

Lesson Plan Overview

Course	Asylum Basic Officer Training
Lesson	<i>Interviewing Part III: Eliciting Testimony</i>
Field Performance Objective	Given the field situation of interviewing an applicant for asylum (and witnesses, if any), the asylum officer will be able to elicit in a nonadversarial manner all relevant information necessary to adjudicate the asylum request and to issue documents initiating removal proceedings.
Interim (Training) Performance Objectives	<ol style="list-style-type: none">1. Elicit the reasons applicant left his or her country.2. Elicit the reasons applicant does not want to return to his or her country.3. Elicit information pertaining to mandatory bars or discretionary grounds for denial.4. Ask follow-up questions to obtain additional information.5. Identify different types of questioning techniques and when it is appropriate to use them.6. Conduct interview in professional manner.7. Control interview to focus on relevant information.8. Identify factors that may impede communication at an asylum interview.9. Distinguish adversarial from nonadversarial interview methods.
Student Materials/References	Participant Workbook, Country Conditions Information, Interview Checklists (at end of lesson)
Background Reading	

TABLE OF CONTENTS

I. INTRODUCTION.....	3
II. OVERVIEW	3
A. Goals	3
B. Information the Asylum Officer Needs to Elicit.....	5
C. Asylum Officer’s Duty to Elicit Information	5
III. PRE-INTERVIEW PREPARATION.....	6
IV. TYPES OF QUESTIONS.....	6
A. Open-Ended Questions	7
B. Closed Questions	8
C. Multiple Choice Questions	9
D. Leading Questions.....	10
E. Multiple Questions.....	11
F. Loaded Questions.....	12
V. PROBE / FOLLOW-UP	12
A. Probe into the Circumstances Surrounding an Event.....	13
B. Clarify	13
C. Ask Questions About Events in Relation to Country Conditions Information.....	14
D. Connect Statements Made at Different Points in the Testimony	14
E. Review Applicant’s Documents in Relation to Applicant’s Testimony	14
F. Follow-up on Vague or Non-Responsive Answers.....	15
G. Be Alert to Issues Raised at Any Time During the Interview that Require Follow-up Questioning.....	15
VI. QUESTIONING TECHNIQUES.....	16
A. Be an Active Listener.....	16
B. Keep Questions Simple.....	17
C. Clarify Understanding of What the Applicant Has Said.....	18
D. Keep the Interview Focused.....	21
E. Be Patient and Flexible	23
F. Pay Attention to Transitions	23
G. Have All Interactions Translated to the Applicant.....	24
VII. INTERVIEWING TIPS.....	24
A. Use a Checklist When Interviewing.....	24
B. Write Down Questions as They Come Up During the Interview as a Reminder to Ask Them Later in the Interview	24
C. Have a Map or Atlas at Hand.....	25
D. Keep the Desk Free of Clutter / Have Necessary Supplies Easily Accessible.....	25
VIII.SUMMARY	25

Presentation**References****I. INTRODUCTION**

This lesson instructs students on how to elicit information from an asylum applicant in a nonadversarial manner: how to appropriately probe to elicit necessary information, types of questions to ask, and questioning techniques to use.

**OH#1 & 2A-B:
Objectives**

When interviewing an asylum applicant, the asylum officer is “in control” of the interview. However, the asylum officer only has control over his or her own actions, and not those of the applicant. Therefore, when something is not going smoothly during the interview, the asylum officer can only change his or her own behavior, not the applicant’s behavior, to remedy the situation. Each interview is different and each applicant is different. The asylum officer must be aware at all times of the direction in which the interview is proceeding, and change the direction by adjusting questioning techniques when necessary in order to assist the applicant in relating all necessary information about his or her claim. This lesson, like the other interviewing lessons, attempts to help students identify their own style of interviewing, learn new interviewing techniques, and adapt their interviewing techniques to fit the situation of each particular interview.

II. OVERVIEW**A. Goals**

Using the application and supporting documents for background information, the asylum officer must conduct the interview with the following goals in mind:

OH#3: Goals

1. To give the applicant an opportunity to relate the information contained in the application in his or her own words
2. To give the applicant an opportunity to provide additional information that is not in the application

This provides the asylum officer with a complete understanding of the events that form the basis of the applicant's claim.

3. To have the applicant address any inconsistencies

Instructor Note 1

- a. within the application and supporting documentation

Example:

Applicant claimed on I-589 that his date of birth is December 10, 1947; the marriage certificate which he submitted with his I-589 indicated that his date of birth is April 18, 1947.

See also lesson, Interviewing Part I, Overview of Non-Adversarial Asylum Interview, section V.D.4., Correct the I-589

- b. between the application (including supporting documentation) and the applicant's oral testimony

Example:

During the interview, applicant stated that he was never arrested but the I-589 notes that he was detained by the authorities for attending a political rally.

- c. between the applicant's claim and known country conditions

Example:

Applicant stated she joined a political party in 1988, but the pre-interview country conditions research conducted by the asylum officer indicates that the party did not come into existence until 1990.

- d. within the applicant's testimony

Example:

At the beginning of the interview, applicant claimed that he worked until he left his country to come to the United States; later in the interview, applicant claimed that he was in hiding for three months prior to leaving his country.

(Note: Credibility issues are discussed in detail in lesson, *Credibility*.)

- 4. To find out if the applicant participated in any activities that would result in a mandatory bar or discretionary denial/referral

B. Information the Asylum Officer Needs to Elicit at the Interview

The basic information the asylum officer needs to elicit during the interview must answer the following questions:

1. Who is the applicant?
2. How and when did the applicant enter the United States?
3. Why did the applicant leave his or her country? (focusing on past harm and/or threats, if any)
4. Is the applicant afraid to return, and if so, why? (focusing not only on the experiences of the applicant, but also on the experiences of others similarly situated)
5. Did the applicant participate in any activity that would make him or her ineligible for asylum or warrant a discretionary denial/referral?

OH#4: Information the Asylum Officer Needs to Elicit at the Interview

C. Asylum Officer's Duty to Elicit Information

The asylum officer has the affirmative duty "to *elicit all relevant and useful information* bearing on the applicant's eligibility" for the form of relief sought (emphasis added).

8 C.F.R. § 208.9(b); *UNHCR Handbook*, paras. 196 and 205(b)(i).

Instructor Note 2

1. "Eliciting" information means more than simply asking questions, receiving responses, and moving on to the next topic. The asylum officer often needs to draw forth from the applicant additional information that has a bearing on the applicant's eligibility for asylum.
2. Although the asylum officer must cover all the information that is requested in the I-589, he or she should not merely ask the applicant the same questions that are on the I-589. Rather, the asylum officer must expand upon this information by asking additional questions in order to probe into all the reasons why the applicant is applying for asylum. The answer to one question may lead to additional questioning that is necessary in order to have a complete picture of the events that occurred.
3. The asylum officer must not limit the inquiry to what the applicant believes is important in his or her claim.

This is discussed in more detail in section V., *Probe/Follow-up*, below.

Applicants do not know asylum law and may not be aware of what is important to present in their testimony.

Example: An applicant believes that the authorities wish to harm him because of his religious beliefs. During the interview, however, the asylum officer elicits information that indicates that the authorities also wish to harm the applicant because of his ethnic background (or because the authorities view the applicant's church-related activities as a form of political opposition).

The asylum officer needs to determine at all interviews how each of the five protected grounds may be relevant to the applicant's claim.

4. For a variety of reasons, an applicant sometimes may give a vague or non-responsive answer to the asylum officer's question. The asylum officer cannot simply move forward to another line of inquiry; instead, the asylum officer must ask follow-up questions to expand upon and clarify the applicant's statements.

Eliciting the applicant's testimony by probing for additional information and following-up on the applicant's statements is critical at the interview.

III. PRE-INTERVIEW PREPARATION

Prior to interviewing the applicant, the asylum officer must review the file and supporting documents, as well as country conditions reports if necessary. This review can provide a basis for determining initial lines of questioning as well as specific questions to pursue during the interview. The asylum officer should have an idea of the issues raised in the asylum application that need to be expanded upon in the course of the interview.

See lesson, Interviewing Part I, Overview of Nonadversarial Asylum Interview, particularly section V.A., Pre-Interview Preparation

However, the asylum officer must not let this pre-interview preparation of questions prevent him or her from exploring additional issues that arise during the interview.

Instructor Note 3

IV. TYPES OF QUESTIONS

There are various types of questions, some that are useful in the asylum context and others that are not. Asylum officers must be aware of the effects of their questions and the kind of information that the questions do or do not elicit. Asylum officers must be flexible in changing the types of questions they use to fit the circumstances of the interview.

Instructor Note 4

Questions have been categorized in a number of different ways by

OH#5: Types of Questions

educators and linguists. For purposes of the asylum interview, we are using the following categories. (Note: some of the question types may overlap.)

A. Open-Ended Questions

1. Explanation

As the name suggests, an open-ended question is framed in such a way that the applicant is given the opportunity to expand his or her response to give a full and open answer.

Open-ended questions generally begin with question words such as "what," "why," and "how," and elicit either descriptive/factual information, such as a factual account of a situation or event, or an opinion.

Instructor Note 5

2. Examples

What happened then?

Why did you go into hiding?

Why do you think the guerrillas wanted to harm you?

Why did the authorities arrest you?

Is there anything else you would like to add? Is there anything that you feel is important for me to know that we did not discuss?

The last question(s) noted here is an important open-ended question that should be asked at the end of every interview.

3. Effect

Open-ended questions usually yield significantly more information than most other types of questions. Open-ended questions require that the asylum officer be prepared to listen carefully in order to identify all points that are relevant to the applicant's claim. A complete response may expand beyond the original question to raise other important points that must be pursued with further questioning. The asylum officer should write down any additional questions or lines of questioning that come up while the applicant is responding to an open-ended question. By doing this, the asylum officer will be certain to remember at a later point in the interview to ask the additional questions.

Sometimes, however, open-ended questions can lead to a lengthy discussion that includes information not relevant to the applicant's claim.

Instructor Note 6**B. Closed Questions**

1. Explanation

These are questions that normally attract the basic answer 'yes/no' or elicit a statement of fact that is strictly limited. Closed questions should be framed in such a way as to not suggest an answer.

2. Examples

a. elicits yes/no

(usually begins with: Did, Does, Do, Is, Are, Was, Were, Has, Have, etc.)

"Did the military know you were involved with the rebels?" "Did you go to the police for help?"

b. elicits limited information

"What is the name of your political party?", "How many members are there in your local union?", "Where did you go after you escaped from prison?"

3. Effect

A "yes/no" question is very limited in the information it elicits; it does not elicit a complete description of the events.

A limited information question elicits a brief reply and generally does not encourage the applicant to explain the circumstances surrounding the information in the reply. For example, the question: "How many members are there in your local union?" may fail to elicit the fact that there were 32 members in the union when the applicant left, but that there had originally been 38, before 5 were arrested during a military sweep.

Although closed questions, especially "yes/no" questions,

can be limiting, closed questions may be useful in eliciting specific information. Appropriate closed questions can be used to probe into answers elicited by open-ended questions. Sometimes, an applicant may not give certain information unless it is specifically asked for and so certain closed questions may be used to elicit specific information.

The responses to closed questions often should be followed-up by further questioning.

Instructor Note 7

C. Multiple Choice Questions

1. Explanation

With a multiple choice question, the applicant is given a choice between two or more options.

2. Examples

a. limited options

(can point the applicant in a particular direction by giving limited options to choose from)

"When you left your village, did you tell anyone you were going or did you leave without talking to anyone?"

Instructor Note 8

b. open options

(can open up a number of possible responses or indicate to the applicant the type of answer the question is eliciting)

"Approximately how often did you receive threatening phone calls: once a week? once a month? daily?"

Instructor Note 9

3. Effect

This form of question limits the available answers the applicant can give. It sometimes gives the impression that the asylum officer already has an idea of what the answer is. Example "a" above gives the applicant only two options -- to indicate that he or she did or did not talk to anyone prior to leaving. It does not elicit an alternative answer such as: "I told the mayor I could never live under his

tyranny, but I did not tell him that I was leaving or where I would go."

Some multiple choice questions, however, are useful in structuring a response without leading the applicant. Example "b" above is an example of a multiple choice question that may be useful in an asylum interview, particularly if the applicant is having difficulty answering.

Asylum officers should try to recognize when they are asking limited option multiple choice questions and attempt to change these questions into open option questions or another question type.

D. Leading Questions

1. Explanation

Leading questions focus the applicant's answer in a particular direction. A leading question may indicate that the asylum officer is expecting certain information.

2. Example

"(So) did they think you were an activist?"

"That really frightened you, didn't it?"

3. Effect

The answer is "put into the applicant's mouth." The applicant may give an answer that he or she thinks the asylum officer is suggesting, particularly when the applicant feels under pressure, even though it may not be the answer the applicant wants to give. Asylum officers must remember that their task is to elicit information from the applicant, not provide it.

Under some circumstances, leading questions can speed up the interview process in an appropriate manner, particularly when reviewing the I-589. "Do you still live at?" is faster than "Where do you live?" (unless the asylum officer has questions about the address).

In general, however, the use of leading questions during nonadversarial asylum interviews must be avoided, because

applicants are far more likely to fully disclose claims if they are not asked leading questions.

E. Multiple Questions

1. Explanation

Multiple questions are several questions asked together. If the asylum officer asks multiple questions, it is usually done unconsciously. The asylum officer may want to ask a question that actually has several parts or may change the question in mid-stream.

2. Examples

"I'd like you to tell me exactly how you were threatened and why, if you were so fearful for your life after receiving the threats, you waited six month to leave the country."

Instructor Note 10

"I'd like you to tell me about your involvement in the All Amhara People's Organization and why you were targeted, but before we get into that, could you tell me a little more about your experiences in jail, such as how long you were detained, the conditions in the jail, and how you were able to escape?"

3. Effect

In a normal conversation outside of the asylum context, individuals who speak the same language and know each other may use multiple questions without miscommunicating. At an asylum interview, however, a second language and an interpreter are usually involved. In addition, culture presents another filter in this exchange of information. Therefore, multiple questions must go through more than one "filter," and parts of what is said may be filtered out, creating problems in communication.

Cross-cultural issues are discussed in depth in lesson, *Interviewing Part IV, Cross-Cultural Communication and Other Factors that May Impede Communication at an Asylum Interview*.

The applicant may become confused and not know what to answer. This may cause the applicant to hesitate before answering, possibly causing the asylum officer to suspect that the applicant is not being truthful.

If working through an interpreter, the question may not be translated completely. The asylum officer may think the applicant is answering one part of the question, when in

Instructor Note 11

fact, the applicant is answering another part of the question. This could lead the asylum officer to erroneously conclude that the testimony is internally inconsistent or inconsistent with information in the I-589 or that the applicant is avoiding certain questions.

Because of the potential for miscommunication, asylum officers need to recognize when they are asking multiple questions and must avoid asking them.

One way to help asylum officers avoid asking multiple questions is to write the interview notes in a Question and Answer format.

F. Loaded Questions

1. Explanation

A loaded question may indicate that a particular response may cause the asylum officer to judge the applicant.

The tone of voice the asylum officer uses can also convey to the applicant that a particular answer is expected or that a certain answer will receive a negative or positive judgment from the asylum officer.

2. Examples

"Why in the world did you do that?"

"Why didn't you stay and protect your family instead of leaving them to fend for themselves?"

Instructor Note 12

3. Effect

The use of loaded questions during asylum interviews places the applicant on the defensive. This may impede the open flow of communication, since an applicant who feels defensive may be reluctant to openly relate his or her experiences. Loaded questions must be avoided.

Instructor Note 13

V. PROBE / FOLLOW-UP

"Probing" or "following-up" an applicant's statements is CRUCIAL at an asylum interview. If responses are not followed-up with further questioning, the asylum officer may discover after the interview that he or she does not have all the information needed to make an appropriate decision on credibility and the applicant's eligibility for the benefit sought.

The response to one question may lead to a number of additional questions in order to elicit further information about the particular topic or event.

A. Probe into the Circumstances Surrounding an Event

OH#6: Probe/Follow-Up

1. The asylum officer will often need to probe the testimony regarding a particular important event in order to gain a complete understanding of the circumstances surrounding the events and the basis of the applicant's claim.
2. When probing, the asylum officer must often base subsequent questions on the applicant's preceding responses. For example, if the applicant says she was threatened, the asylum officer must ask questions to determine what the content of the threat was, when it occurred, who made the threat, and how it was made (in person, by phone, letter, etc.).
3. If an applicant cannot articulate the reasons for a persecutor's actions, asking probing questions around the event(s) may assist the asylum officer in determining motive. For example, an applicant whose claim involves domestic violence may not be able to explain clearly why she was abused. Probing questions such as the following may help to clarify motive: "What were you doing/saying at the time that may have caused (the abuser) to beat you?"

Note: However, it is important to keep in mind the nature of the particular event, which may dictate the type of questions to ask and the extent to which probing is appropriate. For example, in a case in which the applicant has been sexually abused, the asylum officer may probe for details related to the abuse, but should not necessarily probe for details of the actual abuse.

Instructor Note 14

B. Clarify

The asylum officer will often need to clarify the meaning of an applicant's statements by asking follow-up questions.

See also, section VI.C., Clarify Understanding of What the Applicant Has Said, below.

1. Clarify terms

If an applicant uses a term such as "tortured," "mistreated," or "detained," the asylum officer needs to find out exactly what the applicant means. If the applicant says that he or she was "hit," the asylum officer needs to elicit from the applicant a description of what happened by asking such questions as "How?" "With what?" "Where?" and "Please describe."

2. Clarify statements

Sometimes the asylum officer will need to clarify statements that appear to be illogical or that have several meanings.

For example, an applicant may state that she came into the United States without inspection at Los Angeles. She may mean that she crossed the border at San Ysidro, but the only city she knows is Los Angeles; she may have been a stowaway who arrived at the port in Los Angeles; or she may have arrived at the airport with false documents. The asylum officer needs to clarify exactly how the applicant arrived in the U.S.

C. Ask Questions About Events in Relation to Country Conditions Information

A thorough knowledge of country conditions information is essential in order to ask appropriate follow-up questions. An asylum officer who is well-versed in country conditions will be better able to ask relevant follow-up questions and will be less likely to miss important facts.

See lesson, Country Conditions Research and the Resource Information Center (RIC)

Instructor Note 15

D. Connect Statements Made at Different Points in the Testimony

The asylum officer may often need to connect statements the applicant made at one point in the interview with statements the applicant made at another point in the interview, asking follow-up questions about the relationship between the two statements.

For example, an applicant states at the beginning of the interview that she has two brothers in the military. Later she states that guerrillas targeted her house when they raided her village but that she does not know why they targeted her house.

It would be appropriate to probe further to determine whether there is any connection between her brothers' membership in the military and the guerrillas' attack on her house. (The asylum officer must be careful, however, to avoid leading questions.)

See section IV.D., Leading Questions, above.

E. Review Applicant's Documents in Relation to Applicant's Testimony

The applicant may submit documents in support of his or her

claim. The asylum officer must review these documents carefully and compare the information contained in the documents with the information the applicant presented during the interview. The information in the documents may raise further lines of questioning that the asylum officer must pursue.

For example, at the beginning of the interview an applicant states that he entered the United States without inspection in June 1995 after escaping from prison. Later in the interview, the applicant submits an arrest document that is dated July 1, 1995. The asylum officer must determine the reason for the discrepancy in dates. It is possible that the applicant actually came to the U.S. in July and made a mistake when giving the date, that interpreter misinterpreted the dates, that the arrest document is false, etc.

F. Follow-up on Vague or Non-Responsive Answers

The asylum officer must always follow up on non-responsive answers. If the applicant's answer is vague or does not directly answer the question, or if the applicant does not answer the question at all, this may be a signal that the asylum officer, the interpreter, or the applicant has not communicated clearly, or that the applicant is not being forthright.

Instructor Note 16

G. Be Alert to Issues Raised at Any Time During the Interview that Require Follow-up Questioning

At any time during the interview, the applicant may make a statement about which the asylum officer needs additional information. This may open lines of questioning that are not apparent from the I-589. The asylum officer needs to be alert to any situation in which follow-up questioning is appropriate.

Sometimes a question or comment made by the applicant's representative at the end of the interview may raise further lines of questioning that the asylum officer should pursue.

For example, the attorney may ask the applicant to describe events that happened to the applicant's brother, which the asylum officer had not asked about. The asylum officer may need to follow-up the applicant's statements with further questioning to determine whether the brother's situation has any bearing on the applicant's case.

As noted above, probing or following-up an applicant's statements is crucial at an asylum interview. Without such

follow-up questioning, the asylum officer will have missed important points and will not have enough information to make a well-reasoned decision.

Instructor Note 17

VI. QUESTIONING TECHNIQUES

During the interview, the asylum officer will have to draw on a range of question types and questioning techniques to elicit all the necessary information in a nonadversarial manner within time constraints.

OH #7: Questioning Techniques

Instructor Note 18

The asylum officer must keep in mind the following techniques when interviewing:

A. Be an Active Listener

Instructor Note 19

1. Listen carefully to the applicant.

It is imperative that the asylum officer pay attention and listen to what the applicant is saying so that the officer does not miss important information or critical lines of questioning.

2. Look at the applicant rather than the interpreter when asking questions.

Bear in mind that eye contact may have different meanings in different cultures and to survivors of torture or severe trauma.

See lessons Interviewing Part V, Interviewing Survivors; and Interviewing Part IV, Cross-Cultural Communication and Other Factors That May Impede Communication at an Asylum Interview

3. Show interest in what is being said.

The asylum officer must indicate that he or she is interested in what the applicant is saying and should convey this impression to the applicant through appropriate posture and facial expressions.

The asylum officer should refrain from slouching, fidgeting, adjusting eyeglasses, looking at people passing by the office, or reading the application when the applicant is speaking.

4. Give the applicant an indication that what he or she said was understood.

"Yes," "OK," "I understand," etc.

Such responses signify that communication and understanding are occurring, and that the asylum officer is listening to the applicant without being judgmental.

5. Give encouragement to the applicant to continue when appropriate.

"Go on."

"And then?"

General leads such as these leave the elaboration of the subject up to the applicant, and encourage the applicant to continue if he or she appears to have stopped without finishing a thought. This type of encouragement also indicates that the asylum officer is following what has been said and is interested in what is to come next.

B. Keep Questions Simple

1. Use questions that are clear, short, and simple: "Who are you afraid of?" "What do you think would happen to you if you returned?" "Why?"
2. When an interpreter is involved, and a long question is asked, break up the question into short phrases that can be easily translated. Likewise if the applicant has a long answer, he or she should be asked to break up the question into shorter phrases to be translated one at a time. Questions such as "Apart from the incident regarding the threat of kidnapping of your son and the incidents of being robbed and beaten, did you have any other problems?" should be broken down so there is no confusion in understanding.
3. Avoid using several negatives in one question (e.g., "Isn't it true that you didn't leave your town until you found out that you couldn't find a job?"). Such questions are difficult to understand and may cause problems in translation.

See lesson, Interviewing Part VI, Working With an Interpreter.

C. Clarify Understanding of What the Applicant Has Said

The asylum officer may need to confirm or clarify the meaning of parts of the applicant's testimony.

See section V.B., Clarify, above.

1. Repeat or rephrase questions.

The applicant may give a vague or unclear response because he or she did not understand the question. The asylum officer may need to repeat or rephrase the question so that the applicant understands the meaning of the question. The asylum officer may also advise the applicant that he or she does not understand, so the applicant can clarify.

Examples:

Q: "Why did you join the student group?"

A: "We met at school."

Q: "The group met at school?"

A: "Yes"

Q: "And what was the reason you joined the group?"

" I don't understand what you said about....."

"Could you please explain again why..."

2. Repeat or summarize what was said, or ask the applicant to repeat or summarize parts of his or her claim.

Repeating what was said can ensure that the asylum officer does not miss any information.

When the asylum officer summarizes what he or she heard, the applicant is given an opportunity to point out any misunderstandings or information that was missed.

Summarizing parts of the testimony also brings together the important points of the discussion and gives each participant at the interview an organized picture of what was said. When summarizing, the asylum officer should omit any irrelevant issues and should organize the pertinent information presented at the interview.

Examples:

"I want to be sure I understood you. Did you say that...?"

"You said that _____. Is that correct?"

3. Ask the applicant or interpreter to repeat the asylum officer's question.

If an applicant's response does not answer the asylum officer's question, the asylum officer can ask the applicant or interpreter to repeat back to the asylum officer the question the officer asked to be certain that the question was understood.

4. Place the events in time or sequence.
 - a. Putting events in their proper sequence helps both the applicant and the asylum officer to discuss the events and assess their impact on the claim. When writing the legal analysis, it is essential to know approximately when specific events occurred. Knowledge of the chronological sequence of events may also have an impact on the credibility determination. Asylum officers must ask questions designed to determine the order of the events that took place.

Examples:

"When did this happen?"

"Was this before or after ...?"

"What led up to ...?"

- b. It is important to keep in mind that perceptions of time vary from culture to culture. A question asking for a specific time or date may not be understood by an applicant whose culture places little value on specific hours and dates. In addition, some applicants may want to explain what they feel to be the most important events first rather than relate a story in chronological order.

See lessons, Credibility, and Interviewing Part IV, Cross-Cultural Communication and Other Factors that May Impede Communication at an Asylum Interview for discussion of culturally-based perceptions of time.

When possible, asylum officers should try to pose questions

that take into consideration the cultural background of the applicant. The officer can ask for the time of an event by asking the time relative to other events, such as in what season the event occurred, or if the event took place before or after a holiday, birth, death, etc. In addition, asking the question several different ways may help in eliciting all of the necessary information.

5. Be aware of the use of pronouns and certain other terms.

Questions such as, "What did they do then?" may seem clear to the asylum officer, but the applicant or interpreter may be unclear about the use of ambiguous terms such as "they" and "then." Which "they" is being referred to: the police? the applicant's family? members of the opposition party? It is important to be specific when asking questions: "After the police tore down your banner, what happened next?" Relationship terms such as "your sister," titles such as "the police inspector," or actual names of persons should be substituted for pronouns such as "he" or "they" to avoid confusion.

Similarly, it is important to clarify with the applicant what he or she means by the terms "he," "they," etc. For example, "You said 'they' hit you. Who are 'they'?"

6. Avoid making assumptions.

The asylum officer must avoid jumping to conclusions by making assumptions without knowing all of the facts.

- a. For example, the applicant may have stated that he was a member of an opposition political party and that he was arrested at a party rally at which he was the main speaker. The asylum officer might assume that the applicant was arrested because he voiced his political opinion at the rally.

It may be possible, however, that the applicant was arrested because his party did not apply for the necessary permission to hold the rally or that he and others in the rally became violent and attacked the houses of opposing party members who lived nearby.

- b. Assumptions about what an applicant may or may not know, such as "all Christians know the Bible," may

keep the asylum officer from probing more deeply into an applicant's claim, or may lead the asylum officer to determine incorrectly that the applicant is not credible.

The asylum officer must be sure that his or her understanding of the claim is supported by the applicant's testimony.

D. Keep the Interview Focused

1. The asylum officer must keep control of the interview and maintain focus on the key issues. Time is limited and the asylum officer must make efficient use of the time available by asking questions that keep the interview focused on relevant points.

Ideally, the applicant should be doing most of the talking and the asylum officer should be listening and writing the applicant's responses. If the applicant digresses, the asylum officer should not hesitate to interrupt and refocus the testimony. This must be done in a courteous manner: "I'm sorry, I know you are trying to answer the question, but I need you to tell me what the soldier said to you," or "That may be true, but what I'm asking is..."

It is inappropriate for an asylum officer to show frustration by his or her tone of voice or by making statements such as "Just answer the question!"

2. Some applicants want to explain in detail the political situation of their country. In such cases, the asylum officer must provide assurance that he or she is aware of the situation in the particular country and should help the applicant focus on details that relate specifically to him or her.

For example, "I am aware of the situation in your country and I can do further research after the interview. This interview is my only opportunity to get information specific to you, so I would like to focus on the facts of your particular case."

3. Some applicants want to relate everything that happened to their families, beginning with their grandparents or great-grandparents. Although the applicant may feel that this is

necessary, and it is sometimes important to have a complete picture of the applicant's background, knowing all such details is often not helpful in establishing the applicant's claim.

The asylum officer needs to politely interrupt and ask the applicant to respond specifically to the questions asked, explaining that recent experiences of the applicant and his or her family are more relevant to the claim. The asylum officer should also assure the applicant that the officer will be eliciting the information that is necessary in order to make a decision.

Instructor Note 20

4. An applicant's perception of what is important may be different from the asylum officer's perception of what is important. The applicant may not feel it is necessary to include details and may omit information that can assist the asylum officer in determining, for example, the motive of the persecutor. The applicant may be confused by the asylum officer's attempt to focus on something that the applicant feels is not important. However, the asylum officer must help the applicant to focus on information that is relevant to the asylum claim.

5. An applicant may also jump from one thought to another; he or she already knows the story and may not realize that the asylum officer needs to know certain details surrounding particular events. In such cases, the asylum officer may need to focus the applicant on a single point.

Instructor Note 21

For example, "Information about your arrest is important. Before we discuss that, however, I would like to learn more about how you became involved in your political party."

6. Applicants who are survivors of torture or other severe trauma may have difficulty responding to questioning during an asylum interview. Asylum officers need take this into consideration when interviewing.
7. Digressing or not answering the questions posed could also be an indication that the applicant may be attempting to be evasive because he or she is attempting to fabricate a claim. The asylum officer must refocus the applicant's testimony as above, remaining non-adversarial.

This is discussed in detail in lesson, *Interviewing Part V, Interviewing Survivors*.

While it may be frustrating for the asylum officer when trying to

Instructor Note 22

refocus an applicant, it is never appropriate to show frustration by using an abrupt tone of voice or by making statements such as “Just answer the question!” The asylum officer should remain professional and nonadversarial at all times.

E. Be Patient and Flexible

As noted immediately above, the asylum officer must not show impatience or discouragement when encountering a confused, non-responsive, or evasive applicant.

1. The interview can be a stressful situation for the applicant and others at the interview, and cultural and language barriers may be substantial. Information can easily be misunderstood, especially when an interpreter is involved and the information must be translated into another language. Asylum officers must be patient and must be prepared to repeat or rephrase questions or ask the applicant to repeat his or her answers.

Asylum officers should also allow the applicant time to respond to questions. The asylum officer may feel a need to fill in the silence by asking additional questions; however, it may be more beneficial to allow for some silence at particular times during the interview. Sometimes, a few seconds of silence can give the applicant an opportunity to collect his or her thoughts and determine how to answer a particularly difficult question.

Instructor Note 23

2. Keep in mind that interviews unfold in unpredictable ways and at various speeds. The asylum officer must be flexible so that he or she may pursue lines of questioning that may come up and must allow enough time for the lines of questioning to develop fully. The asylum officer must also adapt his or her questioning to fit the situation.

F. Pay Attention to Transitions

The asylum officer must be aware of how he or she shifts from one topic to another and what the effect these shifts have on the applicant’s testimony. In most cases, the transition should be smooth and clear. Remember that the applicant probably does not know the law and the important issues to the same extent as the asylum officer. A smooth transition will aid efforts to elicit information.

For example, changing gears from a discussion of what happened at the hospital after the applicant was beaten to what happens to similarly situated people may confuse the applicant. The asylum officer can simply state, "We have talked about the events at the hospital; now I want to ask you some questions about what happens to other people who have been attacked."

It is important to note, however, that when the asylum officer suspects fraud, it may be useful to elicit testimony out of order to determine whether the applicant's testimony is internally consistent.

See lesson, Credibility.

G. Have All Interactions Translated to the Applicant

There may be times when the asylum officer needs to discuss certain issues with the attorney or representative, interpreter (e.g., manner of translation), or anyone else present at the interview. The asylum officer should ensure that what is discussed is translated to the applicant to allow the applicant to be aware of all that transpires during the interview and to avoid confusion on the part of the applicant.

VII. INTERVIEWING TIPS

The following tips may be helpful to maintain control and elicit all necessary information at the interview.

A. Use a Checklist When Interviewing

Using a checklist may prevent omissions of important lines of questioning. Review the checklist prior to the interview and then take a quick look at it just before ending the interview to ensure that everything was covered.

See "Interview Checklist" at end of lesson

Some asylum officers who have interviewed many applicants may feel that they know what to ask and do not need a checklist. There are times, however, when even experienced officers forget to ask certain questions. The use of a checklist avoids the possibility of omitting certain questions (e.g., regarding possible mandatory or discretionary bars) or tasks (e.g., having the applicant sign the I-589).

B. Write Down Questions as They Come Up During the Interview as a Reminder to Ask Them Later in the Interview

During the interview, use a notepad or piece of paper at the side

of the desk to jot down any questions that come to mind but that are not appropriate to ask at that moment of the interview. Refer to the notepad later in the interview to be reminded of the additional questions to ask. This will allow you to focus on what the applicant is saying, rather than on the question you want to ask.

C. Have a Map or Atlas at Hand

The applicant may be able to identify on a map important locations such as where he or she lived, moved to, etc. Remember, however, that some applicants may have never seen a map and may not know how to read one. In addition, prior to leaving for the United States, some applicants may never have traveled beyond their villages or towns. Their view of "distance" may be confined to the distance between their home and their field or the market. Furthermore, such applicants may not measure distance in terms of miles or linear measurements but rather according to another form of measurement such as the length of time it takes to arrive at the destination, or landmarks along the way.

See lesson, Interviewing Part IV, Cross-Cultural Communication and Other Factors that May Impede Communication at an Asylum Interview.

D. Keep the Desk Free of Clutter / Have Necessary Supplies Easily Accessible

Keep the desk as clear as possible except for a notepad, relevant forms, a paper clip remover, a stapler, pens (red, blue/black), and other necessary supplies. It is also advisable to have a box of tissues nearby in case the applicant becomes emotional during the interview and begins to cry.

Instructor Note 24

If all necessary papers and supplies are easily accessible, you will not become distracted from your questioning. This will also keep the applicant from becoming distracted.

Instructor Note 25

VIII. SUMMARY

A. Goals of the Interview

OH #8: Summary A

The asylum officer must keep in mind the following goals when interviewing:

1. To give the applicant an opportunity to relate the information contained in the application in his or her own words

2. To give the applicant an opportunity to provide additional information that is not in the application
3. To have the applicant address any inconsistencies
4. To find out if the applicant participated in any activities that would result in a mandatory bar or discretionary denial/referral

B. Basic Information

The basic information the asylum officer needs to elicit during an interview must answer the following questions:

OH #9: Summary B

1. Who is the applicant?
2. How and when did the applicant enter the United States?
3. Why did the applicant leave his or her country? (focusing on past harm or threats, if any)
4. Is the applicant afraid to return, and if so, why? (focusing on the experiences of the applicant and the experiences of others similarly situated)
5. Did the applicant participate in any activity that would make him or her ineligible for asylum or warrant a discretionary denial/referral?

C. Duty to Elicit Information

The asylum officer has the affirmative duty “to elicit all relevant and useful information bearing on the applicant's eligibility.”

OH #10: Summary C

8 CFR § 208.9(b)

D. Preparation

Prior to the interview, the asylum officer must review the file and supporting documents, as well as country conditions reports if necessary, to determine lines of questioning and specific questions.

OH #11: Summary D

However, the asylum officer must not be limited to these questions as the interview unfolds, and must pursue any additional issues that arise during the course of the interview.

E. Types of Questions

OH1#12: Summary E

There are several types of questions that the asylum officer can use at the interview; some are more helpful than others and some should be avoided. Types of questions include:

1. Open-ended questions

Elicits the most information of any question type; the asylum officer may need to control this type of questioning to prevent the applicant from digressing into areas not pertinent to his or her claim.

2. Closed questions

Elicits very little information; if using this type of question, the asylum officer should usually follow-up with other questions to elicit all necessary information.

3. Multiple choice questions

Gives a choice between two or more options, sometimes leading the applicant to a particular answer. Certain multiple choice questions, however, can open up a number of possible responses for an applicant who is having difficulty relating his or her story or understanding the kind of information the asylum officer is seeking.

4. Leading questions

Focuses the applicant's response in a particular direction which may or may not be what the applicant actually intended. Should be avoided in most circumstances.

5. Multiple questions

Several questions asked together; can confuse the applicant, the interpreter, and asylum officer. Must be avoided.

6. Loaded questions

Indicates that a particular response may cause the asylum officer to negatively or positively judge the applicant. Must be avoided.

F. Probe / Follow-upOH #13 A&B: Summary
F

"Probing" or "following-up" an applicant's statements is CRUCIAL at an asylum interview. Asylum officers need to:

1. Probe into the circumstances surrounding an event
2. Clarify
3. Ask questions about events in relation to country conditions information
4. Connect statements made at different points in the testimony
5. Review applicant's documents in relation to applicant's testimony
6. Follow-up on vague or non-responsive answers
7. Be alert to issues raised at any time during the interview that require follow-up questioning

If responses are not followed-up with further questioning, the asylum officer may discover after the interview that he or she does not have all the information needed to make an appropriate decision on credibility and the applicant's eligibility for the benefit sought.

G. Questioning Techniques

OH #14: Summary G

The asylum officer must keep in mind the following techniques when interviewing:

1. Be an active listener
2. Keep questions simple
3. Clarify understanding of what applicant has said
4. Keep interview focused
5. Be patient and flexible
6. Pay attention to transitions

7. Have all interactions translated to the applicant

H. Interview Tips

OH #15: Summary H

Interview "tips" that the asylum officer can incorporate to help facilitate the interview process include:

1. Make use of a checklist
2. Write down questions to ask later during the interview
3. Have a map or atlas close at hand
4. Keep desk free of clutter
5. keep necessary supplies within easy access