



# ASQAEM Checklists

Handwritten notes on a document, including the number 104607 and 1051-000035.

## Asylum Systems Quality Assurance and Evaluation Mechanism Project in the Central and Eastern Europe sub-region

Checklists compiled by  
Michael Andrew Ross  
ASQAEM Regional Coordinator

Vancouver, British Columbia, Canada  
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PHOTO: UNHCR / IVAN GRIGOROV

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## ASQAEM Checklists

280

ASQAEM Analytical Flow Chart

281

First-Instance Interview Evaluation Checklist

284

First-Instance Decision Evaluation Checklist

287

Refugee Status Determination File Preparation Checklist

288

Protection Claim Interview Checklist

289

Refugee Status Determination Written Decisions Checklist

290

Country of Origin Information Checklist

291

Judges' Checklist

292

Quality Assessment Checklist

293

Standards of Probability and Assessment of Risk Chart

294

Interpreters' Evaluation Checklist

# ASQAEM ANALYTICAL FLOW CHART



ASYLUM-SEEKER



THE PRE-INTERVIEW STAGE

- Initial Data Taken
- Medical Screening
- Access to UNHCR
- Access to Legal Assistance
- Access to File
- Adequate Time to Prepare
- Dublin Procedure



THE INTERVIEW

- Preparation by Adjudicator
- Setting the Boundaries
- Setting the Atmosphere
- Quality of Interpretation
- Relevancy & Thoroughness of Questions
- Confronting Contradictions (Including Country of Origin Information)
- Role of Counsel
- Recording the Interview



WRITTEN REASONS

- Lead In
- Allegations
- Identity
- Determination
- Analysis of CR Status
- Analysis of Subsidiary Protection
- Analysis of any Other Protection
- Conclusion

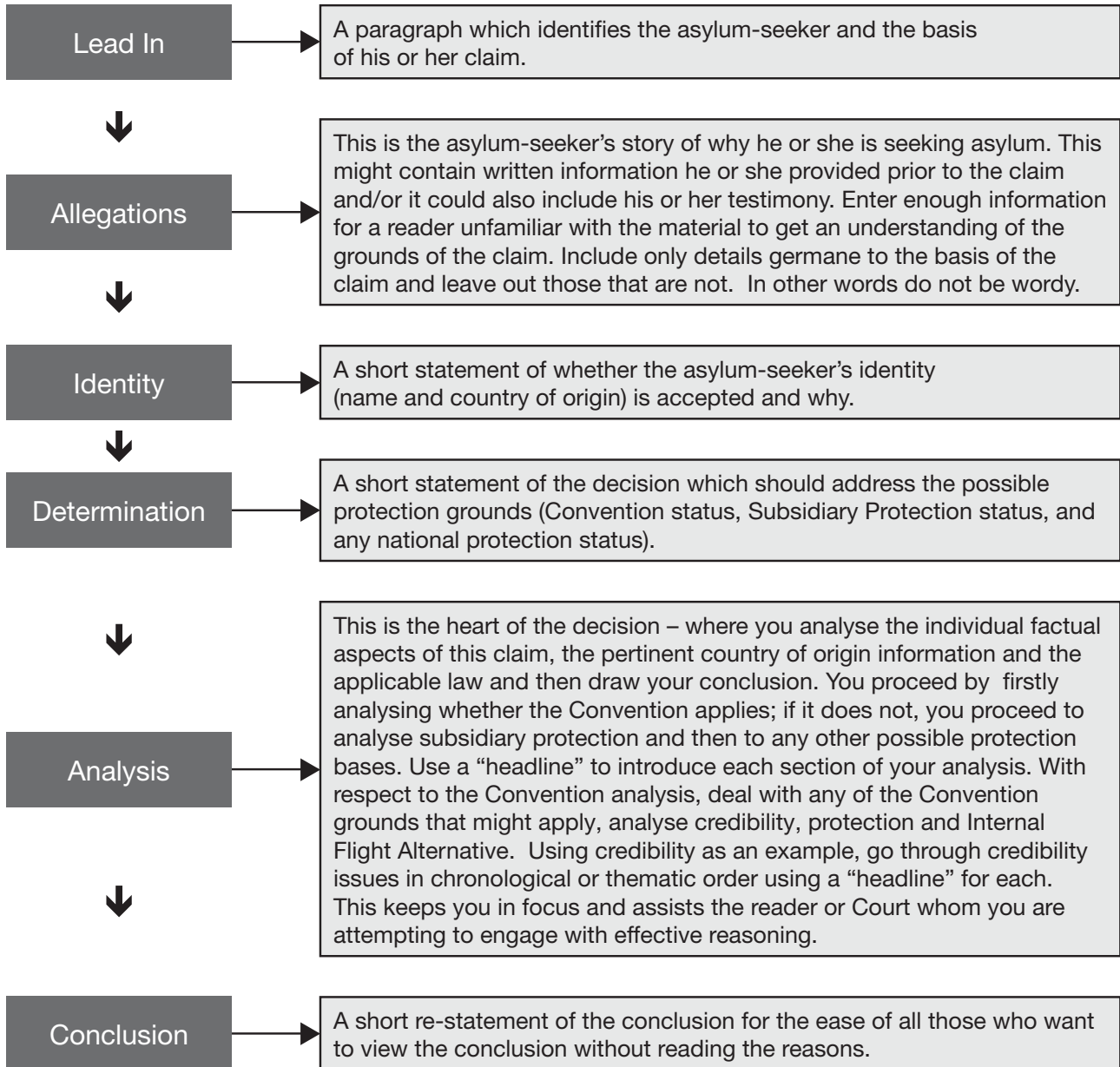


QUALITY ASSESSMENT UNITS

REFERRAL TO COURT



# REFUGEE STATUS DETERMINATION WRITTEN DECISION CHECKLIST



Although it might seem obvious, the purpose of reasons is to disclose how you arrived at your decision. They should be short and to the point. Your reasons should tell a story to the reader. He or she should be put in your place: Here is the story you were told, here is what you decided as to whether the asylum-seeker is in need of protection, and here are your reasons for arriving at that conclusion.

Many decisions suffer from being wordy, repetitive, and unnecessarily referring to aspects of the claim that are not important to the decision. Avoid unnecessarily quoting statutes – they can be footnoted – as they disrupt the flow. Long decisions are easier to write than short ones and that is because making your reasons crisp requires careful consideration of the issues.

Obviously, reasons should be long enough to capture the salient points which means that some reasons will, of necessity, be longer than others.



# INTERVIEW ASSESSMENT FORM

INTERVIEWER:		LEGAL ASSISTANT PRESENT:	
WORK UNIT:		PREVIOUS EVIDENCE SUPPLIED:	
UNHCR ASSESSOR:		INTERPRETER PRESENT:	
INTERVIEW DATE:		GENDER OF INTERVIEWER:	
START TIME (ACTUAL):		GENDER OF INTERPRETER:	
END TIME:		GENDER OF CLAIMANT:	
ASYLUM AUTHORITY FILE REF:		GENDER OF LEGAL ASSISTANT:	
NATIONALITY OF CLAIMANT:		INTERVIEW RECORDED/TAPED:	
LANGUAGE SPOKEN:		FEEDBACK PROVIDED:	

	CRITERIA TO BE ASSESSED	ASSESSMENT			COMMENTS
		YES	NO	N/A	
<b>PREPARING FOR/OPENING THE INTERVIEW</b>					
1	Was all the introductory information, including all relevant instructions, covered by the interviewer?				
2	Was it apparent that the interviewer had conducted relevant research for the interview by consulting:				
	i) Evidence submitted by the claimant prior to the interview such as statements made at entry point or initial screening or supporting documents provided?				
	ii) Country of origin information evidence?				
3	Were additional relevant documents asked for?				
<b>ESTABLISHING THE BASIS OF THE CLAIM</b>					
4	Were all the key elements of the basis of claim (who, what, why, when and where) clearly established?				
5	Was the presence or absence of harm/persecution feared by the claimant on return identified?				
6	Was the claimant's Convention reason(s)/lack of Convention reason(s) examined?				
7	i) Where applicable, did the interviewer establish whether or not the claimant sought protection in his or her home country?				
	ii) Where applicable, did the interviewer establish whether or not internal relocation was relevant and reasonable?				
	iii) Where applicable, did the interviewer put relevant country of origin information on sufficiency of protection or internal relocation to the claimant?				
8	Were European Convention on Human Rights issues fully explored?				
<b>THE TYPE OF QUESTIONING</b>					
9	Did the interviewer use 'open' questions to allow the claimant to bring his or her story to light?				
10	Did the interviewer use 'closed' questions to allow the claimant to give details of the basis of the claim?				
11	Were all questions asked appropriate and relevant?				

# INTERVIEW ASSESSMENT FORM

Page 2/3

	CRITERIA TO BE ASSESSED	ASSESSMENT			COMMENTS
		YES	NO	N/A	
<b>FOCUSSING THE INTERVIEW</b>					
12	Were all issues relevant to the facts of the claim investigated fully?				
13	Did the interview focus on the material facts of the claim?				
14	Did the interview follow a logical structure?				
<b>THE TONE OF THE INTERVIEW</b>					
15	Was the tone of the interviewer appropriate (having regard to the circumstances of the claimant as well as the need to establish the full facts of the claim)?				
<b>CONTROLLING THE INTERPRETER</b>					
16	Did the interviewer maintain control of the interpreter's conduct in the interview?				
17	Where there is reason to believe that either not all of what the claimant has said is being interpreted or the interpreter is adding to the claimant's account, did the interviewer seek clarification from the interpreter?				
18	Where the standard of the target language of the interpreter is poor, was this addressed by the interviewer?				
<b>EXAMINING INCONSISTENCIES</b>					
19	Was the claimant asked to explain all significant inconsistencies between the asylum interview and other information provided by the claimant?				
20	Was the claimant asked to explain all significant inconsistencies between the information provided by him/her and relevant objective country of origin information?				
<b>THE INTERVIEW RECORD</b>					
21	Does the interview record accurately reflect the interviewer's questions and the answers given?				
22	If the interview is not taped, is the interview record legible?				
<b>OTHER</b>					
23	As a result of any relevant issues that arose during the interview, was the claimant asked if he or she had further evidence to submit in support of his or her claim?				
24	Where appropriate, were breaks offered?				
25	If any difficulties arose during the course of the interview (e.g. disruptive children/apparent mental illness/apparent severe trauma etc), did the interviewer handle the situation appropriately?				



	CRITERIA TO BE ASSESSED	ASSESSMENT			COMMENTS
		YES	NO	N/A	
APPLICATION OF THE EU PROCEDURES DIRECTIVE					
26	i) Was the claimant informed about his or her rights and obligations in a language he or she is reasonably supposed to understand (Article 10 (1) (a))?				
	ii) Did the claimant receive the service of an interpreter (Article 10 (1) (b))?				
27	i) Did the personal interview take place under conditions which ensure appropriate confidentiality (Article 13 (2))?				
	ii) Was the interviewer sufficiently competent to take account of all personal or general circumstances of the application (Article 13 (3) (a))?				
	iii) Was the interpreter able to ensure appropriate communication between the claimant and interviewer (Article 13 (3) (b))?				
28	Does the record contain at least the essential information regarding the application as defined in Article 4(2) of the EU Qualification Directive (Article 14 (1))?				
29	If the national law permits a claimant to bring a legal adviser/counsellor to the interview, was the representative allowed to be present at the interview (Article 16 (4))?				
30	i) If the claimant was an unaccompanied minor, was his or her representative allowed to be present, and to ask questions or make comments at the interview (Article 17 (1) (b))?				
	ii) Did the interviewer have the necessary knowledge of the special needs of minors (Article 17 (4) (a))?				

**Instructions:**

With respect to the questions concerning the EU Asylum Procedures Directive, please note whether the Legislation has provided for higher or lower standards than those outlined in the Directive. Further, in the comment section please note whether there are any legal or procedural problems implementing the Directive.

**Comments/Learning points arising from the interview:**

# DECISION ASSESSMENT FORM

Page 1/3

ADJUDICATOR:		NATIONALITY OF CLAIMANT:	
ASYLUM AUTHORITY FILE REF:		UNHCR ASSESSOR:	
NATURE OF DECISION:		FEEDBACK PROVIDED ON:	

	CRITERIA TO BE ASSESSED	ASSESSMENT			COMMENTS
		YES	NO	N/A	
<b>INTRODUCTORY INFORMATION</b>					
1	Does the Decision state the correct name, date of birth, nationality and Asylum Authority reference number?				
2	Does the Decision accurately state the basis upon which the claim is made?				
<b>THE APPLICANT'S ALLEGATIONS</b>					
3	Does the Decision set out the key details of the Applicant's allegations:				
	Who?				
	What?				
	Why?				
	When?				
	Where?				
4	Does the Decision correctly identify the persecution or harm claimed by the applicant?				
<b>CREDIBILITY ANALYSIS</b>					
5	Does the Decision give due consideration to all material facts of the claim?				
6	Does the Decision state clearly and with reasons what aspects of the claim are:				
	Accepted and why?				
	Rejected and why?				
	Uncertain and why?				
7	Where applicable, did the Adjudicator explain why he did not accept the explanations of the applicant for inconsistencies and contradictions in the evidence?				
8	Does the Decision state clearly and with reasons the relevance of (or weight attached to) evidence in the Adjudicator's findings?				
9	Have the correct standard and burden of proof been applied?				
10	Where applicable, was the benefit of the doubt given to the Applicant?				
<b>LEGAL ANALYSIS</b>					
11	Where applicable, is the legal analysis of exclusion or cessation correct?				
12	Does the Decision identify the correct Convention reason(s) or the absence of a Convention reason?				
13	Is the Decision forward looking? Does it correctly identify any persecution or harm feared on return?				
14	Does the Decision provide an accurate analysis of effective state protection?				
15	Has the test for internal flight alternative been properly applied?				





# INTERVIEW ASSESSMENT FORM

CRITERIA TO BE ASSESSED	ASSESSMENT			COMMENTS
	YES	NO	N/A	
<b>TEMPLATES</b>				
16	Are the standard paragraphs used by the adjudicator appropriate to the claim (or if no standard paragraphs used was that appropriate)?			
17	Have the standard paragraphs used been tailored appropriately to fit the case?			
<b>COUNTRY OF ORIGIN INFORMATION</b>				
18	Does the Decision identify specific sourced objective country information that is relevant to the applicant's claim?			
19	Is the country of origin information current?			
<b>ECHR ANALYSIS</b>				
20	Has the Decision correctly identified European Convention on Human Rights Articles raised:			
	Explicitly?			
	Implicitly?			
21	Does the Decision state clearly and with reasons, in respect of each relevant European Convention on Human Rights Article whether or not the right in question will be breached directly and/or indirectly if the applicant were to be removed?			
<b>EU QUALIFICATION DIRECTIVE</b>				
22	Is the Decision in compliance with the EU Qualification Directive?			
<b>COMPLIANCE WITH THE EU PROCEDURES DIRECTIVE</b>				
23	i) If the asylum application was rejected, was it solely on the ground that the application was not filed as soon as possible (Article 8 (1))?			
	ii) Is the decision taken individually, objectively and impartially (Article 8 (2) (a))?			
	iii) Does the decision contain up-to-date information from various sources (Article 8 (2) (b))?			
	iv) Was the decision made by a decision maker who has relevant knowledge on asylum and refugee law (Article 8 (2) (c))?			
24	i) Is the decision given in writing (Article 9 (1))?			
	ii) If the application is rejected, are the reasons in fact and law stated and is information provided in writing on how to challenge a negative decision (Article 9 (2))?			
25	i) Was a personal interview omitted because the authority was able to take a positive decision on the basis of evidence available (Article 12 (2) (a))?			
	ii) Was a personal interview omitted because the authority already had a meeting with the claimant according to Article 4 (2) of the EU Qualification Directive (Article 12 (2) (b))?			
	iii) Was a personal interview omitted, because the authority considers the application unfounded and the circumstances in Article 23 (4) (a), (c), (g), (h) and (j) apply (Article 12 (2) (c))?			
	iv) Was a personal interview omitted because it was not reasonably practicable, particularly where the claimant was unfit or unable to be interviewed (Article 12 (3))?			

# INTERVIEW ASSESSMENT FORM

Page 3/3

	CRITERIA TO BE ASSESSED	ASSESSMENT			COMMENTS
		YES	NO	N/A	
<b>COMPLIANCE WITH THE EU PROCEDURES DIRECTIVE</b>					
25	v) Did the authority, when deciding on the application, take into account the fact that the claimant failed to appear for the personal interview (Article 12 (6))?				
26	i) Does the claimant have a right to free legal assistance in the case of a negative decision (Article 15 (2))?				
	ii) Does the claimant have a right to free legal assistance as defined in Article 15 (3), (5) and (6)?				
27	i) Did the authority refrain from appointing a representative for the unaccompanied minor for one of reasons stated in Article 17 (2) (a) - (c) ? If yes, for which reason?				
	ii) Was the decision prepared by an official who has the necessary knowledge of the special needs of minors (Article 17 (4) (b))?				
28	In the case of an explicit or an implicit withdrawal of an application did the Authority make a decision to either discontinue the examination or reject the application (Article 19 (1) and 20 (1))?				
29	In the case of an implicit withdrawal or abandonment of an application, under which provision of Article 20 (1) (a) - (b) was it taken?				
30	Was information about the claimant collected without disclosing information about him/her to the alleged actor(s) of persecution (Article 22)?				
31	Was the examination conducted pursuant to the accelerated procedure outlined in Article 23 (4)? If it was, please specify on which ground (Article 23 (4) (a) - (o)).				
32	Was claim deemed inadmissible according to Article 25? If it was, please specify on which ground (Article 25 (2) (a) - (g)).				
33	Was the concept of a first country of asylum applied in line with Article 26? If no, please explain why not.				
34	Was the concept of safe third country applied in line with Article 27? If no, please explain why not.				
35	Was the decision based on a nationally designated third country being a safe country, as defined in Article 30?				
36	Was the concept of a safe country of origin applied according to the provisions of Article 31? If yes, please specify on which ground (Article 31 (1) (a) or (b)).				

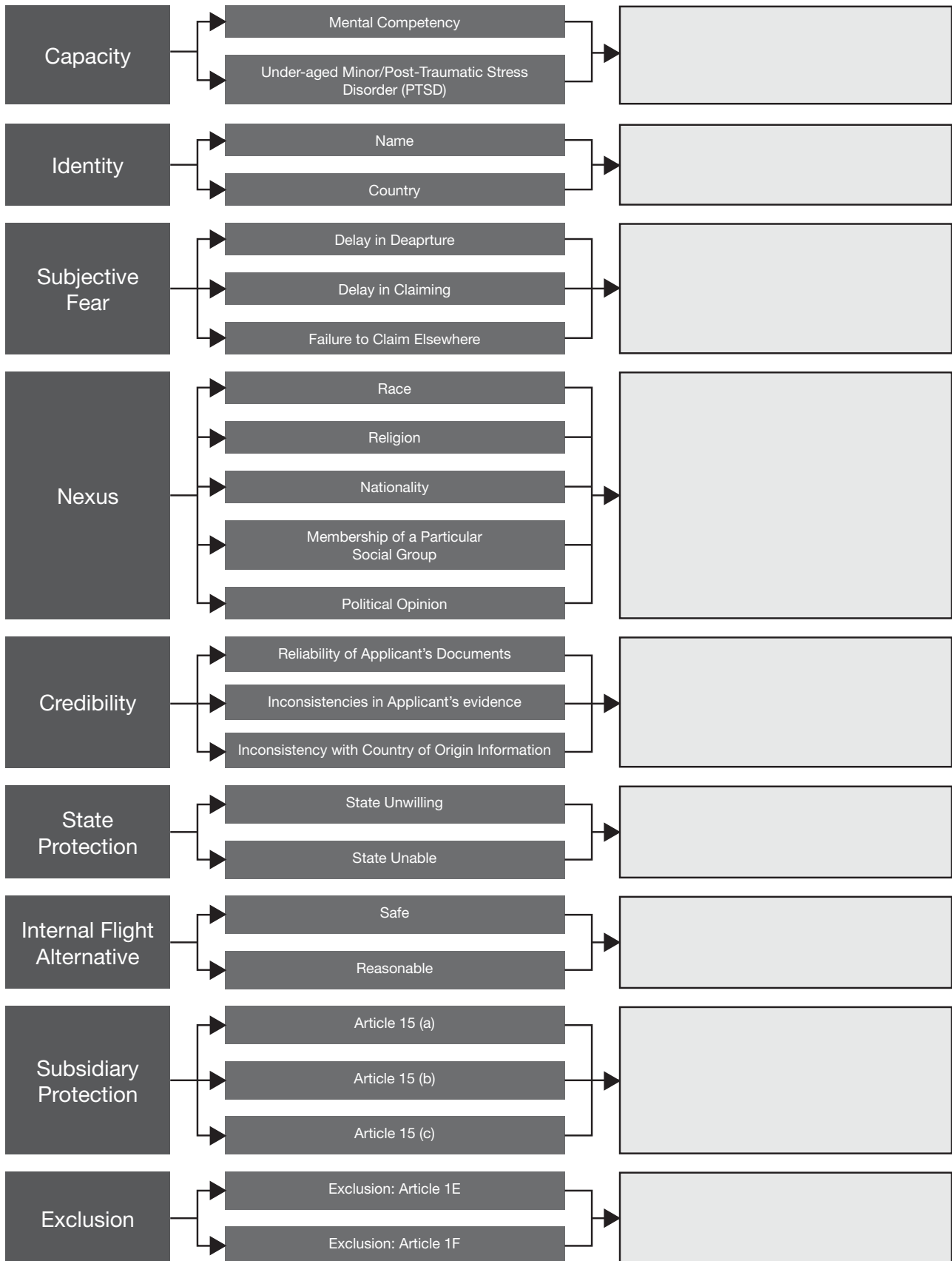
## Instructions:

With respect to the questions concerning the EU Asylum Procedures Directive, please note whether the Legislation has provided for higher or lower standards than those outline in the Directive. Further, in the comment section please note whether their are any legal or procedural problems implementing the Directive.

## Comments:



# REFUGEE STATUS DETERMINATION FILE PREPARATION CHECKLIST



# PROTECTION CLAIM INTERVIEW CHECKLIST

NAME	COUNTRY	CLAIMED GROUND(S)	INTERVIEW DATE
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<p style="text-align: center; margin: 0;"><b>PERSECUTION</b></p> <p style="font-size: small; margin: 0;">What problems have you faced or do you fear you will face if you return to your country?</p>	<p style="font-size: small; margin: 0;">Is it persecution or discrimination?</p> <p style="font-size: small; margin: 0;">Is it persecution or prosecution?</p> <p style="font-size: small; margin: 0;">Is it persecution or crime or a vendetta?</p>	
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<p style="text-align: center; margin: 0;"><b>AGENTS OF PERSECUTION</b></p> <p style="font-size: small; margin: 0;">Who is persecuting you?</p>	<p style="font-size: small; margin: 0;">Is it the State?</p> <p style="font-size: small; margin: 0;">Is it non-State agents?</p>	
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<p style="text-align: center; margin: 0;"><b>NEXUS</b></p> <p style="font-size: small; margin: 0;">Why are you being persecuted?</p>	<p style="font-size: small; margin: 0;">Race</p> <p style="font-size: small; margin: 0;">Religion</p> <p style="font-size: small; margin: 0;">Nationality</p> <p style="font-size: small; margin: 0;">Political Opinion</p> <p style="font-size: small; margin: 0;">Particular Social Group</p>	
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<p style="text-align: center; margin: 0;"><b>STATE PROTECTION</b></p> <p style="font-size: small; margin: 0;">Can you get protection?</p>	<p style="font-size: small; margin: 0;">Did you go to the Authorities for help?</p> <p style="font-size: small; margin: 0;">Have you gone to the Authorities before for help?</p> <p style="font-size: small; margin: 0;">Have others you know gone to the Authorities with similar problems?</p>	
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<p style="text-align: center; margin: 0;"><b>INTERNAL FLIGHT ALTERNATIVE</b></p> <p style="font-size: small; margin: 0;">Can you safely relocate?</p>	<p style="font-size: small; margin: 0;">Would you be safe getting there and living there?</p> <p style="font-size: small; margin: 0;">Is it reasonable to live there?</p>	
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<p style="text-align: center; margin: 0;"><b>SUBSIDIARY PROTECTION</b></p> <p style="font-size: x-small; margin: 0;">Article 15 of EU Qualifications Directive</p>	<p style="font-size: small; margin: 0;">Is there a "real risk" of "serious harm" due to the death penalty or execution?</p> <p style="font-size: small; margin: 0;">Is there a "real risk" of "serious harm" due to torture or inhuman or degrading treatment or punishment?</p> <p style="font-size: small; margin: 0;">Is there a "real risk" of "serious harm" due to serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict?</p>	
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## COUNTRY OF ORIGIN INFORMATION JUDICIAL CHECKLIST<sup>1</sup>



When assessing Country of Origin Information (COI) in the context of deciding asylum or asylum-related cases judges may find the following 9 questions useful:

### RELEVANCE AND ADEQUACY OF THE INFORMATION

1. How relevant is the COI to the case in hand?
2. Does the COI source adequately cover the relevant issue(s)?
3. How current or temporally relevant is the COI?

### SOURCE OF THE INFORMATION

4. Is the COI material satisfactorily sourced?
5. Is the COI based on publicly available and accessible sources?
6. Has the COI been prepared on an empirical basis using sound methodology?

### NATURE / TYPE OF THE INFORMATION

7. Does the COI exhibit impartiality and independence?
8. Is the COI balanced and not overly selective?

### PRIOR JUDICIAL SCRUTINY

9. Has there been judicial scrutiny by other national courts of the COI in question?

<sup>1</sup> This excerpt has been kindly provided by the IARLJ and its author, Dr. Hugo Storey. The full paper Judicial Criteria for Assessing Country of Origin Information (COI): A Checklist was presented at the Seventh Biennial IARLJ World Conference, Mexico City, 6-9 November 2006 by members of the COI-CG Working Party. The full article with supporting text may be found at: <http://www.iarlj.org/conferences/mexico/images/stories/forms/WPPapers/Hugo%20StoreyCountryofOriginInformationAndCountryGuidanceWP.pdf>



# REVIEW OF AN ADMINISTRATIVE DECISION

## A Judges' Checklist

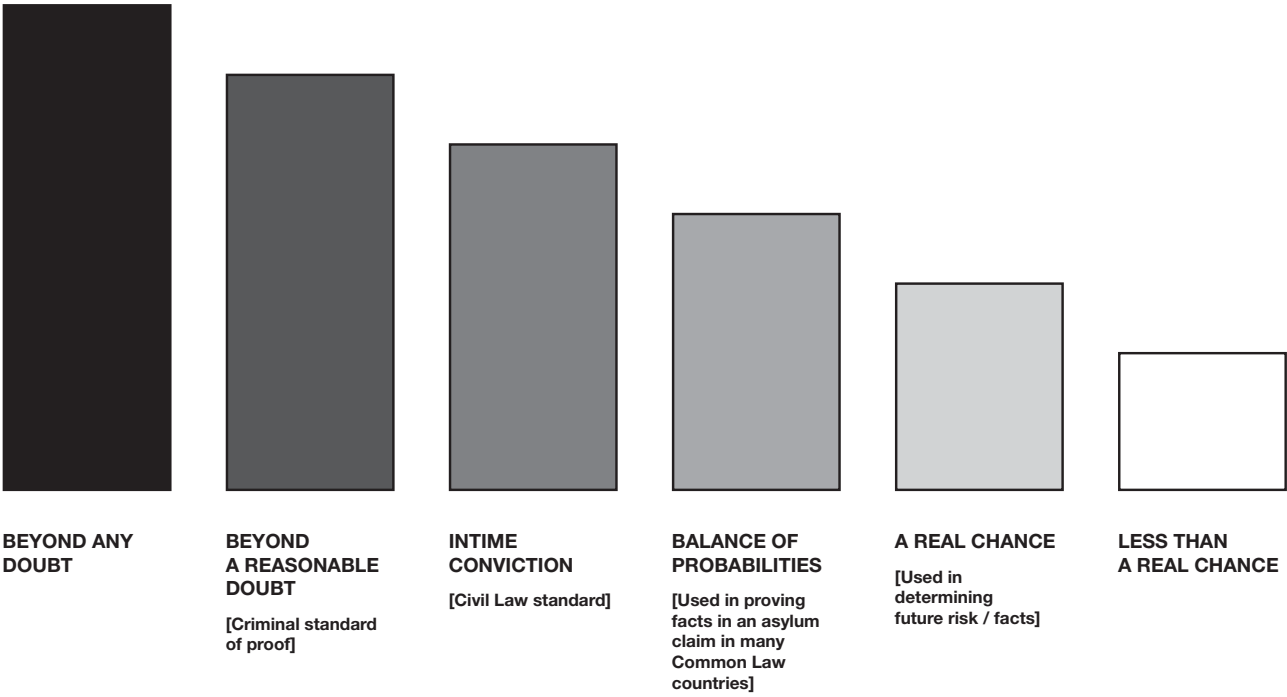
<b>CAPACITY</b>	Is the applicant competent or in need of a changed procedure? UNHCR Handbook: P 207 – 219; Asylum Procedures Directive: Articles 6 (2) - (4), 10 (3), 12 (1) - (3), 17 (1).
<b>IDENTITY</b>	Has the decision-maker identified the applicant? UNHCR Handbook: P 197; UNCHR Note on Burden and Standard of Proof in Refugee Claims (Note): P 10; Asylum Procedures Directive: Articles 11, 23 (4); Qualification Directive: Article 4 (2).
<b>FACTS</b>	1. Has the burden of ascertaining the facts been shared between applicant and the decision-maker? UNHCR Handbook: P 196, 203; Note: P 6; Qualification Directive: Articles 4 (1), 14 (3) (b); Asylum Procedures Directive: Articles 12 (1) - (4), 17 (1) (b), 34 (2) (a); 2. Have all the facts in the claim been canvassed, and where necessary, further explored?
<b>PERSECUTION</b>	Based upon the facts presented in the claim, has the decision-maker identified all possible instances of past persecution or serious harm? Convention: Article 33; UNHCR Handbook: P 45, 51; Note: P 19; Qualification Directive: Articles 4 (4), 9 and 17. Persuasive International Case Law: Applicant A v Minister (1997) 190 CLR 225, Judge McHugh J, par. 258; Refugee Appeal No.71427/99, New Zealand Refugee Status Appeals Authority, 16 August 2000; Ward v. Canada, Ward v Canada [1993] 2 S.C.R. 689; SB v Secretary of State for the Home Department Moldova CG [2008] UKIAT 00002.
<b>AGENTS OF PERSECUTION</b>	Has the decision-maker identified the Agent(s) of Persecution? UNHCR Handbook: P 65; UNHCR Position Paper on Agents of Persecution (Persecution), 14 March 1995: P 3; UNHCR, Interpreting Article 1 of the 1951 Convention Relating to the Status of Refugees (1 April 2001) (Interpreting): P 19; Qualification Directive: Article 6; European Court of Human Rights: H.L.R. v. France, Judgment of 29 April 1997, Application no. 11/1996/630/813, P 44; Committee Against Torture: Sadiq Shek Elmi v. Australia, Comm. No. 120/1998 (14 May 1999), P 65.
<b>NEXUS</b>	Has the decision-maker sufficiently analysed all possible nexii that might arise out of the facts in the claim? UNHCR Handbook: P 66 – 67; Qualification Directive: Articles 9 (3), 10 (2); Persuasive: Islam v Secretary of State for the Home Department; R v Immigration Appeal Tribunal ex parte Shah [1999] 2 A.C. 629; Fornah v. Secretary of State for the Home Department (2006).
<b>CREDIBILITY ANALYSIS</b>	1. Has the decision-maker identified and applied the correct standard of proof [balance of probability / preponderance of the evidence / more likely than not] including benefit of the doubt for establishing the facts of the applicant's story? UNHCR Note: P 3, 11 & 12; F. H. v. Sweden, App 32621/06, P 95; Matsiukhina and A. Matsiukhin v. Sweden, Judgment of 21 June 2005, Application no. 31260/04, P 95; N. v. Finland, Judgment of 26 July, 2005, Application no. 38885/02, P 155. 2. Were contradictions, inconsistencies and omissions put to the applicant for response? UNHCR Handbook: P 66, 67 & 199. 3. Were the contradictions inconsistencies and omissions central to the claim? UNHCR Note: P 9; Qualification Directive: Article 4 (5); Asylum Procedures Directive: Article 28 (2). Persuasive: Rajaratnam v. Canada (Minister of Employment and Immigration) (1991), 135 N.R. 300 (F.C.A.) 4. Were there any important, but "unasked", questions about the applicant's story?
<b>COUNTRY OF ORIGIN INFORMATION ANALYSIS</b>	1. Is the country of origin information clear, pertinent, authoritative and recent? Qualification Directive: Article 4 (3) (a); Asylum Procedures Directive: Article 8; ECtHR: Salah Sheekh v. Netherlands, 13 January 2007 App 1948/04, P 136. 2. Was country of origin information inconsistent with applicant's story put to him for comment? UNHCR Handbook: P 37, 42, 195, 204, 205; UNHCR COI Paper: February, 2004, P 23. 3. If the country of origin information is unclear does the decision-maker state why s/he prefers that country of origin information which supports / does not support the applicant's story?
<b>STATE PROTECTION</b>	Did the decision-maker consider the applicant's personal circumstances when evaluating whether there would be effective protection for him or her if he or she should return? UNHCR Handbook: P 98, 100; UNHCR, Interpreting: P 15; UNHCR, Note on International Protection, 7 July 1999: P 20; UNHCR Guidelines on International Protection: Internal Flight or Relocation Alternative within the Context of Article 1A (2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees (UNHCR IFA Guidelines), July 2003: P 15; Qualification Directive: Article 7; European Court of Human Rights: H.L.R. v. France, Judgment of 29 April 1997, Application no. 11/1996/630/813. Persuasive: Ward v. Canada, Ward v Canada [1993] 2 S.C.R. 689; Horvath v Secretary of State for the Home Department [9][2001] 1 AC 489, Lord Hope of Craighead at 497-498; Islam v Secretary of State for the Home Department; R v Immigration Appeal Tribunal ex parte Shah [1999] 2 A.C. 629.
<b>INTERNAL FLIGHT ALTERNATIVE</b>	1. Did the decision-maker identify an area in the home country where the applicant might be safe? UNHCR Handbook: P 91; Qualification Directive: Article 8 (1). 2. Did the decision-maker consider the applicant's personal circumstances when evaluating whether he or she would be safe in the internal flight alternative? Qualification Directive: Articles 4 (3), 8 (2); Asylum Procedures Directive: Article 8 (2) (a); AG v. Ward, Supreme Court of Canada, 30 June 1993 2 S.C.R. 689. 3. Did the decision-maker consider the applicant's personal circumstances when evaluating whether it would be reasonable for him or her to relocate to the internal flight alternative? Qualification Directive: Articles 4 (3), 8 (2), Asylum Procedures Directive: Article 8 (2) (a). See also: UNHCR IFA Guidelines: P 2, 4, 6, 9 – 30, 34, 35; ExCom conclusion no. No. 87 (L) – 1999; Executive Committee of the High Commissioner's Programme, Note on International Protection, A/AC.96/914, 7 July 1999: P 17; Interpreting: P 37; European Court of Human Rights: Salah Sheekh v. The Netherlands, Judgment of 13 January 2007, Application no. 1948/04, Par. 141. Persuasive: Thirunavukkarasu v. Canada (Minister of Employment and Immigration), Canada: Federal Court, 10 November 1993; Appellant S395/2002 v MIMA (2003) 78 ALJR 180 78 ALD 8.
<b>REFUGEE TEST</b>	Did the decision-maker correctly apply the refugee test – a "reasonable chance" of persecution upon return? UNHCR Handbook: P 42; Interpreting: P 10; Note: P 16, 17. Persuasive: United States Supreme Court: I.N.S. v. Cardozo-Fonseca, (1987) 467 U.S. 407 (USSC): "reasonable possibility"; United Kingdom House of Lords: R. v. S.S.H.D., ex parte Sivakumaran, (1988) 1 All E.R. 193 (U.K. HL): "reasonable degree of likelihood"; Canadian Federal Court of Appeal: Adjei v. M.E.I., (1989) 57 D.L.R. 4th 153 (Can. FCA): "serious possibility", "good grounds", "reasonable chance" and "reasonable possibility"; High Court of Australia: (1989) 63 ALR 561 (Australia HC): "real chance".
<b>SUBSIDIARY PROTECTION</b>	Did the decision-maker correctly analyse any "real risks" that an applicant might face "serious harm" upon return as those factors are set out in Articles 2 and 15 of the Asylum Qualifications Directive? See: International Covenant on Civil and Political Rights: P 7; CAT: P 3; European Convention on Human Rights: P 3; Charter of Fundamental Rights of the European Union: P 4; European Court of Justice: Judgment of the Court of Justice in Case C-465/07, Meki Elgafaji and Noor Elgafaji v. Staatssecretaris van Justitie, 17 February 2009; Persuasive: QD & AH v. SS for Home Department, June UK Ct of Appeal, 24 June, 2009 EWCA Civ 620; UKAIT: GS, July 23, 2009.
<b>APPLICATION OF THE LAW</b>	Did the decision-maker correctly apply the laws as set out in national legislation, EU Directives, Geneva Convention & Protocol and national and international court case law, particularly European Court of Justice & European Court of Human Rights?

# QUALITY ASSESSMENT CHECKLIST

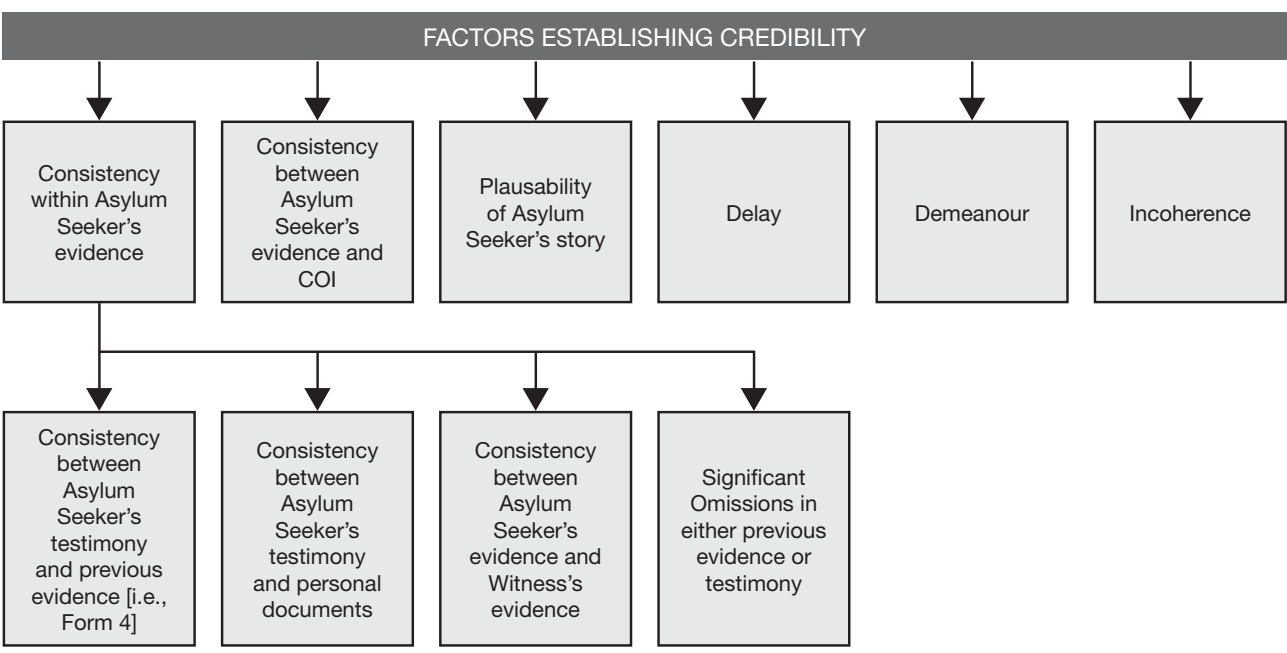
Establishing a Quality Assessment Unit	Top Management Support	<input type="checkbox"/>
	Regular Reports to Senior Management	<input type="checkbox"/>
	Set Quality Goals and Measurements	<input type="checkbox"/>
Initial Training	Thorough Initial Training	<input type="checkbox"/>
	Compulsory Assessment of New Decision-Makers after their Initial Training	<input type="checkbox"/>
Auditing	Meaningful Statistical Sample	<input type="checkbox"/>
	Regular Auditing across Regions	<input type="checkbox"/>
	Use of Objective Quality Standards Review Forms	<input type="checkbox"/>
	Consistent Interpretation of Statistics	<input type="checkbox"/>
	Regular Analysis of Information	<input type="checkbox"/>
Identifying and Acting on Concerns	Address Poor Performance	<input type="checkbox"/>
	Equal Emphasis on Quality and & Quantity of Decisions Rendered	<input type="checkbox"/>
	Properly Accredited Trainers	<input type="checkbox"/>
	Regular Review of Training Materials	<input type="checkbox"/>
Ongoing Training	Establish Mentoring where Appropriate with Senior Decision-Makers	<input type="checkbox"/>
	Formal Links between Auditing and Training Units	<input type="checkbox"/>



# STANDARDS OF PROBABILITY & ASSESSMENT OF RISK



# ASSESSING CREDIBILITY





# EVALUATION REPORT

Full name of interpreter:	
Name and title of supervisor:	

Rating <sup>1</sup>	1	2	3	4	5
Personal behaviour is appropriate to work for UNHCR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Respect for job requirements (according to ToR's)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Competence for the job	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Questioning and listening skills	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ability of problem-solving	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Managing relationships with refugees or colleagues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Remains neutral	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is capable of working in a team	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is keen to improve his/her interpreting skills	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maintains confidentiality and integrity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shows cultural sensitivity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The ability to meet deadlines / timelines	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
First language knowledge is adequate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Second language knowledge is adequate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Knowledge of additional languages	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

.....  
SIGNATURE OF THE SUPERVISOR

.....  
DATE

<sup>1</sup> 1. Not demonstrated  
4. Exceptionally demonstrated

2. Partially demonstrated  
5. Not applicable

3. Demonstrated