



Handbook

for Interpreters in Asylum Procedures

*“It is a fiction
that I am neutral
and invisible.”**

F Frank & Timme

Verlag für wissenschaftliche Literatur

UNHCR (ed.)
Handbook for Interpreters in Asylum Procedures



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* Comment of an interpreter at asylum interviews

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Preface

“It is a fiction that I am neutral and invisible.”¹

Interpreters play a crucial, yet often underestimated role in asylum interviews. An asylum applicant who does not speak the language of the country of asylum will be reliant on an interpreter to present their claim accurately. Similarly, if the interviewer is to assess the applicant’s claim effectively and fairly, they have to rely on the interpreter to facilitate communication². As it is often not possible for applicants to provide written evidence to corroborate their claims, their oral accounts of what has happened to them are usually the sole basis for an official’s decision and ultimately a pivotal point in the applicant’s life. These oral accounts are rendered by the interpreters between the official language of the proceedings (that is to say, the language(s) of the host country) and the applicant’s language (the applicant’s mother tongue or another language used by the applicant).

It seems obvious that such a critical situation calls for a well-trained and professional interpreter who has the requisite linguistic, cultural and technical skills and is aware of their role and the enormous responsibility they bear towards the other parties involved. In many countries, however, interpreters are appointed on the strength of their language skills but often do not have specific training for the asylum situation. The aim of this handbook is to offer a specific training curriculum for interpreters working in an asylum context.

This handbook was originally drafted in German, within an UNHCR-led project entitled QUADA (“Qualitätsvolles Dolmetschen im Asylverfahren”, literally: quality interpreting in the asylum procedure). The curriculum and content was designed between January and December 2014, in cooperation with experts in the field. The project was co-financed by the European Refugee Fund and the Austrian Ministry of the Interior. The major purpose of the QUADA project was to contribute to improvement of the quality of interpreting and communication in the Austrian asylum procedure.

The German handbook contains a comprehensive asylum-specific training curriculum that was published as a 200-page PDF-document and print version in 2015 and includes twelve different units on perspectives that are key to interpreting within the asylum context in Austria.

This English version, based on the original German handbook and adapted and modified with the help of international experts, was prepared between October 2016 and May 2017, in cooperation with the Department of Translation Studies at the University of Graz and financed by UNHCR. The English handbook offers a modified, country-independent version of the handbook that can be used in European countries and beyond.

The handbook responds to the need for qualified interpreters, which is evident in the asylum context both within Austria and beyond, by offering a theoretical insight into a variety of topics relevant to interpreters in the asylum context, as well as activities and exercises enabling experiential and interactive learning. It is aimed both at interpreters at asylum procedures who have no formal training and trained interpreters who wish to specialise in the field. In addition, the handbook is intended for facilitators and trainers to use in face-to-face training courses. The handbook is also relevant to asylum authorities and interviewers, providing them with insights into and guidance in working with interpreters.

We hope that this handbook will offer guidance and support to interpreting practitioners, trainers and authorities and that it will advance efforts to promote the use of trained and qualified interpreters in asylum interviews.

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¹) *Comment of an interpreter at asylum interviews*

²) *For ease of reading, the term “interviews” is used for all three of the following situations: initial asylum screening interviews, where the admission of an applicant’s claim or their return to a safe country is determined, the personal interview, where the applicant gets an opportunity to describe their reasons for claiming asylum, and interviews in the appeal process against negative decisions. Accordingly, a state official conducting any one of these interviews is referred to as “interviewer”.*

How to Navigate the Handbook

The handbook consists of an introductory unit on role playing exercises in interpreter training and 12 units covering different aspects of interpreting in the asylum context³⁾:

1. Asylum and International Protection
2. The Personal Interview and Interview Techniques
3. The Basic Principles of Interpreting
4. The Interpreter's Role
5. Professional Ethics and Professional Conduct
6. Interpreting Modes
7. Note-taking
8. Sight Translating Interview Transcripts
9. Interpreting for Vulnerable Applicants
10. Interpreters as Experts in Multi-lingual and Transcultural Communication
11. Information Mining for Interpreters
12. The Interpreter's Emotional Experience

Each unit is structured in a similar way. Specific symbols help readers and users to navigate the content more easily.

▶ Learning Outcomes: This bullet-point list indicates the knowledge, skills and understanding that users can develop by means of the teaching and learning activities.

Theory: Each unit starts with the theoretical background of the topic tackled in that unit, which is usually divided into sub-sections. These sections are based on current research in this field. The information is presented in a way that it is understandable to readers with little background knowledge of the topic (for example, including explanation of technical terms and definitions of specific terms), while at the same time being precise and focused. Sometimes, more detailed and additional information is presented in a separate **💡 Fact Box**.

🌐 Country-Specific Information: Some aspects of asylum procedures and interpreting in the asylum context are largely shaped by national regulations and practice. Since these regulations and practices can differ significantly across countries, answers to certain questions may vary in different countries. Country-specific information boxes list questions that should be tackled by trainers in the particular national context in which the handbook is being used.

📖 Literature and Links: This section presents literature used in the theory section ("References") and lists materials and sources of information so that more can be learned about the different topics ("Basic Reading", "Further Reading"). It also includes a list of relevant **websites** .

💬 Activities: This section offers diverse training activities and exercises. It also includes ready-to-use **worksheets and templates** for trainers.

🧐 Test yourself!: This section invites readers to reflect critically on what they have learned in a specific unit. It is a mixture of questions (in an open and/or closed question format), examples and scenarios that can be analysed and reflected upon. The questions can be reflected on individually or discussed in plenary sessions.

³⁾ While we have taken every care in compiling this handbook, we cannot guarantee that the information it contains is accurate, complete and up-to-date.

Role-Playing Exercises

Mira Kadrić

Translation: Sylvi Rennert

ROLE PLAYING IN INTERPRETER TRAINING

Role playing and simulation games have their origins in the field of psychology, particularly in Jacob L. Moreno's **psychodrama** (Moreno 1959), which was initially used in psychotherapy. Although the later development of role-playing methods has been increasingly influenced by theatre pedagogy, the fundamental psychological aspects of psychodrama are still apparent in all later role-playing approaches used in interactive education.

One thing all pedagogical applications of role playing have in common and what is, in fact, a fundamental aspect of role playing, is the **complete involvement of the individual, encompassing their body, their emotions, and their social and communicative needs**; there is a mix of intellect and emotion, the embedding of rational thought into an emotional frame. The aim of role playing is to practise the interplay of emotion, identification and reflection, with a **focus on reflection** (Schmidt 1998). The active, cognitive side and the emotional side of the learning process complement each other and create a holistic learning environment.

Role playing as a teaching tool has become an inextricable part of modern interpreter training, particularly with the advent of new work settings, especially interpreting in an institutional context.

Institutional communication is not only characterised by the clash of different types of language and text – with technical terminology clashing with everyday language on a regular basis – but it is also in the nature of any institutional communication that concludes with an official decision that the participants attempt to influence their counterpart in various ways to achieve their goals. Both the institution and the client are “negotiating” in the broadest sense, since they have different goals, and trying to advocate for their cause. The “negotiation”, which has its own rules, can be addressed in role playing from different perspectives.

In role playing, as in every game, it is essential to have fixed rules. They should include a concrete scenario, thoroughly described roles and clearly defined evaluation criteria.

Exercises in dialogic settings (as opposed to conference settings) are best done with **scenarios rather than prepared scripts**. The scenarios should ideally be based on participants' experiences (Kadrić 2011). This gives them authenticity and credibility – two factors that are important in role playing. When a script or situation that has been learned by rote is presented as “truth”, the consistency of expression is compromised, while an authentic scenario allows the three dimensions of emotion, identification, and reflection to develop optimally.

For this reason, the role-playing situations are based not on prepared scripts but on scenarios that the participants have encountered in their own life. This exercise is always based on a concrete case. For example, participants could describe interpreting situations they have experienced that were difficult or problematic for them. When people are faced with a concrete problem they can relate to personally, they become creative. Being confronted with an interpreting scenario with a resolution that does not satisfy them encourages them to find creative solutions. Experiencing a scenario in a training setting will help them when confronted with similar situations in their work, as the memory of their experience will help them predict the course of the interaction and apply the solutions developed in the exercise.

A central component of role playing is the **evaluation**. Since the exercise is a “game” and composed of oral and, therefore, ephemeral communication, there is a risk of getting distracted by the game and making it all the exercise is about. Therefore, it is very important to have clear evaluation criteria, both for individual sequences and for the scenario as a whole. Only if the interpreter's words and actions are analysed in detail can they be discussed and improved. In terms of methodology, it is important to evaluate systematically; it should be clear who is to evaluate which parts, and the selected evaluation criterion should be applicable to all parts of the role-playing scenario, that is, both the textual components and the situations. Simply playing out a scenario without a clearly defined evaluation system has no didactic value.

STRUCTURING CONTENTS IN ROLE PLAYING

Role-playing exercises can be conducted **in any interpreting mode or language combination** (including monolingual interpreting at the beginning), and the method is suitable for both oral and signed languages. This exercise can be applied to any interpreting setting, text type, and, in particular, any role of the interpreter in the social interaction. In the exercise, text and interactivity are equally important.

The **text** in the broadest sense includes all **deliberate and unconscious verbal and non-verbal communication signals**. Verbal communication in this context refers to language as a whole, with the full range of semantic, lexical, syntactic and pragmatic aspects. It includes idioms as well as terminology and expert knowledge, but also extends to conversational skills, argumentation techniques, and verbal communication strategies, as well as unusual grammatical features. Non-verbal communication includes gestures and facial expressions, pauses and silence (intentional and unintentional), volume and pitch of voice, clarity of articulation, speed, emphasis, intonation, rhythm of speech, sitting position, gaze behaviour, posture, proxemics (i.e. interpersonal distances) and physical contact/touching while speaking.

Interactivity includes all extra-lingual, situational factors, particularly conversation management and actions that enable (or limit/prevent) successful communication, as well as the conduct of the interpreter with regard to the technical and ethical principles and standards of interpreting.

In the role-playing exercise, the “cast” rehearses for a “performance” at a later date. Role playing is usually done with individual scenes (e.g. part of an interview in the asylum procedure, an unusual linguistic feature, conflict potential, or a certain attitude) rather than the entire interview. The next didactic step after successful role playing is simulation. While role-playing exercises are conducted without external participants, simulations involve someone who really works in the field. For example, an actual employee of the asylum authority might participate in the simulation of an interview situation. In simulations, the group practises the entire communication situation, for example a complete interview. It is in this follow-up step as simulation, or “dress rehearsal”, that role playing truly shows its full effect as a didactic tool.

AUGUSTO BOAL'S THEATRE PEDAGOGY APPROACH

This section discusses a type of method used in theatre pedagogy that is particularly suited for role playing because it gives the participants the opportunity to try out different forms of both action and expression: **Augusto Boal's “Theatre of the Oppressed”**.

Augusto Boal (1989) was one of the major practitioners of theatre pedagogy of our time and developed a new methodological approach with his Theatre of the Oppressed. By employing methods from the world of theatre, it gives participants insights into their own behaviour and knowledge and allows them to question social constraints and try out completely new approaches. It deals with situations in which there is either deliberate or unconscious pressure on people (to which they usually yield) or situations in which work is complicated by factors that are not addressed and that prevent tasks being performed in a satisfactory manner. Therefore, the exercise always starts with a scenario from participants' lives in which they are faced with a problem.

Forum theatre is one of the main forms of Theatre of the Oppressed. The techniques of forum theatre are those of intervention; scenes dealing with a concrete problem are repeated until a solution has been found that is satisfactory for everyone involved. This is done in a “forum”, which means that everyone involved participates, either by acting or by evaluating a scene.

In translator and interpreter training, this type of exercise can be applied to both the textual and the interactive level, making it useful as a way of practicing expression and behaviour.

The roles are divided into **“oppressors” and “oppressed”**. Following the approach of the Theatre of the Oppressed, from the point of view of the interpreter, both the interviewer and the applicant are their “oppressors”, because both the interviewer and the asylum-seeker have interests that cause them to exert some form of pressure on the interpreter. In forum theatre exercises, the interpreter is, therefore, always in the role of the “oppressed”.

What does that mean? Although the basic structure of the conversation is that the interviewer dictates the topic of discourse and regulates the exchange of information due to their dominance in terms of hierarchy and expertise, this does not, from the perspective of the interpreter and the translation, necessarily mean that only this side dominates and the other has to yield (although this is frequently the case); the (hierarchically speaking) weaker applicant can also assume a strong position with regard to the interpreter.

Individuals who have no structural power can still exert pressure on the interpreter. This becomes particularly evident in constellations when emotions play an important role and in situations where people see no way out or have nothing to lose. Role playing allows interpreters to identify such structures, nullify or mitigate pressure from the outset, and practise how they would approach (in terms of expression and behaviour) such a situation in reality.

In a communication situation, various factors can cause “oppression”, such as complex technical texts, dialects, comments and interruptions during the interpretation, or comments from one of the participants that they would not normally make in a direct conversation without interpreter mediation, but that the interpreter nevertheless has to interpret. All of these are irritating factors that can exert strong pressure on the interpreter, which can have a negative impact on the interpretation as a whole.

In this approach, the premise is that the “oppressors” will not (or do not want to) change. Therefore, the goal is not to try to influence the “oppressors” to do something, but rather to try out different solutions and alternative ways for the “oppressed” to behave. In the “forum”, participants try out **alternative approaches, behaviour**, and verbal and non-verbal messages of the “oppressed”. When dealing with a given topic or problem, the same people play the “oppressors” every time; their behaviour and lines remain the same in every iteration. However, the role of the “oppressed”, in this case the interpreter, changes every time so that all participants can try out new solutions. **The role of the “oppressors” is fixed, that of the “oppressed” is flexible and variable.**

The preparation for the roles should consider the personal characteristics of the participants or their wishes concerning what they can or want to portray, such as distant, friendly, unfriendly, formal, relaxed or subservient.

EXAMPLE SCENARIO

Let us illustrate the forum theatre method with the following example:

This concrete example (or “scenario”) is the starting point of the role-playing exercise. The group **alternates between reflecting on the scenario and trying out different actions.**



* Source: Picture based on UNHCR. 2009. Interpreting in a Refugee Context. <http://www.refworld.org/docid/49b6314d2.html> (Accessed January 20 2017)

First, the scene is performed once to present the problem. This first performance is done without changes to the script, so that the group can see the original version and its verbal and non-verbal aspects and can discuss them briefly. This first scene is a re-enactment of the situation described in the picture: a short utterance by the applicant that is rendered incorrectly by the interpreter and an interviewer who reacts to what he has heard with a questioning glance.

Despite the clearly incorrect interpretation, the interpreter is the “oppressed” in the scenario. Interviewers are often pressed for time and expect quick proceedings. Interpreters frequently experience pressure – at least subjectively – to speak quickly and briefly and often feel as if they should choose words that can be recorded in the transcript verbatim to save time (see also Unit 8).

This example initially deals with the **textual level**. After the first run-through, the group discussion will probably focus on questions like the following: (i) Did the interpreter provide a complete rendition or was information lost? (ii) **Was the content interpreted correctly?** (iii) Which **speech register** did the interpreter choose – did she convey the applicant’s informal language or did she use a formal register or “transcript-ready” language?

This example poses the fundamental question of whether it is legitimate to change the speech register and reword informal language into technical jargon. Which consequences might different approaches have?

Next, the **scene is repeated** with a different participant playing the interpreter. In this new version, the interpreter takes the preceding discussion into account and can **try out different ways of interpreting**, e.g. different speech registers or expressions. The intention is not to address the amount of text interpreters have to deal with but to look at a concrete, albeit small, problem from all sides. The role playing-aided analysis is intended to support this process and show alternative solutions.

Even this short scene provides a good basis for discussing different ways of rendition, for example based on the following **criteria** (Wadensjö 1998, 107):

- A close rendition, which has the same interactive function as the preceding original utterance;
- A reduced rendition, which includes less explicitly expressed information than the preceding original utterance;
- An expanded rendition, which includes more explicitly expressed information than the preceding original utterance;
- A substituted rendition, which consists of a combination of an 'expanded' and a 'reduced' one;
- A summarized rendition, where the interpretation is an abbreviated version of the original utterance;
- A rendition with gaps (zero rendition), where parts of the original utterance are left untranslated.

In this example, another obvious topic to discuss is the role of the interviewer, who reacts with a questioning or confused glance. The scenario can be developed further in several iterations, for example by adding a line for the interviewer (he might ask: "Is that how she said it?" or "Which traffickers' hideout?"). Then, again, the lines of the applicant and interviewer would remain the same for several iterations while the interpreter tries out different approaches (alternative interpretations). The **script can be expanded** in this way, but it should be kept in mind that the purpose of the exercise can generally be achieved with relatively short scenes. The focus should certainly not be on learning lines but rather on analysing and trying out different forms of expression and behaviour.

EVALUATION

As discussed above, the evaluation is an indispensable part of this exercise. To facilitate the evaluation, two participants should keep minutes and write everything down like stenographers. This is important in order to **document the individual scenes**, as participants often experience a scene in different ways.

Role playing also makes it possible to **analyse the non-verbal dimension** of communication. The non-verbal dimension is an intrinsic part of any communication situation. This important form of expression can, at times, be more significant than verbal language: People always express more than they say with words. The evaluation of the scenes should therefore also encompass this aspect.

For example, two participants might focus on observing and making notes on body language. Observing and analysing visual non-verbal communication helps to uncover automatic behaviour and, if necessary, change one's body language.

Boal focuses on non-verbal expression, because feelings are expressed much more clearly through body language than through words and embedded into the entirety of communication signals. In situations in which someone's emotional state plays an important role, the share of non-verbal communication increases considerably. The information thus transmitted is generally related to the relationship level. It reflects – and can influence – emotional valuations and attitudes. These signals also show how the communicating parties "identify" with each other. These exercises are not about suppressing one's behaviour or forcing it onto others but about making new, different experiences and trying out desired changes in one's own behaviour.

SUMMARY

The central message of the approach suggested here is **that there is an alternative to every action**. Every decision, every event, every story could have had a different outcome. The possibility of change has always been and will always be present. This approach is also intended to allow us to detect acquired stereotypes and learned behaviour and to observe them in a creative way.

In our example, the interpreter is obviously trying to phrase the interpretation in a formal style. She may assume that the interviewer expects this, when he does not. It is possible that the interviewer would prefer the original language register of the applicant, that is, informal language, for both the interpretation and the transcript. The interviewer's questioning glance might, for example, be caused by doubts that the applicant really used expressions like "traffickers' hideout". Any other ways of reacting that are specific to the situation, aspects of conversation management, and any unusual aspects of the relationship or in initiating contact with the communicating parties are left up to the "interpretation" of those playing them. This freedom of interpretation is all the more reason to stick closely to the few rules that do exist for role playing and evaluation.

Role playing is based on the concept of **dialogic learning**, where all participants are part of the teaching and learning process. The **"production" is teamwork**; the trainer is looking for creative potential in the group and is therefore always working with the group dynamics. The trainer is the "director" of the play and tries to create a situation that allows creative action.



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Basic Reading

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Unit 1:

Asylum and International Protection

UNHCR Austria & Margit Ammer
Translation: Ursula Stachl-Peier

“We are facing the biggest refugee and displacement crisis of our time. Above all, this is not just a crisis of numbers; it is also a crisis of solidarity”
(Ban Ki Moon, United Nations Secretary General, 2016)

LEARNING OUTCOMES

Participants will be able to

- » describe the different reasons that force people to flee their home country or to migrate to another country;
- » read and interpret worldwide refugee statistics;
- » understand the Geneva Refugee Convention;
- » describe the different criteria for determining refugee status and illustrate their applicability;
- » explain national asylum procedures;
- » name other forms of protection and residence.



International Protection

GLOBAL DISPLACEMENT

Since the beginning of this millennium, the number of armed conflicts and the atrocities associated with them has risen markedly, forcing an ever growing number of people from their homes.

In 2015, forced displacement reached its highest level since World War II. Worldwide, 65 million individuals were forcibly displaced by war and persecution, including 21 million refugees registered under the UNHCR’s mandate, 3 million asylum-seekers and 40 million internally displaced persons. The most common countries of origin for refugees were Syria, Afghanistan and Somalia, which together accounted for 54 per cent of refugees worldwide. Other major source countries were South Sudan, Sudan and the Democratic Republic of the Congo (see UNHCR “Facts and Figures about Refugees”).

GENEVA CONVENTION ON THE PROTECTION OF REFUGEES (GRC; “THE CONVENTION”)

The Geneva Convention on the Protection of Refugees (also called “Geneva Refugee Convention” or “1951 Refugee Convention”) was signed on 28 July 1951. Originally designed as an instrument for the protection of European refugees in the aftermath of World War II, today it is **the key legal document and basis for the protection of refugees worldwide**. The Convention defines the term ‘refugee’ and outlines the legal obligations of the signatory States for their protection.

Its core principle is the obligation of **non-refoulement**, which asserts that no refugee should be returned to a country where they face a threat to life or freedom. The Convention explicitly excludes certain groups, such as war criminals.

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The Convention also lays down minimum standards for the treatment of refugees, including access to the courts, to healthcare, social assistance and primary education. It also sets out the duties of refugees towards the hosting country.

The Convention does not set out details of the procedures that should be used by a signatory State to determine whether or not a person is a refugee.

WHO IS A REFUGEE?

Article 1a of the Convention defines a refugee as any person who “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country”.

According to this definition, a refugee is someone who

- is **outside their country of origin**,
- has a **well-founded fear of persecution** because of their race, religion, nationality, membership of a particular social group or political opinion,
- is **unable or unwilling to avail themselves of the protection of that country**,
- and who is **not excluded from protection** because they have committed a serious crime or are guilty of acts contrary to the purposes and principles of the United Nations (see Fact Box “Exclusion and Cessation Grounds”, p. 19).

» Grounds for Protection

- **Race:** Race as a concept refers to common ethnic, linguistic or cultural characteristics and distinction from others by physical characteristics, such as the colour of skin.
- **Religion:** The concept of religion includes freedom of thought, conscience and religion as well as a person’s right to follow or not to follow a religion, to express personal beliefs, to manifest their religion in public, to marry a person not belonging to the same religion and the freedom to change their religion or belief.
- **Nationality:** Nationality encompasses membership of an ethnic group, citizenship and statelessness, that is to say lack of citizenship.
- **Membership of a particular social group:** Members of a social group share an innate characteristic or common background that cannot be changed or is so fundamental to the identity of a person or their conscience that they should not be forced to renounce it, such as gender, sexual orientation and family membership.
- **Political opinion:** This concept refers to a person’s opinion, thought or belief in relation to (potential) persecutors and their policies. It is immaterial whether the person actually holds or has publicly expressed this political opinion or has acted upon it, provided (potential) persecutors have accused the applicant of holding this opinion or acting on it.



FACT BOX

Forced Displacement vs. Migration

A distinction is normally made between forced displacement and voluntary migration. Individuals who have been forced to leave their countries by war, conflict and persecution are protected by international treaties, in particular the Geneva Refugee Convention (GRC) and international human rights treaties. All EU member states are signatories to the GRC and certain international human rights treaties, such as the European Convention on Human Rights (ECHR), and are therefore obliged to guarantee a person protection against being returned to a country where they have reason to fear persecution or other serious harm (Principle of Non-Refoulement). The situation is different in the case of migrants. As a rule, countries are free to decide how many migrants they want to allow on their territory. An exception is family reunion, where the unity of the family is protected under international law.

Seeking Asylum in the European Union

In 2015, nearly 1.4 million applications for international protection were filed in the EU+ (EU member states plus Switzerland and Norway), representing both the highest number and the sharpest year-to-year growth (+110 % compared to 2014) since the beginning of EU-level data collection in 2008. Most persons applying for international protection were citizens of Syria, Western Balkan countries (Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia (FYROM), Kosovo, Montenegro and Serbia combined) and Afghanistan. The EU+ countries receiving most applications for international protection were Germany (taking 34 % of all applicants), Hungary, Sweden, Austria and Italy (EASO 2016).

At the end of 2015, Germany and Sweden had the largest backlog of registered asylum applications within the EU (UNHCR "Facts and Figures about Refugees").

All EU member states are signatories to the Geneva Refugee Convention (GRC) and have committed to granting protection to persons who have a well-founded fear of being persecuted upon return on grounds of race, religion, nationality, membership of a particular social group or political opinion. Moreover, all EU member states have signed the European Convention on Human Rights (ECHR), which specifies rights for everyone living in the EU, such as the right to be protected from refoulement. EU member states are also bound by the EU Charter of Fundamental Rights (EU CFR) specifying some important rights for refugees and asylum-seekers, such as the right to asylum, the principle of non-refoulement, the right to an effective remedy and rights of the child.

In addition, the European Union has adopted a number of directives and regulations governing asylum-related issues. These include the **Reception Conditions Directive** (see p. 14) setting out minimum material reception conditions for applicants of international protection, the **Asylum Procedures Directive** (see p. 14) which sets minimum standards for asylum procedures, the **Qualification Directive** which sets out the conditions for the qualification and status of nationals of non-EU countries or stateless persons as beneficiaries of international protection (that is to say, refugees and beneficiaries of subsidiary protection), and the **Dublin III Regulation** (see p. 14). These directives and regulations must be interpreted in light of the EU Fundamental Rights Charter and must be in line with international treaties such as the GRC or the ECHR. All EU member states also have national laws that further regulate the asylum procedures in their country.



COUNTRY-SPECIFIC INFORMATION

Facts and Figures

- What events have had an impact on the number of refugees in your country?
- How many persons filed an asylum application last year?
- What are the countries of origin of the asylum-seekers?
- What is the ratio of female to male applicants for international protection?
- How many unaccompanied minors applied for asylum?
- What percentage of the total population are refugees?

In 2015, the number of asylum-seekers arriving in EU countries accounted for around 0.25 per cent of the EU's total population. The vast majority of refugees, namely 86 per cent, were hosted in developing countries. Over four million refugees fleeing from the war in Syria found refuge in the countries neighbouring Syria. Lebanon alone hosted one million Syrian refugees; by the end of 2015 there were 183 refugees per 1,000 inhabitants in the country (UNHCR "Facts and Figures about Refugees").



COUNTRY-SPECIFIC INFORMATION

National Laws and Asylum Procedure

- Which national laws regulate the asylum procedure in your country?

Asylum Authorities and Asylum Procedures



All EU member states must ensure that applicants for international protection have **access to effective asylum procedures, including the right to appeal**, regardless of whether an application is made in the territory of the country, at the border, in territorial waters or the transit zones of the member states. The common standards on procedures for granting and withdrawing international protection are set out in the **EU Asylum Procedures Directive** (APD 2013/32/EU). This Directive lays down procedural guarantees for applicants for international protection, such as the right to a personal interview, the right to receive information and the right to appeal. It also stipulates that each EU member state must ensure that an asylum authority “is provided with appropriate means, including sufficient competent personnel, to carry out its tasks” and that “the personnel [...] are properly trained”.

That is to say, the asylum authorities do not have to examine in substance whether the applicant qualifies for international protection.

An application may be considered inadmissible only: if another member state has granted international protection; if a country which is not a member state is considered as the first country of asylum, or a safe third country; if a subsequent application lodged after a final decision presents no new facts; or if a dependant family member lodges an application and their situation would not justify a separate one.

Applicants have the right to remain in the country while their application is being examined. Exceptions may be made in the case of a subsequent application.

The **Reception Conditions Directive** (RCD, 2013/33 EU) lays down standards for the reception of applicants for international protection, including housing, food, clothing, and a daily expense allowance (see also p. 16). Member states must ensure that asylum-seekers have the right to access material reception conditions while they are waiting for a decision under the Dublin III Regulation.

Member states must **inform** applicants within 15 days after an application has been lodged of any **benefits** that they are entitled to and any **obligations** relating to reception conditions. Furthermore, they must ensure that applicants are provided with information on who provides legal assistance and who can provide help or information about available reception conditions.



COUNTRY-SPECIFIC INFORMATION

Asylum Authorities

- Which official authority is responsible for the asylum procedure in your country?
- What is the structure and internal organisation of the asylum authority?

APPLICATION AND ADMISSIBILITY PROCEDURE

The Asylum Procedures Directive contains very specific rules on how an application for international protection has to be processed. For instance, it stipulates that an application made to the asylum authority that is competent under national law for such applications must be **registered** within three working days after the application is made. Member states must ensure that applicants have “an **effective opportunity to lodge it as soon as possible.**” Member states may require, however, that an application is lodged in person or at a designated place. If asylum-seekers do not lodge their application, member states are allowed to consider such applications as withdrawn.

The **Dublin III Regulation** establishes the criteria for determining which EU member state is responsible for examining an application for international protection (see also p. 15).

If a member state to which an application was submitted decides that another member state is responsible, it can state that the application is **inadmissible**. Inadmissible applications do not have to be examined on their merits.



COUNTRY-SPECIFIC INFORMATION

Filing an Application and Admissibility Procedure

- Where are applications for international protection to be filed?
- What happens after the lodging of an application for international protection?
- If an admissibility procedure exists: What happens in the admissibility procedure?
- Where are asylum-seekers accommodated during the admissibility procedure?
- Can asylum-seekers be expelled during the admissibility procedure?

» Dublin III Regulation and EURODAC

The **Dublin III Regulation** establishes the criteria for **determining which EU member state is responsible** for examining an asylum application that has been lodged in one of the member states by a third country national or stateless person. Its aim is to ensure that asylum applications are examined in substance in only one member state, and that individuals do not submit asylum applications in multiple countries.

Dublin III also sets out in detail the hierarchy of the criteria and types of evidence which are to be considered when an application is examined. These include proof that an application is under examination in another member state, that the applicant entered a member state illegally from another member state, the presence of family members or issuing of a visa or residence document. These criteria are applied to the first application lodged by the applicant in a member state.

Member states also use the data supplied by **Eurodac**, the European Database storing fingerprints of foreign nationals who are present illegally in an EU country as well as of asylum-seekers. If tickets, invoices and other documents suggest that the applicant previously entered another EU member state, a request is sent to this member state asking the state to take back the applicant. If a category 1 match is found by Eurodac which proves that the applicant has previously lodged an application in another Dublin III country, a request to take back the applicant is sent to the member state. If a Eurodac search returns a category 2 match (has illegally crossed the external border of the EU) or category 3 match (has been found to be illegally present in the territory of an EU country) and not submitted an application for international protection, the applicant may be allowed to submit an asylum

application. Moreover, EU member states are allowed to initiate Eurodac searches on an asylum applicant if the data are relevant to the examination of the application.

When determining the responsible member state, an important consideration must be whether the transfer of an applicant to that member state might lead to a risk of a violation of the applicant's **fundamental rights or human rights, in particular the right to private and family life** (Article 7 EU CFR, Article 8 ECHR) or **freedom from torture and inhuman and degrading treatment** (Article 4 EU CFR, Article 3 ECHR). To avoid any such risk, the Dublin III Regulation contains provisions which allow and even oblige the member states to **take on the responsibility** for examining the application for international protection lodged with them (see the 'dependent persons clause' and 'discretionary clauses' of the Dublin III Regulation).

Moreover, all member states can agree to examine an application lodged in another member state, if they have received a request from the responsible member state before a first decision regarding the substance has been taken, provided the asylum-seeker has given their consent in writing. They can also take charge of an applicant on humanitarian grounds in order to bring together family members.

The **transfer of an applicant** to the member state responsible for examining the application has to be carried out within six months of the responsible member state accepting the request. If the transfer is not carried out within six months, the responsible member state is no longer obliged to take back the applicant and responsibility is transferred to the member state that made the request. If the transfer could not be carried out because the applicant was imprisoned, the time limit may be extended to 12 months; if the applicant absconded, the time limit may be extended to 18 months.

FACT BOX

Unaccompanied and Separated Children and Age Assessment

The United Nations Convention on the Rights of the Child (CRC) and other international instruments define the child as a person under 18 years of age. In some countries, a distinction is made between children under 14 years of age and children over 14.

Unaccompanied and Separated Children enjoy particular procedural guarantees in asylum procedures. Member states must, for example, ensure that minors are represented by a legal representative. Member states must also respect the specific needs and rights of children. →



When assessing a minor's eligibility for refugee status, states must be aware that an act of violence not considered as persecution where an adult is concerned, may be considered persecution when perpetrated against a child. Many children are victims of specific kinds of persecution, such as recruitment as a child soldier, child trafficking, female genital mutilation, domestic violence, forced labour, forced marriage, or sexual exploitation. The best interests of the child must be the primary consideration for the member state. Interviews must be conducted in a manner that ensures that account is taken of the minor's age and maturity, and by a person who is familiar with the needs of minors (see Unit 2).

In the absence of identity documents, and if there are doubts concerning the applicant's age, the asylum authorities of EU member states may carry out an **age assessment**, for example medical examinations, to determine whether an applicant is under 18. Currently there is **no method which can exactly identify the age of an individual and there are concerns about the invasiveness and accuracy** of the methods used. In any case, methods should be respectful of individuals' human dignity.

In all actions and decisions concerning a child, states are required by international and EU law (e.g. EU Convention of Fundamental Rights, UN Convention on the Rights of the Child) to show due consideration of the best **interests of the child**. If there are any doubts as to how old a person is, he or she should be treated as a minor. This principle is also reflected in the APD, which states that if any doubts remain concerning an applicant's age after an age assessment, the member state must assume that the applicant is a minor.

A comprehensive publication on age assessment practice in Europe has been published by the European Asylum Support Office (EASO 2013). It also provides an overview of national legal and policy frameworks and of the age assessment methods in use in different countries



COUNTRY-SPECIFIC INFORMATION

Age Assessment

- Is there a legal provision that regulates age assessment? If yes, which legal provision regulates age assessment?
- Which age assessment methods are used in your country?
- What happens if an expert opinion states that a person is over 18 but doubts remain?

The Reception Conditions Directive (RCD) sets out standards for the material support, documentation, accommodation, access to education and access to the labour market of asylum-seekers. EU member states must provide material reception conditions **as soon as persons apply** for international protection. These reception conditions must provide an **adequate standard of living** "which guarantees their subsistence and protects their physical and mental health". Moreover, asylum-seekers are entitled to "necessary **health care**, which must include, at least, emergency care and essential treatment of illnesses and of serious mental disorders". Support must also be provided for persons to which the Dublin III Regulation applies. Member states are allowed to restrict the provision of material reception conditions to applicants who lack sufficient resources.

RECEPTION AND DOCUMENTATION

Everyone, including applicants for international protection, has the right to an adequate standard of living, including accommodation, food and water (Article 11 of the International Covenant on Economic, Social and Cultural Rights, ICESCR). Individuals' rights, such as the protection of human dignity (Article 1), the right to physical integrity (Article 3) and the right to healthcare (Article 35) are also recognised in the EU Charter of Fundamental Rights (EU CFR).

All persons lodging an application for international protection must receive, within three days, a **document** which certifies their status as an applicant or states that they are allowed to stay on the territory of the member state while the asylum application is being examined.



COUNTRY-SPECIFIC INFORMATION

Reception of Applicants for International Protection

- Where are applicants for international protection accommodated during the admissibility procedure?
- Where are applicants for international protection accommodated after the admissibility procedure?
- Which material support (e.g. food, clothing, money) do asylum-seekers receive?
- Do asylum-seekers have access to health care?
- Which laws regulate reception conditions for applicants for international protection?



COUNTRY-SPECIFIC INFORMATION

Outcomes of the Asylum Procedure

- What are the possible outcomes of asylum procedures? Please also explain the legal basis for these.
- In which order are the possible outcomes determined?



COUNTRY-SPECIFIC INFORMATION

Further Competences of the Asylum Authorities

- Which further competences does the asylum authority have?

EXAMINATION PROCEDURE

Unless an application for international protection is declared inadmissible, EU member states must “process applications [...] in an **examination procedure**” in accordance with the basic principles and guarantees of the APD. A decision on the application must be taken **as soon as possible** but no later than **six months after the application was lodged**. This time limit starts on the day the member state responsible for the examination is determined and the applicant is on the territory of that member state and has been taken charge of by the competent authority. The time limit may be extended in exceptional cases, for instance if complex issues of fact or law arise or if the delay is caused by the failure of the applicant to comply with the obligation to cooperate with the competent authorities. However, all examination procedures must be concluded within 21 months from the date the application was lodged.

Decisions must be communicated **in writing** and must provide **information** on how they can be challenged.

The APD stipulates that the authority must “**first determine** whether the applicants qualify as **refugees** and, if not, determine whether the applicants are **eligible for subsidiary protection**”. Additionally, decisions must be taken “individually, objectively and impartially.” The applicant must be given the opportunity of a **personal interview** on the substance of the application. The determining authority must obtain **information from various sources**, such as the EASO, the UNHCR and relevant international human rights organisations, as to the general situation prevailing in the countries of origin.

The **Qualification Directive (2011/95/EU)** contains qualification criteria for the persons entitled to asylum and beneficiaries of subsidiary protection.

» Refugee Status Determination

Establishing whether a person has a **well-founded fear of persecution** always involves **anticipatory decision making**. The concept of fear of persecution hinges on the existence of a real risk of persecution, that is, on the question of whether or not the applicant is likely to be persecuted after their return to the country of origin. This risk does not relate to events in the past but is based on an assessment of the future. Any persecution suffered by the applicant in the past can be considered an indicator of likely persecution in the future. Even if an applicant was not persecuted in the past, there may be reasonable grounds to fear persecution in the future. Even post-flight reasons, that is circumstances that occurred or activities the applicant has been engaged in since they left their home country, may be reasons for granting asylum. Examples include fear of persecution when the applicant converted to a different religion in the country of asylum. The assessment hinges on judgements of the applicant’s need for protection at the time of assessment.

Applicants do not need to provide evidence to support every claim, if they have made a genuine effort to provide evidence and substantiate their application, if the lack of relevant evidence can be sufficiently explained or if the statement that was put forward was found to be plausible and coherent (see Article 4 Section 5 of the Qualification Directive).

If there is reason to believe that the applicant risks persecution only in some regions of the country of origin, an **internal flight or relocation alternative** may exist. An internal flight or relocation alternative exists if there is a region in the country in which the applicant will not be persecuted, to which they can travel safely and legally, to which the applicant can reasonably be expected to move,

that is to say where their economic survival is guaranteed, and where permanent protection is afforded. Both EU law and international human rights law recognise decisions by states to provide an internal flight or relocation alternative. However, in keeping with international human rights law, the applicant must be in a position “to safely and legally travel to and gain admittance to that part of the country and can reasonably be expected to settle there”. If this is the case, the application for international protection would need to be rejected.

The Qualification Directive also sets out standards relating to the content of refugee status. Persons entitled to asylum must receive renewable **residence permits** valid for at least three years and are entitled to **travel documents**. They must also be granted **access to employment** and training as well as procedures for the recognition of qualifications. Persons granted refugee status are entitled to the same **social assistance** as is provided to nationals of that member state and have **access to healthcare** under the same eligibility conditions as nationals. The Directive contains also provisions on access to integration facilities and access to accommodation.



COUNTRY-SPECIFIC INFORMATION

Rights and Obligations of Persons entitled to Asylum

- What are the rights and obligations of refugees in your country?
- Are they the same as the rights and obligations of nationals?

» Determining Subsidiary Protection Status

The GRC does not include regulations for subsidiary protection. The subsidiary protection regulations originally derived from judgments and decisions of the European Court of Human Rights (ECtHR), which were subsequently integrated into the EU Qualification Directive. The Directive states that an applicant who does not qualify for refugee status or whose refugee status has been withdrawn may be **eligible for subsidiary protection**. This is applicable if the applicant would face a **real risk** of suffering serious harm if they return to the home country. **Serious harm** is defined as facing the death penalty or execution, torture or inhuman or degrading treatment or punishment. It also includes serious threats to the individual because of indiscriminate violence in situations of international or internal armed conflict (i.e. ECHR), Article 2 - Right to life, ECHR, Article 3 - Prohibition of torture, or the Protocols No. 6 and No. 13 to the Convention). Just as asylum decisions, the decision as to whether an applicant is

granted subsidiary protection hinges on whether or not the applicant is likely to face a real risk of suffering serious harm after their return to the country of origin.

Even though beneficiaries of subsidiary protection have similar protection needs as people with refugee status, the Qualification Directive still differentiates between these two groups in relation to their access to social welfare as well as the issuing of residence permits: Member states are allowed to limit social assistance to core benefits for beneficiaries of subsidiary protection. Residence permits for persons with refugee status must be valid for at least three years, whereas such permits for beneficiaries of subsidiary protection must be valid for only at least one year (and in case of renewal, for at least two years).

Beneficiaries of subsidiary protection are entitled to **travel documents**, if they are unable to obtain a national passport. They must also be granted **access to employment** and training as well as be allowed to apply for the recognition of qualifications. Beneficiaries of subsidiary protection **have access to healthcare** under the same eligibility conditions as nationals of the member state. The Directive also obliges states to grant access to integration facilities and accommodation.



COUNTRY-SPECIFIC INFORMATION

Subsidiary Protection

- Which additional national rules apply when decisions are taken whether or not subsidiary protection should be granted?
- How long are beneficiaries of subsidiary protection entitled to reside in the country?