

# UNHCR QUALITY PROTECTION PARTNERSHIP

Review of the use and implementation of the  
Home Office Preliminary Information Questionnaire

2021



## ACKNOWLEDGEMENTS

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## KEY FINDINGS

### ■ Requirement to complete the PIQ

- There is a lack of understanding amongst NGOs and legal representatives that the PIQ is not mandatory, and the current PIQ warns that a failure to return the form would constitute an implicit withdrawal of the asylum application pursuant to Immigration Rule 333C. The Home Office have committed to withdrawing the 333C warning and not treating PIQ completion as mandatory following completion of the UNHCR PIQ review.
- NGOs and legal representatives were of the view that the PIQ should not be mandatory. It was felt, for example, that in some circumstances its use may have the effect of re-traumatization, and the PIQ may be used to inappropriately test credibility (See below).

### ■ Challenges to PIQ completion

- The current timeframe for completing the PIQ is 15 days. A common view of NGOs and legal representatives was that the timeline for completion should be extended. This is partly because it is frequently sent at an early stage in the process, when many applicants accessing Asylum Support are still in initial accommodation. This makes it hard to find and secure legal advice in order to consider detailed forms. The short submission time also creates distress amongst applicants who can feel under considerable pressure to complete it without legal advice – to their potential detriment.
- A key concern raised by legal representatives is the current legal aid funding arrangements, which are set by the Legal Aid Agency (LAA) and Ministry of Justice. The PIQ may take several hours to complete, but this is not reflected in the current fixed fee arrangements, meaning solicitors must undertake this work as an additional unpaid task.
- There was concern about how those applicants who had not accessed NGO or legal services were able to respond to the PIQ. All stakeholder groups reported some applicants filling in the form themselves. Legal representatives, in particular, raised concerns about how completion of the PIQ without legal advice may impact upon the subsequent assessment of their asylum case.
- Administrative Home Office staff in particular revealed that the PIQ process was perceived as resource intensive for comparatively low return rates.

## ■ Role of the PIQ in identification of vulnerability

- Whilst legal practitioners thought it was possible to use the PIQ to flag protection issues, they expressed limited success in doing so. It was also raised that the PIQ may be a duplication of other mechanisms, such as the witness statement, screening or Asylum Safeguarding Hub. They felt greater clarity was needed on the overall purpose of the PIQ, the requirement for certain information and how the PIQ adds additional value for safeguarding purposes.
- Home Office decision-makers pointed to multiple examples where the PIQ served to prepare them better for practical considerations at interview, such as needing specific arrangements for disability, gender-matching and childcare needs. They also highlighted the benefits of knowing safeguarding concerns early in order to prepare for the asylum interview. However, they had mixed perspectives on the extent to which the PIQ was helpful for identifying safeguarding issues where some time had passed between the PIQ being completed and the asylum interview. In these cases, they considered that the information may be less useful.

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## ■ Impact of the PIQ on interview and decision quality

- The general view expressed by decision-makers, and supported by the case file review, was that the PIQ shortens the time required at asylum interview. Further, the extra information gained by using the PIQ allowed them to focus their questioning and adjust their approach during the interview more effectively.
- Home Office decision-makers were broadly of the view that if the PIQ is filled out correctly then it serves as a helpful tool to prepare and tailor interviews because it provides more information than is otherwise available from the screening interview. Some Home Office decision-makers felt that the PIQ, with the additional information it provides, contributed significantly to the decision to grant on the papers.
- Conversely, legal representatives noted cases where they believe information contained in the PIQ should have strengthened the reason to grant but that this did not happen. In their view, it was not always apparent from the asylum decisions they had seen whether or not Home Office decision-maker had read the PIQ.
- There was a general concern repeatedly expressed by NGOs and legal representatives that the PIQ would be used to identify inconsistencies in an applicant's claim and therefore be used to inappropriately challenge credibility, resulting in a refusal of asylum. This was based on both examples in practice and their perspectives on how screening forms have been used in decision-making historically.

## KEY RECOMMENDATIONS

- Further to the Home Office's abovementioned commitment, it should withdraw the 333C warning and not treat PIQ completion as mandatory.
- The timeframe for submission of the PIQ should be extended. One suggestion is for the PIQ to be issued closer to the substantive asylum interview, and for the dates for the return of the PIQ and the asylum interview to be communicated at the same time.
- The Home Office should update the point of claim leaflet to include information on the PIQ for applicants, NGOs, legal representatives and other practitioners to help them better understand its purpose.
- Access to legal advice and legal aid funding for PIQ completion should be available to applicants and solicitors. The LAA should review funding for asylum claims to ensure it is adequate and considers the PIQ process. This may in turn improve return rates.
- The Home Office should strengthen procedural and decision-making standards through the revision of training and guidance on the PIQ.



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## INTRODUCTION

Established in 2019, the Quality Protection Partnership (QPP) builds upon both the Quality Integration Project and Quality Initiative Project that ran from 2004 to 2009 and from 2010 to 2018, respectively. These projects have their basis in Article 35 of the 1951 Refugee Convention relating to the Status of Refugees, which stipulates that signatory states will undertake to co-operate with UNHCR to facilitate its duty of supervising the application of the provisions of the 1951 Refugee Convention.

Under the QPP, UNHCR is funded by the Home Office to strengthen the quality of pathways to protection in the UK, notably the refugee and stateless determination procedures. UNHCR welcomes the on-going commitment shown by the Home Office to strengthening the quality of asylum and stateless decision-making under the auspices of the QPP. The current agreement runs from 2019-2021.<sup>1</sup>

<sup>1</sup> Memorandum of understanding between the Secretary of State for the Home Department of the United Kingdom and the Office of the United Nations High Commissioner for Refugees for the provision of support for the Quality Protection Partnership and Asylum Capacity Support for the period 01 January 2019 to 31 December 2020 (plus option for 2021).

## Background to the review

Between December 2015 and February 2016, the Home Office piloted the use of a 'preliminary interview form' (PIF) in Glasgow. The intended purpose of the PIF was to assist the applicant to set out their claim in advance of the substantive asylum interview. It was also intended to provide the decision-maker with an opportunity to better prepare for the interview in order to conduct a more focused interview, as well as to provide advance notification of sensitive or complex areas. The PIF was a seven page form which opened with a statement on confidentiality and then sought to explain that applicants were required to complete the form with details of why they were seeking asylum so that officials could "properly" consider their claim. They were advised that they could attach a witness statement if easier, but this should address the questions raised within the PIF.

Applicants were asked to provide details of the following:

- Why they fear return to their home country;
- Specific events, including those mentioned during the screening interview, and how they are relevant to the claim;
- Whether they feared a specific person, organization or group (along with details about them); and
- Details of what has happened in the past and what they fear would happen to them in the future if they returned to their country of origin.

In addition to this, details of family members were also requested, and applicants provided with an opportunity to raise any other information about personal circumstances (including medical issues) that they feel it would be relevant for the Home Office to know. They were also asked to list any documents in support of their claim. Lastly there

was a declaration that the applicant is requested to sign and date, and they were advised they were responsible for the accuracy of the contents.

As with the current PIQ it was served alongside a cover letter which also advised of the possibility of withdrawing their asylum claim.

In 2016 the HO undertook an internal evaluation of the Glasgow PIF pilot, the findings of which were presented at the National Asylum Stakeholder Forum (NASF) decision-making subgroup. The UNHCR Quality Integration Project undertook a follow-up audit of the pilot during the course of 2017/18. UNHCR was provided with a sample of 93 cases, of which 15 were selected and audited.

*UNHCR's Comments on 'Preliminary Information Form' (PIF) Pilot* (the PIF Review), detailing the findings and recommendations from the audit were shared with the Home Office in March 2018. In that report, six recommendations<sup>2</sup> were made. Five of the six recommendations (which were recommendations 2-6) were accepted by the HO.

Following the trial of four pilots over three years in Croydon, Liverpool and Glasgow, it was decided to roll the PIQ out nationwide. It has been in continuous use since 2015 in Glasgow and in April 2018 it was rolled out across the UK. This is the first review to consider the impact of the PIQ and the quality of PIQ returns.

In the evolution from the PIF to the PIQ the form has expanded considerably- the template is currently 19 pages. The front page also contains a warning advising that the asylum claim may be treated as withdrawn under paragraph 333C of the Immigration Rules if the PIQ is not completed.<sup>3</sup>

On the second page basic details of the applicant are requested and an explanation on the application of confidentiality principles is provided.

2 These include:

"1. Where a PIF is not returned, the Home Office should not treat the application as implicitly withdrawn or use the non-completion of the PIF against the individual as part of the reasoning in the decision letter. Instead, as identified within this audit UNHCR consider it would be good practice to proceed to interview;

2. The interviewing officer should confirm at the outset of the substantive interview whether the individual is aware of and approves the content of the PIF. They should also seek confirmation as to whether information submitted either within or alongside the PIF, is a true and correct statement of fact;

3. The PIF should be used as a tool to assist the interviewing officer to understand the claim and identify the material facts in advance of the interview;

4. If the interviewer perceives inconsistencies or credibility issues between the PIF and evidence provided at interview, the individual should first be provided the opportunity to clarify or explain before any negative inferences are drawn. If need be these should be addressed in a supplementary or further interview;

5. Interviewers should always be sensitive and aware of the need for safeguarding in cases where issues of sexuality or imputed sexuality are raised as part of the protection claim;

6. Interviewing officers conducting asylum interviews should have at the forefront of their mind the correct approach to interviewing and addressing credibility in accordance with the Home Office Interviewing AI."

3 See section below on Requirement to complete the PIQ and application of Immigration Rule 333C.

This is followed on page three with a request for details about the reasons for claiming asylum. The questions to support the evidence gathering have been expanded further to those raised above in the context of the PIF to include:

- Why the applicant fears to return home;
- Details of specific events that occurred in the country of origin that contributed to this fear;
- Details of what made the applicant leave;
- Details of events in which the applicant was personally involved which relate to the asylum claim;
- Whether they feared a specific person, organization or group (along with details about them- including what they have done to cause fear);
- Details of anything that happened en route to the UK
- How they travelled from their country of origin to the UK;
- Anything that has happened since arrival in the UK that makes them afraid to return home;
- What the applicant believes will happen to them if they were to return to their country of origin or the place where they were previously living;
- Dates for events where possible; and
- Information about family members currently in their country or another country.

On the same page is also a request for the applicant to select the relevant Convention Reason(s) and state whether this is based on membership of a particular social group.<sup>4</sup>

As with the PIF, in addition to this details of family members are also requested, and applicants are provided with an opportunity to raise any other information about personal circumstances (including medical issues) that they feel it would be relevant for the Home Office to know. They are also asked to list any documents in support of their claim. On the final page there is a declaration that the applicant is requested to sign and date, and they are advised they are responsible for the accuracy of the contents.

In addition, the PIQ, unlike the PIF, also seeks to obtain details of the applicant's level of education and work history. The applicant is also now able to specify if they have a gender preference for the interviewer and/or interpreter, as well as the languages they speak and the preferred language for the interview.

The PIQ is served following the screening interview, usually within two months of the initial claim and before the asylum interview takes place. Applicants currently have 15 days to complete the form, which is intended to support the interviewing officer in preparing and conducting the interview [see also General understanding and perception of the PIQ].

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## Scope of UNHCR's review

UNHCR's review sought to evaluate the purpose, application and impact of the PIQ. In doing so the review took into account the level of support offered by the PIQ in relation to:

- a. The identification of any specific vulnerability of the applicant;
- b. The identification of material facts;
- c. Preparing a caseworker in advance of an interview to help identify and avoid potential re-traumatisation of the applicant;
- d. Use of the information contained in the PIQ at interview and in the asylum decision; and
- e. Improving the efficiency and fairness of the asylum procedures and decision-making.

This review has been carried out in accordance with two broad objectives as reflected in the UNHCR/ Home Office 2019-2021 Grant Agreement at 3.4.2 and 3.4.3.<sup>5</sup>

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<sup>4</sup> An explanation of "particular social group" is provided as "this means you share a similar characteristic with other individuals from your home country who face similar treatment to what you may face." Applicants are additionally advised "if you do not know please leave the box below blank and a Home Office Caseworker will consider this for you based on the other information you are able to provide."

<sup>5</sup> Memorandum of understanding between the Secretary of State for the Home Department of the United Kingdom and the Office of the United Nations High Commissioner for Refugees for the provision of support for the Quality Protection Partnership and Asylum Capacity Support for the period 01 January 2019 to 31 December 2020 (plus option for 2021), dated 5 April 2019.



## Methodology

In preparation for the audit, UNHCR reviewed the following training and guidance available to decision-makers handling claims where a PIQ was issued:

- Home Office, *Foundation Training Programme* (FTP), undated;
- Home Office, *Making effective use of the Preliminary Information Questionnaire* (PIQ) training presentation and trainer notes, undated;
- Home Office *PIQ frequently asked questions, version 5*, April 2018;
- Home Office, *Asylum Interviews and Assessing Credibility and Refugee status*, version 9, January 2015; and
- Home Office, *2016 Evaluation of the PIF*, April 2016.

Additionally, an inception meeting with the Home Office Asylum Casework Directorate, Asylum Policy, and Quality Audit team and the Immigration Law Practitioners Association (ILPA) for coordination and information gathering purposes was held, with further consultation taking place as required.

The final audit sample comprised 20 cases. In 19 of these a PIQ had been issued as part of the asylum process. In 14 cases a completed PIQ was returned and in the remaining five cases it was not. Thirteen of the cases had legal representation and seven were unrepresented. The sample included cases in which decisions were made between November 2018 and the end of January 2019. Ten of these were granted at first instance and 10 were refused; of the refused cases four were allowed on appeal. Home Office case file reference numbers have been removed from this report for the purposes of data protection.

Of the 20 cases audited seven came from areas with a high return rate of the PIQ (6 cases Leeds, 1 case Newcastle), six came from areas with a medium return rate (2 Mersey, 3 Liverpool, 1 Belfast) and seven came from areas with a low return rate (Cardiff 4, Solihull 2, LSE 1). The final sample comprised refugees from 16 different countries: Bangladesh (1), China (2), Eritrea (1), Iran (1), Iraq (2), Jamaica (1), Libya (1), Nepal (1), Nicaragua (1), Nigeria (1), Pakistan (1), Russia (1), Somalia (1), Sri Lanka (1), Sudan (1), Uganda (2) and Yemen (1). The gender ratio was 12 male applicants and 8 female applicants. The purpose of the file case review was to assess the impact the PIQ had on interviews, decision-making and procedure.

Case file analysis was supplemented with Focus Group Discussions (FGDs). These took place with Home Office decision-makers, legal representatives and NGOs in Cardiff, Leeds, London and Solihull.

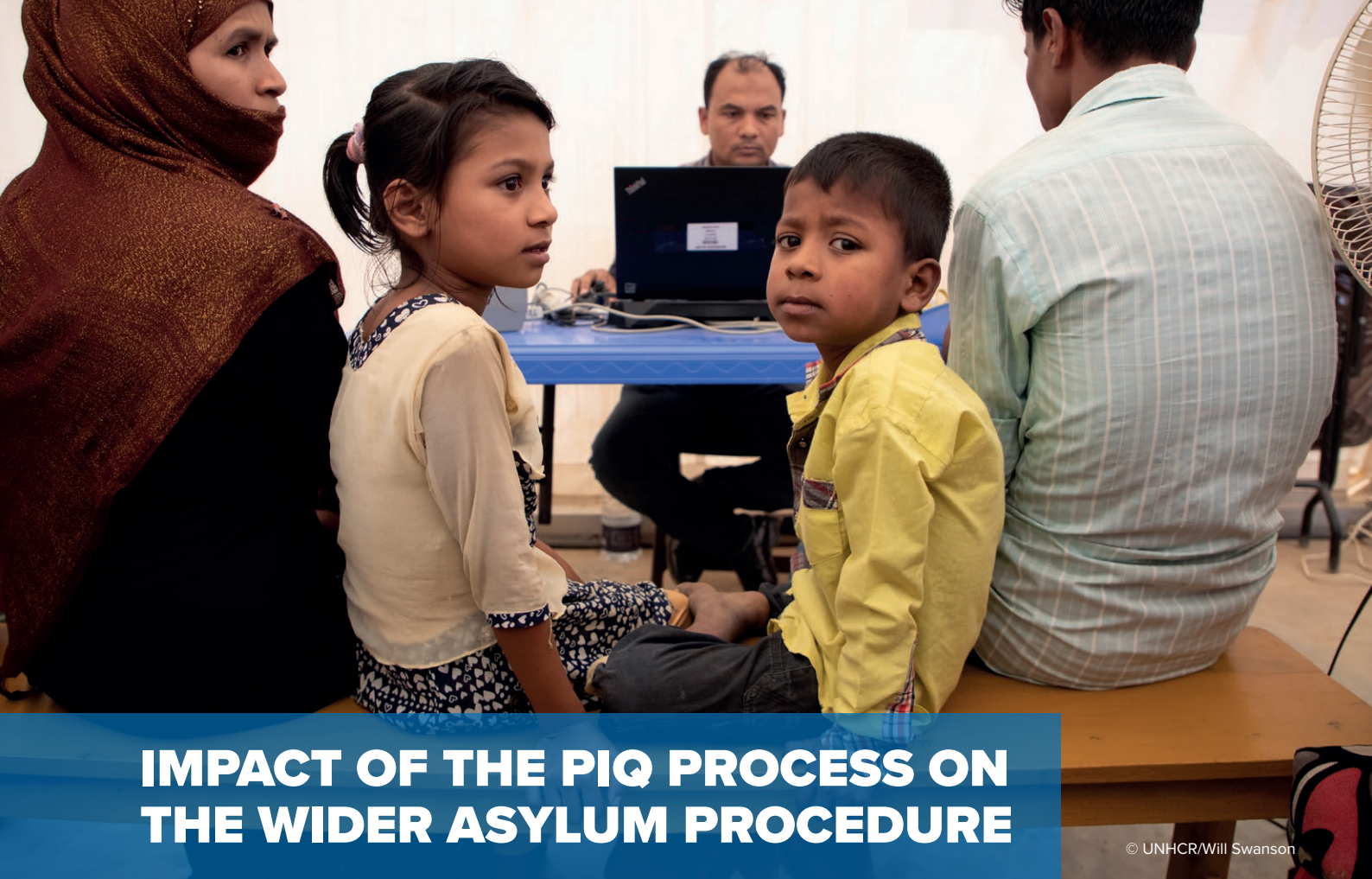
UNHCR based its file review findings on the original Home Office paper case file, as well as any additional information available on the Home Office Case Information Database (CID). It involved a review of the PIQ and any other documents submitted alongside, as well as an assessment of the asylum interview and the subsequent decision.

The file review and FGDs were conducted using standardized templates developed and agreed in consultation with the Home Office based on international standards and practice, as well as national legislation and policy guidance. To fully assess the quality of interviews and decisions, highlight areas of good practice and concern, as well as provide recommendations, UNHCR drew from the findings and suggestions arising from the FGDs as well as legal sources and international standards outlining best practice.

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**“UNHCR based its file review findings on the original Home Office paper case file, as well as any additional information available on the Home Office Case Information Database (CID).”**

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## IMPACT OF THE PIQ PROCESS ON THE WIDER ASYLUM PROCEDURE

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### General understanding and perception of the PIQ

According to the Home Office training presentation, “*Making effective use of the Preliminary Information Questionnaire*”<sup>6</sup> the intended purpose of the PIQ is to assist the applicant to set out their claim in advance of the substantive asylum interview. It is also intended to provide the interviewing officer with an opportunity to better prepare for the interview in order to conduct a more focused interview, as well as to provide advance notification of sensitive or complex areas. It identifies the following benefits of the PIQ for applicants:

- being better prepared for interview;
- having a better understanding of the asylum process;
- preventing them from having to repeat any traumatic events;
- less time spent in what could be a stressful situation; shorter asylum interview times; and
- better rapport with the interviewer due to their insight and preparation from the PIQ.

When asked about the purpose of the PIQ, Home Office staff considered that the PIQ was like “a more detailed screening interview”, which is useful for data gathering and to ensure improved preparation for the interview. They gave as examples that it can flag preferences regarding the gender of the interviewing officer and assist case processing, including by raising health and safeguarding issues.

In general, decision-makers were aware that the purpose of the PIQ was to obtain more information to help inform the interview and the asylum decision – as the screening interview does not cover the detailed reasons as to why someone is claiming asylum. Some decision-makers also considered that the PIQ was another document to use when assessing credibility, in particular, to determine whether applicants have been consistent in the accounts of their claim.

Although the Home Office did consult stakeholders on the earlier PIF pilot, in general, NGOs and legal practitioners felt that there could have been more and wider consultation and engagement with legal representatives and other practitioners before deciding to make the PIQ part of the standard

<sup>6</sup> *Making effective use of the Preliminary Information Questionnaire* training presentation.

asylum procedure nationally. NGOs in Solihull, an area where the PIQ had not previously been piloted, referred to its introduction as a “shock”. They raised that when it was first introduced it was not known how or why it was being implemented, or how it should be completed. Further confusion was generated by the fact that whilst the PIQ cover letter stated that a solicitor should complete the PIQ, the PIQ form itself did not. Amongst NGOs and legal representatives there was a feeling that due to long waiting times for asylum interviews, the Home Office may be using the PIQ as a means to appear that they are moving cases forward or to discredit an applicant’s credibility.

It was reported by NGOs and legal representatives that the PIQ was an example of “tinkering around the edges”, and that to improve the asylum process for applicants more substantive reform of wider areas of the asylum procedure needed to take place.<sup>7</sup>

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## RECOMMENDATIONS

- ✓ In addition to the NASF sub-groups, the Home Office should consider further consultation and engagement with relevant practitioners, and in particular with legal representatives, on the use of the PIQ and associated concerns.
- ✓ The PIQ form should clearly detail its intended aims and purpose, so that applicants and their representatives are clear about the reasons, obligations and benefits of completing it.
- ✓ The PIQ should clearly outline how the information gathered in the form will be used by way of public instruction or guidance.

<sup>7</sup> The following were identified as key areas to address: The approach to the standard of proof and degree of evidence being considered necessary to make an asylum claim; addressing challenges to accessing early and quality legal advice; strengthening country of origin information; considering the negative impact of a culture based on meeting targets and a lack of resources; and a lack of consistent understanding and consideration to the impact of trauma and cultural differences when considering asylum claims.

## Requirement to complete the PIQ and application of paragraph 333C of the Immigration Rules

Immigration Rule 333C provides that an asylum application may be treated as explicitly withdrawn if the applicant signs the relevant form, or impliedly withdrawn if an applicant fails to complete a questionnaire (such as the PIQ), or attend the substantive interview, or leaves the UK without permission.<sup>8</sup> UNHCR was informed at the inception meeting for this review that the Home Office had decided to remove reference to the possibility that a claim may be considered withdrawn under Immigration Rule 333C if the PIQ was not completed. Their stated preference was to encourage completion and return of the PIQ as an integral part of the asylum system, but not to make it “mandatory” or penalize non-completion. This approach is consistent with UNHCR’s earlier recommendation under the PIF Review, which provided: “where a PIF is not returned, the Home Office should not treat the application as implicitly withdrawn or use the non-completion of the PIF against the individual as part of the reasoning in the decision letter.”

The findings from the focus groups in this study, however, suggest that in practice there is a lack of clarity amongst NGOs and legal representatives on the extent to which it is a requirement that the PIQ be completed. Participants noted that the lack of consistent follow-up by the Home Office on the return of the PIQ also added to this confusion.

### ■ Use of “explicit withdrawal” forms

An “explicit withdrawal” form is provided as part of the cover letter sent to applicants asking them to complete the PIQ. These documents are provided in English only. From the case files reviewed it appears that where there is a known legal representative the PIQ may be sent to this representative in addition to the applicant. Although no examples of “explicitly withdrawn” cases were identified by UNHCR during the case file review or during discussions with the Home Office and external stakeholders, the current approach of sending the “explicit withdrawal” form alongside the PIQ and cover letter was raised as a concern. Stakeholders in London, Solihull, Cardiff and Leeds noted that there was a risk that the applicant may sign it accidentally without knowing the implications, particularly if unrepresented, or if they could not read English.

As outlined above, the Home Office is currently updating the PIQ and cover letter templates in consultation with UNHCR, ILPA and other stakeholders. UNHCR notes that the draft version of the revised cover letter states: *“If your personal circumstances have changed and you no longer wish to continue with your asylum claim you should contact the asylum team on the details above.”* It is unclear whether it is intended that a copy of the withdrawal form will still be included as part of the cover letter.

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**“The findings from the focus groups in this study, however, suggest that in practice there is a lack of clarity amongst NGOs and legal representatives on the extent to which it is a requirement that the PIQ be completed.”**

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<sup>8</sup> Rule 333C, Immigration Rules part 11: asylum, available at: <https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-11-asylum>.

## ■ Implicit withdrawal

The Home Office confirmed that whilst the current version of the PIQ form still contains a warning that the asylum claim may be withdrawn under Immigration Rule 333C if the form is not completed, the intention is to remove this from the forthcoming revised version. However, practitioners noted that when the PIQ was first rolled out there were some initial claims that were withdrawn, including that of a pregnant woman who had her support stopped. While the claim was eventually reinstated, the process for doing so was complex. It was raised that applicants were unlikely to be aware of the Home Office's change of policy on the application of Rule 333C to non-completion of the PIQ. Noting that confusion in this area was a source of anxiety for applicants, it was suggested by stakeholders that the Home Office should provide immediate clarification and assurance on this point to applicants and practitioners. Regional Strategic Migration Partnerships (RSMPs) and organizations such as Migrant Help could support dissemination of this information.

Four of the 20 cases selected for review did not return the PIQ. Two of these were granted refugee status at first instance and the other two were refused. In none of these cases did the Home Office seek to treat the application as implicitly

withdrawn. Non-completion of the PIQ was also not raised either at the start of the asylum interview nor addressed in the decision letter. UNHCR welcomes this approach, particularly where the individual is without legal representation and/or where English is a subsidiary language of the individual.

UNHCR welcomes the decision of the Home Office to no longer enforce the mandatory completion of the PIQ. However, although the Home Office have said that they will withdraw the 333C warning about 'implicit withdrawal' from the PIQ template, at the time of writing this is yet to occur and the Home Office Asylum Instructions on *Screening and Routing*, and *Asylum Interviews*, still maintains the provision. Further, and of concern to UNHCR, the Home Office *PIQ frequently asked questions* document, which is available on the Home Office intranet and intended as internal guidance to Home Office staff, currently advises that "333C will be applied", in cases where the applicant has not responded and contact cannot be made, where a PIQ has not been completed and/or where the applicant has made no attempt to contact their local asylum team.<sup>9</sup>

## RECOMMENDATIONS

- ✓ The "explicit withdrawal" form should not be served alongside the PIQ. In addition to advising applicants to contact the asylum team if they are considering withdrawing their claim, they should also be advised to first seek independent legal advice.
- ✓ The Home Office should immediately clarify the extent to which completion of the PIQ is a requirement and any potential consequences of non-completion, as well as confirm that non-completion will not be treated as implicit withdrawal under Immigration Rule 333C. This should include:
  - Updating the point of claim leaflet to include information on the PIQ for applicants, as well as its information to NGOs, legal representatives and other practitioners;
  - Utilizing organizations such as Migrant Help and RSMPs to communicate the current approach to applicants; and
  - Updating Home Office internal standard operating procedures, FAQs, asylum policy and the training provided to caseworkers on this point.

## Timeframe for issuing and submitting the PIQ

During meetings conducted as part of this review, the Home Office provided that the PIQ is currently issued after the screening interview, usually within the first two months of a person claiming asylum. It is sent to the applicant and, where known, to their legal representative. Currently, the timeframe for completing the PIQ is 15 days, although UNHCR understands that the Home Office is reflecting on the appropriate timeframe for submission. The proposed revised draft of the PIQ cover letter suggests 28 days should be allowed for its return.

Of the 20 case files reviewed it was identified in one case that a PIQ was never issued to the applicant. This was despite the fact that the applicant had two substantive interviews - the first in Croydon and the second in Bootle. The remaining 19 cases were issued PIQs. Of these the PIQ was returned in 15 cases and submitted

early in 12 of these. The timeframe for early submission varied between 1 and 14 days. Three of the four cases where the PIQ was not returned were represented. In one case the representatives advised that the applicant only approached for assistance six days before the interview was due to take place, which did not allow for sufficient time to complete the PIQ. In another, despite the Home Office reminding the applicant of the need to submit a PIQ only a witness statement was provided in advance of the interview. In one of the cases the PIQ was submitted after the substantive interview, which had taken place three days before the deadline for the submission of the PIQ had expired. This supports the concern raised by NGOs and practitioners that in some cases it can be a challenge to submit the PIQ within the current timeframes given.

### Table title / ref needed - not supplied?

Days +/- submitted from deadline	Represented	Unrepresented
+ 14	0	1
+ 13	1	0
+ 12	0	0
+ 11	1	0
+ 10	0	0
+ 9	0	0
+ 8	0	1
+ 7	1	0
+ 6	0	0
+ 5	1	0
+ 4	1	0
+ 3	0	0
+ 2	2	1
+ 1	1	1
0	0	0
-1	0	1
-2	0	0
-3	0	0
-4	0	0
-5	0	0
-6	1	0
-7	1	0
Not submitted	3	1
<b>Average days +/- submitted from deadline</b>	<b>+ 2.5</b>	<b>+ 4</b>

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**“This supports the concern raised by NGOs and practitioners that in some cases it can be a challenge to submit the PIQ within the current timeframes given.”**

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Discussions from the focus groups identified that both the timing of the issuing of the PIQ and the amount of time provided for its completion would benefit from further reflection.

Both NGOs and legal representatives highlighted that people were often still in initial accommodation (IA) and had not been dispersed when they received the PIQ. This may present difficulties to sourcing and securing legal advice. Legal aid cuts have also made it hard to find a solicitor, and particularly so in some areas where applicants are based. At the point in time when the applicant receives the PIQ, s/he may also have multiple appointments and applications ongoing, for instance meeting with Migrant Help, undertaking health assessments and applying for financial support. Not only could it be too early to secure the representation of a solicitor when in IA, but even where they are able to, once dispersed applicants may need to source a solicitor again in the new area.

Home Office staff in Leeds noted that requests for extensions to submitting the PIQ were regular and were granted in the majority of cases. It was noted that there may be a number of reasons for an extension on the Home Office side, including

difficulties finding an interpreter, staff absences/ vacancies or postal issues. The majority of staff recognized that applicants should not be penalized if the PIQ is not submitted, but at least one decision-maker had a concern that granting extensions may affect Home Office decision targets.

NGOs and legal representatives highlighted that the short deadline for submission of the PIQ may also be a source of stress for the applicant, particularly if they are unrepresented. They may be under pressure to quickly obtain legal advice and representation. Where this is not possible, they may feel compelled to complete the form themselves without appropriate guidance. This raises the prospect of mistakes being made in completing the form which could negatively impact on the adjudication of his or her claim owing to adverse credibility findings based on inconsistent accounts being given. Should a ‘friend’ or community member assist in the application, however, they may be breaching UK regulations on the provision of immigration advice. A common view of NGOs and legal representatives from Cardiff, Leeds, London and Solihull was, therefore, that the timeline for completion should be extended to help avoid these issues.

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**“Both NGOs and legal representatives highlighted that people were often still in initial accommodation (IA) and had not been dispersed when they received the PIQ. This may present difficulties to sourcing and securing legal advice.”**

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## ■ Capacity implications of the PIQ process on practitioners

### ■ Impact on Home Office staff

Home Office staff generally felt confident in their tasks linked to the PIQ. Home Office administration staff stated they knew how to serve and receive a PIQ, although they may not have received specific training. Current training contained within the FTP and the presentation on making effective use of the PIQ focuses on the role of interviewers and decision-makers rather than administration staff, who generally do not receive such training.

Discussions with Home Office staff in Cardiff, Solihull and Leeds, in particular administration staff, revealed that the PIQ process was perceived as resource intensive for comparatively low return rates.

Consensus was split as to whether the process was ultimately worth the effort for the return. In one region the administration team previously chased applicants and their legal representatives for PIQs and would give an additional five days to applicants to complete the form, but this did not increase completion rates. Accordingly, they stopped the practice. Some staff also raised a concern that it may result in a duplication of work. Sending PIQs is time-consuming, needs amendments and reminders (no longer done from Leeds, Cardiff or Solihull), and was expensive. One alternative could be to consider whether PIQs could be downloaded or sent electronically. Staff in Solihull and Cardiff noted that they struggled to send the PIQ out and also to link responses to the file with current resource levels. In practice with current capacity levels they would not be able to systematically follow-up on PIQs that had not been returned.

### ■ Impact on NGOs

NGOs were consistently of the view that they would not assist in completing the PIQ, as they were not qualified to do so. In their view the PIQ form should advise that it should be completed with the assistance of a legal representative or caseworker who is OISC level 2 accredited. Some had also not come across the PIQ form and were not clear on the purpose of the form even after reading available

guidelines. The understanding was that a non-lawyer should not complete the PIQ, but that even if they were qualified to support in the completion of the form, they would not have capacity or time to do so. However, they would help an applicant to identify legal representation if needed. NGOs told us that applicants may seek out their support under significant stress and confusion about what they should do with the PIQ. They felt that while the inability to support a client can be detrimental to the reputation of the organization, there is not always time to call around and find a legal representation, if any are even available to help, at the short notice provided to complete the PIQ.

### ■ Impact on legal representatives

Of the twenty case files selected for review, the applicant was represented in 13 of these cases, of which the PIQ was returned in 10. In all of the latter the PIQ had been completed by the representative. Legal representatives identified several ways in which the PIQ impacted on the ability to do their job.

A key concern was in relation to the current legal aid funding arrangements. Legal representatives reported that it takes between 4-5 hours for an applicant to give a detailed account of their circumstances and history – but sometimes much longer. The time it takes to complete a PIQ with a client is not reflected in the current fixed fee. It is reported that the LAA position is that representatives are funded to complete a statement under Legal Help. However, it was pointed out that this was developed prior to the PIQ and therefore does not consider the additional work it requires. In addition to legal aid fees being low, they may not be paid on time, which also impacts on capacity to support. By comparison, in children's cases where a SEF is completed, representatives are paid by the hour.

A PIQ requires a lot of information to be provided very quickly and often at a stage where the legal representative is still establishing a relationship with the applicant. Legal representatives raised that they may have to complete the PIQ at short



notice or receive a last-minute instruction from the client, particularly if the client is late (including for reason of not being able to find a lawyer who would take instruction) in obtaining legal advice. This was also the case for at least one of the files reviewed, where it appears that the applicant only approached his legal representative to complete the PIQ six days before his substantive interview.

This is exacerbated by the fact that the process of seeking asylum may not be well explained/ understood by clients, meaning that representatives must also fill the gap in ensuring the client understands the asylum process.

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**“Of the twenty case files selected for review, the applicant was represented in 13 of these cases, of which the PIQ was returned in 10. In all of the latter the PIQ had been completed by the representative.”**

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## RECOMMENDATIONS

### ■ LEGAL AID AGENCY/MINISTRY OF JUSTICE:

- ✓ LAA should review funding for asylum claims to ensure it is adequate and considers the PIQ process. This may in turn improve return rates.

### ■ HOME OFFICE:

- ✓ The PIQ should be sent directly to the legal representative as well as the applicant wherever possible. The PIQ should advise that the form should be completed with the assistance of a solicitor or caseworker who is OISC level 2 accredited.
- ✓ The timing as to when the PIQ is issued should be reviewed. It may be beneficial for the PIQ to be issued closer to the substantive asylum interview, and for the dates for the return of the PIQ and the asylum interview to be communicated at the same time.
- ✓ The timeframe for the PIQ should be extended. Suggestions provided by FGD participants included having a similar timeframe to that currently provided for completion of the children’s SEF (60 days), or alternatively to have a three week time difference between issuing the PIQ and conducting the interview.
- ✓ Ensure that administrative staff use standardized procedures in with regard to the PIQ, including with respect to timelines given for the completion of the questionnaire.
- ✓ Ensure administrative staff receive appropriate training and guidance tailored to their role in implementing the PIQ.

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**“Some practitioners raised that a PIQ was not always received, or only received after the applicant had attended an interview.”**

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## **Other factors influencing whether the PIQ is completed**

There were a number of other logistical or practical concerns raised which were felt to impact on whether or not the PIQ is completed.

### **■ Receiving and returning the PIQ:**

Some practitioners raised that a PIQ was not always received, or only received after the applicant had attended an interview. Further, it was not always clear to practitioners where the completed form needed to be sent. For instance, some forms say “return to the caseworker” but the caseworker is not identified. There were also reports of cases where the PIQ was sent to one regional casework team, but another was responsible for processing the case.

### **■ Duplication with witness statement:**

It was noted that some legal representatives chose not to complete the PIQ because it was felt that it was a duplication of the witness statement and so they would just mark the PIQ in the relevant areas as ‘see attached’ and attach their client’s witness statement. It was also noted that there is no Legal Aid funding for the completion of the PIQ. Accordingly, witness statements were reported as being more readily completed. Many representatives and Home Office staff reported seeing the witness statement attached to the end of the PIQ – rather than completing the PIQ itself. This was the case in six of the files reviewed. It may have been seen by legal representatives as an efficient way of addressing the questions raised in the PIQ.

### **■ Challenges in communication with the Home Office:**

Legal representatives and NGOs raised challenges with identifying clear lines of communication when they had questions for the Home Office about the PIQ. For instance, the telephone number provided on the form was reportedly often not answered and it was not possible to arrange for a follow-up call or to leave a message. In such instances an applicant or legal representative may not be able to speak to a Home Office colleague in a timely manner. NGOs and legal representatives who recalled a previous Home Office model, whereby each case had a specific “owner” who could be contacted about key issues, suggested that the Home Office consider reintroducing something similar.

### **■ Understanding of the PIQ by applicants:**

NGOs and legal representatives were unsure how often a person filled in the PIQ without legal representation in practice. There was concern about how those without access to NGO or legal services would be able to respond to the PIQ, including someone who is experiencing anxiety, depression, PTSD or other serious mental health issues. Legal language and standards relating to asylum can be difficult to understand for those who are not trained in this area and the PIQ requires applicants to identify on what grounds they are claiming refugee status. Completing this section of the PIQ is considered to be inappropriate for those without

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**“There was concern about how those without access to NGO or legal services would be able to respond to the PIQ, including someone who is experiencing anxiety, depression, PTSD or other serious mental health issues.”**

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legal advice. UNHCR welcomes that the revised draft of the PIQ has removed this requirement. Asking an applicant to complete the PIQ without legal advice could cause stress and exacerbate vulnerabilities. Further, the resulting confusion could lead to the PIQ not being completed and returned. Participants reported applicants filling in the form themselves, with concerns about how this may impact upon the assessment of their case down the line, particularly with regard to credibility. It was felt that the PIQ should always be filled in with support

of a legal representative who should have adequate time to complete the form. An example given was a case where the applicant had attempted to fill in the PIQ themselves and the representative then had to “work around” it. The main issues were that it was fairly illegible, and that the applicant had also indicated he had a spouse when in fact he was divorced and it was an LGBTI claim. Unfortunately, he had misunderstood the question and thought that he was being asked about whether he had been married before.

## RECOMMENDATIONS

- ✓ Practitioners would benefit from having a specific contact or “owner”, with whom they could raise key issues or concerns about a case. This may help improve early identification of vulnerability or safeguarding concerns, as well as the gathering of information and evidence relevant to the asylum claim, including return of the PIQ.
- ✓ Clarify which part of the Home Office is responsible for receiving the PIQ.
- ✓ In addition to updating the point of claim leaflet to include clear and simple information on the PIQ, this should be available in the languages most commonly spoken by asylum applicants.
- ✓ Consider developing short informative videos. This would be beneficial for those who struggle to read or process written information and could be delivered in simple plain English as well as the main languages of asylum applicants in audio and sub-titles. It was felt that such initiatives may also help to alleviate people’s concerns about the form.



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## EFFECTIVENESS OF THE PIQ IN THE IDENTIFICATION OF VULNERABILITY AND AVOIDANCE OF RE-TRAUMATISATION

One of the intended benefits of the PIQ is the early identification of vulnerability and improved capacity to avoid re-traumatization. The premise is that if information about an applicant's circumstances and past experiences is provided at an early stage and in advance of the asylum interview, this may serve to prevent re-traumatization. For instance, the interviewer will be able to focus the questioning, adjust their tone and approach, and prepare the physical environment in order to better tailor the interview to the individual (including those with disabilities).

Whilst legal practitioners thought it was possible to use the PIQ to flag protection issues, they also saw it as a duplication of other mechanisms. They noted that concerns related to vulnerabilities may be raised in the witness statement and that applicants could be referred to the Asylum Safeguarding Hub.

If a vulnerability is identified or suspected, which could be at either the screening stage or interview stage, the Asylum Safeguarding Hub will undertake or advise on any necessary response. This may include possible referral to another agency, such as the relevant Local Authority social services department. Furthermore, similar safeguarding questions are asked at different points throughout the asylum system. This suggests that a review and streamlining of the processes for the gathering of information on safeguarding and vulnerability concerns may be beneficial in order to avoid unnecessary duplication and ensure that the PIQ is effective in identifying vulnerabilities. At the same time, it is recognized that vulnerabilities can appear over time and that mechanisms should be in place to identify and respond to those vulnerabilities throughout the asylum process.

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**“Whilst legal practitioners thought it was possible to use the PIQ to flag protection issues, they also saw it as a duplication of other mechanisms.”**

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## “Home Office staff in Cardiff, Leeds and Solihull had mixed perspectives on the extent to which the PIQ was helpful in identifying safeguarding issues.”

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Practitioners also raised a concern that for some it may not be in the best interests of certain vulnerable applicants to complete the PIQ. For instance, the completed PIQ may be required before the individual has been referred to services that can assist them with trauma or other health issues. There is a concern that making a detailed statement in the PIQ, prior to receiving care, may exacerbate or trigger trauma.

NGOs and legal representatives also expressed concern about the multiple stages at which safeguarding is addressed, which could exacerbate vulnerabilities. It is also not always clear why certain information is being sought at certain points. Additionally, clearer communication is needed about why certain information is being sought by the PIQ and how it will be used. As an alternative it was suggested that organizations such as Migrant Help could play a role in supporting to gather information required outside of the asylum claim. This could be done through the utilization of joint databases between relevant organizations. It was suggested the form should be updated so as to clearly state that one purpose of the PIQ is to identify vulnerabilities to protect applicants under the Equality Act, 2010.<sup>10</sup>

Home Office staff in Cardiff, Leeds and Solihull had mixed perspectives on the extent to which the PIQ was helpful in identifying safeguarding issues. They noted that if some time had passed between the PIQ being completed and the substantive interview, then the information provided in the PIQ may be less useful. In such cases staff would need to follow up to see if there had been a change in personal or medical circumstances.

### ■ Decision on the papers:

Home Office staff in Cardiff and Leeds indicated that in some cases the submission of the PIQ, either

on its own or along with a witness statement/other documentary evidence, had been sufficient to allow them to make a decision on the papers without interviewing in person. This approach was generally used where it was considered that the applicant had a vulnerability. Home Office staff in Solihull also raised the possibility of deciding a claim based on the PIQ alone but were not aware of adult cases being determined this way as yet in practice. Staff considered the PIQ was vital to making such a judgment call, because it contains far more information and detail than the screening form. Within the cohort of cases available for selection as part of the file review none appeared to have been decided without an interview first taking place. UNHCR was therefore unable to consider this aspect as part of its analysis of the case files. Nonetheless, this does indicate potential value in the PIQ process to accelerate asylum processing in a protection-sensitive manner.

### ■ Preparing the interview space:

Home Office staff raised that information on the PIQ might inform which room they use for interview, or whether a personal evacuation plan (PEP) was needed. One example shared of a case that did not benefit from the use of a PIQ involved a wheelchair user. Because the Home Office was not provided with advance information about the applicant's disability, when he arrived his wheelchair was too big to fit into the available interview rooms, forcing the decision-maker to cancel the interview. Home Office staff felt that a PIQ could have provided a more effective means of flagging information about the wheelchair and interview room requirements in advance of the interview. It is noted however that the PIQ does not specifically ask applicants about interview requirements/preferences, other than with respect to the gender of the interviewer and interpreter (see below).

10 Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>

### ■ Identification of gender preference:

The Home Office also use the PIQ to identify if an applicant may have a gender preference for an interviewer/interpreter at an interview, noting that applicants may not always realize the benefit of expressing a preference at the screening interview. According to Home Office staff, applicants regularly fill in the gender preference question. UNHCR identified that in two of the 16 cases reviewed where a PIQ was returned, the applicant expressed a gender preference for the interviewer and interpreter, and in both cases this request was accommodated. Gender preference requests were also met where this was requested at screening and in a case where the PIQ was not completed, but where the legal representative contacted the Home Office in advance to make the request. Three of the applicants were female and one was male, yet all expressed a preference for a female interviewer and interpreter.

### ■ Other issues:

It was also stated that the PIQ helps the Home Office to identify issues around the applicant's accommodation or child dependants, including in ensuring that childcare is available for interviews as well as prompting to check if there were specific needs or referrals to be made. It may also be used to identify in advance when an interview should not go ahead. Examples provided by the Home Office included applicants who were experiencing suicidal ideation or were in advanced stages of pregnancy. It may also be shared with the Home Office safeguarding team who might then place a "special conditions" flag on the file, in cases of domestic violence it could be a trigger to contact police. Thus, although in some cases the need for adjustments might have been apparent already at screening, the PIQ ensures that it is not overlooked prior to the interview, and provides an opportunity for identifying vulnerabilities that have only arisen since screening.

## RECOMMENDATIONS

- ✓ Reflect on how the PIQ fits within the broader asylum procedure and whether current processes around information gathering at screening, routing, through the PIQ and at the asylum procedure could be further strengthened and streamlined for the purpose of safeguarding and identifying vulnerability, as well as identifying cases that are appropriate for a decision on the papers.
- ✓ In line with the above recommendation the Home Office should establish accelerated and/or simplified registration and identification procedures for persons with specific needs, including persons with vulnerabilities or experiencing PTSD. Examples of how this may be implemented can be found in UNHCR's guidelines on accelerated/simplified procedures and responses to vulnerability.<sup>11</sup>
- ✓ The roles of organisations such as Migrant Help could be strengthened in supporting to gather information required outside of the asylum claim through the utilisation of joint databases between relevant organisations.

<sup>11</sup> UN High Commissioner for Refugees (UNHCR), Handbook on Procedures and Criteria for Determining Refugee Status and Guidelines on International Protection Under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees, April 2019, HCR/IP/4/ENG/REV. 4, available at: <https://www.refworld.org/docid/5cb474b27.html>; UN High Commissioner for Refugees (UNHCR), Response to Vulnerability in Asylum - Project Report, December 2013, available at: <https://www.refworld.org/docid/56c444004.html>.



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## IMPACT OF THE PIQ ON INTERVIEW QUALITY

This section looks at how information contained in the PIQ has been used as part of the asylum interview process. It includes a review of the PIQ in terms of its impact on the efficiency and fairness of the interview.

### Preparing for the interview

As part of preparations for the asylum interview, caseworkers are instructed to “read the claimant’s reasons for making the asylum claim in the screening form, other relevant information in the case file, such as information about the claimant’s visa application records, and relevant country reports or country guidance, including case law”, as well as the general approach to take in using that information to prepare for the interview.<sup>12</sup> However, currently there is no specific reference within the Asylum Interviews AI of the need to consult the PIQ in advance in order to prepare sufficiently for the asylum interview. In its previous observations within the PIF Review, UNHCR had also recommended that, “it should be used as a tool to assist the interviewing officer to understand the claim and identify the material facts in advance

of the interview.” Instruction on how to use the PIQ in order to prepare for the interview is also absent from the Foundation Training Programme (FTP). UNHCR notes that whilst use of the training presentation, “*Making effective use of the Preliminary Information Questionnaire*” has lapsed it does contain guidance on the key steps to follow when using the PIQ to prepare for an interview.<sup>13</sup>

Whilst it was understood that the PIQ is intended to support Home Office staff in preparing appropriately for the interview, there was still concern raised by NGOs and legal representatives as to whether caseworkers have sufficient time and tools to prepare in advance. ILPA raised examples of cases where their members have turned up to an interview (having completed the PIQ) only to discover that the interviewer has not had sight of the file (and presumably the PIQ).

<sup>12</sup> See Home Office AI *Asylum Interviews*, version 6, dated March 2015, Section 4-Preparation and interview formalities.

<sup>13</sup> Making effective use of the Preliminary Information Questionnaire (PIQ) training presentation and trainer notes, see slide 6.

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**“Of the 14 cases where the PIQ was returned in advance of the asylum interview, there was evidence from review of the interview transcript in only six cases that the interviewer had read and/or used the PIQ to prepare for the interview in advance.”**

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The time used by decision-makers to prepare for an interview with the PIQ seemed to vary, as did the approach to using the PIQ for preparation. This variation was seen within teams in the same location. For instance, in Leeds, one decision-maker stated that when the PIQ was received was not important, as it was only reviewed in the 30 minutes to one hour of preparation time allocated prior to an interview, whereas, another said it was useful to have reviewed it up to a week in advance. Such variations may be due in part to the complexity of the case or dependent on the level of experience of the decision-maker. However, it may also be due to a lack of guidance in policy and training on how to use the PIQ to prepare for interviews.

Home Office staff considered that the PIQ was useful because it provides information to help them prepare and understand the case additional to that provided by the screening interview. Since the witness statement is often submitted after the interview, prior to the introduction of the PIQ the screening interview may have been the only information they received before the substantive asylum interview. Otherwise it was felt that decision-makers were effectively going into the interview “blind”. It was also considered by decision-makers that this increased opportunity for preparation could help in focusing questioning on core issues and areas requiring further clarification, thus avoiding the need to ask unnecessary and potentially traumatizing questions. This in turn could help reduce stress in the interview on the applicant.

Of the 14 cases where the PIQ was returned in advance of the asylum interview there was evidence from review of the interview transcript in only six cases that the interviewer had read and/or used the PIQ to prepare for the interview in advance. Aside from this, there was no other evidence within the files or on CID to suggest that the PIQ was read or otherwise used to prepare in advance of the interview.

## Focusing the interview

### ■ Confirmation of the PIQ at the start of the interview:

The AI in force at the time the cases were interviewed and decided advised:

*If a written statement or other evidence has been submitted before the interview, the interviewer must ask who wrote and submitted the evidence. The claimant must be asked if they have read and understood the content of the evidence and if they agree with it.*

*Any contradictions between the written statements or other evidence (including documentary evidence submitted in support of the claim), and statements at interview must be addressed, as should any evidence that the claimant does not understand what has been written on their behalf.<sup>14</sup>*

UNHCR did not identify any cases within the review where the interviewer had fully followed the policy outlined above. Whilst they do not currently form part of the FTP Interviewing module, the above questions were all flagged to be raised at the start of the interview in the training presentation, *Making effective use of the Preliminary Information Questionnaire*.<sup>15</sup>

Although none of the interviewers appeared to check who had written and submitted the evidence, UNHCR was encouraged to see that in six cases some efforts had been made to check whether applicants had read, understood and/or agreed with the contents. UNHCR was particularly pleased in one case to see where the applicant advised the contents were not accurate, that the interviewer then provided the applicant with an opportunity to clarify:

*Please confirm that you are aware of the contents and that they are accurate [no].*

*Why are you not happy with them? [The date my husband caught me with my girlfriend should be XXX].*

<sup>14</sup> See Home Office AI Asylum Interviews, version 6, dated March 2015, Section 4-Preparation and interview formalities.

<sup>15</sup> Making effective use of the Preliminary Information Questionnaire (PIQ) training presentation and trainer notes, see slide 8.



In the other five cases efforts to confirm the accuracy of the content of earlier submissions were limited as follows:

*Are you happy with the content of your WS dated ....? [yes]*

*Are you aware of the information you submitted in your SCR and in your PIQ?*

*You were also sent a preliminary information questionnaire, which you completed, are you aware of any mistakes in that questionnaire?*

*Are you aware of the content of your screening interview (SCR) and you [sic] preliminary information questionnaire (PIQ) and confirm the information is correct?*

*Can you confirm that all the information which you provided to the Home Office is correct?*

In the last example provided above the applicant replied “yes”. However, he was asked this immediately after submitting a number of documents in support of his asylum claim. It is not clear whether or not the applicant understood if the interviewer was also referring to the contents of his screening and/or PIQ form. Indeed, without further context or clarification it is also not clear whether this was the intended meaning of the interviewer. No further questions around the details provided in the screening or PIQ are asked.

In three further cases, although the interviewer did not undertake the checks in accordance with the policy above, they had ticked the box to indicate that they had informed the applicant that they had read their statement of evidence and documents. In five other cases where the PIQ had been received, they also did not confirm that they had received and read the PIQ.

Whilst the case files reviewed were not subject to its application, UNHCR welcomes the strengthening of instruction within the Asylum Interviews AI with respect to interview preparation. Following its revision in June 2019, it now states, “If a written statement, asylum questionnaire or other evidence has been submitted before the interview, you must

establish who wrote and submitted the evidence. You must ask the claimant if they have read and understood the content of the evidence and if they agree with it. If the claimant indicates they have not had the statement read back to them in full in a language they understand, even if they have signed it, the interview should be suspended and the situation should be clarified with the legal representative. You should indicate any response or explanation provided by the legal representative on the interview record.” UNHCR would further recommend that the relevant part of the FTP training on interviews is also reviewed and updated to include training on this aspect.

As previously raised, UNHCR considers that this procedure affords individuals an opportunity to confirm their statements, and where necessary it provides an early opportunity to clarify and address any issues or uncertainties.

#### ■ Length of interviews:

Both the Home Office 2015 evaluation of the PIF and PIQ training slides indicated that a benefit of the introduction of the PIQ was “notably reduced” interview times. Claimed benefits for applicants also included, “less time spent in what could be a stressful situation” and “shorter asylum interview times”, as well as to make interviews more efficient.

In the FGDs decision-makers mentioned that the PIQ shortens the time required at asylum interview. Reasons given included that the extra information gained from the PIQ allows for earlier identification of vulnerability and the ability to focus the questioning/ adjust their tone and approach or prepare the physical environment (as detailed previously). They also stated that they save time because the interviewing officer does not have to go through checking all the medical information/medication needs with the applicant because this is listed on the PIQ already. However, both NGOs and legal representatives expressed the view that for them there was no obvious correlation between the completion of a PIQ and the length of the asylum interview.

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**Although none of the interviewers appeared to check who had written and submitted the evidence, UNHCR was encouraged to see that in six cases some efforts had been made to check whether applicants had read, understood and/or agreed with the contents.**

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**Table 2: Overview of interview duration**

PIQ not returned		PIQ Returned	
Duration in hours (excluding breaks)	Number of interviews	Duration in hours (excluding breaks)	Number of interviews
1+	0	1+	1
1.5+	0	1.5+	1
2+	0	2+	2
2.5+	1	2.5+	2
3+	1	3+	3
3.5+	1	3.5+	0
4+	1	4+	4
4.5+	1	4.5+	1
5+	0	5+	0
5.5+	0	5.5+	0
6+	1	6+	0
6.5+	1	6.5+	0
<b>Average interview duration</b>	<b>4.3</b>	<b>Average interview duration</b>	<b>2.9</b>

Although the case sample reviewed was relatively small and contained only six cases where the PIQ had not been returned prior to the interview, it does appear from the sample that on average the interview is likely to be over an hour shorter in cases with a PIQ. However, at 2.9 hours, the average duration even with a PIQ was still longer than what is advised within the interviewing module of the FTP. This states that unless particularly complex, in general interviews should not last longer than 2.5 hours. Only four cases reviewed fell within that timeframe.

UNHCR notes that the two interviews in excess of six hours relate to the same case. This case concerns a minority Somali woman, who is illiterate and has never received formal education. In advance of her asylum interview her solicitors wrote to UKVI to advise that she had experienced sexual and physical violence in Somalia, which is uncomfortable and distressing for her to discuss. They requested that “the Interviewing Officer be sensitive to our client and understand that she is likely to find it extremely difficult.”<sup>16</sup>

Despite the first interview lasting over 6.5 hours, and the solicitors also submitting 17 pages of post-interview representations, which included comprehensive reference to both COI and the

Home Office CPIN for Somalia, it was nonetheless concluded that a second interview was necessary. The justification on CID states: “the original interview has not explored the minority clan membership or dealt with the inconsistencies raised in the interview.”<sup>17</sup> Upon review of the case file and CID it appears that a PIQ was never issued for this case. UNHCR considers that had a PIQ been issued, it may have assisted in alerting the interviewer in advance to the key facts of the case, including the applicant’s membership of a minority clan. The possibility to present the key elements of their case in advance may have been of particular benefit to this applicant noting her specific vulnerabilities of illiteracy, lack of education, confusion around dates and distress around discussing her experiences of sexual assault. This may also have prevented or helped to address the perceived inconsistencies which prompted the second interview.

UNHCR is additionally concerned that the applicant in a relatively straightforward case was not only expected to attend interviews which totalled in excess of 12 hours, but that the justification appears to reflect insufficient preparation and attention on behalf of the interviewer. It is also indicative that too high a standard of proof may have been applied in this case [see also sections on evidence of use of PIQ to address credibility in interviews/decisions].

<sup>16</sup> Fax from applicant's solicitors to UKVI, dated 19 April 2018.  
<sup>17</sup> CID notes, September 2018.

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**“Although on average the interviews in the PIQ cases reviewed were shorter than those without the a PIQ, in all 14 cases with a PIQ a number of questions were asked pertaining to information already available within the PIQ.”**

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■ **Use of breaks:**

Although this was not an issue that arose during the course of the FGDs, UNHCR identified three cases where it appeared from review of the interview record that applicants were not offered to take breaks. This was despite the fact that all three interviews took over two hours to complete and two of them lasted more than four hours.

If a break was in fact offered and/or took place in these interviews, it was not recorded in the interview record. This would be contrary to the Asylum Interviews instruction which advises the interviewer that they: “must record details of the duration and reason for the break and record if the offer of a break is not accepted, perhaps because the claimant prefers to complete giving evidence on a particular point.”<sup>18</sup> UNHCR suggests clarifying within policy the minimum time after which an applicant should be offered the possibility of a break during the course of an asylum interview.

■ **Use of PIQ in interviews:**

It was reported by NGOs and legal representatives that asylum applicants are being asked the same questions in the asylum interview as in the PIQ. When asking these questions, interviewers are commonly not signposting back to the information provided PIQ – raising questions as to the purpose of the PIQ in informing the interview.

Although on average the interviews in the PIQ cases reviewed were shorter than those without the a PIQ, in all 14 cases with a PIQ a number of questions were asked pertaining to information already available within the PIQ. This occurred in relation both to broader information concerning the applicant’s medical history, family, level of education and work history, and to key issues relating to the core of the asylum claim. Despite the basis of claim being extensively set out in the PIQ, a number of applicants were asked during the interview to

provide the reasons for claiming asylum without any reference to the Home Office having previously received a summary of the claim in the PIQ. As well as extending the length of the interview, as raised above, repetition of such questions may cause the applicant and/or others to consider that the PIQ was either not read or not given sufficient attention in advance of the interview. This would appear to undermine one of the stated intentions and benefits of the PIQ: to have “better rapport with interviewer due to their insight and preparation from the PIQ.”<sup>19</sup>

The extent to which questions asked for information clearly provided in the PIQ suggests that in some cases interviewers were using the interview as a way of testing the consistency of the applicant’s account. In one case, a woman who had already submitted a comprehensive and detailed account in an 11-page witness statement as part of her PIQ attended an interview which lasted over three hours. It was evident that the caseworker had read the PIQ and witness statement as some of the questions posed referred back to the PIQ and information outlined therein. In this case the woman had already outlined her claim of rape at the hands of her boyfriend, resulting in the loss of her virginity and consequent risk of honour-killing from her father and brother, including how these led to suicidal ideation and attempts.

Nonetheless, without any reference to the PIQ or information contained therein and with full knowledge that this experience had been deeply traumatizing for the applicant and that she was still receiving medical treatment, the interviewer asked as follows:

*Qu.55 – I am going to ask about how you lost your virginity and who it was to. This may be difficult for you to talk about and I don’t need you to tell me anything explicit, but I would like you to answer in as much detail as you can, OK?<sup>20</sup>*

18 See Home Office AI Asylum Interviews, version 6, dated March 2015.

19 Making effective use of the Preliminary Information Questionnaire training presentation and trainer notes, see slide 8.

20 This was comprehensively set out in her PIQ WS at paragraphs 28-32.

*Qu.107 – I know this will be difficult but in as much detail as you can, can you describe what happened when you met up with him? Qu.108 Did you suffer any injuries from this attack?*

*Qu. 109 – How did you feel?*

Despite the fact that it is noted within the interview record that the applicant was distressed, after the applicant declined the possibility for a break the interviewer continued questioning as follows:

*Qu.110 – What happened immediately after this?*

*Qu.111 – Did you confront [...] about what he had done?*

*Qu.112 – Do you believe [...] had planned to rape you that day?*

*Qu.113 – Do you believe that your family would have done that if you had told them?*

*Qu.114 – Why did you decide not to tell anyone about what happened?*

*Qu.115 – Do you feel as though your family would have believed what happened?*

This is considered a particularly insensitive line of questioning, because not only had the applicant already repeated the account of her rape at the interview, this information was already set out in the PIQ. Furthermore, after question 115 the interviewer informed the applicant that she believed she had been raped. However, she continued asking further questions of questionable merit:

*Qu.120 – When you attempted to take your own life, was it only your mother at home?*

*Qu.121 – Why did you want to kill yourself?*

Despite the applicant's obvious distress, and the fact that she had already set out her past experiences extensively in the witness statement submitted alongside her, the interviewer fails to tailor the interview accordingly, including by using the PIQ as a starting point and avoiding unnecessary duplication. In this case the failure to

do so appeared to cause distress unnecessarily, as well as possible further trauma to the applicant. At question 137 of the same interview the applicant was offered a break, but again declined, preferring to finish the interview as soon as possible. The interview continued until question 149:

*Qu.149 – Do you know when that second call was? [I can't remember. But it was one day before 18<sup>th</sup> because I left home on 18<sup>th</sup>, when my mother heard them and planning to kill me on that day. Believe me I have a terrible headache I cannot carry on].*

*Qu.150 – We will take a break, how long do you feel you need? [Is there any tablets for me to take?]*

*Qu.151 – I can't give you any tablets unless you have your own?*

*Qu. 152 – I won't be any longer than an hour, 45 minutes or so. There is a supermarket over the road, I will give you 15 minute break so you can go and get some if you want to?*

*(Break called at 13.40. Returned 13.48)*

*Qu.153 – Are you fit and well to continue? [Yes, blood pressure dropped and I took a chocolate bar and I feel better now].*

UNHCR considers that at this point, if not before, the interview could and should have been ended. More than enough evidence had been presented to assess the claim to the low standard of proof applied in asylum decision making and significant credibility concerns had not arisen. The interviewer had even acknowledged that she believed the applicant about her rape. The unnecessarily prolonged interview and repetition of questions is suggestive of an inappropriately high standard of proof being applied. The interview concluded 45 minutes later after a further 28 questions had been asked. Inclusive of breaks the entire experience lasted 4.5 hours.

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**“The unnecessarily prolonged interview and repetition of questions is suggestive of an inappropriately high standard of proof being applied.”**

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In addition to the case outlined above, UNHCR identified other cases where the PIQ was not referenced or referred to, even though it may have assisted in focusing the interview and avoided the need for the applicant to give a full account of the claim during the substantive interview. This included cases where the applicant had stated they were illiterate or suffered from memory problems.<sup>21</sup>

UNHCR notes that the *Making effective use of the PIQ training presentation* contains the following guidance:

- Signpost areas that you intend to question.
- Remember that it is not a memory test for the claimant.
- It may help the claimant if sensitive/ difficult issues, highlighted in the PIQ, were mentioned early on in the interview.

UNHCR considers that it would be relevant to include the above guidance within the FTP and AI on interviewing. UNHCR welcomes that the new AI on interviews now also contains the following guidance: “Avoid unnecessary distress to the victim and stop as soon as you think it is likely that the abuse has taken place.”<sup>22</sup> It is suggested that the FTP on interviews is updated so that it also addresses this issue.

UNHCR reiterates its previous recommendation to emphasize the importance of using the PIQ to identify the material facts of the claim to be explored during the interview. These should be confirmed with the applicant at the outset of the interview. UNHCR additionally suggests further guidance be provided to interviewers about the correct approach to preparing and interviewing based on information provided in the PIQ. This should address how to use the PIQ effectively to reduce repetitive questioning. This may in turn result in a further reduction of interview times, as well as prevent unnecessary distress or trauma to applicants.

### ■ Evidence of use of the PIQ to address credibility in interviews:

UNHCR acknowledges that providing applicants with an opportunity to set out their claim and key issues in advance of the asylum interview can contribute to fair decision-making as it facilitates the ability of the applicant to present their claim. UNHCR also recognizes that information presented in advance of an asylum interview may not be sufficient to reach a decision. The purpose of the interview may be to clarify any apparent inconsistencies in relation to evidence submitted prior to the interview and to find an explanation for any misrepresentation or concealment of material facts. As such UNHCR considers that it may well be relevant to include the PIQ within a wider credibility assessment in accordance with international standards.<sup>23</sup> However, as the Home Office training presentation on *Making effective use of the PIQ* identifies, the PIQ should not be used as part of a “memory test”, nor should it be used to hold the applicant to an inappropriately high standard, above the low standard of “reasonable degree of likelihood” applicable in asylum claims. Furthermore, whilst perceived inconsistencies and discrepancies should be explored and addressed, the credibility assessment would be flawed if it were carried out with reference solely to selected portions of the available evidence. It must be made with reference to the full picture.<sup>24</sup>

NGOs and legal practitioners who participated in the FGDs did not have specific examples of the PIQ being used to address credibility in interviews. However, a common concern was raised across all the sessions about the potential for the PIQ to be used as a means of challenging credibility inappropriately. Some NGOs highlighted that the message to people who claim asylum is often about ensuring applicants are consistent, but also that the more vulnerable an applicant is the more likely it is that inconsistencies will arise: “Anyone who is asked for their history five times will make an error.”

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**UNHCR welcomes that the new AI on interviews now also contains the following guidance: “Avoid unnecessary distress to the victim and stop as soon as you think it is likely that the abuse has taken place.”**

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<sup>21</sup> See also the section on *Evidence of use of the PIQ to address credibility in interviews*.

<sup>22</sup> See Home Office AI Asylum Interviews, version 7, dated June 2019, Section Interviews with victims of torture or trauma.

<sup>23</sup> UN High Commissioner for Refugees (UNHCR), Handbook on Procedures and Criteria for Determining Refugee Status and Guidelines on International Protection Under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees, April 2019, HCR/1P/4/ENG/REV. 4, available at: <https://www.refworld.org/docid/5cb474b27.html>.

<sup>24</sup> UN High Commissioner for Refugees (UNHCR), Beyond Proof, Credibility Assessment in EU Asylum Systems: Full Report, May 2013, available at: <https://www.refworld.org/docid/519b1fb54.html>. See Section 2 Principles and standards of the credibility assessment.

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**“Within its case file review, UNHCR did find examples of good practice where the interviewer appropriately used the PIQ to raise perceived inconsistencies with the applicant.”**

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They said that the PIQ seems “to be a way of tripping people up.” It was felt that there was an increased likelihood of refusal on discrepancies/credibility grounds where the applicant has not consulted a legal representative or had completed the PIQ themselves. ILPA expressed concern that the PIQ was an additional test of credibility and feared the PIQ may be used in isolation rather than in the round.

Decision-makers in contrast, viewed the PIQ as part of “an information gathering exercise and not an interrogation” per se. Further, they stated that the PIQ would only be used to test credibility if there were major changes in a person’s story. They said that the PIQ provides additional information, which was good to refer to and helped separate minor contradictions from major discrepancies as well as to establish a chronology. They stated that if there are significant changes between the PIQ and interview it is reasonable for the decision-makers to question this and challenge credibility.

As part of the case file review UNHCR considered how the PIQ was used to address credibility issues during interviews. In all 14<sup>25</sup> cases for which a PIQ was completed, a number of questions were asked pertaining to information already available within the PIQ. In some cases these questions did not seek to expand or fill in the gaps of a claim, but instead to elicit details already available, despite there being an absence of credibility concerns. This runs counter to the training in *Making effective use of the PIQ* that if the statement covers areas of the claim in detail then there is no need to question on these points unless inconsistencies are uncovered during the interview.

Within its case file review, UNHCR did find examples of good practice where the interviewer appropriately used the PIQ to raise perceived inconsistencies with the applicant:

*Qu 65 – You gave an account in your preliminary questionnaire as to why you claimed asylum. Why did you not mention in this document that you were part of the LTTE or that you had assisted them? [I was told that I could only use 1.5 pages].*

*Qu 66 – You have used around 2.5 pages in your preliminary questionnaire explaining what it was you wished us to know. Why did you not disclose your involvement with the LTTE? [I only wrote 1.5 pages, my solicitor told me to speak in the interview].*

However, in another case UNHCR was concerned to find clear evidence of using the PIQ in an apparent attempt to catch the applicant out. In his witness statement submitted as part of his PIQ, an Iranian Kurd whose claim for asylum was due to his support of a political party stated with regards to his boss who employed him at a cafe:

*He told me that these people were from the political party and that he was also working for the party. I do not know what his position within the party was; I never asked him this. [...] did not tell me about his meetings but told me that the food was being distributed amongst members.*

Contrary to the guidance contained in the *Making effective use of the PIQ*, and despite the answer being readily available in the PIQ during his asylum interview the applicant was asked:

*Qu 51 – What was [...] role in the party? [He didn't tell me, I don't know]*

*Qu. 52 – Why didn't you ask him if you worked at the [...] for a number of years? [I only worked 3 years. (redacted - the question still stands). I did ask but he didn't make a reply he said he had no rank at all].*

*Qu. 53 – Why does it say in your WS that you never asked [...] about his position within the party? [I did ask him. (redacted - repeats?) I am*

<sup>25</sup> See also the cases addressed in *Use of PIQs at interview* (above), *Approach to interviewing LGBTI claims* (below) and in *Length and duration of interviews*.

*sure I asked him that question I don't know why the solicitor or the interpreter passed it like that or I might have misunderstood the question].*

Whilst UNHCR agrees it is reasonable to clarify why the applicant had not asked [...] about his role in the party, it is unclear why the interviewer felt it was necessary to ask question 51 in light of the fact that according to the witness statement the applicant was not aware of his boss' role in the political party. The approach highlighted above does seem to indicate an attempt to trip up the applicant.

UNHCR suggests that in line with the guidance in the AI on Asylum Interviews for confirming evidence, an alternative approach would have been first to refer the applicant back to the relevant part of the witness statement or PIQ, and then having confirmed whether or not he was aware of his boss' role then go on to open up the line of enquiry raised in question 52 [See also *Use of PIQ to address credibility within decisions*].

Neither the FTP nor the AI on Interviews specifically addresses how the PIQ should be used to address or explore credibility as part of the interview. However, in addition to clearly stating that the interview is not intended as "a memory test", the training presentation on making effective use of the PIQ does provide some guidance. Notably, it raises, along with examples, that if there is a mismatch in the level of specificity and detail an applicant provides in the PIQ compared to the interview, this should be raised with the applicant. It also advises: "If the statement covers areas of the claim in detail you don't need to question these points – Unless you uncover inconsistencies during the interview. You only need to question the claimant further on areas where you would like the claimant to explain/ expand or fill gaps in the claim." UNHCR considers that this is useful and relevant guidance that would be beneficial to include within the FTP and AI on interviews.

#### ■ Approach to interviewing LGBTI claims:

Both UNHCR<sup>26</sup> and Home Office<sup>27</sup> guidance on LGBTI claims identify that interviewers and decision-makers need to maintain an objective approach so that they do not reach conclusions based on stereotypical, inaccurate or inappropriate

perceptions of LGBTI individuals. Whilst ascertaining the applicant's LGBTI background is essentially an issue of credibility, this needs to be undertaken in an individualized and sensitive way, including through exploration of the applicant's personal perceptions, feelings and experiences of difference, stigma and shame.

In the PIF Review, UNHCR identified examples of inappropriate or unclear questioning in LGBTI cases. It was recommended that interviewers should always be sensitive and aware of the need for safeguarding in cases where issues of sexual and gender identity are raised as part of the protection claim.

UNHCR identified further examples within the case file review of inappropriate questioning:

*Qu. 53 – How did this one occasion with [...] make you realise you were gay if you did not have any relationships with girls before this?*

The above line of questioning is of concern to UNHCR as it infers the belief that it is only through a romantic or sexual relationship with a member of the opposite sex that the applicant can realise or determine sexual identity. These questions may additionally be considered unnecessary as they came after the following exchange:

*Qu.35 – How did you come to realise your sexuality? [After I had sex with my friend].*

*Qu.37 – What happened throughout your life which made you aware you were gay? [After having sex I realised I was gay but I didn't know the terminology he told me people like us are not boys. I did not find out until I came to the UK what I was].*

In another case of a lesbian who was previously in an arranged marriage to a man, there was evidence of extensive questioning to elicit information already set out in a comprehensive seven-page witness statement submitted along with the PIQ. In addition to unnecessarily prolonging the interview- which was almost five hours long without any evidence of a break- the approach in this case appeared to be inappropriate and insensitive as it forced the applicant to recount details of mistreatment and abuse clearly set out in the PIQ:

26 UN High Commissioner for Refugees (UNHCR), Guidelines on International Protection No. 9: Claims to Refugee Status based on Sexual Orientation and/or Gender Identity within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees, 23 October 2012, HCR/GIP/12/01, available at: <https://www.refworld.org/docid/50348afc2.html>, see section V Procedural issues.

27 See Home Office AI Asylum Interviews, version 6, dated March 2015, Section 5.5.2 Sexual identity or gender identity and Home Office AI Sexual Orientation in asylum claims, version 6, dated August 2016.

*Qu. 70 – What were your feelings towards your husband? [I never liked him, I never loved him...I was just a slave in the marriage...I said it was torture because I never had any feelings for a man].*

*Qu. 71 – Did you have a good relationship?*

*Qu. 72 – Did he treat you well?*

*Qu. 95 – How often would he not listen to you, if you told him that you were unwell?*

*Qu. 96 – And would this happened [sic] in your home?*

*Qu. 98 – How often would he physically hurt you?*

*Qu.110 – I want to go back to when your husband found you and [...] in your home. Where was your husband during this time?*

It is unclear why the interviewer felt it relevant to ask questions 71 and 72 in light of the applicant's previous response and also when her PIQ clearly outlined that her husband beat and raped her. UNHCR is also concerned that the interviewer felt it necessary to compel the applicant to repeat in depth details around the circumstances of the rape and mistreatment, despite this also being provided in the PIQ. This may be considered a further example of an interviewer inappropriately using the PIQ to test credibility and the ability of the applicant to remain consistent across accounts.

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## RECOMMENDATIONS

UNHCR reiterates recommendations 6.2- 6.6 from our comments on 'Preliminary Information Form' (PIF) Pilot, dated 5 March 2018.

In addition, UNHCR further recommends:

- ✓ Both the FTP and AI on Interviews should be reviewed and updated to include:
  - clarifying the minimum time after which an applicant should be offered the possibility of a break during the course of an asylum interview;
  - how the PIQ should be used to address or explore credibility as part of the interview;
  - the correct approach on how to prepare and interview based on information provided in the PIQ, which should address how to use the PIQ effectively to reduce repetitive questioning;
  - the guidance contained within the Making effective use of the PIQ training presentation.
  
- ✓ The FTP module on interviewing should be reviewed and updated to:
  - Advise that if the claimant indicates they have not had the statement read back to them in full in a language they understand, even if they have signed it, the interview should be suspended and the situation should be clarified with the legal representative. Any response or explanation provided by the legal representative should be indicated on the interview record.
  - Include the guidance from the new AI on Interviews that the interview should stop as soon as it is considered likely that the abuse has taken place, in order to avoid unnecessary distress to the victim.





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## IMPACT OF THE PIQ ON THE QUALITY OF DECISION-MAKING

This section looks at how information contained in the PIQ is used as part of making the asylum decision. This includes review of the PIQ in terms of its impact on the fairness and quality of decision-making.

### ■ General use of PIQ in decision-making:

As outlined above, NGOs and legal representatives had expressed a strong concern about the use of the PIQ to challenge credibility. NGOs also raised that in their view there was nothing within the decisions they had seen which indicated that the interviewer or decision-maker had read the PIQ. ILPA further highlighted that they have seen cases where information had not been used in the asylum decision that was contained in the PIQ and that they felt, had it been given proper consideration, would otherwise have strengthened the reason for a grant.

In contrast, in addition to credibility assessment (see below), Home Office staff in Leeds and Cardiff identified the PIQ as useful for establishing chronology and confirming the basic facts of the case.

The review of the case files revealed mixed practice in the use of the PIQ in decision-making. Of the 15 case files reviewed where a PIQ was submitted there was no evidence of the PIQ being referenced to any extent within the decision in four cases. In three of these four cases, the PIQ was also not referred to within the interview.

In the remaining 11 cases for which a completed PIQ was returned, there was evidence of the PIQ being referenced and/or considered to some extent within the decision. In six of these cases, this was limited to the PIQ being listed as one of the documents taken into consideration as part of the decision, although no further reference was made to it within the decision. In the other five cases there was clear cross-referencing to the PIQ within the basis of claim and the rest of the decision.

### ■ Use of PIQ to address credibility within decisions:

Amongst NGOs and legal representatives who participated in the FGDs there was a general concern repeatedly expressed that the PIQ would be used to identify inconsistencies in an applicant's story and be used to challenge credibility inappropriately, resulting in a refusal of asylum. This included where the perceived inconsistency arose out of a difference of terminology or phrase used by different translators and interpreters. Further, concerns participants expressed concern that the Home Office tends not to consider adequately the impact traumatic experiences have on memory and how this should be assessed with respect to credibility and late disclosure. Concerns about the PIQ being used to identify inconsistencies across accounts in order to refuse asylum were also based on the past experiences of FGD participants with respect to the use of screening forms for this purpose.

Home Office staff in Leeds and Cardiff identified the PIQ as a source for testing credibility, although views expressed included that it formed part of "an information gathering exercise not an interrogation". Whilst some caseworkers noted that there was more information that could be "tested" from the PIQ in comparison to the screening, others were keen to emphasize that it should only be used to challenge significant inconsistencies or credibility concerns.

As identified above in the *Focusing the interview* section of this report, and as Home Office staff acknowledged in the FGD sessions, in some cases the PIQ was seen as a means of testing or corroborating credibility. For instance, where cross-referencing of the PIQ occurred within the decision, this was generally used to demonstrate either consistency, in the case of Grant Minutes, or inconsistency, in the case of Reasons for Refusal Letters, with the applicant's asylum interview evidence.

Whilst UNHCR recognizes the potential relevance of the PIQ in assessing credibility, caution must be taken to avoid inadvertently raising the standard

of proof, with applicants having to demonstrate unduly high levels of consistency between the accounts provided at interview and in the PIQ. Another consequence observed, is that rather than shortening interviews, this approach could prolong them, including in cases of vulnerability [see also *Use of PIQ in interviews and Approach to interviewing LGBTI claims* above].

UNHCR identified mixed but very limited practice of the use of the PIQ in order to address credibility. This included a case of appropriate use, where the applicant had also been given sufficient opportunity to clarify and address credibility concerns in the interview [see also Evidence of use of PIQ to address credibility in interviews]:

*There is no mention of assistance to the LTTE in your preliminary information questionnaire (PIQ). You were asked in your asylum interview why in your PIQ you did not mention that you were a member of LTTE or that you assisted them (AIRQ65). You said that you were told that you could only use 1.5 pages and that your solicitor advised you to speak in your interview (AIRQ66). It is considered that 1.5 pages is sufficient amount to mention an important aspect of your claim. Your response is not a reasonable explanation considering that the reasons you are claiming asylum is because of your suspected involvement in the LTTE.*

UNHCR also identified inappropriate use of discrepancies between the PIQ and interview within the asylum decision. This included the case previously highlighted above where the policy for checking who had completed the PIQ and whether the applicant was aware of and happy with the content had not been fully followed, despite it being known that the applicant was illiterate, having left school aged seven after completing one year. Given that the interviewing officer decided to test the evidence during the interview, the basis of that evidence should have been confirmed and clarified prior to testing it:

*In your WS<sup>28</sup> you said you did not ask [...] about his position in the party (WS11). In your asylum interview*

28 In this case the witness statement was submitted along with the PIQ.

*you said that you did ask him but he did not make a reply, he did not have a rank at all (AIR Q52). This is internally inconsistent. You were challenged about this inconsistency (AIR53) and you explained that you did not know why the solicitor or the interpreter has passed it on like that, you also state that you might have misunderstood the question. You signed the witness statement confirming that you believed the statement to be true and accurate to the best of your knowledge, that you had its contents translated to you by an interpreter and you had legal representation to help you write this. This is not a reasonable explanation as you were asked in your asylum interview if you were happy with the contents of your witness statement.*

The applicant's response at question 53 of the asylum interview is of significance here. Although the interviewer did ask the applicant if he was "happy with the content", of his witness statement, he failed to check who had written and submitted the evidence and whether the applicant had read, understood and agreed with it. This not only undermines the basis for relying on any credibility issues arising, but also indicates that, despite advance notice, insufficient account was given to the applicant's low level of education and illiteracy in the approach to assessing and determining the asylum claim. Further concerns with the approach to credibility in this case are also identified immediately below.

#### ■ **Credibility concerns relied upon in the decision but not addressed at interview:**

UNHCR's review of case files identified two cases in which negative credibility findings made in the decision letter were not addressed in the interview or through supplementary follow-up questions post-interview. This is despite the fact that the information was available within the PIQ and thus could have been addressed at the time of the interview.

This included one case previously referred to above where the correct procedure for establishing whether the applicant had read and understood the contents of the PIQ/WS had not been followed. This was particularly pertinent in this case as the PIQ had been completed by the legal representative and the applicant had left school aged seven and was illiterate [for more details see in section on Confirmation of the PIQ at the start of the interview]. Further to the concerns raised above, the applicant was also not provided the opportunity to clarify a perceived inconsistency between his PIQ/WS and account at interview that went to the core of his claim:

*"You found out about the raid from your friend [...] who called you by phone to tell you the coffee shop had been raided (WS,15).*

*However, in your asylum interview you said a friend told you face to face (AIR 74). How you found out about the raid is considered internally inconsistent as you have given two different answers."*

Despite not affording the applicant the opportunity to explain the apparent inconsistency the decision-maker concludes: *"Due to internal inconsistencies and lack of detail this aspect of your claim is rejected."*

In this instance, out of procedural fairness the interviewer should have referred the applicant back to the relevant part of the PIQ before asking him to confirm his account and address any inconsistency.

In the second case the applicant had completed the PIQ himself and appeared to have been unrepresented at the point of the asylum interview. It is unclear whether he had received any legal advice prior to completing the PIQ or attending either his screening or asylum interviews. In this instance the decision-maker determined that some of the information provided by the applicant was "unreliable" due to a perception that he had been unable to provide a "consistent account" of who he feared in his home country. The refusal letter found:

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**Home Office staff in Leeds and Cardiff identified the PIQ as a source for testing credibility, although views expressed included that it formed part of "an information gathering exercise not an interrogation".**

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## “UNHCR identified mixed but very limited practice of the use of the PIQ in order to address credibility.”

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*Inconsistencies are apparent when your screening interview is compared to your substantive interview. In your screening interview you stated that you fear ‘the government’ as there have been demonstrations in Nicaragua whereby people have died and ‘there have been not jobs and shops are all closed ..., so no food, and fires started at radio stations’ (SCR 4.1). Additionally, you state in your preliminary questionnaire that you are afraid of returning to a government who shows ‘no respect for ... religious institutions’ and that ‘freedom of speech or opinion is illegal’ if it is in opposition to the government (PIQ p6).*

*Alternatively, in your substantive interview you stated that your main fear of returning to [...] is that your wife will become an ‘easy target’ for criminals because she could be perceived as wealthy (AIR 62, 63) and that the increased crime is committed by ‘organised crime of ... cartels and gangs’ (AIR 75).*

Despite the fact that these perceived inconsistencies were not put to the applicant in the course of the interview, in rejecting his claim the decision-maker determined:

*You did not mention in your screening interview your fear for your wife and therefore this omission leads to the belief that your wife will not have any problems is she decided to return to [Central America] with you. In addition, you have provided insufficient evidence in your substantive interview to suggest that there is a likelihood of your wife being a target for crime.*

*It is considered reasonable to expect a person in genuine need of international protection to give consistent evidence as to why they cannot return to a country.*

However, as well as failing to provide the applicant an opportunity to comment, the decision-maker also appears not to have taken into account that his PIQ statement concludes: “Under these circumstances I fear for my wife and daughter if I take them back to [...] and would like to take care of them, safe from danger. Working here in the UK.” This indicates a level of consistency across the PIQ and substantive interview that was not acknowledged by the decision-maker. Noting that an asylum applicant is not required to provide a full account of the reasons he is claiming asylum at his screening interview, the perceived inconsistency may rather be seen as an expansion or elaboration of the initial reasons provided at screening. UNHCR is concerned about the stringent unduly harsh approach to credibility assessment in this case, which runs counter to UNHCR<sup>29</sup> and Home Office<sup>30</sup> guidelines.

UNHCR reiterates the importance of training and guidance on the PIQ, which should address how interviewers and decision-makers should use it to prepare for interviews and address credibility concerns arising during the course of the interview and as part of the decision-making process.

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## UNHCR’s review of case files identified two cases in which negative credibility findings made in the decision letter were not addressed in the interview or through supplementary follow-up questions post-interview.

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29 UN High Commissioner for Refugees (UNHCR), Handbook on Procedures and Criteria for Determining Refugee Status and Guidelines on International Protection Under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees, April 2019, HCR/1P/4/ENG/REV. 4, available at: <https://www.refworld.org/docid/5cb474b27.html> ; UN High Commissioner for Refugees (UNHCR), Note on Burden and Standard of Proof in Refugee Claims, 16 December 1998, available at: <https://www.refworld.org/docid/3ae6b3338.html> ; UN High Commissioner for Refugees (UNHCR), Beyond Proof, Credibility Assessment in EU Asylum Systems : Full Report, May 2013, available at: <https://www.refworld.org/docid/519b1fb54.html> , see Section 2 Principles and standards of the credibility assessment.

30 See Home Office AI Assessing credibility and refugee status, version 9, January 2015, Section 5: Determining material facts and assessing credibility.



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## Other issues in decision-making

### ■ Style and content:

During the FGDs ILPA and other practitioners mentioned that asylum refusal letters they had seen appeared to be more verbose and longer than in previous years. UNHCR notes that there does not appear to be an immediate connection between the PIQ and the reported increase in length of decision letters. This may instead be linked to other changes to the procedure within the same period, including the roll-out of the ADMT for all asylum decisions. Whilst outside of the overall ambit of this review, UNHCR did observe that in general refusal letters were over 10 pages long and often in excess of 15 pages.

### ■ Correct identification of a Convention reason:

In its previous review, UNHCR identified several cases of concern regarding the approach taken to assessing whether or not an asylum-seeker met the Refugee Convention criteria. Whilst unfortunate that any such cases were identified, UNHCR was pleased to see some improvement from the previous audit. In this review only one case was identified in which it was felt that an erroneous assessment may have occurred with regards to whether an applicant's fear was for a Convention reason.

In this particular case, the applicant stated in his PIQ that he was a Jehovah's Witness, and that political neutrality was central to his religious belief. He feared that his religion and/or stance of political neutrality would cause him danger if he returned and/or that he would have to compromise it in order to find employment. He also feared the general country instability and stated that due to these circumstances his wife and daughter (who are both British Citizens) would be at risk of harm if they were to return with him.

The approach taken by the decision-maker was flawed both at the stage of setting out the *Basis of claim* and also under the *Material Facts Consideration*.

Within the *Basis of Claim*, there is no systematic identification of grounds. It only identifies that the applicant claims "*to have a well-founded fear of persecution in [...], on the basis of your non-Convention reason which is that you will be unable to find employment in [...] because the country is unstable with people protesting against social reform and opposing the government have been killed. In addition, people perceived to oppose the*

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## “Of the five LGBTI case files reviewed four of them were refused at first instance. Of these four cases, three of them were then allowed at appeal.”

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government have lost their jobs (PIQ).” As such, it fails to address that the applicant may also have Convention reasons, firstly his religious beliefs as a Jehovah Witness, and secondly the possibility of (imputed) political opposition to the government due to his political neutrality.

Further, whilst there is later an assessment in the *Material Facts Consideration* section of the risk that the applicant may face due to his religious beliefs as a Jehovah’s Witness, which prevent him from supporting the ruling regime, this section is silent on the assessment of the non-Convention reason previously raised in the *Basis of Claim*. Again, no consideration is given as to whether or not the applicant may qualify for international protection on the full set of relevant grounds.

As such it is not clear whether the decision-maker has properly understood and identified all the reasons for the basis of the applicant’s claim, and additionally whether or not they fall within the Refugee Convention criteria.

### ■ Decision-making in LGBTI claims:

Of the five LGBTI case files reviewed four of them were refused at first instance. Of these four cases, three of them were then allowed at appeal.

UNHCR identified one case [see also concerns raised about lines of questioning adopted in this interview above] which was problematic in its approach to credibility and assessment, as well as with regards to the assumption about the level of specificity and detail that should be provided and usage of terms such as “vague” and “implausible”:

*You confirmed you had no prior relationships with girls (AIR Q52). You were asked how this one occasion made you realise you were gay, given that you had not had any relationships with girls. You replied stating that you had spoken to [...] who said you were neither girl nor boy and after that*

*you never had feelings for girls (AIR Q53). Your response is not detailed and did not answer the question.*

*You were questioned about what you personally believed about being gay at the time you came to realise you were gay, you answered simply stating I thought it was good (AIR Q59). Additionally, you were asked how you felt after your realisation that you were gay, you again simply stated that you felt really good (AIR Q60). The lack of detail provided is inconsistent, vague and implausible given that this was a fundamental life change.*

UNHCR notes that “an absence of detail cannot be held against the claimant if little or no opportunity was given at interview to provide it or to clarify information which goes to the core of the claim”.<sup>31</sup> In this instance, if the interviewer considered that an insufficient response had been provided, then this should have first been put to the applicant during the course of the interview. However, at no point during the interview was this done. Further, in arriving at this conclusion the decision-maker failed to take into account other indicators of credibility in the applicant’s testimony, including those raised within the PIQ and undated statement, such as childhood behaviours indicating strong identification with the opposite gender, strong emotions towards another person of the same sex, and awareness of the need to keep emerging feelings a secret.<sup>32</sup>

UNHCR also had concerns about the application of the standard of proof applied in this case. In addition to the example raised above, the decision-maker also referred to other aspects of the applicant’s account, including claimed past relationships, as “implausible” due to perceived inconsistencies. This included, for instance, whether it was possible for the applicant to meet his former boyfriend on a daily basis considering his father escorted him to and from school and also worked

<sup>31</sup> See Home Office AI Assessing credibility and refugee status, version 9, January 2015, Section 5: Determining material facts and assessing credibility.

<sup>32</sup> UN High Commissioner for Refugees (UNHCR), Guidelines on International Protection No. 9: Claims to Refugee Status based on Sexual Orientation and/or Gender Identity within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees, 23 October 2012, HCR/GIP/12/01, available at: <https://www.refworld.org/docid/50348afc2.html>, see section V Procedural issues; Sexual identity or gender identity and Home Office AI Sexual Orientation in asylum claims, version 6, dated August 2016.

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**“It is considered that providing the applicant an opportunity to submit the PIQ in advance of his interview in this case would have allowed him to set out more clearly the elements of his claim, including in relation to his feelings and experiences of self-identification as LGBTI.”**

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at the school. However, the applicant was not challenged about this perceived inconsistency, despite it forming part of his account at interview, and in his PIQ and undated witness statement. The example below refers vaguely to the applicant not providing “enough evidence” in relation to his sexual identity during the asylum interview. This is despite the fact that the decision-maker did accept a number of aspects linked to the applicant’s claimed sexuality as “plausible and consistent”, indicating that the assessment as to whether the applicant was gay was considered to a higher threshold than the required “reasonable degree of likelihood.”

Together with the requirement for the aspect of his father’s reaction to be substantiated by external evidence, despite the fact that the applicant has been “internally consistent” about his father’s views and actions, this indicates that the claim may have been assessed against an inappropriate, high standard of proof. This is further supported by the spurious conclusion that the information is deemed “inconsistent and implausible” on the basis that it cannot be externally verified.

*Your father’s reaction is internally consistent, however the pictures and the threats made by your father cannot be externally verified.*

*“The above MNA cannot be externally verified and he is not known as the current MNA, having reviewed the following...Therefore, the information provided is deemed inconsistent and implausible, your father’s local influence is not considered plausible.*

*Based on your responses at your asylum interview, you have not provided enough evidence for me to accept this fact outright, therefore this fact is unsubstantiated and will be considered later in the benefit of the doubt.*

*It is noted that you met three out of five conditions for 339L however significant weight is put on the two conditions you have not met which outweigh the three conditions met. Therefore, your sexuality and threats made by your father are rejected.”*

This case was overturned at appeal. An internal Home Office minute notes that at the outset of the hearing, the Immigration Judge raised with the Presenting Officer that the Home Office had accepted various parts of the applicant’s account regarding sexuality as plausible, consistent and/or coherent and queried whether they would concede this aspect of the applicant’s claim. In his determination the Immigration Judge accepted the applicant’s account and found him to be credible.

Another case, of a gay man, in which the decision-maker referred to the applicant’s narrative as “vague and evasive”, failed to give adequate consideration to the indicators of “difference”, as well as guidance on struggles with “non-conformity” and “self-realisation”. This ultimately contributed to a flawed credibility assessment. In this case, a note on CID acknowledges that the PIQ was not due to be submitted until three days after the interview had been scheduled, however, there does not appear to have been an attempt to either receive the PIQ in advance of the interview or to re-arrange the interview to a date after the PIQ deadline. It is considered that providing the applicant an opportunity to submit the PIQ in advance of his interview in this case would have allowed him to set out more clearly the elements of his claim, including in relation to his feelings and experiences of self-identification as LGBTI.

The below is one of several passages of concern within the refusal letter:

*When asked what you personally believed about being gay when you came to realise you were, you*

*replied that you did not even know about being gay, that you did not know that it was real; therefore you kept it inside of you adding, “I thought it was not even normal for me to love a fellow boy” (AIR Q68).*

*However, it is considered inconsistent that you did not know about being gay and that it was real, if you kept it yourself. Furthermore, it is also considered inconsistent that you “felt disappointed” in yourself if you did not know it was real (AIR Q69). You claim that you would have got answers from your parents had they not died, however, again this is considered inconsistent to your claim that you did not tell your grandmother about your sexual orientation out of fear what she might think of you and that because you were considering yourself you did not tell her (AIR Q18).*

The statements provided by the applicant as part of his claim did not appear to be either “vague” or “evasive”. The testimony appeared to be consistent with the experience of “coming out” for LGBTI individuals, which can include coming to terms with his or her own LGBTI identity and/or the individual communicating his or her identity to others. Furthermore, prejudice and discrimination may make it difficult for people to come to terms with their sexual orientation and/or experiences of disapproval and of “being different” or the “other” may result in feelings of shame, stigmatization or isolation.<sup>33</sup> This was reflected in the applicant’s evidence.

Based on the above, the finding in this case, that *there is no degree of likelihood that [the applicant is] a gay man* is not considered to have met the appropriate standard of proof.

## RECOMMENDATIONS

UNHCR reiterates recommendation 6.5 from our comments on ‘Preliminary Information Form’ (PIF) Pilot, dated 5 March 2018.

In addition, UNHCR further recommends:

- ✓ Further monitoring of the use of the PIQ, including through first (operational business areas), second (OASC assurance and compliance team) and third (UNHCR and/or ICIBI) lines of assurance.
- ✓ Addressing within the FTP and Assessing credibility and refugee status AI:
  - how decision-makers should use the PIQ to address credibility concerns arising as part of the decision-making process;
  - that the PIQ should not be used as a means of undermining the claim, particularly where the applicant has not had the opportunity to clarify or explain any perceived inconsistencies.
- ✓ To clarify within the Assessing credibility and refugee status AI:
  - that the applicant should be given a reasonable opportunity to address any issues that may result in adverse credibility findings. Without that opportunity, adverse credibility findings based upon those inconsistencies will not be sustainable.

<sup>33</sup> UN High Commissioner for Refugees (UNHCR), Guidelines on International Protection No. 9: Claims to Refugee Status based on Sexual Orientation and/or Gender Identity within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees, 23 October 2012, HCR/GIP/12/01, available at: <https://www.refworld.org/docid/50348afc2.html>, see section V Procedural issues.





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## CONCLUSION

UNHCR welcomes the positive and ongoing collaboration between Home Office and UNHCR protection colleagues on issues relating to the PIQ. UNHCR was also pleased to identify instances of good practice, particularly with regards to Home Office efforts to identify safeguarding issues in advance of the asylum interview.

Despite some evidence of good practice, the audit identified areas in which procedural and decision-making standards would benefit from strengthening, including several which were recurrent from the PIF Review. Of particular concern were the issues identified with respect to the use of PIQ in assessing credibility, including with regards to application of the correct standard of proof and in LGBTI claims.

UNHCR recommends that the Home Office seek to address identified shortcomings through the revision of training and guidance on the PIQ, the further development of quality assurance for PIQ procedures and decision-making and the introduction of publicly available information for asylum-seekers, legal representatives and other service providers on PIQ procedures.

UNHCR would welcome the opportunity to work with the Home Office to address these issues and offers its full support for the implementation of these recommendations.