

Interviewing protocol

Protocol Governing the Conduct of Substantive Interviews and the Role of Interviewing Officers, Representatives and their Interpreters

With effect from 1st November 2002 all interviews conducted by caseworkers or case owners in the UK Border Agency (asylum and non-asylum) should be conducted in accordance with the guidance set out in the Protocol below. This Protocol has been agreed with members of non-Governmental Organisations (NGOs). The Protocol will become binding on representatives from 1st January 2003.

All caseworkers and case owners who conduct interviews must familiarise themselves with this Protocol.

The Protocol, in the main, reflects current working practices - it is not intended to introduce major changes to existing interviewing practices. That said, it may be necessary to introduce some procedural changes to current interviewing practice, for example, the entire interview must now be recorded verbatim (rather than just the claimants answers). Caseworkers/case owners are therefore encouraged to ensure that their interviewing practices are compatible with the Protocol.

Caseworkers/case owners should also be aware that representatives will be familiar with the Protocol and should ensure that they operate within its parameters at all times. Similarly, caseworkers/case owners should be able to expect representatives and, where appropriate, their interpreters to operate within the boundaries of the Protocol. Where representatives or their interpreters fail to do so, caseworkers and case owners should not be afraid to take appropriate action, such as consulting a senior officer in relation to the possibility of excluding an individual from the interview, as set out in the Protocol.

Senior officers with responsibility for the oversight of interviews should ensure that interviewing practices are compatible with the protocol.

Senior Officers who may be called upon to advise on the exclusion of a representative from an interview should ensure that they are also familiar with the guidance on the 'Regulation of Immigration Advisors' issued by David Watts in May 2002.

UK Border Agency

Protocol governing the conduct of substantive interviews and the roles of interviewing officers, representatives and their interpreters

1. INTRODUCTION

1.1 The protocol

This protocol explains the basis upon which representatives and interpreters attend substantive interviews of adults conducted by the UK Border Agency (UKBA). It sets out the standard of service that UKBA aims to provide at interviews and also what UKBA expects of representatives and interpreters.

For the purpose of this document, a representative is defined as being any person who provides immigration advice and services in the course of a business, paid or unpaid. Any other person may be allowed to accompany an claimant to interview at the discretion of the interviewing officer and subject to a check on their immigration status. Such individuals are permitted to observe the interview only, and in other respects are expected to comply with the conduct stipulated in this protocol.

1.2 Purpose of the interview

Interviews should be conducted objectively and impartially and the purpose is to obtain facts relevant to the application. The interview is essentially a fact-finding exercise, an opportunity for the claimant to elaborate on the background to his or her application, introduce additional information and for the interviewing officer to test the information provided, if required. This process will assist the decision-maker to make a well-reasoned and sustainable decision on the application.

1.3 Role of the representative

UKBA believes that legal representation at an interview is not necessary to enable an claimant to set out his or her grounds for the application. An interview will not normally be postponed to allow a representative to attend. Where a representative is present in the interview, his or her role is to ensure that that the claimant understands the interview process and has the opportunity to provide all relevant information.

2. STANDARDS

2.1 Professional bodies

All representatives who are authorised by a designated professional body to practise as a member of that profession (see Protocol Annex P), are required to comply with the relevant standards of conduct set down by that body when dealing with UKBA. Representatives belonging to these bodies will be responsible for the conduct at interview of those acting on their behalf.

2.2 Other immigration advisers

Anyone else providing immigration advice or services in the course of a business must be registered or exempted by the Office of the Immigration Services Commissioner (OISC), unless they are with a category exempted by Ministerial Order. At present, Ministerial Orders exempt indefinitely state educational institutions, fully registered independent schools and health sector bodies. Certain employers are exempted until 31 December 2002. The OISC Code of Standards however, applies to all immigration advisers, except members of designated professional bodies (see 2.1 above). A copy of the Code is available in UKBA interview suites and on the [OISC website](#).

3. WHAT REPRESENTATIVES CAN EXPECT FROM UKBA

All UKBA staff must act professionally, impartially and courteously at all times. They must be open and honest in their dealings with claimants and their representatives.

3.1 The interview:

- UKBA staff will identify themselves at the beginning of the interview
- UKBA staff will check the identification of representatives and their interpreters
- UKBA staff will confirm that the representative is on record as acting on behalf of the claimant
- UKBA staff will attempt to accommodate any disabilities or special needs, on the part of the claimant or representative, that have been notified in advance of the interview, for example if an claimant has requested a male/female interviewer or interpreter.
- the scope and structure of the interview is within the discretion of the interviewing officer, operating within departmental guidelines.
- all mobile telephones and pagers must be switched off during the course of the interview.
- recording equipment must not be brought into the interview room by claimants or anyone accompanying them.

3.2 The interviewing officer will:

- introduce all parties present at the interview and explain the purpose of the interview;
- ensure that the interview starts promptly and that any necessary delay is explained;
- inform the claimant of our confidentiality obligation at the start of the interview;
- confirm that the claimant is fit and well enough to be interviewed; If the claimant is unwell, the interviewing officer may postpone the interview, or should record full details of the client's concerns re: fitness for the interview on the interview record;
- confirm that, if an interpreter has been requested in advance of the interview, one is present in the language and dialect specified and that the claimant and interpreter understand one another;
- keep an accurate, verbatim and legible written record, including comments made by the representative, the times of breaks and any difficulties in the course of the interview. One copy of the record will be provided at the end of the interview. The interviewing officer has

discretion to read back the interview record in exceptional cases, for example, where the claimant appears to be illiterate or traumatised;

- give the claimant a proper opportunity to explain and give details of his or her application and address any inconsistencies apparent in the account. The interview will be conducted in a manner that is conducive to this aim;
- allow the claimant to show visible scars when claimants are claiming torture or maltreatment. The viewing of the scar and its position on the body should be noted;
- offer the claimant breaks as the interviewing officer considers necessary. The claimant may request breaks and these will be permitted at the discretion of the interviewing officer;
- invite the representative to comment and make observations at the conclusion of the interview; to be recorded verbatim;
- where applicable, advise the claimant and representative of any timeframe within which further material may be submitted on the claimant's behalf following the interview and before a decision is made on the application.

3.3 UKBA interpreters

UKBA interpreters are bound by a code of conduct. They have a command of English and the language used at interview. They are able to interpret accurately and fluently between both languages.

UKBA interpreters will:

- act in an impartial and professional manner;
- respect confidentiality at all times;
- translate accurately into direct speech;
- translate all other comments made during the interview;
- disclose any difficulties encountered with translation;
- not enter into the discussion;
- intervene only - to ask for clarification; to point out that a party may not have understood something, or to alert the parties to a possible missed cultural inference.
- Interpreters are not permitted to offer advice or to express any opinion on the application during the course of the interview.

4. WHAT THE UKBA EXPECTS FROM REPRESENTATIVES

4.1 Representatives will:

- where circumstances permit, give prior notice in writing to UKBA of their intention to attend the interview and confirmation that the person attending is authorised to do so;
- attend promptly. Representatives will not normally be allowed into an interview that has already started;
- carry and show identification;
- be prepared to carry and show confirmation of their authorisation to provide immigration advice or services at all times, as specified in paragraph 50c of the OISC's Code of Standards (this includes the legal professions);
- be courteous, open and honest in their dealings with UKBA staff;
- hand to the interviewing officer any additional written evidence and translations that have not already been submitted, at the start of the interview. This also applies to their clients;
- not make use of, or refer to any documents during the course of the interview, except for those disclosed to UKBA in support of the application. This also applies to their clients;
- not answer questions on behalf of the claimant. Representatives should normally wait until the end of the interview to comment; unless it is to draw attention to problems with

the standard of interpretation or to request clarification of a question or comment by the interviewing officer;

- be invited by the interviewing officer to comment and make observations at the conclusion of the interview. All comments and observations will be noted on the interview record. Representatives should also bring to the attention of the interviewing officer any relevant lines of questioning which were curtailed or have not been pursued. They will not, however, be expected to formulate specific questions.
- If an interviewing officer considers that a representative is seriously disrupting the course of the interview, the interviewing officer will advise that if this continues the representative may be excluded from the interview. Any decision to exclude a representative will be referred to a senior officer for prior approval. The next steps after exclusion will be at the discretion of the interviewing officer and senior officer, with due regard to fairness.

4.2 Representative's interpreter

UKBA does not consider it necessary for the representative to bring an interpreter to the interview. UKBA may check the identification of the representative's interpreter and also check his or her immigration status before permitting access to the interview.

If an interpreter attends the interview, he or she is expected to:

- act in a courteous manner;
- be punctual - late access to interviews that have already started will not be permitted;
- provide any comments only at the end of the interview, except where it is necessary to point out to the interviewing officer any serious discrepancy in translation, or to point out that a party may not have understood something, particularly alerting the parties to a possible missed cultural inference.

5. COMPLAINTS PROCEDURE

5.1 Complaints about UKBA

If a representative wishes to make a complaint, he or she should first try and resolve any problem at the earliest opportunity, by speaking to a manager. If this is not possible, or the representative is not satisfied with the help provided by the manager or person in charge, he or she should write to UKBA as soon as possible. A leaflet on making complaints or comments can be obtained by phoning the leafletline on 020 8649 7878 or visiting the [UKBA website](#).

5.2 Complaints about the conduct of representatives

UKBA will pass on matters of concern relating to the conduct of representatives to the relevant professional body and to the Immigration Services Commissioner for investigation.

If a representative verbally abuses or threatens a member of UKBA's staff, UKBA will lodge a complaint with the OISC. In addition, and subject to the approval of UKBA senior management, this may also result in the representative being denied access to UKBA premises in the future.

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