

MEASURES AT THE INTERVIEW FOR REFUGEE STATUS APPLICANTS: IN JAPAN AND OTHER COUNTRIES

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Here we conducted research on comparisons among some countries about measures relating to the interviews for refugee status applicants, especially focusing on two points below. These points greatly impact ensuring due process for the refugee status determination process. Therefore, this research would be meaningful for Japan, where refugee status determination procedures are exempted from the Administrative Procedures Act.

1. Whether the applicants are allowed to bring their attorneys for the interview.
2. Whether the interview is recorded (audio or video).

【METHOD OF SURVEY】

The research was conducted from August to September 2019, with materials available on the Internet. For the references, see part 【DETAILED SURVEY RESULTS】 below.

【OVERVIEW OF THE SURVEY RESULTS】

	1. Attorney's accompaniment	2. Recording
Australia	○	○
Canada	○	○
France	○	○
Germany	○	○
Japan	×	×
New Zealand	○	○
Republic of Korea	○	○
United Kingdom	○	○
United States	○	×

【DETAILED SURVEY RESULTS】

AUSTRALIA

1. Attorney's accompaniment: Family member and migration agent is allowed to attend the interview. Another support person such as friends or relatives is only permitted with registration in advance.
2. Recording: The interview is usually recorded. Applicants will be asked for permission of recording prior to the interview.

- Australian Government Department of Home Affairs, Safe Haven Enterprise visa, <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/safe-haven-enterprise-790#HowTo>, Accessed 2019.8.5

CANADA

Attorney's accompaniment is permitted. Interviews are fully recorded.

Your Refugee Hearing, What to expect in the hearing room, <https://refugeehearing.cleo.on.ca/hearing-room/>, Accessed 2019.9.3.

FRANCE

1. Attorney's accompaniment: An attorney or an NGO staff who is recognized by OFPRA (The French Office for the Protection of Refugees and Stateless Persons) is permitted to accompany.
2. Recording: Interviews are fully recorded and open for the applicants when the application is denied or the applicants decide to appeal.
 - aida, Regular Procedure, <https://www.asylumineurope.org/reports/country/france/asylum-procedure/procedures/regular-procedure>, Accessed 2018.9.18.

GERMANY

1. Attorney's accompaniment: An attorney or an agent from UNHCR is permitted to accompany. In the case of unaccompanied minors, a guardian is also permitted to keep him/her company. In addition, a person who is specialized in German asylum law, and who has prepared for the interview with the applicant is allowed to be accompanied as a person of trust. Normally, a family member, who has also submitted his or her asylum application may not be chosen as a person of trust.
2. Recording: Interviews are fully recorded. The recording is later typed up into a transcript.
 - Federal Office for Migration and Refugees, The stages of the Germany asylum procedure, https://www.bamf.de/SharedDocs/Anlagen/EN/AsylFluechtlingschutz/Asylverfahren/das-deutsche-asylverfahren.pdf?__blob=publicationFile&v=11, Accessed 2018.9.18.
 - Informationsverbund, Asyl&Migrantion, The Interview: a key part of the asylum procedure, 4th edition, 2016.12, https://aktiv.fluechtlingsrat-bw.de/files/Aktiv-Dateien/Dokumente/Materialien%20Fortbildungen/Infoblatt_Asyl_2016_en.pdf, Accessed 2018.9.18.

JAPAN

1. Attorney's accompaniment: Not permitted at a primary examination. Since 2017, a vulnerable group such as an unaccompanied child is only permitted to be accompanied by an attorney or a counselor at a primary examination.
2. Recording: Not permitted.

- Notification from the Director of the Refugee Recognition Office, General Affairs Division, Immigration Bureau, Ministry of Justice: Regarding the implementation of witnessing during interviews for unaccompanied children (March 31 2017)

NEW ZEALAND

Attorney's accompaniment is permitted. Interviews are fully recorded.

- New Zealand Immigration, Claiming Refugee and Protection Status in New Zealand, <https://www.immigration.govt.nz/documents/refugees/claimingrefugeeandprotectionstatusinnewzealand.pdf>, Accessed 2019.9.3.

REPUBLIC OF KOREA

Attorney's accompaniment is permitted. The recording of the interview is mandatory.

- NANCEN Refugee Rights Center: Refugee Screening Status in Korea (as of December 31 2018) <https://nancen.org/1939?category=118980> Accessed 2019.7.12.
- HURIGHTS OSAKA: A History and a Future of South Korea's Refugee Policy (September 2010) <https://www.hurights.or.jp/archives/newsletter/section3/2010/09/post-110.html> Accessed 2019.7.12.

UNITED KINGDOM

Attorney's accompaniment or recording is permitted. When an attorney accompanies, he/she is allowed to make a statement at the end of the interview. In addition, an attorney is eligible to comment on the interview if the applicant is a minor.

- GOV.UK, Claim asylum in the UK, <https://www.gov.uk/claim-asylum/asylum-interview>, Accessed 2018.9.18.
- Home Office, Asylum Policy Instruction, Version 6.0, 2015.3.4, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/410098/Asylum_Interviews_AI.pdf, Accessed 2018.9.18.

UNITED STATES OF AMERICA

Attorney's accompaniment is permitted. Interviews are not recorded.

- NOLO, What Happens During an Asylum Interview, <https://www.nolo.com/legal-encyclopedia/what-happens-during-asylum-interview.html>, Accessed 2019.9.3. US
- U.S. Citizenship and Immigration Services, Questions & Answers: Asylum Interviews, <https://www.uscis.gov/archive/questions-answers-asylum-interviews>, Accessed 2019.9.3.