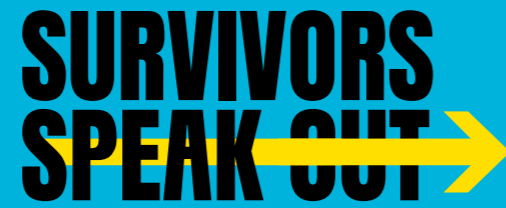


BEYOND BELIEF

How the Home Office
fails survivors of torture
at the asylum interview



**FREEDOM
FROM** EMPOWERING
SURVIVORS.
REBUILDING
LIVES
TORTURE



Freedom from Torture is dedicated to healing and protecting people who have survived torture. We provide therapies to improve physical health, we medically document torture, and we provide legal and welfare help. We expose torture globally, we fight to hold torturing states to account and we campaign for fairer treatment of torture survivors in the UK.

For over 30 years, through our services, we have been helping survivors overcome their torture and live better, happier lives. The experiences of people who have survived torture drive and inform everything we do.

Survivors Speak OUT (SSO) is the UK's only torture survivor-led activist network and is actively engaged in speaking out against torture and about its impacts. Set up by and for survivors of torture, SSO uses first-hand experience to speak with authority for the rights of torture survivors. The network is supported and facilitated by Freedom from Torture and all network members are former Freedom from Torture clients.

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SUMMARY

For people fleeing persecution the stakes of an asylum interview are extraordinarily high. It is the first and often only opportunity for them to explain to the UK's Home Office what happened to them and why they are afraid to return to their home country. As the Home Office acknowledges, the testimony given in the interview is "usually the most important evidence, often the only substantive evidence" available to caseworkers when making a decision on a claim for asylum.¹ For this reason the Home Office instructs caseworkers to establish the full facts of the claim, including through creating "a positive and secure environment" in which claimants are treated with "respect and humanity, dignity and fairness" and feel able to disclose often deeply traumatic experiences.²

“...I think the system has been broken from inside for a long time...”
Survivor

When a caseworker fails to gather all the relevant information or recognise the individual circumstances, needs and vulnerabilities of people being interviewed, they risk making a flawed and unsustainable decision. This is costly to the public purse because of lengthy appeal processes. It is devastating for the individual seeking protection: it can leave them in agonising limbo for years as they appeal, or result in them being returned to their home country to face torture, other types of persecution or even death.

This report is published during a period of great uncertainty. The Covid-19 pandemic and the social isolation measures introduced by the government have resulted in a near paralysis of the asylum process. Face-to-face asylum interviews have been suspended, but the Home Office continues to process claims and is looking to technology to offer solutions that will enable interviews to continue. Our evidence was captured before the disruption of lockdown, but remains just as relevant to an understanding of the principles that must apply to safe and effective interviewing now, and under whatever processes – be they face-to-face or remote – the Home Office puts in place during and post-Covid.

In this report, Freedom from Torture throws light on a process that can be fraught with difficulty, leaving those at the heart of it feeling unheard, dehumanised and re-traumatised. Survivors who took part in this project suggested that problematic asylum interview practices are embedded in an asylum system that continues to grapple with deeply rooted problems. As one survivor put it, *"They [Home Office caseworkers] do so much work, but I think the system has been broken from inside for a long time and they cannot really...rebuild it again"*. Two years on from the Windrush scandal caused, in the words of the *Windrush Lessons Learned Review*,³ by a *"culture of disbelief and carelessness"*, we provide further evidence of what is going wrong on the frontline of Home Office decision-making, and the grave consequences for torture survivors who seek protection in the UK.

BACKGROUND

The Home Office's *Asylum Policy Instruction on Asylum Interviews (Asylum Policy Instruction)* provides guidance to Home Office caseworkers on how to conduct asylum interviews and obtain information to establish whether or not protection should be granted.

Despite this guidance, independent inspection bodies and other organisations working directly with asylum claimants have expressed significant concerns over many years about the quality of asylum interviews, highlighting the link between poor quality interviews and flawed, unsustainable decisions. Freedom from Torture, along with seven other organisations, drew attention to this issue in 2019 in a joint report, *Lessons not Learned: the failures of asylum decision making in the UK*, which documented the persistent failure of the Home Office to address poor asylum decision-making.⁴ Recent figures show that the asylum grant rate at initial decision has risen sharply.⁵ We hope that this represents a change in Home Office efforts to make the right decision first time, following years of criticism and the stark wakeup call of the Windrush scandal. However, the persistently high overturn rate at appeal of initial asylum refusals – more than two in five in the year ending March 2020 – shows that there is still much more work to do.⁶

This research, grounded in the perspectives of survivors of torture themselves, looks in depth at caseworker practice in the asylum interview and explores the implications of poor practice for survivors and for the quality of asylum decisions.

We conducted a qualitative study, comprising a review of 30 case files of survivors of torture interviewed by the Home Office in 2017 or 2018 and a series of focus groups and interviews involving 25 torture survivors who attended an asylum interview between 2017 and 2019. See [annex 1](#) for full methodology.

We framed our research, and present our findings in this report, according to the key principles and standards set out in the Home Office's *Asylum Policy Instruction*.

KEY FINDINGS

- 1** Torture survivors were unable to give a full account and explain the relevance of their evidence when caseworkers failed to apply the principles and standards for asylum interviews set out in policy guidance. We found evidence of poor questioning technique, prejudice of the claimant's credibility, and a failure by caseworkers to maintain a sensitive and professional approach to claimants at all times.
- 2** Torture was not consistently identified as a key fact in these asylum interviews. Caseworkers too often failed to follow up a disclosure of torture appropriately, to find out more and to inform claimants of the option to seek support or treatment as well as medical evidence documenting their experience.
- 3** Caseworkers did not always take into account individual circumstances, needs and vulnerabilities that the torture survivors brought into the interview, suggesting a failure in their duty to recognise and respond to the individual at the heart of the process.
- 4** A "positive and secure environment" in which claimants are treated with "respect and humanity, dignity and fairness",⁷ as required by the Home Office guidance, was not maintained in many cases. At worst, some torture survivors described leaving the interview feeling dehumanised, re-traumatised and despairing of getting a fair decision.

THE WAY FORWARD

Freedom from Torture is concerned that caseworkers who fall far short of the practice standards set out in policy guidance will not be able to make good decisions first time in the asylum claims of survivors of torture, or live up to the principle of a fair and compassionate immigration system to which the government has committed itself.⁸ In her statement to the House of Commons following publication of the *Windrush Lessons Learned Review*, the Home Secretary promised to "look closely at [the Home Office's] leadership, culture, practices and the way it views the communities it serves" in order to put "fairness, dignity and respect" at the heart of the Department's purpose, mission and values.⁹

We believe that the Home Office must examine the quality and integrity of asylum interviews, as part of wider efforts to redress systemic failings in the UK asylum determination process that too often fails to deliver a fair decision in the first instance. On this basis, we make the following key recommendations, which either summarise or replicate recommendations made throughout the report:

- 1** The Home Office must provide caseworkers with high quality, experiential training on the policy guidance and effective interview techniques in order to encourage full disclosure and identify important aspects of the claim.
- 2** The Home Office should amend the *Asylum Policy Instruction* to reflect additional or amended guidance that can better assist caseworkers to carry out interviews that fulfil their primary objective – the effective and efficient establishment of all the relevant evidence or alerting the Home Office to the need for further evidence-gathering.
- 3** The Home Office must amend the Asylum Interview quality audit tool to include the full range of indicators necessary to assess the quality of an asylum interview.

- 4** Home Office asylum casework managers should institute regular and effective audits of interview practice, including random monitoring of interviews, and consultations with people with lived experience of the interview process.
- 5** Senior management in the Home Office must promote a genuine learning culture that actively seeks to listen to and act on the evidence of system failures.
- 6** The Director General of UK Visas and Immigration should work with those with lived experience of the asylum system to establish and embed an expert panel to inform Home Office understanding of the effectiveness and impact of the process on claimants, and to assist with the redesign of asylum policy and process.
- 7** The Independent Chief Inspector of Borders and Immigration should undertake an independent public audit of asylum interview practice, with the full cooperation of the Home Office. Survivors of torture, and others with lived experience of the asylum interview, should be among those given an opportunity to provide evidence.

These recommendations acknowledge positive steps being undertaken by some within the Home Office who are seeking to shift the culture and practices that lead to poor interviewing. However, none of these changes can achieve their full impact if they are taken in isolation from a political context that undermines progressive transformation. All recommendations aimed at improving caseworkers' everyday practice can only truly succeed if accompanied by positive change at ministerial level, making it possible for protection to be a guiding principle.

- 8** The Government, including ministers from all relevant departments, must promote a humane immigration system as a national strength. This demands a shift in the culture within the Home Office to one of pride in the important work of eliciting and determining a claim for asylum.



INTRODUCTION

Survivors of torture who claim asylum face a significant challenge to provide evidence that their history of persecution in their home country is real and that their fear of future harm is well-founded. Their flight is likely to have been chaotic and unplanned, and they rarely have access to documents that prove they have been detained and tortured by state authorities. The journey to their country of refuge may have involved people smugglers, who routinely confiscate documents that could prove identity, nationality or other aspects of the person's claim.

To be granted refugee status, asylum claimants must demonstrate why they need protection. In the UK, they give evidence in an interview with a Home Office caseworker, in which they must detail how they have been treated in the past and why they fear further persecution in the future, if returned to their home country. This is considered, along with any other available evidence, to assess whether it is at least “reasonably likely” that their story is true and they need protection. The standard of proof for asylum claims takes account of the grave implications of getting a decision wrong, including the possibility of torture, other types of persecution or even death if they are forced to return home.¹⁰

Our 2019 joint publication *Lessons not Learned: the failures of asylum decision-making in the UK* documented the persistent failure of the Home Office to adequately address poor quality first instance decision-making despite over 15 years’ worth of compelling evidence.¹¹ During this period, monitoring bodies such as the Quality Initiative Project of the UN High Commissioner for Refugees,¹² the Independent Chief Inspector of Borders and Immigration,¹³ the Independent Asylum Commission,¹⁴ and NGOs working directly with asylum claimants have reported on the poor quality of asylum interviews in the context of continuing high rates of overturn on appeal.

Given the critical function of the evidence gathered at interview, it is essential that caseworkers are able to conduct effective interviews, including by obtaining relevant information, recognising factors that are likely to affect the claimant in giving their evidence, and seeking further evidence if required. A failure in any of these respects raises the risk that the Home Office will not have the information they need to make a sustainable decision on protection needs.

The Home Office provides guidance to Home Office caseworkers on how to conduct a good quality interview and obtain information that establishes whether or not protection should be granted, in the form of an *Asylum Policy Instruction*.¹⁵ It covers interview arrangements, preparation for the interview, principles and practice guidance, including questioning technique and factors that may affect an individual's ability to provide evidence. The guidance clarifies the vital link between the quality of the asylum interview and a good, sustainable decision on the claim for protection:



The asylum interview is the main opportunity for the claimant to provide evidence about why they need international protection. It is important for claimants to disclose all relevant information at this stage and for caseworkers to investigate the key issues through a focused and sensitive approach to questioning, particularly as some evidence may relate to instances of persecution or serious harm, including sexual violence. Obtaining sufficient information to determine an asylum claim and being able to subject it to sensitive but rigorous enquiry is crucial to ensuring that asylum claims are properly considered, so that protection is granted to those who genuinely need it and refused to those who do not.”¹⁶

Asylum Policy Instruction on Asylum Interviews

30 CASE FILES OF SURVIVORS OF TORTURE AND INTERVIEWS AND FOCUS GROUPS INVOLVING 25 TORTURE SURVIVORS.

Freedom from Torture's assessment is that many of the key principles and standards set out in policy are good. Despite this, torture survivors, as well as clinical and legal staff at the organisation, have for many years shared concerns over the quality of asylum interviews and the negative impact of poor interviews – both on survivors themselves and on their claim for protection. Freedom from Torture and other organisations have engaged with the Home Office on this issue over recent years, including through a consultation on the *Asylum Policy Instruction on Asylum Interviews*,¹⁷ which resulted in the acceptance of some of our recommendations into policy. Many of the issues highlighted in this report indicate that problems arise when practice falls short of guidance given in the policy. However, in addition, we suggest a number of improvements to the *Asylum Policy Instruction*, which we believe would improve practice. Through our ongoing engagement with the Home Office, we welcomed the opportunity to view their quality auditing tool for measuring the quality of asylum interviews. In making recommendations, we also suggested changes to this tool that we believe would improve practice.

In this research, which is grounded in the perspectives of survivors of torture, we assessed caseworker practice in the asylum interview and examined whether the guidance in the *Asylum Policy Instruction* is reflected in practice. We conducted a qualitative study, which comprised:

- a review of 30 case files of survivors of torture who were interviewed by the Home Office in 2017 or 2018;¹⁸ and
- a series of focus groups and interviews involving 25 torture survivors who attended an asylum interview between 2017 and 2019.

Unfortunately we were unable to interview Home Office caseworkers, though we have shared and discussed early findings with the Home Office (See [annex 1](#) for full methodology).

We framed our research and present our findings according to key principles and standards for investigating an asylum claim as set out in the *Asylum Policy Instruction*. These include:

- i) **the shared responsibility** between claimant and caseworker to establish the key facts of the claim in the asylum interview, including a history of torture;¹⁹
- ii) **the professional duty of the caseworker to carry out an objective and impartial assessment**, not to prejudge the claim or approach the interview with scepticism, and to treat the applicant with respect and sensitivity;²⁰ and
- iii) **the requirement to respond to the claimant's individual circumstances** in the interview, taking into account their vulnerability and other factors that affect their ability to give evidence, and their wellbeing during the interview.²¹

Throughout this report, unless otherwise stated, we refer to version 6 of the *Asylum Policy Instruction*, which was issued in March 2015, as this was current at the time when the interviews we reviewed were conducted. An updated version 7 was issued in June 2019, but this did not include substantive changes to the practice guidance that was the focus of this research.²²

Our research shows how survivors of torture can be disadvantaged when making their claim for protection through:

- **poor interview technique and inadequate evidence gathering;**
- **prejudgment, and failure to approach the interview with sensitivity;**
- **lack of recognition of individual circumstances and needs, and the personal legacy of trauma.**

Examples of good practice were found, including some positive accounts from survivors. However, these examples were not commonplace or consistent between caseworkers. This suggests systemic failings of training, quality audit and oversight, and a culture at the Home Office that fails to ensure a guiding principle of protection in asylum decision-making. We hope that the good practice documented in this report will be built upon as part of wider efforts to transform Home Office practice and culture.

Poor decision-making at the initial stage of the asylum process can lead to lengthy legal appeals. These are costly to the public purse. They also subject already vulnerable people to a protracted and often traumatic legal process, which can involve continued questioning of their personal integrity and credibility. As Freedom from Torture's 2013 report *The Poverty Barrier* found,²³ torture survivors commonly remain in the asylum system for many years until they are finally granted refugee status. During these years, they are not permitted to support themselves and remain dependent on support from the Home Office, often in precarious and impoverished circumstances. This hardship worsened during the Covid-19 pandemic, as a result of the government's refusal to provide an appropriate uplift in asylum support.²⁴

Sadly, too many survivors of torture are still having their cases mishandled. In 2018 the Windrush scandal exposed systemic failings at the Home Office, characterised as “*institutional ignorance and thoughtlessness*” in the *Lessons Learned Review* commissioned by the Home Office and published in March 2020.²⁵ We are still faced with an asylum system that is dysfunctional, where survivors of torture repeatedly lose out.



01.

ASYLUM INTERVIEWS: A SHARED RESPONSIBILITY TO ESTABLISH THE FACTS

“The asylum interview is central to the process of gathering and assessing information, before deciding if international protection is needed. It is not the only means of gathering information, but a fair assessment of credibility is usually dependent on the quality of the interview.”²⁶

*Asylum Policy Instruction
on Asylum Interviews*

SHARED RESPONSIBILITY

The Home Office *Asylum Policy Instruction* establishes the “shared responsibility” between claimant and caseworker to establish the key facts of the asylum claim during the interview, in order for a decision to be made to grant or refuse protection as a refugee. For a survivor of torture this includes the key facts related to their history of torture.

Whilst a claimant must substantiate their claim, the interview is a cooperative process in which caseworkers should assist the claimant by:

- ➔ **ascertaining the relevant aspects of the claim;**
- ➔ **encouraging disclosure of all relevant information; and**
- ➔ **obtaining, exploring and assessing the relevant information.**²⁷

The *Asylum Policy Instruction* sets out key principles and standards that should be applied by caseworkers in their conduct of the interview. It emphasises that caseworkers must assist and encourage the asylum applicant to disclose all relevant information, including through appropriate and focused questioning, and testing the credibility of statements made. It is clear that a failure to do this in the interview, and before a credibility assessment is made, risks a flawed decision on the asylum claim.

To establish the facts of the claim, caseworkers are advised to give claimants adequate opportunity to put forward their account, and to refrain from imposing their own views about what is relevant or irrelevant without first exploring this with the claimant. International best practice suggests this can best be achieved within a framework that allows the interviewee to put forward their account in their own words, at their own pace, and without interruption.²⁸ As literature on investigative interviewing sets out, this approach can result in better recall of events and more accurate information.²⁹

In our review of interview records, we found that caseworkers were often highly directive in their questioning. Caseworkers are advised that both open and closed questions have a place in effective information gathering.³⁰ However, we found a heavy reliance on closed questions in practice, which limits opportunities for people to explain what happened to them in their own words or to have any control over the direction and focus of their account.

Similarly, we found that caseworkers frequently discouraged people from elaborating on a point of information without having established the significance of the new information. People were asked to give brief responses and were interrupted when they attempted to answer a question or give an explanation, even when they were disclosing highly sensitive information about their experiences in detention.

The example below shows how a caseworker interrupted a claimant in apparent irritation because they had not answered the question directly, although they were giving relevant information:

“**Caseworker: I need to remind you to answer my question. I did not ask what happened in detention, I did not ask what happened when you were released, I asked if the bribe was accepted, why would you still be wanted by them?**”

Excerpt, asylum interview record, case 21

In another example, a claimant tried to describe the activities they were involved in that led to their detention and torture. The caseworker discouraged a full explanation, stating: “*I don’t need to know about events in [your country], I need to know what else you did for the organisation.*” The claimant replied briefly: “*I just gave advice.*” The caseworker noted that earlier in the interview, they said they had distributed leaflets, implying that there was an inconsistency in their account. Without reflection on how their discouragement may have played a part in the incomplete answer, the caseworker reprimanded the claimant:

“**Caseworker: You need to start listening to my questions and answering them correctly, as your inability to answer the questions I am asking you is causing delays in progress do you understand?**”

Excerpt, asylum interview record, case 22

In another example, a claimant began to tell the caseworker what had caused them to seek asylum and offered to give a full explanation. The caseworker denied them the opportunity to show how experiences from their childhood were relevant to their claim, using discouraging and sarcastic language:

“**Claimant: I fear the government and their troops in the army because I was neglected and discriminated against. I remember my youth and childhood. I noticed that during the school years, shall I tell you the story of what happened?**”

Caseworker: I want to know why you are specifically claiming asylum, not things that have happened 190 years prior to this.³¹

Excerpt, asylum interview record, case 26

In establishing the key facts of the claim, the *Asylum Policy Instruction* directs caseworkers to focus on the facts of the claim, including “**the claimant’s personal experiences and verifiable details**”.³² However, caseworkers sometimes pursued lines of questioning that lacked clear relevance or basis in the claimants’ personal experiences. Thus, for example, a caseworker asked many detailed questions about the claimant’s consumption of alcohol in a country where alcohol consumption is prohibited, although this was not a core part of their claim. In other examples, caseworkers asked detailed questions about the actions or activities of other people that were difficult to answer factually, based on personal experience.

For example, one caseworker asked many detailed questions about the arrest of a claimant’s father for perceived anti-government activities, even though the claimant had been a young child at the time. In other cases, questions focused on the motivations of other individuals, which were difficult for claimants to answer factually, or on details that were outside their personal experience:

“**Caseworker: If you were at risk of being executed, why would a man from your village put himself at risk by helping you?**”

Claimant: I don’t know, only I know my uncle knew the man and my uncle arranged that for me.”

Excerpt, asylum interview record, case 8

In establishing the key facts of the claim, caseworkers are also advised to test the credibility of the person’s account. The *Asylum Policy Instruction* makes clear that they should put any potentially negative credibility findings to the claimant during the interview, thereby giving the person the opportunity to explain apparent contradictions in their answers, or to clarify statements that may seem implausible or inconsistent with the country of origin information.³³

“**If the claimant is not asked to explain and the application is subsequently refused on credibility grounds because significant elements in the account are considered untrue or implausible, there is a real risk that the decision will be flawed...**”³⁴

Asylum Policy Instruction on Asylum Interviews

We were concerned to find many examples in Home Office decision letters initially refusing asylum where judgments had been made on credibility issues that were not explored or tested in the interview, or by seeking further information from claimants following the interview and before the decision was made. For example, a decision-maker suggested a claimant's account of escape from detention was unlikely given they would have been in poor physical health. The official refusal letter notes:

“ ...you have not provided an explanation as to how you got to your uncle's house considering that you were on foot and in poor physical health.”

Excerpt, reasons for refusal letter, case 10

However, review of the interview record shows that the interviewer had not asked the claimant any questions about how they managed to escape when in ill health. In overturning the Home Office's decision, and with the benefit of further evidence that explored these issues, the immigration judge concluded that the manner of escape was credible.

Torture survivors we spoke to said that certain styles of questioning made it difficult to give the Home Office a full account of their reasons for seeking asylum, and this was reflected in some of the patterns of questioning we found in the interview records. Survivors said that caseworkers did not allow space for them to give their full account by controlling the focus of the interview and because of fast-paced, consecutive questioning that did not give an opportunity for them to think about their answer, or explain or elaborate on things they had said.

“ We can't elaborate. We can't explain... we should be allowed to tell the whole story.”

Survivor

“ When the questions were coming one after another, one after another... it doesn't give you time to think or say more about it... it doesn't really help you to tell your story.”

Survivor

“ When they ask questions... we can't elaborate. We can't explain. So, that shouldn't happen... we should be allowed to tell the whole story.”

Survivor

Survivors spoke of their frustration at being interrupted or cut off, including when they were trying to give information about relevant parts of their claim.

“ ... [the caseworker] would stop me or he would ask me to answer with short answers... For example, he asked me whether I have been arrested... And he doesn't give me a chance to explain why they have arrested me, where and how... You have no opportunity to give more details or more information.”

Survivor

A number of survivors raised concerns that the caseworker had focused on topics that were not core to their claim or based on their personal experiences.

“ ...he asked me many, many, many questions which are nothing to do with my case...He didn't allow me to complete what I [needed] to say. ”

Survivor

One survivor explained the intense anxiety they felt after the interview, as they knew they had not been given the opportunity to explain important parts of their account.

“ ... it's a matter of life and death... [I was having] nightmares, feeling that if the decision [is] negative, what can I do? And if they didn't understand what I'm saying... how can I get them to understand?”

Survivor

While many survivors were frustrated by the lack of opportunity to give their full account, and to focus on the important parts of their story, some also described positive experiences. Their reflections demonstrate that good practice by a caseworker can encourage claimants to disclose important information in what is often a stressful and difficult context. Good practice described by survivors included listening carefully, allowing time for explanation, and giving attention to information the survivor felt was important.

“ It seems to be that... as humans, they do hear you and they focus you, with their questions, on what you want to say. That's how they help us...”

Survivor

“ The way she was talking to me I could feel like at ease. I had time to express myself.”

Survivor

“ It's a matter of life and death... and if they didn't understand what I'm saying... how can I get them to understand?”

Survivor

RECOMMENDATIONS

01 Caseworkers must give the claimant opportunity during the interview to establish the relevant aspects of the claim, and avoid unnecessary interruption and redirection.

02 Caseworkers should give claimants the opportunity during the interview to address apparent inconsistencies, inaccuracies or mistakes identified in an account in line with the obligation set out in the *Asylum Policy Instruction*. Training should reinforce this, and advise that where this has not happened in the interview, decision-makers must redress this before making a decision on the asylum claim.

03 The Home Office must provide caseworkers with high quality, experiential training on effective interview techniques, to increase their skills in encouraging full disclosure and identifying important aspects of the claim. This should include:

- how to identify and probe material facts;
- use of both open and closed questions;
- appropriate use of follow-up questions to elicit more information, seek explanation and test the evidence; and
- reflective interview practice, applying flexibility and adapting interview technique to the specific situation.

04 The Home Office must amend the *Asylum Policy Instruction on Asylum Interviews* to include guidance on reflective questioning alongside the existing practical guidance on interviewing technique.

TORTURE AS A KEY MATERIAL FACT

A key material fact in a torture survivor's asylum claim is likely to be the torture they suffered, as it is highly relevant to establishing a history of persecution and future risk. If the claim of torture is accepted, it can substantiate a person's fear and reason for leaving their home country, be a strong indicator of risk on return and inform the understanding of inconsistencies and the assessment of credibility. If caseworkers fail to establish this core part of the claim in the interview, or do not seek relevant evidence through other channels,³⁵ they risk failing to gather key information that a decision-maker requires to reach a fair and informed decision. In a context where the consequences of a wrong decision are so severe, this is unacceptable.

The *Asylum Policy Instruction* gives specific guidance to caseworkers on interviewing “**victims of torture or other trauma**”:

“

Victims of torture or other forms of violence may have difficulties in recounting the details because of the sensitive nature of those experiences and/or because of the effect of traumatic events on their memory. Nevertheless, where a claimant claims to have been tortured or subjected to serious harm, they should be asked when, where, how, and by whom the torture was inflicted, taking care not to cause undue distress. This is particularly important, since claimants are not required to ‘prove’ that they were tortured, simply to establish it to a reasonable degree of likelihood. Medical reports of torture will only be available in a minority of cases and its absence does not undermine the credibility of an account which is detailed, coherent, and plausible, allowing for underlying personal factors.”³⁶

Asylum Policy Instruction on Asylum Interviews

Claimants will often find it difficult to disclose torture,³⁷ so it is vital that caseworkers are alert to indications that torture may have happened, acknowledge even indirect disclosures, verify basic information given and offer claimants the opportunity to explain what

happened. If it is considered too traumatising to ask how the torture was inflicted, the caseworker may still establish relevant information by asking contextual questions, such as when, where and by whom the torture was inflicted.

Our review of interview records revealed that caseworkers too often failed to elicit basic information following a disclosure of torture or ill-treatment, even when this was a fundamental part of the asylum claim. This included, in some cases, failure to ask basic questions, as directed in the *Asylum Policy Instruction*. In other cases where the claimant had been tortured more than once, caseworkers sought basic information following the first disclosure of torture, but neglected to ask follow-up questions when more recent and sometimes more severe episodes of torture were disclosed. Caseworkers often failed to explicitly acknowledge the disclosure at the point when claimants first told them they had been tortured. In the worst examples, caseworkers left multiple disclosures of torture unacknowledged, before asking follow-up questions on a different subject.

In the example below, the caseworker neither acknowledged the torture disclosure, nor sought basic information about the claimant's ill-treatment, although the claimant clearly states that they were tortured:

“ **Caseworker:** How long did it take you to get there...?
Claimant: We did not reach the destination
Caseworker: Where did you [travel to]?
Claimant: At one point...we received torture and beating...
Caseworker: Where did you [travel to]?”
 Excerpt, asylum interview record, case 28

The *Asylum Policy Instruction* advises caseworkers that claimants do not have to submit medical evidence of torture; they only need to establish that it is reasonably likely that torture took place on the basis of oral evidence given by the claimant.³⁸ This means that if basic information is established when a disclosure of torture is made, medical evidence will not necessarily be required in order to accept a torture account, contextualise a credibility assessment and grant

protection. Nevertheless, caseworkers are required to inform claimants who disclose torture that it is an option for them to consult a medical professional and submit expert medical evidence, for example from Freedom from Torture.³⁹

We found that caseworkers rarely followed this instruction, including in cases where the caseworker had not verified basic information about the claimant's experience of torture, and cases where claimants clearly had difficulty talking about torture owing to the distress induced by recall of these events.

Given the importance of establishing all relevant information before a decision on an asylum claim is made, we were concerned to find in a number of Home Office refusal letters that claims of torture were dismissed due to lack of supporting evidence or insufficient detail in the account given at interview. A review of the interview records in these cases showed that caseworkers had failed to inform the claimant about the possibility of expert medical evidence or consistently verify basic information following a disclosure of torture.

Survivors who spoke to us about disclosing torture during their asylum interview described inconsistent approaches by caseworkers when asking about torture. One person expressed their dismay that the caseworker did not ask them about it at all, even though it was a significant part of their reason for claiming asylum.

“ I thought that these questions and answers didn't cover the whole of my story... They chose some parts and left others. They didn't ask me about the torture that I have been through. They didn't ask about it, which is, I think, a major part in any story of any asylum seeker, what happened to him.”
 Survivor

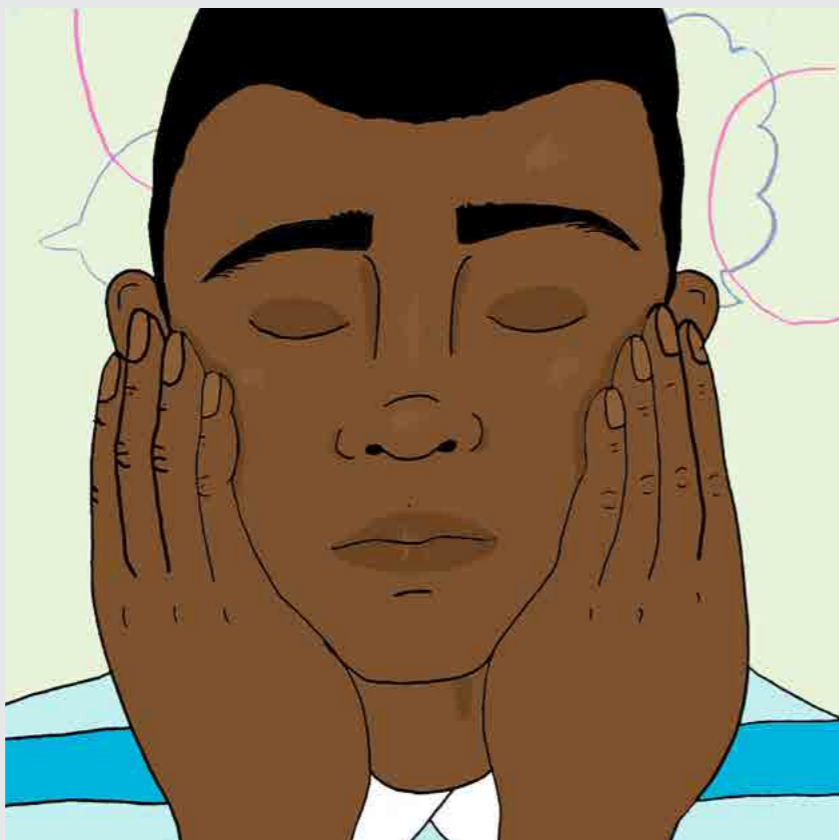
Positive examples included caseworkers who sought to verify basic information following a disclosure of torture and acknowledged disclosures even if they did not follow up with questioning at that point in the interview. Although unusual among the cases we reviewed, some caseworkers made claimants aware of the possibility of seeking medical evidence in support of their claim.

RECOMMENDATIONS

- 05** Caseworkers should acknowledge a disclosure of torture when it is made, and support the claimant to describe what happened to them as far as they are able to without undue distress, at any point in the interview.
- 06** If the caseworker is unable to probe further following a disclosure of torture, they should note this on the interview record (for example because of the claimant's distress, appearing to suffer flashbacks, or a statement that they cannot say more), and consider proactively seeking further evidence through other channels, such as through the legal representative or a medical report. If the caseworker has only been able to obtain a limited disclosure, for example due to the person's distress and concern about the risk of retraumatisation, this should not be taken to indicate that torture did not occur.
- 07** The Home Office must adapt training, mentoring and management oversight to stress the obligation to signpost for assessment, treatment and documentation if torture is disclosed.
- 08** The Home Office must amend the *Asylum Policy Instruction* to clarify that a lack of coherence, consistency and recall demonstrated by the claimant should be considered in light of a disclosure of torture when making a credibility assessment and that, in light of the standard of proof that applies to an asylum claim, a grant of protection is possible in the absence of medical evidence.

Isaac's Story

Isaac fled his home country in central Africa and sought protection in the UK after he was tortured for attending anti-government demonstrations.



He arrived at his asylum interview expecting the caseworker to show him compassion and listen to his experiences. But as soon as he entered the interview room, she made him feel unwelcome: “That’s when I felt that it won’t be easy for me.”

Throughout the interview, Isaac felt he was treated more like a criminal under interrogation than a person seeking protection:

“It wasn’t an interview; it was an interrogation... To me, an interrogation is just when you are interviewing [a] criminal... My expectation was that it would be an interview, in a very conducive way... I was running for my life. I thought maybe they would be compassionate, but that wasn’t the case. I realised that. No, this is not an interview. There is no compassion with the Home Office.”

The caseworker asked more than 300 questions over four hours. Isaac recalls that he

wasn’t even offered water and his throat became dry. When he told the caseworker he had been tortured, she didn’t acknowledge this or ask any follow-up questions. The caseworker’s approach made Isaac feel stressed and frustrated because he couldn’t explain crucial parts of his history:

“I was expecting... enough chance to express myself and to tell my story... You know, if you don’t give me the room, if you don’t welcome me... it will frustrate me, it will stress me out, and I won’t be able to give you the right information that you need. You understand? So that is what happened to me.”

At the end of the interview, Isaac tried to submit some documents to support his claim, but the caseworker seemed angry and told him, “We don’t need it now, just keep it and go and wait in the waiting room. The van will come and pick you up.”

Looking back, Isaac feels that whether or not you have a good interview experience is down to chance: “The interviews are like a lottery. It depends on the person that you will meet in the interview room.”

Isaac was denied asylum. The fact that he had disclosed torture was barely addressed in the Home Office’s decision letter. Isaac blames the refusal of his claim on the poor interview experience at the start of the process. The consequence for him is a devastating limbo while he waits for his claim to be reconsidered.

“ It was an interrogation... There is no compassion with the Home Office.”

LENGTH OF INTERVIEWS

The *Asylum Policy Instruction* does not prescribe an ideal interview length for asylum interviews, but states that in establishing the core aspects of the claim to the required standard of proof, caseworkers “should... avoid unnecessarily detailed, prolonged, and exhausting interviews”.⁴⁰

According to our review of interview records, interviews frequently lasted more than four hours, with the longest lasting more than six hours in one day. In a number of these cases where the interview lasted more than four hours, the claimant only had a single break during the interview.

Torture survivors commonly described an exhausting interview process. Some said they had attended lengthy interviews of five or more hours, which affected their wellbeing.

“ It was too long... They came in at 9.30am, [there was] a break for 45 minutes. We came out at 5pm. 9:30am to 5pm. When I went in I wasn’t feeling well. [When I finished] I was worse.”
Survivor

Given the lack of clear Home Office guidance on maximum interview length, we sought to understand how the issue of duration is addressed in other interview contexts. Literature on police interrogations has recommended a maximum of four hours,⁴¹ primarily because the accuracy of information that people provide reduces significantly the longer they are questioned. This raises concern that lengthy asylum interviews, particularly those that exceed four hours, are counterproductive to the Home Office’s aim to conduct a “rigorous enquiry... to [ensure] that asylum claims are properly considered”.⁴²

Given the complexity of many asylum claims, there may sometimes be tension between the need to explore all the relevant information and the need to keep interviews to a reasonable length. However, in a context in which the stakes of making a wrong decision are so high, it is clear a balance must be found and caseworkers should consider on a case-by-case basis whether it would be appropriate to resume an interview at a later date if the interview has become lengthy. The inconvenience to the claimant and additional resources required would potentially be offset by a better, more sustainable decision, and a reduced impact on the claimant’s wellbeing.

RECOMMENDATIONS

- 09** Caseworkers must prepare adequately for the interview so that they can ask focused and relevant questions.
- 10** The Home Office must amend the *Asylum Policy Instruction* to clarify that interviews should not normally run beyond four hours. Where, in exceptional circumstances, it is established that more time is needed to determine the facts of a claim, the interview should stop at four hours and the caseworker should seek to obtain further information through alternative means including a second interview, a witness statement or expert evidence.
- 11** Caseworkers must ensure that regular breaks are provided during interviews that exceed two hours.



02.

OBJECTIVE AND IMPARTIAL ASSESSMENT AND PROFESSIONAL DUTY

“ Caseworkers must not prejudge the claim or approach the interview with scepticism. They should be aware that their own values, beliefs, prejudices and views, can affect the objectivity of their assessments and should avoid them influencing the conduct of interviews. Issues of credibility will be explored as the interview progresses, but it will not be possible to make a balanced assessment of credibility until all the evidence is considered in the round...”⁴³

Asylum Policy Instruction on Asylum Interviews

PREJUDGMENT AND SCEPTICISM

The *Asylum Policy Instruction* makes it absolutely clear that it is the professional duty of Home Office caseworkers to carry out an objective and impartial assessment in asylum interviews. Caseworkers are alerted to factors that might affect the objectivity of their assessment, including their own beliefs and opinions. They are also advised to avoid prejudging the credibility of the claim or approaching the interview with scepticism.

Despite the guidance given in the *Asylum Policy Instruction*, we found many examples of caseworkers demonstrating open disbelief or scepticism through the phrasing and pattern of their questions. This suggests prejudgment of the credibility of the claimant's account early in the process, and a starting point of disbelief that detracted significantly from the positive and secure environment the Home Office commits to providing.

“ Caseworker: Can you see how this does not make sense? You have left the country because you want change... You leave the country and you are not involved and have no intention of being involved in political activity. So you will not be an agent for change. You could simply have stopped your political activity in your country and you would be in the same position...”

Excerpt, asylum interview record, case 14

“ Caseworker: The authorities in your country of origin are no longer interested in any low level supporters, only activists who they consider to be a danger... If you were one of those you would not have been released would you?”

Excerpt, asylum interview record, case 15

“ Caseworker: I still find it implausible that a soldier who met you only once in a shop would help you escape from prison and endanger his own life so much that he had to run away as well. Can you explain?”

Excerpt, asylum interview record, case 29

We also found examples where caseworkers asked questions loaded with assumptions about what would or would not have been possible, or likely to occur, sometimes asking the same question repeatedly.

“ Caseworker: But you know you have to pass through a checkpoint so why would you risk having this stuff in your car when you have to pass through police checkpoints?”

Claimant: They usually don't check through your luggage; they just ask for ID at the checkpoint and just identify...

Caseworker: But surely, you knew it would be a risk carrying these considering you were passing through a police checkpoint?

Claimant: I never knew it would be a risk, if it was not exposed. To me it wasn't a risk.

Caseworker: Why would you not think it was a risk considering there had been protests?”

Excerpt, asylum interview record, case 28

Torture survivors who feel that their account of traumatic events is disbelieved can suffer harmful effects, including to their mental health,⁴⁴ which is likely to undermine the evidence gathering process. Furthermore, prejudgment at this early stage in the process risks biasing the decision before all the evidence has been gathered and considered in the round, calling into question the integrity of the whole process.

Torture survivors described how they felt the caseworker was looking for mistakes in order to disbelieve their account and deny their application for protection. When caseworkers appeared to be trying to find fault in their account or clearly doubted what they were saying, survivors said they felt pressured, frustrated, confused or increasingly unable to respond to questions.

“ ... the questions they were asking, they were trying to find fault in me... based on my answers, they were not trusting me... So, I was finding it difficult to answer...”

Survivor

“ When the person starts to doubt you, he or she can ask many repeated questions, ‘Come back to the number two question... Go back to number eighteen or fifteen...’ just to confuse you... you become confused and frustrated.”

Survivor

RECOMMENDATIONS

12 Caseworkers must act in line with the *Asylum Policy Instruction* and refrain from expressing a pre-judgement or scepticism during the interview when probing apparent inconsistencies or implausibility.

13 The Home Office must adapt training, mentoring and management oversight of caseworkers to include the requirement to develop and exercise self-awareness and self-reflection in order to limit the influence of personal attitudes, values, beliefs and prejudices, including those drawn from experience with other cases, in the conduct of the interview.

“ They were not trusting me... So, I was finding it difficult to answer...”

Survivor

PROFESSIONALISM AND SENSITIVITY

To fulfil the stated policy objective of gathering enough evidence in the asylum interview to **“properly consider and determine the asylum claim”**, the *Asylum Policy Instruction* commits the Home Office to providing **“a positive and secure”** interview environment in which **“asylum claimants feel able to disclose sensitive information to support their claim”**.⁴⁵

The *Asylum Policy Instruction* also reminds caseworkers that as representatives of the Home Office they are expected to maintain high professional standards. It directs them to ensure **“all asylum claimants are treated with respect and humanity, dignity and fairness”**.⁴⁶ Caseworkers are advised to ensure in particular a **“focused and sensitive approach to questioning”** where evidence may relate to **“persecution or serious harm, including sexual violence”**.⁴⁷

A study on refugees’ experiences of the asylum interview suggests that how caseworkers treat claimants during the interview is the most important factor in facilitating the disclosure of what are often highly traumatic accounts of persecution.⁴⁸ The potentially re-traumatising effect of a negative and insensitive interview environment when people are required to remember and talk about traumatic experiences is also described in clinical literature.⁴⁹

The interview records we reviewed show that caseworkers often failed to respond in a sensitive manner following disclosures of torture. Indeed, only a minority acknowledged the difficulty of the topic and had a questioning style that reflected the need for sensitivity. In several cases, the style and tone of questioning appeared inappropriate in the context of a sensitive disclosure, including when caseworkers questioned relevance of the disclosure instead of acknowledging and affirming its relevance, or used follow-up questions that appeared to focus on testing credibility rather than eliciting further information.

In a further example of insensitive questioning, illustrated below, the caseworker demands “yes or no” answers to a series of questions about the survivor’s experiences of torture. At best this appears insensitive; at worst, it is interrogatory and unsuited to the task of eliciting information about a traumatic experience.

**“ Caseworker: Were you ill-treated, yes or no?
Claimant: At the beginning no.
Caseworker: At the beginning no, so were you ill-treated?
Claimant: Yes at the end yes.
Caseworker: How were you ill-treated?
Claimant: They burnt plastic and let it drip on my arm...
Caseworker: Do you have medical evidence to support your account of ill-treatment, yes or no?”**
Excerpt, asylum interview record, case 20

Some torture survivors described an interview environment that felt adversarial, with caseworkers focused on challenging what they were saying rather than asking questions about what had happened to them. Some described an unwelcoming environment. Some used stronger language, saying that they felt like they were treated like a criminal or as less than human, like an animal.

“ The caseworker didn’t even look at me at all. Not for a second. Not at all. He was treating me like a criminal. I was very uncomfortable in front of him.”

Survivor

“ When you meet that officer, I mean, he knows that he’s going to refuse you, automatically he’s going to refuse you. There is not any feeling that you are human. You are like a dog or a cat.”

Survivor

Survivors also spoke of body language that made them feel uncomfortable and less able to explain what had happened to them. The way the caseworker looked at them, or yawned, or used apparently dismissive gestures, or failed to return eye contact, gave survivors the impression that the caseworker wasn’t listening to them or treating them with respect.

We welcome the fact that the updated *Asylum Policy Instruction*, published in June 2019, includes strengthened recognition of the importance of caseworker conduct, in line with the recommendation from Freedom from Torture to insert a new reference to the positive role that body language can play in interviews.⁵⁰ It also acknowledges that an **“open, empathic manner is more likely to enable a claimant to give their testimony in full”**.⁵¹

A few survivors recalled more positive experiences, describing the benefit of a supportive environment and sensitive questioning. One person said that when the caseworker acknowledged the difficulty they were having recalling the torture they had suffered, they felt more able to explain this part of their history.

“ ... They asked about torture. They didn’t just say, ‘How did it happen, can you explain to us?’ They didn’t ask like that, they just said, ‘If you feel comfortable, can you give me some details about this?’ in a polite way... You feel better when they ask that way...”

Survivor

“ The caseworker didn’t even look at me at all. Not for a second. Not at all. He was treating me like a criminal. I was very uncomfortable in front of him.”

Survivor

Another person described how the caseworker put them at ease.

“ I was worried, and I was a bit scared from what I heard about other peoples’ interviews. Once I entered, it was not that bad, and the two officers interviewing me were very polite. They dealt with me in a proper and a nice manner.”
Survivor

However, it was clear from our review of interview records and from accounts given by torture survivors that there is at least a lack of consistency in the treatment of claimants, and that too many caseworkers appear not to have met the required professional standard to treat people with sensitivity and respect.

“ I was worried, and I was a bit scared from what I heard about other peoples’ interviews.”
Survivor

RECOMMENDATIONS

- 14 When asking about torture and other sensitive matters, caseworkers should explain the purpose of the questions, acknowledge significant facts as relevant, explain why more information is needed, and ask for active consent where appropriate.
- 15 The Home Office must adapt training, mentoring and management oversight of caseworkers to include a strong focus on the importance of appropriate verbal and non-verbal communication – including body language - during the asylum interview.
- 16 Casework managers must ensure that claimants with a concern about the conduct of the caseworker should have the opportunity to explain their concerns, in confidence. All complaints regarding the quality of the interview should be referred to a senior caseworker. An open and accountable complaints procedure should be guaranteed.

Srika's Story

Srika applied for asylum in the UK after she was tortured for attending human rights protests in her home country in South Asia.



Srika went into her asylum interview feeling very anxious after a poor experience with the Home Office at her screening interview. Looking back, she still feels upset at the hostile behaviour of the caseworker, which made her feel unable to tell her full account and reasons for seeking protection:

“I wasn’t comfortable... Because I come from [a] bad situation... [the caseworker] spoke very hard... [with] no sympathy. Sometimes when I said something, she yawned... I was very uncomfortable... It was very tough for me... She was not interested in my story... it was very boring [to her]... I’m really upset about that... Her behaviour really affected me, that’s why I couldn’t tell... her.”

Srika missed out parts of her story because the caseworker jumped from one topic to another and did not allow her to finish what she wanted to say:

“Sometimes she was asking one question, sometimes she was asking [a] different question, I couldn’t jump to [the] other question because I was still on that point... [After the interview] I read... the interview papers... some things I missed... because they jumped to [an]other question.”

Reflecting on her interview, Srika said: *“If she [had] spoken nice[ly] to me... I [would have] calmed down... I would [have] liked to tell her my story.”*

Despite the testimony Srika provided in her asylum interview, and further evidence she submitted, she was denied asylum. She appealed the decision and it was eventually overturned. She is now trying to rebuild her life in the UK.

“ She was not interested in my story... it was very boring [to her]... I’m really upset about that...”

NEEDS OF VULNERABLE INTERVIEWEES

The *Asylum Policy Instruction* sets out the Home Office's commitment to recognition and fair treatment of the individual at the heart of the asylum process and instructs caseworkers to take account of **“individual factors unique to the claimant”**.⁵³

Among other individual factors, the *Asylum Policy Instruction* directs caseworkers to recognise how **“mental and physical ill health”, “traumatic events, including torture or other ill-treatment”,** and **“the working of the human memory”** affect individual claimants and the task of gathering information throughout the interview.⁵⁴

Our review of interview records revealed that a number of caseworkers treated perceived discrepancies in the information given by the claimant as a credibility issue, without seeking to understand if the inconsistency was caused by a memory problem related to the trauma they had suffered.

In the following example, instead of accepting the reasonable explanation given by the claimant for why they could not remember the exact date they were arrested, the caseworker focused on why the claimant did not tell them they had memory issues earlier in the interview and whether they had reported the memory problem to their doctor.

“ **Claimant: I cannot remember the exact date of my detention.**
Caseworker: OK considering it was a big moment in your life and the very reason that you are claiming asylum here today why can't you remember?
Claimant: Seriously because of the injury on my head with all respect to you I have a short memory I can't remember dates.
Caseworker: When I asked you at the start if you had any medical conditions why did you not raise this as a medical condition?
Claimant: I was thinking you are going to ask me later about my problem at home.
Caseworker: Have you been to the doctors for this short-term memory?
Claimant: Well I have an ongoing appointment with my GP and he is going to send me to hospital but I haven't been yet.
Caseworker: You told me that it was for something on your foot so if you haven't raised this then why?”
 Excerpt, asylum interview record, case 26

The updated *Asylum Policy Instruction* includes new recognition that awareness of individual factors, including the effects of trauma, and memory issues, is relevant to the assessment of credibility.⁵⁵

In all the interview records we reviewed, there were clear indications that the claimant was potentially vulnerable, including because they disclosed torture and/or had disclosed signs of mental ill health. Specific signs and symptoms documented in the interview records included nightmares, poor sleep, poor memory, ‘feeling traumatised’, stress and being frightened. A number reported that they were suffering from depression or Post-Traumatic Stress Disorder. All too often, caseworkers failed to act on these signs of vulnerability in line with policy guidance, and failed to signpost claimants to appropriate support and treatment services.⁵⁶

A few caseworkers recognised potential vulnerability when the person disclosed rape or expressed suicidal thoughts, and checked if a doctor or specialist mental health services had been accessed. However, in many other cases there was no attempt to make people aware of services, including when caseworkers failed to respond to signs of mental ill health or only asked whether the claimant was taking medication. Some caseworkers appeared to respond sensitively to episodes of distress in the interview, by acknowledging it, reassuring the applicant or offering a break. Others appeared not to acknowledge it at all. In the excerpt below, a claimant stated twice that they found it difficult to recall their torture, and the interview record states that they were experiencing distress. However, the caseworker does not appear to acknowledge the distress at all, does not signpost support services, and continues asking direct probing questions about their experience of rape.

“ **Caseworker: Were you interrogated?**
Claimant: Yes and beaten and I don't like to think about it, it was a very bad thing.
Caseworker: Were you raped during the 5 days?
Claimant: Yes beaten and raped and left naked, I don't like to think about it. [Claimant upset and crying]
Caseworker: How many times were you beaten and raped over the 5 days?”
 Excerpt, asylum interview record, case 14

It was clear that many of the torture survivors we spoke to were very vulnerable at the time of their asylum interview and had experienced intense difficulties presenting their account owing to memory problems, acute stress, fear, intrusive memories, and flashbacks to interrogation sessions and torture.

“ **The Home Office doesn't take into account your traumatic conditions or your stress... we just go in for an interview with all this trauma, trauma and distress...”**
 Survivor

“ **The Home Office doesn't take into account your traumatic conditions or your stress...”**
 Survivor

NEEDS OF VULNERABLE INTERVIEWEES

Some torture survivors said that they did not tell the caseworker how they were feeling because they did not want to delay the interview, or feared that it would have a negative impact on their claim.

“... during the interview I was under stress and pressure, but I found it better not to say that. Maybe it affects negatively. So I didn't say anything about my stress during the interview.”
Survivor

Survivors also told us of experiences where the caseworker did not show awareness, or respond appropriately to the difficulties they were facing in the interview, including pursuing lines of questioning when it was clear they were highly distressed.

“...I was crying out loud and shaking and literally lost myself in a room... Oh, my goodness gracious. So many questions. ... I said, 'Could you please stop talking about it? I can't do that.' He said, 'No. I'm sorry. We have to ask you and you have to answer'... I was like a kid. Imagine four, five years, [a] kid lost in a desert or jungle... without anybody...”
Survivor

“I was crying out loud and shaking and literally lost myself in a room...”
Survivor

RECOMMENDATIONS

- 17 The Home Office must train caseworkers to identify, acknowledge and respond sensitively to the claimant's disclosure of vulnerability or indicators of distress, including through appropriate questioning, as well as signposting to appropriate support and treatment services.
- 18 The Home Office should amend the *Asylum Policy Instruction* to strengthen the section on 'individual factors' and specifically to clarify the psychological impact of torture; the specific effects of trauma on recall; how these factors impact on the ability of an applicant to give a detailed, consistent and coherent account; and the significance of this for the credibility assessment.
- 19 The Home Office must train caseworkers to understand how vulnerability and other 'individual factors' impact on the claimant's testimony and the significance of this understanding for the credibility assessment.
- 20 After the interview, the caseworker should reflect on how the claimant experienced the interview with reference to the principles and standards in the guidance. The caseworker should also reflect on the way s/he experienced the interview, especially if traumatic or sensitive events were discussed.

Yusuf's Story

Yusuf fled his country in Western Asia after being tortured because of his ethnicity. He claimed asylum in the UK and was vulnerable and anxious at the time of his interview.



“My expectations were that they would treat me fairly and nicely, and that they wouldn't corner me too much. But actually, it was quite the opposite, so I did feel quite cornered. I felt like the questions were coming back to back, and then going back and asking the same question in another manner. It really confused me, a lot.”

After disclosing his history of torture to the caseworker, Yusuf was dizzy and suffered flashbacks. He also began to struggle with his memory:

“... I wasn't too clear on my dates and the events, and just very mixed up. I couldn't remember things exactly as they were, because many months had gone past.”

At one point, Yusuf told the caseworker that he had attended demonstrations. Because he had not mentioned this earlier, in the interview the caseworker perceived it as a potential inconsistency, asking him why he had not said this before. Yusuf explained to the caseworker:

“I couldn't remember at that time, I am quite nervous because I had terrible treatments and a memory problem.”

The caseworker did not acknowledge this and carried on asking questions. Later in the interview Yusuf told the caseworker, “I am in a terrible psychological state.” Again, the caseworker responded by asking why he had not said anything earlier.

At the end of his six-hour interview, the experience weighed heavily on him: “My head was like a stone. I was asked 300 questions. How can I answer so many?” On finishing the interview, he told the caseworker:

“I can't remember anything at the moment. I do not have the right state of mind. I felt very emotional after your questions.”

The Home Office denied Yusuf asylum. Even though he had explained his poor memory and terrible psychological state in

the interview, one of the reasons given for refusing his claim was his failure to mention earlier in the interview that he had attended demonstrations when asked about his activities. Indeed, the decision-maker's reasoning lacked any reference to the effects of Yusuf's mental state, which he had explained during his interview:

“You were asked in your asylum interview what activities you had taken part in for the [political party] and you failed to mention demonstrations. Then later on in the interview you mentioned that you had taken part in demonstrations. This is clearly contradictory and your credibility is damaged.”

Yusuf still feels affected by his difficult experience in the interview and by the fact that despite all the evidence he gave, he was not believed. He appealed and is still awaiting the outcome, terrified of being returned to danger.

INTERPRETERS

Among the factors that the Home Office acknowledges can affect obtaining information at the asylum interview is **“language barriers to communication”** necessitating the use of an interpreter. The *Asylum Policy Instruction* states that **“an assessment of credibility depends on the ability of the interpreter to present an accurate expression of the claimant’s responses”**.⁵⁷

The guidance emphasises that while **“interpreters must conduct themselves in a professional and impartial manner”**, Home Office caseworkers **“are responsible for the overall conduct of the interview”** and should ensure that interpreter performance meets professional standards.⁵⁸ Many torture survivors described difficulties in communicating full and accurate details of their account in the interview due to poor interpreting provision.

Some raised concerns that the Home Office interpreter had inaccurately, or not fully, translated their words. Examples of this included inaccurate translation of a date into the Modern European calendar, incorrect translation of numbers, and inaccurate use of terminology that did not represent the meaning intended.

“ I was going to talk about rape and when I started to talk about it, the interpreter snickered and when I saw that, it stopped me in my tracks... It was like it was funny. I wasn't joking.”

Survivor

Some survivors raised concerns about the accuracy of interpretation at the time of their interview. Others did not understand enough English to identify issues, or did not want to challenge the interpreter or cause delays in the process.

A number of people described the alarmingly poor interpersonal conduct of the interpreter provided by the Home Office. This included aggressive behaviour by interpreters who instructed them to *“just answer the question”*, or inappropriate reactions in response to difficult disclosures. Such behaviour caused survivors significant distress, and prevented them from feeling confident to communicate what happened to them to the caseworker, as illustrated in the example below.

“ There was a point when I was going to talk about rape and when I started to talk about it, the interpreter snickered and when I saw that, it stopped me in my tracks... It was like it was funny. I wasn't joking. I couldn't understand this behaviour. We took a break after that and then they continued to ask questions on something else... We missed a big part of the story.”

Survivor

Allocation of a male interpreter when a female interpreter had been requested, or allocation of an interpreter who spoke the incorrect dialect, were two further issues raised by survivors in focus groups. For those who were allocated an interpreter inappropriate for their needs, it was clear from the start that they would not be able to explain their account fully to the caseworker. In the example below, a female survivor described how facing a male interpreter adversely affected her ability to present her full account:

“ I requested for a female interpreter and female caseworker, but both were male... Since I had [a] male interpreter, I couldn't concentrate on the interview. I was just thinking of the interpreter... I told [the caseworker], ‘I can't share everything.’ They said, ‘Okay, that's fine.’

Survivor

RECOMMENDATIONS

- 21** The Home Office must ensure that interpreters are suitably qualified and trained to carry out asylum interviews in a professional and impartial manner. They must receive specific training on torture and vulnerability so that they are able to respond with professionalism and sensitivity to the experiences recounted in the interview and the impact they have on the claimant.
- 22** The Home Office must guarantee a pool of interpreters representing the full range of required languages and dialects, and able to meet all requests for a specific gender.
- 23** The caseworker should brief the interpreter on the case before the interview, especially in situations where particular sensitivity may be required.
- 24** The caseworker should reassure claimants at the outset of the interview about the role of the interpreter, emphasising their professional duties and the confidentiality of the process.
- 25** The caseworker must make it clear to the claimant that, by signing the interview record, the claimant is not agreeing to the accuracy of the contents as they have not had the chance to review the whole transcript with an independent interpreter.
- 26** The Home Office must ensure that the claimant has the right to raise concerns about the quality of interpreting following the interview and there must be a process to do this. Any concerns must be taken into consideration and redressed before a decision is made on the asylum claim.
- 27** The Home Office must ensure that interpreting quality control measures include a regular audit of interview recordings, monitoring of representations from legal representatives and claimant complaints, and the intelligence gathered should be assessed in line with the interpreters' code of conduct.

CONCLUSION

The link between poor evidence gathering and unsustainable asylum decision-making is well established and underlies the Home Office's *Asylum Policy Instruction*.⁵⁹ *Beyond Belief: How the Home Office fails survivors of torture at the asylum interview*, illustrates how survivors of torture experienced asylum interviews that often fell short of the Home Office's own declared policy aspiration. The consequences of poor interview conduct on an individual can be devastating in the moment and have potentially grave long-term consequences, including the risk of being returned to persecution because the Home Office does not have the information it needs to make a fair and informed decision.

For the Home Office, the consequences are also serious. While the overall grant rate is improving, the persistently high number of decisions overturned at appeal shows that the quality of initial decisions continues to be a concern. A system that relies on the appeal process to correct its errors is inefficient, costly and inhumane. Improving the UK asylum determination system, from the evidence gathering stage through to the decision, can help to restore faith in the Home Office and fulfil the Government's promise to create a "fair and compassionate" immigration system.⁶⁰ It can also empower those recognised as refugees to move on with their lives and contribute to society.

Home Office caseworkers who conduct interviews have a difficult job, dealing as they do with traumatic stories and vulnerable individuals every day. There is no doubt, however, that the culture within the Home Office has created an environment of disbelief, scepticism and suspicion that has crept into the interview room. Despite all the statements of regret from government ministers following exposure of the Windrush scandal, we are still waiting for the systemic overhaul that has been called for by so many of those with lived experience of the immigration process, and calls echoed by Wendy Williams in the *Windrush Lessons Learned Review*. Now is the time for political leadership to shift the culture and demonstrate that lessons have finally been learned.



RECOMMENDATIONS

RECOMMENDATIONS TO HOME OFFICE POLICY MANAGERS AND OPERATIONAL STAFF

SHARED RESPONSIBILITY

- 01** Caseworkers must give the claimant opportunity during the interview to establish the relevant aspects of the claim, and avoid unnecessary interruption and redirection.
- 02** Caseworkers should give claimants the opportunity during the interview to address apparent inconsistencies, inaccuracies or mistakes identified in an account in line with the obligation set out in the *Asylum Policy Instruction*. Training should reinforce this, and advise that where this has not happened in the interview, decision-makers must redress this before making a decision on the asylum claim.
- 03** The Home Office must provide caseworkers with high-quality, experiential training on effective interview techniques, to increase their skills in encouraging full disclosure and identifying important aspects of the claim. This should include:
 - how to identify and probe material facts;
 - use of both open and closed questions;
 - appropriate use of follow-up questions to elicit more information, seek explanation and test the evidence; and
 - reflective interview practice, applying flexibility and adapting interview technique to the specific situation.
- 04** The Home Office must amend the *Asylum Policy Instruction* on Asylum Interviews to include guidance on reflective questioning alongside the existing practical guidance on interviewing technique.

TORTURE AS A KEY MATERIAL FACT

- 05** Caseworkers should acknowledge a disclosure of torture when it is made, and support the claimant to describe what happened to them as far as they are able to without undue distress, at any point in the interview.
- 06** If the caseworker is unable to probe further following a disclosure of torture, they should note this on the interview record (for example because of the claimant's distress, appearing to suffer flashbacks, or a statement that they cannot say more), and consider proactively seeking further evidence through other channels, such as through the legal representative or a medical report. If the caseworker has only been able to obtain a limited disclosure, for example due to the person's distress and concern about the risk of retraumatisation, this should not be taken to indicate that torture did not occur.
- 07** The Home Office must adapt training, mentoring and management oversight to stress the obligation to signpost for assessment, treatment and documentation if torture is disclosed.
- 08** The Home Office must amend the *Asylum Policy Instruction* to clarify that a lack of coherence, consistency and recall demonstrated by the claimant should be considered in light of a disclosure of torture when making a credibility assessment and that, in light of the standard of proof that applies to an asylum claim, a grant of protection is possible in the absence of medical evidence.

LENGTH OF INTERVIEWS

- 09** Caseworkers must prepare adequately for the interview so that they can ask focused and relevant questions.
- 10** The Home Office must amend the *Asylum Policy Instruction* to clarify that interviews should not normally run beyond four hours. Where, in exceptional circumstances, it is established that more time is needed to determine the facts of a claim, the interview should stop at four hours and the caseworker should seek to obtain further information through alternative means including a second interview, a witness statement or expert evidence.
- 11** Caseworkers must ensure that regular breaks are provided during interviews that exceed two hours.

PREJUDGEMENT AND SCEPTICISM

- 12** Caseworkers must act in line with the *Asylum Policy Instruction* and refrain from expressing a pre-judgement or scepticism during the interview when probing apparent inconsistencies or implausibility.
- 13** The Home Office must adapt training, mentoring and management oversight of caseworkers to include the requirement to develop and exercise self-awareness and self-reflection in order to limit the influence of personal attitudes, values, beliefs and prejudices, including those drawn from experience with other cases, in the conduct of the interview.

INTERVIEWER PROFESSIONALISM AND SENSITIVITY

- 14** When asking about torture and other sensitive matters, caseworkers should explain the purpose of the questions, acknowledge significant facts as relevant, explain why more information is needed, and ask for active consent where appropriate.
- 15** The Home Office must adapt training, mentoring and management oversight of caseworkers to include a strong focus on the importance of appropriate verbal and non-verbal communication – including body language - during the asylum interview.
- 16** Casework managers must ensure that claimants with a concern about the conduct of the caseworker should have the opportunity to explain their concerns, in confidence. All complaints regarding the quality of the interview should be referred to a senior caseworker. An open and accountable complaints procedure should be guaranteed.

RECOMMENDATIONS TO HOME OFFICE POLICY MANAGERS AND OPERATIONAL STAFF

NEEDS OF VULNERABLE INTERVIEWEES

- 17** The Home Office must train caseworkers to identify, acknowledge and respond sensitively to the claimant's disclosure of vulnerability or indicators of distress, including through appropriate questioning, as well as signposting to appropriate support and treatment services.
- 18** The Home Office should amend the *Asylum Policy Instruction* to strengthen the section on 'individual factors' and specifically to clarify the psychological impact of torture; the specific effects of trauma on recall; how these factors impact on the ability of an applicant to give a detailed, consistent and coherent account; and the significance of this for the credibility assessment.
- 19** The Home Office must train caseworkers to understand how vulnerability and other 'individual factors' impact on the claimant's testimony and the significance of this understanding for the credibility assessment.
- 20** After the interview, the caseworker should reflect on how the claimant experienced the interview with reference to the principles and standards in the guidance. The caseworker should also reflect on the way s/he experienced the interview, especially if traumatic or sensitive events were discussed.

INTERPRETING PROVISION

- 21** The Home Office must ensure that interpreters are suitably qualified and trained to carry out asylum interviews in a professional and impartial manner. They must receive specific training on torture and vulnerability so that they are able to respond with professionalism and sensitivity to the experiences recounted in the interview and the impact they have on the claimant.
- 22** The Home Office must guarantee a pool of interpreters representing the full range of required languages and dialects, and able to meet all requests for a specific gender.
- 23** The caseworker should brief the interpreter on the case before the interview, especially in situations where particular sensitivity may be required.
- 24** The caseworker should reassure claimants at the outset of the interview about the role of the interpreter, emphasising their professional duties and the confidentiality of the process.
- 25** The caseworker must make it clear to the claimant that, by signing the interview record, the claimant is not agreeing to the accuracy of the contents as they have not had the chance to review the whole transcript with an independent interpreter.
- 26** The Home Office must ensure that the claimant has the right to raise concerns about the quality of interpreting following the interview and there must be a process to do this. Any concerns must be taken into consideration and redressed before a decision is made on the asylum claim.
- 27** The Home Office must ensure that interpreting quality control measures include a regular audit of interview recordings, monitoring of representations from legal representatives and claimant complaints, and the intelligence gathered should be assessed in line with the interpreters' code of conduct.

RECOMMENDATIONS TO SENIOR CIVIL SERVANTS IN THE HOME OFFICE

- 28** Senior civil servants in the Home Office must promote a genuine learning culture that actively seeks to act on the evidence of system failures.
- 29** The Director General of UK Visas and Immigration (UKVI) should work with those with lived experience of the asylum system to establish and embed an expert panel to inform Home Office understanding of the effectiveness and impact of the process on claimants, and to assist with the re-design of the asylum policy and process.
- 30** Senior managers within UK Visas and Immigration must conduct a thorough training needs analysis for all staff involved in the asylum process; revise and deliver training in light of the results; amend guidance, mentoring and performance management as necessary; and put in place the means to evaluate the changes.
- 31** Senior asylum casework managers must identify and manage the stress related to vicarious trauma if they wish to cultivate and retain good caseworkers. Stress management training is already provided to caseworkers but we are concerned that it is failing to address the problem. A review of the training and stress management strategies is urgently required.
- 32** Senior asylum casework managers should institute regular and effective audits of interview practice, including random monitoring of interviews, and anonymous consultations with people with lived experience of the interview process. Any decisions associated with an interview that is found to be below the quality standard must be reviewed.
- 33** Senior asylum casework managers must monitor the performance of individual caseworkers. They must also address high overturn rates on appeal and consistent failure to properly apply policy guidance through appropriate support and training. If poor quality decisions persist then interviewers and/or their managers must be removed from these roles.
- 34** Senior asylum casework managers must ensure that training for interviewers is followed up with a programme of supervised interview practice, on-the-job mentoring, and ongoing audit and evaluation. Where supervision, auditing or evaluation identify errors in specific cases, this must trigger an immediate review of the asylum decision in that case.
- 35** The Home Office must amend the asylum interview quality audit tool to include the full range of indicators necessary to assess the quality of an asylum interview, guided by the key principles and standards within the *Asylum Policy Instruction*, and with reference to the refusal letter and any representations submitted after the interview or at appeal. Specifically, the tool must include indicators on:
- the identification and appropriate response to individual factors (vulnerability);
 - the assessment and probing of plausibility;
 - the avoidance of prejudice and scepticism;
 - application of the correct standard of proof;
 - the requirement to treat claimants with respect, dignity and fairness;
 - demonstration by the caseworker of an open and empathic manner; and
 - the quality of interpreting.

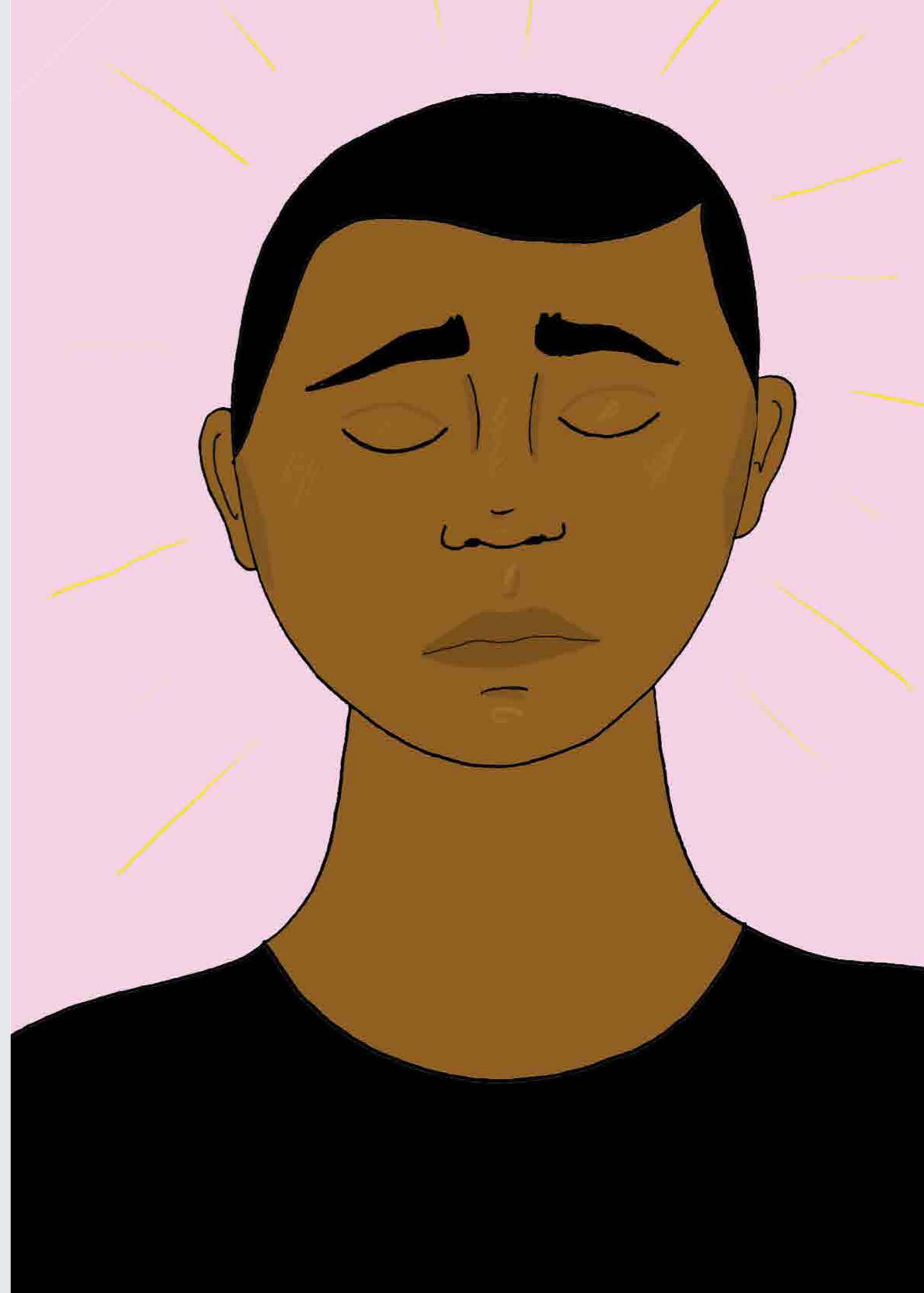
RECOMMENDATIONS TO HOME OFFICE OVERSIGHT BODIES

- 36** The Independent Chief Inspector of Borders and Immigration should undertake an independent public audit into asylum interview practice. This audit should enjoy the full cooperation of the Home Office. Survivors of torture, and others with lived experience of the asylum interview process should be among those given an opportunity to provide evidence.
- 37** The Home Affairs Select Committee should launch an initiative to review Home Office handling of the standard of proof and assessment of credibility, including analysis of interviewing practice, as part of its regular scrutiny of the work of the Home Office.
- 38** The Quality Protection Programme of the Office of the UN High Commissioner for Refugees should consider how the findings of this research align with the findings resulting from its own recent review of the standard of proof within Home Office training materials.

These recommendations acknowledge positive steps being undertaken by some within the Home Office who are seeking to shift the culture and practices that lead to poor interviewing. However, none of these changes can achieve their full impact if they are taken in isolation from a political context that undermines progressive transformation. All recommendations aimed at improving caseworkers' everyday practice can only truly succeed if accompanied by positive change at ministerial level, making it possible for protection to be a guiding principle.

RECOMMENDATIONS TO THE SECRETARY OF STATE AND IMMIGRATION MINISTERS

- 39** The Government, including ministers from all relevant departments, must promote the operation of a humane immigration system as a national strength. This demands and endorses a necessary shift in the culture within the Home Office to one of pride in the important work of eliciting and determining asylum claims.
- 40** The cultural shift must start at the top, with ministers demonstrating an understanding and focus on the individual at the heart of the process, and compassion for vulnerable people seeking to build a life in the UK.
- 41** An overhaul of the asylum and immigration system is required to ensure that any changes to the interview guidance and process are sustainable. This must include a public commitment to create an asylum system with a culture of protection at its core.
- 42** The Government must ensure that the relevant departments are aligned and sufficiently resourced to facilitate access to all the necessary evidence at the earliest stage in the asylum process so that the right decision on asylum claims can be made first time. This would facilitate:
- a. guaranteed access to free expert legal advice and representation to all asylum claimants prior to their asylum interview and throughout the asylum process; and
 - b. a flexible asylum casework process delivered by skilled and resilient staff who are able to prepare appropriately for the interview.



ANNEX I: METHODOLOGY

A participatory approach

This report is grounded in the experiences and perspectives of survivors of torture who have themselves attended an asylum interview. The research team worked closely with a number of survivors throughout the project, from shaping its design to conducting parts of the research. Many more survivors contributed by sharing their stories as research participants in focus groups and interviews. Survivors contributed to the development of the recommendations set out in this report, on the basis of their lived experience. Freedom from Torture is indebted to all those survivors who openly shared their experiences and views in support of this project.

Research context and aims

For people fleeing persecution, the asylum interview is the main opportunity to explain to the Home Office the reasons why they are seeking protection. The objective of the interview for the Home Office is to obtain sufficient evidence to be able to consider and determine the asylum claim.⁶¹ The written record of the interview is usually the primary evidence relied on by caseworkers to reach a decision.

Given the critical function of the evidence gathered at interview, it is essential that caseworkers are able to obtain information effectively, recognise factors that are likely to affect the claimant in giving their evidence, and seek further evidence if required. A failure in any of these respects raises the risk that the Home Office will not have the information they need to make a sustainable decision on protection needs.

Over the years, survivors of torture, and staff working on the frontline to support them at Freedom from Torture, have raised concerns regarding the potentially serious adverse impacts of poorly conducted interviews on both the wellbeing of survivors and their asylum claim.⁶² In 2019, legal representatives took part in a Freedom from Torture survey, indicating the persistence of these problems.

The Home Office publishes dedicated guidance for caseworkers on how to conduct a good interview in the form of the *Asylum Policy Instruction on Asylum Interviews (Asylum Policy Instruction)*.⁶³ The policy instruction outlines a comprehensive set of principles

and standards that all interviews should meet, and practical guidance that can assist caseworkers. The standards set out in the policy instruction are guided by the primary requirement to obtain the information needed to make a fair and informed decision on asylum.

The aims of this research were to:

- i) examine the conduct of asylum interviews in light of the guidance provided in the *Asylum Policy Instruction*;
- ii) explore torture survivors' experiences of the asylum interview;
- iii) identify the implications of poor interview practice, including for: the evidence gathering process; survivors' wellbeing and ability to participate in the interview; and the quality and sustainability of asylum decisions.

A sub-aim of the research was to explore survivors' experiences of asylum interviews conducted by video-conference, a practice that the Home Office has gradually introduced over recent years. At the time of the research design, no Home Office policy guidance existed on conducting interviews by video-conference.⁶⁴ In the event, there were too few cases of interview via video-conference in our case set to conduct substantial analysis (5) and our findings were inconclusive. We plan to monitor this practice going forward, particularly in the context of the Covid-19 pandemic where remote working practices are likely to become the norm.

Research design and method

This research is a qualitative study through which we aimed to capture the range and diversity of survivors' experiences of the asylum interview. The methods of data collection were:

■ Systematic review of 30 case files

The case set comprised survivors of torture who had received a service from Freedom from Torture, who were interviewed by the Home Office in 2017 or 2018,⁶⁵ and who had a decision on their asylum claim. We included a range of decision outcomes including grants and refusals at various stages of the process.

We selected the first 30 cases that met the criteria, had a full set of documentation, and had consent for use in research.

Using the Home Office's *Asylum Policy Instruction* as a framework for data collection and analysis, we systematically reviewed the asylum interview records to explore the conduct of interviews. We also reviewed screening interview records and witness statements to understand what, if any, information the Home Office had about the asylum claim, prior to or following the interview. For cases that were refused on initial decision, Home Office decision letters and immigration tribunal determinations where available were also reviewed.

■ Focus groups and semi-structured interviews with 25 survivors of torture

We spoke with 25 survivors of torture through a series of interviews and focus groups, in five of Freedom from Torture's national centres. All were current service users at Freedom from Torture and had attended an asylum interview in 2017, 2018 or 2019.⁶⁶

Group and individual discussions explored survivors' experiences of the interview, the particular difficulties they faced, and the impact these had on their wellbeing and their ability to participate in the interview. Participation was on the basis of informed consent. We spoke with a number of survivors whose records had also formed part of the case file review. However, since this part of the research was focused predominantly on survivors' experiences of the interview, we did not limit participation to those with an outcome on their asylum claim, and we sought to include those who were available to participate, and had recent experience of an interview.

Limitations

The *Asylum Policy Instruction*, which was a point of reference for this research, was updated and republished in June 2019. Many of the core elements of the previous version remain unchanged. However, the interview records and experiences we reviewed pre-date the republished guidance. Consequently, throughout the report we refer to version 6 of the *Asylum Policy Instruction* in place during the relevant time period (early 2017 to early 2019) unless otherwise stated.

Home Office caseworkers fulfil a difficult role, and will experience specific professional challenges in conducting asylum interviews, including with those who have experienced torture. We requested permission to speak with Home Office caseworkers to gain their insight and to reflect their perspective in this report. Unfortunately, the request was not granted.

This research has identified ways in which poor interview practice can have consequences for the sustainability of the asylum decision, however we recognise that we have only been able to make observations on the evidence available to us, and that such consequences may not always be evident in the documentation we accessed as part of this research. In particular, we note that we were unable to review grant notes, as the Home Office does not provide claimants with a record of these. We also recognise that while it is a highly important factor, the quality of the interview is not the only factor determining the outcome of a claim.

This report captures a broad range of problems that the survivors, whose individual and collective experiences and perspectives are documented in this report, have encountered in asylum interviews. The problems identified in this report with the conduct of asylum interviews do not present a universal account of the experiences of all survivors of torture who go through this process. However, we consider the findings in this study illustrative of wider experience. The findings can and should provide a basis for urgently needed change.

ENDNOTES

- 1 *Asylum Policy Instruction*, Assessing credibility and refugee status, version 9 (v.9), Home Office, 6 January 2015, p.8.
- 2 *Asylum Policy Instruction*, Asylum Interviews, version 6 (v.6), Home Office, 4 March 2015, p. 4.
- 3 *Windrush Lessons Learned Review: Independent review by Wendy Williams*, March 2020. [last accessed 23 March 2020]. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/873667/6.5577_HO_Windrush_Lessons_Learned_Review.pdf
- 4 Freedom from Torture, Helen Bamber Foundation, The Joint Council for the Welfare of Immigrants, Jesuit Refugee Service, Refugee Action, Refugee Council, UK Lesbian and Gay Immigration Group and Survivors Speak Out. 2019. *Lessons not Learned: the failures of asylum decision making in the UK*, [last accessed 13 March 2020]. Available at: https://www.freedomfromtorture.org/sites/default/files/2019-09/FFT_LessonsNotLearned_Report_A4_FINAL_LOWRES_0.pdf
- 5 Home Office National Statistics. 2020. *Immigration Statistics, year ending March 2020*. [last accessed 2 June 2020] Available at: <https://www.gov.uk/government/publications/immigration-statistics-year-ending-march-2020/list-of-tables>.
- 6 Home Office. *Immigration Statistics, year ending March 2020*.
- 7 *Asylum Policy Instruction*, Asylum Interviews, v. 6, p. 4.
- 8 Conservative Party Manifesto 2019. [last accessed 13 March 2020]. Available at: https://assets-global.website-files.com/5da42e2cae7ebd3f8bde353c/5dda924905da587992a064ba_Conservative%202019%20Manifesto.pdf
- 9 Hansard, *Windrush Lessons Learned Review*, HC Deb. Vol 673, col 1156, 19 March 2020. [last accessed 9 June 2020]. Available at: <https://hansard.parliament.uk/Commons/2020-03-19/debates/2F98C354-FF0A-4E2B-81E3-0B645A84CAC6/WindrushLessonsLearnedReview>
- 10 *R v SSHD ex p Sivakumaran [1988] Imm AR 147* established the relevant standard of proof as a 'reasonable degree of likelihood' of persecution on return; *Kaja [1995] Imm AR 1 & Karanakaran v SSHD [2000] Imm AR 271* established that historical facts should be judged on the same standard of proof as future risk and there should be a "positive role for uncertainty" in asylum claims. This principle is extended to cases that fall under the Human Rights Act 1998, regarding breaches of Article 3 of the European Convention on Human Rights (torture or inhuman or degrading treatment or punishment) in *Kacaj* (01/TH/0634 19 July 2001 starred).
- 11 *Lessons Not Learned: the failures of asylum decision making in the UK*, available at: https://www.freedomfromtorture.org/sites/default/files/2019-09/FFT_LessonsNotLearned_Report_A4_FINAL_LOWRES_0.pdf
- 12 UN High Commissioner for Refugees', March 2006, *Quality Initiative Project: Third Report to the Minister*. [last accessed 13 March 2020]. Available at: <https://www.unhcr.org/576015b57>
- 13 Independent Chief Inspector of Borders and Immigration, November 2017, *An inspection of asylum intake and casework, April-August 2017*. [last accessed 13 March 2020]. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/662769/An_Inspection_of_Asylum_intake_and_casework.pdf
- 14 Independent Asylum Commission, May 2008, *Saving Sanctuary: The Independent Asylum Commission's first report of conclusions and recommendations. How we restore public support for sanctuary and improve the way we decide who needs sanctuary*. [last accessed 13 March 2020]. Available at: <http://www.citizensforsanctuary.org.uk/pages/reports/SavingSanctuary.pdf>
- 15 *Asylum Policy Instruction*, Asylum Interviews, v.6 is referred to throughout.
- 16 *Asylum Policy Instruction*, Asylum Interviews, v.6, p.4.
- 17 A consultation with civil society organisations on the *Asylum Policy Instruction on Asylum Interviews* was launched in 2017. The updated version was published following consultation in June 2019.
- 18 All these survivors of torture received a service from Freedom from Torture and gave consent for their case to be used for research.
- 19 *Asylum Policy Instruction*, Asylum Interviews, v.6, p. 12.
- 20 *Asylum Policy Instruction*, Asylum Interviews, v.6, p. 12.
- 21 *Asylum Policy Instruction*, Asylum Interviews, v.6, p. 12.
- 22 Among the most significant changes in the updated policy was the introduction of guidance on interviews by video-conference.
- 23 Freedom from Torture, 2013. *The Poverty Barrier: The Right to Rehabilitation for Survivors of Torture in the UK*, Ch.5. [last accessed 13 March 2020]. Available at: <https://www.freedomfromtorture.org/sites/default/files/2019-04/Poverty%20report%20FINAL%20a4%20web.pdf>
- 24 Hansard, *Covid-19: Support for People in the Asylum System*, HC Deb. Vol 677, 8 June 2020. [last accessed 9 June 2020]. Available at: <https://hansard.parliament.uk/Commons/2020-06-08/debates/9F6EF7DC-2E82-4318-86C7-4DE38519ADA6/Covid-19SupportForPeopleInTheAsylumSystem>
- 25 *Windrush Lessons Learned Review: Independent review by Wendy Williams*, p.7.
- 26 *Asylum Policy Instruction*, Asylum Interviews, v.6, p.12.
- 27 *Asylum Policy Instruction*, Asylum interviews, v.6, p.12.
- 28 European Asylum Support Office, 2014. *Practical Guide: Personal Interview*. [last accessed 13 March 2020]. Available at: <https://easo.europa.eu/sites/default/files/public/EASO-Practical-Guide-Personal-Interview-EN.pdf>
- 29 Powell, M B, Fisher, R P, & Wright, R (2005). 'Investigative Interviewing.' in Brewer & N and Williams, K D (Eds.), *Psychology and law: An empirical perspective* (pp. 11–42). The Guilford Press.
- 30 *Asylum Policy Instruction*, Asylum Interviews, v.6, p.14. Closed questions elicit limited statements of fact and open questions "give the claimant the opportunity to give a full and open answer."
- 31 It is recognised that the record indicating that the caseworker said '190' could be the result of a typographic error; even if this is the case, our analysis that this was a discouraging response remains valid.
- 32 *Asylum Policy Instruction*, Asylum Interviews, v.6, p.12.
- 33 *Asylum Policy Instruction*, Asylum interviews, v.6, p.13.
- 34 *Asylum Policy Instruction*, Asylum Interviews, v.6, p.13.
- 35 Evidence about torture can be obtained through other means if it cannot be done in the asylum interview, including from a witness statement or referral for medical evidence of torture.
- 36 *Asylum Policy Instruction*, Asylum interviews, v.6, p.18.
- 37 UN Office of the High Commissioner for Human Rights (OHCHR), *Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ("Istanbul Protocol")*, 2004. Para 142. [last accessed 2 June 2020]. Available at: <https://www.refworld.org/docid/4638aca62.html> The difficulties survivors may face include: feelings of shame; the pain of remembering what happened; being mistrustful of authority; and feeling unsafe to disclose sensitive information.
- 38 *Asylum Policy Instruction*, Asylum Interviews, v.6, p.18.
- 39 *Asylum Policy Instruction*, Asylum Interviews, v.6, p.18.
- 40 *Asylum Policy Instruction*, Asylum Interviews, v.6, p.12.
- 41 Davis, D., & Leo, R. A. 2012. Interrogation-related regulatory decline: Ego depletion, failures of self-regulation, and the decision to confess. *Psychology, Public Policy, and Law*, 18(4), 673– 704, and International Rehabilitation Council for Torture Victims. 2019. 'Torture, Special Section: Sleep Deprivation', *Journal on Rehabilitation of Torture Victims and Prevention of Torture*, VOLUME.29, NO.2, ISSN 1018-8185, and
- 42 *Asylum Policy Instruction*, Asylum Interviews, v.6, p.4.
- 43 *Asylum Policy Instruction*, v.6, p.12.
- 44 Schock, K, Rosner, R and Knaevelsrud, C. 2015. 'Impact of asylum interviews on the mental health of traumatized asylum seekers', *European Journal of Psychotraumatology* 6:1, DOI: [10.3402/ejpt.v6.26286](https://doi.org/10.3402/ejpt.v6.26286): "The experience that one's account is not believed and that one's suffering is invalidated may result in feelings of powerlessness, humiliation, helplessness, and fear, potentially leading to increased intrusions. Intrusions are associated with significant psychological distress (Simms, Gros, Watson, & O'Hara, 2008), and they can be triggered by asylum interviews."
- 45 *Asylum Policy Instruction*, Asylum Interviews, v.6, p.4.
- 46 *Asylum Policy Instruction*, Asylum Interviews, v.6, p.4.
- 47 *Asylum Policy Instruction*, Asylum Interviews, v.6, p.4.
- 48 Bogner, D, Brewin, C, Herlihy, J. 2010. 'Refugees' Experiences of Home Office Interviews: A Qualitative Study on the Disclosure of Sensitive and Personal Information', *Journal of Ethnic and Migration Studies*. 36 (3): 519-535: "Caseworker qualities emerged as the strongest disclosure factor in the current study, which indicates that how people are treated is crucial in facilitating disclosure."
- 49 Schock, K, Rosner, R and Knaevelsrud, C (2015).
- 50 *Asylum Policy Instruction*, Asylum Interviews, version 7 (v.7), Home Office, June 2019, p.10.
- 51 *Asylum Policy Instruction*, Asylum Interviews, v.7, p.24.
- 52 *Asylum Policy Instruction*, Asylum Interviews, v.6, p.12.
- 53 *Asylum Policy Instruction*, Asylum Interviews, v.6, p.13.
- 54 *Asylum Policy Instruction*, Asylum Interviews, v.6, p.13.
- 55 *Asylum Policy Instruction*, Asylum Interviews, v.7, p.25.
- 56 *Asylum Policy Instruction*, Asylum Interviews, v.6, p.5 and p.18.
- 57 *Asylum Policy Instruction*, Asylum Interviews, v.6, p.13.
- 58 *Asylum Policy Instruction*, Asylum Interviews, v.6, p.25.
- 59 This statement refers to both versions 6 & 7, which are referred to in this report.
- 60 Conservative Party Manifesto 2019, p.21. [last accessed 13 March 2020]. Available at: https://assets-global.website-files.com/5da42e2cae7ebd3f8bde353c/5dda924905da587992a064ba_Conservative%202019%20Manifesto.pdf
- 61 *Asylum Policy Instruction*, v.6, p.4.
- 62 Published Freedom from Torture reports include: *The Poverty Barrier: The Right to Rehabilitation for Survivors in the UK*, July 2013; and *Right first time? Home Office Interviewing and Reasons for Refusal Letters*, February 2004.
- 63 The updated *Asylum Policy Instruction*, is, v7, published 5 June 2019.
- 64 A section on conducting interviews by video-conference was introduced into the updated *Asylum Policy Instruction* (version 7) published in June 2019.
- 65 This date range was selected as those who had experienced a more recent interview were less likely to have received a decision from the Home Office when this study began, and we wanted to include cases with outcomes as far as possible.
- 66 In contrast to the case file review, we included those who had experienced an interview as recently as 2019, as the purpose of interviews and focus groups was to understand more about the survivors' experiences of the interview and this did not require them to have an outcome on their claim.

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