



Informationsverbund
ASYL & MIGRATION

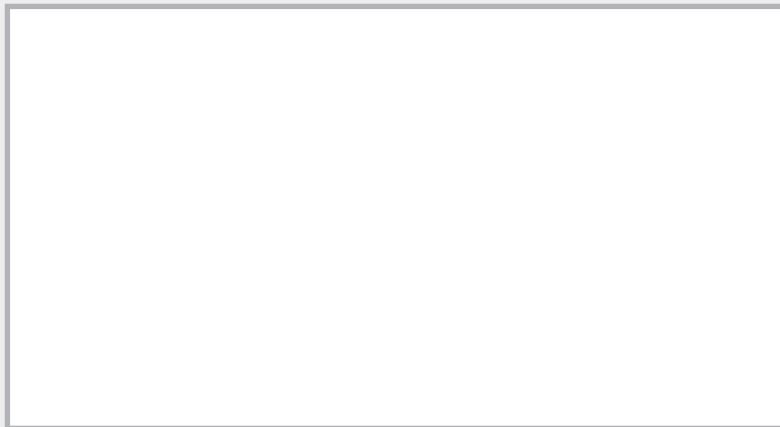
Die Anhörung im Asylverfahren – englische Übersetzung

The Interview: a key part of the asylum procedure

Advice for asylum seekers in Germany

3rd Edition 2015

You received this leaflet from:



In Kooperation mit



About this leaflet

We would like to use this leaflet to give you some advice about the interview in your asylum procedure. The interview is the most important opportunity you have to explain why you fled your home country. That is why it can determine whether you will receive protection in Germany. And that is also why you should prepare yourself well for the interview.

We are only able to offer you some general pieces of advice in this leaflet. This is why it is best if you see a lawyer before the interview, or if you go to an **advice center** for refugees. There are a number of independent organizations in Germany that advise refugees for free. You may receive information about these advice centers when you submit your asylum application. If not, please ask the social worker in your temporary accommodation.



Impressum

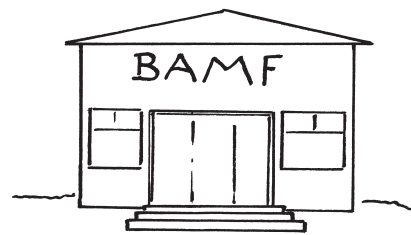
Herausgeber und ©: Informationsverbund Asyl und Migration e. V., Greifswalder Str. 4, 10405 Berlin, kontakt@asyl.net
Die erste Auflage wurde erstellt in Zusammenarbeit mit dem Info-Bus für Flüchtlinge, München.
V. i. S. d. P.: Michael Kalkmann, c/o Informationsverbund Asyl und Migration

You can also view this leaflet online at: www.asyl.net (under "Arbeitshilfen/Publikationen").

Unveränderte und vollständige Vervielfältigung und Weitergabe ist gestattet.

What is an application for asylum?

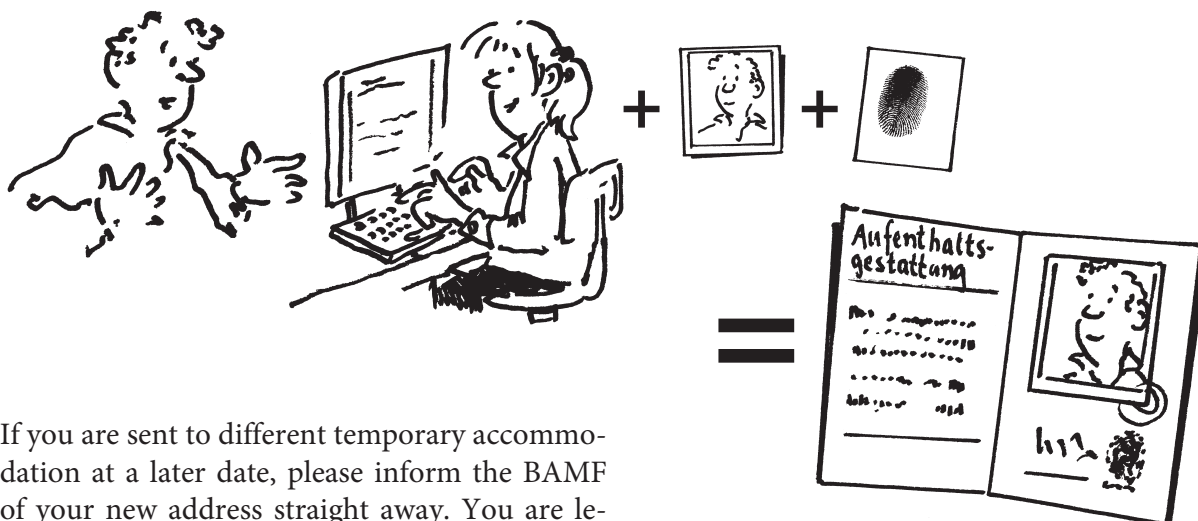
Asylum applications have to be submitted to the **Bundesamt für Migration und Flüchtlinge (BAMF)** [Federal Office for Migration and Refugees]. If you try to ask for asylum at any other governmental agency, from the police service for example, then you will be sent from there to the BAMF. The BAMF then decides which specific BAMF office or “branch” is responsible for your application. You then have to go to this branch. It is important that you go immediately to the branch that is responsible for you. Otherwise, you could face serious disadvantages in your asylum procedure.



Unfortunately, not all asylum applications at the relevant branch of the BAMF are accepted straight away. If this happens to you, the authorities at least have to present a paper to you called a “Bescheinigung über die Meldung als Asylsuchender” (BÜMA) [“Proof of registration as an asylum-seeker”], or another document of this type. If several weeks pass, and your asylum application has still not been officially accepted by the authorities, then it is essential that you get help from an advice center.

When you submit your application, you will be photographed and your fingerprints will be taken. It is possible that you will be asked roughly 25 questions about: your person; your last place of residence in your country of origin; your parents and grandparents; and about your journey to Germany. However, it is also possible that these questions will not be asked before your main interview – the procedure is not uniform in this respect.

When your asylum application has been registered, you will receive a document titled “**Aufenthaltsgestattung**” [preliminary residence permit]. This functions as an identity card, and you have to carry it with you at all times.



If you are sent to different temporary accommodation at a later date, please inform the BAMF of your new address straight away. You are legally obliged to communicate this information. If you have a lawyer, please also inform him or her straight away about this change.

What are the aims of the asylum procedure?

The BAMF evaluates and decides on the following questions during the asylum procedure:

- **Is Germany responsible for your individual asylum application?** (More information about this in the box on this page)
- **If Germany does carry out the asylum procedure – were you persecuted in your home country and what would you be threatened with if you returned?**

Determining responsibility using the “Dublin Regulation”

Many European states including Germany have agreed with each other that only one of them should be responsible for processing an individual’s specific asylum application. This is why these states agreed a contract with each other in the Irish capital Dublin. The procedure through which responsibility is determined is therefore known as “the Dublin procedure”.

The Dublin procedure can be used to decide that your asylum procedure must be processed in another European state, and not in Germany. This is a viable possibility

- if you have already applied for asylum in another European state
- if the authorities in another European state have already registered you
- if you entered Germany with a visa from another European state
- if there is any other evidence available which shows that you spent time in another European state.

You should in any case discuss the possibility – either at an advice center or with your lawyer – that Germany may *not* be responsible for your application for asylum. If this is indeed the case, your asylum application in Germany can be ended, without the reasons for your application having been examined. This does not mean, though, that you are now no longer able to get asylum anywhere in Europe. Rather, you are being requested to let your asylum application be examined in the state which is responsible. You can also receive protection in that state.

The BAMF is legally obliged to inform you about the Dublin procedure. They will give you written information for this purpose. In addition, a discussion must take place with you about the Dublin procedure. This discussion can be built into the interview in which you also explain the reasons for your asylum application. But it can also happen at a separate appointment. If you have special reasons why your asylum application should be examined in Germany and not in another European state, then you must state these reasons during this discussion.

If a decision has already been reached in another European state about your asylum application, then this can result in serious disadvantages for your asylum procedure in Germany. If this is the case for you, please definitely talk about this with workers at an advice center.

The evaluation: were you persecuted in your country of origin?

If the application for asylum is decided upon in Germany, the central question is whether you have already experienced persecution, or whether you would have to fear persecution, if you returned to your country of origin. The primary elements of persecution are seen as threats to life, physical injuries and false imprisonment. But other human rights' violations can be categorized as persecution, if they have serious consequences of a similar extent. The asylum procedure also determines whether you had to suffer human rights' violations because of particular "criteria". These can be a person's attributes – for example skin color, gender or sexual orientation – but can also be political or religious convictions.

Even if no danger of persecution can be determined, the evaluation of your asylum application is not yet finished. In addition, the BAMF has to determine if you are threatened with other dangers in your country of origin. Particularly, serious health dangers caused by an illness must be taken into account here. Moreover, it is determined whether you are threatened with serious risks to your body, life or freedom, for example because of a war or civil war in your country.

Another important issue is whether you had the possibility of finding protection in another location before fleeing to Germany. This could be another state or another region in your country of origin. If the German authorities decide that you are able to find protection in another place and are able to return there, then you could be refused protection in Germany.

The invitation to the interview

The interview is decisive in determining if your asylum application will be successful. This remains true even if you have already stated your reasons for fleeing to another government agency – for example to the police service – or when registering at your initial temporary accommodation. The decisive thing is what you say during your interview at the BAMF.

The interview should take place within a few days of you submitting your application. In reality often several months will pass before you are sent or given an appointment for the interview. Additionally, it is also possible that the BAMF gives you a further appointment, at which you will be asked if you have spent time in other European countries. The point of this question is to find out whether another European country is possibly responsible for processing your asylum application. Hence this appointment is part of the "Dublin procedure" (more information about this in the box on page 3). If you are unsure which appointment is the interview, please ask at your advice center.

"Rapid procedure" with no interview

It is also possible for the BAMF to grant asylum-seekers recognition as refugees through a "rapid procedure", without carrying out an interview. This procedure is used by the BAMF for specific groups, if it is very probable that members of these groups will be recognized as refugees. Persons who are selected for this procedure receive a questionnaire and further information about the rapid procedure. Whoever does not receive this questionnaire will have to give reasons for his or her application for asylum at the interview.

If your asylum application is not refused prematurely on the basis of the Dublin regulation, then you will be invited in writing to the “Anhörung gemäß § 25 Asylverfahrensgesetz” [Interview in accordance with section 25 of the Asylum Procedure Law]. In case you cannot attend your interview appointment, because of illness for example, please inform the BAMF immediately and hand in a doctor’s certificate to the BAMF.

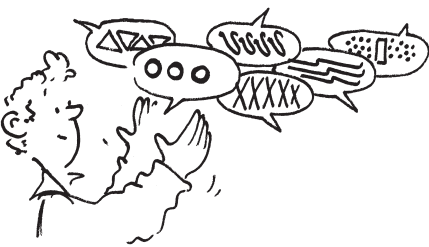
At the interview, you will personally be asked questions about your reasons for fleeing from a female or male member of BAMF staff. The interview is the most important opportunity you have to explain the reasons behind your asylum application. You should not miss this appointment at any costs, and you should prepare for it well. Please present yourself punctually at the stated time for the interview. You may have to wait for a longer period of time before the interview starts. You should bring something to eat and drink with you in case this happens.

Advice for the interview

Please try to recall important details before the interview. You could write down the most important dates and events in advance. That will help you to sort out your memories and to recognize possible contradictions. However, do *not* give personal notes like these to the BAMF, and do not take them with you to your interview. Otherwise, BAMF staff members may think that you are only retelling a ready-made story. Prepare yourself for the fact that you may have to report about experiences that are painful, or are a psychological burden for you.



If you are a woman, and you do not want to talk to a man about abuse that you have suffered, inform the BAMF as soon as possible that you want an interview with a woman and not with a man. The BAMF has female staff members who are especially trained to conduct interviews with women. There are also female and male staff members especially trained to talk with minors (in Germany people under the age of 18) and to talk with people who suffer from a mental illness as a result of a bad experience – otherwise called trauma. Moreover, if you were persecuted because of your sexual orientation, then it is possible that the interview can be conducted with female or male staff members with a special training.



An **interpreter/translator** will be present at the interview. Inform the BAMF as soon as possible which language you want to speak at the interview. This should be the language you can speak best. If you are a woman and wish to have a female interpreter, then you are entitled to tell the BAMF about this.

The interpreter must interpret correctly and in details. He or she only has the task of translating both your statements and questions of the BAMF staff member. He or she should not make any comments. If you have the impression that the interpreter is not fulfilling this task, please communicate this to the BAMF staff member. If big problems of understanding occur, request that the interview be conducted with another interpreter. Do demand at the very least that your criticism be recorded in the transcript.



If you have **written evidence** about being persecuted, please submit this at the interview at the latest, if not before. These can be documents – for example documents from government agencies, certificates from political parties, religious communities etc. – or they can be newspaper reports about experiences which directly affected you. The BAMF retains all these papers on file. Demand that the BAMF make a copy of your papers. If you think that friends or relatives could send you important documents from your home country, then say this to the BAMF. Such documents can be very useful as evidence. Nevertheless, what is decisive is what you say at the interview. Do not submit any false documents. If these are recognized as forgeries, this can lead to all your statements being seen as unbelievable.

If you possess papers that prove that you came by aeroplane to Germany – for example a flight ticket or boarding card – then you should also submit these to the BAMF.



It is possible that a **“person of trust”** – meaning a person that you trust – takes part in the interview. This can be a friend – female or male – or an adviser. However, it is normally not possible to choose a family member who has also submitted an asylum application to be your person of trust. If a person of trust is to take part in the interview with you, please inform the Federal Office as soon as possible. It is particularly useful when this person is competent in both your language and in German. The person of trust may not however give reasons for your application.

What happens at the interview?

The interview often begins with up to 25 questions. These are about your personal circumstances – for example about your marital partner, children, parents and your job – and about your journey to Germany. If these questions have already been asked when your asylum application was registered then the BAMF staff member will only touch upon them briefly.

You will then be given the opportunity to talk about your reasons for fleeing. Now you have to describe why you fled from your country of origin. **An extensive and exact description** will increase the chances that the BAMF staff member will believe your statements. Discuss exactly what you personally have to fear if you return to your home country. Please do not describe the general political situation in your home country, unless you are asked to do so.

Please do not circumscribe or “talk around” events or experiences, for example, “my family had problems with the police”, but describe instead exactly what you experienced. The following questions can provide a structure to help you:

- “What happened and how exactly did events unfold?”
- “When and where did it happen?”
- “Why did it happen?”

Even though an exact description is important, that does not mean that you have to remember all details or that you have to “think up” answers to all questions. It is for example normal if you cannot remember the exact date of an incident that happened quite long ago. You should not guess or make up a date in such cases. This could lead to contradictions within your statements. Just say that you cannot recall the exact date and aim to communicate roughly when it was with the help of other dates. For example: “about two weeks after my father’s birthday”, or “it must have been in winter, because I was wearing warm clothes.”

Sometimes “stories” circulate among asylum-seekers, which it is said will make the BAMF grant you recognition. Do not allow these to influence you under any circumstances. The BAMF staff know the situation in your country of origin and will mostly notice quickly if you tell them an untrue story. This can lead to them not believing anything you say, even your true statements.

It is possible, after you have given your answers, that BAMF staff then ask follow-on questions to particular points. You should not limit yourself to giving short answers to these questions, but you should instead talk about all important issues, even if you are not specifically asked about them. Only start to answer questions after you have understood them. If you are unsure, ask again what they mean.

If you suffer from any illnesses then you should report about these to the BAMF. This is especially important if you come from a state in which the health system is not good, or if you cannot afford to pay the costs of health treatment in your country of origin.

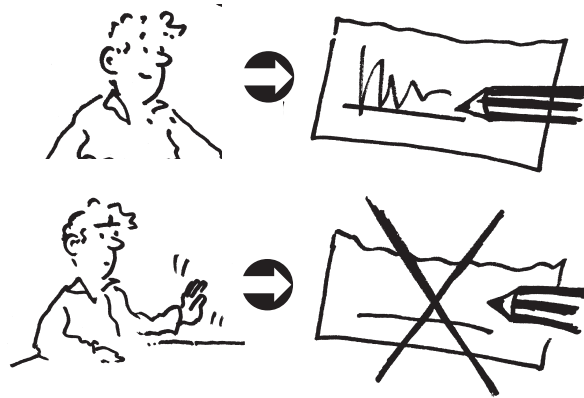
Give yourself enough time to communicate all important information and answer all questions. Do not let yourself be hurried. If necessary, the interview can be interrupted, and can be continued either after a break and a rest, or at a different date.

The transcript

The BAMF staff member summarizes the interview-proceedings and your statements in a transcript. To do this, the transcript is dictated during the interview onto a recording device, and is then typed up later.

Every word of the transcript has to be translated back to you. This normally takes place in small sections during the meeting. In case you notice mistakes or misunderstandings, demand that the transcript be corrected. Remember: the interview transcript is the most important document in your asylum procedure. Mistakes in the transcript can result in you not being believed.

At the end, you will be requested to sign to verify the fact that you: have had the opportunity to discuss all information and facts that are important for you; that you have understood everything; and that the transcript has been translated back to you. Do not sign if in your view the transcript contains big mistakes. If this is the case, please talk with an advice center or a lawyer as soon as possible after the interview.



Ask that a copy of the transcript be handed to you before the decision, if possible immediately after the interview. You should normally receive the transcript in the post a few weeks later. If you have hired a lawyer, then he or she will be sent a copy of the transcript, and will then either send it on to you or discuss it with you. Please check and evaluate the transcript again, and inform your lawyer about any mistakes. In case you do not have any legal counsel, ask an advice center for help with setting right any possible mistakes with the BAMF.

The BAMF's decision

You will receive the BAMF's decision about your asylum application in writing – called in German “Bescheid” meaning “official decision”. This is why you need to check whether post has arrived every day after the interview. If there is a notice board in your temporary accommodation with new incoming post then look there every day. Otherwise, you have to ask the person who brings round the post in your temporary accommodation. If you already have a lawyer, then it is possible that the “Bescheid” is sent to your attorney's office. Make sure that your legal counsel can contact you at all times.



If your asylum application is refused, then you have the right to appeal against this decision in court. However, you have only a short time in which to do this. Take notice of what is written on the first page of your “Bescheid”:

- If “the asylum application has been refused” is written on page one, then you normally have two weeks to submit an appeal to the court.
- In many cases, “the application for recognition of asylum status has been refused because it is ‘**offensichtlich unbegründet**’ (meaning: manifestly unfounded)”, is written on page one of your decision. Then you have only seven days to submit a written request to the court.
- If “The asylum application has been refused because it is ‘**unzulässig**’ (inadmissible)” is written on the first page, then the BAMF has decided based on the “Dublin procedure” that another European state is responsible for your application. You are therefore being requested to submit your asylum application in this European state. In this case, you also have only one week to submit a written request to the court.

In all of these cases, you should approach your lawyer or an advice center, if possible on the same day you receive your written decision.

