



The personal interview in the asylum procedure

The information presented in this fact sheet is extracted from the [Asylum Report 2024](#) and covers developments in 2023 and early 2024. Direct link to the section: <https://euaa.europa.eu/asylum-report-2024/344-personal-interview>

The personal interview plays a key role in the asylum procedure as it provides the applicant a fair and effective opportunity to present the grounds for their application. It is conducted by the determining authority on the substance of the asylum application. It is the main opportunity for the applicant to present their claim for international protection with all relevant information, based on which the authority will make a decision. An interview with the applicant may also take place at the registration stage, during the Dublin procedure or during the procedure for revocation of international protection.

Several factors can impact the personal interview, such as the mental state of the applicant, providing a same-sex case officer, the manner in which the interview is conducted, timely organisation and notification of the interview, the quality of remote interviews, adequate training of officers carrying out interviews, the accuracy of interpretation and the confidentiality of the interview.



The Court of Justice of the EU (CJEU) and national courts have interpreted relevant provisions of the Common European Asylum System (CEAS) on procedural safeguards during interviews in the asylum procedure, including the right to legal aid and legal assistance, the right to be adequately informed and provided with translation during the interview. Furthermore, national courts have highlighted that the determining authority or the court of a country that is a signatory to the European Convention on Human Rights (ECHR) is not necessarily bound only by the reason of fear that the applicant states in the application for asylum or during the personal interview, but must go beyond these steps and verify *ex officio* a specific reason for a justified fear.

The first practical tool which the EUAA developed in 2014 was a [practical guide](#) on the personal interview to assist case officers in their daily work and to further harmonise practices across EU+ countries. In addition, in 2020, the EUAA drafted [practical recommendations](#) for asylum authorities on how to prepare and conduct a remote personal interview while taking into consideration procedural safeguards. These recommendations were drafted in the context of the COVID-19 pandemic and included the following aspects: technical arrangements, security and confidentiality; practical arrangements prior, during and after the interview; legal considerations; interview techniques and quality-related considerations; and vulnerability-related considerations.



Key developments extracted from the Asylum Report 2024

Digitalisation initiatives continued throughout 2023 to enhance the efficiency and quality of asylum processes. Efforts included setting up online bookings of the personal interview and using transcription tools.

Member States also tested changes to the asylum procedure to reduce the length of the personal interview in order for it to be less burdensome for applicants and to gain efficiency overall. Courts clarified the role of the case officer in establishing the facts at the interview stage. Courts also examined challenges related to waiving rights at the stage of the personal interview, the use of electronic notifications and the protection of confidentiality during interviews taking place through Microsoft Teams.

NGOs continued to raise various concerns related to delays in scheduling personal interviews and the lack of adequate training for officers carrying out the interview.

Digitalisation

- In Norway, the government proposed changes to the Immigration Act to include a permanent legal provision which allows the personal interview and hearings to be conducted remotely before the Immigration Appeals Board (UNE).¹ While the standard procedure will continue to require the applicant, the lawyer, the interpreter and the decision-maker to be physically present, the Chair can decide that a board meeting is to be held as a remote meeting unless there are particular reasons for applying the standard procedure.

- The Ministry of the Interior in Finland granted EUR 11.4 million of funding from the Asylum, Migration and Integration Fund (AMIF) to digital innovation projects to improve the capacity and efficiency of the asylum procedure.² The first project is a study carried out by the Finnish Immigration Service on the use of a transcription tool to improve the quality and efficacy of asylum interviews. Minutes of the interview would be produced through speech-to-text, allowing to clarify matters during the interview and shortening the duration of the procedure.
- In Ireland, the Minister for Justice published the International Protection Modernisation Programme 2023-2024, which includes recommendations on the wider use of video-conferencing for interview, the development of IT systems and exploring the use of robotic process automation to replace manual data entry tasks.³
- In Switzerland, Asylex continued to urge the asylum authorities to use audio-recording for the interview.⁴
- Equal Legal Aid in Greece noted technical difficulties in carrying interviews remotely, which significantly altered the quality of the interview.⁵
- Regarding the digitalisation of the notification for the personal interview, the French Council of State [ruled](#) in June 2023 that the implementation of an electronic process before OFPRA does not violate the principle of personal receipt of the summons having regard to all the guarantees surrounding the use of a secure personal digital space.
- Protection of confidentiality during a personal interview carried out through Microsoft Teams was an issue raised on appeal in Belgium. The Council for Alien Law Litigation (CALL) confirmed the position of the Commissioner General for Refugees and Stateless Persons (CGRS) that carrying out personal interviews by Microsoft Teams ensured appropriate confidentiality considering the additional protection measures the CGRS had taken to prevent third parties from accessing personal information during the interview.⁶

Improving the efficiency of personal interviews

- In Germany, authorities agreed to start implementing plans to limit the timeframe within which asylum applications are submitted. According to the new approach, a personal interview with the Federal Office for Migration and Refugees (BAMF) must be held within 4 weeks after applying for international protection.⁷
- The CGRS in Belgium tested new working methods to maximise the number of decisions on asylum applications. The measures included completing a preliminary questionnaire in writing with the reasons for requesting international protection by applicants from certain countries of origin. This would allow the CGRS to prepare the file in advance so that the personal interview lasts less than the current 4 hours.⁸ The organisation ADDE expressed doubts that this declaration would significantly reduce the length of the procedure if the personal written account is limited to a short summary and the elements would be re-examined during the personal interview.⁹

- The Dutch Immigration and Naturalisation Service (IND) piloted a project on written interviews in 2022 but stopped the practice following a parliamentary motion. The Minister for Migration noted the impact of this decision, which slowed down the handling of cases that could previously be managed within the written procedure.¹⁰

Assistance by a lawyer during the personal interview

- In France, the Office for the Protection of Refugees and Stateless Persons (OFPRA) published specific information dedicated to lawyers working on asylum cases, on their role during the interview, the access to the case file and payment of expenses.¹¹
- The Swiss Federal Administrative Court [rejected](#) an appeal submitted by an Afghan national who claimed that his procedural rights were violated because his legal representative was not present during the Dublin interview. The court reiterated that legal assistance is not mandatory in the Dublin procedure. It then noted that the applicant had contact with the legal counsel prior to the Dublin interview, the legal representative informed the State Secretariat for Migration (SEM) of the intention not to take part in Dublin interviews unless it concerned vulnerable applicants, and the SEM was in contact with the legal representative until he resigned. In contrast, Asylex mentioned that state-funded legal representatives no longer accompany asylum applicants during Dublin interviews, sometimes being reportedly denied access to it.¹²
- The Tallinn Administrative Court in Estonia [found](#) procedural irregularities, including a violation of the applicant's right to be assisted by his lawyer during the interview.

Practical aspects

- The CJEU [joined](#) five requests for a preliminary ruling from Italian courts and clarified that national authorities must provide information according to the modalities set out in the Dublin III Regulation and must hold a personal interview, both for first-time and subsequent applications. A failure to do so may lead to the annulment of the transfer decision in certain circumstances.
- To establish the facts during a personal interview, the Administrative Court in Slovenia [ruled](#) in February 2023 that the case officer must ask the applicant relevant (sub)questions and distinguish between the reasons that led to leaving the country of origin and the reasons which, as a result of widely-known information on the situation in the country of origin, may cause the person to fear persecution or serious harm in the event of a return. The court noted that this was particularly relevant for applicants from Iran, if their reasons for fleeing are also linked to religious reasons.
- In Czechia, the Regional Court of Brno [determined](#) as unlawful the practice of the Ministry of the Interior of asking applicants at the end of the interview if they wished to waive the right to comment on country of origin documents. The court noted that an effective waiver may occur only with informed consent after the applicant has been invited to familiarise himself/herself with the documents collected, and after the ministry properly instructs the applicant about the consequences of such a waiver. The ministry confirmed that the administrative practice was adjusted following the decision, and the end-of-interview waiver is no longer used.

- The Belgian CALL [confirmed](#) that the accelerated procedure could not be applied to an applicant who could barely communicate with the officers and was not assisted by an official interpreter during the interview and, thus, was not even aware of the country in which she was.
- In several cases, the National Court of Asylum (CNDA) in France noted that an additional interview needs to be arranged when parents submit an asylum application for a child born while the parents have an ongoing asylum procedure – if the child-specific reasons were not raised during the original interview.¹³
- The Council of State in Belgium [ruled](#) that the possibility for an applicant to have a personal interview with the decision authority led by a person of the same sex and assisted by a same-sex interpreter, as provided by Article 15 of the recast APD, does not apply to appeal procedures, but these guarantees must be complied with on appeal if the applicant was not given this opportunity before the determining authority.
- UNHCR analysed the protocol between Italy and Albania to process asylum applications of people rescued at sea. It noted that personal interviews and the establishment of a regular monitoring mechanism by Italy on the transfers and the quality and fairness of the procedure were not addressed in the protocol.¹⁴
- Fundación Cepaim noted, as it had before in 2022, that personal interviews in Spain were not carried out by the determining authority but by police officers without adequate training and in an inadequate environment.¹⁵
- The civil society organisation Refugee Support Aegean noted that government-managed facilities for asylum applicants in Greece were often in remote, isolated areas without organised transportation, making it difficult for applicants for example to attend asylum interviews.¹⁶

Improving quality and training initiatives

- For the first time, Denmark provided an advanced course on interviewing techniques to enhance quality.
- In Luxembourg, more staff were trained on conducting Dublin interviews.
- In Norway, an independent investigation into the quality of the UDI's asylum interviews concluded that the interview model and quality were largely in compliance with recognised standards for investigative interview methods, while also recommending that the UDI should reduce variations in the conduct of interviews, update certain standards and guidelines for asylum interviews, and further investigate the role of the interpreter during the interview.¹⁷
- The European Commission's pilot project in Romania was assessed to be particularly successful in improving the identification of vulnerable applicants already at the preliminary interview stage by using standard operating procedures for vulnerability screening.¹⁸

- Based on observations for 2022, the Norwegian Organisation for Asylum Seekers (NOAS) considered it important to be present at the personal interview and to ensure access to legal aid, since 73% of their cases had a positive outcome as a result of their legal aid and engagement on cases concerning rejected asylum seekers and stateless persons with a long residence in Norway.¹⁹
- The Administrative Court of Athens in Greece held that the 17th Independent Appeals Committee had not addressed an applicant's claims about deficiencies with interpretation during his personal interview with the Regional Asylum Office.

To search for more developments by topic, country or year, consult the [EUAA National Asylum Developments Database](#).

To read more case law related to asylum, consult the [EUAA Case Law Database](#).

For more information, please contact: asylum.report@euaa.europa.eu

Sources

Please see [Sources on Asylum 2024](#) for the full list of over 1,300 references which were consulted for the Asylum Report 2024.

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⁵ Equal Legal Aid. (2024). [Input to the Asylum Report 2024](#).

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¹³ France, National Court of Asylum [Cour Nationale du Droit d'Asile (CNDA)], [N.S. v Office for the Protection of Refugees and Stateless Persons \(OFPRA\)](#), No 22031440 R, 07 March 2023. Link redirects to the English summary in the EUAA Case Law Database.

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