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ASYL & MIGRATION

The interview in the asylum procedure

Advice for asylum seekers in Germany

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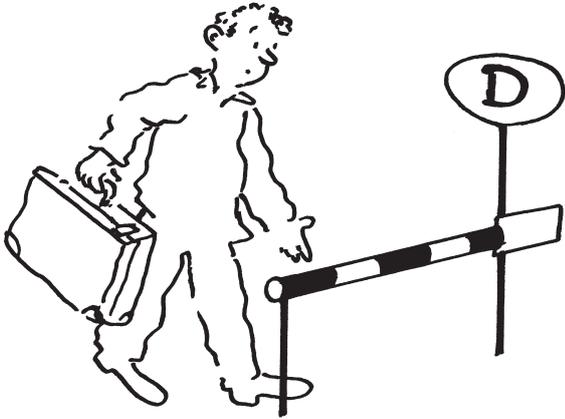


In Kooperation mit



The interview in the asylum procedure

Advice for asylum seekers in Germany



In this leaflet we would like to give you advice for the interview in the asylum procedure. The interview is the best opportunity to say why you are seeking asylum. Based on the interview, the Federal Office for Migration and Refugees decides whether you are granted protection in Germany. This is why you should be well-prepared for the interview.

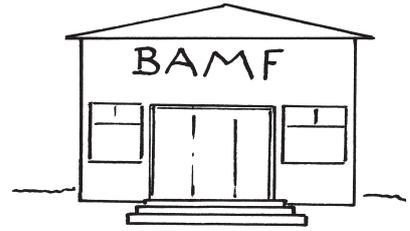


Before the interview, you should go to a lawyer or to an advice centre for refugees. In Germany there are a number of non-governmental organizations that offer independent and free advice to refugees. You will often find these organizations close to your reception centre or in larger cities.

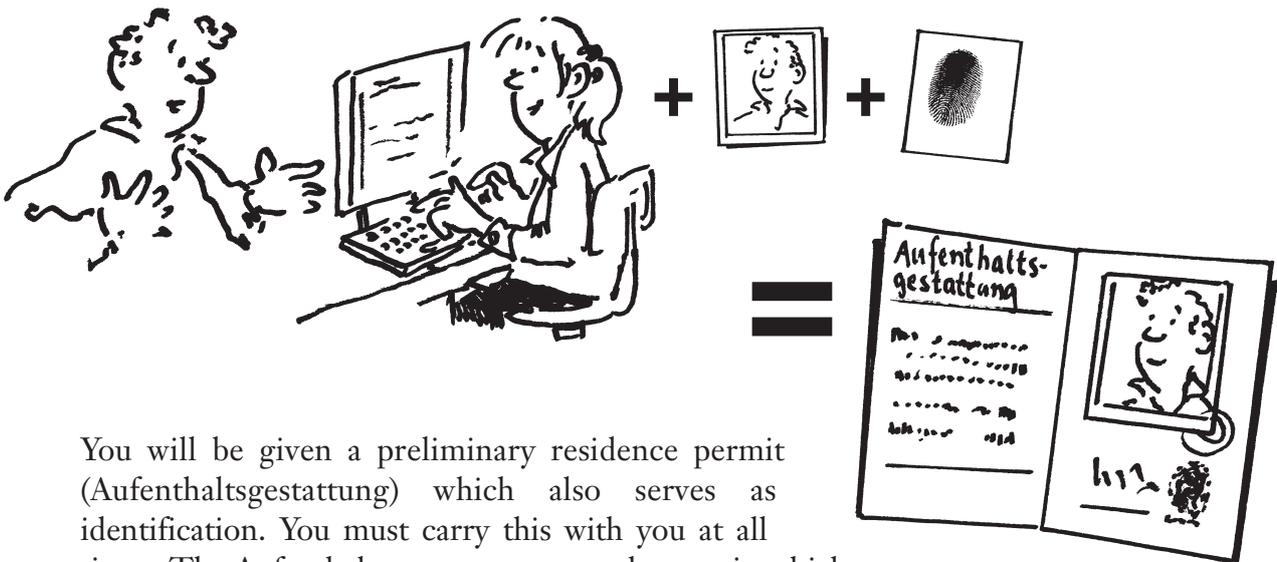


Submitting an application for asylum

You can submit an application for asylum at any branch of the Federal Office for Migration and Refugees (**Bundesamt für Migration und Flüchtlinge = BAMF**). If you try to apply for asylum at any other governmental agency (the police, local migration authorities or aliens offices etc.), you will be sent to the branch of the Federal Office which is responsible for handling your application. It is important that you go at once to this branch of the Federal Office. If you do not, the outcome of your asylum procedure could be seriously affected.



At the Federal Office you will be asked to provide your personal details; you will be photographed and your fingerprints will be taken. Then you will be registered. It is possible that you will be asked about 25 questions about yourself, about your last place of residence in your country of origin, about your parents and grandparents, and about how you got to Germany. Your answers will be recorded and will be used later at the interview. However, it is possible that you will be first asked these questions during the interview itself.



You will be given a preliminary residence permit (Aufenthaltsgestattung) which also serves as identification. You must carry this with you at all times. The Aufenthaltsgestattung states the area in which you are allowed to stay.

If you are given another place of residence, you must inform the Federal Office of your new address. You are legally obliged to make this notification. If you have a lawyer or an advice centre helping you, you should also notify them of your new address at once. It is important that your lawyer is able to contact you at all times.

It is important that you do not contact embassies or other missions of your country of origin, even if German authorities ask you to do so. Unfortunately, it often happens that German authorities ask asylum seekers to obtain passports for their return journey. You are not obliged to follow such a request as long as your asylum application has not been decided upon. If you are asked to do so nevertheless, please contact an advice centre for refugees or your lawyer.

Who is granted protection?

In the asylum procedure the Federal Office examines whether you were persecuted in your country of origin and whether you would be persecuted if you were to return. Persecution above all involves violations against life, limb or freedom or violations of other fundamental rights which are carried out for reasons of race, religion, nationality, membership of a particular social group or political opinion. Persecution can also involve serious cases of discrimination.

Persecution can be carried out by governmental agencies. It can also be carried out by nongovernmental actors; for example, by a political party, a rebel group, a religious organization, a local community, family members or other individuals. If you suffered from this type of persecution, the Federal Office examines whether you could have been protected by the state in your country.

The Federal Office also examines whether you would face other serious risks in case you had to return to your country of origin. Such risks could be related to ill health or to other dangers affecting life and limb or freedom.

Of importance is also the question whether you could find protection in another area of your country. In such a case, recognising your status as a refugee could be ruled out.

Many European states, including Germany, have agreed among themselves that one state only is responsible for examining an asylum application. This could mean that your asylum application may not be decided upon in Germany but in another European state. This is particularly possible if you have entered Germany with a visa issued by another European state, if you have already applied for asylum in another European state, or if you have been registered by the authorities of another European state. The same regulation applies if you mention in your interview that you have entered Europe via a certain state. In any case you should discuss with an advice centre for refugees or with your lawyer whether there is a chance that Germany is not responsible for your asylum application. The same holds if you would prefer your asylum procedure not to be carried out in Germany. Sometimes it can be possible that an asylum procedure is continued in another European state.

The interview at the Federal Office

An employee of the Federal Office will conduct the interview in person. Your application for asylum will be considered on the basis of this interview. This is also the case if you have already given an account of your application's reasons in front of other authorities (e.g. the police) or on occasion of your registration in the reception centre. What you say during the interview at the Federal Office is decisive.

The interview usually takes place a few days after you submit your application. In exceptional cases it can take longer. You will be summoned in writing to the interview ("**Anhörung gemäß § 25 Asylverfahrensgesetz**") by the Federal Office. If you are not sure when your appointment for the interview is, ask an employee at an advice centre. If you cannot come to the interview due to sickness, please inform the Federal Office at once and provide a medical certificate.

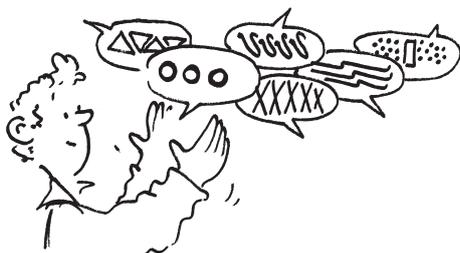
The interview is your best opportunity to say why you are seeking asylum. This is why you should attend the interview and be well-prepared for it. Try to remember important facts and details before the interview. You should write down the most important reasons in advance. This will help you to organize your memory and to recognize any inaccuracies in your account. Do not give any such personal notes to the Federal Office and do not take them to the interview. This could create the impression that you are telling a prefabricated story. Please be prepared that you will have to talk about events that are painful or embarrassing for you.



If as a woman you are not able to talk to a man about abuse that you have gone through, inform the Federal Office as early as possible. There are female employees at the Office who are specially trained to interview women. There are also employees at the Federal Office who are specially trained to interview children or people who suffer from mental stress (trauma) due to a bad experience.



It is possible that someone you trust in is allowed to accompany you and to be present at the interview. If you plan to take someone with you, inform the Federal Office as soon as possible. It is useful if the person you take with you speaks German as well as your language. However this person cannot present your reasons for seeking asylum on your behalf.



A translator will be present at the interview. Inform the Federal Office as soon as possible which language you would like to speak in the interview. It should be the language that you can speak best.

Be sure to arrive at the interview on time. If you have documentary evidence of your persecution in your country of origin (e.g. documents, newspaper articles, prison release papers), present this no later than at the interview. The Federal Office files any such evidence. Make sure that the Federal Office provides you with a copy of any such evidence. If you think that friends or relatives could send you important documents from your country of origin, inform the Office. Documents can be very useful as evidence. However, what you say at the interview is decisive for the outcome of your asylum procedure. Do not submit any forged documents. Forged documents are almost always recognized and may seriously affect the outcome of your procedure.

The interpreter has to translate anything you say in detail. The interpreter's only task is to translate anything you say as well as the questions put to you by the employee of the Office. He or she should neither explain nor provide additional information. If you think that the interpreter is not fulfilling his or her task, inform the employee. If there are serious communication problems caused by the interpreter, ask for another interpreter. Make sure in any case that your objections are recorded.



The interview usually starts with 25 questions. These questions are about your personal details, your personal circumstances – your husband or wife, children, parents and grandparents, address and occupation – and how you came to Germany. If these questions were already put to you during the registration as an asylum seeker, the employee of the Office will only deal with points that need to be clarified. Only answer the employee's questions when you are sure you have understood them. Ask the employee to repeat the question if necessary. Make sure that your answers at the interview match those you provided at the reception centre. Even inaccuracies in minor points could be enough to make the Federal Office doubt your other statements as well.

If you did not come to Germany overland, you should describe in detail how you got here. This is particularly important if you flew to Germany. If you have documents that prove that you flew to Germany (flight tickets, boarding pass), you should give them to the Federal Office.

After this you will be given the chance to say what made you leave your country. You should accurately describe the persecution you faced in your country (prison, physical abuse, torture etc.) or any other reasons that made you leave your country. A detailed description enhances the prospect that the employee believes in your account. Describe what you are afraid could happen to you if you return to your country. Do not describe the general political situation in your country unless you are asked to do so.

The most important point of the interview is to state the reasons for your application accurately and without straying from the topic. Do not talk around things but answer the questions precisely. Remember that unclear and complicated statements may lead to misunderstandings when translated.

Among asylum seekers you often come across "stories" which are supposed to lead to one's application being recognized by the Federal Office. Do not be misled by these "stories"! The Federal Office's employees are informed about the situation in your country of origin and in most cases they recognize quickly that the story told to them is fabricated. If this happens, they may also not believe the truthful parts of your statements.

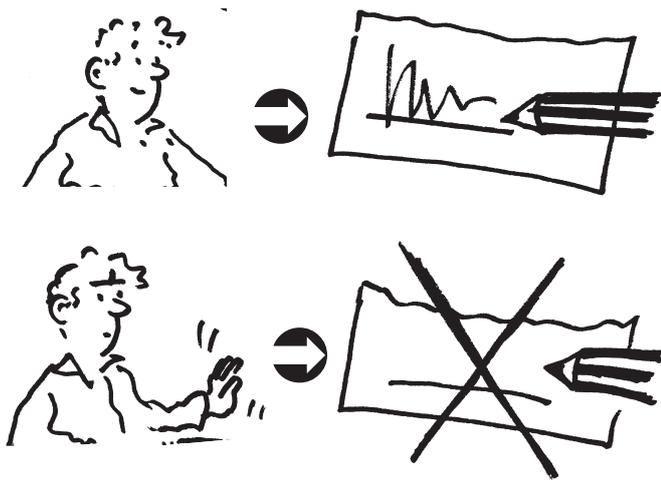
If you are suffering from an illness you should tell the Federal Office about it, especially if you come from a country with a weak health system or if you cannot afford medical treatment.

Sometimes the employee will ask questions relating to specific points in your case. However you should not restrict yourself to answering these questions. You should present all the important details, even if the employee signals that some details do not interest him or her.

Take your time and do not let yourself be pressured. The interview can be stopped if necessary and continued after a break or on another day.

The employee will summarize the interview in a transcript. During the interview he or she will record the transcript on tape. Afterwards the transcript will be typed.

The transcript must be retranslated to you word by word. Usually this is done in small sections during the interview. If you hear any mistakes or misunderstandings, insist on them being corrected. Make sure that the correction is recorded as a correction of the transcript and not as a change of your statement.



At the end of the interview you will be asked to sign that you have had the opportunity to present all the important details of your case, that there were no communication problems, and that the transcript was read back to you in your language. You should only sign if you do not have any qualified objections to the way the interview took place. Do not sign if you are not satisfied with the interpreter or with the transcript. In this case you should speak as soon as possible to a lawyer or to an employee of an advice centre for refugees about your objections.

You should ask for a copy of the transcript to be given to you either at once or before the decision of the Federal Office is made. You should give a copy of the transcript to your lawyer. Check the transcript once again and tell your lawyer if there are any mistakes. If you do not have a lawyer ask an advice centre for refugees to assist you in correcting those mistakes at the Federal Office.

The decision of the Federal Office

You will receive the decision of the Federal Office in writing. This is why you have to check every day after the interview to see if you have a letter from the Office at your reception centre (Aufnahmeeinrichtung).

If you already have a lawyer, the Office will send their decision to him or her. Make sure that your lawyer can reach you at all times.



If your application for asylum is rejected (Ablehnung), you have the right to appeal against this decision at a court. In such a case, however, you have very little time to act. If your application was rejected as being "manifestly unfounded" ("offensichtlich unbegründet"), you have to submit a written application at a court within a week. In another case of a rejection of your asylum claim you only have two weeks to act. This is why you should contact your lawyer or an advice centre for refugees immediately, even on the same day if possible.

If your application was rejected as being "inadmissible" ("unzulässig") or "irrelevant" ("unbeachtlich"), this means that the Federal Office has not examined your case substantively because it thinks another European state is responsible for your asylum application. In such a case the decision notifies you that you will be transferred to the state in question. In this state you will be able to apply for asylum. You should try to get the address of an advice centre for refugees in this state before you leave Germany. The advice centre for refugees in Germany can help you here.



Impressum

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