

Explain how to prepare for the substantive interview

Guidance for volunteers

[Please remember to remove this page if clients are taking documents away]

What is the Substantive Interview?

- The substantive interview is your chance to tell the Home Office everything about your case.
- It is very important that you explain all the details of your case to them.
- In this session we are going to explain what happens in the substantive interview.
- We can also help you to look for a lawyer if you do not have one
- The information I am sharing is generic and factual. I cannot help you apply this to your particular case, you will need to speak to your lawyer about this.

Note for volunteers

Please do not read out the entire definitions below. Use them as a reference for yourself and provide examples to your client.

Notes:

How is a refugee defined?

The Home Office base their decision on whether to grant refugee status (or other forms of leave to remain) following the substantive interview, on the Refugee Convention. Within this a refugee is defined as a person who:

*"owing to a **well-founded fear** of being **persecuted** for **reasons of race, religion, nationality, membership of a particular social group or political opinion**, is **outside the country of his nationality**, and is **unable to, or owing to such fear, is unwilling to avail himself of the protection of that country**; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it"*

- ❑ **Must have well-founded fear** (not speculative, not historic - must be about what will happen in the future)
- ❑ **Of persecution** (what will happen? The treatment feared must be bad enough)
- ❑ **For a convention reason** - race, religion, nationality, membership of a particular social group, or political opinion (why will it happen? Persecution must be because of one of these reasons – Guides, the definitions are for our benefit, try not to read the definitions exactly, give examples if the client doesn't understand)
 - ❑ **Race:** '...all persons of identifiable ethnicity'. Inclusive of tribes and ethnic group
 - ❑ **Religion:** '...the holding of theistic, non-theistic and atheistic beliefs, the participation in, or abstention from, formal worship in private or in public, either alone or in a community with others, other religious acts or expressions of view, or forms of personal or communal conduct based on or mandated by any religious belief'.
 - ❑ **Nationality:** '...shall not be confined to citizenship or lack thereof but shall in particular include membership of a group determined by its cultural, ethnic, or linguistic identity, common geographical or political origins or its relationship with the population of another State'.

Notes:

- ❑ **Political Opinion:** ‘...the holding of an opinion, thought or belief on a matter related to the potential actors of persecution mentioned in regulation 3 and to their policies or methods, whether or not that opinion, thought or belief has been acted upon by the person’.
- ❑ **Belonging to a Particular Social Group:** ‘an immutable characteristic i.e. one that is either beyond the power of an individual to change (gender, sexuality) or one that it would be contrary to their fundamental human rights for them to forgo’.
- ❑ **Outside country of nationality or normal residence**
- ❑ **Cannot get protection in your own country** (what will stop it happening? Is there sufficiency of protection from the police/courts or is internal relocation an option? Internal flight - cannot move to another area to escape persecution)

For more information on the Refugee Convention, watch this 60-second video from Free Movement by clicking on the link below

[The Refugee Convention in 60 seconds](#)

Preparing for the asylum interview

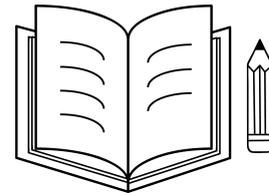
- ❑ The asylum, or substantive interview is when the HO interviewer will ask you in detail about your reasons for claiming asylum to determine whether to grant you refugee status (or other forms of leave to remain).
- ❑ It can be a very long, difficult and traumatic interview. **It is a very important part of your asylum application, arguably the most important!**
- ❑ You are going to be asked questions about things that may be very difficult to talk about. Be prepared for not being believed. It is common for the Home Office interviewer to say they do not believe you. It may be useful to have friends, neighbours and supporters available to talk to before and after.
- ❑ It is not a scripted interview – the interviewing officer decides what questions to ask.
- ❑ **It is important to access legal advice from a regulated immigration advisor and know your right to contact them, request updates and**

Notes:

This briefing should not be used to give legal advice and is for information and guidance only. For advice on individual cases, assistance should be sought from a regulated legal adviser

timeframes. If you do not have one, you can look for one using these directories

- ❑ [Right to Remain - Directory](#)
- ❑ [The Law Society - Directory](#)
- ❑ [Scottish Law Society - Directory](#)
- ❑ Go through your statement with your lawyer, think about a timeline; relevant dates and when events occurred.
- ❑ Your lawyer may submit a written statement before - but this is not always the case. A statement can also be submitted after the interview - if there was something you feel is incorrect or you did not have the time to fully explain.
- ❑ The Home Office are issuing [Preliminary Information Questionnaires](#) (PIQs) after the screening interview and before the substantive interview. Follow this [link to read more about PIQs](#). Ask your lawyer to help you fill in the form, as the Home Office will use the information when considering your asylum claim.



[*UKVI example invitation letter to substantive interview - Nov 2020*](#)

Recordings and transcripts

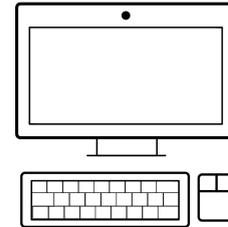
- ❑ You have a right to an audio-recording of your interview. Until **June 2019**, your lawyer needed to request this in writing, **24 hours or more in advance**. Both a written record and digital recording should be provided after the interview. However, new guidance (since June 2019) suggests that the Home Office policy is to **audio-record all interviews unless the person being interviewed has requested that it is not**. [You can read the policy here](#)
- ❑ Unfortunately, the Home Office website is [not consistent](#) so it is recommended that you continue to ask for your interview to be audio-recorded, in advance and in writing until it is clear that audio-recording is automatic (always done).

Notes:

- If the recording equipment is not working and there is no alternative equipment available, the interviewer should offer to re-arrange the interview

Video conference calls

- Some people are having their substantive interviews conducted via video conference (e.g. skype). When this happens, the person seeking asylum sits in a room in one location, and the Home Office interviewer and interpreter sit in another location. The interview takes place over a video link.



- When this happens, the interview is automatically recorded, **but** most people are not given a copy of this at the time of the interview (it is usually sent to their lawyer days later). This makes it harder for you to check straight after the interview if there were any issues around interpretation or things you don't think you explained properly.

Requests

- You can **request a male/female interviewer/interpreter**. The earlier you make this request, the more likely it is to happen.
- If there are any problems understanding the interpreter, make this known ASAP.**
- You can **request childcare in advance** if you are a single parent with a child under the age of 5. You can arrange this through your lawyer, or by contacting the Home Office yourself - see [Home Office Child Care](#) briefing
- During your interview **if you need a break, request one** – this is your right. A break might be very important when talking about distressing things.
- If you find a question upsetting to answer, or you feel unwell during the interview – tell the interviewer. Take your time. This is a very important interview so take your time, even if the interviewer is keen for you to answer questions quickly.
- If you don't know the answer to a question, are unsure, or can't remember; tell the interviewer – don't guess.

Notes:

- ❑ If you want to go back to a question or clarify information, you can do this at the end. You can also inform the interviewer of anything that you think is important that they didn't ask about.
- ❑ Be prepared for a hostile environment / disbelief.
- ❑ You or your legal representative can submit documents, statements or representations at any point before or after the asylum interview and up until a decision is made
- ❑ However, after the asylum interview, a decision can be made at any time. If you wish to submit documents after the asylum interview, you need to agree a timescale for doing this with the Home Office

Biometrics

- ❑ At the interview, you may be asked to enrol your biometrics (fingerprints). If it doesn't happen during the interview, you may be required to attend a separate appointment to enrol your biometrics.
- ❑ If you are invited to another appointment to enrol your biometrics, you will be made aware of this by letter. Please note - the substantive interview letter and biometric appointment letter may look similar in format, so **you should always speak to your lawyer if you are unsure about what you are being invited to.**

The Interview

- ❑ If you are an adult and you have a legal aid lawyer, it is unlikely that they will be able to attend your substantive interview. Legal aid lawyers have a limited amount of time allocated to your case. However, if you are in detention at the time of your interview your lawyer is allowed to attend under legal aid rules.
- ❑ Generally you cannot take a friend/family member with you, but there are exceptional circumstances when this can be arranged - [Asylum Interviews](#)
- ❑ Your interview will take place in a small room. The Home Office interviewer will sit opposite you at a table. If an interpreter is present, they will also sit at the table, normally near the Home Office interviewer.

Notes:

- The interviewer may want to hear your story chronologically (in the order it happened), but they might jump around from event to event which can be very confusing.
- If you cannot remember a date, say that you cannot remember. You might remember the time of the year by the weather or a family event, and you can explain these if you are unsure of the exact date.

Questions to expect

- Personal details relating to your background and identity.
- How you have travelled to the UK.
- Why are you claiming asylum?
- Who is responsible?
- Has the threat affected other people?
- Have you been arrested/ imprisoned?
- Questions about your medical/ psychological health.

Evidence and Credibility

- You may have evidence to support your asylum claim and you should discuss this with your lawyer, who can submit it to the Home Office.
- It is especially important to submit evidence **before** the Home Office makes a decision on your asylum claim as it can happen within a few weeks.
- You must translate any evidence in other languages into English before you give it to the Home Office.
- Never submit documents if you are unsure whether they are genuine - you should **always consult your lawyer** if you have evidence you want to submit. Remember to keep a copy of any evidence you provide.
- Examples of further evidence not specific to your case could include: newspaper reports, reports from international organisations or documents sent from home country.



Notes:

- ❑ Evidence can be very hard to get however, so the majority of asylum cases rely on the information given in your screening interview and the asylum/substantive interview: your verbal account, and how credible you are. To assess credibility the Home Office will consider:
 - ❑ Body language during the interview
 - ❑ How valid the information you provide is
 - ❑ Consistency
 - ❑ Detail (chronology)

- ❑ The Home Office will ask questions to test how valid your claim for asylum is. They **may** ask questions like this:
 - ❑ Personal details: Name, Nationality, the Languages you speak, D.O.B - do not make this up - you should explain if you don't know it/if you need to estimate. Try to explain why.
 - ❑ Your journey: **When** you left (try and be consistent), **why** you left, **if you claimed** asylum somewhere else
 - ❑ Why you are claiming asylum: give details about events, reasons you need **protection**, why you can't return
 - ❑ Why you are in danger: thinking about who is responsible, are other members of your family in danger - why did you have to leave?
 - ❑ Arrest/Imprisonment in home country: conditions in your home country - explaining if you were imprisoned and the dangers you were in
 - ❑ Medical/Psychological problems: thinking about any medical problems caused by the persecution you have experienced in your home country

LGBTQI+ and making a claim for asylum in the UK

- ❑ If you are claiming asylum because you are lesbian, gay, bisexual, trans, queer or intersex (LGBTQI+), you will need to convince the Home Office or a judge that you would be at risk of serious harm in your country of origin because you are LGBTQI+.

Notes:

- ❑ It is important you have a lawyer. To find a lawyer - and those who specialise in supporting LGBTQI+ clients - [you could look at UKLGIG's list of solicitors](#)
- ❑ The interviewer will ask you to confirm that your claim is based on sexual orientation or gender identity.
- ❑ The interviewer should ask how you want to be addressed, for example what name you want to use, and what words you want them to use to describe your sexual orientation, gender identity or sex characteristics.
- ❑ Though the questions will vary depending on the circumstances of your case, it is likely they will ask you what you fear in your country of origin and about how you came to realise your sexual orientation or gender identity.
- ❑ If you claimed asylum on the basis of your sex characteristics, i.e. because you are intersex, you may be asked questions about how and when you became aware that your sex characteristics varied from those *typically* expected of men and women.
- ❑ These are questions about your personal history. They may ask how you think and feel about yourself. They will ask you to describe anything that might have happened to you in your country of origin or if relevant, about previous or current partners.

Evidence for LGBTQI+ people

- ❑ You must get professional translations for any evidence written in other languages into English.
- ❑ Evidence can support someone's claim for asylum. Many LGBTQI+ people seeking asylum are refused by the Home Office because they do not believe they are lesbian, gay, bisexual, trans, queer or intersex.
- ❑ It is important to be prepared to talk about your experience in relation to your sexual orientation, gender identity or sex characteristics.
- ❑ The Home Office **should not ask you to describe sexual acts**, but will, as described above, be likely to ask how you came to be as you are as a person.
- ❑ If, for example, you were attacked in your country of origin or you suffer from a medical condition, a report from a doctor or the hospital where you were treated can be important evidence.

Additional LGBTQI+ resources

Notes:

- For more information about claiming asylum, [please refer to the information available on UKLIG](#). There are translated videos and downloadable PDFs available in 9 different languages. Information covers witness statements, letters of support, country information, asylum decisions and appeals.
- [Rainbow Railroad](#) can help with people making requests from outside the UK.
- [Galop](#) provide anti-violence support for LGBTQI+ people, and signposting information on hate crimes, domestic abuse, and sexual violence.

Country information

The Map! Do you recognise a map of your country? Can you point out certain places? *Use [google maps](#) to look at the geography of **your** country*



- If you are fleeing persecution on grounds of **religion** – they may ask you questions about your religion. If it is for **political reasons** they may ask you about your political party... for example when was it founded?
- If you are seeking asylum because you are at risk of serious harm in your country because you are LGBTQI+, providing information which shows what the situation is in your country of origin for LGBTQI+ people, such as human rights reports and press articles, can be very useful
- If you do not know the answer to a question, you can say you do not know – don't guess.** Can you try to explain why you don't know? Speak to your lawyer!
- At the end of your interview you should feel satisfied that you have explained all the important details of your case to the Home Office

Notes:

After the interview

- ❑ You should be given a copy of your interview notes (and an audio copy, usually on a USB as described above) at the end of the interview. Keep this safe as it is your record of what happened in the interview and give a copy to your lawyer (**If you were interviewed via video conference you should make sure you request a copy which they should send to your lawyer**)
- ❑ The interview may be very distressing, so look after yourself, speak to friends and family, or support workers.
- ❑ Meet with your lawyer to discuss the interview. You can use your interview notes and your interview recording to check for any errors. You should inform your lawyer of any problems (with the interpreter using the wrong pronoun, or misinterpretations). Small or big problems can affect the outcome of the interview, so always speak to your lawyer if you are worried and use the transcript as evidence.
- ❑ Until June 2019, any further documentary evidence needed to be sent **within 5 days of the interview** - HOWEVER, the Home Office position now states that *there is no set period after an interview for submission of evidence, except for interviews of children. It is still a good idea to submit evidence as soon as possible if no deadline has been agreed, especially before a decision on your claim has been made*
- ❑ Being prepared for a negative decision and learning about your appeal rights is important.
- ❑ There is **no current service standard for asylum decisions - the 6 month standard has stopped and is under review** - this means it could take a while (months and sometimes years) for a decision to be made. The Home Office have said they will concentrate on cases with acute vulnerability and those in receipt of the greatest level of support, including unaccompanied asylum-seeking children (UASC)

Notes:

What now? Actions to take...

- ❑ ***Watch the new video created by Right to Remain by clicking on the link***
[The Asylum Substantive Interview](#)
- ❑ Ask your lawyer if they are going to go through your story with you.
- ❑ Go through your story with friends/family, say it out loud, and think about important dates - you could even write them down as a timeline.
- ❑ It's good to discuss things with people who understand you, so it can be quite helpful to practice what you want to say **before** the interview. It might be really helpful to talk to someone who is not from your country to make sure the information you share is clear and understandable. They should not advise you on anything.
- ❑ Do you know when the interview is, how to get there etc? You could possibly visit the interview centre before. This can help with anxiety.
- ❑ Do you want to look at google maps to find the location of the interview?
- ❑ Do you want to meet again nearer to the time of your interview?
- ❑ Asylum Interview top tips created by [Right to Remain](#) to print off or access online:
 - ❑ [French](#)
 - ❑ [Arabic](#)
 - ❑ [Urdu \(audio\)](#)
 - ❑ [English](#)
- ❑ What information do you still need? You could look at more detailed asylum policy guidance on the government website: [Asylum Interview Process](#) or check out the [Right to Remain information and videos](#) which have been translated into other languages

Notes: