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# Onshore Protection Interviews

## Practical guidance

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Contact	Protection Assessment Support Section, Humanitarian Program Capability Branch <u>Onpro Programme Office</u>
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# 1. Introduction

## 1.1. Purpose and scope

This document provides practical guidance on conducting protection visa interviews in an effective and sensitive manner. It provides specific guidance on:

- interview arrangements
- preparing for an interview
- how to investigate protection claims, including key interviewing principles, questioning techniques, presenting adverse information and factors to consider when interviewing vulnerable applicants
- Self-evaluation and self-care for PV officers following the interview.

This guidance relates to, is consistent with and complements the procedural advice on interviews contained in the Procedural Instruction - Refugee and Humanitarian – Protection Visa Processing Guidelines.

# 2. Policy and principles

## 2.1. Purpose of the interview

The assessment of protection claims involves consideration of information provided in the application and country information. An interview with the applicant may be required to clarify information that is at the disposal of the officer. The protection visa (PV) interview can provide a further opportunity for an applicant to give detailed evidence about their protection claims, and often constitutes a key component of procedural fairness and the identity and credibility assessment.

During a PV interview, officers must identify and investigate the key issues related to the assessment of the application through a focused and sensitive approach to questioning, particularly as some evidence may relate to instances of persecution or serious harm, torture or sexual violence. Obtaining sufficient information and being able to subject claims to sensitive but rigorous enquiry can be a crucial step in ensuring that protection claims are thoroughly considered.

## 2.2. Interviewing principles

When conducting protection visa interviews officers must:

- provide a positive and secure environment in which applicants feel able to disclose sensitive information to support their claims
- treat all applicants with respect, humanity, dignity and fairness regardless of age, disability, ethnicity, nationality, race, gender, sexual identity, religion or belief

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## 3. Interview arrangements

### 3.1. Interpreters

Applicants may request a male or female interpreter. Every effort should be made to meet this request. Where no such request is received, but it is apparent from the application that claims are related to sexual orientation, gender identity, sexual violence or other gender related issues, the officer should consider the sex of the interpreter and the interviewer as this may affect how the applicant responds during interview. The Department cannot request an interpreter with specific characteristics other than gender (for example, an interpreter who is Christian) unless there is a business case to do so. Refer to TIS National Policy for further details about TIS services: <https://www.tisnational.gov.au/en/Agencies/Frequently-Asked-Questions-for-agencies>

It may be useful to have a brief discussion with the interpreter to ask:

- how many (if any) protection visa interviews they have done before. If they have no experience of protection visa interviews, the officer should explain the process to them.
- if the interpreter has any questions or concerns.

It is recommended that officers advise the interpreter before the interview if there will be a discussion about sensitive claims, such as sexual assault.

The officer should speak clearly and pause frequently to allow the interpreter to interpret short segments, especially if detailed or complicated questions are asked or explanations given. At the start of the interview, it can also be beneficial to brief the applicant on the use of the interpreter, advising them to pause after a couple of sentences to allow the interpreter the opportunity to interpret everything they are saying. Officers should avoid talking over the interpreter or the applicant, and may need to ask the applicant and interpreter not to talk over each other for the benefit of the recording.

Where an applicant speaks English, but is not able to explain themselves clearly in English, the applicant should be asked to speak through the interpreter in their language to ensure that all information is accurately communicated.

Officers should also request that if the interpreter needs to clarify something with the officer or the applicant during the interview they should do so, as it is critical that all information is interpreted accurately. Interpreters should tell the officer (or applicant) when they need to clarify anything with the applicant (or officer) to avoid confusion. If interpreters are unable to effectively aid communication or if they display unprofessional conduct, such as scoffing at the applicant or declining to interpret something they have said, the interview should be paused so that the interpreter can be removed and an alternative

interpreter engaged over the phone. Unprofessional conduct by interpreters should be reported to the officer's supervisor for escalation to TIS.

An online training course [Working with TIS National interpreters](#) is available in OurPeople. Module 4 of the training 'Working with Interpreters' provide tips on how to deal with interpreter in an interview situation.

## 4. Interview preparation and plan

Preparation is the key to a good interview. It can ensure that all relevant information is obtained from the applicant and assist in making a well-balanced decision. Effective preparation will minimise the risk of exceedingly long interviews, poorly framed questions, unnecessary and ineffective lines of enquiry and officers getting lost in a tsunami of information. Good preparation will ensure that time is spent on the core issues that will assist the officer to assess the case and not upon matters, that the officer has already accepted or issues that will not affect the assessment. To ensure the interview is carried out in a structured and efficient way and all relevant information is gathered, the following steps should be taken:

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## 5. Conducting the interview

### 5.1. Building rapport

The interview situation is new and alien to most applicants. Some applicants may have had negative experiences dealing with the authorities and government officials in their countries of origin. It is important to take time, before the formal interview begins, to help the applicant feel at ease and ensure they understand the process of the interview.

The interview pro forma (ADF2016/39862) provides an important introduction to the applicant, including information about the purpose of the interview, confidentiality and the assessment process. Although officers have read through this pro forma many times, it is important that these statements are projected with sincerity, otherwise the applicant may question the sincerity of those statements and lose confidence in the process.

The way in which the officer communicates in the interview can greatly influence both the quality and the quantity of the information obtained. It is a good investment to spend sufficient time on developing a good

‘communication atmosphere’, in which all relevant persons feel safe and interact in a positive manner. The following techniques can be used by officers to build rapport with the applicant:

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## 5.2. Managing other parties at interview

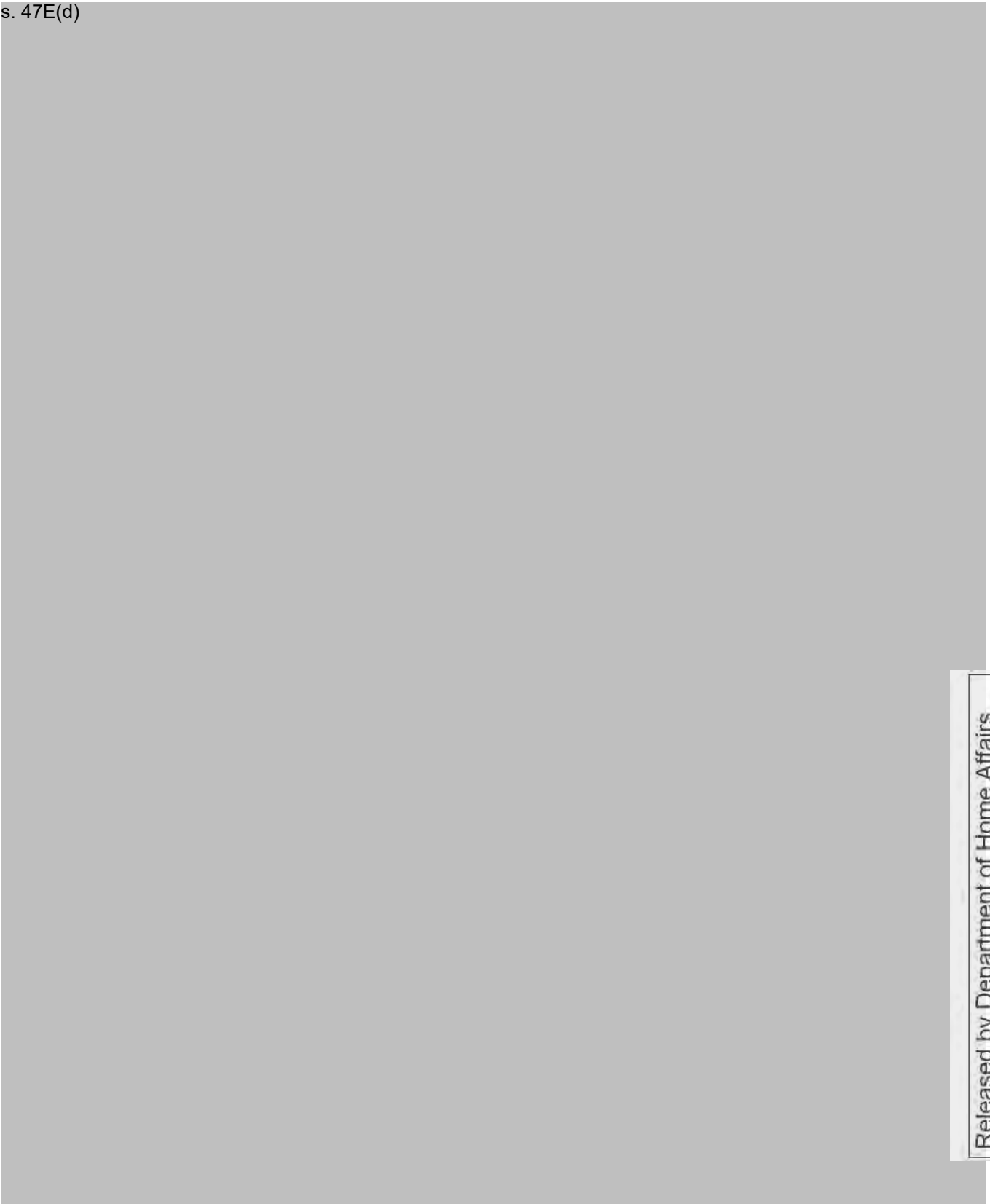
Officers should manage the conduct of other parties at the interview, such as agents and support persons, in a professional and respectful manner. Officers may seek support from their supervisor or other experienced case officers at any time during the interview if needed.

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## 6. Sensitive interviewing

Protection visa interviews are non-adversarial in nature and should be carried out with sensitivity and tact.

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For further information about sensitive interviewing techniques for applicants with LGBTI, claims see Procedural Instruction - Refugee and Humanitarian – Protection Visa Processing Guidelines.

For further information about gender issues see PAM 3: Refugee and Humanitarian – Gender Guidelines.

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## 10. Documents

Where the officer asks questions about a document, a brief description of the document they are referring to should be provided for the recording. When discussing a document, officers should make it clear in the recording what part of the document is being discussed. For example, '*The applicant has produced a taskera and has pointed to X part of the document*'. This is especially important for the IAA who rely on the audio recording.

The applicant should be asked when and how the document was obtained. Where a document's relevance is unclear, the applicant should be asked how it relates to the application. When documents regarding certain elements could be presumed to exist but were not submitted, the officer should further examine the reasons for non-submission, without prejudice.

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## 11. Applicants with psychological vulnerabilities including mental health conditions<sup>1</sup>

This chapter:

- addresses ways to identify and assist psychologically vulnerable applicants;
- provides techniques and options that can be used to better engage with applicants whose ability to participate in the Protection visa (PV) assessment process is reduced due to their disordered mental state and/or impaired cognitive abilities; and
- describes a range of procedural modifications that can be adopted to facilitate the fair and accurate assessment of the applicant's claims.

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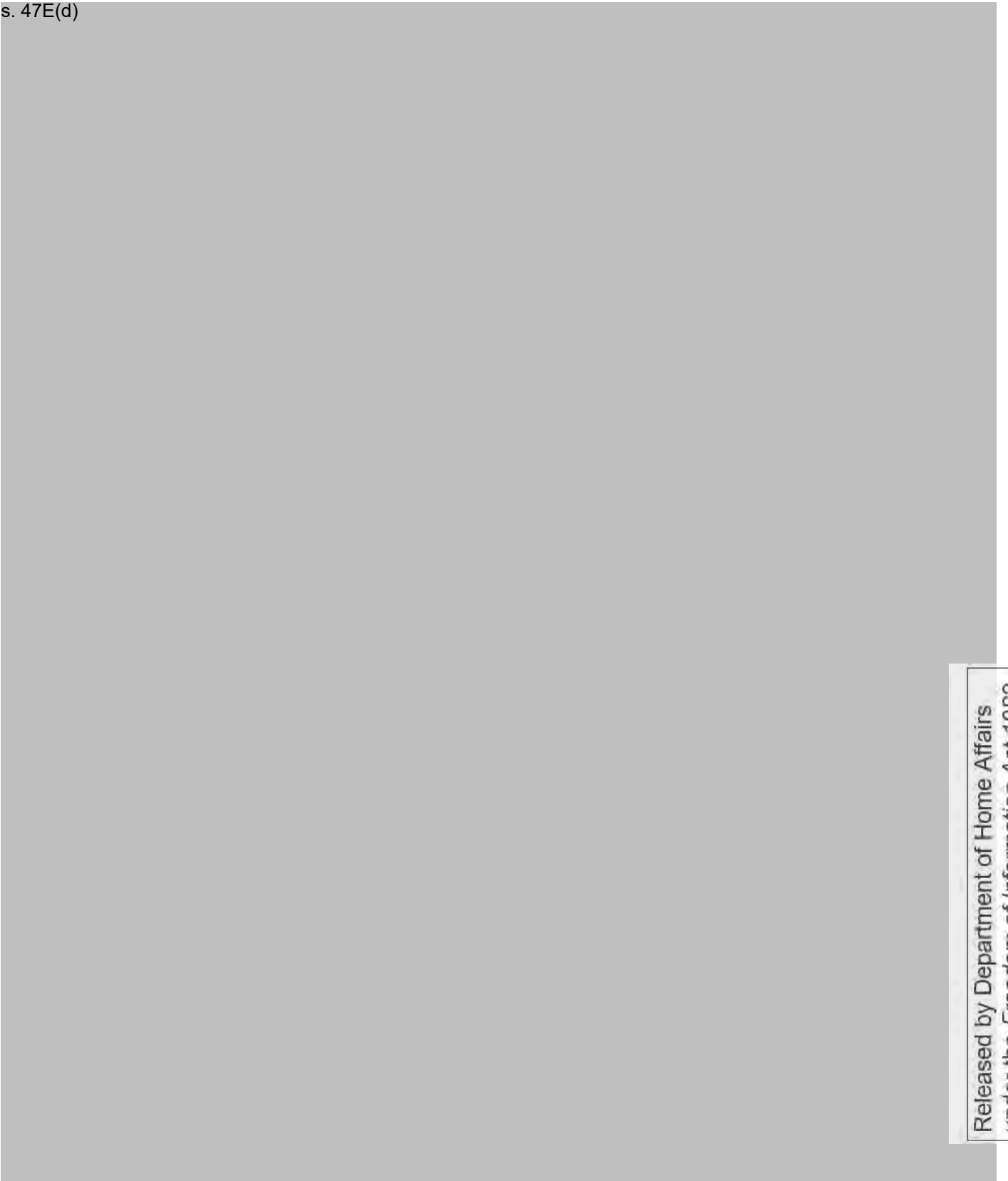


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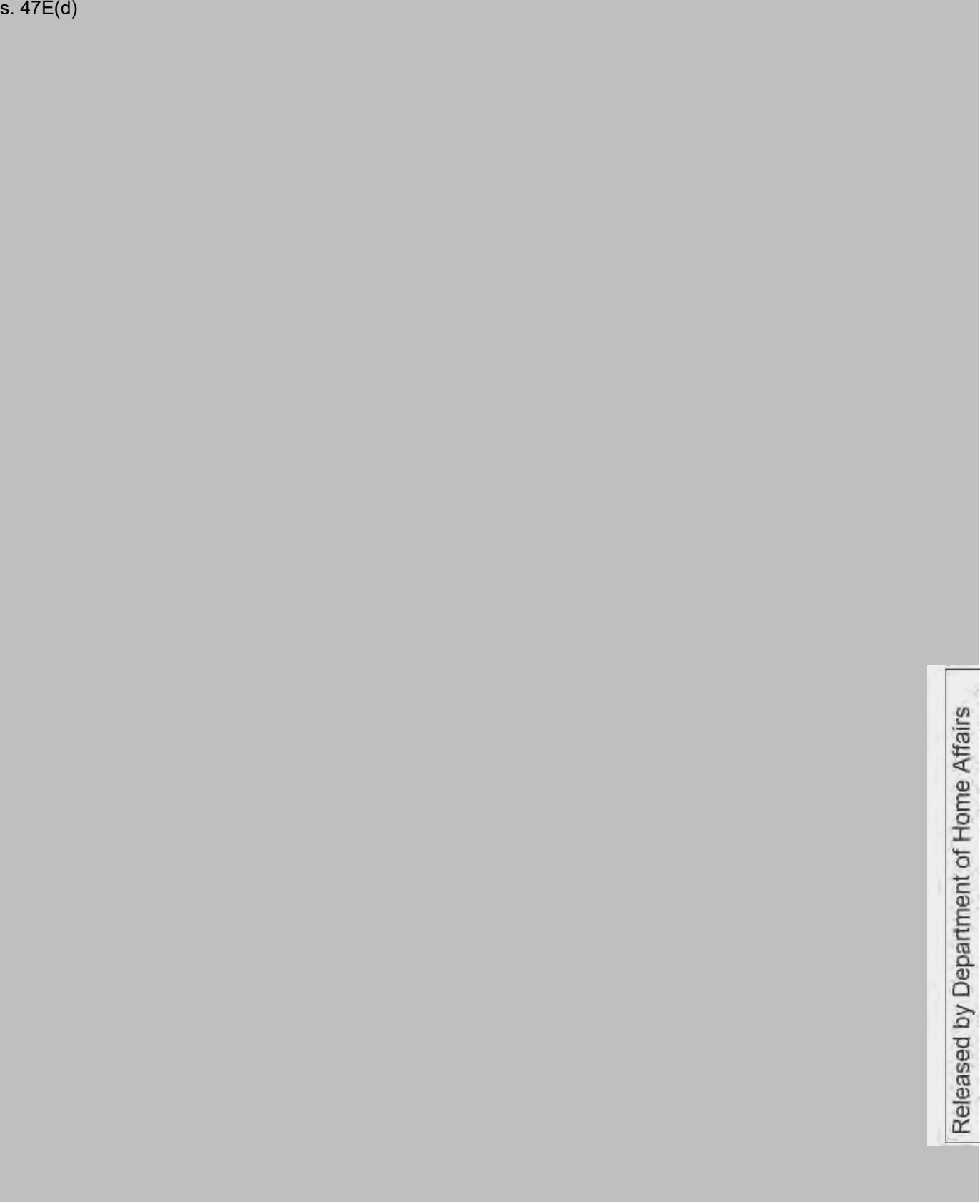
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## 12. Other vulnerabilities and referral to support services

At the interview, an officer may identify a potentially vulnerable applicant who may require referral to support services. Officers should be able to effectively identify risk factors, which may become apparent during the normal course of the interview indicating, for example, that the applicant may have serious physical or mental health issues, be a victim of sexual or domestic violence, or that there may be child protection concerns in the applicant's family. Officers are not expected take on a role of a social worker or a counsellor. The officer's role is to provide initial support and refer applicants to information about appropriate services.

### 12.1. Domestic and family violence

Domestic and Family violence (DFV) involves conduct that is violent, threatening, coercive or controlling, or intended to cause a family or household member to be fearful. It can include:



- physical, verbal, emotional, sexual or psychological abuse
- neglect
- financial abuse
- stalking
- harm to an animal or property
- restricting spiritual or cultural participation
- exposing children to the effect of these behaviours.

For a full definition of what behaviours are considered domestic and family violence, see [Domestic and Family Violence Strategy 2016-20](#).

### **Departmental contacts who can provide support and guidance on dealing with DFV issues**

The [Domestic and Family Violence Contact Officer Network](#) has been developed to improve the safety of DIBP clients, staff and the Australian community by:

- providing timely information, advice and guidance to staff to assist them in responding practically and appropriately to DFV issues
- ensuring consistency and quality in our responses to incidents of DFV
- increasing awareness of DFV across the Department.

DFV contact officers have specialist training in DFV issues and can provide subject matter expertise, guidance and information about appropriate services. The role of the DFV Contact Officer is not one of counsellor or case officer.

A number of other areas in the Department can also provide support and advice in relation to cases involving DFV.

### **External support services**

For information on external support services, including state and territory support services, refer to s. 22(1)(a)(ii)

### **Family Safety Pack in community languages**

Protection visa applicants who may be at risk of DFV can be given a Family Safety Pack in their own language. The Family Safety Pack contains information on DFV, sexual assault, forced and early marriage, and family violence and partner visas and have been translated into 46 languages.

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For more information on responding to DFV situations, refer to the below departmental resources:

- [First response assistance for clients](#)
- [Responding to DFV situations](#) (six scenarios with information on such issues as possible disclosure required and record keeping).

A referral card with contact details of DFV support services should be provided to applicants who claim to be victims or perpetrators of DFV. Where an applicant indicates that they are or have been a victim or a perpetrator of domestic or family violence and a domestic violence referral card is not available, advise them that they can seek support from the below organisations.

**1800RESPECT:** 1800 737 732 or [www.1800RESPECT.org.au](http://www.1800RESPECT.org.au)


**FAMILY RELATIONSHIPS ADVICE LINE:** 1800 050 321 or [www.familyrelationships.gov.au](http://www.familyrelationships.gov.au)

**MENSLINE AUSTRALIA:** 1300 789 978 or [www.mensline.org.au](http://www.mensline.org.au)

**FINANCIAL COUNSELLING AUSTRALIA:** 1800 007 007 or [www.financialcounsellingaustralia.org.au](http://www.financialcounsellingaustralia.org.au)

The above contact details on support services is also available at [ADD2018/481674](#)

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For further information about assisting an applicant who is a victim of domestic or family violence and reporting protocols, see Bordernet: s. 22(1)(a)(ii)

## 12.2. Child protection

An applicant may disclose at interview that their child has been abused since arriving in Australia, either by another member of the family or others. An applicant's statements could indicate that their child may be suffering abuse, for example, if they are a witness to family violence or if there is a history of violence. If officers have a suspicion about a child at risk, they do not need to accurately define the form of abuse they suspect. Officers should familiarise themselves with the information contained on the 'child safeguarding' page on Bordernet (s. 22(1)(a)(ii)) in order to respond to disclosures of child abuse and appropriately record and report any information in accordance with the 'reporting child-related incidents policy'.

## 13. Self-evaluation and self-care

Self-evaluation and reflection is important for interviewers to practice in order to maintain an open mind and sincerity when communicating with applicants. Also, to protect self against vicarious trauma. If multiple interviews are scheduled one after the other, officers should take a sufficient break to clear their minds of residual impressions from the previous interview.

Interviewers can consider the following after each interview:

- Were the aims and objectives of the interview met?
- Were there any aspects of the interview that could be improved?
- How could this improvement be achieved next time? Officers may wish to discuss different techniques and approaches with their supervisor.

Protection visa interviews can be challenging and emotionally draining on officers. It is important that officers take the time to debrief with a colleague or their supervisor after each interview and seek support from the s. 22(1)(a)(ii) (EAP) when needed.

In conjunction with EAP services, the Department's Fit and Well programme offers *MindWell* services to DIBP staff. *MindWell* offers two avenues of support:

- *Employee MindWell*: is focused on resolving an individual's mental health concerns with help from a qualified *MindWell* Consultant. The Consultant will discuss strategies to help build mental fitness and decide on a course of action. The programme aims to provide staff with a sense of direction in developing and maintaining their mental fitness.
- *Manager Mindwell*: is an advisory service for managers, team leaders and other individuals responsible for managing staff. *Manager Mindwell* is designed to assist with situations which involve issues with workplace communication, behaviours or performance.

For further information, please refer to the following [link](#) on Bordernet and s. 22(1)(a)(ii)

## 14. Further guidance

For further guidance, please refer to:

- Refugee and Humanitarian – Protection Visa Processing Guidelines
- Refugee and Humanitarian – Refugee Law Guidelines


## 15. Sources

The following sources were used in the development of this guidance:

- United Kingdom Home Office, 'Asylum Policy Instruction, Asylum interviews', March 2015.
- European Asylum Support Office, 'EASO Practical Guide: Personal interview', December 2014.
- STARTTS, 'The Effects of Refugee Trauma, Culture and Anxiety on the Interview Process' (Training handout for DIPB decision makers), 2014
- UNHCR, 'Interviewing Applicants for Refugee Status', 1995
- Steel, Zachary, Frommer, Naomi and Silove Derrick, 'The mental health impacts of migration: the law and its effects, Failing to understand: refugee determination and the traumatized applicant', 2004
- Mills Oakley panel firm, recording of a training delivered to PV case officers, 2016
- Child safeguarding, Bordernet <https://bordernet.immi.local/border-ops/policy/child-protection>
- Domestic and family violence, Bordernet <https://bordernet.immi.local/border-ops/policy/domestic-family-violence-client>
- Department of Human Services, 'Enough' (Family and Domestic Violence Package), 2016
- Monthly feedback from IAA, 2016, 2017
- New Intelligence, 'Art and Science of Interview, foundations PV decision makers' (Training participant guide), 2005
- 'Guidance Note on the Psychologically Vulnerable Applicant in the Protection Visa Assessment Process', prepared by UNHCR in consultation with a panel of Mental Health Experts, 2017.

The following areas of the Department were consulted:

- Humanitarian Program Operations Branch
- Humanitarian Program Capabilities Branch
- Health Policy Section
- Citizenship Support Section
- Student and Graduate Visas section
- Family Migration Programme Management Section
- 457 and Bridging Visa ABC Management Section

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- Community Programme Delivery Section
  - ELO network.

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