

Remote Interviewing: Practical Considerations for States in Europe

Introduction

The COVID-19 situation has presented a formidable challenge for States and also impacted on the functionality of national asylum and statelessness procedures.¹ In its April 2020 [Practical Recommendations and Good Practice Guide](#)² UNHCR identified measures for consideration to maintain asylum procedures and manage backlogs, including the use of remote interviewing modalities through videoconferencing or telephone as an alternative to face-to-face interviews. It has been observed that since the onset of the COVID-19 impact, the continuation of asylum procedures through remote means has not only allowed to maintain the functionality of national systems and avoid backlog accumulation but has also helped to avoid lengthy waiting periods for applicants. In addition, those living at distance to the interview facility did not need to rely on public transport, thus reducing unnecessary exposure to COVID-19 risks.

UNHCR itself has been using remote interviewing in Mandate-procedures to determine refugee status (RSD) in the COVID-19 context, but also prior to that, for example where security restrictions or access constraints precluded the possibility to conduct an interview face-to-face.³ However, **for UNHCR's RSD procedures, the conduct of remote interviews remains the exception rather than the rule.**

Also in national asylum procedures, face-to-face interviews should remain the preference while the use of remote interviewing modalities in Europe is not entirely new. Some States had already provided for this possibility prior to the COVID-19 situation, for example to overcome the need for travel where reception centres are remote, to conduct interviews with asylum-seekers in detention, in overseas territories or where particular interpretation needs require the remote participation of an interpreter with specialized language skills.

State practice examples:

The following are examples of the use of remote interviewing modalities by European States prior to the COVID-19 situation:

In the **United Kingdom**, where the interview is conducted by videoconference, the asylum-seeker, interpreter, legal representative and interviewing officer may be in separate locations. Case workers carrying out remote interviews have a single point of contact in case safeguarding issues arise, e.g. when an asylum-seeker is distressed, or issues arise regarding legal representatives or interpreters.⁴

Norway has been conducting interviews remotely via Skype since 2017 for example for asylum applicants in remote reception centres or for efficiency purposes with large caseloads. Similarly, since 2019, **Ireland** has

¹ Unless specified, the practical considerations for remote interviewing in Europe apply also to statelessness determination procedures, as applicable in the national context.

² UNHCR Regional Bureau for Europe, Practical Recommendations and Good Practice to Address Protection Concerns in the Context of the COVID-19 Pandemic, April 2020, available at: <https://data2.unhcr.org/en/documents/details/75453>

³ An example is Libya, where UNHCR conducts remote interviews due to security and access constraints. UN High Commissioner for Refugees, Key Procedural Considerations on the Remote Participation of Asylum-Seekers in the Refugee Status Determination Interview, 15 May 2020, available at: <https://www.refworld.org/docid/5e6e73794.html>. Furthermore, UNHCR in its procedural standards for Mandate-RSD also provides for the possibility of the remote joining of interpreters, see: UNHCR, Procedural Standards for Refugee Status Determination under UNHCR's Mandate, Section 2.5 Interpretation in UNHCR RSD Procedures, available at: <https://www.refworld.org/pdfid/56baf2634.pdf>. In 2003, UNHCR also issued operational guidance on conducting resettlement interviews through videoconferencing, available at: <https://www.unhcr.org/protection/resettlement/51de6e1c9/unhcr-operational-guidance-note-conducting-resettlement-interviews-video.html>

⁴ Government of the United Kingdom, Home Office, Guidance on Asylum Interviews for Home Office Staff, Version 7.0, 5 June 2019, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/807031/asylum-interviews-v7.0ext.pdf

sometimes carried out remote interviews in designated locations depending on the remoteness of applicants' accommodation. **Sweden** provides for the possibility of conducting a remote interview as well in such situations to avoid the need for the applicant to travel. **France** has conducted remote interviews for applicants in a vulnerable situation, notably where such vulnerabilities precluded the possibility of travel or made it difficult, e.g. due to health or family reasons. In **France**, the National Court of Asylum has also organized remote hearings for overseas departments.

A number of other European countries, such as **Armenia, Belgium, Bulgaria, France, Germany, Greece, Hungary, Latvia, Poland and Romania** have been using remote interviewing for particular situations, such as for asylum-seekers in detention or when an interpreter needed to be included remotely due to particular language requirements.

In view of the impact of COVID-19 on national asylum systems, some States have adjusted and/or scaled up the use of existing remote interviewing modalities, while others have started to use or consider this option afresh. This indicates an increasing possibility for the use of the remote interview modality beyond the current period, which could contribute to the further robustness of national asylum systems in the future. Yet, to harness such gains, it is essential to carefully plan for the roll-out or scale-up of the use of this *modus operandi* not only to probe efficiency, but also to ensure its use is appropriate and suitable in the individual case and meets all applicable procedural standards, even where this requires additional measures in view of the remote nature of the interview.⁵ Particular attention is needed so that the surge in the use of this modality, shaped by current extra-ordinary circumstances, does not result in a regress from procedural standards or use in unsuitable situations.

Drawing on its expertise and knowledge, UNHCR is well placed to support European States considering to introduce or scale up remote interviewing in developing and implementing good practices, including through operational training and quality assurance. UNHCR would welcome and stands ready to support States in this area, in coordination and collaboration with other stakeholders, such as EASO.⁶

Practical considerations for remote interviewing in European asylum systems

The personal interview is an essential part of an effective and fair asylum procedure as it provides the applicant with an opportunity to explain and substantiate comprehensively and directly to the determining authority the reasons for the application and gives the authority the opportunity to establish, as far as possible, all relevant facts and to assess the credibility of the oral evidence.⁷ Often, the applicant's own testimony during an interview is a primary source of information. While not advisable as a general measure, a personal interview may be omitted where the intention is to recognize claims. Here, the written application is deemed sufficient for the applicant's right to be heard and the interview is forgone.⁸

For the purpose of this guidance, remote interviewing is understood as an alternative modality to conduct the interview in national asylum procedures and describes a situation in which any of the essential participants, including the interviewer/adjudicator and note taker, applicant, legal representative or

⁵ Procedural safeguards in asylum procedures include the right of the applicant to information on the nature of the procedure and on his/her rights and obligations, including applicable deadlines, and relevant remedies; the right to prepare the application and seek legal advice and representation; the right to an interpreter; the right to be heard; the right to receive decisions that are properly reasoned, written, and in a language that the applicant understands; the right to access an effective remedy, and in cases where an appeal has no automatic suspensive effect, the right to seek the suspension of the enforcement of a negative decision and remain in the country of asylum until a final decision is rendered.

⁶ See EASO, Practical Recommendations on conducting the personal interview remotely, EASO practical guide series, April 2020, available at: <https://www.easo.europa.eu/news-events/covid-19-recommendation-remote-interviews-asylum-applicants>

⁷ See UNHCR's Discussion Paper Fair and Fast - Accelerated and Simplified Procedures in the European Union, 25 July 2018, p.10, available at: <https://www.refworld.org/docid/5b589eef4.html>

⁸ Ibid.

interpreter as applicable, participate in the interview through the use of remote means, such as telephone or videoconferencing facilities.

These practical considerations on conducting remote interviews or hearings in national asylum procedures in Europe build upon UNHCR's practical recommendations and good practices guide referenced above, and, as an addendum, aim at offering guidance (A) on the suitability of the use of remote interviewing and hearing modality, (B) on the application of procedural safeguards when using this modality, and (C) on measures to uphold the interview atmosphere, technique and quality during remote interviews. Furthermore, questions regarding the technology used and associated data protection questions are also considered (D).

Three overarching considerations:

1. The forward-looking nature of these considerations encourage the careful planning for the eventual introduction or scale-up of the remote interviewing modality, where this is considered, so as to ensure that the established modality provides for the below proposed suitability test in the individual case (section A), ensures procedural fairness (section B) and quality (section C). The careful testing and quality review of a pilot period is essential for the successful and sustainable roll-out of such a modality (sections C and D).
2. As the interview's main purpose is to enable the applicant to disclose relevant, reliable and as detailed as possible information, it is of general interest to use the interview modality most appropriate and suitable in a given case. The views and comfort of an applicant with the interviewing modality should therefore be actively sought and a primary consideration for the use of the remote modality.
3. The expression of a preference or discomfort with a proposed interview modality, or dis-consent with the use of the remote interviewing modus from the outset or during the remote interview, must not adversely influence the consideration of the asylum application or be interpreted as a violation of the duty to cooperate when the applicant is prepared to participate in a face-to-face interview. Where discomfort emerges during the interview, the interview should be interrupted and assessed whether and how it can be continued through this modality.

A. Suitability of remote interviewing modality

The suitability of the use of the remote interviewing modality needs to be assessed individually before the interview. This helps to avoid a later need for interrupting or even aborting an interview, which can create unnecessary anxiety for applicants and results in delays and duplicative efforts on the side of authorities, legal representatives and interpreters.

Determining the suitability for an asylum application: Remote interviews or hearings may not be suitable or appropriate for all asylum applications or reviews, for example, where operational contexts or specific needs, such as related to young age, sight or hearing impairment⁹, mental health or trauma, preclude that. For children, their best interests should be a key guiding factor.¹⁰ At the same time, some persons with specific needs may prefer remote interviews. It is therefore not advisable to exclude the possibility of remote interviews for entire categories of persons with specific needs. Rather, the views of the applicant, including when he or she exhibits a specific need, should be a primary factor to conclude whether a remote interview

⁹ Visual or hearing impairment of the legal representative should also be considered in such an assessment. In situations where any of the parties is visually or hearing impaired, remote interviews are typically not suitable, unless specific additional arrangements, such as for a sign interpreter, are made.

¹⁰ UN High Commissioner for Refugees (UNHCR), Guidelines on Assessing and Determining the Best Interests of the Child, November 2018, available at: <https://www.refworld.org/docid/5c18d7254.html>

or hearing is appropriate in the individual case.¹¹ Therefore, guidance for adjudicators is advisable to ensure that particularly careful consideration is given to the use of the remote interviewing modality where specific needs have been identified, and in case of doubt over its suitability, a face-to-face interview is proposed. The applicant can be given the opportunity to reversely opt for the remote modality if preferable.

- Where a remote interview is not suitable, face-to-face interviews should take place. Where only limited available slots for face-to-face interviews exist due to reduced scheduling for public health reasons, manifestly well-founded and unfounded cases, as well as cases exhibiting protection concerns should be prioritized. This includes cases, where a specific need requires such a prioritization to avoid a delay.
- Where a remote interview is not suitable and a face-to-face interview is not possible in the near-term, an omission of the interview, while not advisable as a general measure, may be considered where the intention is to recognize claims, i.e. in manifestly well-founded cases, in particular where the prolongation may compound the situation of the applicant in light of identified specific needs. In such cases, the written application may be considered as having afforded the procedural standard of the applicant's 'right to be heard' and the decision can be prepared without an interview.¹² Other cases, notably those that require further substantive information and clarifications, can usually not be assessed and prepared without an interview. In those cases, the suitability of using remote interviews needs to be carefully weighed against the impact of a prolonged waiting period for the concerned individual.

State practice examples:

In **Sweden**, where the possibility to carry out remote interviews via video is generally provided for, it is possible to conduct a face-to-face interview where the prevalence of a specific need, such as hearing or visual impairment, or other circumstance, renders the conduct of an interview via video difficult.

Similarly, in **Armenia**, where remote interviewing by phone has been limited in general, it has only been used for situations in which short interactions were required.

Collection of evidence during a remote interview: Remotely carried out interviews or hearings can in principle allow for obtaining of evidence or clarification of disputed evidence. Applicants and legal representatives need to be informed on how they can introduce new documents and evidence before, during and after a remote interview, e.g. by submitting them beforehand by email or mail, showing them through the video or reading them out where audio-only interviewing is pursued (see section B below).

State practice example:

In the **United Kingdom**, prior to the videoconference interview, asylum-seekers need to submit required documents by email or mail. In-person submission is possible when such interviews take place on Home Office premises.

¹¹ Such individual determination of the suitability of remote interviews is also important given potential shortcomings in the identification of specific needs prior to the interview.

¹² See, UNHCR's Discussion Paper Fair and Fast - Accelerated and Simplified Procedures in the European Union, 25 July 2018, available at: <https://www.refworld.org/docid/5b589eef4.html>; UN High Commissioner for Refugees (UNHCR), Aide-Memoire & Glossary of case processing modalities, terms and concepts applicable to RSD under UNHCR's Mandate (The Glossary), 2020, available at: <https://www.refworld.org/docid/5a2657e44.html> On the possibility to omit the interview, consult, as applicable, Article 14 paras. 2 to 4 of the EU Asylum Procedures Directive (recast). See, European Union: Council of the European Union, Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast), 29 June 2013, OJ L 180/60 - 180/95; 29.6.2013, 2013/32/EU, available at: <https://www.refworld.org/docid/51d29b224.html>. Where statelessness determination procedures apply, the interview should also only be omitted in these limited circumstances.

Technological or privacy-related considerations: An interview carried out remotely through telephone or videoconference can only be effective if the applicant has access to adequate technical equipment, the internet connectivity allows for the smooth functioning of the selected interviewing tool and the room from where the applicant is asked to partake in the interview is suitable for the purpose of an interview, i.e. provides for privacy, confidentiality and meets required hygiene and comfort standards. In addition, the applicants need to be sufficiently techno-literate for a remote interview to be effective and suitable. Preferably, interviews are carried out from the reception facility or other designated offices where these requirements can be met and where necessary support, e.g. by a support service or technical help, can be extended to an applicant. It is the responsibility of the national asylum authority, together with reception authorities as applicable, to provide for required equipment (laptop, ear phones, screens etc), sufficient connectivity, and adequate interviewing rooms that ensure privacy and confidentiality¹³ (see also section D below for technological and data protection considerations).

State practice examples:

In **Norway**, where the remote interviewing modality has been used prior to COVID-19, applicants are duly informed about the confidentiality of the interview and it is the responsibility of the reception authority to make available a suitable room that provides for privacy and precludes interruptions.

In **France**, the office space to be used for conducting interviews remotely needs to be visited by the national asylum authority (OFPRA) to ensure interviews can be conducted from there in confidentiality.

B. Applying procedural safeguards before, during and after

Asylum procedures using remote interviewing need to apply all procedural safeguards as when face-to-face interviews or hearings are held, both for regular and accelerated procedures.¹⁴ In particular, the rights to information and legal assistance are foundational for effectiveness and should be guaranteed throughout the procedure. The provision of advance **information** on the use of the remote interviewing modality, and seeking an applicant's view, are essential and can help to increase the comfort of an applicant during an interview and enhance cooperation and disclosure. Where applicants do not receive the required effective **legal assistance** due to a remote setting, this will only complicate and delay the process and can potentially lead to the lodging of unfounded subsequent applications.¹⁵ Eventually, also where interviews are carried out remotely, asylum applicants and their legal representatives must have a genuine opportunity to access **records**, and review and correct them.

Informing on the envisaged use of the remote modality: With the invitation to the interview or hearing, asylum applicants, eventual support persons, as well as their legal representatives should be duly informed on the planned use of the remote modality for conducting the interview. Such information can be provided in writing in a language the applicant understands. Applicants, or support persons or legal representatives on their behalf, should then be given the opportunity to raise eventual objections and provide reasons for their discomfort with the use of the remote modality. This allows for a (re-)assessment of the suitability of the use of the remote modality (section A) in view of the impact such discomfort may have. Such expressions

¹³ Article 15 paras. 2 and 3 of the EU Asylum Procedures Directive (recast) set forth that an interview shall take place under conditions which ensure appropriate confidentiality and ask that Member States shall take appropriate steps to ensure that personal interviews are conducted under conditions which allow applicants to present the grounds for their applications in a comprehensive manner. See, European Union: Council of the European Union, Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast), 29 June 2013, OJ L 180/60 -180/95; 29.6.2013, 2013/32/EU, available at: <https://www.refworld.org/docid/51d29b224.html>

¹⁴ See UNHCR Discussion Paper Fair and Fast - Accelerated and Simplified Procedures in the European Union, 25 July 2018, available at: <https://www.refworld.org/docid/5b589eef4.html>

¹⁵ Ibid.

of discomfort and concern over the potential impact of the remote interviewing arrangement, e.g. on the ability to disclose, should be included in the interview report where it is decided to pursue the interview nonetheless through a remote modality.

Advance information should be provided on:

- The rationale for conducting the interview remotely, available alternatives and eventual implications in case the applicant prefers not to have the interview conducted remotely, for example a potential delay in the procedure.
- The introduction of new documents and evidence before, during and after a remote interview, e.g. by submitting them ahead of the interview by email or mail, showing them through the video or reading them out where telephone interviewing is pursued.
- The set-up during the interview, e.g. on the technological means used and how to use it, as well as on technical support available to assist the applicant if need be, as well as on whether the applicant will be alone in a room or together with the legal representative and/or interpreter, or how otherwise the legal representative, interpreter or eventual support services will join the interview etc.
- The confidentiality of the interview and eventual data protection implications, e.g. on whether, why and how the interview will be recorded, for how long it will be stored and used (with reference to the applicable legal basis), as well as on possible privacy risks. The consent of the applicant shall be sought, notably where the interview will be recorded and stored, in particular where applicable data protection regulations so require. The applicant's consent may be given either by a written or oral statement or by a clear affirmative action and should be recorded in an interview transcript, as a note for the file or in an audio recording. Where applicable, the role of a support service may be required to facilitate the understanding and should be used to support the applicant's ability to provide informed consent.

In-room participation preferable where feasible: Even where interviews are carried out through telephone or videoconferencing, it may still be possible for legal representatives and/or interpreters to participate in the same room with the asylum applicant, notably where applicable public health requirements are met (e.g. room allows for physical distance, has glass partitions installed etc). Such in-room participation notably of the legal representative can be advantageous as it may increase the applicant's comfort during the interview. In certain situations, especially where an applicant has specific needs, it may be necessary to make particular arrangements for the in-room participation of a support service, e.g. for a guardian in the situation of unaccompanied children.

Videoconferencing is preferable to telephone interviews: Remote means of conducting interviews or hearings can include both, the use of telephone, only allowing for audio transmission, and videoconferencing. In general, the use of videoconferencing is preferable to telephone. The use of a video helps to verify the identity of the asylum applicant if required, to better build and maintain rapport during the interview, to confirm that participants are alone in the room for confidentiality reasons, or to show and submit evidence during the interview, if necessary. Videoconferencing also allows to better assess the well-being of the applicant during the interview, note non-verbal cues indicating a comprehension or credibility problem, and can help identify potential specific needs, in case they had not been identified earlier.¹⁶

Equality in participation: The integrity of asylum procedures is dependent on the systematic interaction between different participants, including the applicant, interviewer/adjudicator, legal representative and interpreter as applicable. To maintain this system and for reasons of procedural fairness, when conducting

¹⁶ While some national asylum systems provide for the documentation of non-verbal clues during the interview (which would require a video transmission) to feed into the interview record, caution in the use of non-verbal cues for credibility assessments is recommended. See also, UN High Commissioner for Refugees (UNHCR), Beyond Proof, Credibility Assessment in EU Asylum Systems: Summary, May 2013, available at: <https://www.refworld.org/docid/51a704244.html>

an interview through remote means, it is essential that all participants, including interpreters and legal representatives, are able to partake through the same means. For example, where a video interview is carried out, legal representatives and interpreters should be able to join the videoconference and not merely through telephone. In addition to procedural fairness considerations, equal participation is needed due to the pivotal role interpreters and legal representatives play in asylum interviews in facilitating the disclosure of information by applicants. This requires a trust relationship, which should be reinforced by allowing all participants to partake through the same means. Similar considerations apply to the participation of a dedicated note taker where applicable.

State practice examples:

Different models are currently being adopted in European States, often combining remote interviewing modalities with additional public health measures that still allow to some extent in-room participation.

In **Austria**, the Federal Office for Immigration and Asylum is conducting video interviews with the asylum seeker, the legal adviser, the interpreter and the case manager each in separate rooms. At second instance, the court currently retains in-person hearings while implementing measures to reduce the transmission risk, such as physical distancing, e.g. through phased hearing appointments.

In **Romania**, in those instances where video interviews are conducted, e.g. remoteness of interpreter or asylum-seeker in detention, it is preferred that the other parties attend from the same location and room. For the judicial phase of the asylum procedure, in the COVID-19 context, Courts started to introduce the possibility of organizing hearings remotely, through videoconference systems. In these cases, where feasible, the applicant, legal representative and interpreter participate from the same room, arranged by the General Inspectorate for Immigration with due regard for confidentiality.

In **Sweden**, asylum interviews resumed on 20 April 2020 but will until further notice be carried out by video due to the public health situation. The applicant and the Migration Agency case officer will be participating in the video meetings from separate rooms on the premises of the Migration Agency. The legal representative and interpreter of the applicant can choose to attend the meeting physically in the same room as the applicant or via phone. Unaccompanied children will have their legal representative as well as their guardian present in the room with them.

In **Switzerland**, the State Secretariat for Migration (SEM) has started to conduct interviews with the case manager, applicant as well as generally also the legal representative in the same room with respective public health measures (e.g. physical distance, glass panels) in place. Other participants (interpreter, note taker, representative of relief organization and sometimes the legal representative) are at the moment usually in a separate room in the same building and joined via audio-transmission.

Access to the interview record and possibility to verify and make corrections: The recording of an interview, where permissible by national law, does not replace the need for a written interview record. In UNHCR's view, however, the most effective manner of arriving at an accurate record is to audio or video record the interview, in addition to taking notes. Such a record can also help to resolve an eventual dispute over the content and address drawbacks emanating from the need to read a record back to the applicant and legal representative following the interview.¹⁷ For the recording of the interview, the informed consent of the applicant should be sought and documented, where applicable data protection regulations so require.

¹⁷ UN High Commissioner for Refugees (UNHCR), Building In Quality: A Manual on Building a High Quality Asylum System, September 2011, pp. 26-27, available at: <https://www.refworld.org/docid/4e85b36d2.html>

- A dedicated note taker, bound by confidentiality, can be particularly helpful in a remote interview as it allows the interviewer/adjudicator to give undivided attention to the interview quality, including to maintain eye contact and retain better rapport with the applicant throughout the interview. The interviewer/adjudicator should quality control the transcript to confirm it is in conformity with the questions asked and statements made.
- Where an interview is carried out via videoconferencing, this may further allow the use of an additional screen to project the transcript, which can help to better follow the interview and ask for immediate verification, clarification and correction as needed in the course of the interview. Certain videoconferencing technology allows to share the screen with all participants for example.
- Following the interview, the applicant and legal representative should have access to the record and be given the opportunity to ask for verification, clarification and to make corrections before the record is used to inform a decision. Where a written record is prepared and read back to the applicant, his or her signature should be obtained, e.g. by providing a print out and scanning facility or by permitting electronic signatures.
- The fact that the interview was conducted remotely should be indicated both in the interview report and in the decision concerning the application for international protection.
- Confidentiality of the interview requires to ensure that the technology used does not allow for individual recording of the interview. For this purpose, all participants should be required to leave any means suitable for recording other than the videoconferencing and telephone equipment used for the interview, e.g. mobile phones or tablets, outside the rooms wherefrom they participate in the interview.

Remote modality introduced as part of broader procedural adjustments: The COVID-19 situation has unsettled asylum procedures across Europe and elicited various adaptations. In such situations, it is essential that the entire system remains in sync: Where the use of remote interviewing and hearing modality is introduced in conjunction with other adjustments to the procedure, e.g. a heavier reliance on or frontloading of evidence gathering in a written procedure preceding a remote interview or hearing, it may be necessary to revisit the entirety of the procedure with a view to ensuring all applicable procedural safeguards are in place and not solely the remote interviewing part. In particular, deadlines should be closely examined to ensure that it is practically possible for the applicant and his or her legal representative to effectively prepare and participate, in particular where frontloading of activities may require a commensurate adjustment of the legal aid support to an earlier stage in the procedure.

State practice example:

In the **United Kingdom**, a case-management review (CMR) process, piloted at a limited scale and then rolled out nationally, seeks to frontload the judicial review process with standard directions being issued by the Court to appellants and their representatives that evidence and a skeleton argument must be produced within 15 days prior to the CMR and a subsequent review by the Home Office within 10 days. This is followed up by a triaging of the hearing process: 1) decision is made without the need for a hearing; 2) remote hearing via Skype takes place; 3) case is adjourned until a face-to-face hearing can take place.

C. Interview atmosphere, technique and quality

The applicant's statements often constitute the preponderant type of evidence, which may not always be corroborated or verifiable by other types of evidence.¹⁸ The interview is therefore a pivotal element in the asylum procedure contributing to the gathering of the necessary information relevant to the material facts

¹⁸ UN High Commissioner for Refugees (UNHCR), Summary of Deliberations on Credibility Assessment in Asylum Procedures, Expert Roundtable, 14-15 January 2015, Budapest, Hungary, 5 May 2015, available at: <https://www.refworld.org/docid/554c9aba4.html>, para. 28 and 66.

of a case, and for the assessment of the credibility of the applicant's statements. The personal interview can only achieve this, if it is prepared and conducted in a manner, and in conditions, which are conducive to the most complete and accurate disclosure by the applicant of the reasons for the asylum claim.¹⁹

Create a suitable atmosphere and conditions for the remote interview: The comfort of an asylum applicant during an interview is essential for disclosure purposes. The introduction and use of a remote interviewing and hearing modality may require revisiting the conduct of the interview and to make proactive efforts for a suitable interview atmosphere. This can include for example a rapport-building introductory element to an interview inquiring about the wellbeing of the applicant in particular in light of the COVID-19 situation or the introduction of regular breaks, in particular for longer interviews or hearings. As noted in section (A) above and linked to the need for a suitable interview atmosphere, it is essential that applicants can attend their interview in a room that provides privacy, a quiet environment that aids concentration and is comfortable.

Impact of remoteness on the interview technique: When using a remote interview modality, particular attention should be paid to maintaining a good rapport with the applicant throughout the interview and remaining open and genuinely receptive to the information provided by the applicant. The way the interview is conducted should make it possible for applicants, considering their individual circumstances, to disclose as much relevant and reliable information as possible²⁰ and to substantiate their claim even if they have difficulties to do so. Due to the potential impact the distance created by a remote interview can have on the quality of the interview technique, such as due to eventual emotional detachment²¹, and the potential ensuing consequences on assessing the credibility for example, it is advisable to mitigate against such impact for example through:

- Training on the use of the remote modality and the interviewing technique for the interviewer/adjudicator, as well as for interpreters.
- Sharpening awareness of potential pitfalls introduced or reinforced by remoteness, such as credibility fatigue or biases for example.
- In addition, in particular at the onset of rolling out a remote interviewing modality, it is advisable to redouble efforts to prepare interviews, including for example by using an interview planning tool²², which allows to focus the interview and provides clarity for its conduct. Such preparation and the use of interview planning tools can further help to avoid unnecessarily prolonged interviews.

Monitor and review interview quality: Where remote means of interviewing and hearing are either newly introduced or scaled up, it is advisable to tie it to a quality initiative at least for a pilot period. The standard use of interview evaluation forms can also be a helpful tool.²³ When used as a self-assessment *and* third-party assessment tool and ensuing peer-to-peer evaluation, the use of such evaluation forms can further be useful to discover potential inadvertent biases. The learnings from a quality initiative during a testing period will then allow for a more successful and sustainable overall roll-out.²⁴ A testing period is generally deemed essential to probe the suitability, feasibility and scalability of the remote modality from a procedural fairness

¹⁹ Ibid, para. 67.

²⁰ Ibid, para. 74. See paras. 75 to 86 for a discussion on various interviewing models.

²¹ See also, UNHCR, Beyond Proof, Credibility Assessment in EU Asylum Systems: Summary, May 2013, pp. 79-80, available at: <https://www.refworld.org/docid/51a704244.html>

²² Such tools can be simple matrices identifying relevant topics for the interview, already available information per topic, identification of information gaps, needs for additional information, clarification or confirmation for consistency purposes.

²³ See for example, EASO Quality Assurance Tool, 2019, available at: <https://www.easo.europa.eu/sites/default/files/EASO-Quality-Assurance-Tool-EN.pdf> which contains in the annex an example of such an evaluation form. Indicators used in such forms, would need, however, to be adapted to a remote interview.

²⁴ See for example Immigration and Refugee Board of Canada, Videoconferencing in Refugee Hearings, Program Review, 2004, available at: <https://irb-cisr.gc.ca/en/transparency/reviews-audit-evaluations/Pages/Video.aspx>

and technical perspective. A remote modality designed for limited use in specific situations only, such as detention, may require a holistic review and testing before it is used as a more general interviewing modality.

D. Technical considerations and data protection

These technical and data protection considerations aim to support the suitability assessment of using remote interviewing (section A) and ensuring the application of procedural safeguards (section B). In addition, they aim at contributing toward a remote interview modality that strengthens the robustness of national asylum systems, notably through a testing period and by investing in a sound technological solution.

Technical considerations: From a technical perspective, it is essential to ensure sufficiently strong and reliable connectivity, availability and accessibility of appropriate equipment to participate in a remote interview (such as a laptop, earphones etc) and to reconfirm the techno-literacy of the applicant and/or a support person where applicable, in order to ensure his or her comfort to pursue with a remote interview. To increase comfort with the remote interviewing modality, it could be considered to do test runs or provide online tutorials. Fairness considerations should guide the choice of technological systems used as the audio- or videoconferencing tool or software needs to be available and accessible to, and useable by all participants to an interview, notably the legal aid providers and interpreters (see section B above). Another important consideration informing the choice of the system to be used relates to data protection.

Data protection considerations: When using remote interviewing modalities, due regard should be given to data protection considerations. These include a secured baseline connection; opting for platforms and tools that comply best with privacy standards²⁵, e.g. encryption, password protected meetings etc; carrying out rapid data protection assessments when elaborating a new tool or envisaging the use of an existing one in order to assess, prevent or mitigate eventual data protection risks; establishing SOPs for remote interviews addressing recording, transfer and storage of data; or minimizing the transmission of individual data through such platforms, for example for evidence and identification purposes. In particular where the interview is recorded and stored, the consent of the applicant should be sought as outlined above.

The participation in a remote interview from home should be exceptional due the additional concerns regarding confidentiality this may raise. The prior conduct of a risk assessment for such exceptions is advisable. Where interviews are carried out or participated in from home, the use of private equipment should be avoided as much as possible to ensure that corporate technological safeguards (e.g. malware protection etc) are in place. Records, where provided for, should only be made by the representative of the asylum authority and must not be made and stored onto a private device. All parties exceptionally conducting or participating in an interview from home need to ensure that they have full privacy in the room used for the interview and no recording device available for reasons of confidentiality of the interview.

State practice examples:

In **Italy**, on 20 April, the National Asylum Commission issued a circular inviting the Territorial Commissions to resume case discussions remotely and providing detailed procedural instructions to ensure confidentiality and data protection. The circular notes in particular the importance of using a videoconferencing system that is able to guarantee a high level of security and confidentiality of data and which is gradually being deployed to all Territorial Eligibility Commissions.

²⁵ Such standards are laid out in ICRC, The Engine Room and Block Party, Humanitarian Futures for Messaging Apps, January 2017, available at: <https://www.icrc.org/en/publication/humanitarian-futures-messaging-apps>

In **Romania**, remote interviewing has been used prior to the COVID-19 situation for situations where the interpreter is located remotely or the asylum-seeker is in detention. The online system used is secured to ensure confidentiality. **Other countries** where remote interviewing has been in use prior to the COVID-19 situation (see pp.1-2 above) are also using secured connections or browser-based services to ensure confidentiality.

Technical problems & standby support for all participants: The interviewer/adjudicator should be vigilant to ensure that the quality of the transmission is adequate throughout the interview and should encourage all parties to the asylum interview to signal problems over quality of the transmission as soon as they occur without negative repercussions. To smoothen the conduct of a remote interview, it is advisable to have a technical support person available to facilitate the proceedings and assist in setting up the interview and trouble shoot any problem that may arise for any of the participants.

Testing period and investment in sound technological solution: Technical difficulties impair the communication between parties during an interview, reduce the quality of comprehension, and may cause interruptions of the interview. This can be frustrating for all parties and may impact on the interview atmosphere and comfort of the applicant. They may further impact on the quality of an eventual interview recording and storage. For all these reasons, a testing period, as noted in section (C) above, can help to ensure a system is technically sound for broader roll-out and avoid technical errors as much as possible, and hence reduce the risk of potential interruptions or abortions of scheduled interviews.

State practice example:

In the **Netherlands**, the national asylum authority has started to resume asylum interviews through the remote interviewing modality in addition to gradually restarting face-to-face interviews (beginning with unaccompanied minors). As the use of this modality is new to the asylum system in the Netherlands, a slow and incremental approach has been adopted, which allows to address arising challenges on an ongoing manner before further expanding the use of this modality.

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