

## Key Procedural Considerations on the Remote Participation of Asylum-Seekers in the Refugee Status Determination Interview

The COVID -19 crisis requires asylum/Refugee Status Determination (RSD) interviewing to adapt to new realities. Adapting the RSD response to an emergency context is crucial in order to identify and provide protection to persons of concern in line with procedural safeguards and, among other things, to prevent the creation of unmanageable backlogs<sup>1</sup> that could significantly impair the functioning of a system, both now and into the future.<sup>2</sup>

This paper sets out key procedural considerations on the remote participation of asylum-seekers in the asylum/RSD interview.<sup>3</sup>

### Remote Participation of the Applicant in the RSD Interview

In situations where an individual **RSD interview cannot be conducted in person** for reasons of safety and security of asylum-seeker and/or personnel, availability of resources, significant costs and/or other obstacles relating to travel or access to the asylum-seeker or public health imperatives, the **RSD Interview may be conducted remotely, through telephone or videoconference**.

While remote interviewing arrangements may, in certain instances, facilitate an efficient and expeditious assessment of refugee status claims, they should only be relied upon as an exceptional measure, given the challenges and limitations associated with them.

### KEY CONSIDERATIONS

#### BENEFITS OF CONDUCTING RSD INTERVIEWS VIA TELEPHONE OR VIDEOCONFERENCE INCLUDE

- Allows RSD interviews to take place when safety, security, public health or logistical difficulties present otherwise insurmountable obstacles.
- May reduce processing waiting time for asylum-seekers where RSD interviews cannot be conducted in person as a result of security risks, unavailability of resources, including specialized staff, and/or other obstacles.
- May reduce processing waiting time for asylum-seekers when used for the purposes of facilitating interpretation (i.e. where interpretation services in specific languages are not readily available at the location of the RSD interview).

<sup>1</sup> UN High Commissioner for Refugees (UNHCR), *Refugee Status Determination Backlog Prevention and Reduction*, January 2018, PPLA/2018/03, [www.refworld.org/docid/5b1a38374.html](http://www.refworld.org/docid/5b1a38374.html).

<sup>2</sup> As reflected in paragraph 62 of the Global Compact on Refugees (GCR), adaptability is one of the aspects of a quality asylum system, the others being fairness, efficiency and integrity. In its paragraphs 49, 74 and 85, the GCR moreover calls for adaptive protection and solution measures to specific contexts ([www.unhcr.org/gcr/GCR\\_English.pdf](http://www.unhcr.org/gcr/GCR_English.pdf)).

<sup>3</sup> For ease of reference, a checklist on remote interviewing is attached to the present document as an annex. Regarding the remote participation of interpreters in RSD interviews, see UNHCR, *UNHCR RSD Procedural Standards - Interpretation in UNHCR RSD Procedures*, 2016, [www.refworld.org/docid/56baf2634.html](http://www.refworld.org/docid/56baf2634.html).

- Reduces time and costs associated with travel by staff to remote locations.

## KEY CONSIDERATIONS

### CHALLENGES OF CONDUCTING RSD INTERVIEWS VIA TELEPHONE OR VIDEOCONFERENCE INCLUDE

- Difficulties in ensuring that the RSD interview is conducted in a confidential setting, in a safe and secure location, and that the necessary technology is available.
- Potential problems with the verification of the identity of the asylum-seeker particularly where the RSD interview is conducted by telephone.
- May hinder rapport building and interfere with the ability of the interviewer to obtain a full and truthful account from the applicant. Applicants may not feel comfortable disclosing issues of a personal or sensitive nature via telephone or videoconference and may have concerns regarding the confidentiality of communications.
- Difficulties in submitting additional documentary evidence during the RSD interview and examining the original documents to ensure that copies on the file are identical to the originals;
- Non-verbal cues indicating a lack of understanding of a question or problems with interpretation are more difficult to identify and address in a timely manner.
- Technological difficulties may result in impaired communication between the interviewer, interpreter and asylum-seeker, including questions and responses not being heard, and interviews being interrupted. Dropped calls or interruptions may cause frustration to all participants in the interview, hinder the ability and willingness of the applicant to provide a full account of their experiences and may result in processing delays.
- Technological difficulties may result in an incomplete or unintelligible record of the interview and may affect the storage and retrieval of the audio/video recording.

A thorough assessment of the feasibility of conducting the interview remotely, including from a security and integrity of process perspective as well as a technical point of view and its potential impact on the RSD process, should be undertaken prior to the implementation of a remote interviewing arrangement. It is important to ensure that staff involved in remote interviewing, including interpreters, have the appropriate skills and experience. The supervisor has the responsibility to ensure procedures and processes are in place for the implementation of the remote interviewing arrangements.

Every effort should be made to **ensure the following safeguards**:

### RECOMMENDED SAFEGUARDS WHEN CONDUCTING RSD INTERVIEWS VIA TELEPHONE OR VIDEO CONFERENCE

- The **technology used to support remote participation of an asylum-seeker in an RSD interview should permit clear, reliable and uninterrupted audio and video transmission**, as appropriate. The technology employed should be adequate to minimize the risks of having gaps in the communication and/or unrecoverable speech in the audio and/or video recording, where applicable. If reliable technical arrangements cannot be achieved, remote interviewing will generally not be appropriate as it may seriously compromise the effectiveness and accuracy of communication in the RSD interview.
- The technology used should also permit **confidential and secure communication**; due consideration should be given to **data protection**.

- The asylum-seeker should participate from a location arranged by the competent authorities in order to ensure that the RSD interview is conducted in a **safe, confidential and suitable environment**.
- The staff should ensure that appropriate explanations regarding the role of the staff member verifying the identity are provided to the applicant at the beginning of the interview.
- The Applicant **should be informed of the conditions under which the RSD interview is conducted and should receive an explanation of the confidentiality of the arrangement**. This should include conditions related to the role and responsibilities of the interviewing staff and interpreter, as well as the use and storage of electronic records of the RSD interview, where applicable. The Applicant should be given the opportunity, at the start of the interview, to ask any questions or express any concerns regarding the remote interviewing arrangements. If an applicant raises serious concerns about the use of a remote interviewing arrangement, which cannot be resolved by the staff and are likely to result in problems with disclosure during the interview, an assessment should be made in consultation with the supervisor regarding the concerns raised, their impact on the process, and the appropriateness of proceeding with a remote interviewing arrangement.
- The staff should **summarize and confirm their understanding of the applicant's account** and put on record any statement by the applicant regarding the **impact of the remote interviewing arrangement** and their ability to provide all relevant details during the interview. The possible impact of the remote interviewing arrangement on the willingness and ability of the asylum-seeker to provide a full account of their identity, activities and experiences should be considered and taken into account when assessing credibility.
- The interviewer must also be vigilant to **ensure that the quality of the audio and/or video transmission is adequate throughout the interview**, for the applicant as well as the interpreter. The interviewer should ask both to signal any problems with the sound and/or video quality or transmission that may arise during the interview and seek immediately to address them. Should technical problems compromising the quality and accuracy of the communication between the participants persist, the interview must be adjourned until appropriate technical arrangements can be put in place or until an in-person interview can be conducted.
- Observations regarding the interviewing conditions should always be recorded in the transcript.
- As applicable, RSD interviews conducted remotely should be **audio or video recorded in addition to written transcripts being maintained**. Wherever possible, it is recommended that the interview is simultaneously audio/video recorded in both the applicant's location and in the interviewer's location in order to ensure the integrity and quality of the recording. This will help ensure an accurate record of the applicant's statements, allow for a quick resolution to any challenges to the quality of the interview record or the interpretation, mitigate fraud and ensure interviewers and interpreters conduct themselves in a professional manner.
- The asylum-seeker should be given the opportunity to submit the originals of documents not already on file for verification and/or any additional documentary evidence within a reasonable timeframe following the conclusion of the RSD interview.
- Where remote RSD interviews are utilized, measures should be in place to facilitate the participation of legal representatives and other authorized third parties, e.g. support persons, legal or customary caretakers, guardians of child asylum seekers, or support persons for asylum seekers with mental health conditions or intellectual disabilities.<sup>4</sup>

<sup>4</sup> Regarding Legal Representation, please see UNHCR, *Unit 2.7 UNHCR RSD Procedural Standards - Legal Representation in UNHCR RSD Procedures*, 2016, [www.refworld.org/docid/56baf2c84.html](http://www.refworld.org/docid/56baf2c84.html).

- As a general rule, it is preferable to conduct remote interviewing through **video conferencing** rather than by telephone if both permit the same quality of communication. Video conferencing provides greater ability to ensure confidentiality of procedures and avoid undue interference in the process and helps with building rapport.

Conducting an RSD interview via video conference or telephone may not always be appropriate for **applicants who have specific needs or vulnerabilities**, in particular children, persons with hearing or visual impairment or mental health issues, or who are suffering the effects of trauma or torture. Careful consideration should be given to any negative impact that remote interviewing may have on these applicants' ability and willingness to provide a full and reliable account, as balanced against the need for an urgent protection intervention.

**UNHCR**

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### ANNEX: REMOTE RSD INTERVIEWING CHECKLIST

<b>Key Considerations</b>	<b>Is remote interviewing appropriate?</b>	<p>Asylum/RSD interview cannot be conducted in person for one or more of the following reasons:</p> <ul style="list-style-type: none"> <li>✓ safety and security of the asylum-seeker and/or personnel;</li> <li>✓ availability of resources;</li> <li>✓ significant costs or other obstacles relating to travel or access by the asylum-seeker to the interview location; or</li> <li>✓ public health imperatives.</li> </ul>
	<b>Is remote interviewing necessary/required?</b>	<p>Remote interviewing may be conducted in order to:</p> <ul style="list-style-type: none"> <li>✓ allow asylum/RSD interviews to take place when safety, security, public health or logistical difficulties present otherwise insurmountable obstacles;</li> <li>✓ reduce processing waiting times for asylum-seekers where interviews cannot be conducted in person (for one of the reasons listed above); or</li> <li>✓ reduce time and costs associated with travel of personnel to remote or otherwise difficult to access locations.</li> </ul>
	<b>Is remote interviewing feasible?</b>	<p>To ensure the integrity, fairness and efficiency of the interviewing process, remote interviewing arrangements should feature:</p> <ul style="list-style-type: none"> <li>✓ safe and secure interview locations for both personnel and asylum-seekers;</li> <li>✓ confidentiality of the interview setting; and</li> <li>✓ secure and reliable video/audio communication technology, as well as adequate technical support.</li> </ul>
	<b>Individual considerations</b>	<p>Remote interviewing may not always be appropriate for asylum-seekers with specific needs or vulnerabilities, as it may interfere with their ability and/or willingness to provide a full and reliable account. Remote interviewing arrangements should be considered on a case-by-case basis, in particular for:</p> <ul style="list-style-type: none"> <li>✓ children;</li> <li>✓ persons with visual or hearing impairments; and</li> <li>✓ persons with mental health conditions or intellectual disabilities.</li> </ul>

<b>Recommended Safeguards</b>	<b>Communication Technology</b>	<p>The communication technology employed should:</p> <ul style="list-style-type: none"> <li>✓ permit clear, reliable and uninterrupted audio and/or video transmission;</li> <li>✓ minimize risks of gaps in communication and unrecoverable speech in audio and/or video recording (where applicable); and</li> <li>✓ ensure confidential and secure communication.</li> </ul>
	<b>Interview Location</b>	<p>The interview should be conducted:</p> <ul style="list-style-type: none"> <li>✓ on the premises of the authorities/(and where applicable) UNHCR; or</li> </ul> <p>if not possible due to reasons of safety, security, public health or logistical difficulties:</p> <ul style="list-style-type: none"> <li>✓ on the premises of other authorities, (and where applicable) UN Agencies, international organisations or other UNHCR partners; or</li> <li>✓ in another appropriate location (e.g. the asylum-seeker’s residence, the office of his/her legal representative, etc.).</li> </ul>
	<b>Interview Setting</b>	<p>The interview should be conducted in a safe, secure and confidential environment.</p> <p>Where the interview is conducted in a location other than the premises of the authorities/ (and where applicable) UNHCR:</p> <ul style="list-style-type: none"> <li>✓ the personnel of the host authority/agency/organisation should be fully briefed on the confidentiality of the asylum/RSD procedures and the appropriate conditions for conducting an asylum/RSD interview;</li> <li>✓ the interview space should be free from interruptions, noise and the presence of any unauthorized individual; and</li> <li>✓ technical support should be available to address any problems with the quality of the communication.</li> </ul>
	<b>Identity Verification</b>	<p>The identity of the asylum-seeker must be verified at the beginning of the interview through one of the following methods:</p> <ul style="list-style-type: none"> <li>✓ presentation of identity documentation;</li> <li>✓ biometrics; or</li> <li>✓ confirmation by witness (personnel of hosting organisation, legal representative, etc.).</li> </ul>

	<p><b>Building Rapport and Facilitating Disclosure</b></p>	<p>To facilitate rapport building and encourage disclosure during the interview, the interviewer should:</p> <ul style="list-style-type: none"> <li>✓ explain to the asylum-seeker the conditions under which the interview is conducted, in particular the confidentiality of the remote interviewing arrangement, role and responsibilities of those present, as well as the use and storage of the interview record;</li> <li>✓ afford the asylum-seeker the opportunity to raise any questions or concerns regarding the remote interviewing arrangement and address them;</li> <li>✓ systematically summarize and confirm understanding of the asylum-seeker’s account;</li> <li>✓ record any statement by the asylum-seeker regarding the impact of the remote interviewing arrangement on their ability to provide information during the interview;</li> <li>✓ monitor the quality of the audio/video transmission throughout the interview;</li> <li>✓ ask all present in the interview to signal any problems with the sound and/or video quality and transmission, and immediately address them;</li> <li>✓ be vigilant about any signs indicating the asylum-seeker may experience difficulties with the remote interviewing arrangement (e.g. hesitation or time-lapse before answering, answers not related to the question, non-verbal cues indicating a possible lack of understanding of a question or a problem with the interpretation, etc.), and immediately seek to clarify them.</li> </ul>
	<p><b>Interview Record</b></p>	<p>In addition to written transcripts, audio/video recording of the interview is recommended to:</p> <ul style="list-style-type: none"> <li>✓ ensure the accuracy and integrity of the interview record;</li> <li>✓ facilitate resolution of challenges to the quality of the interview record or interpretation;</li> <li>✓ mitigate fraud; and</li> <li>✓ ensure interviewers and interpreters conduct themselves in a professional manner.</li> </ul>
	<p><b>Interpretation Arrangements</b></p>	<p>The above safeguards relating to the safety, security and confidentiality of the interview setting, as well as quality and reliability of communication also apply to remote <i>interpretation</i> arrangements.</p>
	<p><b>Legal Representation and Third Parties</b></p>	<p>The participation of legal representatives and other authorized third parties (e.g. support persons, legal or customary caretakers, guardians of child asylum-seekers or support persons for asylum-seekers with mental health conditions or intellectual disabilities) should be facilitated.</p> <p>At the start of the interview, the interviewer should:</p> <ul style="list-style-type: none"> <li>✓ verify the identity of the legal representative/other authorized third party;</li> <li>✓ explain the role of the legal representative/other authorized third party; and</li> </ul>

		✓ explain the duty to preserve the confidentiality of the asylum/RSD procedures.
	<b>Submission of Additional Information</b>	Asylum-seekers should be afforded the opportunity and informed how to submit additional information or documentary evidence in support of their claim following the asylum/RSD interview.