



Australian Government
Department of Home Affairs

Protection visa interview pro forma

KEY FOR THIS PRO FORMA

- The *blue italicised text* is information to assist the interviewing officer and is not to be read to the applicant.
- **Black text** is information that is to be conveyed by the interviewing officer to the applicant.
- **Bolded black text** is a closed question the interviewing officer is to ask the applicant.
- The *[red italicised text in brackets]* is text that needs to be amended by the interviewing officer in light of the applicant's particular circumstances and subsequently read aloud, to the applicant.

BEFORE INTERVIEW COMMENCES

1. *Ensure that you have a copy of the relevant 'translated' version of the 'Important information about your protection visa interview' sheet (TRIM: ADF2016/5935) with you, before the start of the interview.*
2. *Introduce yourself.*
3. *Request that the applicant and any other person taking part in the interview, eg. support person, get their identity documents out, before the start of the interview.*

1. RECORDING OF THE INTERVIEW

I am recording this interview to make sure the Department of Home Affairs (the Department) has an accurate record of what we discuss.

Q. Do you consent to the Department making an audio recording of this interview?

If no, explore why the applicant does not want the interview to be recorded. Where possible, attempt to alleviate their concerns, as it is preferable to have a recording for review purposes. If the applicant still prefers not to have the interview recorded, then explain that the interview will not be recorded and that you will take notes.

If yes, start recording and turn on recorder.

2. INTERVIEW OPENING

Please confirm your consent to the Department making an audio recording of the interview.

The following is a record of interview held on *[date/month/year]* *[in person at [location] / by [video conference/ telephone] at [interviewing officer location] and [applicant location]]*.

The time is *[time]*.

My name is *[interviewing officer's name]*. I am an officer of the Department of Home Affairs. I am interviewing *[applicant's name]*, who has applied for a *[permanent Protection visa/ Temporary Protection visa/ Safe Haven Enterprise visa]*.

3. OTHER PERSON(S) IN THE INTERVIEW

<<START OPTION 1 – if applicant has representation or support person>>

Also *[present at/ on the line for]* the interview is the applicant's migration agent *[name of agent]* from *[agency]*.

Also *[present at/ on the line for]* the interview is the applicant's support person *[support person's name]*.

A copy of their identity document*[s]* is on TRIM file *[CLF20XX/XXXX]*.

<<END OPTION 1 – if applicant has representation or support person>>

<<START OPTION 2 – if applicant has no representation or support person>>

You are participating in this interview without a migration agent or support person. Is that correct?

<<END OPTION 2 – if applicant has no representation or support person>>

<<START OPTION 3 – if no interpreter is required>>

You have told us you that you do not need an interpreter for this interview.

Q. Can you understand and speak English?

Q. Do you want to continue this interview in English?

If you do not understand something I am saying, or you do not know the English words to respond fully to a question, please let me know and I will reword the question.

<<END OPTION 3 – if no interpreter is required>>

<<START OPTION 4 - if an interpreter is required>>

We are using an interpreter in the *[name of language]* language to assist with the interview. The interpreter has been provided by *[name of interpreting provider]*, identity number *[interpreter ID number]*.

The interpreter is bound not to discuss any information they hear during this interview. The interpreter is only here to assist with language interpretation.

If you do not understand the interpreter, or you think they do not understand you, please let me know immediately by raising your hand.

Q. Do you understand the interpreter?

Q. Have you met the interpreter before?

If 'yes', ask where they have met the interpreter before.

Q. Do you have any objection to us using this interpreter for this interview?

If you do not understand anything that I say, please ask me to repeat or reword the question.

<<END OPTION 4 – if an interpreter is required>>

4. PROTECTION OBLIGATIONS

<<START OPTION 1 – general purpose of interview >>

The purpose of this interview is to ask you questions regarding your application for a protection visa and to give you the opportunity to provide further information in support of your application.

<<END OPTION 1 – general purpose of interview>>

<<START OPTION 2 – for TPV holders who have applied for a SHEV and an interview is required>>

The purpose of this interview is to ask you questions regarding your Safe Haven Enterprise visa (SHEV) application and to give you the opportunity to provide further information in support of your application. Whilst you were previously assessed as engaging Australia's protection obligations for a Temporary Protection visa, you have now applied for a SHEV and therefore your claims in this application need to be assessed.

<<END OPTION 2 – for TPV holders who have applied for a SHEV and an interview is required>>

Before this interview you were provided with an information sheet, called 'Important information about your Protection visa interview.' This information sheet includes an explanation of 'Australia's protection obligations'.

Q. Did you read and understand the information in this sheet?

If the applicant's answer is no, provide the applicant and the interpreter with a copy of the translated 'Important information about your Protection visa interview' sheet (ADF2016/5935) and give them an opportunity to go through the information. If an information sheet in the applicant's language is not available provide a description of the assessment process.

It is your responsibility to raise all your claims for protection and provide evidence in support of those claims. If your application is refused, you may not have another chance to provide further information to support your claims or to raise new claims.

Q. Do you have any questions about this interview?

5. CLIENT INFORMATION CHECKS

The officer who makes a decision on your application may not be me, and may decide your application without further contact with you.

Your personal information, including information you provide during this interview, will be treated with confidentiality and will only be given to officers of other agencies who are authorised and need to know this information. Details of your claims or any of your other personal information will not be given to the authorities in [insert country/ies] or the public.

6. IMPORTANCE OF PROVIDING COMPLETE AND TRUTHFUL INFORMATION

It is very important that you tell the truth and provide the Department with complete and accurate protection claims as early as possible, including during this interview. Giving false or misleading information to the Department is a serious offence under Australian law and may result in criminal penalties and the refusal of your visa.

If you would like to provide additional information to the Department as part of your protection visa application, or if you wish to correct some information you provided previously, please do so during the interview

Q. Is there anything in your application that you may like to add or change?

If yes – ask the applicant what information needs changing. You may also ask the applicant why they neglected to provide this information with their application. Record any new information and make amendments to the applicant's PV application, as necessary, ensuring that the applicant initials the changes after they have been interpreted back to them.

If no – continue to Part 7: Oath and Affirmation.

7. OATH AND AFFIRMATION - DISCRETIONARY

The applicant may be requested to make either an oath or affirmation. Provide the interpreter with a copy of the Oath and Affirmation translated sheet in the relevant language.

I am going to request that you make an oath or an affirmation.

An 'oath' is a solemn undertaking to tell the truth, referring to a god or religious belief.

An 'affirmation' is an undertaking to tell the truth, without referring to a god or religious belief.

You must choose whether you would like to make an oath or an affirmation. An oath or affirmation is treated as the same by the Department. It will make no difference to your application, whether you choose to make an oath or an affirmation.

We may question whether your claims can be believed, if you refuse to make an oath or affirmation.

Please answer 'Yes' or 'No' to the following question:

Q. Are you willing to make an oath or affirmation, that the information you have provided, or will provide to the Department is true?

You may wish to refer to section 91V(1) of the Migration Act 1958 (the Act), which provides that an officer may request the applicant to make an oral statement, on oath or affirmation, to the effect that the information provided by a protection visa applicant, is true.

Q. Do you want to make an oath or an affirmation?

<< START OPTION 1: Oath >>

I promise by [*almighty god/name of deity*] that the information I have provided, or will provide regarding my claim for protection is true and complete in every respect.

<<END OPTION 1: Oath >>

<<START OPTION 2: Affirmation >>

I solemnly and sincerely declare and affirm that the information I have provided, or will provide regarding my claim for protection is true and complete in every respect.

<<END OPTION 2: Affirmation >>

8. INTERVIEW

Refer to your interview plan and consider matters to be discussed, in order to assess whether the applicant engages Australia's protection obligations. This may include, but is not limited to, country of reference/receiving country, well-founded fear of persecution, effective protection measures, persecution, protection in another country, exclusion / ineligibility and character and security considerations.

I will now ask you some questions regarding the claims you have raised in your protection visa application.

9. RELEVANT (ADVERSE) INFORMATION

Under s57 of the Act, decision makers are required to give particulars of any information that is 'relevant information' to the applicant for comment. Decision makers must turn their mind to the definition of 'relevant information' under s57(1), before they put the information to, and invite the applicant to comment under s57(2), including when considering refusal under s91W or s91WA of the Act. See section 3.10.3 - 'Documentation pillar' in the Protection Visa Processing Guidelines.

<<START OPTION 1 – fast track applicants only - general invitation to comment on adverse information during the interview>>

I am required to put information to you for comment, where that information would be the reason, or part of the reason, for deciding that you are not eligible to have your decision reviewed by the Immigration Assessment Authority.

Provide the applicant with the adverse information.

You can provide further comments during this interview or within *[7 calendar days for applicants not in immigration detention / 3 working days for applicants in immigration detention]*. You should provide your comments *[in writing by email / post OR in person OR by telephone]* to *[address / location / phone number]*.

If you require more time to provide this information you must contact me *[in writing by email / post OR in person OR by telephone]* at *[address / location / phone number]* before the due date to request an extension.

<<END OPTION 1 – fast track applicants only - general invitations to comment on adverse information>>

<<START OPTION 2 – general invitation to comment on adverse information during the interview>>

I am required to put information to you for comment, where that information would be the reason, or part of the reason, for refusing to grant you a protection visa.

Provide the applicant with the adverse information

You can provide further comments during this interview or within *[7 calendar days for applicants not in immigration detention / 3 working days for applicants in immigration detention]*. You should provide

your comments *[in writing by email / post OR in person OR by telephone]* to *[address / location / phone number]*.

If you require more time to provide this information you must contact me *[in writing by email / post OR in person OR by telephone]* at *[address / location / phone number]* before the due date to request an extension.

<<END OPTION 2 – general invitation to comment on adverse information>>

Raise any other concerns or information you have, that may require the applicant's comments.

10. DOCUMENTARY EVIDENCE OF IDENTITY (s91W and s91WA) – requesting 'reasonable explanation'

Q. Do you have any identity documents with you today?

Examine any documents provided and ask whatever questions you may have about them.

<<START OPTION 1 – s91W opportunity to provide an explanation during an interview>>

On *[date]* you were requested in writing to produce documentary evidence of your identity, nationality or citizenship for inspection by an officer of the Department. When the request was made you were notified that you could not be granted a protection visa if you refused or failed to comply with the request or produced a forged or fraudulently obtained document in response to the request, unless you provide a reasonable explanation for doing so.

You have *[refused/ failed to comply with / produced a bogus document in response to]* this request. Therefore the grant of your protection visa is prevented by s91W of the Act, unless you have a reasonable explanation for *[refusing/failing to comply with the request / producing a bogus document]*.

Q. Please explain why you have *[refused / failed to comply with the request / produced a bogus document]*?

You can provide further explanation and information within *[7 calendar days for applicants not in immigration detention / 3 working days for applicants in immigration detention]*. You should provide this information *[in writing by email or post / in person / by telephone]* to *[address / location / phone number]*.

<<END OPTION 1 – s91W opportunity to provide an explanation>>

<<START OPTION 2 – s91WA opportunity to provide an explanation>>

You have *[destroyed or disposed of documentary evidence of your identity, nationality or citizenship / you have caused such documentary evidence to be destroyed or disposed of / you have provided a bogus document as evidence of your identity, nationality or citizenship]*.

The grant of your protection visa application will be prevented by section 91W of the Act unless you have a reasonable explanation for *[destroying or disposing of such documentary evidence/ causing such documentary evidence to be destroyed or disposed of / providing a bogus document as evidence]*

of your identity, nationality or citizenship] and either provide documentary evidence of your identity, nationality or citizenship, or demonstrate that you have taken reasonable steps to do so.

Q. Please explain why you have *[produced a bogus document, destroyed or disposed of such documentary evidence, or caused such documentary evidence to be destroyed or deposited off]*?

Q. Are you able to provide documentary evidence of your identity, nationality or citizenship?

Q. What steps have you taken to try provide documentary evidence of your identity, nationality or citizenship?

<<END OPTION 2 - s91WA opportunity to provide an explanation >>

Note: If the applicant has not previously been issued a s91W(1) request in writing, provide them with a s91W(1) request in writing, at the interview, ONLY if required.

11. INTERVIEW BREAK

I will now give you time to consider what we have discussed. Take this time to make sure we have covered everything you wish to talk about. I will *[turn off the recorder and leave the room / turn off the recorder]* during this time.

A break of at least ten minutes should be given, unless the applicant would like to commence sooner or requests a longer break

Turn recorder off.

For in-person interviews, if the applicant or their representative gives you or tries to give you any supporting documentation during the interview break while the recorder is off you will need to note it for the record (including whether you accepted the documentation) after you turn the recorder on.

12. INTERVIEW CLOSING

Turn recorder on.

Q. Do you have any comments in response to the concerns I have raised, or in regard to the information I have provided?

Q. Before we finish this interview, is there anything else you would like to say in regard to your protection visa application?

If the applicant answers 'no', you may provide them with an opportunity to put more evidence and submissions to you, in a prescribed manner.

Otherwise state:

Any additional information provided to the Department, before a decision is made on your application, will be considered.

I now conclude your interview.

The time is *[time]*.

Turn off recorder.

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