

Remote Home Office Substantive Asylum Interviews

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The Helen Bamber Foundation (HBF) is a specialist clinical and human rights charity that works with survivors of trafficking, torture and other forms of extreme human cruelty and believes that all survivors should have safety, freedom and power. Our work alongside survivors shows us that, with early and appropriate care and support, survivors build the strength to move on with their lives (or strength to fly). Our multidisciplinary and clinical team provides a bespoke Model of Integrated Care for survivors which includes medico-legal documentation of physical and psychological injuries; specialist programmes of therapeutic care; a medical advisory service; a counter-trafficking programme; housing and welfare advice; legal protection advice; and community integration activities and services.

Current situation¹

In 2020/21, the Home Office expanded the use of Remote Interviewing via Video Conferencing ('remote interviewing') for substantive asylum interviews (though this had started before the first Covid-19 lockdown). Remote interviewing usually involves the interviewer in a Home Office building or working from home and the interviewee in a Home Office building or non-Home Office building (such as local authority premises). Interpreters may be present in the Home Office location but are not necessarily in the same room as the Home Office interviewer.

Since then, the Home Office has put in place additional infrastructure in terms of training and support, with all decision makers equipped to interview remotely and in Home Office buildings. A 'Remote Interviewing Working Group' was introduced to improve the service offered and interview invitations were adapted to give individuals the ability to decline a remote interview.

The Home Office has introduced more remote interviewing 'endpoints' (locations where the applicant has their interview). Many unaccompanied children seeking asylum are now being interviewed within children's services via Teams - over 50 local authorities are using this as way to facilitate substantive interviews and the feedback has been good.

¹ Information taken from Home Office Asylum Interview Mode project presentation (delivered at Equalities Subgroup meeting on 8th June 2021) and presentation delivered at Decision-making subgroup on 23rd June 2021

Advantages and disadvantages of remote interviewing

Home Office research has reported that the quality of interviews undertaken remotely to be broadly the same as those conducted face to face.² Qualitative research was carried out in August and September 2020, using a broad definition of remote interviewing that included 'any substantive asylum interview where the decision-maker is not in same room as the applicant'. 29 people were interviewed, including Home Office staff and external staff/stakeholders but *no* asylum applicants were interviewed for that research.

For the Home Office, the use of remote interviewing can result in a better distribution of workloads around the country; the easier allocation of interpreters where less common languages are involved; and a reduction of travel – all of which can help improve efficiency and reduce delays in waiting for interviews.

Those working with people going through the asylum system have highlighted that if the use of remote interviewing was expanded to permit individuals to participate from other locations (in a similar fashion to the system introduced for unaccompanied children), then claimants might also benefit from a more accessible, less pressured and more comfortable environment in which to be interviewed.

However, a number of challenges remain, as Helen Bamber Foundation and Asylum Aid staff have found in their work with clients. These include logistical issues such as:

- IT issues, such as poor internet connection; lag³; tablets with small screens⁴; interpreter's camera not working; and claimants needing to change rooms during the interview.
- Inconsistent information on how remote interviews work
- Inconsistent safeguarding procedures
- Inconsistent staffing and support at interview locations
- Lack of transparency, where the person being interviewed does not know if everything they have said has been received and understood and has no real way to check this.

There are also issues inherent in conducting an interview remotely. These include lack of visual cues, difficulty interpreting silences and difficulty identifying cues of mental distress, such as dissociation (where people experience a disconnection with their surroundings) or self-neglect. We have also experienced online interviews being many hours long – lasting 6 hours, for example,

² Home Office research on the use of remote interviews (carried out by Home Office (HO) Analysis and Insight) was commissioned in light of acknowledgement that remote interviews will not always be appropriate.

³ See '[Why are you so slow? – Misattribution of transmission delay to attributes of the conversation partner at the far-end](#)', Schoenenberg and others, *International Journal of Human-Computer Studies*, Vol.72,Iss.5 May 2014, p.477-487.

⁴ The use of small screens reduces the immediacy of the interview, reduces the impact of the individual's responses, reduces the ability of the interviewer to attend to non-verbal cues, and allows participants to be distracted by other events in the room (see second case study below)

when concentration can be reduced during remote interviews⁵ and many people seeking asylum may have limited experience of long video interviews.

In the research mentioned above, the Home Office has itself recognised the following difficulties:

- Difficulties in developing rapport, controlling the flow of interview and noting and responding to safeguarding cues
- Difficulty in establishing and probing credibility factors
- Difficulties in scrutinising documentary evidence and questioning about contents during interview
- Inability to read body language.

Case study

The Helen Bamber Foundation (HBF) had been supporting X, a survivor of trafficking, with trauma-focused therapy for many years. After X was invited to a substantive asylum interview, HBF wrote to the Home Office outlining concerns about the appropriateness of an interview for her. As a survivor of severe human cruelty, she had a diagnosis of complex post-traumatic stress disorder, and during lockdown had become increasingly depressed, resulting in a deterioration of such severity that she was hospitalised for more than a month. X had previous strong suicidal ideation and had self-harmed in the past. HBF warned that an interview could create real risk of a further deterioration and “the presence of a video camera also poses a risk of re-traumatisation, given her particular experiences whilst trafficked”.

The interview went ahead with a support worker accompanying X to the interview and remaining with her during the process. However, as feared, it did further exacerbate X’s mental health difficulties and had to be terminated early, after which an ambulance was called and X was admitted overnight. HBF found that there were significant problems in how the interview was conducted. It started late, which did not create the right atmosphere from the outset. The interviewing officer displayed frustration when X had a long response latency and asked X to respond when she was dissociating and non-responsive, then “shouted” at X’s support worker when she attempted to point out that this was not possible.

X was not fully responsive for more than an hour after the interview was terminated, and showed signs of great distress including crying, shaking and banging herself on the head. She told HBF staff afterwards that she was uncomfortable with both the interpreter and the immigration officer, but that she had been too frightened to say this to them.

Despite clear evidence of the difficulties experienced by X in advance of the interview, there was a lack of professionalism, a lack of empathy in the behaviour of the officer, and an inability to respond to cues about her distress provided by both the client (non-verbal) and by the support worker who attended with her (verbal) which resulted in her deterioration.

⁵ See for example ‘[Nonverbal Overload: A theoretical argument for the causes of Zoom fatigue](#)’. Bailenson, *Technology, Mind and Behaviour*, Vol 1, Issue.1 Feb.2021.

Furthermore, many asylum interviewees need interpreter support but may struggle to understand a remote interpreter, particularly with the lack of visual cues and where training in working remotely has not been consistently provided to the interpreters. The risk of what is being said not being understood is particularly high where language barriers are combined with other factors such as disability. In our collective experience working in this sector for many years, it is common (even in the face-to-face context) for survivors to experience difficulties when speaking through interpreters and that these difficulties can have a profound impact on their legal case. Where individuals have been persecuted or trafficked by their co-nationals/first language speakers, then fear of that group can make it very difficult for an individual to disclose sensitive information. This is augmented if they are not able fully to see and thereby engage with the person interpreting their words. When using a remote interpreter, it is also likely to be more difficult for parties to identify that there is such a problem and therefore more difficult to address it.

Case study

In one remote interview attended by a member of staff from HBF in a supporting role, the interpreter did not present appropriately for the interview, particularly in light of the vulnerabilities of the client, M, a survivor of trafficking. Throughout the interview the interpreter was looking in different directions, appearing detached, and at one point was excessively rubbing her face and eyes as though extremely tired. The interpreter's mouth was not visible on the screen for most of the interview which is a key component of professional interpretation so that survivors can follow more easily what is being said. At some points the interpreter appeared to be eating and at another time appeared to be speaking to someone else in the room. M felt that the interpreter was treating both her, and the interview itself, as if they were insignificant. The conduct of the interpreter was not picked up on at any time by the interviewing officer.

Like many victims of trafficking with whom HBF works, M has known difficulties with self-assertion. In light of her particular cultural background, she would be likely to feel extremely intimidated by the unprofessional and apparently dismissive conduct of a person from her own culture, and possibly even frightened of them.

The HBF worker attending the interview was concerned that the interpreter was only summarising what she understood the interviewer to have said, and was doing so without appropriate emphasis or apparent interest. This would have been especially challenging at the points where M's consistency was directly challenged by the interviewing officer.

Some of these issues might be addressed if a legal representative is present, but for most this will not be the case, because the ordinary position is that there is no legal aid available for lawyers to attend asylum interviews for adults. Many asylum seekers have no legal representation at all, so for them issues cannot be raised post-interview.

Addressing issues with remote interviewing

Home Office research⁶ has already concluded that remote interviews might not be advisable where an individual has:

- Mental health problems
- Trauma and associated injuries
- Speech hearing and learning difficulties
- Sexual and domestic violence
- Trafficking victims
- Applicants who have been detained
- Applicants with no (or poor) digital literacy
- A case with disputed facts or credibility factors to probe.

The current Asylum Policy Instruction on ‘Conducting Asylum Interviews’⁷ makes clear that

“In some exceptional cases, conducting an interview via VC [video conference] may not be appropriate, though this will depend on the circumstances of the individual case.”

When deciding whether to use a remote interview, the interviewer will need to consider whether the claimant has any sight or hearing impairment, mental health issues, learning disabilities or difficulties, or if there are other factors that may prevent a claimant disclosing particularly sensitive information in a remote interview. Any reasons given by the claimant for not wanting a remote interview “must be carefully considered. This may include, but is not limited to, cases involving sexual orientation or gender identity, victims of torture or other trauma where recording was part of the persecution, victims of sexual violence or other forms of gender-based persecution, victims of modern slavery or claimants with mental health conditions”. That said, the policy makes clear that the Home Office can decide to continue with a remote interview “despite a request to the contrary from the claimant” providing that this is “fully justified and recorded in the claimant’s records”.

However, it is not clear whether this policy is operating in practice as intended. There is no clear opportunity to request a face-to-face interview (or no interview at all) – this will usually have to be done once an individual is notified of their interview. It is not clear what weight will be given to the reasons an individual gives for not having a remote interview. Nor is it clear, if a face-to-face interview is requested, what factors would lead to the Home Office refusing that request.

Another issue is that it is currently unclear whether requesting a face-to-face interview would then lead to a further delay in an individual’s interview taking place? Delays are so excessive post-Covid that many of our clients are waiting around two years to be interviewed. Many feel desperate to have their case proceed that even if they would prefer not to have a remote interview they are

⁶ Information taken from Home Office Asylum Interview Mode project presentation (delivered at Equalities Subgroup meeting on 8th June 2021) and presentation delivered at Decision-making subgroup on 23rd June 2021 so may be out of date

⁷ [Conducting asylum interviews - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/94422/conducting-asylum-interviews-2020.pdf)

reluctant to refuse it and request a face to face one. They may also be worried that if they refuse something from the Home Office that this will negatively impact their case.

What is needed is a clear procedural step where people are asked to confirm if they are happy to proceed with a remote interview and if not, why not. Even if the person says they are happy, the Home Office should still apply their screening above to check the Home Office interviewer is also satisfied this is safe and appropriate. This question could be asked in the PIQ but as the PIQ is and needs to remain optional to return, interviewers who are not sure may also need to expressly send out a letter checking with the individual.

HBF staff often try to attend interviews to support their clients but when they contact the Home Office to arrange this they do not get a response, leaving them unable to reassure the client in advance or help them cope with the pressure of the upcoming interview. HBF staff have heard from Home Office officials that they would be happy to have support workers in the room – indeed, many prefer it – but sometimes when they try to attend they are prevented access by security staff.

Case study

HBF was working with a vulnerable victim of torture for whom a medico-legal report had been written. The client's legal representative wrote to the Home Office before the interview to inform them that they would be attending the remote interview with the client. They received no reply. When the legal representative arrived, staff at the interview location were unaware of Home Office policy on asylum interviews and that interviewees have the right to have legal representatives present at asylum interviews. They initially would not let the legal representative into the building, only doing so after speaking with Home Office staff on the telephone. This was very distressing for the client.

Staff would then not allow the legal representative to sit with the client in the video-conferencing booth, saying that they must either sit separately to their client or the interview would be postponed. The client did not want to be subject to further delay so decided that they could sit separately. They had to sit in booths next to each other and the legal representative could only see the client via the video call. The legal representative was unable to see the client's body language or properly assess their level of distress/anxiety – neither was the interviewer.

The booth itself was cell-like: very small and stuffy, with no window. This environment was not suitable for clients who may feel claustrophobic. In this case, the client had a panic attack and the legal representative had to request that the interview be suspended. Had they not been there, the client would not have received the assistance they needed or may have felt pressured to continue the interview.

Recommendations

- All people seeking asylum should be able to make their own decision as to whether to have a remote interview or not. They need to be fully informed about the interview process and have the opportunity and space to make that decision, with a full understanding of the risks of going ahead with a remote interview and implications of not going ahead with one.
- All individuals should be asked in advance of the interview date whether they consent to a remote interview. They should be able to request a face-to-face interview in the same way as they might request a female/male interpreter and, where they do, that request should be granted.
- The Invitation to Interview Letter (and other relevant communications) should include a clear statement that a refusal of a remote interview will in no way impact negatively on any subsequent decisions.
- There should be a clear stage in the case management (for example in the Preliminary Interview Questionnaire) to allow people seeking asylum to explain why their case is unsuitable for a remote interview, or any interview. Even where the person consents to a remote interview, the Home Office interviewer should still rigorously apply their suitability and vulnerability criteria on an ongoing basis when considering if one is appropriate.
- Where a legal representative or authorised third sector support worker contacts the Home Office in advance of an interview, they should receive a reply to their communication.
- Reasonable adjustments under the Equality Act 2010 should be in place before the interview takes place and that they are agreed should be clearly communicated to the person concerned. The need for reasonable adjustments should be anticipated, because many people seeking asylum seeker will not know how to request them.
- The Asylum Process Instruction on Conducting Asylum Interviews should include guidance on how long remote interviews should be at a single sitting.
- Where the material facts of the claim can be established on the papers, and particularly where the client is vulnerable and may not be able to tolerate an interview without a deterioration in their mental health or engage effectively with an interview, then a grant of leave to remain should be made on the papers. Vulnerable people should only be interviewed if this is necessary to establish their claim.
- Further locations should be introduced from which individual can participate in remote interviews (in a similar fashion to the system introduced for unaccompanied children). These should allow claimants to benefit from a more accessible, less pressured and more comfortable environment in which to be interviewed.
- Trauma-informed methods of communication are essential when working with survivors remotely via video calls. More on these methods can be found in the Helen Bamber Foundation's Trauma Informed Code of Conduct,⁸ which includes a section on 'Trauma-informed methods of working for remote phone and video calls'.
- The Home Office should carry out further research on remote interviews that involves hearing from those who have actually been interviewed on their experience and suggestions.

⁸ Available at [HBF Trauma Informed Code of Conduct 2nd Edition.pdf \(helenbamber.org\)](https://www.helenbamber.org/trauma-informed-code-of-conduct-2nd-edition)