

The interview in the asylum procedure

Advice for asylum seekers in Germany

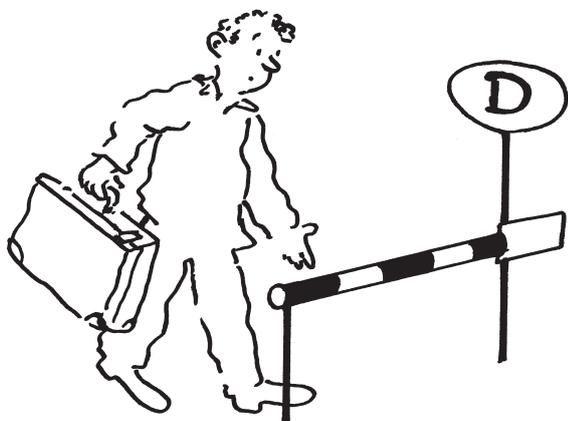
1st edition, 2005

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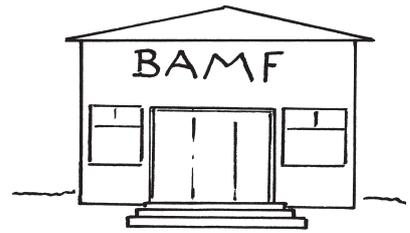
In this leaflet we would like to give you advice for the interview in the asylum procedure. The interview is the best opportunity to say why you are seeking asylum. The Federal Office for Migration and Refugees makes a decision on whether you are granted asylum in Germany on the basis of the interview. 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.

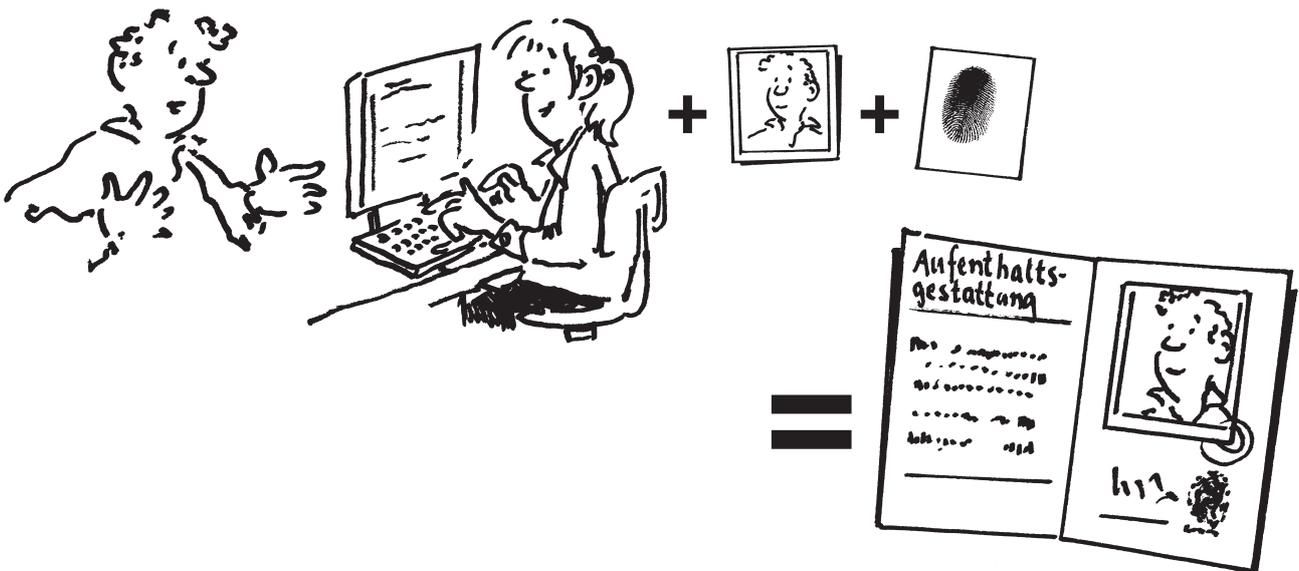


Submitting an application for asylum

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. On the Aufenthaltsgestattung is stated 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.

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 involves above all violations against life and limb and against your freedom. Persecution can also involve serious cases of discrimination.

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

The 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 have found protection in another area of your country. In such a case the recognition as refugee could be excluded.

The conditions that need to be satisfied for asylum in Germany are very complicated. The German authorities have set up high requirements concerning the content and the presentation of an application before they grant refugee status. That is why you should contact a refugee advice centre or a lawyer.

The interview at the Federal Office

An employee of the Office, a so-called decision-maker, will conduct the interview in person. Your application for asylum will be considered on the basis of this interview.

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.

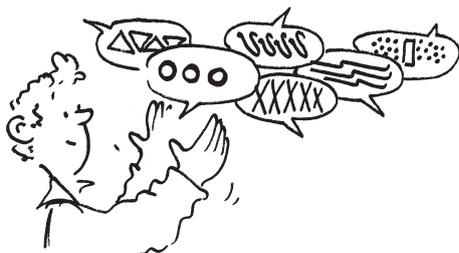
The interview is your best opportunity to say why you are seeking asylum. This is why you should attend the interview and be well-prepared for it. Try to remember important facts and details before the interview. You should write down the most important reasons in advance. This will help you to organize 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.



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 at the very latest 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 affect your application.

An interpreter will be present at the interview. He or she has to translate anything you say. 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 communication problems caused by the interpreter, ask for another interpreter. Make sure in any case that your objections are recorded.

You should say one to two sentences and then pause. This will allow the interpreter to translate what you have said exactly.



The interview usually starts with 25 questions. These questions are about your personal details, your personal circumstances - your last place of residence, your parents' and grandparents' names - and how you came to Germany. If these questions were already put to you at the reception centre, 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 small inaccuracies could be enough to make the Federal Office doubt your other statements.

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 describe precisely the persecution you faced in your country (prison, physical abuse etc.) or any other reasons that made you leave your country. Describe in detail what you are afraid could happen to you, if you return to your country. Do not describe the general political situation in your country. You should focus on a complete and truthful presentation of your personal reasons for leaving your country and of the specific risks you would face in case of a return.

It is important that you describe in detail the events that made you leave your country. This applies in particular to problems arising from political activity, prison, physical abuse, or torture. Such a detailed description increases the likelihood that the decision-maker at the Federal Office believes you.

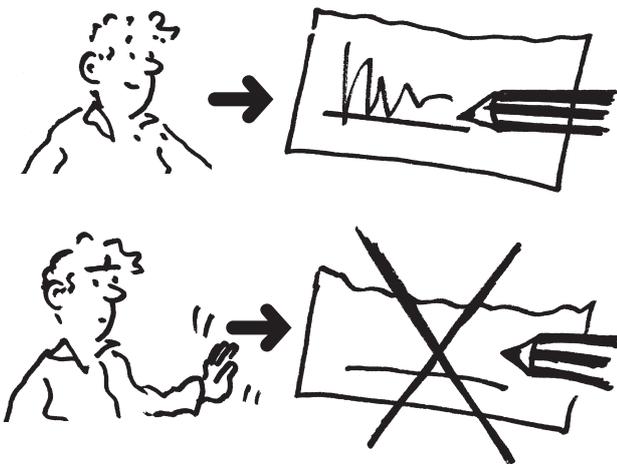
Sometimes the employee will ask questions relating to specific points in your case. However you should not restrict yourself to answering these questions. You should present all the important details, even if the employee signals that some details do not interest him or her. Do not make any statements on the political situation in your country; concentrate on your personal situation.

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.

Do not invent anything and do not withhold anything! The employees of the Federal Office are well aware of the situation in your country. They are able to recognize any false statements. False statements seriously affect your chances of being granted asylum as well as causing your other statements to be doubted.

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 down.

The transcript must be read back to you in your language. By all means you should insist on the transcript being retranslated word by word. If you hear any mistakes or misunderstandings, insist on them being corrected. Make sure that the correction is recorded in the transcript as a correction and not as another 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 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 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.

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 (**Ab-
lehnung**), 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 "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. This is in all likelihood the state which you passed through on the way to Germany or which gave you a visa. In such a case the decision notifies you that you will be transported 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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