normally be allowed to attend the interview. Nevertheless, UNHCR often receives written or other communications from a representative of the applicant or some other body such as a refugee support group. This sort of information can often be of assistance to the interviewer.

Where national legislation provides for the participation of legal or other counsel to assist an applicant in presenting his or her claim, it is essential to allow such counsel to participate in the interview. The presence of a legal representative or other counsel who is familiar with the refugee criteria and local jurisprudence and the applicant's claim, is helpful not only to the applicant but also to the interviewer.

- The right and obligation to give **evidence**. The granting of refugee status depends upon the facts provided by the applicant. Only he or she can provide these facts. As an interviewer you have a vital role to play in helping and encouraging the applicant to bring to light the relevant details of his or her past experience and to present them convincingly. In order to substantiate the claim, and thereby assist the applicant, the interviewer may need to obtain supporting documentation such as newspaper articles, witness accounts or human rights reports. It is the duty of the interviewer to assist the applicant by drawing his or her attention to the importance of providing all available evidence in support of his or her claim to refugee status. However, the interview is for the applicant. Although the person conducting the interview should be in control, you should recall that the interview process is **an opportunity for the applicant to present his or her claim**. One way to help you and the applicant identify the main aspects of the claim is to have the applicant submit a short written statement. This statement can then be used as a preparatory tool before the substantive interview begins (see sample Basic Data/Registration Form in Appendix 1 to this Training Module).
- The obligation to **be truthful**. Tell the applicant that giving an honest, open testimony is in his or her best interest. The applicant may have been told by others that the chances for recognition are greater if the story is told in a certain way. As an interviewer you must be aware of such realities. It is your job to impress upon the applicant that the case must be based on true experiences and not on false information.

Step 6 Explaining the process

Tell the applicant how long you expect the interview to last, whether you plan any breaks, and how the questions will be asked. Having explained the preceding steps 1 through 5, you should ask the applicant whether anything remains unclear and requires further explanation. Once everything has been well understood the interview can proceed.

- **Summary checklist**

- ✓ introduce yourself and explain the process to be followed in order to put the applicant at ease;
- ✓ introduce the interpreter and make sure the applicant and interpreter understand one another before proceeding with the interview;
- ✓ review the information provided on the basic data/registration form with the applicant to ensure it is accurate and complete;
- ✓ explain the refugee definition to the applicant and the type of questions you will be asking;
- ✓ remind the applicant of his or her right to confidentiality, obligation to provide evidence, and obligation to tell the truth.

Maintaining the applicant's confidence

The purpose of the various steps suggested above has been to establish a degree of confidence on the part of the applicant. Your task throughout the interview will be to build on this confidence, remaining vigilant for any signs of incomprehension or tension that may arise and seeking to dispel them at once.

Two approaches can help achieve this:

➤ *Eye contact*

With the exception of certain cultures, where eye contact can have another significance, maintaining a steady and friendly visual expression and keeping eye contact with the applicant suggests that you are paying careful attention to what is being said. Avoid reading papers while the applicant is speaking. If you need to check on a document, wait until there is a pause.

Eye contact should be with the applicant, not with the interpreter. Ask your questions directly to the asylum-seeker and not "through" the interpreter.

For example:

NO! (addressing the interpreter) "Ask him what happened after the bomb exploded".

YES! (directly to the applicant) "What happened after the bomb exploded?"

➤ *Body posture*

Like eye contact, the physical position you adopt can communicate your interest in what the applicant is saying. Be natural, attentive and relaxed. Keep your movements and facial expressions as neutral as possible. This will encourage the applicant to communicate.

DON'T!

- slouch or move about in your chair;
- put your feet on the interviewing table;
- look out of the window;
- make any gestures (such as shaking your head or rolling your eyes towards the ceiling) that suggest that you do not agree with or believe the story being told.

Putting your questions

Put your questions in a friendly manner and not too quickly. Allow the asylum-seeker adequate

time to present his or her story as freely as possible. Although you may have a large number of cases to review, avoid pushing an applicant to come more quickly to the main point of the testimony as he or she may be about to reveal an important and relevant detail.

Questions should lead on naturally rather than be drawn from a list you have prepared in advance. If you are using an interview questionnaire or question checklist it will alert you to the essential elements which should be covered during the interview (see sample Eligibility Determination Questionnaire in Appendix 1 to this Training Module). However, do not confine yourself to a pre-set format or list of questions as this will unduly restrict the flow and scope of the interview.

Everyone has a way of speaking which varies according to such factors as speed, tone and rhythm. In order to put the applicant more at ease, and thereby encourage him or her to communicate, you should try to modulate your voice and pace your questions to suit the particular characteristics of the applicant.

Throughout the interview you should be prepared to follow-up with questions on all relevant issues which are raised by the applicant. No reply or issue should be left in doubt when you finish the interview. This requires that you remain alert and intellectually active during the interview process.

Example:

A claimant has testified that she was arrested while attempting to distribute leaflets and was detained for three months. In order to clarify this statement you could follow-up with questions such as:

- “Why were you detained?”
- “How were you treated while in detention?”
- “Were you ever charged with an offence?”
- “Did you have any contact with your family while in detention?”
- “Can you describe the place where you were being detained?”

Following-up with these questions will provide an opportunity to obtain additional relevant information from the applicant. Such questions will also show that you are concerned and interested in learning about what happened.

Your reaction to silences

Allow the applicant time to think, especially after a general or open question (see below). Avoid the temptation to break the silence by adding a restricted question which may elicit a quick response, but may also prevent the applicant from revealing the full importance a specific event had for him or her.

Example:

Interviewer: “What happened to you after the military seized power?”

Silence

Interviewer: “Were you ever interrogated or arrested?”

A preferable approach, if the silence is too long, is to re-formulate the general question.

Taking the same example:

Interviewer: “What happened to you after the military seized power?”

Silence

Interviewer: “You mentioned earlier that your troubles began when the military overthrew the

government. Could you tell me about some of the difficulties you experienced?"

Silence from the interviewer (provided it suggests that he or she is interested and awaiting the rest of the story) may encourage the applicant to talk. It gives time to consider a question carefully and can help the applicant recall past events. Considerable non-verbal communication also occurs during such pauses, to which you must be attentive.

Types of questions

As an interviewer you need to understand which types of questions will be most effective at each stage of the interview, as well as those which should be avoided as potential barriers to communication. This knowledge will also help you overcome problems of hesitation or reluctance. In the following, two types of questions will be described: **open questions** and **closed questions**.

➤ **Open questions**

An open question is one that asks for general information and cannot be answered by "yes" or "no". It is used to gather information on personal opinions and reactions, and is therefore most appropriate at the beginning of an interview. By using open questions, the interviewer provides the applicant the opportunity to relate events in his or her own way.

Examples:

- What made you decide to leave your country?
- How did your life change after the war?
- Please describe any difficulties you have had with the authorities in your country?
- What happened when the Government changed?
- What reasons do you have to believe that you may have difficulties if you are sent back to your country?

Open questions can help give the interviewer a greater understanding of the background to the applicant's problems and unwillingness to return to his or her country of origin.

Open questions are also used to encourage the applicant to talk more openly on an important topic.

Example:

Applicant: I didn't want to get into trouble with the authorities so I stopped going to the meetings. But it made no difference. I know they were still going to get me.

Interviewer: Could you help me understand why you felt that way?

This type of question is likely to elicit more important information.

When to avoid open questions

Open questions can be time-consuming. If the applicant is nervous, emotionally upset, or has misunderstood the type of information you are seeking he or she may become confused and talk at length about irrelevant details. If this occurs the interviewer must gain control of the interview by politely intervening and changing the line of questioning. When asking open questions you must also take into account the education level and cultural background of the applicant in order to assess whether he or she is capable of providing clear and relevant information in response to your questions.

➤ **Closed questions**

A closed question calls for a short response, usually “yes”, “no”, or a simple statement of fact.

Examples:

- When did you leave your country and when did you arrive here?
- Who paid for your voyage?
- Did you have a visa to enter this country?
- What route did you take to get here?
- Did you apply for refugee status in any other country?

Closed questions serve **to fill in information that is not clear from the applicant’s story**, particularly when there are **contradictory details**.

Examples:

- While you were in detention were you interrogated? By whom? How often? How long did the sessions last? What questions were you asked?
- Where were you detained? How were you treated in prison? What did the prison authorities do to you? How big was your cell? Were you alone in the cell?
- You said that you hid with your brother but on your basic data form you have indicated that your only brother lives abroad. How many brothers do you have?

Here now are a few general hints on formulating questions. They are expressed in the following “do’s” and “don’t’s”:

DO Keep your questions short and uncomplicated.

Alternate between open and closed questions. This will help to reduce tension as the applicant will be able to express him or herself more freely during the interview. It will also help avoid making the applicant feel that you are deliberately pursuing confusing or contradictory points.

DON’T Ask a string of questions that will leave the applicant feeling confused.

Interrogate as in a cross-examination, or use a harsh tone of voice when asking your questions.

An example of what you should avoid doing is as follows:

When you applied for your visa, you said you had a good job and could only take a two-week holiday. At the airport, you said you had no relatives in this country but your brother is also a refugee applicant, isn’t he? Now you tell me you will be persecuted if you are sent back home. You lied to get your visa and you lied at the airport. Why should I believe you now?

Getting the true story

There are two methods that can help you achieve this essential objective.

➤ **Keeping the applicant talking**

We have already mentioned the importance of establishing and maintaining the confidence of the applicant. If this is achieved it will be relatively easy to keep him or her talking freely.

Don’t break in: avoid introducing a new question before the applicant has finished replying to the previous question.

Give encouragement even if there are hesitations or silences. Nod and quietly prompt with phrases such as "...and then?"; "I understand..."; or repeat a few key words from the previous response.

Example:

Applicant: When I heard they were looking for me I didn't know what to do. I was afraid to go back to my house or to my job... (pause)

Interviewer: You were frightened...

Applicant: Every day people disappear... Sometimes their bodies are found and sometimes they just disappear... (pause)

Interviewer: I understand...

Applicant: I went to my friend's house. When I told him what had happened, he said that it was very dangerous for me to stay in the city. That is when I decided to leave.

Interviewer: And then what did you do...

By using this approach the applicant is reassured that the interviewer is listening carefully. The interviewer is perceived as encouraging, but remains neutral without taking a position either for or against the applicant's story. In this way the applicant is more likely to want to communicate further information.

➤ **Identifying discrepancies**

These may be of two kinds:

discrepancies in the written and spoken testimonies, or in other documents provided

Examples:

- An applicant states that he was detained for the last six months of 1992 but his passport was issued in October of that year.

This discrepancy may be due to a confusion of dates, or to the fact that the passport was obtained by a relative or friend (perhaps using a bribe).

- The applicant testifies that his brother was arrested for taking part in a student strike and is still in detention. His basic data form indicates that the applicant's only brother is living in the United States.

Here the use of the word "brother" may have a specific cultural meaning. Alternatively, the interpreter might simply have forgotten to add the second brother's name to the form.

discrepancies in the form of inconsistent behaviour

Examples:

- An applicant claims to have taken refuge at a friend's house for fear of being arrested. However, he also declares that he continued to go to work each day at the same job.

As interviewer, it is your responsibility to clarify this discrepancy. Ask a neutral question such as:

"Weren't you frightened of being arrested at work or followed to your hiding place?"

This will encourage the applicant to provide additional explanations. It may be that he consciously took the risk of going to his work place since he could not afford to leave the country at that time, and his main concern was to remain as long as possible for the safety of his family.

- An applicant states he received the first death threat in March, and then received them every two or three weeks. In May someone tried to run him over with a truck, yet he only left the country the following February.

As in the previous example this requires further explanation.

“You must have been very frightened. When did you decide that you had to leave the country?”

A question such as this will invite additional information. On the other hand, a direct question such as “Why did you take so long before deciding to leave?” may well create a guarded, defensive reaction and deprive you of the explanations you are seeking.

- **Confronting**

This does not necessarily imply a critical attitude by the interviewer. It is a means of clarifying statements that are confusing or appear contradictory. It is therefore an opportunity for the applicant to provide all relevant details.

Confronting is a complex skill requiring tact, patience and the ability to convince the applicant of the need to look objectively at his or her testimony and dispel any unclear points or contradictions. **Avoid at all costs adopting a critical or judgmental attitude** since this will destroy the atmosphere of confidence you have tried so patiently to establish.

As noted, if you are faced with contradictory or unclear statements allow the applicant the opportunity to provide an explanation. One technique you could use is to put the blame on yourself and say for example: “I’m sorry, I may have misunderstood you, can we check that part of your story together as I do not want to make any mistakes”. In this way you can avoid making the applicant feel uneasy or nervous.

Another method is to try to reformulate your questions. You should recall that due to cultural differences, the translation provided, health problems, or lack of attention, the applicant may have misunderstood what was being asked. In such a case, the applicant may more readily understand your questions if they are reformulated or asked in another way.

If after going over a part of the story the inconsistencies remain, do not push the applicant to provide an explanation. If you cannot confirm or obtain satisfactory explanations at that stage of the interview, drop it, you can always return to that point at a later time. Be alert as there may be something that the applicant does not want, or is unable, to tell you. (See excerpt from UNHCR Guidelines on “Evaluation and Care of Victims of Trauma and Violence” in Appendix 2 to this Training Module and Chapter 3 “Barriers to Communication”).



Points to Remember

- Confronting is a necessary means of getting a true story. Yet it should not destroy the climate of confidence you have sought to establish and which is vital for good communication.
- Make sure to document any outstanding discrepancies and the responses and clarifications which are given by the applicant. This will be of assistance for preparing your assessment of the claim and will provide an important record of the proceedings which can be used during a further interview.
- Pay careful attention to each detail.
- Avoid phrasing your questions in a judgmental way. This will intimidate the applicant and block or distort communication.
- Be positive in your approach. Use phrases such as “Could you explain...?” or “You seem to be saying...”.

Closing the interview

When it comes to closing the interview this brief checklist can help tie up loose ends:

- Have you asked the applicant if he or she has anything to add?
- Have you advised the applicant of what will happen following the interview?
- It is important to be as specific as you can concerning:
 - when the decision can be expected;
 - what will happen if the application is successful (concerning documentation, family reunification, the right to work, etc.);
 - what will happen if the response is negative (explain the right and procedure to appeal).
- Have you reassured the applicant that, whatever the circumstances of the case, you will include all the relevant information in the interview report that will accompany the request for recognition of refugee status?
- Have you thanked the interpreter and given the applicant the opportunity to do likewise?

Chapter 3 Barriers to Communication

In this Chapter you will learn:

- which are the common barriers to communication;
- how to overcome them;
- what to do in the case of hostile or threatening behaviour.

As we already know, interviewing applicants for refugee status has another dimension than interviewing in other contexts since so much is at stake. A successful outcome can mean a new start and fresh hope for the applicant and his or her family, while a negative result may spell despair and danger. This knowledge places a heavy responsibility upon the interviewer.

The first two chapters of this module have sought to provide a framework for preparing and conducting the interview. In this chapter we shall be looking closer at the barriers to communication, their origin, and how the interviewer can attempt to overcome them. We will also be looking at the issue of threatening behaviour on the part of the applicant and how to respond as an interviewer.

The effects of trauma

It is not unusual for asylum-seekers to have difficulty in relating their story. They may falter, retreat into prolonged silence, or provide explanations that lack coherence and seem contradictory. Alternatively, they may recite an account that you suspect has been learned for the occasion. It is your task to patiently unravel the story and extract the true facts.

A person who has undergone a physical or mental shock may be particularly reluctant to re-live the emotions by relating events from which he or she has suffered. The unwillingness to talk may or may not be conscious. In more extreme cases, past experiences have been suppressed from the conscious mind. It is not unusual for an applicant to break down and become incapable of coherent expression, or be able to remember only certain events from his or her past.

The interviewer must also be aware that an applicant may have a mental or emotional disturbance

which impedes a normal examination of his or her case. If it is considered that an applicant may have such a condition you should seek medical advice concerning the health of the applicant. Particular attention must also be provided for those refugee claimants who may be victims of torture or sexual violence or, due to their age or disability, require special care when being interviewed. (For further guidance see the UNHCR Handbook on Procedures and Criteria for Determining Refugee Status, paras 206 – 212, the Guidelines on Preventing and Responding to Sexual Violence against Refugees, and excerpt from the UNHCR Guidelines on Evaluation and Care of Victims of Trauma and Violence in Appendix 2 to this Training Module).

Omission and confusion

Forgetfulness affects us all and is one of the major obstacles in remembering events. For persons seeking asylum, dates, locations, distances, events, and even significant personal experiences can be forgotten or blurred due to mental shock or lapse of time. Omissions or inaccuracies on the part of the applicant do not necessarily mean dishonesty. The interviewer must remain aware that the applicant cannot be expected to remember all the details of his or her personal history.

The chronological order of events may be particularly difficult to reconstruct. Often the applicant remembers the events that affected him or her most in emotional or physical terms while retaining little of the time sequence.

Example:

“...People who were members of a death squad came to my house on several occasions looking for me... Two of my friends disappeared and another was found dead... I fled to my uncle’s farm and hid for five months until I felt it was safe to return. I received several anonymous threats... A stranger asked questions about me at my work... I decided I had to leave the country”.

You may discover in the course of the interview that this chronology of events is incorrect. The body of the friend was found after the applicant had gone to live with the uncle. He applied for a visa before the employer was questioned by the stranger. Such confusions, in themselves, do not necessarily imply a deliberate fabrication.

Fear to share information

An asylum-seeker having left his or her country through fear of persecution is likely to carry this anguish with him or herself for some time. It may manifest itself in a number of ways, such as:

- fear of persons in authority (particularly those in uniform);
- fear of putting relatives or friends in danger;
- fear of the interview process;
- fear of the consequences if the application is rejected.

As an example, persons who have been involved in political movements that were illegal in their home countries are likely to have become suspicious towards outsiders. They were part of a social network largely founded on a set of values and practices which were crucial for the success of the organization and the survival of its members. Such persons may have difficulty in communicating openly and expressing their feelings, beliefs and experiences to a non-member of the group. Suspicion of the interpreter may be another reason for an apparently fragmented and confusing story.

Loss of self-esteem

The applicant may seek to withhold information which he or she believes will lower the respect of others towards him or herself. In this context, gender, and cultural and societal expectations are

factors to be considered. For example, a man may find it hard to admit to having experienced fear or to having been obliged to leave his wife and children unprotected. A woman who has been sexually assaulted may feel so deeply ashamed that she has not even told her family about her suffering.

“Culture shock”

Persons who move from one culture to another – especially if this implies a move from a less developed to a more developed environment – may experience bewilderment and anxiety. This in turn can affect their ability to make a clear and coherent statement. The asylum-seeker may speak in a confused and unconvincing manner not because he or she is lying, but because of the insecurity and anxiety caused by the difficulties of life in a new social and cultural environment. Unfamiliarity with the style of question-and-answer interview may be another factor which inhibits communication.

Disparities of notions and concepts

Quite common words can carry different meanings from one culture to another and be a source of misunderstanding. This problem can have serious repercussions for an asylum-seeker.

Example:

A Turkish asylum-seeker, applying for refugee status in Switzerland, stated that he had escaped arrest by hiding in the *mountains* near his home town. The application was rejected. Among the reasons given was the fact that the town was situated amid *hills*. For the Swiss interviewer there were no mountains in the region and thus the applicant was considered to be not credible. However, in Turkish, the term “mountain” also applies to hilly regions.

Other common words that can give rise to misunderstanding include *brother* and *cousin*. For many Africans, for example, these words are not limited to close relatives but extend to all members of the tribe.

Notions of *time*, of *truth* and *falsehood* can also vary from culture to culture and give rise to misunderstandings that put the asylum-seekers’ credibility in doubt.

Your attitude as interviewer

The guidelines below concern general behaviour to adopt during an interview. You will recognize many of these recommendations as similar to those contained in earlier chapters of this module.

- Be aware of your responsibilities at all times. Never forget that an unfair decision can have serious consequences for the applicant.
- If you detect symptoms of trauma, try to avoid adding to the trauma by doing the following:
 - make sure the room does not resemble a court room;
 - avoid having persons in uniform;
 - if the applicant is agitated or nervous try to pose your questions in a relaxed manner. Reassure the applicant that you are trying to help and can best do so if your questions are answered directly and truthfully;
 - in order to support the information received during the interview, use whatever documentary evidence is available (documents received from the applicant, newspaper and human rights reports, medical reports, etc.);
 - reassure the applicant that any information provided will be kept strictly confidential. Clarify the role of the interpreter and inform the applicant that the interpreter is under oath to maintain the

confidentiality of the interview proceedings.

- Always remain neutral. Refrain from posing questions that appear judgmental such as, for example:

“How could you leave the country without your family?”

“How could you leave your children with a stranger?”

- Take account of the cultural background of the applicant so as to avoid misunderstandings of communication during the interview. Be aware of any disparities of notions and concepts which may be arise.
- A number of additional factors which can affect the applicant-interviewer, and applicant-interpreter, relationship are as follows: compatibility of age, gender, social class, education, race, belief, political and social values or disability. Throughout the interview you should be aware of these factors and how they may affect or complicate communication with the applicant. You should also brief the interpreter concerning these issues.

What if the applicant is unwilling or unable to participate in the interview?

It should be recalled that refugees may be victims of torture, violence or under great emotional stress. The interview process could in itself trigger off anxiety reactions which could be perceived as aggressive behaviour. The signs and symptoms of emotional disturbance need to be understood. The need for medical intervention should also be understood in order to assist the applicant with his or her mental state before any further interviewing can take place.

While keeping in mind the above considerations the interviewer may find him or herself having to deal with a refugee or asylum seeker who is uncooperative or displays hostile or aggressive behaviour. In such a situation one of the prime considerations is security. In all interviewing situations precautions should be taken to ensure that the interviewer, interpreter, and all staff members are protected against the possibility of physical assault. In field offices it is often the case that the local police, guards or other security arrangements (such as windows in interview rooms) are in place. However, in isolated locations organized security may be lacking and alternative steps, such as alerting the local authorities or other staff members to assist if problems arise, must be taken. (Further on this topic see Chapter 7 “Security Concerns”).

Disruption of the interview

Uncooperative or hostile behaviour can take a variety of forms. In any case it can result in disruption of the interview. You may find that the applicant refuses or appears unable to answer questions, or he or she may display an intransigent attitude which makes continuing the interview difficult and time consuming. On this point a number of suggestions can be offered:

- at all times remain calm and try to ascertain why the applicant is displaying hostile or uncooperative behaviour. Perhaps due to personal difficulties the applicant is unwilling to participate in the interview;
- explain to the applicant that the interview cannot continue unless he or she is willing and able to answer your questions and fully cooperate;
- if available, request a trained counsellor or community services officer to intervene. This will show the applicant that you are trying to help and it may facilitate regaining his or her confidence so the interview can proceed.

If your attempts to calm the applicant and gain his or her confidence are unsuccessful and the behaviour of the applicant makes the continuation of the interview impossible, then as a last resort you should terminate the interview and postpone it for another day, making it clear that the

postponement is not a punishment but simply reflects the need for cooperation which you hope to obtain at a later date. This will allow the applicant some time to think about his or her behaviour with a view to returning at a later time in a more positive frame of mind. If deemed necessary, a different interviewer should see the applicant at the re-scheduled interview.

At all times the interviewer must be aware that apparent hostile and uncooperative behaviour may be symptomatic of other troubles or an indication that the person is having serious difficulties coping with the stresses and difficulties of the interview process. If the applicant has a particular problem which can be addressed by counselling, medical or community services offered through your office, then an appointment should be made to see someone at the earliest opportunity. This course of action will not only demonstrate that you care about the person concerned and are ready to offer assistance, but it may also provide an opportunity to obtain important information concerning health or other problems the applicant is experiencing.

Chapter 4 Interviewing Women Refugee Applicants

In this Chapter you will learn:

- sources of information;
- eligibility criteria;
- interviewing women refugee applicants.

In this Chapter we will be looking at specific issues linked to interviewing women refugee applicants. We shall begin by reviewing some of the sources of information and eligibility criteria.

Sources of information

There are a number of publications which provide useful guidance and information for conducting refugee status determination interviews of women. The "UNHCR Guidelines on the Protection of Refugee Women" (EC/SCP/67, 22 July 1991) contain a section on legal procedures and criteria for the determination of refugee status, as well as information on conducting refugee determination interviews (paras 53 – 76).

Other relevant reference materials include: UNHCR Executive Committee Conclusions numbers 39, 54, 60, 64 and 73; the Note on Certain Aspects of Sexual Violence against Refugee Women (A/AC.96/822, 12 October 1993); the Guidelines on Preventing and Responding to Sexual Violence against Refugees (UNHCR 1995); the Immigration and Refugee Board of Canada Guidelines on Women Refugee Claimants Fearing Gender-Related Persecution (see IJRL (1993), Vol. 5, No. 2), and the United States Immigration and Naturalization Service Guidelines on Considerations for Asylum Officers Adjudicating Asylum Claims from Women (26 May 1995).

The discussion that follows is based largely on these sources.

Country of origin information

In addition to the standards and principles contained in the UNHCR Guidelines and Executive Committee Conclusions concerning sexual violence in the context of the 1951 Convention refugee definition, the interviewer must be familiar with pertinent country of origin information. In general, such information would include:

- the position of women in law, including their legal standing in court, the right to file a complaint and give evidence, provisions of divorce and custody law, the right to own property, the right to have or refuse an abortion;
- the political rights of women, including the right to vote, to hold political office and to belong to a

political party;

- the social and economic rights of women, including the right to marry the person of her choice, the right to an education, the right to work, the status of a widow or divorcee, and freedom of dress and expression;
- the incidence of reported violence against women and the forms it takes, the protection available to women, and the sanctions and penalties on those who perpetrate the violence.

In particular, the interviewer will need to be aware of what consequences may befall a woman on return to her country of origin in light of the circumstances described in her claim.

Eligibility criteria

Women as a particular “social group”

The 1951 Convention definition of a refugee does not specify gender as a ground of persecution. However, as a developing area of law it is increasingly recognized that gender-related persecution is a distinct form of persecution which may properly fall within the definition of a Convention refugee. Thus, the Convention can be interpreted as providing protection to women who demonstrate a well-founded fear of gender-related persecution by reason of one, or more, of the enumerated grounds of race, religion, nationality, political opinion or membership of a particular social group. There is also increasing international support for considering certain women who fear persecution exclusively by reason of their gender to be a ‘particular social group’. In this regard, the UNHCR Executive Committee has recognized that States are “free to adopt the interpretation that women asylum seekers who face harsh or inhuman treatment due to their having transgressed the social mores of the society in which they live may be considered as a “particular social group” within the meaning of Article 1 A(2) of the 1951 United Nations Refugee Convention” (see EXCOM Conclusion No. 39 (XXXVI)).

Persecution based on transgressing social standards or norms

The UNHCR Guidelines on the Protection of Refugee Women suggest that women fearing persecution or severe discrimination on the basis of their gender be considered a member of a particular social group for the purpose of determining refugee status. The Guidelines further suggest that UNHCR promote awareness that there may be a basis for granting refugee status where a government cannot, or will not, protect women who are subject to abuse for transgressing the social standards or norms of their society.

The interviewer must recognize elements relevant to claims for refugee status by women fearing harsh or inhuman treatment because of having transgressed their society’s laws or customs. The Immigration and Refugee Board of Canada Guidelines on Women Refugee Claimants fearing Gender-Related Persecution describe this category of refugee claimants as follows:

*“Women who fear persecution as the consequence for failing to conform to, or for transgressing, certain gender-discriminating religious or customary laws and practices in their country of origin. Such laws and practices, by singling out women and placing them in a more vulnerable position than men, may create conditions precedent to a **gender-defined social group**. The religious precepts, social traditions or cultural norms which women may be accused of violating can range from choosing their own spouses instead of accepting an arranged marriage to such matters as the wearing of make-up, the visibility or length of hair, or type of clothing a woman chooses to wear.*

Sexual violence

Past events have demonstrated that refugee women are particularly vulnerable to sexual violence.

In many conflicts, attacks on women are a planned part of a terror campaign.

In the context of seeking asylum, the female victim of sexual violence may be hesitant or unable to speak about such events. Moreover, a female victim of sexual violence may be shunned by her family and alienated from members of her community. The interviewer will therefore have to use a variety of gender-sensitive techniques to obtain information from women during the interview process.

Sexual violence as a form of persecution

As concerns the consideration of sexual violence as persecution under the refugee definition the “Note on Certain Aspects of Sexual Violence against Refugee Women”, which was issued at the request of the UNHCR Executive Committee, states that:

“There can be no doubt that when rape or other forms of sexual violence committed for reasons of race, religion, nationality, political opinion or membership of a particular social group is condoned by the authorities, it may be considered persecution under the definition of the term “refugee” in the 1951 Convention relating to the Status of Refugees (Article 1 A(2)). A well-founded fear of rape in such circumstances can thus provide the basis for a claim to refugee status.

Interviewing women refugee applicants

Access to an interview

When a woman is part of a family unit and is not considered the principal applicant for refugee status it can happen that she is not interviewed, or only cursorily interviewed, even when it is possible that she rather than her male partner has been the target of persecution. With this in mind the interviewer should make every effort to ensure that the female members of a family unit, including spouses and dependents such as mature children, are provided an opportunity to be interviewed separately. Only in this way can the interviewer determine whether the female members of the family have an independent claim to refugee status.

Credibility problems

A common problem relating to credibility can occur when women are interviewed concerning the claims made by their male relatives. For example, if a woman is being interviewed to corroborate the claim of her husband, she may be unaware of certain details of her husband's experiences. At first glance, the interviewer may consider that this lack of corroborating knowledge on the part of the female family member undermines the credibility of the husband's claim. However, in certain cultures men do not share the details of their professional, political, military or social activities with their female family members. As a consequence, spouses, daughters, or mothers may be unable to provide an answer when questioned about the experiences of their male relatives. The interviewer should be aware that lack of knowledge, or even contradictory answers, on the part of female family members does not mean the entire testimony should be discounted as lacking credibility.

Your role as interviewer

The following practices are suggested for interviewing refugee women. Further information on conducting an interview can be found in the UNHCR Guidelines on Preventing and Responding to Sexual Violence against Refugees at pages 33-34 and 38-41.

- as discussed in earlier chapters of this module, you will have to gain the confidence of the applicant and establish a basic rapport with the person being interviewed. This is especially important in the case of victims of sexual violence. It is essential that the interviewer remain

neutral, compassionate, sensitive, and objective during the interview;

- if at all possible, women refugee claimants should be interviewed by a female staff member and female interpreter. In this way the applicant may feel more comfortable in telling her story. For claimants who allege to have been victims of sexual attack, a trained staff member of the same sex must always conduct the interviews unless the applicant requests otherwise. The same interviewer should remain involved in the case in order to avoid the applicant being handed from one person to another. This would include arranging for the applicant to have follow-up counselling or medical and legal assistance;
- be aware of gender differences in communication, especially regarding non-verbal communication. This is particularly important in the context of cross-cultural communication (e.g. a female may avoid eye contact with the interviewer due to her culture);
- provide women the opportunity to be interviewed alone without other family members present or within hearing distance;
- if you suspect that the applicant has been a victim of sexual violence, or if the applicant is unable or unwilling to discuss certain events relating to such an incident, you should ask discreet and indirect questions. Give the applicant time to tell her story in her own way and in her own words. Never force the applicant to communicate, but assure the person that you are available to assist her once she is ready to talk about the problem. There is no need to dwell in detail on the sexual abuse;
- recognize that women refugee claimants who have been subject to sexual violence can exhibit a pattern of symptoms as a consequence of the trauma related to rape. The symptoms exhibited may include a loss of self-confidence and self-esteem, difficulty concentrating, feelings of loss of control, fear, and memory loss or distortion of facts. Women who have suffered domestic violence may be reluctant to speak about such incidents. In some cases, it may be appropriate to consider whether claimants should be allowed to provide their testimony in writing so as to avoid having to recount traumatic events in front of strangers. For further information refer to the excerpt from the UNHCR Guidelines on Evaluation and Care of Victims of Trauma and Violence in Appendix 2 to this Training Module;
- in the case of a husband and wife or other family members being interviewed, the interviewer should be careful when trying to clarify contradictory statements. In general, the interviewer should be cautious if confronting an applicant concerning statements made by another family member in order to avoid adding to the already tense and difficult situation the family may be experiencing;
- lastly, the interviewer must familiarize herself with the practical protection measures for preventing and responding to sexual violence. In this regard, reference should be made to the “Guidelines on Preventing and Responding to Sexual Violence against Refugees” which can be obtained from UNHCR Headquarters.

Points to Remember

- familiarize yourself with relevant sources of information concerning refugee women, including protection guidelines and country of origin information;
- employ the eligibility criteria related to gender-related persecution;
- ensure that women refugee applicants gain access to an interview and that, if possible, the interview is conducted by a female staff member and female interpreter;

- be aware of gender and cross-cultural differences in communication;
- make sure that women refugee applicants have an opportunity to be interviewed alone, and be aware of the credibility problems which may arise when women are interviewed about the claims of their male relatives;
- for claimants who are victims of sexual violence, ensure that they are interviewed by a trained staff member of the same sex;
- familiarize yourself with the pattern of symptoms which may be exhibited by victims of sexual violence and ensure that follow-up counselling and medical and legal assistance are made available.

Chapter 5 Interviewing Children

In this Chapter you will learn:

- sources of information and determination procedures for interviewing refugee children;
- general guidelines for conducting interviews.

In this Chapter we will look at specific problems and concerns linked to interviewing refugee children. We will begin by reviewing some of the sources of information and relevant determination procedures.

Sources of information and determination procedures for interviewing refugee children

A number of UNHCR publications provide helpful guidance and information on interviewing refugee children. UNHCR's "Refugee Children: Guidelines on Protection and Care" (1994) provides a comprehensive review of issues concerning accompanied or unaccompanied minors. The document "Working with Unaccompanied Minors in the Community" (1994) provides helpful information for interviewing refugee children. Additionally, the interviewer should refer to the UNHCR Policy on Refugee Children (EC/SCP/82, 6 August 1993), UNHCR Executive Committee Conclusions Nos. 47 and 59, and the UNHCR Handbook on Procedures and Criteria for Determining Refugee Status.

The points that follow are based largely on these sources.

The Convention on the Rights of the Child & the "best interests" principle

The entry into force of the Convention of the Rights of the Child in September 1990 was a major development in the area of children's rights. Not only is the Convention of increasing importance to all children as a result of the near universal ratification of the treaty (currently more than 174 State parties), but it establishes a number of rights and principles which are applicable to the protection needs of refugee children including those relating to non-discrimination (article 2), preservation of identity (article 8), separation from parents (article 9), family reunification (article 10), protection of privacy (article 16), protection of a child without family (article 20), protection and humanitarian assistance for refugee children (article 22), education (article 28), and military recruitment (article 38).

The Convention defines a "child" as anyone "below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier" (article 1). UNHCR applies the Convention

on the Rights of the Child in its own work by using the rights contained in the Convention as guiding principles. A key principle is that relating to the “best interests of the child” (article 3). This principle has been adopted in the UNHCR Policy on Refugee Children as follows: “In all actions taken concerning refugee children, the human rights of the child, in particular his or her best interests, are to be given primary consideration” (para 26 (a)). Furthermore, UNHCR advocates the observance of the standards of the Convention on the Rights of the Child by all States, international agencies and non-governmental organizations.

In the context of interviewing refugee children, a number of issues and situations may arise which require that the “best interests” principle be considered. These include factors relevant to the refugee status determination process (applicable criteria, physical environment, use of trained personnel); application of the principle of “family unity” (when?, for whom?); and availability of durable solutions (resettlement, local integration, and voluntary repatriation). It is important therefore that interviewers and others involved in the refugee status determination procedure be made aware of the applicable rights and standards contained in the Convention on the Rights of the Child.

Determination criteria and procedures for accompanied children

When the head of a family satisfies the criteria of the refugee definition, his or her dependents should also be granted refugee status on the basis of “family unity” (see UNHCR’s Handbook on Procedures and Criteria for Determining Refugee Status at paragraphs 181 to 188). In a situation where a State insists on a separate determination of eligibility for each family member, including children, the “family” may be considered as a “particular social group” under the Convention definition of refugee. Accordingly, a child (or other family member) may base a claim to Convention refugee status on his or her membership in a family which, due to the activities of one or more of its members, experiences a well-founded fear of persecution.

There may also be cases where a child is without his or her parents but is accompanied by an adult caregiver who may or may not be a relative of the child. In this situation, the interviewer should evaluate the quality and durability of the relationship between the child and caregiver to decide whether the presumption of “unaccompanied status” should be set aside. If upon evaluation of the relationship it is determined that the child is accompanied, he or she should be processed under the regular procedures along with the adult caregiver, having due attention to the principle of “family unity”. It should be recalled that a claim of “family unity” may be made by a child in the care of a non-relative when the quality of the relationship is equivalent to a family.

If a child who is in the care of a parent, relative or other adult caregiver makes an individual claim to refugee status, the adult can be of great assistance through providing factual information to document the claim, speaking on behalf of the child, helping the child understand the process, offering emotional support and advice, or making a decision on behalf of the child.

Determination criteria and procedures for unaccompanied children

International refugee law instruments define a refugee regardless of age, and make no special provision for the status of refugee children. Although this does not normally pose any problem when the child is accompanied by one or more of his or her parents, determining the refugee status of unaccompanied children is more difficult and requires special consideration. Moreover, considering the detrimental effects that a prolonged stay in a camp or camp-like situation may have on a child’s physical and psychological development, it is in the child’s best interests to have his or her refugee status determined in an expeditious manner.

The question of whether an unaccompanied child may qualify for refugee status will depend on the child’s degree of mental development and maturity. To assist in this process an expert with sufficient experience and knowledge of the psychological, emotional and physical development and behaviour of children should be engaged to make the necessary assessment, bearing in mind that children may manifest their fears in ways different from adults.

Where it is determined that the child is mature enough to understand and express him or herself during the status determination interview, the case may be treated in a manner similar to that of an adult. However, where the child has not reached a sufficient degree of maturity to make it possible to establish the claim in the same way as for an adult, it is necessary to have greater regard to objective factors such as the characteristics of the group the child left with, the situation prevailing in the country of origin, and the circumstances of family members inside or outside the country of origin.

As children are not legally independent they should be represented by a legal guardian whose task it would be to promote a decision in the child's best interests. In some situations this role can be performed by adult persons carefully selected within the refugee community or from non-governmental organizations. The guardian or adult caregiver can be of great assistance throughout the refugee status determination process and can ensure that the interests of the child are fully safeguarded.

Interviewing unaccompanied children poses a variety of problems and concerns. A major obstacle is that it may not be possible to get accurate information concerning the child's family. Due to the trauma caused by separation from family members a child may invent a version of what happened that is easier for him or her to live with than the truth. The problem of "proof" is great in all determinations for refugee status. It is compounded in the case of children. For this reason, the decision on refugee status calls for a liberal application of the benefit of the doubt.

The following guidelines have been developed to take account of the special needs of unaccompanied minors involved in refugee status determination procedures. These guidelines may also be useful in other interviewing situations involving children. Additional information on the practical considerations of conducting interviews with children can be found in the UNHCR document Working with Unaccompanied Minors in the Community.

General guidelines for conducting interviews

- a) Ensure that the unaccompanied child gains access to a refugee status determination procedure.
- b) Children who are old enough to understand what is meant by refugee status determination should be informed about the procedure. This includes advising them of where they stand in the process and what decisions have been taken. As uncertainty can lead to unnecessary anxiety and worry, keeping the refugee child accurately informed is important not only to help him or her dispel rumours, but also to assist the minor to understand the consequences of the process and form realistic expectations.
- c) If an unaccompanied minor arrives as part of a large-scale influx in respect of which a *prima facie* group determination of refugee status has been made, each child in the group should automatically receive refugee status.
- d) The importance of giving truthful information and being as accurate as possible needs to be stressed to the child applicant, and it should also be emphasized that there is no 'right' or 'wrong' answer to the questions being asked.
- e) For individual status determination interviews, the interviewer and interpreter should ideally share the culture and language of the refugee child. Interpreters should be specifically trained to work with children (e.g. a child welfare worker, or a teacher).
- f) Interviewing techniques should be adopted according to the maturity and understanding of the child. Use simpler language and spend more time establishing rapport with the child and developing a trusting relationship. Take the time to explain the interview process and why you will be asking certain types of questions. The child should be encouraged to ask questions throughout the interview.
- g) If the child is unable or unwilling to talk about a particular event during the interview, it may be

necessary to leave it out. Explain to the child that you understand his or her difficulty and that you can talk about it later, either during the same interview or at another time.

- h) The interviewer must be prepared to recognize when the child's limits have been reached. Take a break or postpone an interview if there are persistent signs of anxiety.
- i) Be aware that you may have to use alternative ways of gathering evidence such as: seeking information from family members or adult caregivers rather than the child; gathering information on the situation of children in the country of origin; obtaining expert evidence from a physician, a child psychologist or a social worker.
- j) The interview should be concluded with a discussion about more normal present-day events which restore a sense of security. The child will need time after the interview to restore his or her coping abilities (e.g. interviews should not be conducted before the child is likely to be going to bed, and preferably they should not be held during school hours).



Points to Remember

- familiarize yourself with relevant sources of information concerning refugee children including protection guidelines and country of origin information;
- employ the eligibility criteria relating to “family unity”;
- ensure that refugee applicants who are children gain access to an interview and that, if possible, the interviewer and interpreter share the culture and language of the refugee child;
- as necessary, seek the advice of an expert with sufficient experience and knowledge of the psychological, emotional and physical development and behaviour of children, and ensure that unaccompanied children are represented by a legal guardian;
- before the interview begins, explain the process to the refugee child. Take your time during the interview and adopt appropriate interviewing techniques;
- familiarize yourself with alternative ways of gathering information including country of origin research, expert advice, seeking information from family members or adult caregivers, etc.

Chapter 6 The Outcome of the Interview

In this Chapter you will learn:

- basic tasks and objectives;
- documenting the interview;
- assessing credibility;
- preparing the assessment and your conclusions.

In the course of this Training Module we have examined how to prepare for and conduct an interview, and we have reviewed a number of specific problems that an interviewer is likely to encounter, suggesting ways of overcoming them. In order to conduct a thorough and well-prepared interview a number of tasks must be undertaken. These include documenting the interview, assessing credibility, and presenting a reasoned conclusion. There is no single method or technique to fulfill these tasks. Conducting refugee determination interviews in an efficient and careful manner requires practice, good supervision and doing one's homework.

After conducting a number of interviews with asylum seekers, the interviewer will develop his or her own technique and style of asking questions. Successful interviews are those in which all the

relevant issues have been discussed and documented. The interviewer must strive to conduct the interview in a manner that assures the highest level of **validity** and **reliability** of the information obtained. These are tasks which can be learned through practice and experience.

Basic tasks and objectives

The interview report is a documentary record of the proceedings of the interview. The form and style of the interview report will vary from person to person. However, there are a number of “tasks and objectives” which must be achieved.

We will review these tasks in more detail below.

➤ ***Relevance-related tasks include:***

- having a clear understanding of the purpose of the interview;
- clearly communicating specific questions in accordance with the purpose;
- detecting and correcting misunderstandings of the question by the claimant;
- distinguishing between the clearly irrelevant, the potentially relevant, and the clearly relevant aspects of the claim.

➤ ***Validity-related tasks include:***

- maintaining good interpersonal relations with the applicant;
- being aware of inhibitors which make the applicant unwilling or unable to provide valid information.

➤ ***Reliability-related tasks include:***

- pointing out and resolving contradictions, discrepancies and/or omissions in the story of the applicant;
- clarifying any conflict that may be perceived between the personal information provided by the claimant and the general information you have on the conditions in his or her country;
- assessing the credibility of the applicant.

Documenting the interview

An essential process in conducting interviews for determination of refugee status is to prepare accurate and detailed notes of the proceedings. Although note taking is an essential part of the interviewing process, it should not interfere with the flow of the interview. Moreover, in some cultures it may be inappropriate to take notes while you are communicating with someone. As well, you may find that in some interview settings, such as a detention centre or a police station, you are unable to take notes during the interview. In such a case, you will have to take time immediately after the interview in order to prepare your written report.

It should also be recalled that preparing notes while interviewing someone can be disruptive as you will momentarily lose eye-contact and could thus miss important non-verbal communication indicators such as facial expressions and body language. To avoid this problem, a useful technique is to write down the main points of the claim during the interview, and prepare more detailed notes at the end of the interview. You should try to review what you have written down with the applicant at the end of the interview. By doing so, this will allow you to confirm that the story has been documented accurately and to the satisfaction of the applicant. It will also show the applicant that you are trying to document his or her claim with utmost care.

Points to Remember

Assuring accuracy

Try to prepare your notes during the interview or shortly after it has ended. If you are writing up your full notes after the interview, set aside time at the end of the interview in order to ensure the accuracy of your recollection.

Record all the facts clearly

Remember that your interview notes represent a documentary statement of the applicant's claim to refugee status. Concentrate on recording clear and objective facts. Use concise, simple and clearly understood language. This will assist other persons who will have to read your notes in order to take a decision or conduct a further interview. Avoid using abbreviations, key words, jargon or ambiguous phrasing. If your notes are hand written make sure they are legible.

Make detailed notes

As a general rule try to prepare detailed notes of the claim, especially concerning key elements such as important events, descriptions of arrests and detentions, immediate reasons for leaving the country, and so on.

Be flexible

When you are interviewing with a form or outline of questions (see sample eligibility determination form in Appendix 1 to this Training Module), it is not necessary to follow the questions in the precise order they appear. Remain flexible and open to following various lines of questioning as they arise. Often answers to many questions you intend to ask will come out naturally in the course of the interview. Questions that cannot be asked during the normal flow of the interview can always be asked at the end.

Check doubtful or confusing statements

If there is any doubt or confusion concerning part of the applicant's statement, a useful technique is to read back or go over those parts of the claim which remain unclear. Then ask the applicant to confirm or explain the discrepancy or misunderstanding. Make sure the applicant agrees that you have written down the facts correctly. This approach will not only help you ensure the accuracy of your notes, but again, it will show the applicant that you are making serious efforts to be careful. This method can also be effective for assessing the credibility of the claim as all outstanding discrepancies and contradictions will have been documented as part of the interview report.

Does the applicant have anything to add?

At the end of the interview ask the applicant if he or she has anything to add, including any questions or concerns concerning the interview itself or any aspect of the determination process. Invite the applicant to forward, at a later time, any additional documents or other information which he or she considers relevant to the claim. Document in your notes that these points have been communicated to the applicant, along with any replies which are provided.

Assessing credibility

Assessing the credibility of an applicant is one of the most important, and most difficult, aspects of your work as an interviewer. There are no hard and fast rules which you can apply blindly. However, the advice offered in earlier chapters should provide you with a sound basis upon which

to assess the credibility of the applicant and reach your conclusions.

Points to Remember

Remind yourself, in particular, how important it is:

- to prepare thoroughly (see Chapter 1, giving special attention to country of origin information);
- to ask the right questions (see Chapter 2, especially the discussion on questioning techniques);
- to be aware of possible barriers to communication (see Chapters 3 [Barriers to Communication], 4 [Women Asylum-Seekers] & 5 [Interviewing Children] and Appendix 2 on “Evaluation and Care of Victims of Trauma and Violence”).

Relevant legal criteria

Assessing the credibility of the applicant amounts to evaluating the believability of the applicant's statement. This should not be confused with the weighing the sufficiency of the evidence. Assessing the credibility of the claim to refugee status is related to the legal criteria of the burden and standard of proof. In the UNHCR Handbook on Procedures and Criteria for Determining Refugee Status the applicability of the burden and standard of proof is examined briefly in paragraphs 195-205. However, the general guidance provided in the Handbook must also be considered in relation to applicable national jurisprudence.

In the context of this Training Module it is not possible to provide an in-depth discussion of legal standards regarding the stage at which a claim should be considered “proved”. Different legal systems and national determination procedures may also employ divergent standards, legal “tests”, and practices which makes it difficult to come up with universally applicable criteria. Nevertheless, since a general understanding of the relevant legal criteria is crucial to assessing the credibility of the claim, they will be briefly discussed below.

Burden of proof

A claim to refugee status is, in effect, an assertion that the applicant has a well-founded fear of being persecuted based on one, or more, of the enumerated grounds in Article 1A(2) of the 1951 Convention Relating to the Status of Refugees. As discussed earlier, in some countries other regional criteria will apply. *Although the burden of proof (meaning who has to prove the claim) in principle rests on the applicant, the applicant and the interviewer share the duty to ascertain and evaluate all the relevant facts.* Furthermore, the applicant is not required to “prove” every fact alleged in a refugee claim. Given that the consequences of an erroneous negative decision can be extremely serious for refugees, and because of the unavailability or inaccessibility of objective evidence in many refugee situations, the burden of proof should be approached flexibly, particularly where:

- the fear which is the subject of an asylum claim is based on some future possibility and is not capable of being demonstrated at the present;
- the circumstances relating to the flight of the applicant from the country of origin make it difficult or impossible to carry documentary evidence;
- the existence of fear and/or trauma following persecution and flight results in gaps and inconsistencies in testimony; and
- as refugees cannot return to their country of origin, obtaining documentary evidence from the country of origin may be extremely difficult or risky.

The burden of proof may thus be satisfied even where the applicant is unable to furnish concrete

evidence as such, but can provide a coherent and plausible account as to the type of persecution feared and the reasons for the fear.

Standard of proof

The standard of proof can be described as the sufficiency of the evidence that an applicant must provide in order to satisfy the definition of “well-founded fear of persecution”. In general, the evidence that a refugee applicant must supply should demonstrate a reasonable likelihood or reasonable probability of persecution. *In conformity with the humanitarian spirit of the Convention it would not be reasonable to require certain proof of an asylum seeker’s claim.* Such an interpretation of the relevant standard of proof is supported by practice and legal developments in a number of national jurisdictions.

Benefit of the doubt

Another important aspect of status determination is dealing with doubts regarding the strength or veracity of a refugee claim. Some refugee claims may fail to meet the standard of proof. Discrepancies and inconsistencies in the testimony itself, between the testimony and documentary evidence, or between testimony and the applicant’s own actions, may also give rise to doubts and result in a negative credibility assessment.

As noted above, it is not possible, nor necessary, for a refugee to “prove” every aspect of his or her claim. Moreover, it is often necessary to give the applicant the benefit of the doubt. *However, the benefit of the doubt should only be applied when the available evidence has been obtained and checked and the decision-maker is satisfied with the credibility of the applicant.* Below we will discuss a number of general rules and guidelines for assessing credibility.

General rules for assessing credibility:

Basic approach

Only conduct the credibility assessment after certain information is collected (i.e. after uncovering the story). Try to define the key points for assessing credibility in the application. Define and adapt the degree of precision and detail which can be required from the applicant. Use probing and focused questions. Do not take assertions at face value, and do not hesitate to repeat questions and follow-up on factual leads in the claim. Always remember to link your questions.

Relevant factors in assessing credibility

A related aspect for assessing the credibility of the person being interviewed is to examine the testimony for internal consistency (the coherence of the statement) and external consistency (agreement with known facts). You may also consider the fluency of the testimony (that is, the incidence of hesitation), as well as its clarity and detail. If both written and oral statements have been provided there should be global consistency between the statements. This means that not only should the sequence of events and supporting statements be logical and consistent, but there should be some linkage between the places, times, events, and other factors which form the basis of the claim.

In order for the interviewer to be in a position to fully assess the claim, it will have to be thoroughly documented. This includes noting the circumstantial evidence surrounding key events such as arrests, periods of detention, or reasons for flight from a country of origin. For example, you will want to ask the applicant a series of precise, probing questions concerning what he or she was doing just before being arrested, including details of where he or she was, with whom, what were the circumstances of the arrest, were there any witnesses, and so on? You will also want to establish a number of “dated” elements or facts. Providing precise dates should not be over-emphasized, as it is more important to establish general “time” indicators which can assist you, and the applicant, to place certain events into the overall sequence of the claim.

Documentary evidence

Other credibility indicators concern examination of documentary evidence. If the applicant has provided such evidence you should assess its relevance, its source and way of obtention, and whether the use of false documents has an impact on the credibility of the applicant. You should also compare documentary evidence for internal and external consistency. In some instances, you may obtain medical reports. Again, they should be assessed in relation to the statements of the applicant and the compatibility of the reports to the claim.

Documents which are received in a language which the interviewer cannot understand must be translated. It is preferable to obtain original documents rather than photocopies. If original documentation is not presented then the applicant can be asked whether it is available and, if not, he or she should be asked to provide an explanation. Checking the authenticity of documents is often problematic. In the case of official documents issued by authorities in the country of origin, such as the police or the courts, it is not permissible to check or share **any** information relating to individual cases with the authorities in the country of origin. This is important not only to safeguard confidentiality for the applicant, but to avoid endangering the security of family members who still reside in the country of origin. Documents will therefore have to be checked to the extent possible with sources generally available through UNHCR field offices or Headquarters.

The use of drawings and maps

Another effective tool to assess credibility, and to facilitate communication with the applicant, is to use drawings or maps. For example, if the applicant crossed a border illegally from his or her country of origin, he or she may be able to show on a map which villages or towns were passed along the journey. Similarly, if a person had spent some time in detention, it may be possible for him or her to draw a picture of the prison cell. The use of drawings can be especially helpful for children, disabled persons, or those who are hesitant or unable to provide clear oral testimony. Using these methods can also assist the applicant to remember places, events, or other aspects of the claim.

The overall profile of the applicant

Assessment of the applicant's statements to the overall profile of the applicant is also important. For example, if the applicant has told you that he holds strong political beliefs or is deeply religious, then it is reasonable that he should be able to tell you something about his beliefs or views. The applicant should not be required, however, to provide an unrealistic degree of precision and detail in his statements.

The demeanour of an applicant

The demeanour means the comportment or behaviour of the applicant, including body language, facial expressions, gestures and manner of speaking. It should be noted that the demeanour of an applicant is of limited value in assessing credibility. As well, culture and gender may have a great influence on the demeanour of the applicant. For example, an applicant may smile at what appears to be inappropriate times due to being nervous or because in his or her culture this is a normal manner of expression. Furthermore, emotional responses vary from individual to individual and are affected in unpredictable ways by traumatic experiences. This is not to say that demeanour is irrelevant, far from it. However, it should never be considered the determining element in deciding on the credibility of an applicant due to its limited reliability and subjective nature. Another important aspect in paying attention to the demeanour of the applicant is to watch for signs of trauma.

Guidelines for credibility assessment

You may find it useful to refer to the following set of recapitulative guidelines.

- Minor inconsistencies, misrepresentations, or concealment in a claim should not lead to a finding

of non-credibility where the inconsistency, misrepresentation or concealment is not material or of vital importance to the claim. If a statement is not believed but if the claim would be well-founded apart from that statement, then refugee status should be granted.

- Concealment of parts of the story do not necessarily detract from the credibility of the applicant. A genuine refugee may not be willing to tell his or her full story for fear of endangering relatives or friends, or for fear of sharing this information with persons in positions of authority. The applicant may also fear the consequences of having his or her claim rejected. In addition, the applicant may have been told by others not to tell the whole truth during the interview.
- A claim may be credible even though the applicant provides information during a later interview which was not submitted during an earlier examination. The reason for the discrepancy may be that the applicant was reluctant to speak freely during the first interview, but provides a full and accurate account on the later occasion.
- An applicant may provide a credible basis for a claim to refugee status even though he or she has never been persecuted. The absence of actual detention or detection by the authorities should not lead to the assumption that the story is false or deficient for consideration under the refugee definition.
- An applicant should not be suspected of fabricating his or her story simply because the pattern of the claim is similar to the pattern presented by other claimants. Conversely, a claim may be credible even though it is different from statements made by other refugee applicants originating from the same country.

Preparing the assessment and your conclusions

Determination of refugee status requires the application of the facts of the claim to a body of law. This module has dealt with the techniques of getting the refugee applicant to communicate all the relevant facts during an interview. We have addressed the related issue of supporting those facts by reference to country of origin information and eligibility criteria. Whether the facts in any given case establish, within the context of applicable international law, that an applicant is a refugee is the subject of another UNHCR Training Module on Determination of Refugee Status (RLD2). Familiarity with the material contained in that module is a minimum qualification for conducting an interview for refugee status.

In preparing the decision or recommendation on a particular case, the interviewer *must* include the following information:

- a basic description of the claimant including all relevant bio-data (see the draft 'Basic Data/Registration Form' in Appendix 1 to this Training Module);
- the Convention grounds upon which the claim is based;
- an outline of the evidence and arguments presented in support of the case;
- definition of the issues upon which the case will be assessed;
- a brief discussion of each issue with reference to the evidence presented and the relevant points of law;
- conclusions reached on each issue (both factual and legal) including your detailed reasons;
- a concise statement of the recommended decision.

Without question, there are unavoidable subjective elements which come into play in deciding on an application for refugee status. However, the actual determination cannot be arbitrarily made on the basis of the interviewer's intuitive or "gut" feeling for the case.

In preparing your assessment and conclusions it may be helpful to highlight the key points of the claim and summarize those aspects for and against recognition for refugee status. This will make it easier for others who may have to read the report at a later stage in order to take a decision or conduct a further interview. Determining refugee status is a professionally demanding and onerous task requiring considerable knowledge, skill and good judgement. If the assessment and conclusions reflect these attributes all parties to the process can be confident that the determination process was thorough and fair, and a reasoned decision has been taken.

Chapter 7 Security Concerns

In this Chapter you will learn:

- about the importance of confidentiality;
- how to safeguard documents;
- what to do if you are interviewing persons in places of detention;
- basic security recommendations when conducting interviews;
- how to guard against “vicarious trauma and burnout”.

With the increasing geographical scope and magnitude of the refugee problem, UNHCR, governments and non-governmental organizations are being called upon to work in increasingly difficult and dangerous conditions. With this in mind it is most relevant to address the issue of security.

Throughout this Training Module the importance of being well prepared in advance of an interview, and conducting the interview carefully and thoroughly, has been repeatedly emphasized. Conducting interviews with asylum applicants can be stressful, difficult, and tiring work. At times, you may also have to conduct interviews in difficult environments or make-shift offices, whether they be in refugee camps, airports, or detention centres. As discussed in Chapter 1, you should try to ensure that the physical setting meets the minimum requirements of comfort, providing privacy, and freedom from noise and interruptions. In Chapter 3 we have also discussed some of the barriers to communication you may encounter, including dealing with an applicant who is uncooperative or is unwilling to participate in the interview process.

What follows is a number of guidelines and suggested practices. Much of the information provided in this Chapter can be found in other UNHCR Training Modules including “Guidelines on Security Incidents” (OMS 2), “Coping with Stress in Crisis Situations” (OMS 3), and “Guidelines on Security” (PER 2). Copies of these Training Modules are available from UNHCR Headquarters. We will begin with the important issue of ‘confidentiality’.

The importance of confidentiality

One of the key concerns in any interview process is to ensure confidentiality. This is crucial not only to help to create a relationship of trust between the applicant and the interviewer, but also to provide protection and security for the applicant.

Conducting refugee status determination interviews is a unique process in that the applicant is purporting to have a well-founded fear of persecution. In effect, this means that the applicant fears for his or her safety and well-being and that of his or her accompanying family members or those who still reside in the country of origin. Because of the need for protection and the importance of preserving the confidentiality of information received from an individual applicant, UNHCR cannot share **any** information relating to individual cases with countries of origin. Accordingly, the interviewer must take precautions to ensure that the confidentiality of the interview process is maintained before, during, and after the interview. In this respect, the following guidelines should

be followed:

- before commencing an interview, explain to the applicant that both you and the interpreter (and anyone else involved in the interview process such as a community worker or counsellor) are obliged to keep any information you receive strictly confidential;
- ensure that all staff involved in the interview process are properly briefed and trained on the importance and methods of maintaining confidentiality;
- Never share any information with a third party such as a medical doctor, community worker, or other individual who is providing assistance to the applicant unless you have the applicant's informed, explicit, and written consent.

Security of documents

A fundamental aspect of maintaining confidentiality of the interview process is to safe-guard documentation. To ensure that all your written documents are kept confidential and are not accessible to unauthorized personnel, the following precautions should be taken:

- ensure that all files are kept in lockable filing cabinets. Make sure that the filing system is secured when no one is in the office;
- make sure that the computer system is serviced and protected;
- destroy any documents which are no longer needed for a file;
- if you must send copies of documentation concerning an individual claim to another UNHCR field office or Headquarters, take special measures to ensure safe transport.

Conducting interviews in places of detention

In some circumstances you may be obliged to conduct an interview in a place of detention which simply means that the applicant is not free to leave a place under official control. This could include airport detention centres, prisons, or police stations. Conducting interviews in such locations should be avoided. However, you may find that there is no other opportunity to conduct an interview.

It should be recalled that the UNHCR Executive Committee has recommended that refugees and asylum seekers who are detained should be provided with the opportunity to contact UNHCR, or in the absence of such office, available national refugee assistance agencies. The following precautions should be taken if you are going to conduct an interview in a place of detention:

- always ensure that you and any accompanying personnel have proper identification documents before attending at a detention centre. It is also important to seek prior authorization to access the detention centre. Try to ensure that the person you will be interviewing is given advance notice of your arrival;
- bring your own interpreter and brief him or her on the circumstances of the interview, including the interview environment which can be expected;
- ask for a private room in which to conduct the interview. If this is not available, make sure that no other persons (such as guards, other detainees, etc) are present or can overhear the interview proceedings;
- before beginning the interview, have a brief discussion with the applicant. Be calm and reassuring as he or she will likely be under a great deal of stress;
- if you normally take notes during the interview, consider whether they may be confiscated or photocopied by the authorities upon leaving the detention centre. If this is a possibility, make only

brief notes using key words during the interview and then write up your full notes immediately after leaving the premises.

Security recommendations when conducting interviews

Regrettably, hostile acts against persons conducting interviews sometimes occur. Therefore, it is crucial that all personnel understand the importance of establishing security measures prior to conducting meetings or interviews with individuals or groups.

The following recommendations are meant to enhance the safety of UNHCR officers and other personnel involved in the interview process. Concerning precautions and practices to be followed in specific locations, it is suggested that advice be sought from specialized security personnel.

- all interviews should, where possible, be by appointment;
- install a screening system at the main entrance to the interview area by having trained guards control access to the office. If deemed necessary, the guards should carry out searches of individuals seeking access to the building or you may consider using a metal detector;
- ensure that the interview area is not exposed visually to the waiting room area;
- only allow a minimum number of people into the waiting area at any one time;
- doors on toilets and water facilities should not be capable of being locked from the inside;
- no wall lights or electrical wires should be exposed as these might be used as weapons or for suicide attempts;
- if an individual has a known record of violent behaviour this should be noted on the individual's file. This will alert the interviewer to take precautionary measures if deemed necessary;
- arrange furniture in the interview room to give protection to the interviewer. The interviewer should have his or her chair located so as to provide easy access to the door. Doors to the interview rooms should be lockable from the outside only;
- ensure there are no objects in the interview room which could be used as weapons (e.g. heavy paper weight, letter opener, etc.);
- establish procedures to escape from an interview room and ensure there is a mechanism or procedure in place for summoning help;
- if you are conducting interviews in remote locations, make sure you have proper communication equipment with you at all times such as radios or walkie-talkies. You should also travel with other colleagues and make arrangements with local authorities in case you are in need of assistance;
- in the case of a security incident, serious consideration must be given to bringing to justice any individual who assaults an interviewing officer.

Vicarious trauma and burnout

Persons involved in humanitarian work often have to adopt a calm, efficient and methodical approach to their work in order to work effectively and respond to the crisis. Conducting interviews for refugee status can be extremely demanding. The nature of the work is such that interviewers and interpreters may experience what is referred to as "vicarious trauma and burnout". All persons involved in the interview process should be aware of the symptoms, contributing factors, and prevention and treatment which can be offered to persons in this situation.

Being informed and aware of what can be done in such circumstances is an important consideration for the health and well-being of all staff working with refugees. It also helps ensure

that your work is conducted effectively, efficiently, and in safety. Feeling tired, weak, and depressed will not only have a negative impact on your ability to perform your work, but it could make you more vulnerable to a security incident through being less attentive and able to respond quickly to a situation.

One way to offer assistance for yourself and other colleagues is to organize regular de-briefing sessions. This will provide an opportunity for informal discussion concerning the difficulties and stresses experienced in interview work. Helpful advice on these issues, including methods of prevention and treatment, can be found in Appendix 2 to this Training Module and the UNHCR document "Coping with Stress in Crisis Situations" (OMS 3).

Appendix 1

UNHCR Basic Data / Registration Form

EXAMPLE ONLY

UNHCR Basic Data / Registration Form

(Use extra sheets as necessary)

Have you ever approached any UNHCR Office before? * Yes No (If yes, provide details)

Place: _____	PHOTO	
File Number: _____	IC	SPOUSE
UNHCR First Contact: ____/____/____		
Interview Date: ____/____/____		
Father's Name: _____		
Mother's Name: _____		

A. Principal applicant or accompanying adult dependant

A separate form to be completed for each member of the family aged 18 years or over (i.e. accompanying adult dependant)

1. Family name _____
First name (other names) _____
Alias _____
2. Sex: * Male / Female
3. Marital status: * (never married / married / common law marriage / divorced / widowed / separated)
4. Date of birth ____/____/____ (if not known, estimated year of birth (day, month, year))
5. Place of birth (city, locality/country) _____
6. Last place of residency (city, locality/country) _____
7. Nationality/citizenship _____
8. Ethnic or tribal group _____
9. Religion _____
10. Date of departure from country of origin _____

* Circle as appropriate

11. Country/ies where you stayed since leaving country of origin

Country	From/to (by month/year)
_____	_____
_____	_____

12. Entry in asylum country Date: ____/____/____ Place: _____
Mode: (land / air / sea)*

13. Identification and travel documents (see copy for the file)

a) Document used to enter asylum country: Passport / CTD / Other: _____
Number _____ Issued by _____ Date _____ Validity _____

b) How did you obtain the document used to enter asylum country?

c) If you have stayed in the asylum country for some time, what kind of documents do you have:

Passport: _____ Resident's permit (type): _____ Other: _____

14. Language abilities: Mother tongue _____ Other languages _____

15. Education and occupation

a) Primary school (from/to, by years) _____ Place _____

b) Secondary school (from/to, by years) _____ Place _____

c) Vocational Training / University in (place) _____

Name of institution _____

Type of course (from/to, by years) _____

Name of degree / certificate / diploma obtained _____

d) Occupation/skill _____

e) Present employment (if any) Type of work _____ From year _____

f) Employment record (starting from last job in country of origin, last 10 years)

Name of employer	Type of work	From/to, city
_____	_____	_____
_____	_____	_____
_____	_____	_____

16. Military service Yes No Where _____ From/to _____

* Circle as appropriate

17. Special needs or problems (e.g. medical):

18. Family details for unaccompanied children *(other unaccompanied individuals with special needs or foster children)*

a) Relative's name: _____

b) Relative's sex: Male / Female *(circle one)*

c) Relationship: _____

d) Relative's reported age: _____

e) Relative's last reported location *(city, locality, country)*

f) Relative's country of origin data *(city, locality, country)*

19. Basis of Claim for Asylum (brief summary). Provide details in answer to the following questions: What are your reasons for leaving your country? Have you or members of your family ever been detained? Give place and dates if known. Have you or members of your family ever been involved in any political, religious, military, ethnic or social organization? If so, provide details such as the name of the organization you or your family members were involved with; your involvement and activities, dates and brief history of the organization. Do you have any documentary evidence to support your claim (e.g. membership cards, court documents, photographs, press articles)?

B. Family members accompanying the applicant

	Full name	D.O.B.	Relationship to applicant
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			

If any dependent has health problems, please indicate the sickness/condition. Also mention who is pregnant.

C. Other relatives in asylum country (include file number, if known)

1.			
2.			
3.			
4.			

D. Close family members at present living in country of origin (please include only spouse, parents, children and brothers/sisters)

	Full name	D.O.B.	Relationship to applicant	Occupation
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				

E. Non-accompanying family members living outside the country of origin

	1	2	3	4
1. Full name				
2. Relationship to applicant				
3. DOB/Sex				
4. Country of residence				
5. Arrival date				
6. Address				
7. Status*				

Name of interviewer *(in block letters)* _____

Date and place _____

* (Write in as appropriate): Citizen/immigrant/resident, refugee/applicant for refugee status or for asylum/visitor/illegal/other.
If applicant entered through another asylum country, indicate country and file number, if known

Address: Change of Address Form

Address: Change of Address Form

Date: ____ / ____ / ____

Address: _____

Date: ____ / ____ / ____

Address: _____

Date: ____ / ____ / ____

Address: _____

Date: ____ / ____ / ____

Address: _____

Date: ____ / ____ / ____

Address: _____

Date: ____ / ____ / ____

Address: _____

Date: ____ / ____ / ____

Address: _____

Date: ____ / ____ / ____

Address: _____

EXAMPLE ONLY

UNHCR Eligibility Determination Questionnaire

(Use extra sheets as necessary)

CASE NUMBER: FIRST INSTANCE
IC'S NAME:
INTERVIEWER'S NAME: SECOND INSTANCE
INTERPRETER:
LANGUAGE: REOPENING
PLACE AND DATE:

If the IC is an undocumented person or a forged passport holder he or she must answer the following

a) *Could you present any kind of document proving your identity. Which kind of ID. If not why?*

1. Former countries of asylum _____
Have you applied for asylum, or refugee status, in any country? (Yes/No) (If yes, provide details)

2. Are you registered with an embassy, consulate or any other authority of your home country?
(Yes/No) (If yes, provide details)

3. Have you approached an embassy or consulate of another country? (Yes/No) (If yes, provide details)

4. On what date did you leave your home country? _____
Did you leave with visa/exit permit? (Yes/No) (If yes) How was it obtained?

Means of transport: _____
Which towns and countries did you transit? (state duration of stay in each place)

5. Entry into present country of sojourn:

a) Date and place of entry: _____

b) In what manner did you enter? *(clandestinely, with authorization, visa or work permit?) provide details*

c) Have you ever applied for a passport in your home country? *(Yes/No) (If no) Why not?*

(If yes) was a passport issued? (Yes/No) _____

(If no) why not?

(If yes) when? _____

Do you still have this passport *(Yes/No)* _____

Dates of extension: _____ *Note. take passport copy if not done at registration*

6. Is military service compulsory in your country? *(Yes/No)*

(If yes) have you been called for it? (Yes/No)

(If yes) period served: _____ *Where?* _____

Please detail all duty stations and military duties in each

Rank and Type of Unit: _____

If you were called up, but did not serve, state reason:

If you deserted please state date and reason:

7. State any political, religious, military, ethnic or social organization or grouping to which you or any members of your family belong or previously belonged to in your home country:

(If yes) Please describe what kind of organization or group the above is:

(e.g.) for political parties: aim/strategies/estimated number of members/supporters/known leaders/history/areas of operation)

8. Describe your activities and responsibilities in any organization mentioned above stating dates and places:

9. Have you ever been arrested or detained? *(Yes/No) (If multiple arrests/detentions, document each separately)*

(If yes)

Date of arrest: _____

Date of release: _____

Period of imprisonment: _____

Where: _____

What was the charge? _____

Do you have any documents from the time of your arrest/detention? Can you get any?

Place and conditions of detention:

Was there a trial? *(Yes/No)*

When, where? _____

Name of judge and prosecutor: _____
sentence passed

Conditions for release:

10. What was the reason for above stated arrest/detention?

11. Have any close relatives been arrested?

(Yes/No) (If yes) names/relation/date of arrest/period of detention

Reason of above stated arrest(s) of close relatives

12. How were you treated during arrest/interrogation or detention?
(Yes/No) 'If yes' please describe:

At any other time?

13. What do you think would happen to you if you returned to your country of origin at this time?

14. Do you have any contact with, or information concerning, your family members remaining in your country of origin?

15. Reason(s) to leave your country? *Please describe in detail.*

List of documents received during the interview

1. _____
2. _____
3. _____
4. _____
5. _____

New documents in file at time of appeal interview

6. _____
7. _____
8. _____
9. _____
10. _____

All documents must be translated

List of related files (i.e. family members, relatives, political associates, etc.)

File No.	Name
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Appendix 2 - Excerpt from UNHCR Guidelines on EVALUATION AND CARE OF VICTIMS OF TRAUMA AND VIOLENCE

Children and Adolescents

1. Children

Overview

The following categories of children are the most at risk of developing immediate or long-lasting psychological disorders:

- unaccompanied children;
- children whose father, mother or other close family member has died or been killed;
- children whose father, mother or other close family member is missing (no information about their whereabouts for months);
- children having experienced especially traumatizing events and losses;
- children with symptoms of psychosocial disorders;
- physically/mentally disabled children.

Not all children of these risk groups are going to show psychological symptoms and require special help. Active efforts should be made to discover those who need special help. When identified, they should be the first to whom psychosocial help is provided.

Symptoms

The majority of affected children suffer their sadness or grief in silence. They function normally in their everyday life but they often become sad when they remember their country, relatives, friends, school, etc.

The most frequent symptoms of psychological distress in children are listed below in order of descending frequency:

- sleep disturbance – difficulty falling asleep;
- nightmares;
- somatic complaints – fatigue, abdominal discomfort, headaches, etc.;
- anxiety and unusual fear for their development stage;
- irritability – exaggerated startle response;
- sadness, despair, loss of energy and interests;
- difficulties in concentrating, memory problems.

The most common social disfunctions interfering with everyday life are:

- problems in peer relationships (aggressive behavior, extreme withdrawal);
- clinging, bed-wetting, separation anxiety;
- learning difficulties, school phobia;
- extremely regressive behavior;
- extreme inactivity and lack of interest.

For some children forced displacement and trauma produce a developmental acceleration – children are more mature than one would expect for their age. They become very autonomous and appear capable of coping with and adapting to new situations.

Detection

Refugee parents do not (or rarely) seek help for the mental health problems of their children. Their

own serious situation frequently leads them to underestimate the degree of violence the child has experienced. Often, the parent will have had little, if any, conversation with his child regarding his traumatic experiences. Because of this, detection and help should be conceived as an outreaching process.

- By far the most important information regarding the traumatic experience and suffering of a child is obtained directly from interviewing the child. Interviews should be conducted in the presence of a parent or family member and with care not to further the suffering of the child. Observing the child in this setting may also provide valuable information on social functioning; information that should be supplemented by other sources as described below. In cases where the presence of a family member prevents the child from speaking, he/she should be interviewed alone.
- Questionnaires addressed to parents, school teachers, other care providers, or older children can be of help in the mass screening process. Refugees and displaced persons are, however, often suspicious about questionnaires as a means of information gathering. Therefore, the aim of the questionnaire, its confidentiality and benefit for children and parents must be clearly explained. It is important that the questionnaire be correctly understood and filled in by parents or other adults. Awareness of illiteracy among the adult population may exclude this type of data collection, or require specific adaptation in carrying it out. Those participating in screening through questionnaires should be provided with basic training to enable them to give simple answers to crucial and urgent questions.

When the questionnaire is the first contact of the refugees with a mental health care team, it should be borne in mind that a trusting relationship must be established. This will enhance future collaboration and encourage help seeking. Caution is called for: mass screening should not be undertaken if no psychosocial assistance for such problems exists. By only disclosing problems, without helping intervention, children can be harmed. This is especially true for children having experienced war atrocities or important losses.

- Contacting kindergartens, schools and other settings for children, whenever such arrangements exist, can indicate behavioral and learning problems observed in their groups. Teachers can provide precious observations and sometimes valuable contributions to the solution of problems. In addition, teachers can influence parents in their behavior towards their children. They may have their own questions and needs which could possibly be addressed by the mental health care providers; this can be achieved either through direct responses to questions or training sessions.

2. Adolescents

Overview

A war situation may seriously affect adolescents, for these young people are usually the most neglected of all age groups. This occurs because of the mature adult-like behavior they often adopt under stress.

Many of the major problems seen in adolescents are explained by the severe disruption in individual and family structure, roles and relationships due to the refugee experience:

- at the individual level, the normal developmental tasks of forming an identity, developing an independent and self-supporting existence, dealing with aggressive and sexual impulses become more difficult to achieve;
- at the family level, modification of the normal hierarchy through missing, dead or absent parents affects the adolescent by overburdening or leaving him without identification or role model or by isolating him; and

- at the social level, relationships, from intimate ones to those with peers, suffer serious disruption or disintegration. Moral, societal and cultural values are questioned and the distinction between right and wrong is no longer clear. If additionally the cultural, moral and societal values of the host country differ significantly from those of the adolescent's, behavioral and psychological adaptation to them develop more slowly and with more difficulty. These processes which are already difficult for the average adolescent refugee become more disrupted when the adolescent has sustained or witnessed extreme violence such as detention, war imprisonment, torture and sexual violence.

Symptoms

The trauma-related symptoms of adolescents resemble those of adults with the following exceptions:

- manifestations of aggressive and delinquent behavior are more frequent;
- substance abuse and suicide may also be more common than in adults, such behavior will often signal an underlying depression; and
- seeking health care is rare.

Detection

For the most part, the methods employed in detecting adolescents at risk is dependent on their age and relative maturity. For some the approach described for children will be appropriate, while for others those used for adults in the general population will be most useful. There are no hard and fast rules for choosing methods. Clinical acumen and some trial and error will be necessary to clarify which techniques work best for particular groups of adolescents.

3. Treatment Approaches

Given that such manifestations and risks are pervasive, mental health care should be integrated into all assistance activities from the very earliest stages after forced flight/displacement.

- Education of the family. Provide information regarding symptoms, possible long-term effects, and how to respond to their presence. This process could be effected through mass media, schools, seminars, community leaders or mental health care providers.
- Ensure the maintenance of the family as a unit.
- Re-integrate children and adolescents into normal age-appropriate, culturally defined social roles (student, children, peers, etc.).
- Re-establish recreational and leisure activities.
- Promote self-help peer groups.
- For seriously symptomatic and impaired children, refer to specialized mental health care providers.

❑ Victims of Extreme Violence: Ex-Detainees, Prisoners of War (POWs) and Victims of Torture and Sexual Violence

Overview

Violence has all too commonly become the accepted final mode of conflict resolution around the globe. Its effects on persons and populations are the subject of worldwide concern. Extreme

violence, often targeted to special groups, i.e. detainee, POWs and women, is particularly reprehensible. Torture, rape and other forms of extreme violence impose upon their victims a particularly harsh sentence. For many, the social, psychological and psychosocial *sequelae* may remain with them for years, perhaps decades.

Such extreme violence affects people in different ways depending on personality, gender and culture. The *sequelae* of torture can appear immediately on a physical and/or psychological level, or can remain hidden and unrecognized for many years.

Experiences of torture and sexual abuse are not readily reported. The intense feelings of powerlessness, shame and guilt and the acute disruption of life, in which the beliefs of a person about the meaning of life are lost, compel people to hide them. The coping process is characterized by an alternating pattern of re-experience and denial of the traumatic events, with all associated psychological responses.

Such denial should not seduce caretakers into assuming that personal and family problems are being successfully managed. It is the responsibility of policy-makers, mental health workers and others involved in victims' protection and assistance to address their special needs, on a mass level and to involve all concerned parties (e.g. the victim himself, family, professionals, host and third countries) from the emergency phase to longer term programmes.

Symptoms

In many cases, ex-detainees, victims of torture and victims of gender-based violence are usually very reluctant to speak about their experiences. It is of great importance to recognize that the empathetic way of conducting an interview will to a great extent determine the quality of the disclosure of violent acts. Ex-detainees and victims of torture often seek help for somatic problems. These can be caused by the bad conditions during detention (infections, under-nourishment) or brutal physical torture (fractures, wounds, nerve lesions) or can be part of the psychological consequences of the traumatic experiences. Somatic complaints can also be the starting point of disclosure. Taking these physical complaints seriously helps to lead progressively to the more insidious psychological *sequelae* of violence. In general the consequences of the trauma of extreme violence can be very diverse. They can be looked at as being part of several categories:

➤ Recurrent Memory Phenomena:

- flashbacks (sensory reliving of the trauma, smell, taste, sight, sound);
- nightmares;
- intrusive thoughts.

➤ Hyper-arousal:

- sleeping problems;
- irritability;
- aggressiveness;
- concentration problems.

➤ Somatic Symptoms:

- fatigue;
- gastrointestinal complaints;

- cardiac symptoms;
 - headaches;
 - diffuse aches and pains;
 - muscular and joint problems;
 - sexual dysfunction.
- Anxiety reactions:
- panic attacks;
 - generalized anxiety (affecting physical, sexual, mental and social functioning).
- Sadness/Grief:
- depressed mood;
 - loss of interest in previously pleasurable activities;
 - loss of appetite;
 - suicidal thoughts.
- Avoidance of situations which remind the victim of traumatic experiences (including talking about it):
- phobias;
 - emotional numbness (being disconnected from family, friends and loved ones, self-medication, etc.);
 - body numbness (frigidity, not feeling one's own body, feeling body changes, feeling like outside one's own body, feeling "possessed").

Detection

As alluded to in the section on screening in the general population, detection efforts in vulnerable populations must be especially adapted in order to identify, with little error, individuals already affected and at high risk. In these groups, the danger of suffering long-lasting effects may be as high as 50%. The personal, social and economic costs of failing to identify and intervene with such individuals are devastating.

Where to Seek/Detect

Such individuals may appear through any of the means noted for the general population (i.e. primary and traditional health care, hospitals, schools, or through the family members, community leaders, field officers or camp officials).

Who to Seek/Detect

The nature of the effects of extreme violence on individuals is such that many may go undetected by the screening methods adapted for the general population. Identifying such individuals as noted below should lead immediately to more complete evaluation of the individuals' symptomatology and functioning:

- screen individuals who present the physical stigma of torture. The presence of such stigma is

indicative of the nature and extent of torture; and

- screen people who are known to be at high risk for deprivation, torture or rape:
 - soldiers and ex-soldiers;
 - known POWs or detainees;
 - inhabitant of town or village subjected to organized violence;
 - members of a specifically persecuted group (ethnic, religious, political, etc.).

Methods

Simply acknowledging and inquiring about the realities of a refugee's experience has therapeutic value. The evaluator may be the first person to show caring and interest in their situation without being horrified.

- Individual evaluation, meant to get enough information about historical circumstances, functioning and symptoms to determine most appropriate treatment intervention.
- Standardized instruments, by acting as a simple medical test, may allow an individual to disclose more about their psychological state and trauma experiences than might otherwise be possible. Such instruments are readily available and have been scientifically demonstrated to be effective.

Treatment Approaches

The consequences of traumatic experiences impinge on every level of the individual's social organization. In many cases, ex-detainees, victims of torture and victims of gender-based violence are very reluctant to speak about their experiences. Although this can be part of the coping process, it should be borne in mind that mobilization of resources on a personal and group level is important and should be developed to help overcome the traumatic experience.

- The screening itself will acknowledge interest and knowledge of the survivor experience.
- Psychological support should be given through information about symptoms, debriefing and other social activities. Within this framework, support of the family system in its community provides an important stabilizing background which can serve as a basis for further intervention.
- Psychological help can be provided by professionals, or under their supervision, at the group and individual level, according to needs and available services. In cases of large numbers of heavily traumatized persons, the approach should be directed to groups. This has the effect of strengthening already existing or creating new support networks.
- Special and individualized care remains necessary for very severe and life-threatening reactions. Seriously depressed or suicidal persons require such care to monitor their safety during their period of hopelessness.
- An outreaching, discrete and non-stigmatizing approach is essential for care and assistance to ex-detainees and victims of torture and sexual violence. Particularly in instances of rape, maintenance of absolute confidentiality is essential to protect against damaging cultural stigma and to provide a trusting atmosphere in which adaptive change can be advocated.
- Mandated catharsis must be shunned. Even if help is actively offered, one must not give the impression that exploration of the trauma history is required.
- For many individuals the first step of every intervention is the healing of the body and other

physical problems.

❑ **Mentally Ill and Developmentally Disabled**

Individuals with a history of mental illness are particularly vulnerable to the effects of trauma and forced flight/displacement:

- resiliency and range of available psychosocial coping mechanisms are reduced, especially in persons with major mental illnesses;
- war, flight, and forced displacement disrupt usual modes of receiving specialized forms of care;
- war, flight, and forced displacement disrupt availability of and access to the medications used to treat some mental illnesses;
- they are less likely to seek help on their own; and
- especially in persons with major mental illness:
 - low socio-economic status exacerbates all attempts to maintain normal functions during the stress of displacement;
 - individuals may be targeted by hostile groups and marginalized specifically from the refugee group by the display of odd and threatening behavior.

In those with a history of mental illness, the extreme stress and chaos of forced displacement may be evidenced first in an exacerbation or recurrence of their mental disorder. For both groups, such stressful conditions serve to reduce even further their ability to cope and may manifest themselves behaviorally by an inability to adequately feed or appropriately clothe oneself or maintain personal hygiene. Such persons are then at high risk of malnutrition, infectious diseases and damaging exposure, among others.

It is, therefore, imperative that these individuals be identified and treatment intervention be arranged as quickly as possible. This may take the form of interventions outlined previously in these guidelines, but more often than not, it will be necessary to refer these persons to specialized mental health care services.

• **Elderly**

That the elderly may be particularly affected by the great stress involved in flight and other traumatic events has been noted empirically for as long as the aftermaths of such experiences have been recorded. While there has been little objective study of this problem amongst refugee and forcibly displaced populations, it is worth being aware of several important issues. The elderly represent an especially vulnerable group for several reasons:

- adaptive coping (i.e. effective adaptation of pre-existing coping strategies to manage situation-specific distress) to the combined stresses of war, flight, forced displacement and other trauma are potentially reduced in elderly persons. They also may have greater difficulty in adapting long-standing coping skills to events and a new environment in rapid transition;
- physical hardship, always felt more harshly by the elderly, fosters the psychological conditions through which other trauma may have a greater and longer lasting psychosocial impact upon the

individual;

- loss of family, friends, professional and community support may have a more significant impact on the elderly due to their greater reliance on the family unit and community resources that provide social support, professional assistance and a sense of community stability.

The process of identifying and evaluating persons potentially at risk is similar to the procedures outlined for other vulnerable groups with emphasis on utilizing family and social networks to identify individuals in special need. The elderly may be much less likely to identify themselves as being in need and, therefore, such contacts are essential if timely detection and evaluation is to occur.

Treatment approaches to the elderly affected and at risk for post-traumatic impairment parallel those previously described for other vulnerable groups. Again, for the elderly, maintenance of the family unit and psychosocial intervention effected through family and social networks is of prime importance. All elderly persons are survivors to a certain extent, and their strength and experience of age should be drawn upon for their own assistance and aid, as well as that of their compatriots sharing their tragedy.

• Principles of ethics in work with refugees and displaced persons

Ethical principles, explicit or implicit, must guide all protection and assistance activities for refugees and displaced persons. The very real, if only temporary, relationship of dependence formed between those requiring and those delivering aid demands adherence to the strictest ethical standards.

General Precepts

- **Respect:** respect for the person is evidenced in several ways: a) respect for the autonomy of those persons able to pursue their personal goals through self-directed means; b) respect for persons with reduced or impaired autonomy by providing care until they are able to regain their autonomy, and lastly c) respect for the social mores of others; a concept particularly important in the context of socio-cultural differences between those receiving and those providing aid.
- **Confidentiality:** a person's story of deprivation or flight or trauma is his or her personal property to possess or to deliver to others as he or she sees fit. Traumatized individuals must understand that they are under no obligation to make their personal stories known, or once known, to relinquish them to the public domain. Aid providers must never contravene confidentiality without explicit consent. Doing so may expose an already traumatized individual to further humiliation, stigmatization and/or manipulation by others.
- **Do No Harm:** never should the work or interests of providers or their proxies cause further suffering to those dependent on their aid.
- **Justice:** allocation of resources and distribution of assistance should never be determined by the religion, nationality, race, politics or social standing of those in need.

Treatment

- Persons have the right to the best available treatment appropriate to their needs.
- Persons have the right to refuse treatment unless unable to comprehend the consequences of life-threatening events or illnesses or their refusal of treatment.
- Treatment programs must be monitored by relevant professional bodies for their attention and

adherence to ethical precepts.

- Care givers may not participate in or condone practices resulting in harm or that contravene the ethical principles outlined in this chapter.

Research/Investigations

- **Informed consent:** informed consent must be adapted for survivors of trauma as they are generally unaware of the psychological pain involved in participating in such projects; there exists the real danger of re-traumatization, even if the individual's consent has been obtained. In addition, the dependent nature of the relationship between provider and receiver of aid means that informed consent must be given with the knowledge that such consent has no bearing on the provision of aid.
- **Research and investigation on traumatized refugees and displaced persons:** are ethically bound to maximize potential benefits to the individual and group while minimizing potential risks. In no instance should the work of investigators take precedence over the well-being of the persons or population studies.
- When study involves exploring a persons' trauma history, investigators are ethically bound to ensure that treatment opportunities exist for the pain and suffering that may result.

Though many of these ethical standards were originally characterized with respect to the medical profession, they equally apply to and set standards for all other professionals working in the field of mental health, protection and assistance to refugees. In this sense, the media, which by its investigation and reporting in conflict situations often delve into the personal histories of refugees and displaced persons, are equally bound to respect basic ethical principles as outlined here. The standard of objectivity which is paramount for the media must never be used to justify transgression of basic ethical codes.

- **Vicarious trauma and burnout**

Secondary trauma is the term that describes the range of psychological and physiological effects seen in those who work intensely with traumatized individuals. Experts have referred to these effects as vicarious trauma, burnout, exhaustion, and counter-transference, all of which are covered by the umbrella term secondary trauma, and all of which overlap in their intended descriptions. If, as in the view of many, no therapist is immune from these effects, the need for those in the helping professions to acknowledge and be aware of secondary trauma phenomena takes on particular importance.

Counter-transference, a concept rooted in psychoanalysis, describes a therapist's emotional re-connection to his own past triggered by exposure to a refugee's trauma material.

Burnout and exhaustion refer to the general psychological strain of working in overwhelming situations where demand for help is greatly disproportionate to its supply. Helpers trying to provide for the often infinite need of traumatized populations are typically unwilling to relinquish their posts until the point of physical exhaustion.

Vicarious trauma describes a substituted experience of trauma in therapists caused by intimate work with trauma survivors. It can manifest itself as short-term symptoms generally experienced in the period of therapy with individuals, or as long-term alterations in the therapist's own beliefs, expectations and assumptions about himself and others. Symptoms may often parallel those of the trauma survivors themselves. A provider's susceptibility to vicarious trauma is shaped by both the characteristics of the situation and the helper's unique psychological makeup.

Frequent symptoms

- fatigue, sadness, depression;
- cynicism, discouragement, loss of compassion;
- hyper-arousal, sleep disturbances, intrusive nightmares related to trauma material;
- somatic problems: headaches, joint pain, abdominal discomfort/diarrhoea;
- feelings of helplessness, denial and disbelief, anger and rage.

Contributing factors

- the correlation between refugee status and political and social problems may make the helper feel hopeless about the potential impact of his work upon the root causes of violence and war;
- conflicted feelings and issues of trust are typical where survivors may be both perpetrators and victims;
- communications difficulties, both lingual and cultural;
- inadequate resources and equipment.

Prevention and treatment

- supportive relationships with family and friends;
- relaxation techniques: formal methods such as meditation and deep-breathing exercises or informal methods such as listening to music;
- physical exercise;
- empathic response, heightened arousal, and often intense relationships may lead the helper to become keenly aware of grief, pain and anguish regarding refugee crises. If the feelings are not openly acknowledged and resolved, there is the risk that the helper may begin to feel numb or emotionally distant, thus unable to maintain an empathic and responsive approach to the refugees. Sharing in the suffering of others is indeed a substantial stressor regardless of one's training or skill in refugee trauma work. If a worker is unable to perform his duties because of secondary trauma, he should be given the possibility to rest and recuperate. Attention should be paid not to further traumatize the worker or his clients;
- rotation through different types of work activity;
- mandatory intermittent work-free periods (days, weeks);
- good nutrition and adequate sleep; avoid excessive use of stimulants such as sugar and caffeine;
- professional support systems: support groups where professionals who work with refugees and displaced persons can share and work through reactions that are painful and disruptive. It is important that group members do not pathologize the secondary trauma. Both the care provider and the trauma survivor are serviced poorly by such labelling; the care provider by loss of

effectiveness in his work and damage to his self-image as a provider/therapist, the trauma survivor by losing trusted carers and feeling somehow responsible for this loss;

- psychological debriefing after crises: a forum for reviewing the experience of working with refugee and displaced populations and experiencing the conflicting feelings of fear, frustration and success that frequently accompany such work.

Appendix 3 - PRACTICE CASE STUDIES

In the following pages you will find a series of **four practice cases**. They can be used in small working groups in order to gain a fuller understanding of the following elements: evaluating credibility; choice of interviewing techniques; and criteria for determination of refugee status.

Also presented in this appendix are two hypothetical claims for refugee status which can be used in an exercise in order to evaluate the results of training interviews with an asylum seeker and to assess the credibility of the person being interviewed.

□ Practice Case A: Evaluation of Credibility

You are interviewing Mr. E, a refugee claimant who is accompanied by his wife. Mr. E claims he has been detained for four years because of his opposition to the government.

After his release from detention he left his country and has sought asylum. He approaches your agency and you are requested to conduct an interview.

Questions

1. What questions will you put to him in order to evaluate the credibility of his statements concerning his detention?
2. Suggest some interviewing techniques which could be of help to you in evaluating the credibility of the applicant.

□ Practice Case B: Evaluation of Credibility

You are interviewing an asylum-seeker Mr./Ms P. Mr./Ms P. tells you that he or she has left his or her country because he or she feared being arrested due to his or her activities with an opposition party.

Mr./Ms P. alleges that he or she had been involved in these activities over the last four years. He or she claims to have been involved in propaganda activities such as:

the spraying of slogans on walls;

the distribution of leaflets;

the distribution of publications;

and participation in demonstrations.

Questions

1. As an examiner you wish to evaluate the political "culture" of Mr./Ms P. Prepare a list of the issues which should be reviewed in order to evaluate Mr./Ms P's political "culture".
2. In order to evaluate the credibility of Mr./Ms P's story you also want to review his or her political

activities in detail. Prepare a list of the most pertinent questions to be asked.

❑ **Practice Case C: Evaluation of Credibility and Eligibility for Refugee Status**

You are going to interview an asylum-seeker who has contacted your organization.

The applicant alleges that he has recently left his country illegally because he had deserted the army. He claims that he decided to desert as he was “fed up” with the war which had been going on for several years between his country and that of a neighbouring one.

Questions

1. What questions can you ask the applicant in order to evaluate the credibility of the allegations concerning his desertion?
2. What information will you try to seek from the applicant and/or other sources in order to assess the credibility of the claimant, and to determine his eligibility for refugee status under the 1951 Convention?

• **Practice Case D: Evaluation of Credibility and Eligibility for Refugee Status**

Mr./Ms K. is a refugee applicant who contacts the organization in which you are working.

He or she alleges that he or she has recently been converted to a different religion. Mr./Ms K. explains to you that during the last two years he or she has avoided drawing attention to this issue especially as his or her new religion is a minority one in the country of origin. However, he or she now fears that this fact will be reported to the national authorities. Consequently, he or she has left his or her country of origin and has sought refugee status.

Questions

1. In order to determine whether Mr./Ms K, owing to his or her religious conversion has a sound fear of persecution as laid down in Article 1 A(2) of the 1951 Refugee Convention:
 - What questions will you ask of the applicant?
 - What information do you require concerning the situation in his or her country of origin?
2. On the basis of the answers provided by Mr./Ms. K, how are you going to evaluate his or her credibility?

❑ **Interviewing Techniques – Simulation Exercise**

Objective

The objective of this exercise is to allow participants to pay more attention to the way in which interviews with asylum-seekers are conducted.

Method

- Make up small groups of participants (4 to 6 persons).
- Appoint or identify two “actors”. One of them is the asylum-seeker, the other the interviewer. The other participants are observers and should, if possible, keep them-selves in the background.

- Variation: the applicants can be a pair - a married couple, brother and sister, etc.

Role of the Applicant

In inspiring him or herself by the content of his or her fictitious stories (see Practice Case 1 and 2 attached), the applicant “actor” should try to present his or her account in such a way as to convince the examiner of the facts being presented. In order to make the narrative sound plausible, the applicant may choose any country of origin with which he or she is familiar. During the actual interview the actor applicant should try to be evasive in his or her replies, off the subject, threatening, uncooperative, insistent, and/or frightened to answer the questions of the examiner.

The applicant may take 5 to 10 minutes to prepare for this exercise.

Role of the Examiner

The examiner should, as far as possible, try to understand the oral account of the applicant with a view to preparing a summary of the facts.

The examiner is not the representative of the authorities charged with determining refugee status but is a member of an association assisting asylum-seekers in preparing their claims.

Role of the Observers

The observers should concentrate their attention more on the procedure rather than the content of the interview. The observers should pay particular attention to the comportment of the two actors (listening, observation, questions asked, physical attitude, atmosphere of the interview, etc.)

How the Exercise takes place

As soon as the applicant enters the room, the exercise begins. The participants have to make sure that a form documenting the relevant bio-data of the applicant has been completed prior to the exercise. The exercise should last approximately 20 to 30 minutes. After the interview the observers can provide their comments to the two actors, taking into account the points raised in the Training Module concerning the comportment of the interviewer and the interviewing techniques used. A rapporteur should be appointed amongst the group of observers in order to present a synthesis in a plenary session.

□ Practice Case 1 – Interviewing Techniques – Simulation Exercise

You are 35 years old. You left your country of origin with your 10 year old daughter. Your wife/husband is still in your country of origin.

You are a member of an ethnic minority group in your country of origin. You are a teacher by profession and your wife/husband is unemployed and has never worked at all. You used to live in a region in your country which was populated mainly by members of your own ethnic group. While you were growing up you spoke your own language which is different from the one spoken by the majority ethnic group in your country. You speak your language at home, at school, in the street and in church. You have carried out all your schooling and studies, including university, in your own language. You used to be a member of a choir in which you sang in your own language.

You left your country for the following reasons:

In as much as you have never had any particular problems with the authorities (e.g. you have never been dismissed from your job, you have never had any problems with the police), the atmosphere in your country has changed. Although you were always able to speak the language

of the ethnic majority and you did so since you travelled to other parts of your country, the government has now forced you to use this language in your home region.

You are very attached to your ethnic identity. You left your country because you think that the government will try to assimilate your ethnic group into the majority ethnic group of the country through the following means:

- the closing of schools, publishing houses, theatres; the suppression of place names as well as shop names in your language; the prohibition of your language in the work place;
- the impossibility of registering the birth of your children with their original ethnic names; secondary education is now only allowed in your language if all the students belong to your ethnic group. Even if there is only one student in the class belonging to the majority ethnic group, then the teaching is carried out in that language;
- the places at university for students of your ethnic group are becoming increasingly limited. Although you represent 10% of the population in your country, persons from your ethnic group are not able to obtain more than 6% of the places available at the university;
- the government is consistently carrying out a policy to move people of the majority ethnic group into your region and is forcing members of your ethnic group to leave their traditional communities.

□ Practice Case 2 – Interviewing Techniques – Simulation Exercise

I am 38 years old. In 1972 my husband/wife belonged to the political party in power in my country. I worked as a waiter in a restaurant in a large hotel. I did not belong to the political party and I did not agree with my spouse's decision to be a member of the party. Following a number of disputes our relationship terminated in a divorce in 1975. Between 1972 and 1973 I suffered a great deal of persecution.

For example, the police use a special section for financial inspection and, as my work involved dealing with money matters and contact with foreigners, I was subject to frequent investigations. I was obliged to change my job very often: in May 1973, August 1974, July 1977, and September 1979. In 1975, I was obliged to work as a non-qualified labourer in a slipper factory for 6 to 7 months before being allowed once again to work as a waiter.

I know that the reason for this was simply due to the fact that I spoke openly to other people. For example, I did not see why I always had to give priority service to members of the party and the police when they came to the restaurant. First of all I mentioned this to my colleagues. I told them that I did not want anything to do with a party which spreads lies to the people. I was later approached by the police who asked me to cooperate with them. I refused to do so. The police put me under surveillance the same day I told them I refused to act as an informant against the guests of our restaurant. As a consequence the police summoned me several times to their premises: in April 1980, March 1982, and August 1984. They threatened and intimidated me.

It was then that I realized what kind of situation I was in so I decided to leave the country. I started to take the necessary legal steps to apply to emigrate to the USA. This was in August 1987. Following this my situation worsened. I was once again summoned by the police and told that I would have no chance of leaving the country. I was hit in the face, beaten up and humiliated. Three times I was physically mistreated by the authorities: in September and December 1987, and in March 1988. In June and August 1988 I was summoned by the Chief of Police who informed me, without providing me any reasons, that my request for emigration to the USA had been turned down.

In 1989, the persecution against me continued. In 1988 the police had conducted a search of my apartment on three different occasions. This also happened in March 1989. I could not stand the

situation any longer. I was not able to imagine any other alternative than to leave my country where my life was so difficult. On 20 August 1989 I fled from my country and arrived here.

ANALYSIS OF PRACTICE CASES

❑ Case A

Question 1

- Sequence of arrest and transfer to place of detention.
- Description of place of detention (prison cell).
- Profile of other prisoners.
- Identification of detention authorities.
- Conditions of life in prison:
 - food;
 - clothing (whether he/she had a prison uniform or not);
 - exercise, walks, other activities;
 - searches;
 - interrogations, torture, ill treatment, threatening;
 - disciplinary sanctions;
 - solidarity between prisoners;
 - status of prisoners (kidnapped, accused, condemned, common political rights);
 - visits (family, lawyers, Red Cross or other NGOs). Go into details on dates, visits, frequency, procedures, place, duration;
 - mail/letters, external communications;
 - medical treatment internal/external at the place of detention;
 - knowledge of external events during detention;
 - and circumstances of liberation, etc.

Question 2

- Possibly make a sketch of the cell and prison.
- Interview separately Mr. E. and his wife about the circumstances of the arrest and the visits to the prison.
- Alternate precise questions with allowing the applicant(s) to describe the details of their claim more fully.

❑ Case B

Question 1

History of the party.

Creation, foundation, congresses, splits/divisions, duration of legality/illegality of the party.

Leaders, past, present, possible representatives abroad.

Political ideology of the party and its origin and evolution.

Political programme and evolution of same.

Relations with other political parties in the country of origin and abroad.

Modalities of propaganda, activities of members, supporters etc.

Question 2

Painting of slogans:

- where (description and motives for choice of place);
- when (date, frequency);
- how (technique, source of supply of materials, guide marks, surveillance) contents (message, quantity);
- etc.

Distribution of leaflets, publications:

- where (description and motives for choice of place);
- when (date, frequency);
- comment (supply of material, paper/ink, technique of reproduction, stockage, distribution techniques);
- contents of propaganda material (format, origin, presentation, title, description and contents);
- recipients already "known persons" or the public as a whole;
- etc.

Participation in demonstrations:

- where (choice of place, route);
- when (date, frequency);
- how (number of demonstrators, demonstrations authorized or not, spontaneous or organized, body of officials responsible for order, hand bills, posters, slogans, profile and number of participants (of same party or not), procedures during demonstration, clashes, arrests, dispersing, presence of journalists etc.);
- global objective, specific objective of demonstrations.

The responses of the asylum-seeker will obviously depend on his level of involvement: sympathizer, supporter, active militant, "professional" (cadre) etc.

However, if the asylum-seeker claims to have had such political activities the above noted questions may help you to obtain sufficient information in order to adequately document the claim and evaluate the credibility of the applicant.

❑ Case C

Question 1

Circumstances of enlistment

Deferred conscription, normal length of notice, ahead of roll-call, voluntary/forced enlistment, competent authorities, documentation, correspondence, etc.

Training Period

Classes, military instruction (theoretical/practical), uniform, grade, functions, individual weapons, description, designs, management, capacity, length of training, officer training, treatment, etc.

Assignment

Type of assignment, circumstances, voluntary, designation, place, length, living conditions, functions, etc.

Details of desertion

Material circumstances, preparatory actions, details, means, itinerary, clothing, documentation, complicity, choice of desertion, date (why not earlier or later), place of desertion, etc.

Question 2

Motives for the desertion

Refer to paragraphs 167 to 174 of the UNHCR Handbook on Procedures and Criteria for Determining Refugee Status. Imagine the different categories and situations foreseen in the above-mentioned paragraphs.

Punishment and treatment incurred

- What kind of punishment would the applicant face if forced to return to his country of origin?
- What kind of punishment could be considered disproportionately inhuman, cruel or degrading?
- What extrajudicial treatment could he face if forced to return to his country of origin?
- Other questions?

Case D

Question 1

- Circumstances of the conversion (marriage, spiritual measures, etc.).
- Legal punishment incurred because of his or her religious conversion.
- Extrajudicial treatment incurred because of his or her conversion and attitude towards his or her former religion/clergy with regard to his or her conversion.
- Proportion of treatment and/or punishment incurred.
- Who are the potential agents of persecution, are they solely the government authorities?
- Position of other persons who are possibly in the same situation as Mr./Ms K.

Question 2

- Precise motives for the conversion.

- Evaluate the religious knowledge of the person concerned (history, fundamental ideas, beliefs, perception of life, sacraments, etc.).
- Evaluate the sincerity of his or her steps (why, at that particular moment did Mr./Ms K decide to change his or her religion, why not earlier, or later?)
- Other questions?