

Die Anhörung im Asylverfahren – englische Übersetzung

The Interview: a key part of the asylum procedure

Advice for asylum seekers in Germany

4th edition, December 2016

Unabhängige Asylverfahrensberatung finden Sie an diesen Orten in Bielefeld:

- Unterkunft „Oldentruper Hof“, Niedernholz 2, Bielefeld
- Unterkunft „Hotel Südring“, Gütersloher Str. 259, Bielefeld
- Zentrale Ausländerbehörde (ZAB), Am Stadtholz 26, Bielefeld

You find independent consultation on the asylum process in the EAE Bielefeld here:

- Camp “Oldentruper Hof”, Niedernholz 2, Bielefeld
- Camp “Hotel Südring”, Gütersloher Str. 259, Bielefeld
- Zentrale Ausländerbehörde (ZAB), Am Stadtholz 26

Sie können mit diesen Personen sprechen: / You can talk with:



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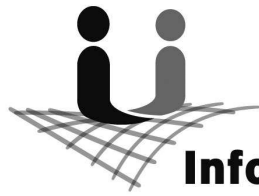


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Informationsverbund
ASYL & MIGRATION

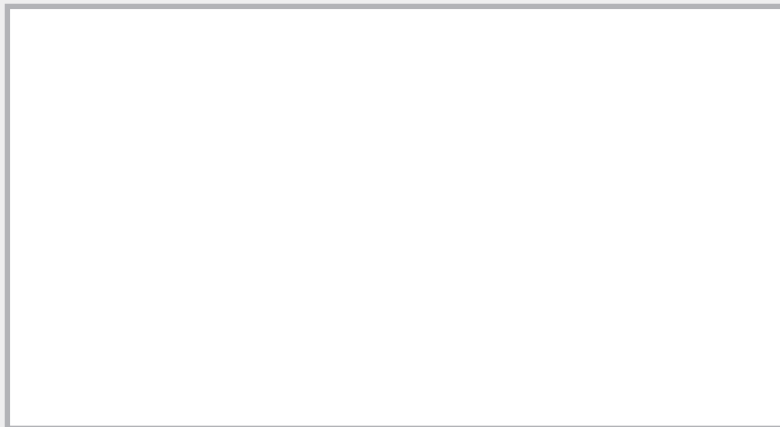
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V. i. S. d. P.: Michael Kalkmann, c/o Informationsverbund Asyl und Migration
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About this leaflet

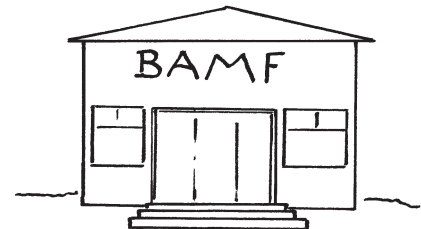
We would like to use this leaflet to give you some advice about the interview in your asylum procedure. The interview is the most important opportunity you have to explain why you fled your home country. That is why it can determine whether you will receive protection in Germany. And that is also why you should prepare yourself well for the interview.

It is best if you see a lawyer before the interview, or if you go to an **advice center** for refugees. There are a number of independent organizations in Germany that advise refugees for free. You may receive information about these advice centers when you submit your asylum application. If not, please ask the social worker in your temporary accommodation. You can also find the addresses of advice centers online at www.asyl.net.



What is an application for asylum?

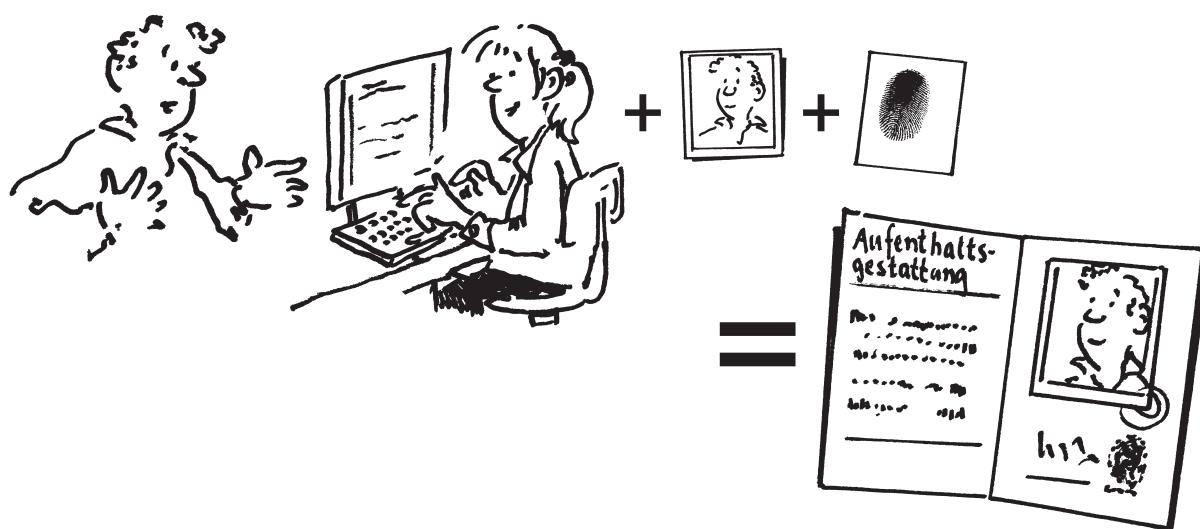
You have to submit your asylum application to the **Bundesamt für Migration und Flüchtlinge**, or **BAMF** for short (Federal Agency for Migration and Refugees). If you request asylum before any other authority, from the police for example, you will be sent from there to the BAMF. The authorities then decide which specific BAMF office is responsible for your application. It is possible that this is in the location where you are already staying. But if the office is in a different location in Germany, then you have to travel there. It is important that you go immediately to the office that is responsible for your case. Otherwise, you could face serious disadvantages in your application for asylum.



Unfortunately, it is possible that the BAMF office responsible for your case cannot take in your application straight away. If this is the case, then the authorities have to at least issue a green identity document titled “Ankunftsnachweis” (Proof Of Arrival). If your application still has not been taken in after several weeks, then you should definitely contact an advice center.

When you submit your application, you will be photographed and your fingerprints will be taken. At this same appointment, you might be asked questions about: your person; your last place of residence in your country of origin; your parents and grandparents; and about your journey to Germany. However, it is also possible that these questions will not be asked before your main interview – the procedure is not uniform in this respect.

When your asylum application has been registered, you will receive a document titled “Aufenthaltsgestattung” [preliminary residence permit]. This functions as an identity card, and you have to carry it with you at all times.



Important: Post from the BAMF

- If letters from the BAMF do not reach you, this could lead to problems in your asylum procedure. That is why you have to check each day if any mail has arrived for you. If information about new letters is put up on the noticeboards in your accommodation, then please check there every day. You otherwise have to ask the person who distributes the mail in your accommodation.
- If you move addresses or are sent to different accommodation, please inform the BAMF of your new address straight away. You are legally obliged to communicate this information, even if other authorities already know your new address. If you have a lawyer, please also inform them immediately about the change of address.

What are the aims of the asylum procedure?

The BAMF evaluates and decides on the following questions during the asylum procedure:

- **Is Germany responsible for your individual asylum application?** (More information about this in the box on this page)
- **If Germany does carry out the asylum procedure – were you persecuted in your home country and what would you be threatened with if you returned?**

It can be confusing that asylum seekers are sometimes asked about these questions at one single interview, and sometimes at two or more separate interviews. At the start of each appointment, the BAMF is legally obliged to inform you about the subject of the interview that follows.

Determining responsibility using the “Dublin Regulation”

Many European states including Germany have agreed with each other that only one of them should be responsible for processing an individual’s specific asylum application. This is why these states agreed a contract with each other in the Irish capital Dublin. The procedure through which responsibility is determined is therefore known as “the Dublin procedure”.

The Dublin procedure can be used to decide that your asylum procedure must be processed in another European state, and not in Germany. This is a viable possibility

- if you have already applied for asylum in another European state
- if the authorities in another European state have already registered you
- if you entered Germany with a visa from another European state
- if there is any other evidence available which shows that you spent time in another European state.

You should in any case discuss the possibility – either at an advice center or with your lawyer – that Germany may not be responsible for your application for asylum. If this is indeed the case, your asylum application in Germany can be ended, without the reasons for your application having been examined. This does not mean, though, that you are now no longer able to get asylum anywhere in Europe. Rather, you are being requested to let your asylum application be examined in the state which is responsible. You can also receive protection in that state.

The BAMF is legally obliged to inform you about the Dublin procedure. They will give you written information for this purpose. In addition, a discussion (*Gespräch*) must take place with you about the Dublin procedure. This discussion can be built into the interview in which you also explain the reasons for your asylum application. But it can also happen at a separate appointment. If you have special reasons why your asylum application should be examined in Germany and not in another European state, then you must state these reasons during this discussion. If you have family members living in Germany for example, or if you are afraid that your human rights could be violated in another European country, then you should definitely say this during the interview.

If another European state has already made a decision about an asylum application that you have submitted, then normally no further asylum procedure will be carried out for you in Germany. However, there are exceptions. That is why you should also definitely talk about this point either with an advice center, or with a lawyer.

How are decisions in the asylum procedure made?

When the asylum procedure is carried out in Germany, the central question is whether you will be given formal recognition as a **refugee (Flüchtling)**. For this it is decisive whether you would be threatened with persecution if you returned to your country of origin. This is principally the case if your life is at risk, or if you are threatened with physical injuries or wrongful imprisonment in your country of origin. However, there are also other violations of human rights that could be categorized as persecution, if they cause similarly severe consequences. The BAMF also evaluates whether you are threatened with violations of your human rights because of particular “attributes” you as a person may have. These can be a person’s attributes – for example skin color, gender or sexual orientation – but can also be political or religious convictions.

Even if no danger of persecution can be determined, the evaluation of your asylum application is not yet finished. In addition, the BAMF has to determine if you are threatened with other dangers in your country of origin. For example, you could be granted the status of **subsidiary protection (subsidiärer Schutz)** if you are threatened with dangers resulting from civil war in your home country.

The authorities also evaluate if you are threatened by any other severe dangers. This could be the case, if you would not be able to survive in your country of origin because of illness or because of especially difficult living conditions. If any of these categories apply to you, the BAMF is legally obliged to issue an “**Abschiebungsverbot**” (a **prohibition on deporting you**).

Another important issue is whether you had the possibility of finding protection in another location before fleeing to Germany. This could be another state or another region in your country of origin. If the German authorities decide that you are able to find protection in another place and are able to return there, then you could be refused protection in Germany.

The invitation to the interview

The interview is decisive in determining if your asylum application will be successful. This remains true even if you have already stated your reasons for fleeing to another government agency – for example to the police – or when registering at the initial reception center. The decisive thing is what you say during your interview at the BAMF.

The interview could take place only hours or a few days after you have submitted your asylum application. However, it is also possible that several months pass before an appointment for the interview is communicated to you. In some BAMF offices, persons from specific countries are granted an appointment for the interview quicker than other individuals, because the BAMF considers that their applications either have very good *or* very bad chances of success. That is why the BAMF hopes to be able to decide about applications for persons from these countries quickly. However, whether the interview takes place shortly after the asylum application is submitted or not, does not necessarily say very much about the chances of success your application has. It is also possible that individual asylum procedures take a long time, because a particular BAMF office has got many other applications to process. In any case, the BAMF has to evaluate the reasons for asylum that you talk about in the interview, and is not allowed to refuse your application merely because you come from a particular country.

It is also possible that the BAMF gives you a further appointment in which you will be asked questions about whether you have stayed in other European countries. The essential topic of this type of questioning is to determine whether another European country might be responsible for processing your asylum application. That is why this appointment is part of the “Dublin procedure” (more information about this in the box on page 3).

If your asylum application is not refused prematurely on the basis of the Dublin regulation, then you will be invited in writing to the “Anhörung gemäß § 25 Asylgesetz” [Interview in accordance with section 25 of the Asylum Law]. In case you cannot attend your interview appointment, because of illness for example, please inform the BAMF immediately and hand in a doctor’s certificate to the BAMF. It can also happen that the invitation to the interview reaches you too late, meaning that you either do not get to the interview on time, or that you miss it completely. If this is the case, then you have to inform the BAMF immediately, and you have to talk either with an advice center or with your lawyer. If you are not responsible for missing the appointment, the BAMF has to offer you a new appointment.

At the interview, you will personally be asked questions about your reasons for fleeing from a female or male member of BAMF staff. The interview is the most important opportunity you have to explain the reasons behind your asylum application. You should not miss this appointment at any costs, and you should prepare for it well. Please present yourself punctually at the stated time for the interview. You may have to wait for a longer period of time before the interview starts. You should bring something to eat and drink with you in case this happens.

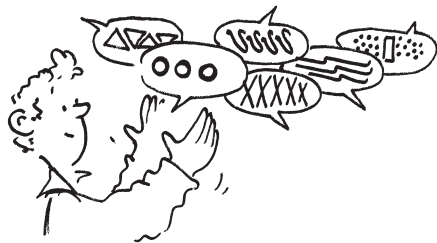
Advice for the interview

Please try to recall important details before the interview. You could write down the most important dates and events in advance. That will help you to sort out your memories and to recognize possible contradictions. However, do *not* give personal notes like these to the BAMF, and do not take them with you to your interview. Otherwise, BAMF staff members may think that you are only retelling a ready-made story. Prepare yourself for the fact that you may have to report about experiences that are painful, or are a psychological burden for you.

If you are a woman, and you do not want to talk to a man about abuse that you have suffered, inform the BAMF as soon as possible that you want an interview with a woman and not with a man. The BAMF has female staff members who are especially trained to conduct interviews with women. There



are also female and male staff members especially trained to talk with minors (in Germany people under the age of 18) and to talk with people who suffer from a mental illness as a result of a bad experience – otherwise called trauma. Moreover, if you were persecuted because of your sexual orientation, then it is possible that the interview can be conducted with female or male staff members with a special training. It is essential that you inform the BAMF in advance, if you wish to be interviewed by someone especially trained for these purposes.



An **interpreter/translator** will be present at the interview. Inform the BAMF as soon as possible which language you want to speak at the interview. This should be the language you can speak best. If you are a woman and wish to have a female interpreter, then you are entitled to tell the BAMF about this.

You have the right to take a particular person to the interview with you, who is competent in both your own language and in German, in addition to the interpreter whom the BAMF organizes for you. This person is not allowed to take on the translating role, but they are allowed to check that the translation is being carried out correctly, and they are allowed to support you in communicating during the interview. Only take such a person with you to the interview if you can speak freely before him or her about your reasons for fleeing. This person is only allowed to assist with the translation and is not permitted to state your reasons for fleeing for you.



The interpreter must interpret correctly and in details. He or she only has the task of translating both your statements and questions of the BAMF staff member. He or she should not make any comments. If you have the impression that the interpreter is not fulfilling this task, please communicate this to the BAMF staff member. If big problems of understanding occur, request that the interview be conducted with another interpreter. Do demand at the very least that your criticism be recorded in the transcript.

If you have **written evidence** about being persecuted, please submit this at the interview at the latest, if not before. These can be documents – for example documents from government agencies, certificates from political parties, religious communities etc. – or they can be newspaper reports about experiences which directly affected you. The BAMF retains all these papers on file. Demand that the BAMF make a copy of your papers. If you think that friends or relatives could send you important documents from your home country, then say this to the BAMF. Such documents can be very useful as evidence. Nevertheless, what is decisive is what you say at the interview. Do not submit any false documents. If these are recognized as forgeries, this can lead to all your statements being seen as unbelievable.



If you possess papers that prove that you came to Germany by plane – for example a flight ticket or boarding card – then you should also submit these to the BAMF.

If you have hired a **lawyer** to work for you, then this person is permitted to be present at the interview with you. You also have the right that a **person of trust** is present at the interview, called a “Beistand” in German (this means someone who is legally entitled to carry out an advocacy role for you). Ideally, the best person to choose for this role is a person from a specialized advice center,

who is trained in German asylum law, and who has prepared for the interview with you. Normally, a family member, who has also submitted his or her own asylum application may not be chosen as your person of trust. Please inform the BAMF as early as possible, if you want a person of trust to be present at the interview. Only ask such a person to be present if you feel able to speak freely before him or her about your reasons for fleeing. The person of trust is not allowed to give reasons for your application for you, but is merely allowed to check that you have not forgotten anything important.

What happens at the interview?

It is normal that the interview begins with a series of questions. These are usually about your personal circumstances – questions, for example, about your spouse, partner, children, parents and profession – and about the route you took to reach Germany. If these questions have already been asked at an earlier date, the BAMF staff member only goes through them quickly. It is expected that you answer these questions briefly and directly.

In contrast, you should give comprehensive explanations when, after the first section, you then get questioned about your reasons for fleeing. At this stage of the interview, you are expected to describe your reasons for fleeing completely, even if only a few more questions are posed to you. Please take all the time you need to do this. An **extensive and exact description** will increase the chances that the BAMF staff member will believe your statements. Discuss exactly what you personally have to fear if you return to your home country. Please do not describe the general political situation in your home country, unless you are asked to do so.

Please do not circumscribe or “talk around” events or experiences, for example, “my family had problems with the police”, but describe instead exactly what you experienced. The following questions can provide a structure to help you:

- “What happened and how exactly did events unfold?”
- “When and where did it happen?”
- “Who was with you when this happened?”
- “Why did it happen?”

Even though an exact description is important, that does not mean that you have to remember all details or that you have to “think up” answers to all questions. It is, for example, normal if you cannot remember the exact date of an incident that happened quite long ago. You should not guess or make up a date in such cases. This could lead to contradictions within your statements. Just say that you cannot recall the exact date and aim to communicate roughly when it was with the help of other dates. For example: “about two weeks after my father’s birthday”, or “it must have been in winter, because I was wearing warm clothes.”

Sometimes “stories” circulate among asylum-seekers, which it is said will make the BAMF grant you recognition. Do not allow these to influence you under any circumstances. The BAMF staff know the situation in your country of origin and will mostly notice quickly if you tell them an untrue story. This can lead to them not believing anything you say, even your true statements.

You possibly have experiences that you do not feel able to speak about with strangers. Please do *not* simply leave these out. Instead, please do mention them, stating when and where these incidents occurred, and why it is not possible for you to describe them in detail.

It is possible, after you have given your answers, that BAMF staff then ask follow-on questions to particular points. You should not limit yourself to giving short answers to these questions, but you should instead talk about all important issues, even if you are not specifically asked about them. Only start to answer questions after you have understood them. If you are unsure, ask again what they mean.

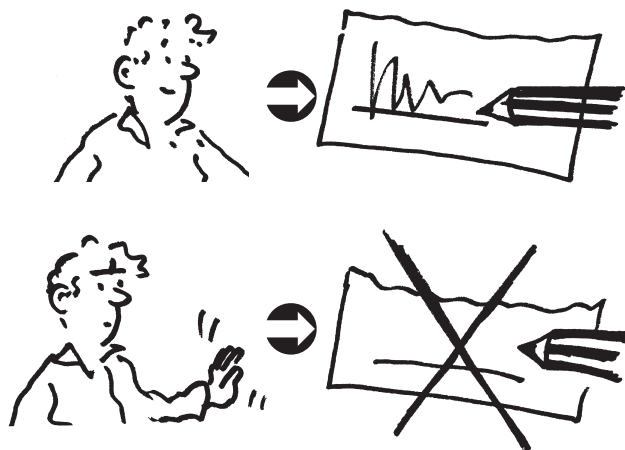
If you suffer from any illnesses then you should report about these to the BAMF. This is especially important if you come from a state in which the health system is not good, or if you cannot afford to pay the costs of health treatment in your country of origin.

Give yourself enough time to communicate all important information and answer all questions. Do not let yourself be hurried. If necessary, the interview can be interrupted, and can be continued either after a break and a rest, or at a different date.

The transcript

Your statements are recorded in a transcript. For this purpose, the BAMF staff member dictates all statements made at the interview into a recording device, which are then typed up later. In doing this, the BAMF staff member does not write down or record every single word spoken at the meeting. Instead, the BAMF staff member summarizes all statements made. Mistakes can be made during this process, which is why it is important to check that everything has been comprehensively and correctly recorded. Every word of the finished transcript then has to be translated back to you, if you would like this to happen. You should make it clear at the start of the interview that you want to receive a translation of the transcript. It is common that asylum-seekers are asked whether they can do without this translation. However, you should insist on your right to the translation. If you notice any mistakes or misunderstandings while this translation is being read to you, please request that these are corrected. The transcript of the interview is the most important document in your asylum procedure. It is possible that a different BAMF staff member decides on your application only on the basis of the transcript, and without ever having spoken to you.

At the end of the interview, the BAMF staff member will ask you to sign the transcript. In doing this, you confirm that you were given the opportunity to talk about and present all important pieces of information, that you understood everything, and that the transcript was translated back to you. Do not sign if this was not the case, or if the transcript contains mistakes. In this instance, you should talk with an advice center or with a lawyer soon after the interview.



Please request that a copy of the transcript is handed over to you before a final decision is reached. Normally you should receive the transcript a few weeks after the interview by post. Check the document with the help of a person that can translate the contents. Please check carefully whether everything has been recorded correctly and comprehensively at this stage. If you have hired a lawyer, then your lawyer will receive the transcript, before either sending it on to you or discussing it with you. An alternative option is to ask an advice center for help in revising any possible mistakes and to correct them by contacting the BAMF.

The BAMF's decision

You will receive the BAMF's decision about your asylum application in writing – called in German “Bescheid” meaning “official decision”. This is why you need to check whether post has arrived every day after the interview. If there is a notice board in your temporary accommodation with new incoming post then look there every day. Otherwise, you have to ask the person who brings round the post in your temporary accommodation. If you already have a lawyer, then it is possible that the “Bescheid” is sent to your attorney's office. Make sure that your legal counsel can contact you at all times.



If your asylum application is refused, then you have the right to appeal against this decision in court. However, you have only a short time in which to do this. Take notice of what is written on the first page of your “Bescheid”:

- If on page one you find the wording “the application for recognition of refugee status is refused (**abgelehnt**)”, then you normally have two weeks in which to submit an appeal to a court. This is also the case if you have been granted “subsidiary protection”, but your objective is to be recognized as a refugee.
- If on page one you find the wording “the application for recognition of refugee status is refused as manifestly unfounded (**als offensichtlich unbegründet abgelehnt**)”, then you only have one week to appeal to a court.
- If on page one you find the wording “the application for recognition of refugee status is refused as inadmissible (**als unzulässig abgelehnt**)”, then the BAMF has decided that the asylum procedure will not be carried out in Germany because, for example, a different state is responsible for your application. In this case again, you only have one week to appeal to a court.

In each case, you need to carefully consider whether it makes sense to appeal to a court. That is why it is best to seek immediate advice from a lawyer or an advice center, ideally on the same day on which you receive your written decision.

