



# **QUALITY INITIATIVE PROJECT**

**THIRD REPORT TO THE MINISTER**

**STRICTLY CONFIDENTIAL**

**London Branch Office**

March 2006



## CONTENTS

GLOSSARY OF TERMS		
EXECUTIVE SUMMARY		
1. INTRODUCTION		1
1. Background		1
2. Phases 1 to 3		1
3. Phase 4		2
2. OBSERVATIONS		3
1. Introduction		3
2. Second Report		3
3. Decision making		4
4. Interviewing		7
<i>UNHCR's assessment methodology</i>		7
<i>Importance of interviews</i>		8
<i>Before the interview</i>		9
<i>Interview environment</i>		13
<i>Conducting the interview</i>		16
<i>Supervision, guidance and training</i>		20
5. Conclusion		21
3. RECOMMENDATIONS		22
1. Overview		22
2. Training		22
3. Supervision		22
4. Preparing for the interview		23
5. Conducting the interview		23
6. Gender-sensitive interviewing		24
7. Interpreters		25
8. Guidance and procedures		25
9. Complaints		26
4. CONCLUSION		28
5. LIST OF RECOMMENDATIONS		29
Appendix 1:	Second Report recommendations	34
Appendix 2:	UNHCR Handbook on Procedures and Criteria for Determining Refugee Status (relevant excerpts)	39



## GLOSSARY OF TERMS

2+4 case	Mainstream decision making procedures (initial decision within 2 months of application)
ACD	Asylum Casework Directorate
ACG North	ACD office in Liverpool
ACG South	ACD office in Croydon
ACT	Asylum Caseworker Training course
API	Asylum Policy Instructions
APU	Asylum Policy Unit
The Convention	1951 Convention relating to the Status of Refugees
COI	Country of origin information
COIS	Country of Origin Information Services
CSAPT	Country Specific Asylum Policy Team
ECHR	European Convention on Human Rights
The Handbook	UNHCR Handbook on Procedures and Criteria for Determining Refugee Status
IND	Immigration and Nationality Directorate
KD	ACD's internal Knowledge Database
NAM	New Asylum Model
Phases 1 and 2	Needs assessment and implementation phase of the QI Project conducted between March/April 2004 and February 2005
Phase 3	February – August 2005 of the QI Project
Phase 4	September 2005 – February 2006 of the QI Project
Project Board	Senior UNHCR and ACD staff
Project Team	UNHCR QI team and key ACD staff
QI	Quality Initiative Project
RFRL	Reasons for Refusal Letter
SCW	Senior caseworker
SEF	Statement of Evidence Form
UNHCR	United Nations High Commissioner for Refugees



## EXECUTIVE SUMMARY

The Quality Initiative Project, set up under an agreement between UNHCR and the United Kingdom Government in late 2003, is based on the supervisory role of the United Nations High Commissioner for Refugees under the 1951 Convention relating to the Status of Refugees. Its aim is to assist the Home Office in the refugee status determination process through the monitoring of both procedures and application of the refugee criteria. This is its Third Report and presents UNHCR's observations and recommendations arising from its continuing audit. UNHCR remains grateful for the level of cooperation and complete transparency with which the Home Office has implemented the Project.

UNHCR's ongoing decision assessments continue to suggest a mixed picture in the quality of first instance decision making. While UNHCR is pleased to be able to report some improvement on key indicators of decision quality, it remains clear that problems remain both in individual decisions and the context in which caseworkers operate. The assessment of credibility still poses a particular problem for Home Office decision makers.

UNHCR welcomes the spirit with which the Second Report's recommendations to address these ongoing concerns were received and in particular the commitment to their implementation where these have been accepted. As the panel which has been established to take this work forward has only just been formed, all of the recommendations contained in its Second Report, except where redefined in this Report, remain relevant and current.

This Phase of the audit has focused on the quality of substantive asylum interviews. UNHCR noted a wide variety in the practice and quality of interviews conducted by Home Office asylum caseworkers in Croydon, Liverpool, Yarl's Wood and Harmondsworth. UNHCR is pleased to have found evidence of some good practice amongst individual caseworkers on, for example, maintaining the appropriate interview environment. However UNHCR's observations suggest that a significant number of interviews are poorly prepared, lack focus and do not properly establish the facts of a claim. UNHCR is also concerned by some caseworkers' inability to manage the involvement of the interpreter effectively. In addition, a small number of interviewers observed adopted an inappropriate tone or line of questioning.

Where there is evidence of poor interviewing, this may be attributable to the level of competency and skill, as well as attitude, of the individual caseworkers. However UNHCR has observed that the problem may also lie with the training and guidance that is made available to caseworkers, procedures on supervision and the inadequacy of current Home Office policies for ensuring gender appropriateness.

The recommendations contained in this Report are presented by UNHCR as a package which, taken as a whole, will make a substantial contribution to raising the quality of substantive asylum interviews. The key recommendations focus on providing more in-depth training on the Refugee Convention and the European Convention on Human Rights, introducing formal post-training supervision, making pre-interview preparation a specific and mandatory step in the interview process, improving caseworkers' ability to manage interpreter involvement in the interview, ensuring interviews are gender appropriate and introducing clearer guidance to assist caseworkers.





## 1. INTRODUCTION

### 1.1 Background

1.1.1 The Quality Initiative (QI) Project is based on the supervisory role of UNHCR under the 1951 Convention relating to the Status of Refugees (“the Convention”). Its aim is to assist the Home Office in the refugee determination process through the monitoring of both procedures and the application of the refugee criteria.

1.1.2 During meetings held on 28 October 2003 with the Secretary of State for the Home Department, the United Nations High Commissioner for Refugees expressed particular concern with safeguarding of the institution of asylum through the enhancement of the quality of first instance decision making in the UK’s asylum procedures.

1.1.3 The High Commissioner’s presentations were followed by a submission by the London Office of UNHCR on 17 November 2003 in which UNHCR confirmed its readiness to lend its good offices to the UK Government, with the aim of achieving an improvement in the overall quality of decision making, pursuant to UNHCR’s supervisory jurisdiction as set out in Article 35 of the Convention.

1.1.4 Following a further meeting on 16 December 2003 between the Minister of State for Immigration, Citizenship and Nationality and the Deputy Representative of UNHCR London, the Home Office made public its intent to take up UNHCR’s offer in a press release announcing the publication of the *Asylum (Treatment of Claimants, etc.) Bill* in which the Secretary of State stated, “It is also important that we continue to improve the quality of initial asylum decision making and we intend to take up an offer from UNHCR to discuss this.” Discussions followed to determine how UNHCR might work with the Home Office to improve the quality of its first instance decision making. It was agreed to call this the Quality Initiative Project.

### 1.2 Phases 1 to 3

1.2.1 During Implementation Phase 1 of the QI Project in March/April 2004, a needs assessment was conducted whereby UNHCR reviewed the Home Office’s first instance decision making systems, including, *inter alia*, training programmes and the interpretation and application of the Convention. This was developed into the QI Project Working Document, to serve as a reference point to track the progress of the Project, following a series of fact-finding missions and meetings with Immigration and Nationality Directorate (IND) staff.

1.2.2 During Implementation Phase 2 of the QI Project, UNHCR sampled some 50 first instance decisions per month. Regular meetings (Project Team meetings) were held with Asylum Casework Directorate (ACD) staff responsible for the overall management of the casework section and training matters. UNHCR also had discussions and meetings with caseworkers and senior caseworkers (SCWs) during one to one feedback sessions, at larger meetings and during training sessions.

1.2.3 A First Report was provided to the Minister on a confidential basis in February 2005. It set out UNHCR’s findings following its initial audit, and built upon the recommendations and findings following UNHCR’s initial fact-finding visits and meetings with IND staff as set out in the Working Document. As agreed, UNHCR circulated its key

observations and comments in the public domain. A formal response to the First Report from the Minister was received by UNHCR in July 2005.

1.2.4 Phase 3 of the Project ran from February to August 2005. UNHCR continued to sample approximately 2% of first instance decisions per month and, in July, commenced its review of interviews. This Phase also saw the inauguration of three Working Groups on the use of standard paragraphs, establishing the facts of the claim and on testable evidence. Their purpose is to identify practical ways of initiating improvement in these areas of casework that had been identified by UNHCR through the audit. Regular meetings with relevant Home Office colleagues continued. Fact-finding visits were also made to review the Dover Fast-Track and Induction centre and Yari's Wood Immigration Removal Centre.

1.2.5 UNHCR's Second Report was presented to the Minister in October 2005. This was followed by a formal response in which the majority of recommendations were accepted. As with the First Report, UNHCR circulated its key observations and comments in the public domain.

### **1.3 Phase 4**

1.3.1 During Phase 4, UNHCR continued to sample decisions, held regular meetings with Home Office colleagues and participated in the three Working Groups. A fact-finding visit was also conducted to Harmondsworth Immigration Removal Centre.

1.3.2 This Phase also saw the creation of an implementation panel, drawing together relevant senior Home Office colleagues with UNHCR acting in an advisory capacity, to oversee the implementation of those recommendations that have been accepted. Acting on the invitation to extend its audit into the New Asylum Model (NAM), UNHCR QI staff held initial meetings with NAM colleagues to establish the necessary links.

1.3.3 The work of the Project in this Phase however concentrated on UNHCR's audit of interviews. This involved UNHCR observing substantive ACD asylum interviews in Croydon and Liverpool, as well as a limited number of interviews in Yari's Wood and Harmondsworth.

1.3.4 This Third Report sets out UNHCR's observations and recommendations arising from its audit of asylum interviews and adds to its recommendations in its Second Report. Taken as a whole, UNHCR believes that the implementation of the recommendations contained in this Third Report, and its Second Report, will make a substantial contribution to raising the quality of first instance asylum decision making in the Home Office.

## 2. OBSERVATIONS

### 2.1 Introduction

2.1.1 Since the delivery of its Second Report, UNHCR has sampled 102 first instance asylum decisions. Of these, 24 were recognitions (commonly referred to as ‘grants’ in the Home Office) and 78 were refusals of refugee status, including 2 where discretionary leave was granted. UNHCR also observed 49 substantive asylum interviews in ACD (both in Croydon and Liverpool), Harmondsworth and Yarl’s Wood.

2.1.2 UNHCR continued to participate in monthly project team meetings in which quality issues arising from UNHCR’s monitoring were discussed, and to hold regular feedback sessions with caseworkers and SCWs. A number of meetings between UNHCR and Country of Origin Information Service (COIS) staff were held which provided the opportunity for UNHCR staff to discuss issues pertaining to country of origin information (COI) arising from UNHCR’s audit. The three Working Groups previously established on the use of standard paragraphs, establishing the facts of the claim and on testable evidence continued their work<sup>1</sup>.

2.1.3 A fact-finding visit was conducted to Harmondsworth following an earlier visit to Yarl’s Wood in Phase 3. However, due to operational constraints, the intended audit of first instance decision making under the detained Fast-Track regime in these facilities could not commence fully.

2.1.4 UNHCR’s intended audit of interviews and first instance decisions in cases involving unaccompanied asylum seeking children was hampered by continued delay in the full rollout of the pilot scheme to interview this category of applicants by the Home Office.

2.1.5 UNHCR is pleased to have been invited to expand its audit into NAM as it is rolled out and increases its workload. While formal links have been established, full sampling has yet to commence.

2.1.6 As has been the case throughout the course of the Quality Initiative to date, UNHCR has appreciated the continued goodwill and openness shown by all involved in the Project.

### 2.2 Second Report

2.2.1 UNHCR is grateful for the spirit with which the recommendations in its Second Report were received. The majority of these recommendations have been accepted.

2.2.2 UNHCR is particularly pleased with the commitment, in principle, to introduce accreditation for caseowners in NAM in accordance with recommendations 22 – 24. UNHCR welcomes the invitation to participate as an advisor on an internal working group which is considering the delivery of accreditation, and the development of appropriate training.

---

<sup>1</sup> Particular progress was made in reviewing standard paragraphs. UNHCR is hopeful that the Working Group’s recommendations will be implemented fully shortly.

2.2.3 The establishment of an ‘implementation panel’ – with UNHCR acting in an advisory capacity – to take forward the implementation of those recommendations that have been accepted is also a particularly welcome development. This panel draws together relevant senior Home Office colleagues (ACD, NAM, COIS, Asylum Policy Unit (APU), human resources etc.) and has recently begun the process of identifying those recommendations that are a priority for implementation.

2.2.4 UNHCR is confident that this process will deliver on some of the changes it sees as necessary to raise the quality of first instance decision making and looks forward to its involvement in this process. As stated in its Second Report, UNHCR remains of the view that its recommendations should be viewed as a package, which, taken as a whole, will make a substantial contribution to raising the quality of first instance asylum decision making in the Home Office. In particular, in light of its ongoing concerns about decision making as set out below, UNHCR would welcome further discussions about those recommendations that have not been accepted.

### **2.3 Decision making**

2.3.1 While UNHCR is pleased to be able to report that its ongoing audit suggests there has been some improvement on key indicators of decision quality, it remains clear that serious problems remain both in the quality of individual decisions and the context in which they are made.

2.3.2 A comparative analysis of UNHCR decision assessments of Phases 3 and 4 suggests there was a fall in the proportion of decisions in UNHCR’s sampling in which the assessment of credibility was considered to be flawed. However, as the examples which follow show, this remains a problem area for a significant proportion of decision makers. UNHCR’s sampling also suggests a slight improvement in the proportion of decisions which correctly apply the concepts of internal relocation and sufficiency of protection. While this limited improvement is welcome, UNHCR’s ongoing audit suggests misapprehension of key refugee and human rights law and principles remains common.

2.3.3 A particular concern remains the lack of understanding of the concept of persecution. The following extract is a typical example of a number of common mistakes.

*“...it is accepted that you are indeed a member of the Zaghawa tribe, having lived your whole life in Marla village...As the incidents which you allege occurred are consistent with the information known about Sudan it is accepted that such incidents occurred as you claim. However, by your own account such attacks were general in their nature and were targeted at your village as a whole rather than yourself or your family. Indeed, you stated at interview that all the farms in your area were targeted and that the “whole village” was attacked rather than individuals. In view of the general nature of the attacks it is not accepted that the Janjaweed or the Sudanese authorities embarked on a campaign of attacks against you based solely on your membership of the Zaghawa minority tribe. Furthermore, it is not accepted that you would be of any interest to the Janjaweed on the basis of your ethnicity.”*

2.3.4 The above example suggests that where an individual has not experienced or been singled out for persecution in the past there can be no future risk, ignoring paragraph 43 of UNHCR’s Handbook on Procedures and Criteria for Determining Refugee Status<sup>2</sup> (“the Handbook”). It also illustrates an apparent misapplication of COI relevant at the time. Furthermore, by referring to ‘a campaign of attacks’ this example demonstrates a common misapprehension that mistreatment has to be persistent in order to amount to persecution.

2.3.5 A number of caseworkers also continue to display a failure to understand the basics of refugee and human rights law, for example when they are unable to distinguish between the Refugee Convention and the European Convention on Human Rights (ECHR).

*“XXXX has claimed asylum under Articles 2, 3 and 8 of the ECHR.”*

*“You have stated that if you are returned to Ivory Coast you will be tortured but there are not substantial grounds for believing that there is a real risk that you would face treatment contrary to Article 3. This is because you have never come to the adverse attention of the authorities and have never been subjected to persecution because of your race, religion or political opinion. Therefore, you do not qualify for Humanitarian Protection.”*

2.3.6 UNHCR also continues to observe frequent use of speculative arguments which potentially weaken Reasons for Refusal Letters (RFRLs)<sup>3</sup>. Such arguments demonstrate a failure to apply the correct methodology in assessing the facts as set out in the Handbook. This could be a reflection of a number of things, such as flawed credibility assessments, an application of the wrong standard of proof, a failure to apply objective COI, the adoption of a narrow UK-perspective or a refusal mindset where caseworkers appear to be looking to refuse a claim from the outset.

2.3.7 Recent examples include:

*“It has been believed that if supporters of the ZANU-PF had any real interest in you they would have ill-treated you in more of the several raids that you allege they conducted on your house, in search of your husband. This lessened the credibility of your claim that you would be ill-treated if returned to Zimbabwe.”*

*“You have also alleged that this group sent you a threatening letter, threatening to kill you because you had reported them to the authorities. However, given the actions of the Jund Al-Islam/Ansar Al-Islam in Iraq, it is believed that if this group wanted to kill you, then they would have had the means to do so. If this group had targeted you to be killed, it is believed that they would have simply done so, rather than send you a letter to warn you and give you the opportunity to leave the area and/or leave the country. Your claim to have received such a letter, is not accepted.”*

---

<sup>2</sup> See Appendix 2.

<sup>3</sup> See UNHCR’s Second Report for further detailed comment.

*“Moreover, if this pastor was willing to meet the cost of hiring an agent to escort you and your children to the United Kingdom on false documents then he could have as easily supported you financially in your re-settlement within the Ivory Coast or could have hired security guards to protect you.”*

*“Taking into consideration, the extent of the police force and the authorities within the DRC and specifically how they deal with those people they deem to be against the Government, and they had subsequently raided your home accordingly (sic) then they would have had the manpower and capability to apprehend those present. It is also believed that they would have had the whole house guarded and the soldiers would have forced their way into the house from all entrances. With this in mind it is difficult to believe that you would have been in a position to escape from the soldiers with such apparent ease. Consequently, it is not accepted that your home was ever raided by the soldiers as you claim...However, it is considered that even if you had escaped, then you would have been chased by the soldiers as they would have noticed you escaping. It is believed that you would have been found by the soldiers as you were walking to this persons (sic) house, as they would have been looking for you, if they had any interest in you. This further confirms that your house was never raided or that the soldiers had any interest in you.”*

2.3.8 A further example of poor decision making methodology which UNHCR continues to observe is the lack of consideration given by some caseworkers to relevant evidence provided by the applicant or his/her representative before the decision. This has been the case in about 1 in 5 decisions sampled by UNHCR during this Phase. UNHCR has also noted a small number of examples where the applicant was given five working days post-interview to provide specific evidence but the decision was made prior to the expiry of that deadline.

2.3.9 The reliance on poor decision making methodology applies to grant minutes as well as RFRLs. All decisions, whether grants or refusals, should be well-reasoned and placed in the context of relevant COI. However, most of the grant minutes sampled by UNHCR are poorly drafted with a lack of detailed analysis of the claim (or, in some cases, a complete failure to set out the basis of claim) or justification of why status has been recognised. The apparent lack of importance attached to drafting grants may stem from the fact that grant minutes usually remain internal documents as such cases are highly unlikely to be the subject of any legal proceedings. However, with the move towards initial time-limited refugee leave, the need for a well-reasoned and detailed minute where refugee status is granted is even more important.

2.3.10 In one particularly poor example the only finding contained in the grant minute was *“...it has been believed that members of the Bandhabow, Reer Hamar, clan in Somalia would face substantial risk of being ill-treated in Somalia on the basis of their clan ethnicity”*. There was no mention of any evidence to support the finding that the applicant was a member of a minority clan, and no reference to any COI.

2.3.11 These examples reflect a number of concerns which build on the observations in UNHCR's previous two Reports. As set out above, UNHCR welcomes the spirit with which the recommendations in its Second Report were received and in particular the commitment to their implementation where these have been accepted. As the panel that is meant to take this work forward has only just been formed, it remains to be seen what progress will result from implementing UNHCR's recommendations. In light of this, in UNHCR's view, all of the recommendations contained in its Second Report, except where redefined here, remain relevant and current.

## **2.4 Interviewing**

### *UNHCR's assessment methodology*

2.4.1 UNHCR's QI team commenced its assessment of substantive asylum interviews in July 2005. Prior to the formal commencement of such assessments, UNHCR conducted a short pilot exercise during which a limited number of interviews were observed so as to inform the development of an interview assessment form for use by the QI team. This draft form has since been the subject of extensive consultation with IND colleagues with a view to the form's eventual adoption by all interview assessors.

2.4.2 An interview assessment conducted by UNHCR, during this Phase, involved a UNHCR QI team member observing 'live' interviews<sup>4</sup> with the assessment form being completed post-interview based on the observer's own notes. The UNHCR observer will prepare for the interview in much the same way it expects Home Office caseworkers to (i.e. by consulting the information contained in the applicant's file and conducting relevant country research). In line with the remit of the project, which prevents the UNHCR QI team from influencing the outcome of individual first instance decisions, UNHCR observers do not discuss the merits of any case it observes with the caseworker either before or after the asylum interview, and reserves any comments it may have, including on the performance of the caseworker who conducted the interview, until a post-decision feedback session is held<sup>5</sup>.

2.4.3 The majority of interviews observed have been 2+4 cases taking place in Asylum Casework Group (ACG) North (N) and South (S), but include some from the Harmondsworth and Yarl's Wood Fast-Track process as well as some Dover Pilot cases in ACG (S). In selecting interviews, UNHCR has sought to ensure that, as far as possible, all casework teams conducting first instance decision making interviews have been sampled. To date, UNHCR has observed and assessed just under 50 interviews, in addition to the activities detailed in paragraph 2.1.1-2.1.3 above.

2.4.4 As with its ongoing audit of first instance decisions, UNHCR has been grateful for the co-operation of colleagues in ACD, Harmondsworth and Yarl's Wood Fast-Track teams which has facilitated its assessment of interviews.

---

<sup>4</sup> In future UNHCR may combine observing 'live' interviews with listening to taped interview records, following the successful completion of a pilot by SCWs in ACG North.

<sup>5</sup> At the time of writing, the first interview feedback session had yet to be conducted.

*Importance of interviews*

2.4.5 In order to appreciate the importance of an interview as part of the refugee status determination process, it is necessary to first place it into its rightful context – i.e. the provision of international protection to those who need it. As such, the ultimate purpose of the interview is to help the decision-maker establish whether or not the person concerned is in need of such international protection, either because s/he meets the requirements of the refugee definition as set out in Article 1A(2) of the Refugee Convention<sup>6</sup>, or falls under the relevant subsidiary protection regime. This places a heavy burden of responsibility on the person conducting the interview whether or not this person is the final decision-maker.

2.4.6 UNHCR's Handbook makes it clear that one or more personal interviews will normally be required in order to establish whether someone is in need of international protection (paragraph 200). This is because an interview provides the applicant with an opportunity to put forward his/her case and fully explain his/her opinions and feelings, in person. It also provides the decision-maker with a chance to examine any necessary details, and assess the validity of any evidence and the credibility of the applicant's statements (in accordance with paragraph 195 of the Handbook). Put simply, the purpose of the asylum interview is to establish the full facts of an asylum claim as set out in the Home Office's own guidance on interviewing<sup>7</sup>.

2.4.7 An interview is, therefore, usually an important component of making a good quality decision on whether or not to grant refugee status or other forms of subsidiary protection. Any such interview should be well-prepared and conducted competently. Only an effective interview will reveal all the facts relevant to whether the person falls within the refugee definition, identify evidence that requires further investigation and allow for an appropriate testing of the credibility of the applicant's statements. Conversely, an ineffective interview will not have this fact-finding potential.

2.4.8 In order to maximise the effectiveness of an interview, it is essential that sufficient research is conducted prior to the interview. It should also focus on the material facts of the claim relevant to establishing whether the applicant falls within the refugee definition or the subsidiary protection regime. While an interview is rightly recognised by the Home Office's own guidance as a 'non-adversarial fact-finding exercise'<sup>8</sup>, nevertheless it should be sufficiently inquisitorial to test potential or actual inconsistencies in the applicant's statement(s) and/or account. Where interpreters are required, they should act as an accurate conduit for the interviewer to ask his/her questions and for the applicant to convey his/her answers. In order to assist in gaining the confidence of the applicant and therefore helping to maximise disclosure, an interviewer should adopt an appropriate tone. This should be relevant to the profile of the applicant taking account of cultural differences and bearing in mind that an applicant for refugee status is normally in a particularly vulnerable situation especially if they are women, children and survivors of

---

<sup>6</sup> According to which, a refugee is a 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.'

<sup>7</sup> Asylum Policy Instruction (API) on interviewing, paragraph 2.2 (last accessed 24 March 2006).

<sup>8</sup> Ibid, paragraph 5.



torture. This may also affect the practical arrangements for the interview, such as the gender of the interviewer and the interpreter, and where the various participants are seated etc.

2.4.9 In recognition of the above, UNHCR's Handbook states that determining refugee status, including conducting the asylum interview, "is by no means a mechanical and routine process. On the contrary, it calls for specialised knowledge, training and experience and – what is more important – an understanding of the particular situation of the applicant and of the human factors involved" (paragraph 222).

*Before the interview*

2.4.10 As reiterated in the introduction to these observations and as recognised in the Home Office's interviewing API, the substantive asylum interview is a key fact-finding stage and provides the principal opportunity for an applicant to set out their claim and for the caseworker to examine any details they consider necessary. As such, it is important that every material aspect of a claim is both identified and assessed as to its credibility during the course of the interview.

2.4.11 In order to ensure that this is done effectively, preparation by the caseworker prior to the interview is crucial. Only a caseworker who is well-prepared and familiar with both the applicant's claim and the relevant objective country information will be able to ask the right questions, and ultimately make a fair assessment of the applicant's general credibility and the credibility of his/her statements, and place those statements within the context of the refugee definition in Article 1A(2). The caseworker should take into account the principles of establishing the facts set out in UNHCR's Handbook, in particular paragraphs 196, 197 and 203 together with relevant COI.

2.4.12 UNHCR's Procedural Standards for Refugee Status Determination set out what such preparation should involve, i.e. a thorough review of the applicant's file (the subjective evidence), and relevant COI research (the objective evidence), including of the geography of the country (maps):

- (i) Prior to an interview, caseworkers must familiarise themselves with the key elements of the applicant's claim, and identify the preliminary issues that will be relevant to the determination of the claim as far as possible based on the subjective information already on the file (Screening Interview, Statement of Evidence (SEF)/statement etc.) at that stage. Caseworkers should also identify missing information or details that the applicant should be asked to provide at the interview or unclear or inconsistent facts or statements that the applicant should be asked to explain, including identifying evidence that can be tested or called for (such as linked files).
- (ii) At the same time caseworkers must carry out relevant, objective country research. UNHCR's own interviewing guidelines (Interviewing Applicants for Refugee Status, 1995) set out the kinds of information caseworkers must be equipped with prior to conducting an interview. These include the basic political and administrative organisation of the country of origin, its basic geography and economic and social characteristics. Such research must include familiarisation with the human rights situation in the country concerned and, in particular, any relevant information pertaining to the profile of the applicant and his/her basis of claim, in so far as this is known prior to

the interview, as well as information on particularly vulnerable groups such as the role and status of women, attitudes towards homosexual relationships or information pertaining to particular political groups or movements.

2.4.13 Given the breadth of information that may be relevant and available, UNHCR considers it to be good practice for the eligibility officer to have key objective country information to hand during the interview (including maps) or for eligibility officers to pause an interview while COI is checked, to enable relevant material and/or facts to be looked up then and there where necessary and/or appropriate. For reasons clearly set out in our Second Report, such information must be up to date, and in UNHCR's opinion checking recent news reports of current events prior to an interview should be done as a matter of course where such information is readily available.

2.4.14 The importance of preparation is indirectly referred to in the Home Office's own guidance<sup>9</sup> which emphasises the importance of thoroughly probing all discrepancies in the applicant's account and of exploring discrepancies between what is in the applicant's file and what is said at interview and known country information at the interview. Neither of these purposes could be achieved without sufficient preparation and research.

2.4.15 UNHCR is pleased to observe that it is rare for caseworkers not to carry out *any* subjective or objective research prior to conducting a substantive interview. Nevertheless, it is UNHCR's opinion that the majority of interviews sampled demonstrate *insufficient* preparation and prior research by the caseworker.

2.4.16 Research appeared to have been done particularly poorly in about a quarter of the interviews sampled to date. In most instances this meant that little or no objective country information research was carried out, but also included a minority of instances where the information already available on the file was not read.

2.4.17 A number of interviews were singled out for having been prepared for and researched well. UNHCR notes with interest that the majority of interviews that, according to its sampling, were suitably focused on the material facts of the claim were also singled out as interviews that were prepared for and researched well. UNHCR's audit of interviews also shows that for those cases marked down for poor research, about half were also marked down for poor testing of inconsistencies, and almost all were also marked down for lack of focus. This supports UNHCR's view that where interviews are properly prepared they are more effective – they are more likely to be focused on the material facts and to pick up on all salient points, such as apparent inconsistencies.

2.4.18 Where caseworkers have claimed to carry out research, this is sometimes not evident during the course of the interview itself with caseworkers often failing to use objective information they have obtained, or may have in front of them, to question potentially inaccurate or incorrect factual statements made by the applicant. More worryingly, in a minority of interviews, caseworkers have freely admitted that they have either not read the SEF/statement or that they had not carried out research on an aspect of the applicant's claim that had been clearly identified in his/her statement as central to the claim.

---

<sup>9</sup> API on interviewing, paragraph 2.2.

2.4.19 Not all caseworkers use the information contained in the SEF/statement (if available) and the Screening Interview to properly prepare the interview itself. Where a caseworker is unfamiliar with an applicant's file, the interview is more likely to simply amount to a repeat of the applicant's statement with little extra information being revealed or to lack focus.<sup>10</sup>

2.4.20 Researching linked or related files is particularly important. UNHCR has consistently said that files of family members must be consulted as a matter of course, not least because they are often a useful tool in assessing the consistency and credibility of an applicant's account of events. Where related files are available, such research should be conducted prior to the interview, but UNHCR has observed that it is common for this not to be done. For example, in one interview that was sampled, the caseworker failed to check the interview notes of the interview of the applicant's sibling which had taken place that same morning but which would have provided an excellent opportunity to test the consistency of both of their accounts. In another interview there was no evidence that the file of the applicant's husband had been consulted (whose claim had been on the same grounds).

2.4.21 Lack of research may also result in inconsistencies between an applicant's Screening Interview/statement and interview not being identified and put to the applicant. UNHCR observed that identifying inconsistencies was a problem in a number of interviews it has observed (see below).

2.4.22 As suggested above, knowledge of relevant objective COI on the part of the caseworker is a prerequisite if the interview is to be used to effectively test various aspects of an applicant's claim. For example, where knowledge of a political party is demonstrated at interview this cannot be tested unless the caseworker is aware of the relevant COI or has the relevant information in front of him/her. Therefore when an applicant in one of the interviews observed by UNHCR gave the wrong name of his/her local Member of Parliament, this was not identified by the caseworker who did not appear to have prepared sufficiently beforehand nor taken the relevant COI into the interview.

2.4.23 Similarly, in a case where the persecution feared is at the hands of non-state agents and country conditions suggest internal relocation or sufficiency of protection may be available, the appropriate questions which enable the caseworker to determine the relevance and reasonableness of internal relocation, or whether the applicant can be expected to seek the protection of the state's authorities, cannot be asked in the absence of having done relevant research before the interview or checking COI during the interview itself. A good example was an interview where the caseworker was unaware of, and hence failed to put to the applicant, available COI suggesting the possibility of internal relocation for those at risk of female genital mutilation in Nigeria.

2.4.24 All the problems above which UNHCR has observed as arising from a lack of preparation for the interview will have a significant bearing on the ability of the decision maker, whether s/he has conducted the interview or not<sup>11</sup>, to make a well-reasoned decision on whether or not the applicant is in need of international protection.

---

<sup>10</sup> Please see section on focus of interviews, and discussion of SEFless interviews below.

<sup>11</sup> In nearly 1 in 3 of the decisions assessed during this Phase, the interview was conducted by a different caseworker.

2.4.25 Where preparation is inadequate, this may be because of a simple failure on the part of the caseworker. UNHCR has also observed that the guidance received by caseworkers on this is neither clear nor consistent – for example UNHCR has received conflicting feedback on what time constraints are imposed or guidance is given, if any, on conducting research, with several caseworkers left confused.

2.4.26 Conducting research into the most relevant aspects of an applicant's claim does presuppose an ability on the part of caseworkers to identify the most salient aspects of a claim with a view to making a refugee status determination, or considering the relevance of the ECHR. UNHCR's continued concerns about the ability of caseworkers to do so is discussed later in this Report.

2.4.27 Inadequate preparation could also be a consequence of a lack of available and up to date information (such as where the Knowledge Database lacks information on a particular country and there is not enough time to consult a SCW). Where this is the case, UNHCR questions whether it is worth proceeding with the interview at all, and whether it would be better to postpone the interview to allow for adequate research and preparation to ensure that the caseworker is equipped to examine all the relevant facts properly at the time of the interview. UNHCR's observations and recommendations on country information and guidance in its Second Report should also be borne in mind.

2.4.28 In several instances of inadequate preparation, caseworkers have complained of a lack of time prior to the interview to prepare. UNHCR has observed a number of interviews where the caseworker reported that the relevant file was only received less than a day before as well as some instances where the file had not been received at all by the time of the interview. From its observations it would appear to UNHCR that some files arrive with caseworkers too close to the interview date to allow for adequate research to be undertaken and that, at other times where the file is available, caseworkers have failed to factor in sufficient time for proper research and preparation.

2.4.29 Where an interview is SEFless, this will inevitably make it much harder for the caseworkers to identify the salient aspects of a claim and conduct relevant research prior to the interview. When asked, most caseworkers prefer interviews where a SEF is available for that very reason. However even in a SEFless interview at the very least the nationality, gender and age of the applicant will be known and so a minimum of research (of the sort set out in paragraph 2.4.12) can and therefore should always be conducted.

2.4.30 Having relevant COI to hand during the course of the interview becomes particularly helpful and important for SEFless interviews, but may also be of assistance in cases where a SEF/statement was available prior to the interview. UNHCR has been informed that there is nothing to prevent caseworkers from temporarily suspending an interview to enable them to check objective country information or consult relevant colleagues, should the applicant raise an issue with which the caseworker is not familiar. In spite of this, so far UNHCR has not observed an interview where such a break has been taken, even where new, testable, facts arose. Caseworkers who were asked by UNHCR why they had not taken such a break during an interview invariably said that they were not aware they could do so.

2.4.31 In light of the above, UNHCR observes that, in a significant number of cases, a more efficient use of the pre-interview stage would have aided the caseworker to

prepare for and focus the substantive interview in order to maximise its effectiveness<sup>12</sup>. For example, where medical or other testable evidence may be available this is rarely identified prior to the substantive interview and, as a consequence, applicants are usually not put on notice to try and obtain it. Where such evidence (e.g. a medical report, a copy of a birth certificate or an English translation of a relevant piece of documentary evidence) is available at or prior to the interview, it can have a positive impact on the interview's focus and duration. Such an approach would be in line with the shared duty to ascertain all the facts as set out in paragraph 196 of the UNHCR Handbook.

#### *Interview environment*

*“It should be recalled that an applicant for refugee status is normally in a particularly vulnerable situation. He finds himself in an alien environment and may experience serious difficulties, technical and psychological, in submitting his case to the authorities of a foreign country, often in a language not his own” (paragraph 190, UNHCR’s Handbook).*

2.4.32 It is self-evident that the interview environment may affect the interview's fact-finding potential, given the possible vulnerabilities of applicants. A failure to establish a rapport between the interviewer and the applicant may inhibit disclosure on the part of the applicant and make it difficult for the interviewer to clarify statements that are confusing or appear contradictory without undermining the climate of confidence and trust which should be established.

2.4.33 The importance, but also the difficulty, of getting this balance right is reiterated throughout UNHCR's own interviewing best practice<sup>13</sup>. A number of factors are involved, such as the tone adopted by the interviewer (and, where present, the interpreter), body language and other forms of non-verbal communication, the physical setting of the interview and the profile (in particular the gender) and experience of the various participants.

2.4.34 The tone adopted by the interviewer and the interpreter should always remain neutral and professional throughout the interview. This indicates respect for the applicant's vulnerable situation but also maximises the fact-finding potential of the interview by creating a setting which encourages applicants to communicate. This is because an inappropriate tone may make the applicant less willing to disclose or clarify statements. In particular, interviewers should never use a threatening or harsh tone with the applicant including when confronting applicants with any of their statements that may appear contradictory or inconsistent. This will ensure adherence to the Home Office's own guidance<sup>14</sup> which stresses that the asylum interview is a *non-adversarial* fact-finding exercise.

2.4.35 Interviewers should also avoid appearing judgmental or aloof or being overly sympathetic. Caseworkers should engage in active listening and should be aware of the impact of body language. For example, gestures that suggest disapproval, disbelief or a lack of interest in what the applicant is saying should be avoided.

---

<sup>12</sup> This is also an appropriate opportunity to identify special interview requirements, for e.g. gender appropriateness or mental health issues (see below).

<sup>13</sup> Interviewing Applicants for Refugee Status, 1995.

<sup>14</sup> API on interviewing, paragraph 5.

2.4.36 The profile of the applicant should have a significant bearing on who conducts the interview. For example, only interviewers and interpreters who have received appropriate training should conduct interviews of minors or applicants with mental health issues. If at all possible, women refugee applicants should be interviewed by a female interviewer and a female interpreter. In this way the applicant may feel more comfortable in telling her story. For applicants who allege to have been the victim of sexual attack(s) or whose claims raise other gender-sensitive issues (e.g. domestic violence) a trained interviewer of the same gender must always conduct the interviews unless the applicant requests otherwise.

2.4.37 UNHCR's sampling of interviews has revealed varying practice in establishing an appropriate interview environment with both good and bad practice observed.

2.4.38 Those interviews that were assessed highly in this area were those where the interviewer adopted a neutral, professional tone, establishing eye contact where appropriate and observing, and responding to, any distress of the applicant. UNHCR has been pleased to have observed interviews where the tone of the questioning was adapted so as to be appropriate for the particular circumstances of the applicant and the progress of the interview. For example, in the interview of a young survivor of rape, where there was also a strong possibility of trafficking, the UNHCR assessor commented:

*“Applicant tearful throughout and palpably distressed about 15 mins into the interview – interviewer was sympathetic, allowed applicant time to compose herself and continued. Interviewer’s tone throughout the interview was calm and open – resulting in the applicant being able to compose herself quickly and continue.”*

2.4.39 UNHCR has also observed some good practice in pursuing a line of questioning to establish relevant facts whilst maintaining an appropriate tone. One assessment stated:

*“Calm, patient, gentle but firm repetition of questions until answer was obtained – excellent.”*

2.4.40 While UNHCR is pleased to note that its assessments have more frequently highlighted particularly good practice than bad, a significant number of interviews were observed where a poor interview environment was created.

2.4.41 Examples of inappropriate practice include one case where the applicant was frequently interrupted and prevented from completing sentences. In another, English-language interview, the applicant was asked to answer ‘in proper sentences’ even though it was clear that his command of English was not strong. ‘Rapid-fire’ closed questions were put to an applicant who did not appear equipped to deal with this type of questioning and in some cases assessors observed a ‘brusque’ or ‘abrupt’ tone. In one particular interview of a young female (alleged) survivor of rape the harsh tone of the questioning, coupled with the lack of gender appropriateness of the participants may have had a significant effect on the willingness of the applicant to disclose details of her case. In some cases the applicant was addressed in the third person, with the interviewer saying to the interpreter: ‘ask her if...’

2.4.42 UNHCR is concerned that in each of these cases, the tone and approach adopted by the interviewer may have had a significant bearing on the fact-finding potential of the interview in question given the likely effect on the confidence of the applicant in the interview process.

2.4.43 UNHCR assessors have commented frequently on displays of non-verbal communication which suggest disinterest or pre-judgment on the part of the interviewer and/or interpreter. A lack of eye contact, expressions of disbelief, staring out of windows and doodling, by interviewers and/or interpreters appears to be quite common.

2.4.44 Developing a sense for building a rapport with an applicant and, for example, adapting one's tone according to the needs of the fact-finding process, takes time. UNHCR notes that good initial guidance is offered to caseworkers during the course of their interview training. However, post-training, the lack of effective initial and ongoing supervision by, and feedback from, experienced colleagues inhibits what should be an ongoing learning and development process, and may allow bad practice to become engrained. UNHCR also notes that the current Home Office guidance on interviewing does not refer to the importance of establishing a rapport and setting the right tone.

2.4.45 UNHCR is concerned to note that its sampling suggests little importance is attached to ensuring that interviews are gender appropriate. UNHCR's Procedural Standards and own guidance on interviewing<sup>15</sup> states that if at all possible women refugee claimants should be interviewed by a female staff member and female interpreter<sup>16</sup>. More specifically, in a UK context, the relevant guidelines on gender applied by the Asylum and Immigration Tribunal explicitly recognise that a woman may be reluctant, or find it difficult, to talk about her experiences through a male interpreter or one who is a member of her community especially where these experiences relate to sexual or family issues<sup>17</sup>.

2.4.46 Of around twenty interviews of female applicants observed during this Phase, only three were entirely gender appropriate (i.e. both the interviewer and the interpreter were female as well)<sup>18</sup>. UNHCR is particularly concerned to have observed a number of non-gender appropriate interviews where the subjective evidence available prior to the interview indicated the claims raised gender-sensitive issues such as rape, sexual assault, forced marriage or domestic violence.

2.4.47 While UNHCR acknowledges the Home Office's current guidance which states that requests for a gender-specific interview will be met if possible, UNHCR's position is that interviews should be gender appropriate as a matter of course, unless practical constraints make doing so impossible. In a UK context, UNHCR's view is that practical constraints raised so far by the Home Office, such as a lack of female interpreters or

---

<sup>15</sup> Interviewing Applicants for Refugee Status, 1995.

<sup>16</sup> UNHCR's Procedural Standards also state that wherever possible, files should be assigned to a decision-maker of the same sex as the applicant, and that interviewers should receive gender-sensitive interview training.

<sup>17</sup> Immigration Appellate Authority Gender Guidelines.

<sup>18</sup> This excludes one instance of a male UNHCR assessor choosing not to observe an otherwise gender appropriate interview.

caseworkers, should be rare<sup>19</sup> and that in several interviews observed by UNHCR more steps could have been taken to ensure gender appropriateness. Relevant UNHCR guidelines<sup>20</sup> make clear that the recruitment and training of female interpreters is a precondition for the most effective interviewing.

#### *Conducting the interview*

2.4.48 In UNHCR's experience the most effective interviews are those that are well-structured and focused on assessing eligibility for refugee status or subsidiary protection, and which create and maintain an appropriate environment (see above). While by definition this will require an element of flexibility consequent upon the profile of the applicant and his/her basis of claim, in essence a decision-maker should focus on exploring those elements that are material while applying the correct decision making principles, such as in assessing the credibility of the applicant's statements.

2.4.49 An assessment of the credibility of the applicant's statements in a non-adversarial environment is an important part of this fact-finding process and the Handbook calls on the interviewer to seek to 'clarify any apparent inconsistencies and to resolve any contradictions...and to find an explanation for any misrepresentation or concealment of material facts.' (paragraph 199). An interview should be sufficiently inquisitorial to bring an applicant's story to light but it should not be seen as an opportunity to 'trip up' the applicant.

2.4.50 A small number of interviews were considered by UNHCR to be appropriately focused. In these interviews the caseworker clearly had in mind the inclusion clause in Article 1A(2) of the Refugee Convention, was able to quickly identify the relevant legal issues on which the decision would be made and was familiar with the contents of the applicant's file.

2.4.51 However, lack of focus is one of the main weaknesses of the interviews observed so far by UNHCR. Nearly half of the interviews assessed by UNHCR to date were poorly focused. Where this is the case, at best this may lead to an interview lasting longer than necessary but may also result in pertinent issues being overlooked or not addressed. UNHCR has observed an urgency by caseworkers to find points on which to challenge the credibility or plausibility of a past account when an increased focus on refugee law concepts and the forward-looking nature of both the Convention and the ECHR would in fact provide greater assistance in the making, and the drafting, of the decision. Those interviews that were noted for their lack of focus, often moved from one line of questioning to another and then back again, often not following a chronological order, thus confusing the applicants.

2.4.52 An example of this lack of focus was the close and lengthy questioning of an applicant from Somalia about her knowledge of the country which, by her own admission, she had left when she was very young and had spent a long intervening period in Kenya. Other observed problems relating to the lack of focus involved interviewers concentrating on an applicant's knowledge of a political party in the case of a claim where a political opinion had been imputed to her which suggested a lack of

---

<sup>19</sup> For example, the majority of the non-gender appropriate interviews were conducted in French, Arabic, Lingala, Urdu and English.

<sup>20</sup> 'Guidelines on the Protection of Refugee Women', 1991, paragraph 72.



understanding of the concept of imputed political opinion. In another case, an applicant was questioned at the start of the interview about her and her child's HIV positive status, prior to considering matters relevant to the inclusion clause under Article 1A(2) of the Refugee Convention. Although the child's HIV-positive status could clearly raise ECHR issues, this would have reduced relevance if the decision maker was minded to grant refugee status. This was a case which would have benefited from a clear demarcation between the Refugee Convention and ECHR analysis.

2.4.53 UNHCR's assessments also show that in one in four interviews, the interviewer either failed to identify or give an opportunity to the applicant to explain apparent inconsistencies. This may be one of the main causes for the reliance on speculative arguments in decisions to doubt the credibility of the applicant's statements. Had such inconsistencies been put to the applicant at interview they might have been explained or the reasons the applicant and/or his/her statements were found not to be credible could be justified objectively.

2.4.54 UNHCR has also observed occasions where interviewers were not sufficiently persistent when faced with a vague account of past events. Interviewers appear to move on even though they are not satisfied with the response, rather than take the opportunity to probe the issue further in the interview. In its sampling of decisions, UNHCR has observed that any such 'vague' response sometimes counts against the applicant's credibility in the decision.

2.4.55 On a more specific note, UNHCR believes that the inclusion of the National Insurance number application in the opening stage of the interview is a lengthy distraction for all participants from the main aim of what is an important interview and may, in particular, send a confusing message to the applicant.

2.4.56 An interviewer also needs 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. The right balance between open questions (which are used to elicit general information and which cannot be answered by 'yes' or 'no') and closed questions (which call for a short response, usually 'yes' or 'no' or a statement of fact, and are used to clarify points or fill in missing information following an open question) should be struck. Interviewers should be sufficiently trained and skilled in interviewing to identify and adopt the appropriate line of questioning, depending on the circumstances of the applicant and the progress of the interview. At the same time compounded, leading or inappropriate questions should be avoided.

2.4.57 As in the other areas of interviewing practice, UNHCR has observed a wide variety in the questioning techniques employed by caseworkers. Some good interviewers use open questions appropriately to encourage applicants to disclose the basis of the claim. Such questioning often allowed applicants time to tell their stories without much interruption, a technique that was especially productive in cases where the applicant was vulnerable. Some interviewers are also able to effectively use closed questions in order to explore elements of the claim in more detail and, as a consequence, put themselves in a stronger position to make credibility or plausibility findings.

2.4.58 However, a number of caseworkers use open and closed questions ineffectively. On occasion, the questioning was too open which meant that the applicant was unsure

what element of the claim s/he was being requested to recount. In other cases, the questioning was too closed. This has resulted in pertinent issues in a claim not being revealed until much later in the interview which, as a consequence, was considerably longer than it needed to be. Over-reliance on closed questions may deny the claimant the opportunity to fully state his/her case with the caseworker drawing premature conclusions.

2.4.59 UNHCR has also observed a number of interviews where applicants were asked questions which, particularly when posed through an interpreter, may have been difficult to understand or answer. These include questions which ask more than one thing, or rely on concepts, jargon or terms which may not be familiar to those from a different cultural background. These also include questions which invite speculation on the part of the applicant. Examples include

*'On a scale of 1-10, how active a member of the UDPS are you? (1 = low, 10 = high)?'*

*[Answer: 'I have not understood the question properly'.]*

*'Are you a member of a particular social group?'*

*'Why detain you for so long if no proof?'*

*'Why did they interrogate you about your brother?'*

*'How was the group planning on the financial side of things? What plans had you put in place for finances?'*

2.4.60 Leading questions should be used cautiously as they can easily cause distortion in the context of an interview. The applicant may follow the suggestion rather than indicate that he or she does not know or is unsure of the answer. Nevertheless UNHCR observes that the use of inappropriate leading questions is pervasive in the asylum interviews assessed to date.

2.4.61 Of greater concern are instances where some of the questions asked are inappropriate. Examples include:

*'If you truly believe in the UDPS cause and were an active member, is your health not worth sacrificing?'*

*"How would Article 6 of the ECHR be breached by your removal to Iran? How would Article 7 or 8 or 9 or 10 or 16 of the ECHR be breached by your removal to Iran?"*

2.4.62 As a large percentage of asylum claimants do not speak English at all or speak it with insufficient fluency, many asylum interviews will need to be conducted through an interpreter. The role of the interpreter is therefore key to eliciting information to establish the facts of an individual applicant's claim and may affect the ability of an applicant to disclose and discuss their experiences. Widely accepted best practice dictates that the interpreter must interpret accurately, fully, distinctly and audibly using appropriate language and emphasis. Interpreters should not advise, or make judgments about the applicant and her/his experiences. As the relationship between the applicant and the

interpreter will have an impact on their ability and willingness to communicate, it is important to make sure that the applicant and the interpreter feel comfortable with one another and that there are no conflicts of interest between them (such as because of political or ethnic affiliations).

2.4.63 In line with the duties incumbent upon the decision maker set out in the Handbook, it is the responsibility of the interviewer to ensure these principles are met, and to control the conduct of the interpreter throughout the interview. UNHCR's guidance on interviewing stresses that where the interviewer is not satisfied with the interpreting arrangement, the interview should not proceed.

2.4.64 Under UNHCR's Procedural Standards, interpreters who are engaged to provide services in the context of refugee status determination procedures should have adequate language<sup>21</sup> and interpreting skills and the necessary training, which should include training on their duty of confidentiality and impartiality. UNHCR's Procedural Standards also emphasise the need for interviewers to have undergone specific training on working with interpreters.

2.4.65 UNHCR's assessments of interviews reveal some serious concerns about the role of interpreters and how effectively they are managed by the interviewer.

2.4.66 In nearly one in two interviews observed by UNHCR<sup>22</sup> the reading out of the introductory information and instructions and/or the checking of biographical and personal details was handed over to the interpreter. In UNHCR's opinion, from the outset this may confuse the role of the interviewer and interpreter in the mind of the applicant and may therefore compromise the relationship between the interviewer and the applicant.

2.4.67 In a similar proportion of interviews observed, UNHCR noted that the interpreter was allowed to engage in exchanges with the applicant that were not translated. This includes a significant number of cases where the interpreter asked questions of the applicant that had not been posed by the interviewer, or where there was reason to believe that either not all of what the claimant said had been interpreted or the interpreter had added to the claimant's account and where this was not addressed by the interviewer.

2.4.68 UNHCR is also concerned to have observed a number of interviewers where the disruptive behaviour of the interpreter had a negative impact on the interview environment. Examples of UNHCR's observations include:

*"The interpreter was not fully engaged in the interview (kept looking out of the window, doodling, speaking very softly). This undermined the interviewer's own excellent manner...."*

*"At around Q53 [the interpreter] started filling in his timesheet whilst the claimant was speaking...At around Q78 the interpreter started doodling noisily on his pad...."*

---

<sup>21</sup> In the UK context this clearly includes English language skills.

<sup>22</sup> To date UNHCR has only observed two interviews where there was no need for an interpreter.

*“It is noted that the interpreter was doodling throughout the interview.”*

*“From very early on in the interview...the interpreter kept shouting at the applicant... the interpreter shouted at the applicant on at least three other occasions. The worst example was when the applicant was describing her husband’s actions of putting a gun to her and her son’s head. The applicant was at this stage crying and the interpreter kept shouting questions at her and then shouting “I don’t know what she is saying” when the applicant was trying to answer whilst crying.” [in the context of a claim based on domestic violence in Pakistan]*

2.4.69 UNHCR has also observed interviews where there were interruptions by the interpreter’s mobile phone and where the interpreter was barely audible, in one instance in part because the interpreter kept a pen in his mouth at certain points during the interview.

#### *Supervision, guidance and training*

2.4.70 UNHCR’s Procedural Standards reiterate the importance of regularly monitoring interviews to ensure compliance with relevant standards. UNHCR is concerned that current supervisory arrangements within IND do not provide an accurate picture of the quality of interviewing across the business.

2.4.71 UNHCR strongly welcomes the joint work to date to develop and introduce a more objective and complete assessment form which is intended to replace the current, inadequate and subjective, form. UNHCR accepts that there will be operational constraints which restrict the number of ‘live’ interviews which can be observed by any one SCW over a specified period of time. However it does not accept that the alternative form of assessing interviews currently relied on in part by ACD (namely, a review of the interview record) is an equally effective means of monitoring their quality<sup>23</sup>. Unless an assessor physically observes an interview, important elements will be missed. These include some of the issues discussed as forming part of the interview environment, control of the interpreter (in particular where some exchanges between the applicant and interpreter are not translated), and whether or not the verbatim transcript is an accurate record of the interview itself.

2.4.72 UNHCR was pleased to have the opportunity to observe the training given to Home Office interpreters which UNHCR understands all interpreters must attend. UNHCR commented favourably on the content and level of the training. However UNHCR understands that this training does not end with an assessment of the skills and suitability of the interpreter.

2.4.73 The training offered to caseworkers on interviewing skills was also observed. On the whole, UNHCR was impressed by the content and delivery of the ‘interviewing skills for new interviewers’ training course. The course covered a range of important skills, including many of those discussed above, such as questioning techniques and preparing for the interview which were reinforced through practice interviews. UNHCR’s observations on interviews set out above, however, suggest a need for a formal

---

<sup>23</sup> UNHCR has yet to form a final view on the effectiveness of assessing interviews by listening to a taped interview record.

assessment of the competency of caseworkers to conduct asylum interviews as well as a need for more rigorous supervision and reinforcement of appropriate standards as outlined in paragraph 2.4.70.

2.4.74 UNHCR was concerned to note that there is no training on working with interpreters for caseworkers and that the first time new caseworkers will work with an interpreter is in a real asylum interview. UNHCR regards such training as essential.

2.4.75 UNHCR's observations of interviews suggests that comprehension of, and adherence to, the existing Home Office guidance on interviewing is inconsistent. In addition, UNHCR also believes that the guidance itself could be improved. This also includes filling current gaps by providing more specific guidance on a number of potential difficulties faced by interviewers (such as on dealing with further evidence identified during the course of the interview and controlling interpreters).

2.4.76 UNHCR is also concerned that current arrangements enable some casework teams to be assigned to conducting back-to-back interviews for a sustained period of time. Conducting interviews for refugee status can be extremely demanding. The nature of the work is such that interviewers and interpreters may experience what UNHCR's guidance describes as "vicarious trauma and burnout"<sup>24</sup>.

## **2.5 Conclusion**

2.5.1 UNHCR is pleased to be able to report some improvement in initial decision making in the Home Office. However, based on its observations on both decisions and interviews, it is concluded that there remain a number of problems in the refugee status determination process. UNHCR recognises and welcomes the dedication shown by the UK Government, and the Home Office in particular, to raising the quality of initial decision making through its involvement with the Quality Initiative.

2.5.2 The following chapter sets out UNHCR's recommendations which focus on actions that could be taken to improve asylum interviews. This Report updates the recommendations relating to interviewing and interpreters made in the Second Report to the Minister. These supplement all the other recommendations made in that Second Report which are currently under discussion<sup>25</sup>. UNHCR believes that the implementation of all its recommendations will make a substantial contribution to raising the quality of first instance asylum decision making in the Home Office.

---

<sup>24</sup> See UNHCR's Second Report, at paragraphs 2.6.5 – 2.6.7 and recommendations 27 – 30.

<sup>25</sup> Set out in Appendix 1

### 3. RECOMMENDATIONS

#### 3.1 Overview

3.1.1 As set out in detail in Chapter 2, interviewing effectively for refugee status determination requires a number of elements to be present.

3.1.2 Interviewers should be appropriately trained and possess key interviewing skills. At the same time, interviews and interviewers should be monitored and supervised to ensure that standards are maintained and training put into practice. Interviewers should prepare adequately prior to interviewing an asylum applicant, and clear guidance should be available on procedures and best practice. Where interpreters are needed, their involvement in the interview should be managed effectively by the interviewer, and limited to interpretation.

#### 3.2 Training

3.2.1 UNHCR's observations suggest a need for a formal assessment of the competency of caseworkers to conduct asylum interviews, training on working with interpreters and more reinforcement of appropriate standards.

##### 3.2.2 Recommendations

- UNHCR recommends that caseworkers receive more in-depth training on the 1951 Convention and the ECHR to improve their ability to identify and focus their interviews on the salient aspects of the claim.
- The videotape-recorded mock interview on the final day of the interview skills course should be compulsory and formally assessed. Successful completion of the course should be subject to adequate performance in this exercise.
- The interview skills course should include specific training on working with interpreters.
- New interviewers should observe a specified minimum number of interviews conducted by an experienced and competent interviewer prior to conducting their own interviews.
- New interviewers should be subject to 100% live interview sampling until they are considered to have acquired the necessary skills and competencies (such as questioning technique, focussing the interview, testing inconsistencies, controlling the interpreter, adopting the correct tone and attitude and recording the interview).
- UNHCR reiterates recommendation 12 in its Second Report and further recommends that interviewing skills forms part of any assessment of training needs.

#### 3.3 Supervision

3.3.1 UNHCR's Procedural Standards reiterate the importance of regularly monitoring interviews to ensure compliance with relevant standards. UNHCR is concerned that current supervisory arrangements within IND do not provide an accurate picture of the quality of interviewing across the business.

### 3.3.2 Recommendations

- UNHCR recommends that a specified minimum number of live substantive asylum interviews per caseworker should be monitored and assessed per year. This should be done on a random and regular basis.
- UNHCR recommends that all assessments of live interviews should be conducted using the jointly agreed UNHCR/Home Office interview assessment form. Any proposed amendments to the assessment form should be made in consultation with UNHCR.
- All monitoring and assessment of live asylum interviews should be conducted by SCWs with the requisite training and experience.
- Feedback sessions to caseworkers on their interview performance should be compulsory.
- Assessments of interviews should be taken into account in caseworkers' performance reviews.

### 3.4 Preparing for the interview

3.4.1 Preparation by the caseworker prior to the interview is crucial. Only a caseworker who is well-prepared and familiar with both the applicant's claim and the relevant objective country information will be able to ask the right questions, and ultimately make a fair assessment of the applicant's general credibility and the credibility of his/her statements, and place those statements within the context of the refugee definition in Article 1A(2).

#### 3.4.2 Recommendations

- Files should be assigned and handed to the relevant interviewing caseworker a reasonable number of days prior to the interview.
- Pre-interview preparation upon receipt of the file should be made a specific and mandatory step in the interview process.
- Such pre-interview preparation should include:
  - a thorough review of the applicant's file, which will allow for the identification of the material aspects of the claim, any missing information, details or documentation and any testable evidence.
  - relevant COI research, even in the absence of a SEF or a statement as at least the country of origin and some very basic details of the applicant will be known.

### 3.5 Conducting the interview

3.5.1 In UNHCR's experience the most effective interviews are those that are well-structured and focused on assessing eligibility for refugee status or subsidiary protection, and which create and maintain an appropriate environment.

#### 3.5.2 Recommendations

- An aide mémoire to interviewers should be developed to facilitate the structuring of asylum interviews ensuring that all the relevant key elements of the refugee

- definition and the ECHR are covered during the interview. Such an aide mémoire may also be a useful tool in decision making.
- Interviewers should establish and maintain control of all aspects of the interview process. This will include:
    - The interviewer, rather than the interpreter, calling the applicant from the waiting room.
    - All relevant introductory information, instructions and biographical data checks being conducted by the interviewer and translated where necessary by the interpreter.
  - Current procedures for opening the interview should be revised with a view to establishing the optimum interview environment. In particular:
    - UNHCR recommends that the purpose and likely structure of the interview should be explained to the applicant at the start of every interview.
    - The National Insurance application should be moved to a more appropriate stage of the process (e.g. Screening Interview).
    - This stage should end with a specific opportunity being given to the applicant to ask any questions arising from the introductory process.
    - As a matter of course, at the beginning of each interview applicants should be informed that they may request a break during the interview. As a general rule UNHCR recommends a 5-10 minute break every hour.
  - Interviewers should have relevant COI (including maps) to hand during the interview and caseworkers should be encouraged to temporarily suspend an interview should the need arise to conduct further specific research.
  - UNHCR recommends the adoption across the business of the practice of allowing a break of fifteen minutes just prior to the end of the interview for the interviewer and the applicant to identify any further issues to be raised (as currently operated in the detained Fast-Track).
  - Current procedures for closing the interview should be revised. In particular:
    - At the end of each interview interviewers should explain what the next steps in the application process are.
    - The applicant should be reminded of the time limit for submission of any further evidence that has been identified during the course of the asylum interview.
  - Where further evidence or the need for further evidence (such as a medical report) has been identified during the course of the asylum interview, applicants *must* be given a reasonable number of working days to produce it.
  - UNHCR recommends that more frequent breaks should be offered where special needs are present (e.g. pregnant applicants, those accompanied by young dependents or those suffering from ill-health).
  - Caseworkers should spend as much time as necessary interviewing asylum applicants but where it is not possible to complete the interview within three hours a further interview should be conducted at a later date.

### **3.6 Gender-sensitive interviewing**

3.6.1 The profile of the applicant should have a significant bearing on who conducts the interview. UNHCR is concerned to note that its sampling suggests little importance is attached to ensuring that interviews are gender appropriate. UNHCR's Procedural



Standards and own guidance on interviewing<sup>26</sup> states that if at all possible women refugee claimants should be interviewed by a female staff member and female interpreter.

### 3.6.2 Recommendations

- Gender-sensitive interviewing and interpreting should be automatic and introduced with immediate effect, subject to genuine operational constraints.
- Where an interview has been arranged that is not gender appropriate for whatever reason, a mechanism should be in place to allow for the postponement of the interview.

## 3.7 Interpreters

3.7.1 The role of the interpreter is key to eliciting information to establish the facts of an individual applicant's claim and may affect the ability of an applicant to disclose and discuss their experiences. Widely accepted best practice dictates that the interpreter must interpret accurately, fully, distinctly and audibly using appropriate language and emphasis. Interpreters should not advise, or make judgments about the applicant and her/his experiences.

### 3.7.2 Recommendations

- UNHCR recommends that guidance on working with interpreters should be incorporated into existing guidance on interviewing.
- Such guidance should make it clear that an interview should be stopped if problems with an interpreter persist and provide advice on managing the involvement of the interpreter in the interview.
- Current guidance on interviewing should be amended to make it clear that proactive exchanges between the interpreter and the applicant are not acceptable.
- UNHCR recommends that any shortage of female interpreters in a particular language should be identified and relevant recruitment conducted sufficient to facilitate recommendation 24.
- UNHCR recommends the introduction of a compulsory tick-box questionnaire for the interviewer to comment on the quality and conduct of the interpreter after each interview (where applicable).
- UNHCR recommends that a clear and accessible complaints procedure applicable to interpreters should be introduced (see recommendation 42).

## 3.8 Guidance and procedures

3.8.1 UNHCR believes that the guidance on interviewing could be improved. This includes filling current gaps by providing more specific guidance on a number of potential difficulties faced by interviewers.

---

<sup>26</sup> Interviewing Applicants for Refugee Status, 1995.

### 3.8.2 Recommendations

- UNHCR reiterates its recommendation that a system of effective decision ‘ownership’ should be introduced across the business, including for non-NAM decision making. At a minimum this should include:
  - Allocating a file to an interviewer a reasonable number of days prior to the interview who will then be responsible for preparing for the interview in line with recommendation 14.
  - Except where there are genuine operational constraints, the same caseworker who conducted the interview should make and draft the decision.
- In line with the recommendations in UNHCR’s Second Report on the identification and management of stress (recommendations 27-30), UNHCR would discourage the practice of caseworkers only conducting interviews over a sustained period of time.
- UNHCR reiterates its recommendation that Statement of Evidence Forms (SEFs) be reintroduced and relied upon for all asylum applications as they have the potential to be a useful tool in preparing and focusing an interview.
- Caseworkers should be reminded of and should make use of the option of a further interview of either the applicant or his/her family members where this is necessary.
- Guidance should be issued on types of questioning or lines of enquiry that may be inappropriate. Appropriate remedial action should be taken where an interviewer has been found to have asked inappropriate questions.
- Measures should be in place to ensure consistency in interviewing practice and procedures across the business and to share best practice from other parts of the business.
- UNHCR recommends that guidance should reflect the importance of interviewers establishing and maintaining a rapport with applicants and offer advice on techniques. If necessary, extra training should be provided.
- All substantive asylum interviews should be audio-tape recorded as a matter of course.
- UNHCR recommends that alternatives be found to the interviewer taking a verbatim note of the interview.
- UNHCR believes that applicants should have access to information about the asylum and interviewing process, their rights and obligations. Such information could take the form of leaflets provided in the appropriately languages being prominently displayed in the waiting area.

### 3.9 Complaints

3.9.1 UNHCR’s Procedural Standards for Refugee Status Determination stress the importance of a complaints procedure for applicants about the services provided in any refugee status determination operation. Such procedures are an essential managerial tool that can permit early detection of problems.

#### 3.9.2 Recommendations

- UNHCR reiterates its recommendations made in its Second Report on complaints (recommendations 47-49). This should also cover interpreters

QI Project – Third Report to the Minister

(including the quality of interpretation). Relevant information should be prominently displayed in the interview rooms and the waiting areas.

## 4. CONCLUSION

4.1 UNHCR acknowledges and welcomes the UK Government's commitment to raising the quality of first instance asylum decision making as demonstrated by its continuing partnership with UNHCR through the QI Project.

4.2 The recommendations contained in this Report should be read in conjunction with those contained in its Second Report. Taken together and as a whole, UNHCR believes their implementation will make a substantial contribution to raising the quality of first instance asylum decision making in the Home Office. They are designed to be constructive, and are made in the context of the close co-operation thus far between the UK Government and UNHCR through the QI Project. Where feasible, UNHCR would be pleased to assist with, and advise on, their implementation.

4.3 UNHCR is grateful for the level of cooperation and complete transparency with which the Home Office has implemented the QI Project. UNHCR would especially like to thank the Home Office for making practical arrangements to enable the review of first instance asylum decision making to continue.

4.4 UNHCR looks forward to continuing its work with the Home Office in helping raise the quality of initial decisions.

## 5. LIST OF RECOMMENDATIONS

### Training

1. UNHCR recommends that caseworkers receive more in-depth training on the 1951 Convention and the ECHR to improve their ability to identify and focus their interviews on the salient aspects of the claim.
2. The videotape-recorded mock interview on the final day of the interview skills course should be compulsory and formally assessed. Successful completion of the course should be subject to adequate performance in this exercise.
3. The interview skills course should include specific training on working with interpreters.
4. New interviewers should observe a specified minimum number of interviews conducted by an experienced and competent interviewer prior to conducting their own interviews.
5. New interviewers should be subject to 100% live interview sampling until they are considered to have acquired the necessary skills and competencies (such as questioning technique, focussing the interview, testing inconsistencies, controlling the interpreter, adopting the correct tone and attitude and recording the interview).
6. UNHCR reiterates recommendation 12 in its Second Report and further recommends that interviewing skills forms part of any assessment of training needs.

### Supervision

7. UNHCR recommends that a specified minimum number of live substantive asylum interviews per caseworker should be monitored and assessed per year. This should be done on a random and regular basis.
8. UNHCR recommends that all assessments of live interviews should be conducted using the jointly agreed UNHCR/Home Office interview assessment form. Any proposed amendments to the assessment form should be made in consultation with UNHCR.
9. All monitoring and assessment of live asylum interviews should be conducted by SCWs with the requisite training and experience.
10. Feedback sessions to caseworkers on their interview performance should be compulsory.
11. Assessments of interviews should be taken into account in caseworkers' performance reviews.

### **Preparing for the interview**

12. Files should be assigned and handed to the relevant interviewing caseworker a reasonable number of days prior to the interview.
13. Pre-interview preparation upon receipt of the file should be made a specific and mandatory step in the interview process.
14. Such pre-interview preparation should include:
  - a thorough review of the applicant's file, which will allow for the identification of the material aspects of the claim, any missing information, details or documentation and any testable evidence.
  - relevant COI research, even in the absence of a SEF or a statement as at least the country of origin and some very basic details of the applicant will be known.

### **Conducting the interview**

15. An aide mémoire to interviewers should be developed to facilitate the structuring of asylum interviews ensuring that all the relevant key elements of the refugee definition and the ECHR are covered during the interview. Such an aide mémoire may also be a useful tool in decision making.
16. Interviewers should establish and maintain control of all aspects of the interview process. This will include:
  - The interviewer, rather than the interpreter, calling the applicant from the waiting room.
  - All relevant introductory information, instructions and biographical data checks being conducted by the interviewer and translated where necessary by the interpreter.
17. Current procedures for opening the interview should be revised with a view to establishing the optimum interview environment. In particular:
  - UNHCR recommends that the purpose and likely structure of the interview should be explained to the applicant at the start of every interview.
  - The National Insurance application should be moved to a more appropriate stage of the process (e.g. Screening Interview).
  - This stage should end with a specific opportunity being given to the applicant to ask any questions arising from the introductory process.
  - As a matter of course, at the beginning of each interview applicants should be informed that they may request a break during the interview. As a general rule UNHCR recommends a 5-10 minute break every hour.
18. Interviewers should have relevant COI (including maps) to hand during the interview and caseworkers should be encouraged to temporarily suspend an interview should the need arise to conduct further specific research.
19. UNHCR recommends the adoption across the business of the practice of allowing a break of fifteen minutes just prior to the end of the interview for the

- interviewer and the applicant to identify any further issues to be raised (as currently operated in the detained Fast-Track).
20. Current procedures for closing the interview should be revised. In particular:
    - At the end of each interview interviewers should explain what the next steps in the application process are.
    - The applicant should be reminded of the time limit for submission of any further evidence that has been identified during the course of the asylum interview.
  21. Where further evidence or the need for further evidence (such as a medical report) has been identified during the course of the asylum interview, applicants *must* be given a reasonable number of working days to produce it.
  22. UNHCR recommends that more frequent breaks should be offered where special needs are present (e.g. pregnant applicants, those accompanied by young dependents or those suffering from ill-health).
  23. Caseworkers should spend as much time as necessary interviewing asylum applicants but where it is not possible to complete the interview within three hours a further interview should be conducted at a later date.

#### **Gender-sensitive interviewing**

24. Gender-sensitive interviewing and interpreting should be automatic and introduced with immediate effect, subject to genuine operational constraints.
25. Where an interview has been arranged that is not gender appropriate for whatever reason, a mechanism should be in place to allow for the postponement of the interview.

#### **Interpreters**

26. UNHCR recommends that guidance on working with interpreters should be incorporated into existing guidance on interviewing.
27. Such guidance should make it clear that an interview should be stopped if problems with an interpreter persist and provide advice on managing the involvement of the interpreter in the interview.
28. Current guidance on interviewing should be amended to make it clear that proactive exchanges between the interpreter and the applicant are not acceptable.
29. UNHCR recommends that any shortage of female interpreters in a particular language should be identified and relevant recruitment conducted sufficient to facilitate recommendation 24.
30. UNHCR recommends the introduction of a compulsory tick-box questionnaire for the interviewer to comment on the quality and conduct of the interpreter after each interview (where applicable).

31. UNHCR recommends that a clear and accessible complaints procedure applicable to interpreters should be introduced (see recommendation 42).

### **Guidance and procedures**

32. UNHCR reiterates its recommendation that a system of effective decision 'ownership' should be introduced across the business, including for non-NAM decision making. At a minimum this should include:
- Allocating a file to an interviewer a reasonable number of days prior to the interview who will then be responsible for preparing for the interview in line with recommendation 14.
  - Except where there are genuine operational constraints, the same caseworker who conducted the interview should make and draft the decision.
33. In line with the recommendations in UNHCR's Second Report on the identification and management of stress (recommendations 27-30), UNHCR would discourage the practice of caseworkers only conducting interviews over a sustained period of time.
34. UNHCR reiterates its recommendation that Statement of Evidence Forms (SEFs) be reintroduced and relied upon for all asylum applications as they have the potential to be a useful tool in preparing and focusing an interview.
35. Caseworkers should be reminded of and should make use of the option of a further interview of either the applicant or his/her family members where this is necessary.
36. Guidance should be issued on types of questioning or lines of enquiry that may be inappropriate. Appropriate remedial action should be taken where an interviewer has been found to have asked inappropriate questions.
37. Measures should be in place to ensure consistency in interviewing practice and procedures across the business and to share best practice from other parts of the business.
38. UNHCR recommends that guidance should reflect the importance of interviewers establishing and maintaining a rapport with applicants and offer advice on techniques. If necessary, extra training should be provided.
39. All substantive asylum interviews should be audio-tape recorded as a matter of course.
40. UNHCR recommends that alternatives be found to the interviewer taking a verbatim note of the interview.
41. UNHCR believes that applicants should have access to information about the asylum and interviewing process, their rights and obligations. Such information could take the form of leaflets provided in the appropriately languages being prominently displayed in the waiting area.



## **Complaints**

42. UNHCR reiterates its recommendations made in its Second Report on complaints (recommendations 47-49). This should also cover interpreters (including the quality of interpretation). Relevant information should be prominently displayed in the interview rooms and the waiting areas.

## **APPENDIX 1: SECOND REPORT RECOMMENDATIONS**

### **Minimum standards for recruitment of caseworkers**

1. UNHCR reiterates its recommendation that the desirable minimum qualification for an asylum caseworker should be a university degree or equivalent, with specific asylum competencies.
2. The existing minimum education requirement should apply to all future internal as well as external candidates, and a minimum standard in keeping with relevant equality and diversity guidelines should be introduced for all internal candidates.

### **Advertising for asylum caseworkers**

3. All future advertisements for caseworkers should clearly stipulate that recruitment is for asylum casework. UNHCR believes that this is essential to ensure the recruitment and retention of well-motivated and able caseworkers.

### **Initial training and performance**

4. UNHCR recommends that a longer training period, including in research techniques, is considered.
5. UNHCR reiterates its recommendation that the Asylum Casework Training (ACT) Course should conclude with compulsory competency assessments to determine whether a putative caseworker should proceed to the initial stages of accreditation (as recommended in section 3.7). UNHCR would be pleased to offer its assistance in devising appropriate competency assessments as part of this process.
6. All newly recruited or promoted SCWs should undergo appropriate and specific training and assessment.
7. All newly recruited caseworkers should be subject to a formal asylum casework specific probationary period during which their overall competency is assessed by a supervisor.
8. Effective and efficient mechanisms should be introduced for moving poorly performing caseworkers to another area of the business.

### **Ongoing training for caseworkers and senior caseworkers**

9. UNHCR reiterates its recommendations that it would be beneficial to empower ACD to provide its own training by giving a budget to those responsible for identifying training needs.
10. IND College should facilitate relevant training courses, with ACD supplying the expertise and trainers with current experience of refugee status determination procedures.

11. ACD should build on the success of the Decision Making Workshops and Seminars, to ensure continued exposure to training on best practice on establishing the facts of a claim.
12. A regular programme of ongoing training should be introduced and the training needs of the business and of individual caseworkers and SCWs should be assessed on at least a quarterly basis and more often as required, for example because of a change in legislation, policy or procedure.
13. UNHCR reiterates its recommendation that minimum standards for internal trainers should be introduced. All internal trainers should hold formal ‘training for trainers’ accreditation, and safeguards should be introduced to ensure that trainers do not hold or express any bias against asylum seekers and refugees.
14. The use of different external speakers to address caseworkers should be continued and expanded.
15. Systems in place to ensure parity in training between ACG North and South should be followed rigorously.

## **Interviews**

*Replaced by recommendations in Third Report*

## **Accreditation**

22. UNHCR strongly reiterates its recommendation that every person involved in first instance decision making, including internal candidates, must be accredited by an accreditation scheme that is designed to test the competencies, knowledge, skills and analytical abilities to an appropriate level. UNHCR would welcome the opportunity to assist and provide advice in devising an appropriate accreditation scheme.
23. Caseworkers should be accredited to the equivalent of the appropriate level of the asylum component of the Law Society’s/Legal Service Commission’s Accreditation scheme.
24. SCWs should be accredited to the equivalent of the appropriate level of the asylum component of the Law Society/Legal Service Commission Accreditation scheme.

## **Salary and bonus scheme**

25. In line with the higher recruitment requirements, UNHCR recommends the introduction of higher initial salaries both to reflect the level of responsibility involved in refugee status determination and to attract high-calibre candidates.
26. Any bonus or financial incentive scheme should focus on consistent output of objectively assessed high quality work.

### **Identification and management of stress**

27. UNHCR recommends that stress management training be incorporated into both the initial and ongoing training of caseworkers and that line managers attend stress supervision training.
28. UNHCR reiterates its recommendation that caseworkers are regularly rotated off decision making duties for a short period. Caseworkers could be usefully deployed on other non-decision making duties during this period (including attending further training and undertaking refugee awareness raising activities).
29. Levels of job satisfaction should be monitored on a regular basis and consideration should be given to introducing mechanisms to enable those who express dissatisfaction with their current role to move to another area of the business.
30. Awareness of the ‘care teams’ and other forms of support should be raised, and their use be encouraged.

### **Recruitment and retention of interpreters**

31. UNHCR has not commenced detailed work in this area and stands by all the observations and recommendations contained in Section I-B of its First Report, drawing particular attention to its recommendation on gender-sensitive interviews (see Appendix 1).

### **Country of origin information (COI) and guidance**

32. UNHCR recommends that caseworkers should be equipped with the necessary skills to conduct their own country research. They should be encouraged to consult a variety of COI sources and assess their reliability, and relevance to the applicant’s claim. They should be trained to source all references to COI.
33. COIS and CSAPT staff should be encouraged to gauge comprehension and compliance with latest information and guidance notes by establishing regular links and feedback sessions with caseworkers, similar to the “floor walk” which UNHCR understands took place in ACG North.
34. Steps should be taken to ensure that specific country information and guidance is available on countries with particularly poor human rights records, regardless of the number of asylum applications received by the UK from such countries.
35. Strenuous efforts should be made to ensure that country information and guidance is focused, well presented (in clear, chronological order), unambiguous and consistent across the various sources of information and guidance on any one country (i.e. between country reports, bulletins and OGNs).
36. Country information and guidance should be kept up to date. Relevant updates, including on caselaw, should be incorporated into the country report or OGN as appropriate, as soon as it becomes available.

37. UNHCR recommends that the Working Group on standard paragraphs consider and address UNHCR's relevant observations as set out in sections 14-16. It is essential that the Working Group's recommendations are acted upon.
38. All relevant information and guidance on any one country should be located in the same section on the KD.
39. Direct IT links to the original source documents relied upon to produce country reports should be improved through the provision of a reliable internet connection for caseworkers.
40. Consideration should be given to inviting external country experts (academics, UNHCR field staff, NGO field staff) to provide briefings on the latest COI to COIS staff, caseworkers and SCWs to help raise interest and awareness.
41. Clear guidance should be given to caseworkers on the range of sources which they are able to use and cite.

#### **Improved management and communication within ACD**

42. UNHCR recommends that the communication and management structures within ACD be independently reviewed as a matter of urgency:
  - Team structures, in particular, should be reviewed.
  - UNHCR recommends that an audit be conducted to assess the extent of duplication in country information and guidance (see section of UNHCR's observations) and between different staff roles (e.g. between SCWs as country specialists and COIS/CSAPT).
43. UNHCR reiterates its recommendations on the management of stress as set out in section 3.9 of this Report.
44. A system of effective decision 'ownership' should be introduced across the business, including for non-NAM decision making.

#### **Targets**

45. UNHCR recommends that case production targets be kept at reasonable levels and be sufficiently flexible to allow for anxious scrutiny of each and every case.
46. Meeting and exceeding targets on *quality* should be emphasised and that this should be recognised in any bonus or financial incentive scheme.

#### **Complaints**

47. UNHCR reiterates its recommendation that applicants with concerns about an assigned caseworker should have the opportunity to explain their concerns, in confidence.

48. Procedures for comment and complaint about the services of caseworkers should be clearly explained to all applicants. Information on the procedures should also be communicated to all IND staff.

49. UNHCR recommends that all complaints regarding:

- (a) the quality of the caseworkers,
- (b) their impartiality,
- (c) confidentiality,
- (d) other matters relating to the conduct of the interview,

should be referred to the SCW. Procedures must specify responsibilities for complaints received and reporting on action taken, in accordance with an open and accountable complaints procedure.

#### **Assessment, monitoring and review of decision making**

50. UNHCR recommends that any proposed amendments to the assessment form be made in consultation with UNHCR.

51. SCWs should be trained in giving effective feedback to caseworkers and feedback sessions on assessments should be made obligatory.

52. All out-going decisions should be effectively reviewed to identify obvious inaccuracies and errors in drafting.

53. The decision making process at appeal as well as the outcome should be acknowledged as two indicators of quality control. Each caseworker should receive monthly feedback from their line manager on their decisions under appeal on a one-to-one basis.

## **APPENDIX 2: UNHCR HANDBOOK ON PROCEDURES AND CRITERIA FOR REFUGEE STATUS (RELEVANT EXCERPTS)**

### **Paragraph 43**

These considerations need not necessarily be based on the applicant's own personal experience. What, for example, happened to his friends and relatives and other members of the same racial or social group may well show that his fear that sooner or later he also will become a victim of persecution is well-founded. The laws of the country of origin, and particularly the manner in which they are applied, will be relevant. The situation of each person must, however, be assessed on its own merits. In the case of a well-known personality, the possibility of persecution may be greater than in the case of a person in obscurity. All these factors, e.g. a person's character, his background, his influence, his wealth or his outspokenness, may lead to the conclusion that his fear of persecution is "well-founded".

### **Paragraph 190**

It should be recalled that an applicant for refugee status is normally in a particularly vulnerable situation. He finds himself in an alien environment and may experience serious difficulties, technical and psychological, in submitting his case to the authorities of a foreign country, often in a language not his own. His application should therefore be examined within the framework of specially established procedures by qualified personnel having the necessary knowledge and experience, and an understanding of an applicant's particular difficulties and needs.

### **Paragraph 195**

The relevant facts of the individual case will have to be furnished in the first place by the applicant himself. It will then be up to the person charged with determining his status (the examiner) to assess the validity of any evidence and the credibility of the applicant's statements.

### **Paragraph 196**

It is a general legal principle that the burden of proof lies on the person submitting a claim. Often, however, an applicant may not be able to support his statements by documentary or other proof, and cases in which an applicant can provide evidence of all his statements will be the exception rather than the rule. In most cases a person fleeing from persecution will have arrived with the barest necessities and very frequently even without personal documents. Thus, while the burden of proof in principle rests on the applicant, the duty to ascertain and evaluate all the relevant facts is shared between the applicant and the examiner. Indeed, in some cases, it may be for the examiner to use all the means at his disposal to produce the necessary evidence in support of the application. Even such independent research may not, however, always be successful and there may also be statements that are not susceptible of proof. In such cases, if the applicant's account appears credible, he should, unless there are good reasons to the contrary, be given the benefit of the doubt.

**Paragraph 197**

The requirement of evidence should thus not be too strictly applied in view of the difficulty of proof inherent in the special situation in which an applicant for refugee status finds himself. Allowance for such possible lack of evidence does not, however, mean that unsupported statements must necessarily be accepted as true if they are inconsistent with the general account put forward by the applicant.

**Paragraph 199**

While an initial interview should normally suffice to bring an applicant's story to light, it may be necessary for the examiner to clarify any apparent inconsistencies and to resolve any contradictions in a further interview, and to find an explanation for any misrepresentation or concealment of material facts. Untrue statements by themselves are not a reason for refusal of refugee status and it is the examiner's responsibility to evaluate such statements in the light of all the circumstances of the case.

**Paragraph 200**

An examination in depth of the different methods of fact-finding is outside the scope of the present Handbook. It may be mentioned, however, that basic information is frequently given, in the first instance, by completing a standard questionnaire. Such basic information will normally not be sufficient to enable the examiner to reach a decision, and one or more personal interviews will be required. It will be necessary for the examiner to gain the confidence of the applicant in order to assist the latter in putting forward his case and in fully explaining his opinions and feelings. In creating such a climate of confidence it is, of course, of the utmost importance that the applicant's statements will be treated as confidential and that he be so informed.

**Paragraph 203**

After the applicant has made a genuine effort to substantiate his story there may still be a lack of evidence for some of his statements. As explained above (paragraph 196), it is hardly possible for a refugee to "prove" every part of his case and, indeed, if this were a requirement the majority of refugees would not be recognized. It is therefore frequently necessary to give the applicant the benefit of the doubt.

**Paragraph 222**

The explanations given have shown that the determination of refugee status is by no means a mechanical and routine process. On the contrary, it calls for specialized knowledge, training and experience and--what is more important--an understanding of the particular situation of the applicant and of the human factors involved.