



CONDUCTING AN EFFECTIVE RSD INTERVIEW

UNHCR TRAINING – ARMENIA

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OBJECTIVE

To establish a model for the effective preparation and conduct of interviews in the context of refugee status determination

REFUGEE DETERMINATION - TWO STAGE PROCESS

1. Information gathering

- Case Preparation
- Interview

2. Eligibility assessment and Decision

- Analysis of Information (credibility analysis and legal analysis)
- Write decision with reasons

INFORMATION GATHERING



PART 1 – PREPARATION FOR THE INTERVIEW

DEVELOP A PLAN:

- 1) Review the registration form and other documents in the file. Note important facts and dates.
- 2) Consult relevant COI.
- 3) Identify preliminary issues that will be relevant to the determination of the claim.
- 4) Note any missing information that the applicant should be asked.
- 5) Noting inconsistencies that will need to be explored.

1) Review the file

- Review actively
 - Who does the applicant fear?
 - What does he fear?
 - Why did he leave his country?
 - What does he think will happen to him if he returns?
- Keep the Convention refugee definition in mind and any other guidelines and criteria

2) Consult the COI

- Search for reliable documents and validate the source
 - Originates from reputable persons or organizations
 - Recent publication date
 - Research methodology indicated
 - Sources provided
 - Information presented in objective and transparent manner
 - Corroborated by other documents

3) Identify Preliminary Issues

Determinative issues are those which must be explored in order to decide if the person is a Convention refugee.

For Example:

- Nationality
- Nexus to a Convention ground
- Prosecution versus persecution

4) Note Missing Information

Based upon the determinative issues identified in step 3, decide what factual information must be explored with the applicant to resolve the issues

5) Note Inconsistencies

- Concentrate on inconsistencies that are material to the claim
- When noting the inconsistencies, always cross-reference the location(s) in the file (for easy access during the interview)

WHAT ARE THE MATERIAL FACTS OF THE FOLLOWING CASE BASED ON POLITICAL OPINION?

1. Applicant joined XXX political party in 2003
2. Applicant became party secretary of local district
3. The majority of people in applicant's country are Catholic
4. Applicant is a practicing Catholic
5. XXX Political party was banned in 2005
6. Applicant married in 2004
7. Applicant jailed for political activities 2008-2012
8. Applicant is a mechanical engineer
9. After he was released from jail, applicant joined a secret cell of the party and helped distribute flyers critical of the government
10. In 2013 several members of banned XXX party were arrested for anti-government activities
11. Applicant flew to Armenia by way of Frankfurt where he spent 2 hours in the transit zone

PREPARATION FOR INTERVIEW: APPLICANTS WITH SPECIAL NEEDS

If applicant falls within a vulnerable group,
consider how best to approach the case

1. Minors
2. Women
3. Torture survivors
4. Elderly
5. Mentally ill

CASE STUDY ON 12 YEAR OLD GORAN

Goran – Is sent to Uncle in Armenia by father's colleague

Father – Human rights lawyer who has disappeared

Goran- does not have much knowledge of problem

Uncle – Has some contact with situation in home country

COI – situation deteriorating as authorities crack down on opponents and their families

How are you going to get enough information about this case to make a decision?

1. REFUGEE CLAIMS BY MINORS

Below the age of 18

Examples of persecution:

- Trafficking of children for prostitution
- Sexual exploitation
- Slave labour
- Under age recruitment
- Female genital mutilation
- Under age marriage

OBSTACLES TO OVERCOME AT THE INTERVIEW

- Child's age and emotional maturity may have an impact on the ability to provide information
- Fear
- Feeling helpless
- Shame
- Lack of adult to care for them (separated children)

HOW TO PREPARE FOR RSD INTERVIEWS WITH MINOR APPLICANTS

- Read UNHCR Guidelines on Child Asylum Claims to have a good understanding of the issues
- Consult with your interpreter before interview
- Ensure interview room is set up in child friendly manner
- Before interview have interpreter explain that child will be asked some questions and why and reinforce this at the start of the interview
- Be understanding and reassuring if the child shows signs of anxiety

2. REFUGEE CLAIMS BY WOMEN

Can be same types of claims as men OR can be gender claims

Examples of gender claims:

- Transgressing social mores
- Domestic violence
- Female genital mutilation
- Sexual violence
- Coerced family planning
- Trafficking

OBSTACLES TO OVERCOME AT THE INTERVIEW

- Fear
- Shame
- Humiliation
- Trauma
- Loss of confidence
- Because of what happened to them – may not want to talk about it or reveal the true extent of what they suffered

HOW TO PREPARE FOR INTERVIEWS WITH WOMEN AND GENDER CLAIMS

- General rule – Use female interpreters and EOs for gender claims. This cannot always be accommodated.
- Read UNHCR Guidelines on Gender Related Persecution so you have a good understanding of the issue
- Be aware of and responsive to any cultural or religious sensitivities or personal factors such as age and level of education

3. TORTURE SURVIVORS

Examples of torture methods:

- Beating, kicking, whipping, violent blows, forced constraint, suspension, burns, asphyxiation, sexual violence, amputations, detention
- Sensory and social deprivation, forced to witness torture, threats against family, forced to engage in practices against one's religion, forced nudity, mock execution

CONSEQUENCES OF TORTURE

- Distrust
- Disempowerment/ Helplessness
- Shame and humiliation
- Denial and disbelief
- Disorientation and confusion
- Rage
- Psychiatric issues

OBSTACLES TO OVERCOME AT INTERVIEW OF TORTURE SURVIVORS

- Memory loss and loss of concentration
- Avoiding talking about what happened as a coping mechanism
- Re-traumatizing through having to talk about what happened
- Responding in emotionally unpredictable ways

HOW TO PREPARE FOR INTERVIEWS WITH TORTURE SURVIVORS

- Become familiar with terminology that can come up during interviews – medical terms/ torture methods
- Do not treat the applicant as a victim but as a person
- Stay calm and neutral at all times
- **Be aware of body language** - gestures may be taken as accusatory or intimidating

PART 2 -THE INTERVIEW



INTERVIEWS - PURPOSE

- To give applicant opportunity to explain the basis of his asylum claim
- To give the Eligibility Officer (EO) an opportunity to probe the information provided in support of the claim
- To clear up any credibility issues
- To get a truthful account so EO can determine if applicant qualifies for refugee protection

BARRIERS TO COMMUNICATION

1. Interpreters
2. Cultural differences
3. Attitude
4. Trauma

1. INTERPRETERS – AVOIDING MISCOMMUNICATION

Before interview meet with interpreter:

- Brief interpreter about case
- Alert him to vulnerable applicants
- Make sure interpreter is prepared (glossary and note taking material)
- Remind him that he can ask for clarification at any time and should tell you if he makes a mistake

AVOIDING MISCOMMUNICATION

Speak directly to applicant and ensure that interpreter uses the same grammatical person as the speaker

**Example: What happened when you got to the demonstration?
DO NOT SAY – Ask her what happened when she got to the demonstration.**

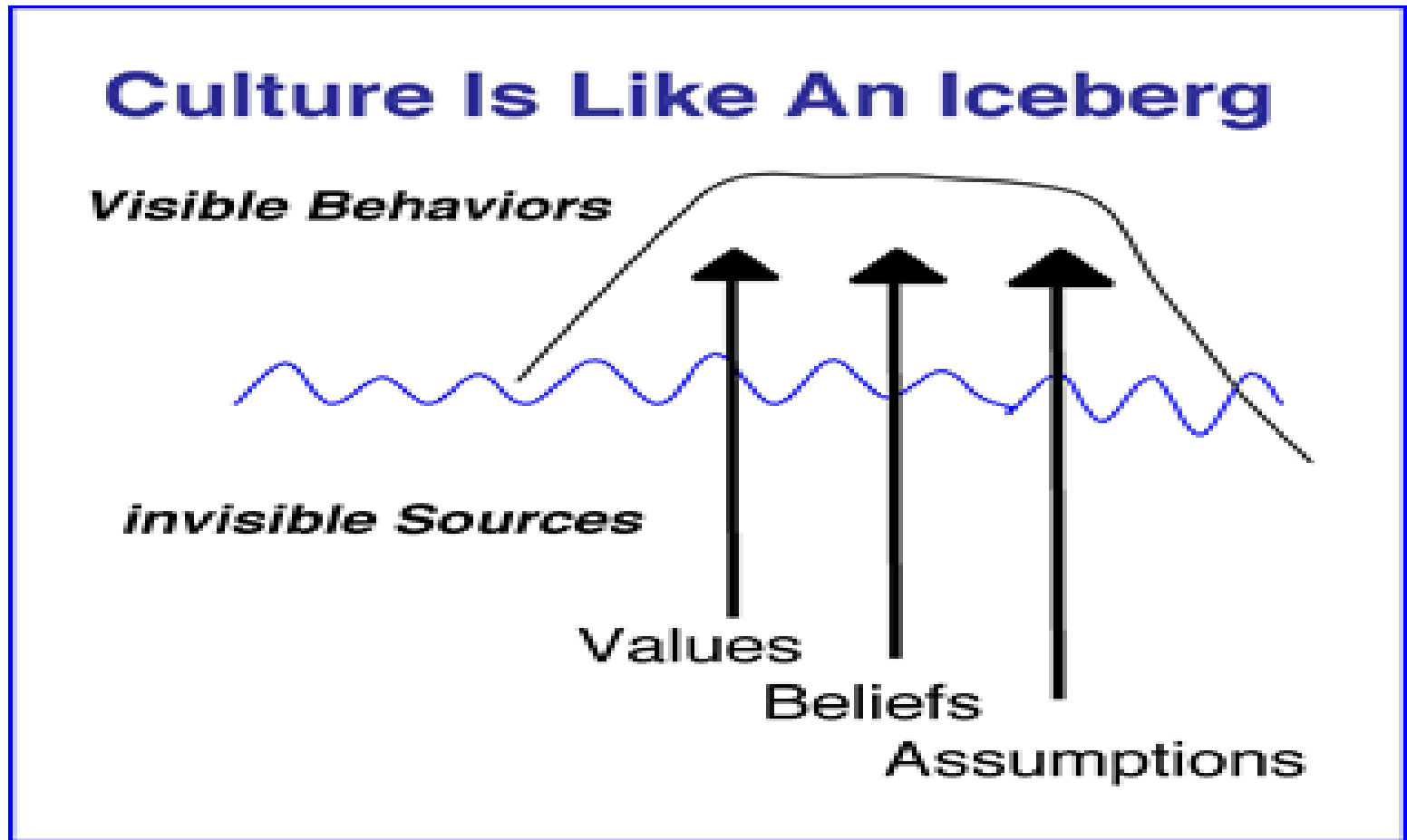
Use of the third person creates confusion and sometimes gives a different meaning

Example:

Applicant: My brother was arrested and I was beaten.

Interpreter: His brother was arrested and he was beaten.

2. CULTURAL DIFFERENCES



3. THE ADJUDICATOR'S ATTITUDE

- Conduct yourself in a neutral, non-judgmental manner
- Be respectful
- Be aware of body language

4. TRAUMA

Applicants may not want to say what happened to them.

Avoidance – coping mechanism

Talking about a traumatic event may lead to re-traumatization

EO – needs to be patient and reassuring

HALLMARKS OF A GOOD INTERVIEW

1. Trust
2. Active listening
3. Effective questioning
4. Good record keeping

1. GOOD INTERVIEWS – CREATE A TRUSTING RELATIONSHIP

Establish Trust



Not Distrust



HOW TO ENCOURAGE TRUST

Competence and Attitude:

- Good opening to interview
- Show you are prepared by your questions
- Show you are interested
- Be a good listener
- Treat applicant with respect
- Maintain calm and non-judgmental manner
- Be aware of body language

OPENING THE INTERVIEW

CHECK LIST:

- Introductions
- Confirm language and confirm that applicant and interpreter can understand one another
- Explain the interview process and procedure
- Confidentiality
- Duty to cooperate and obligation to be truthful and consequences of violation
- Advise applicant to alert Eligibility Officer if he does not understand any questions/ has difficulty with interpretation
- Ensure that applicant is well and ready to proceed
- Give applicant chance to ask questions at beginning

2. GOOD INTERVIEWS – DEMONSTRATE EFFECTIVE LISTENING SKILLS



CONSIDER THE FOLLOWING

The applicant describes how he escaped from prison and fled the country. The interviewer summarizes the applicant's statements and asks if he has understood correctly. This is called "reflecting back".

What are the advantages of this interview technique?

3. GOOD INTERVIEWS – DEMONSTRATE EFFECTIVE QUESTIONING SKILLS



TYPES OF QUESTIONS

1. Open Questions

Example: Tell me what happened after the President was assassinated.

2. Closed Questions

Example: What did the body guards do immediately after the shooting?

QUESTIONING TECHNIQUES

1. Reflecting back questions
2. Leading questions
3. Recall questions
4. Signposting
5. Sequencing or T-funnel technique

1. REFLECTING BACK

The applicant describes how he escaped from prison and fled the country. The interviewer summarizes the applicant's statements and asks if he has understood correctly.

Reflecting back:

- a) enables the interviewer to make sure he understood correctly and
- b) demonstrates to the applicant that the interviewer is listening carefully.

2. LEADING QUESTIONS

A question that suggests the answer -

Example: You saw the police arrest other demonstrators, didn't you?

Do not ask leading questions unless just confirming details

Example: You completed your education in 2006?

In general, why should leading questions be avoided?

3. RECALL QUESTIONS

Questions that return to areas that applicant has mentioned previously.

Example – You mentioned a few minutes ago about your brother's arrest. Could you tell me more about that?

When would you use recall questions?

4. SIGNPOSTING

Use headlines to take the applicant to the topic.

Example – I am now going to ask you about the July 2010 detention.

What is the advantage of this technique?

5. SEQUENCING

Generally, alternating between open and closed questions works best:

- Start with open- ended questions
- Bring out necessary detail and clarify points with closed questions

EXAMPLE OF SEQUENCING

Could you please tell me what happened when the police raided your house?

Did the police do anything else to you at that time?

And what happened after the police left?

At what time did the police leave your home?

Did you make a complaint?

TYPES OF QUESTIONS TO AVOID

Do not ask legal questions

Example: Were you persecuted because of your membership in a particular social group?

Do not ask the applicant about matters not within his personal knowledge

Example: How were the police able to find you?

Re-phrase this question to make it acceptable.

TYPES OF QUESTIONS TO AVOID

Do not ask judgmental questions

Example: Why didn't you go back for your children if they meant so much to you?

Do not ask multiple questions

Example: Did you see the soldiers running from the house or was it too dark to see?

DO NOT USE JARGON

Local expressions and jargon can confuse the applicant and the interpreter.

Does this make sense to you? What does the Canadian Eligibility Officer mean?

You say it was -30C and you had to pay a lot of money to bribe the border guard. I am trying to understand this in light of earlier testimony that you escaped with a couple of loonies and wearing a bunny hug.

I am trying to understand how you escaped with a small amount of money and a light jacket.

The Canadian one dollar coin is called a “loonie”

A “bunny hug” is a fleece jacket with a hood



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CREDIBILITY

Factors bearing on credibility – contradictions, inconsistencies, omissions, implausibilities, vague testimony

Significant credibility issues must be flagged and put to the applicant so that the applicant has a chance to explain at the interview.

DON'T BE TOO QUICK TO CONFRONT

- If applicant provides information during RSD Interview that is inconsistent with earlier statements or COI, don't be too quick to assume or confront.
- This can make the applicant defensive and deprive you of opportunity to get additional information to facilitate credibility assessment

TESTING CREDIBILITY AT THE INTERVIEW

Three Step Process:

1. Identify the issue (inconsistency/implausibility)
2. Confront the applicant
3. Give the applicant an opportunity to explain

KEEP CHALLENGES NEUTRAL

Avoid accusatory phrasing:

Example: You said one thing at the start of the interview and now you are saying something different. Which is the lie or are they both lies?

Be non-judgmental and neutral in phrasing the problem:

Examples:

“I am confused....”

“Could you help me understand...”

“There are a few facts I need to clarify ...”

“I am having trouble understanding your experience with....”

“What you are saying seems to be inconsistent with the report...”

LEAVE ROOM TO “COME CLEAN”

- Remember objective is to know the true facts - not to show applicant is a liar
- Judgmental or adversarial tone can lock applicant into a position that is difficult to back away from
- Leave applicant with a way to provide accurate account with dignity intact
- This can reinforce truthful disclosure for other problematic parts of account

KEEP YOUR COMPASSION

Many applicants make up or exaggerate refugee experiences, or are not truthful about some aspect of their claim.

Resentment and disappointment about being lied to can eventually **undermine instinct and effectiveness** in assessing credibility - and adjudicating refugee claims generally

Important to be sensitive to this dynamic. Try to detach. Don't personalize.

CLOSING THE INTERVIEW

- Ensure applicant has had an opportunity to present all elements of his refugee claim
- Ask applicant if he would like to add anything to the information provided
- Have interpreter read back the transcript to the applicant. If the applicant has clarifications or comments about some aspect of the evidence, these should be noted separately.
- Confirm and note any documents that the applicant has agreed to provide after the interview and the arrangements that have been made to provide this information.
- Explain the next steps in the process

4. GOOD RECORD KEEPING

Interview transcript should contain:

- Name of interviewer
- Name of interpreter and any other parties present
- Date and time that interview began and closed and any breaks or interruptions
- Precise questions asked and answers provided
- Relevant observations about behaviour

FINAL WORDS

Interviewing in the refugee context is an acquired skill.

There is no magic formula.

Practice becoming as skilled as possible.

Use questioning tools in combination with your common sense and instincts.

Good Luck!