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REFUGEE, ASYLUM, AND INTERNATIONAL OPERATIONS DIRECTORATE (RAIO)



# U.S. Citizenship and Immigration Services

## RAIO DIRECTORATE – OFFICER TRAINING

### *RAIO Combined Training Program*

## INTERVIEWING – INTRODUCTION TO THE NON-ADVERSARIAL INTERVIEW

### TRAINING MODULE

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- p.14 在 Primary /secondary inspection 没有请律师的权利  
利进入custody 有请律师的权利  
面试最后,有 closing statement 的机会
- p.15 removal proceeding 是 adversarial proceeding.
- p.16 在 interview 之前 perform security check, cross-check names & aliases in database
- p.17 面试官需要以时间顺序记录下事件(受 persecution)
- p.19 interview 要成功,不能对 U.S national security 有影响
- p.20 家庭成员之间 testimony 出现不一致需要解释  
(出现 credibility issue)
- p.21 面试者不清楚问题提出来后 面试官需要 clarify
- p.23 面试者希望没有 representative 来进行面试,你必须 reschedule
- p.26 testimony inconsistent with info in form, address credibility issue
- p.27 最后可以做 final comments 或 ask question
- p.29 时间可能 increase 如果有 bar or inadmissibility ground  
需要 explore.
- D.31 interview, don't interrogate
- P.35 面试流程 step 总结
- P.37-38 面试的几个大的步骤

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Throughout this training module, you will come across references to adjudication-specific supplemental information located at the end of the module, as well as links to documents that contain adjudication-specific, detailed information. You are responsible for knowing the information in the referenced material that pertains to the adjudications you will be performing.

For easy reference, supplements for international and refugee adjudications are in pink and supplements for asylum adjudications are in yellow.

You may also encounter references to the legacy Refugee Affairs Division (RAD) and the legacy International Operations Division (IO). RAD has been renamed the International and Refugee Affairs Division (IRAD) and has assumed much of the workload of IO, which is no longer operating as a separate RAIO division.

Officers in the RAIO Directorate conduct interviews primarily to determine eligibility for immigration benefits or requests; to corroborate information provided by applicants, petitioners, and beneficiaries; and/or to establish whether a person understands the consequences of his or her actions.

The modules of the RAIO Directorate – Officer Training Program and the division-specific training courses constitute primary field guidance for all officers who conduct interviews for the RAIO Directorate. The USCIS Adjudicator's Field Manual (AFM) also provides guidance for officers when conducting interviews, particularly for officers serving in RAIO's international offices. There may be some instances where the guidance in the AFM conflicts with guidance provided by the RAIO Directorate. If this is the case, you should follow the RAIO guidance. Further guidance regarding interviews for specific applications will be discussed during division-specific trainings.

In this module, the term “interviewee” is used to refer to an individual who is interviewed by an officer in the RAIO Directorate for an official purpose.

## 1 INTRODUCTION

This is the first in a series of interviewing modules that discuss various topics including how to elicit testimony, the proper procedures for taking notes, and considerations when conducting an interview through an interpreter. This module outlines the basic principles and components of conducting a non-adversarial interview. Please refer to the other interviewing modules for additional guidance on conducting RAIO interviews.

- Interviewing – Eliciting Testimony

- Interviewing – Note-Taking
- Interviewing – Working with an Interpreter
- Interviewing – Interviewing Survivors of Torture

The following is a non-exhaustive list of immigration benefits, petitions, protection determinations, and other immigration-related requests you may encounter as an officer in the RAIO directorate:

- G-646 Sworn Statement of Refugee Applying for Admission into the United States
- I-130 Petition for Alien Relative
- I-131 Application for Travel Document
- I-407 Abandonment of Permanent Resident Status
- I-589 Application for Asylum and Withholding of Removal
- I-590 Registration for Classification as Refugee
- I-600 Petition to Classify Orphan as Immediate Relative
- I-604 Determination on Child for Adoption
- I-730 Refugee/Asylee Relative Petition
- I-881 Application for Suspension of Deportation or Special Rule Cancellation of Removal (NACARA)
- N-400 Application for Naturalization (Military Naturalizations)
- Boarding letters
- Credible fear determination
- Reasonable fear determination

## 2 AUTHORITY

The following provides the authority on interviewing for all officers who conduct interviews for the RAIO Directorate.

Eliciting testimony involves more than simply asking questions and receiving responses. You will likely need to actively draw out information from the interviewee that has a bearing on the purpose of the interview, such as an interviewee's eligibility for a benefit.<sup>1</sup>

### 3.2 Provide Information

In addition to obtaining information during the interview, you also provide information to the interviewee and to others who may be present, such as derivative family members, interpreters, and in some circumstances, witnesses or the interviewee's representative. The information you provide includes:

- The purpose of the interview and the interview process
- The roles and responsibilities of all persons involved in the interview
- What the interviewee can expect to happen after the interview

If the interviewee has questions, you will also provide information in response to those questions.

## 4 IMPORTANCE OF THE INTERVIEW

The importance of the interview cannot be overstated.

- The interview is an important part of your adjudication or determination and is one of the main tools you use to gather the information necessary to make a correct decision.
- The interview may be the only opportunity for you to elicit and clarify information upon which to base a decision.
- The decision you make, based on the information you gather at the interview, may have serious consequences.
  - Your decision may affect whether the interviewee is reunited with close family members.
  - In the protection context, an interviewee wrongly found ineligible for the benefit sought may eventually be returned to the country from which he or she fled and may thereby face persecution or even death.
  - Your decision regarding the grant of an immigration benefit could have implications for U.S. national security.

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<sup>1</sup> For additional information, see RAIO Training module, *Eliciting Testimony*.

- Interviewees may shape their opinion of the U.S. Government based on their interactions with you. While you may not remember every person you interview, this interview may be a pivotal point in an interviewee's life, and he or she will likely remember you and his or her impression of you and the U.S. Government for years to come.

Because of the importance of the interview, you must conduct yourself in a professional manner at all times, treating the interviewee with respect and courtesy. You must constantly strive to conduct organized, focused, and well-planned interviews.

## 5 THE PARTICIPANTS AND THEIR ROLES

A number of individuals may be present at an interview, each with a different role. The roles of the possible participants, outlined below, are discussed throughout this module.

### 5.1 The Officer

You are a representative of the U.S. Government and as such, you must project a competent, professional, and courteous image, and uphold the integrity of the U.S. immigration system. With this in mind, you are to conduct non-adversarial interviews in the manner described throughout this module.

Officers within RAIO include:

- International and Refugee Affairs Division (IRAD): Adjudications Officers, Overseas Adjudications Officers, Overseas Adjudications Specialists, and Supervisory Adjudications Officers (including Field Office Directors, District Directors, Deputy District Directors, and Branch Chiefs), Refugee Officers, Supervisory Refugee Officers, Fraud Detection and National Security (FDNS) Officers, and officers from other USCIS components who are detailed to IRAD to conduct refugee interviews. (Note: guidance in this module also applies to non-officers, such as Office of Chief Counsel [OCC] attorneys, who are detailed to IRAD to conduct refugee interviews)
- Asylum Division: Asylum Officers (including Senior Asylum Officers and Training Officers), Supervisory Asylum Officers (including Asylum Office Directors, Deputy Directors), and FDNS Officers

In most cases, when conducting interviews, you are both the fact-finder and the decision-maker. You control the direction, pace, and tone of the interview and have a duty to elicit all relevant testimony.

### 5.2 The Interviewee

The interviewee may be the principal applicant, a derivative family member, or witness in the case. The interviewee's role is to provide testimony and, when appropriate, other evidence.<sup>2</sup>

### 5.3 The Interpreter

The interpreter's role is to accurately interpret between the language of the interviewee and the language of the officer (English). The interpreter is not a witness and should not offer testimony, nor should the interpreter attempt to clarify the officer's or interviewee's statements or questions.<sup>3</sup>

### 5.4 The Representative

An applicant or petitioner may be represented by an attorney in the United States, an attorney outside the United States (in matters occurring outside the geographical confines of the United States), or an accredited representative of a recognized organization.<sup>4</sup> In addition, whenever an examination is required, the person involved has the right to be represented by an attorney or representative.<sup>5</sup> This does not provide any applicant for admission the right to representation, in either primary or secondary inspection or in an interview regarding a request for classification as a refugee, unless the applicant is the focus of a criminal investigation and has been taken into custody.<sup>6</sup>

The representative must file a properly completed Form G-28 Notice of Entry of Appearance as Attorney or Accredited Representative or Form G-28I Notice of Entry of Appearance as Attorney In Matters Outside the Geographical Confines of the United States, which must be signed by the applicant or petitioner.

Because of the non-adversarial nature of the process, described below, the role of the representative during the interview is minimal. You control the interview and will ask most of the questions. You may allow the representative to comment or ask questions during the course of the interview to clarify specific points. After your last question, you should give the attorney an opportunity to offer a closing statement. You have the discretion to limit the length of the closing statement, or in rare circumstances, require that a statement be submitted in writing instead.<sup>7</sup>

### 5.5 Other Participants

<sup>2</sup> 8 C.F.R. § 208.9(b).

<sup>3</sup> For additional information, see RAIO Training module, *Interviewing — Working with an Interpreter*.

<sup>4</sup> 8 C.F.R. § 103.2(a)(3).

<sup>5</sup> 8 C.F.R. § 292.5(b).

<sup>6</sup> Memorandum from Grover Joseph Rees III, INS Office of the General Counsel, to Jan C. Ting, Office of International Affairs, Representation of an Applicant for Admission to the United States as a Refugee During an Eligibility Hearing (Nov. 9, 1992).

<sup>7</sup> 8 C.F.R. § 208.9(d).

In some interviews the applicant has another person present. In the case of children, this may be a “trusted adult” who participates in order to help the child feel at ease.<sup>8</sup> In interviews of children or individuals with disabilities who may be unable to state their claim, a “trusted individual” may assist by testifying about the applicant’s circumstances.

## 6 THE NON-ADVERSARIAL NATURE OF THE INTERVIEW

It is well established that a non-adversarial approach in which the interviewer builds rapport is the most effective interview style for eliciting credible information.<sup>9</sup>

A non-adversarial proceeding is one in which the parties are not opposing each other. It differs from an adversarial proceeding, such as civil and criminal court proceedings, in which parties oppose each other by advocating their mutually exclusive positions before a neutral arbiter until one side prevails and the other side loses. A removal proceeding before an immigration judge is generally an adversarial proceeding because the Immigration and Customs Enforcement (ICE) attorney represents DHS in removal proceedings.<sup>10</sup>

In conducting an interview for an immigration benefit as well as other RAIO interviews, you are usually the only person who questions the interviewee. With a request for a benefit, the primary intent of USCIS is to determine whether the principal interviewee qualifies for a benefit. It is not the role of the interviewer to oppose the principal interviewee’s request or application. Because the process is non-adversarial, it is inappropriate for you to interrogate or argue with any interviewee. You are a neutral decision-maker, not an advocate for either side. In this role you must effectively elicit information from the interviewee in a non-adversarial manner, to determine whether he or she qualifies for the benefit.

Additionally, RAIO interprets the term “non-adversarial interview” to encompass not only the manner of questioning as described above, but also the tone and atmosphere in which you must conduct interviews. It is your job to maintain a neutral and professional demeanor even when confronted with interpretation problems, a difficult or challenging interviewee or representative, or an interviewee whom you suspect is being evasive or untruthful. Your personal feelings about the participants in the interview should not affect the quality of your interview or your decision.

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<sup>8</sup> Memorandum from Jeff Weiss, INS Office of International Affairs, to Asylum Officers, Immigration Officers, and Headquarters Coordinators (Asylum and Refugees), Guidelines for Children's Asylum Claims, 120/11.6 (Dec. 10, 1998); for additional information, see RAIO Training module, *Children's Claims*.

<sup>9</sup> Amina Memon, et al., “The Cognitive Interview: A Meta-Analytic Review and Study Space Analysis of the Past 25 Years,” *Psychology, Public Policy and the Law* 16, no. 4, 2010, pp. 340–372; Ronald P. Fisher and R. Edward Geiselman, “The Cognitive Interview method of conducting police interviews: Eliciting extensive information and promoting Therapeutic Jurisprudence,” *International Journal of Law and Psychiatry* 33, 2010, pp. 321–328.

<sup>10</sup> USCIS, Adjudicator’s Field Manual (AFM), Appendix 15-2 Non-Adversarial Interview Techniques.

The non-adversarial nature of the interview allows the applicant to present a claim in an unrestricted manner, within the inherent constraints of an interview before a government official. An interview before a government official may be intimidating to an applicant for various reasons, including, but not limited to, the following:

1. Prior negative experiences with authority figures
2. Trauma from sudden flight from the country of origin, or other causes
3. Perceived or real differences between the applicant's culture and the culture of the government official conducting the interview
4. Fear of sharing information of a highly personal or sensitive nature

## 7 THE COMPONENTS OF AN INTERVIEW

Although you will develop your own interview style, the following components are required components of every officer's interviews:

- Pre-Interview Preparation
- Introduction
- Oath
- Verification of Basic Biographical Information
- Testimony
- Closing Statement/Comment/Questions by Interviewee and/or Representative
- Conclusion

### 7.1 Pre-Interview Preparation

Preparing for the interview helps you identify the issues to focus on and to formulate meaningful questions to ask during the interview to gather the facts needed to support your decision. Before each interview you must analyze the case and assess the evidence in the record by reviewing the file, performing security checks, and, in many instances, reviewing relevant country of origin information.

As you review the file, you should read the application and any accompanying statements and supporting documents. You should also cross-check names and aliases of the principal interviewees and dependents against other documents in the file and available databases. In addition, you must be alert to indications that you will need to follow special procedural guidance or modify your questioning techniques; for example, when interviewing children, possible trafficking victims, or individuals who may pose a threat to national security [Asylum Adjudications Supplement – Pre-Interview Preparation].

**面试官需要以时间顺序记录下事件(免 persecution)**

This preparation helps you to establish the chronology of events of a case, determine lines of questioning, and, where relevant, identify gaps, inconsistencies, or potential bars you will need to address during the interview<sup>11</sup> [International and Refugee Adjudications Supplement – Pre-Interview Preparation].

As noted below in *Interviewing Tips*, an outline or checklist of the main points you want to address in the interview may be helpful. You may create such a checklist yourself for each case or use common checklists created by each division. Before a refugee or asylum interview, you could write a chronology of events leading to the interviewee's departure from his or her country and refer to it during the interview. If using an outline, checklist, or chronology, be sure that it does not distract you from asking necessary follow-up questions during the interview or from actively listening to and evaluating the interviewee's responses or questions.

~~确保环境正式~~  
It is essential that the interviewee appreciate the importance and seriousness of the proceedings. Therefore, the setting in which the interview takes place must be orderly and official in appearance.<sup>12</sup>

Before beginning an interview, you should take particular care to remove from the interview area all files and documentation relating to other interviewees. This ensures confidentiality and prevents documents from being placed in the wrong file.

## 7.2 Introduction to the Interview

The introduction to the interview includes greeting the parties and explaining what will happen during the interview. You will develop your own style for handling the introduction. Your manner during the introduction sets the tone for the interview. The introduction is your best opportunity to establish rapport<sup>13</sup> with the interviewee. Your introduction should help put the interviewee at ease, thus facilitating the flow of information and allowing you to elicit the information that you need throughout the interview. Whatever approach you choose, you must conduct the entire interview in a non-adversarial manner.

### Greet the Parties

You should greet the interviewee and any other participants present at the interview and establish the identities of all parties. You should introduce yourself and any other

<sup>11</sup> See also European Asylum Curriculum (EAC) #6 – Interview Techniques, Sub-module 1: Conducting the Interview, Unit 1.1 Preparation of the Case, “Case preparation.”

<sup>12</sup> USCIS, Adjudicator's Field Manual (AFM), Chapter 15.2 *Interview Environment*.

<sup>13</sup> For additional information on establishing rapport, see RAIO Training module, *Interviewing - Eliciting Testimony*.

that he or she must not become involved in the interview process. You should also watch for any red flags which may suggest problems or irregularities with the relationship between the “trusted adult” and the child, and should consult your supervisor if you suspect any wrongdoing on the part of the “trusted adult” or other accompanying adult. *See also “Trafficking or Other Forms of Coercion,” below.*

- Validity of Family Relationships

In some interviews, you will have to determine whether the relationship between the primary applicant and a relative listed on the application form is genuine.

*Example*

In the adjudication of a Form I-590, *Registration for Classification as Refugee*, where the primary applicant has listed seven minor dependent children, you may interview some of the children separately to ensure that they are in fact part of the same family unit. If you believe that some or all of the relationships are not as claimed on the I-590, it is best to interview each child separately, so that blame for a denial does not fall on one or two children, who may be harmed as a result.

- Trafficking or Other Forms of Coercion

You may become concerned that the interviewee is in a vulnerable situation in relation to another party present at the interview. These are sensitive situations, and you must proceed with caution. While you may attempt to interview an interviewee apart from a suspected trafficker who may represent himself or herself as a party to the interview (such as a guardian, companion, or interpreter), you must also ensure that you are not violating the interviewee’s right to representation or exposing the interviewee to possible reprisal from the trafficker. In such situations you should seek supervisory guidance before separating an interviewee from another party to the interview.<sup>15</sup>

- National Security Risks

If you discover during your interview preparation or during the interview that the interviewee may have provided support to a terrorist group or may have been involved in a terrorist activity or in another act that could negatively impact public safety or national security, contact your supervisor.<sup>16</sup>

**Explain the Purpose of the Interview**

You must explain that the purpose of the interview is to:

<sup>15</sup> For additional information, see RAIO Training module, *Detecting Possible Victims of Trafficking*.

<sup>16</sup> For additional information, see the specific procedures for your division and RAIO Training module, *National Security: Terrorism Related Inadmissibility Grounds*.

- Give the interviewee an opportunity to explain why he or she submitted the application or requested the benefit.
- Allow the interviewee to present evidence of eligibility.
- Allow you to gather necessary information from the interviewee and any witnesses.
- Provide information to the interviewee concerning the application process.

### Explain Confidentiality

All asylum and refugee interviews are confidential.<sup>17</sup> Asylum confidentiality standards are formalized in the regulations. In the asylum context, absent the applicant's consent, you are generally prohibited from disclosing information contained in or pertaining to any asylum application to individuals other than the applicant. This includes acknowledging the existence of an asylum application. This restriction on disclosure does not apply to releasing information to the applicant's representative. The regulation also has exceptions on the prohibition on disclosure for certain U.S. Government officials and certain U.S. courts with a need to know the information.<sup>18</sup> Confidentiality provisions for asylum applicants contained in 8 C.F.R. § 208.6 also apply to the beneficiaries of I-730 petitions, whether they are following-to-join asylees or refugees. They also generally govern the disclosure of information related to credible fear and reasonable fear determinations, as well as to applications for withholding or deferral of removal under Article 3 of the Convention Against Torture, which are encompassed within the asylum application.<sup>19</sup>

*家庭成员之间 testimony 出现不一致 需要解释*  
As a matter of policy, adjudications in the refugee context follow the same confidentiality guidelines as asylum, with one limited exception:

- When a credibility issue arises based on conflicting testimony by family members who are part of the same case or a cross-referenced case, information provided by one family member should be shared with another family member to give the applicant(s) an opportunity to explain the discrepancies.

<sup>17</sup> Immigration and Nationality Act (INA) § 245A(c)(5); Memorandum from Barbara L. Strack, Chief, Refugee Affairs Division and Joanna Ruppel, Chief, International Operations Division, USCIS, to Refugee Affairs Division, *Information Consent Form for Use in Refugee Interviews*, 120/6 (Jun. 17, 2009).

<sup>18</sup> The Secretary may disclose asylum related information. Only your supervisor or upper management may decide whether an exception on the prohibition on disclosure exists. For additional information, refer to the *Identity and Security Check Procedures Manual (ISCPM)*.

<sup>19</sup> See *Asylum Confidentiality Memos*: Memorandum from Joseph E. Langlois, Director, Asylum Division, to Asylum Office Directors and Deputy Directors, *Fact Sheet on Confidentiality*, HQASM 120/12.8 (Jun. 15, 2005); and Memorandum from Bo Cooper, INS Office of the General Counsel, to Jeffrey Weiss, Director, Office of International Affairs, *Confidentiality of Asylum Applications and Overseas Verification of Documents and Application Information*, HQCOU 120/12.8 (Jun. 21, 2001).

You are required to safeguard information and may not disclose it unless one of the exceptions to the disclosure restrictions applies. You must know if any prohibitions on disclosure exist for the benefit being adjudicated, and inform interviewees of the applicable confidentiality provisions.

Interviewees may be hesitant to disclose information if they believe it is not confidential because:

- Descriptions of past events may be highly personal.
- Interviewees may fear harm to themselves or others as a result of disclosing certain information.
- Interviewees may fear for the lives and safety of family members and friends.

Remember that many interviewees are from countries where the government does not value or protect the privacy of its citizens. Therefore, it may be difficult for some interviewees to understand the term “confidentiality.” In the overseas refugee context, officers are provided specific language to assist the applicant in understanding confidentiality and what it means to waive confidentiality or otherwise disclose information under certain circumstances.<sup>20</sup>

### **Explain Other Aspects of the Interview Process**

You can help alleviate some of the interviewee’s nervousness by explaining the process of the interview so that the interviewee will know what to expect. The interviewee should be informed that:

- It is important that you and the interviewee understand each other.
- The interviewee must answer your questions truthfully and to the best of his or her knowledge.
- The interviewee must tell you if he or she does not know the answer to a question, rather than guess at or supply an answer he or she thinks you want to hear.
- It is crucial that the interviewee understand each question and if he or she does not understand a question, he or she must let you know so that you may clarify it. (Due to cultural barriers or fear of authority figures, many interviewees will not ask for clarification when they do not understand your question.)
- He or she should not ask the interpreter for help or clarification, because the interpreter’s role is only to interpret what each party says.

<sup>20</sup> See Memorandum from Barbara L. Strack, Chief, Refugee Affairs Division and Joanna Ruppel, Chief, International Operations Division, USCIS, to Refugee Affairs Division, *Information Consent Form for Use in Refugee Interviews*, 120/6 (Jun. 17, 2009).

- You will take notes during the interview to remember what was said during the interview.
- The interviewee may ask questions at any time during the interview.
- All the information in the notes is also confidential and will not be shared with unauthorized individuals.  
*最后向面试者有什么 additional statements 需要添加*
- You will allow the interviewee time at the end of the interview to make any additional statements, including information that you did not ask about that he or she thinks is important and would like to add.
- You will carefully consider the information the interviewee provides to determine eligibility for the benefit.
- At the end of the interview, you will tell the interviewee how he or she will be notified of the decision on the case.

### **Advise the Interpreter**

The interpreter's role is to interpret as accurately as possible what the officer and interviewee say during the interview. You must advise the interpreter that he or she is a conduit of communication and must not add nor detract from your statements or the interviewee's statements. Officers in the RAIO Directorate should follow their division-specific guidance when advising interpreters about confidentiality requirements and their oath to interpret truthfully and accurately.<sup>21</sup> [International and Refugee Adjudications Supplement – Interpreters for Refugee Interviews]

### **If a Representative Is Present at the Interview**

If a representative is present, you must:

- Review form G-28 Notice of Entry of Appearance as Attorney or Accredited Representative or form G-28I Notice of Entry of Appearance as Attorney In Matters Outside the Geographical Confines of the United States to verify that it has been properly executed;<sup>22</sup> or
- If the representative and/or the interviewee have not signed the form, ask them to do so at the interview; or
- If no form is in the file, ask the representative to submit one before beginning the interview.

<sup>21</sup> For additional information, see RAIO Training module, *Interviewing – Working with an Interpreter*.

<sup>22</sup> 8 C.F.R. § 292.4.

You also must verify that the representative at the interview is the same person who signed the G-28 or G-28I. If the representative present is not the representative listed on the G-28, follow the guidance below.

- If the representative appearing at the interview is from the same office as the representative who submitted the G-28, he or she must sign the form and correct any information on it, as appropriate.
- If the representative appearing at the interview is not from the same office as the representative who submitted the G-28, he or she must submit a new G-28.

You must clarify with the interviewee whether the new representative is representing him or her for purposes of the interview only or is replacing the original representative, in which case you should annotate the original G-28 to reflect the change in representation.

If the representative has submitted a G-28 or G-28I but is not present, you must inform the interviewee that he or she has a right to have a representative present at the interview. If the interviewee wishes to proceed without the representative, the interviewee must sign a waiver form before the interview can be conducted. If the interviewee does not wish to proceed without the representative, you must reschedule the interview.

### ~~Cooperative Relationship Between the Representative and the Officer~~

You and the representative are not adversaries. Therefore, some actions that may be appropriate for attorneys in an adversarial setting may not be appropriate in the non-adversarial interview, where you and the representative share a cooperative role in developing and clarifying the merits of the interviewee's claim.

In certain instances it may be appropriate for the representative to comment during the course of the interview to clarify issues. Such comments may be helpful and should not be discouraged. However, you must retain control of the interview. If the representative repeatedly interrupts or otherwise disrupts the interview, ask the representative to refrain from interrupting and explain that he or she will have an opportunity at the end of the interview to ask questions and make comments.

If you encounter a representative who is unaware of the non-adversarial nature of the interview, you may need to advise the attorney of his or her role in this proceeding. In doing so, you must always conduct yourself professionally.

You must inform the representative that he or she will be allowed to make a closing statement, comment on the evidence presented, and ask the interviewee additional questions. You have the discretion, however, to limit the length of the statement or request that it be submitted in writing, in lieu of an oral statement at the end of the

interview.<sup>23</sup> You also have the discretion to have the attorney suggest questions for you to ask rather than allowing the attorney to question the interviewee directly.

### 7.3 Oath

Interviewees and witnesses must be placed under oath before testifying. You must place all interviewees under oath before asking any questions related to the claim or application. You, the interviewee, and the interpreter should stand during the administration of the oath unless physically unable to do so.

The oath should be administered in a way that impresses upon the interviewee the importance of the occasion and the testimony he or she is about to give. A suggested explanation of the oath follows:

“I am now going to place you under oath. This means that I am going to ask you to vow or promise to tell the truth. Once you are placed under oath, I will expect that what you tell me will be the truth to the best of your knowledge.”

The Refugee Affairs Division has developed specific language for the oath [International and Refugee Adjudications Supplement – Oaths].

The fact that the interview is being conducted under oath or affirmation should be recorded in the interview notes. If a verbatim question-and-answer statement is taken, the exact wording of the oath or affirmation should be included in the statement [Asylum Adjudications Supplement – Oath].

If an interpreter is present, you must administer a separate oath to the interpreter.

### 7.4 Verification of Basic Biographic Information

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You must verify with the interviewee all of the biographical information on the application form. Techniques for gathering this information are elaborated in RAIO Training module, *Interviewing – Eliciting Testimony*.

#### Review the Form

You must verify and, if necessary, update or correct information on the form. Someone other than the interviewee may have completed the form, or information about the interviewee may have changed since the form was filed. As a result, some of the information on the form may not be correct [Refugee and International Adjudications Supplement – Review the Application Form]. Please keep in mind that the interviewee may not be aware of all of the information that has been submitted on his or her behalf. Any corrections must be made in red ink and numbered. At the end of the interview, the interviewee must provide a signature to confirm all changes made to the form.

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<sup>23</sup> 8 C.F.R. §208.9(d).

You must be certain that the form contains the interviewee's full and correct name, plus any aliases (for refugee interviews, see Standard Operating Procedure for Form I-590). Aliases are any other names the interviewee has used, including maiden names, nicknames, hyphenated names, abbreviated names, baptismal names, and alternate order of first and last names. You must also note any variation in birth date that the interviewee has used. Different calendars and cultural practices can lead to confusion about dates of birth. You must confirm all dates in addition to places of birth, address, and entry information, and you must confirm that all other biographical information on the form is current and correct.

You must also compare information on the form with other documentation in the file and documents presented by the interviewee at the interview, such as birth certificates, marriage and divorce certificates, death certificates, school records, baptismal certificates, and passports. If the interviewee has dependents, verify that the biographical information for each is also correct.

### **Review Documents**

The interviewee may submit documents with his or her application or petition and may bring additional documents to the interview.

Although interviewees are not always required to submit identity documents, you must ask the interviewee and dependents if they have such documents. Examples include identity documents from the interviewee's country, the United Nations High Commissioner for Refugees (UNHCR), the United States, or other governmental sources.

If the interviewee does not have identity documents, and he or she is from a population that ordinarily possesses identity documents, you should ask the interviewee to explain why he or she does not have these documents.

If the interviewee submits an original document with copies of the document, you should retain the copies for the file, write or stamp on the copies "original seen and returned," and sign and date each copy below this statement.<sup>24</sup>

Similarly, if the interviewee presents an original document for which there are copies in the file, you should write or stamp on the file copies that the "original was seen and returned" and sign and date the file copies. If the interviewee has only photocopies of a document, you should write on the copies retained for the file "from photocopy," and sign and date each one. You should also inquire as to why the applicant does not possess the original document.

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<sup>24</sup> For additional information, see RAIO Training modules, *Evidence and Fraud*.

Guidance on how to proceed if you encounter a document that appears to be fraudulent is provided in RAIO Training module, *Fraud*.

### **Correct the Form**

Any corrections to the form must be made in red ink on the record copy of the form, crossing out the original information so that it is still legible. This includes corrections to a personal statement attached to the Form I-589 in asylum processing and the Resettlement Support Center (RSC) case history attached to the Form I-590 in overseas refugee processing.

At the beginning of the interview, you should ask the interviewee and the interviewee's representative, if any, if they would like to make any corrections on the personal statement or RSC Case History.

The corrections must be numbered so that they can be explained to the interviewee before he or she signs the form at the end of the interview to verify that the application form is accurate. If the interviewee does not alert you to any corrections before the interview begins, and his or her testimony is inconsistent with information on the form, you must address material credibility concerns with the interviewee. However, it is important to remember that the applicant may not have prepared this form and may not be fully aware of its contents.<sup>25</sup>

### **7.5 Testimony**

Because this is a non-adversarial proceeding and you are the fact-finder in the case, you are responsible for eliciting all relevant information from the interviewee.<sup>26</sup> Although you must cover all of the information requested in the application form, you should not simply ask the interviewee the same questions as those on the form. Instead, you should use a variety of techniques that provide the interviewee an opportunity to speak in his or her own words.<sup>27</sup>

#### **Allow Applicant to Clarify Inconsistencies**

If any of the information in the form conflicts with the interviewee's interview testimony, or if you notice inconsistencies within the interviewee's interview testimony, you must give him or her an opportunity to explain the discrepancies. You must correct the application form when necessary, advising the interviewee of the corrections.

You must pursue all relevant lines of questioning, until you are certain that you have sufficient pertinent information to make a determination on the interviewee's claim. You

<sup>25</sup> For additional information, see RAIO Training modules, *Credibility and Evidence*.

<sup>26</sup> 8 C.F.R. § 208.9(b); *UNHCR Handbook*, para. 196.

<sup>27</sup> For additional information on methods and issues related to eliciting testimony, see RAIO Training module *Interviewing – Eliciting Testimony*.

must also allow the interviewee to ask questions as appropriate and to submit additional documents at the interview in support of his or her claim.

You must learn to distinguish between the likelihood that the interviewee is confused and the possibility that his or her non-responsiveness is an attempt to receive a benefit by fraud. If the interviewee does not appear to understand your question, you should ascertain whether there is a problem with the interpretation or with your phrasing of the question. However, if the interviewee appears to understand your question and is being evasive or non-responsive, or presents inconsistent or implausible testimony, you must confront the interviewee and give him or her an opportunity to explain. Proper confrontation of an interviewee is not hostile or challenging. By confronting an interviewee, you merely make the interviewee aware of your concerns, and provide the opportunity to address them.<sup>28</sup>

## 7.6 Closing Statement/Comment/Questions by Interviewee and/or Representative

As noted above, at the end of the interview, you should allow the interviewee and, if present, the representative, to make final comments or ask questions after you have finished asking your questions.

### Signatures on Form

*最后可以做final comments or ask questions*

You and the interviewee must sign the record copy of the form. You must note the corrections made to the form, explain them to the interviewee, and inform the interviewee that, by signing the application, he or she is affirming that all the information in the form is true and correct as of the date of the interview.

### Requests to Submit Additional Documents

In certain cases, you may request that the interviewee submit additional documentation as evidence in support of his or her claim.<sup>29</sup>

### Explanation of the Next Steps in the Process

In most cases, you will not inform the interviewee of the decision at the end of the interview. Instead, you will advise the interviewee as to how he or she will receive the decision. These procedures vary, depending on the form type and interview location.

### Exit Procedures

At every interview location, you must follow local exit procedures at the conclusion of the interview. Before beginning your first interview, you should be familiar with the local procedures. For example, in most locations a waiting area is set apart from the interview

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<sup>28</sup> For additional information, see RAIO Training modules, *Credibility and Evidence*.

<sup>29</sup> For additional information, see RAIO Training module, *Evidence*.

All of these factors have the potential to increase the interviewee's level of stress or otherwise impede the smooth flow of the interview.

The interpreter, representative, witness, or other participants in the interview may have their own concerns, such as their ability to interpret correctly, or to represent or testify on behalf of the interviewee in such a way as to assist the interviewee most effectively. In some cases, those accompanying the interviewee may have an ulterior motive to commit fraud on behalf of the interviewee.

You are responsible for monitoring your stress level as well as identifying and mitigating the stressors that may affect all other participants at the interview.

## 8.2 Time Constraints

As the interviewing officer, you are obligated to collect as much relevant information as possible within the time period allocated by your division or local office to conduct an interview. The tasks and time involved in completing a particular interview may increase when:

- A complicated story takes additional time to fully elicit
- A potential bar or ground of inadmissibility needs to be explored
- Several dependents on the case require interview and processing, and/or
- A dependent must be added or deleted

To accomplish all of the required tasks successfully, you must work expeditiously within predetermined time constraints. Always be mindful of the need to gather enough information to make a legally sufficient adjudication.

## 8.3 Your Personal Experiences

During the interview, you should not allow your personal life experiences and biases to influence you either in favor of or against the interviewee. You should never approach the interview with a preconceived notion of the outcome.

# 9 INTERVIEWING BEST PRACTICES

The following tips may help you to maintain control and elicit all necessary information at the interview.<sup>31</sup>

## 9.1 Be Organized

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<sup>31</sup> For additional information, see RAIO Training Modules, *Cross-cultural Communication and Interviewing – Working with an Interpreter*.

focus on what the interviewee is saying, rather than on the question you plan to ask later. Use a notepad or piece of paper at the side of the desk, or create a place on your computer document to jot down any specific questions or lines of questioning that come to mind that you want to ask later. Refer to these notes later in the interview to be reminded of the additional questions that you need to ask.<sup>32</sup>

### **Have a Map or Atlas at Hand**

The interviewee may be able to identify important locations on a map, such as where he or she lived, moved, or traveled. Keep in mind, however, that some interviewees may never have seen a map and may not know how to read one. In addition, some interviewees may never have traveled beyond their villages or towns. Their view of “distance” may be confined to the distance between their home and their field or the market. Furthermore, such interviewees may not measure distance in terms of miles or linear measurements, but rather according to another form of measurement, such as the length of time it takes to arrive at a destination, or landmarks along the way.

## **9.2 Interview, Don’t Interrogate**

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Your questioning must be done in a professional, non-threatening, and non-accusatory manner.

### **Treat the Interviewee with Respect**

As an officer in the RAIO Directorate, you should treat the interviewee with respect regardless of his or her eligibility for the benefit being sought. Similarly, you must treat the interviewee with respect even if he or she is not forthcoming with information during the interview, or does not seem to understand the process. You cannot know all of the factors that motivated the interviewee to apply for the benefit he or she is seeking, or what events have transpired in the interviewee’s life before this moment. For these reasons, you should treat every interviewee with respect and consideration.

You must not show impatience or incredulity, even though you may have heard similar stories from many interviewees or you find the interviewee’s testimony implausible.

Even the most self-possessed officer may feel annoyed if it appears that an interviewee is not being truthful during an interview, but you must refrain from expressing emotions such as annoyance either verbally or non-verbally.

### **Maintain a Neutral Tone throughout the Interview**

It is important that you always maintain a neutral tone, even when frustrated. You occasionally may be frustrated with interviewees who are long-winded, discuss issues

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<sup>32</sup> For additional information, see RAIO Training module, *Interviewing - Note Taking*.

irrelevant to the claim, are confused by your questions, or appear to be fabricating a claim.

### **Be Non-Judgmental and Non-Moralistic**

Some information you gather during an interview may shed a negative light on the interviewee. How an interviewee reacts to or handles a particular situation may differ from how you think the situation should have been handled. The interviewee may have left family members behind in difficult or dangerous circumstances, or the interviewee may belong to an organization for which you have little respect.

Although you may feel offended by some interviewees' actions, you must put personal feelings aside and avoid passing moral judgments on interviewees in order to make neutral, legally sound decisions.

### **Create a Comfortable Atmosphere**

Create an atmosphere in which the interviewee can freely express his or her claim. You should attempt to put the interviewee at ease at the beginning of the interview and continue to do so throughout the interview. Physical discomfort may also impede communication. If the interviewee has been testifying for an extended period of time, it may be appropriate to suggest that you take a break to use the restroom or get a drink of water.

### **Treat Each Interviewee as an Individual**

Although many claims may be similar, each claim must be evaluated on its own merits, and each interviewee must be treated as an individual. You must approach each interviewee without any predisposition to grant or deny the benefit sought.

### **Be Mindful of Potential Biases**

Everyone develops individual preferences, biases, and prejudices based on personal life experiences. This influences how you view others and how you perceive circumstances, either negatively or positively. You must make continual efforts to become aware of instances in which this can influence your approach to interviews, either positively or negatively, such that it becomes "personal baggage."

The following types of biases encountered in other interview settings, such as job applicant interviews, may also apply in a RAIO interview setting.

- **Halo effect:** The interviewee's strength in one area causes you to view the other areas positively without fully considering or exploring them.
- **First impression:** The interviewee is judged before having a fair chance to respond to your questions.

or her with the specific credibility problem and by giving him or her an opportunity to explain.

Confronting an interviewee does not require you to challenge or become hostile toward the interviewee. Rather, confronting an interviewee merely makes him or her aware of your specific concerns and gives the interviewee the opportunity to address the concerns.<sup>33</sup>

The non-adversarial nature of the interview allows the interviewee to present a claim in as unrestricted a manner as possible, within the inherent constraints of an interview before a government official. An interview with a government official may be intimidating to an interviewee. Interviewees may feel vulnerable and threatened during an interview with you, as a representative of the U.S. Government, because of:

- Negative experiences with authority figures
- Differences between the interviewee's culture and yours
- Fear of exposing highly personal or sensitive information
- Trauma due to a variety of reasons, including sudden flight from the country of persecution
- Fear of an agent or trafficker who smuggled the interviewee, if the interviewee was trafficked

### 9.3 Maintain Control of the Interview

During the entire interview, you must not only remain alert to information from the interviewee, but must also be aware of more general factors affecting the flow of communication.

#### Promote Effective Exchange of Information

To the extent that it is possible, try to eliminate factors that limit or prevent an effective exchange of information during the interview. If the interviewee appears to be uncomfortable disclosing part of the claim in front of family members, you may ask family members to wait in the waiting room. If the interpreter is having difficulty interpreting a question, think of a different way to ask the question or obtain the information. Always be on the lookout for anything you can do that can facilitate the flow of information.

#### Keep the Interview Focused

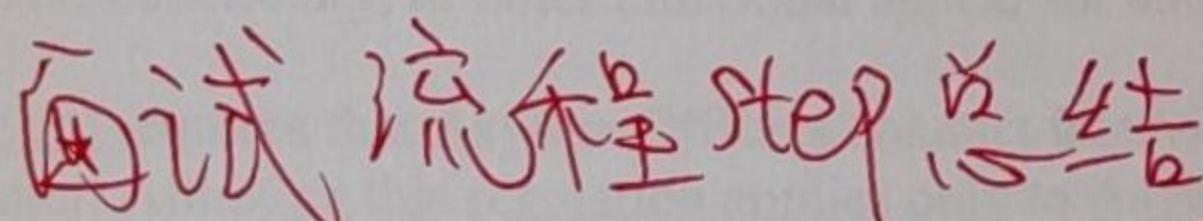
In order to conduct efficient interviews, you should limit questions to topics that are relevant to the purpose of the interview.

<sup>33</sup> For additional information, see RAIO Training module, *Evaluating Evidence*.

#### 9.4 Practices to Avoid

- Do not over-empathize with the interviewee.
- Do not ask questions that are not relevant to the adjudication in question.
- Do not eat, drink, answer the phone, or engage in other personal behavior during the interview.

#### 10 CONCLUSION



You play multiple roles in the adjudication process. As both the fact finder and neutral decision-maker, you must elicit testimony from the applicant, maintain a neutral tone throughout the process, and create an atmosphere in which the interviewee can freely express his or her claim. The interview is your opportunity to probe into all material elements of the interviewee's claim to determine eligibility for the benefit sought. You must develop strong interviewing skills that allow you to elicit expeditiously and efficiently all necessary testimony to make a decision.

Although you will develop your own style over time, for each interview you must:

- Thoroughly prepare, including file review, country of origin research, security checks, and electronic data base searches, before inviting the interviewee into your office
- Greet the parties and establish rapport
- Explain the interview process
- Place parties under oath, as necessary
- Verify identity, address, contact, and all biographical information on the forms
- Correct errors or update information that may have changed since the form was completed
- Elicit testimony regarding the claim and ask all relevant follow-up questions
- Confront the interviewee with material credibility issues and allow him or her an opportunity to explain
- Allow the interviewee and representative to make final comments and ask questions to provide information not already covered during interview
- Sign the application form and obtain all necessary signatures
- Advise the interviewee of the decision notification process

## 11 SUMMARY

### 11.1 Authority

The following authorizes USCIS officers to conduct interviews:

- 8 C.F.R. § 103.2(b)(9) gives the authority to USCIS to require that an applicant, petitioner, sponsor, beneficiary, or other individual appear for an interview.
- 8 C.F.R. § 208.9(b) requires that Asylum Officers conduct interviews in a non-adversarial manner. Although this regulation applies only to Asylum Officers, as a matter of policy, officers in the RAIO Directorate must conduct interviews in a non-adversarial manner.
- 8 C.F.R. § 207.2(b) gives the authority to USCIS to require that each applicant 14 years and older appear in person before an Immigration Officer for an inquiry under oath to determine his or her eligibility for admission as a refugee.
- INA § 287(b) gives the authority to USCIS officers to administer oaths and to take and consider evidence concerning the privilege of any person to enter, reenter, pass through or reside in the United States.

### 11.2 The Purpose of the Interview

#### 11.2.1 To Gather Information

At an interview you elicit information to:

- Verify the identity of those present at the interview
- Determine whether to proceed with the interview, based on factors such as jurisdiction and availability of accurate interpretation
- Evaluate credibility and determine eligibility for the benefit being sought
- Determine whether the interviewee is subject to any bars or grounds of inadmissibility

#### 11.2.2 To Provide Information

At an interview you provide information to the interviewee about:

- The purpose of the interview and the interview process
- The roles and responsibilities of all persons involved in the interview
- What the interviewee can expect to happen during and after the interview

### 11.3 Importance of the Interview

- The interview, as the basis for your determination, may be the only opportunity for you to obtain accurate and complete information from the interviewee.
- The interview may be the only opportunity for you to elicit and clarify information upon which to base a decision.
- The decision you make, based on the information you gather at the interview, may have serious consequences.
- Interviewees may shape their opinion of the U.S. Government based on their interactions with you.

### 11.4 The Participants and Their Roles

#### *The Officer*

You are a representative of the U.S. Government and must project a competent, professional, and courteous image, and uphold the integrity of the U.S. immigration system.

#### *The Interviewee*

The interviewee may be a principal applicant, a derivative family member, or a witness in the case.

#### *The Interpreter*

The interpreter's role is to accurately interpret between the language of the interviewee and English.

#### *The Representative*

An applicant or petitioner may be represented by an attorney in the United States, an attorney outside the United States (in matters occurring outside the geographical confines of the United States), or an accredited representative of a recognized organization.

#### *Other Parties*

Other parties may be present at the interview, depending on the circumstances. For example, some children or applicants with disabilities may need the assistance of a relative or guardian to present their claim.

### 11.5 The Components of an Interview

- Pre-Interview Preparation

- Introduction
- Oath
- Verification of Basic Biographical Information
- Testimony
- Closing Statement/Comments/Questions by Interviewee and/or Representative
- Conclusion

#### II.6 Interviewing Tips

- Be organized
  - Use an outline or checklist to ensure that all necessary information is covered.
  - Develop time-management skills.
  - Record questions as they arise as a reminder to ask them later in interview.
  - Have a map or atlas at hand.
- Interview, don't interrogate
  - Treat the interviewee with respect.
  - Maintain a neutral tone throughout the interview.
  - Be non-judgmental and non-moralistic.
  - Create a comfortable atmosphere.
  - Treat each interviewee as an individual.
  - Be mindful of potential biases.
  - Have patience.
  - Ensure that all parties to the interview remain non-adversarial.
  - Do not intimidate, harass, or embarrass the interviewee.
- Maintain control of the interview
  - Promote effective exchange of information.
  - Keep the interview focused.
  - Treat the applicant with respect.
  - Maintain a neutral tone throughout the interview.
  - Be non-judgmental and non-moralistic.
  - Create an atmosphere in which the interviewee can freely express his or her claim.