

The Substantive Interview

What is it?

The asylum substantive interview is the part of the asylum process when a Home Office interviewer will ask in detail the person's reasons for claiming asylum. The interview may last several hours (note: one individual had 267 questions to answer) and the individual will be asked lots of questions. The same question might be asked several times in different ways.

It can be a very long, difficult and traumatic interview, and can be the most important part of the asylum application. The Home Office interviewer may say openly that they do not believe the individual and their story. The interview can be like an interrogation, and the individual will need to prove their eligibility for asylum.

Practicalities - Transport

Substantive interviews take place in person. The individual is likely to be under a lot of pressure and we don't want the journey to add to this so it is important that we arrange transport or ensure they feel comfortable with the route they are taking. It is possible that the interview will be in another city.

We can arrange for a volunteer to support them on public transport. It is noted on the substantive interview letter that a train or bus ticket should be attached; this is not always the case and there is a number to contact to claim this. However, it might be less stressful to have a volunteer arrange the transport.

In general, you cannot take a friend or supporter into the interview. However, the Home Office's guidance on asylum interviews says: "For reasons of confidentiality, a claimant will normally be interviewed alone or in the presence of a legal representative or regulated adviser. Exceptionally, however, and with advance notice, a friend or other companion may be admitted to provide emotional or medical support."

Practicalities - COVID-19

The interview has to be attended in person but, due to COVID-19, the interview takes place via video call. The individual will not need to set anything up, but make sure they are aware of how this will work. They will be able to see the interviewer and the translator via video link.

<https://righttoremain.org.uk/changes-to-the-asylum-process-due-to-covid-19/>

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Practicalities - Your rights before the interview commences

It is a legal right to have the interview audio recorded. All interviews are now recorded unless the individual requests otherwise. A transcript will be sent to the individual or their lawyer. They have just five days to read over this transcript and make any amendments. If the individual receives the transcript, contact their lawyer asap.

Practicalities - other

You also have the right to request a male or female interviewer, and a male or female interpreter.

If a break is needed, it is a legal right to pause the interview and take a break.

Arrange transportation and reassure the individual that this is sorted. Can you arrange for someone to meet or call them after the interview? They may want some support, but equally, they may want to be left alone.

Make sure they bring a face mask, ID (ARC or Bail 201) and food and drink!

HOW TO PREPARE

Their lawyer

Make contact with their lawyer, ensure they have prepared the individual as best as possible.

Their lawyer should have completed their PIQ (righttoremain.org.uk/preliminary-information-questionnaires/) and prepped the individual for the substantive interview. However the amount of preparation is dependent on the law firm. The Home Office interviewer will compare what is said in the substantive interview to what was said in the PIQ and screening interview.

Volunteers – how can we help?

1. Get a copy of the PIQ and/or screening interview questionnaire so you can check answers for consistency.

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2. Send the person a link to the Right to Remain video in their language:

English	http://bit.ly/AsylumEnglish
Arabic	http://bit.ly/AsylumArabic
Farsi/Persian	http://bit.ly/AsylumFarsi
Kurdish Sorani	http://bit.ly/AsylumKurdish
Tigrinya	http://bit.ly/AsylumTigrinya
French	http://bit.ly/AsylumFrench
Pashto	http://bit.ly/AsylumPashto
Amharic	http://bit.ly/AsylumAhmaric
Oromo	http://bit.ly/AsylumOromo

It is very important they watch this video - ideally a few times.

3. Call them with a translator (usually a volunteer) and talk through some of the interview questions below. This may be difficult, but it is better for them to make errors now with us than with the Home Office interviewer.
4. It might help for them to draw a timeline or map of their journey so they can make sense of it.

Dates

The interviewer will likely ask you to describe what happened chronologically. However, it is likely that they will also jump between dates.

If you cannot remember a specific, do not guess. The interviewer can use this against you at a later date. If you can remember it being around summertime, the month of June, or around a special holiday, you can say this instead.

Calendars are different between countries; stay consistent with the calendar you are using. Do not try to translate the Persian calendar to Gregorian (UK) if you do not know exactly. The interview can later be translated.

Language

It is common in some cultures to talk about “uncles” and “brothers” without meaning blood relatives. If you say that your “uncle” helped you in Italy, you may be questioned later when you say you don’t have any family in Italy.

Questions you might be asked in the interview

About you

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Although these questions may seem basic, these details are important. You must give ***consistent*** answers about yourself, in this and other interviews/statements.

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- **What is your date of birth?** If you do not know your date of birth, don't make one up. You can say that you do not know your date of birth, and explain why (for example, do you not have a birth certificate). If you give an estimate of your date of birth, explain it is a guess (and what you are basing the guess on).
- **What is your nationality?** The Home Office may say they don't believe you are the nationality you say you are. In your interview, be prepared to give as much information and details as you can about where you are from. For example, which area did you live in? Where did you go to school? How many people lived there? What were the local languages?
- **Have you ever been convicted of a criminal offence?** If you were imprisoned/convicted in your country of origin as a result of persecution from the authorities, and you are now seeking asylum because of this persecution, give as much detail as possible. When were you arrested? By whom? For what reason? How long did you spend in prison? What were the conditions like? Did you ever go to court? Why were you released?
- **Do you speak other languages?** If you speak other languages, the interviewer will want to know how you know these. If you didn't have a formal education or you are from a country with a poor education system, the Home Office may say they don't believe you. You must explain how you know these languages. If you are not fluent in these languages, say so. Otherwise, the Home Office may try and interview you in these languages instead of your mother tongue.

About your journey

- If you are not sure which date you left your country, give the answer as close as possible. What month was it, what year? Explain why you are not sure. Try to give any details you can about the time of year. Was it winter or summer (warm or cold)? Was it around Ramadan or another festival? Was it around the harvest or another important time of year? **If you give different dates in different interviews, this will be used to doubt your story.**
- If you left your country a long time ago and you are not in contact with your family, the interviewer may ask you how you know information about your home country now. If you're not in contact with your family, how do you know you would still be at risk if returned?
- If you are in contact with your family in your country of origin and they are in danger/are being persecuted, it may be helpful to get as many details/documentary evidence about this as possible (without putting them at risk).

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- **Did you claim asylum in any of the other countries you have travelled through?** If you claimed asylum in another European country or you could have claimed asylum but didn't, the Home Office may say your asylum claim is not their responsibility and try and remove you to that country. If you did not claim asylum in another country on the way to the UK, the Home Office will want to know why.
- **Remember:** in this interview, you are explaining why you need international protection (Refugee Status or Humanitarian Protection). **This means why you would be in danger in your country.** This is different from why you came to the UK, which the Home Office may also ask you about. You may have specific reasons for wanting to come to the UK. These could include personal contacts, family, friends, religious, political or community connections. Make sure that you are clear in your answers – are you talking about why you wouldn't be safe in your country; or why, when finding somewhere to be safe, you chose to come to the UK (if you did choose)?

Why are you claiming asylum?

- You should tell the Home Office about any specific events that have happened to you, giving as much detail as you can. Where possible, include the date or dates of these events – but remember to say if you are not sure of the date. Being persecuted in the past does not in itself mean you are in need of protection – **you need to show you are at risk of something happening if you were returned to your country now.**
- Was there a specific event which made you leave your country? Was it just one event that made you leave? If you'd been suffering persecution over time, what was it about that final event or threat that made you leave at that point?
- If you didn't leave your country immediately after an incident that put you or people you know in danger, why was there a delay?
- Has anyone in your family experienced the same treatment?
- If your family or other people persecuted in the same way did not leave the area, why didn't they leave? Why did you leave, and they didn't?
- If family members or other people in similar situations to you haven't been threatened, explain why you have.
- If you left but left family members behind, did you put any measures in place to try and ensure their safety?

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- You should try and give your answers in chronological order (the order in which they happened). See section on 'dates and times' above.
- **Why can't you return to your country (or another country you've come from)? What could happen to you if you did?**

Who is responsible?

- **Who are you in danger from?** The government, military or police? If you are not in danger from the authorities, but from a “*non-state agent*”, you will need to explain why you can't get protection from the authorities. If you are describing events that have already happened to you, did you report what happened to you? If not, why not?
- Would you be safe going to live elsewhere in the country? The Home Office may say you are only in danger in one village, city or region and you could “relocate” somewhere else.
- If you have already tried going to another area of your country to escape from danger, explain why you could not stay there.
- If you stayed there for a while, what made you leave in the end?

Arrest or imprisonment

- If you were imprisoned in your home country as part of your persecution, you will need to explain how you were released, or if you escaped explain how you managed this. The Home Office are usually very suspicious of escape stories - be clear about how this was possible, and don't assume the Home Office know anything about how these things work in your country (clan/ethnicity loyalties on the part of guards etc).
- Are other people facing longer sentences/torture, and might this happen to you if you were imprisoned again?
- If you were mistreated while you were imprisoned, make sure to give information about this. Were there bad conditions? For example, many people sharing a small cell, withholding of food rations, no “yard” time outside, or were you kept in isolation? Did you experience torture?

Medical or psychological problems

- Do you have any medical or psychological problems? Are these a result of torture/mistreatment in your home country? You should tell the Home Office about these and show them any evidence of this (if you have scars on your body, do not just show these during the interview as this may make the interviewer

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angry. But you could say you have scars and can show these when appropriate). You should also speak to your lawyer about getting a “scarring” report, or other medico-legal report.

also see:

file:///Users/clare/Downloads/Explain%20how%20to%20prepare%20for%20the%20Substantive%20Interview.pdf

<https://righttoremain.org.uk/resources/toolkit/asylum-interview.pdf>

Documentary evidence

Documentary evidence is often hard to get because of the circumstances when leaving a country. Nonetheless, the Home Office tends to disbelieve what you say (your testimony) and so it is very helpful if there is genuine documentary evidence to support your story. Documentary evidence might include a political party membership card, an arrest warrant, a birth certificate, or newspaper articles about you or about persecution of people like you.

Never submit documents if you are not sure they are genuine - this could seriously damage your case. If possible, your lawyer should get an expert on your country/reason for claiming asylum to comment on whether they are genuine. This is because the Home Office often say that documentary evidence is fake.