



U.S. Citizenship and Immigration Services

RAIO DIRECTORATE – OFFICER TRAINING

RAIO Combined Training Program

**INTERVIEWING –
ELICITING TESTIMONY**

TRAINING MODULE

This Page Left Blank Intentionally

RAIO Directorate – Officer Training / *RAIO Combined Training Program*

ELICITING TESTIMONY

Training Module

MODULE DESCRIPTION

Through discussion and practical exercises, this training module instructs students on how to elicit information from an interviewee in a non-adversarial manner: how to probe appropriately to elicit necessary information, the types of questions to ask, and questioning techniques to use.

TERMINAL PERFORMANCE OBJECTIVE(S)

During a non-adversarial interview, you (the Officer) will be able to elicit all relevant information to properly adjudicate the petition or application, or to act on a request.

ENABLING PERFORMANCE OBJECTIVES

1. Explain how to elicit biographical information from an interviewee.
2. Explain how to elicit information pertaining to eligibility for an immigration benefit or request.
3. Explain how to elicit information pertaining to possible mandatory bars, inadmissibility grounds, or discretionary grounds for denial or referral.
4. Explain different questioning techniques and when it is appropriate to use them.
5. Explain how to ask follow-up questions to obtain additional information for the adjudication.

INSTRUCTIONAL METHODS

Interactive presentation, discussions, practical exercises

METHOD(S) OF EVALUATION

- Written exam
- Practical exercise exam

REQUIRED READING

None

ADDITIONAL RESOURCES

1. Amina Memon, Christian A. Meissner and Joanne Fraser, “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. Available at http://works.bepress.com/cgi/viewcontent.cgi?article=1057&context=christian_meissner.
2. Ronald P. Fisher & 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. Available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1696130.

[Additional Resources – International and Refugee Adjudications](#)

[Additional Resources - Asylum Adjudications](#)

CRITICAL TASKS

Task/ Skill #	Task Description
ILR28	Knowledge of policies and procedures for processing claims for individuals with disabilities (3)
ITS1	Skill in identifying the most appropriate interview technique (e.g., yes/no, open-ended) (4)
ITS2	Skill in organizing and sequencing interview questions to elicit information (4)
ITS3	Skill in framing interview questions and requests for information (4)
ITS4	Skill in asking appropriate follow-up interview questions (4)
ITS5	Skill in maintaining control of interviews (4)
ITK4	Knowledge of strategies and techniques for conducting non-adversarial interviews (e.g., question style, organization, active listening) (4)
ITK6	Knowledge of principles of cross-cultural communication (e.g., obstacles, sensitivity, techniques for communication) (4)
RI2	Skill in identifying the information required to establish eligibility (4)
C1	Skill in communicating with others in a direct manner (4)
C2	Skill in communicating difficult or contentious information with concerned parties (e.g., attorney, applicant, supervisor) (4)
C4	Skill in active listening (4)
C5	Skill in recognizing and reacting to non-verbal cues (4)

SCHEDULE OF REVISIONS

Date	Section (Number and Name)	Brief Description of Changes	Made By
09/12/2012	Entire Lesson Plan	Lesson Plan published	RAIO Training
11/25/2015	Throughout document	Corrected links and minor typos	RAIO Training
12/20/2019	Entire Lesson Plan	Minor edits to reflect changes in organizational structure of RAIO; no substantive updates	RAIO Training

TABLE OF CONTENTS

1	INTRODUCTION	9
2	GOALS IN ELICITING TESTIMONY	10
2.1	Give the Interviewee the Opportunity to Be Heard	10
2.2	Address Credibility Concerns	11
2.3	Determine Whether the Interviewee Is Subject to Any Bars or Grounds of Inadmissibility.....	12
3	OFFICER’S DUTY TO ELICIT TESTIMONY	12
3.1	Eliciting Testimony = Fully Exploring Issues	12
3.2	Going Beyond the Information in the Application	13
3.3	The Interviewee May Not Know What Is Important to Disclose	13
3.4	Vague or Non-Responsive Answers	13
4	TYPES OF QUESTIONS USED IN INTERVIEWS.....	13
4.1	Open-Ended Questions	14
4.2	Closed-Ended Questions.....	16
4.3	Multiple Choice Questions	17
4.4	Leading Questions	18
5	PROBING / FOLLOWING UP	19
5.1	Elicit Additional Facts Bearing On Eligibility.....	20
5.2	Clarify Terms or Phrases	21
5.3	Clarify Statements.....	21
5.4	Connect Statements Made at Different Points in the Interview.....	22
5.5	Resolve Possible Inconsistencies	22
5.6	Address Vague or Non-Responsive Testimony	23
5.7	Ask Questions in Relation to Country of Origin Information	24
6	GUIDELINES FOR ELICITING TESTIMONY	24
6.1	Prepare for the Interview	25
6.2	Establish Rapport.....	25

6.3	Be an Active Listener.....	25
6.3.1	Listen Carefully	25
6.3.2	Maintain Appropriate Eye Contact	25
6.3.3	Show Interest	26
6.3.4	Use the Interviewee’s Words and Terms	26
6.4	Be Patient and Flexible	26
6.5	Have All Interactions Interpreted to the Interviewee.....	27
6.6	Keep Questions Simple.....	27
6.7	Use Language That is Easy for the Interviewee to Understand.....	28
6.8	Repeat or Rephrase Questions	29
6.9	Repeat or Summarize the Interviewee’s Testimony	30
6.10	Ask the Interviewee to Repeat Your Question Back to You	30
6.11	Place the Events in Time or Sequence.....	30
6.12	Consider the Cultural Background of the Interviewee	32
6.13	Be Aware of the Use of Pronouns and Other Ambiguous Terms.....	32
6.14	Do Not Use Compound Questions.....	32
6.15	Do Not Use Loaded Questions	33
6.16	Keep the Interview Focused.....	34
6.16.1	Focus on Relevant Details	34
6.16.2	Thoroughly Address Each Issue Before Moving On.....	34
6.16.3	Help the Interviewee Understand What Is Relevant.....	34
6.16.4	Keep the Interviewee on Point.....	35
6.17	Use Time Efficiently.....	36
6.18	Consider Past Trauma.....	37
6.19	Pay Attention to Transitions	37
6.20	Ask Questions about Events in Relation to Known Country of Origin Information.....	37
6.21	Avoid Making Assumptions	38
6.22	Resolve Inconsistencies	38
6.23	Develop a Library of Interviewing Best Practices	39
7	CONCLUSION	39
8	SUMMARY	40
8.1	Officer’s Duty to Elicit Testimony	40

8.2 Types of Questions Used in Interviews40

8.3 Probing / Following Up41

8.4 Guidelines for Eliciting Testimony.....41

PRACTICAL EXERCISES43

OTHER MATERIALS.....44

SUPPLEMENT A – INTERNATIONAL AND REFUGEE AFFAIRS ADJUDICATIONS45

Required Reading.....45

Additional Resources45

Supplements45

SUPPLEMENT B – ASYLUM ADJUDICATIONS55

Required Reading.....55

Additional Resources55

Supplements55

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 RAIIO division.

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

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

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

1 INTRODUCTION

This module is part of a series of interviewing modules that discuss various topics, including the basic principles and components of conducting a non-adversarial interview, the proper procedures for taking notes, and considerations when conducting an interview through an interpreter. This module describes how to elicit information in a non-adversarial manner through the use of various question types and questioning techniques. Please refer to the other interviewing modules for additional guidance on conducting RAIIO interviews.

- Interviewing – Introduction to the Non-Adversarial Interview
- Interviewing – Note-Taking
- Interviewing – Working with an Interpreter
- Interviewing – Interviewing Survivors of Torture

As an officer in the Refugee, Asylum, and International Operations (RAIO) Directorate, you will conduct different types of interviews. The Code of Federal Regulations, 8 C.F.R. § 208.9(b), requires that Asylum Officers conduct interviews in a non-adversarial manner. Although this regulation applies specifically to asylum adjudications, as a matter of policy, RAIO directs that all officers in the RAIO Directorate must conduct all interviews in a non-adversarial manner.

Conducting an interview may appear to be straightforward – you ask questions and the interviewee answers them. Conducting a truly effective interview, however, takes a great deal of skill. You must be aware at all times of the direction in which the interview is proceeding, and, when necessary, change the direction by adjusting your questioning techniques so that you can elicit material information from the interviewee.

It is your responsibility to control the exchange of information during an interview. You must encourage the interviewee to speak freely, ensure that you and the interviewee understand each other, keep the interviewee focused on relevant issues, and make certain that you gather all of the information that you need in the timeframe allotted. Although you can control only your own actions, the manner in which you conduct the interview and interact with the interviewee will affect how he or she reacts and will affect his or her ability to provide the information you need.

2 GOALS IN ELICITING TESTIMONY

The main goal in conducting almost all of the interviews conducted by the RAIO Directorate is to elicit testimony from the interviewee to determine eligibility for a benefit, or for some other purpose as noted above. Depending on the type of interview, you will use information you have learned from several sources to guide the interview. These sources may include an application and supporting documents, information from U.S. Government databases, and country of origin information.

2.1 Give the Interviewee the Opportunity to Be Heard

Give the interviewee an opportunity to provide in his or her own words information bearing on eligibility for a benefit. Also, give the interviewee an opportunity to provide additional information that is not already in the record so that you will have a complete understanding of the events that form the basis for the application or request.

2.2 Address Credibility Concerns

Address any concerns you may have regarding the interviewee’s credibility or information that is lacking in the record, and give the interviewee an opportunity to address concerns regarding implausible testimony, lack of detail, and/or internal and external inconsistencies.¹ There may be inconsistencies:

- within the application and supporting documentation

Example

The applicant claimed on the application that his date of birth is December 10, 1947; the marriage certificate which he submitted with his application indicated that his date of birth is April 18, 1947.

(Note that you must make changes to the application if necessary. See RAIO Training module, *Interviewing – Introduction to the Non-Adversarial Interview*.)

- between the application (including supporting documentation) and the applicant's oral testimony

Example

During the interview, the applicant stated that he was never arrested but the application states that he was detained by the authorities for attending a political rally.

- between the applicant's claim and country of origin information

Example

The applicant stated she joined a political party in 1988, but the pre-interview country of origin research conducted by the officer indicates that the party did not come into existence until 1990.

- within the applicant's testimony

Example

At the beginning of the interview, the applicant claimed that he worked until he left his country; later in the interview, the applicant claimed that he was in hiding for three months prior to leaving his country.

¹ For additional information on assessing credibility, see RAIO Training module, *Credibility*.

2.3 Determine Whether the Interviewee Is Subject to Any Bars or Grounds of Inadmissibility

Determine whether the interviewee participated in any activities that would result in:

- a mandatory bar
- being found inadmissible to the United States
- a discretionary denial/referral

3 OFFICER’S DUTY TO ELICIT TESTIMONY

When someone applies for an immigration benefit, it is his or her burden to establish eligibility. For some benefits, such as the [I-601 Application for Waiver of Ground of Inadmissibility](#), applicants establish eligibility exclusively through documentary evidence. For other benefits, such as asylum or refugee status, credible testimony alone may be enough to satisfy that burden. In cases requiring an interview, although the burden is on the applicant to establish eligibility, equally important is your obligation to elicit all pertinent information.

During your pre-interview preparation, you will have gathered evidence such as information about the interviewee from the application, case file, and U.S. Government databases, and in the case of refugee or asylum interviews, you will also have gathered information from country of origin resources. The interview is your opportunity to further develop the record by gathering testimonial evidence. The quality of that testimonial evidence depends on your ability to elicit information from the interviewee. [[International and Refugee Adjudications Supplement – Officer’s Duty to Elicit Testimony](#); [International and Refugee Adjudications Supplement – Family Based Petitions](#); [International and Refugee Adjudications Supplement – Intercountry Adoption Forms](#); [International and Refugee Adjudications Supplement – Naturalization Forms](#); [International and Refugee Adjudications Supplement – Travel Documents](#); [Asylum Adjudications Supplement – Officer's Duty to Elicit Testimony](#)]

3.1 Eliciting Testimony = Fully Exploring Issues

Eliciting testimony means more than asking routine questions and receiving responses. In the refugee and asylum context, you have the affirmative duty to “elicit all relevant and useful information bearing on the applicant’s eligibility” for the form of relief sought.² This is applicable in other adjudication contexts as well. “Eliciting” testimony means fully exploring an issue by asking follow-up questions to expand upon and clarify the interviewee’s responses before moving on to another topic. An answer to one question may lead to additional questioning that is necessary to have a complete picture of the events that occurred.

² [8 C.F.R. § 208.9\(b\)](#); [UNHCR Handbook](#), paras. 196 and 205(b)(i)

If you move on to another line of inquiry without allowing the interviewee the opportunity to provide relevant information, important information may remain undisclosed.

3.2 Going Beyond the Information in the Application

Applications, petitions, and other requests for action generally contain biographic and historical information about the applicant/beneficiary that can assist you in making your determinations. Although you must verify all of the information contained in the application, petition, or request, do not merely ask the interviewee the same questions that are listed on the form. An application, petition, or request only outlines the minimum information required to establish eligibility. You must expand upon the information that the interviewee has already provided by asking follow-up questions. The interviewee's responses will enable you to develop a complete picture of the interviewee's request and whether the interviewee is eligible for the benefit he or she seeks.

3.3 The Interviewee May Not Know What Is Important to Disclose

As the interviewing officer, you should not limit the inquiry to what the interviewee may believe is important. The interviewee is not likely to be familiar with U.S. immigration laws and regulations and what is necessary to establish eligibility for a benefit. In addition, he or she will not be familiar with the interview process. You, however, are the authority on relevant law, what is necessary to establish eligibility, and the interview process. Therefore, you must help the interviewee understand the process so that he or she can focus on and provide the information necessary for you to make a determination.

Example

A refugee or asylum applicant believes that the authorities wish to harm him because of his religious beliefs. During the interview, however, the officer elicits information that indicates that the authorities also wish to harm the applicant because of his ethnic background, or because his religious activities are viewed as a form of political opinion which could lead to an additional ground of eligibility for status.

3.4 Vague or Non-Responsive Answers

For a number of reasons, an interviewee may give a vague or non-responsive answer to a question you ask. If this happens, you should not simply move forward to another line of inquiry; instead, you must ask follow-up questions to expand upon and clarify the interviewee's statements. It is your duty to fully and fairly develop the record by eliciting information from the interviewee, probing for additional information, and following up on the interviewee's statements.

4 TYPES OF QUESTIONS USED IN INTERVIEWS

There are many different ways you can ask questions during an interview. The types of questions you use will vary within each interview as well as from interview to interview. Some types of questions may be more effective than others, depending on characteristics of the applicant such as age, education, and effects of trauma, as well as the kind of information you are eliciting from the interviewee. Additionally, there are some types of questions that you should avoid in the RAIO context. You must be familiar with various types of questions, be aware of the effectiveness of the specific questioning techniques and when to use them, and be able to change the types of questions you use to fit the circumstances of each interview.

Educators and linguists have categorized questions in a number of different ways. For the purpose of RAIO interviews, we use the question types described below, some of which may overlap in certain ways. These question types are categorized according to how they are used in the RAIO context.

Most frequently used question types

- Open-ended questions
- Closed-ended questions

Question types to use with caution in limited circumstances

- Multiple choice questions
- Leading questions

Question types to avoid in non-adversarial interviews (discussed below at 6.14 and 6.15)

- Compound questions
- Loaded questions

4.1 Open-Ended Questions

As the term suggests, an open-ended question is framed to give the interviewee an opportunity to provide a full answer in his or her own words. It may also provide the interviewee the opportunity to expand on a statement made earlier in the interview. Open-ended questions generally begin with interrogative words such as “what,” “why,” and “how,” and elicit descriptive/factual information, such as a factual account of a situation or event, or an opinion rather than a simple “yes” or “no” response.

Examples

- “What happened then?”

- “Why do you think [the persecutor] wanted to harm you?”
- “Why did you go into hiding?”
- “Why did the authorities arrest you?”
- “Is there anything else you would like to add? Is there anything that you feel is important for me to know that we did not discuss?”
- “How did the child become an orphan?”
- “How did you meet your spouse?”
- “Why do you want to give up your permanent residency?”
- “Describe what your spouse/child does for work in the United States.”

Effect

The use of open-ended questions can assist you in obtaining information and putting the interviewee at ease. Asking open-ended questions demonstrates to the interviewee your willingness to listen to his or her responses, and such questions usually yield more information than most other types of questions. Allowing a complete response may expand on the information originally included in the application or in a statement by the interviewee, and requires you to listen carefully in order to identify all key issues. In such circumstances, the interviewee may raise other important points that you will need to pursue with additional lines of questioning.

Because open-ended questions can elicit a lengthy response, such questions may lead the interviewee to give information that you do not need. Unless carefully worded, some open-ended questions can be overly broad or even confusing and the interviewee may not know how to reply if, in his or her mind, there could be many possible responses. Therefore, you must pay attention to how you craft open-ended questions so it will be clear to the interviewee what you are asking and so that you elicit information in a controlled way.

Examples

- “What is the last thing that happened that made you decide to leave home?”
- “How did you decide to marry your wife?”

Research on interview techniques has shown that carefully framed open-ended questions can provide more accurate information with more detail than other types of questions. The research further indicates that if the interviewer uses open-ended questions and

encourages the interviewee with occasional prompting questions, the most detail is elicited and the information provided is most accurate.³

Examples

- “Tell me more about ...”
- “You mentioned a weapon earlier while you were telling me about being kidnapped. Tell me more about that weapon.”

4.2 Closed-Ended Questions

Unlike open-ended questions, closed-ended questions normally elicit the simple answer “yes” or “no” or a very brief statement or limited information. These questions allow you to obtain specific information in a short amount of time when a lengthy response is not needed.

Closed-ended questions that elicit a “yes” or “no” response usually begin with “did,” “does,” “do,” “is,” “are,” “was,” “were,” “has,” or “have.”

Examples

- "Did the military know you were involved with the rebels?"
- "Did you go to the police for help?"
- “Have you ever been arrested?”
- “Were you in contact with either of the birth parents prior to filing the petition?”
- “Does anyone else over the age of 18 reside in your household?”

Closed-ended questions that elicit limited information generally result in a brief reply and do not encourage the applicant to explain the circumstances surrounding the information in the reply.

Examples

- "What is the name of your political party?"
- "How many members are there in your local union?"

³ 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.

- “When did you become aware that you were in danger?”
- “When did you last see the child’s birth father?”

Effect

Closed-ended questions are helpful when your primary purpose is to confirm information already provided. When you are reviewing information on the application with the interviewee, specific closed-ended questions can be appropriate. Closed-ended questions can also be used to probe into answers elicited by open-ended questions. Sometimes, an interviewee may not provide certain information unless it is specifically requested. In such circumstances you should alternate between open- and closed-ended questions as appropriate.

Keep in mind that closed-ended questions limit the information you can elicit. Because it allows the interviewee to reply only briefly, and does not encourage him or her to explain the circumstances surrounding the information in the reply, you will often need to ask additional questions to clarify the facts and gain a full perspective. For example, the question: "How many members are there in your local union?" may fail to elicit the fact that there were 38 original members, but 6 were arrested during a military raid and now there are 32 members remaining.

4.3 Multiple Choice Questions

A multiple choice question requires the interviewee to choose between two or more options. There are two kinds of multiple choice questions: “limited options” and “open options.”

A “limited options” multiple choice question gives the interviewee a few options from which he or she can choose as a response.

Example

"When you left your village, did you tell anyone you were going or did you leave without telling anyone?"

Effect

A “limited options” multiple choice question can help point the interviewee in a particular direction by limiting his or her response options. As the name suggests, however, this type of question may limit an interviewee’s response by suggesting to the interviewee that only one of the options presented is the appropriate response. By limiting the possible responses in this way, the interviewer may miss information that the interviewee would otherwise have offered. In the example above, the interviewee has only two options – to indicate that he or she did or did not tell anyone about leaving. It does not elicit an alternative answer such as, “I told one of the soldiers that I could no longer live under their tyranny, but I did not actually tell him that I was leaving.”

Therefore, when using “limited options” questions, you should understand their limitations and word them carefully.

An “open options” multiple choice question can help focus the interviewee on the information you are seeking by opening up a number of possible responses or by indicating to the interviewee the type of answer you are trying to elicit.

Example

Q: Then what happened?

A: The policeman hit me.

Q: How did the policeman hit you?

A: I don't understand.

Q: Did the policeman hit you with an open hand, a closed fist, his foot, or with an object?

A: He hit me with the butt of his gun.

Effect

An “open options” multiple choice question can be useful in focusing an interviewee and can help move along the interview, particularly if the interviewee is having difficulty forming a response. Although there is less potential for limiting an interviewee's response than when using “limited options” questions, you should still word “open options” questions carefully so as not to suggest an answer to the interviewee.

4.4 Leading Questions

A leading question is a question that is phrased in a way that suggests or elicits a particular answer. If you ask a question in a way that suggests the answer, the interviewee may give you the answer he or she thinks you want to hear, not the facts as they occurred.

On the other hand, in limited circumstances, a leading question can be useful when it is used to confirm something that the interviewee has already stated. Leading questions can focus the interviewee's answer in a particular direction, and may be helpful when you are trying to guide the interviewee to the appropriate point in his or her story in order to develop his or her testimony.

Example (appropriate leading question)

"Do you still live at 123 Main Street in Hoboken?"

Effect

Leading questions can speed up the interview process in an appropriate manner, particularly when confirming biographical information or when you want to make sure you understand what the interviewee has said. Gathering information using the question above is faster than asking, "Where do you live?" Using the leading version of this question, however, would be inappropriate if you have questions or doubts about the interviewee's address.

Example (inappropriate leading question)

"Since Christians were harmed in Iraq, do you think you'll be harmed because you're Christian?"

Effect

Leading questions such as the one above may persuade the interviewee to give a specific answer, even though it may not be the answer the interviewee wants to give. You must remember that your task is to elicit information from the interviewee, not provide it for him or her.

Example (inappropriate leading question)

"They didn't really harm you, did they?"

Effect

This question, if asked during an asylum or refugee interview, suggests that you have decided, before the interview is concluded, that the interviewee did not experience past persecution. Instead, an open-ended question such as, "What happened before you left your country?" would elicit a response without suggesting an answer.

During an interview, you are in a position of authority and power. Most interviewees are unfamiliar with the interview process, and want you to see them in a favorable light. If you ask a question in a way that suggests the answer, the interviewee may give you the answer he or she thinks you want to hear, not the facts as they occurred.

In general, leading questions during non-adversarial interviews should be avoided, because interviewees are more likely to fully disclose information if they are asked open-ended questions that elicit a full range of possible answers.

5 PROBING / FOLLOWING UP

Probing or following up is **crucial** during an interview. If responses are not followed up with further questioning, you may discover after the interview that you do not have all the information needed to make an appropriate decision on credibility and the applicant's eligibility for the benefit sought.

It may be necessary to probe or follow up with whoever is present at the interview, including the principal interviewee, a family member, the attorney or legal representative (if one is present), or any others present.

The response to one question you ask may lead to additional questions that elicit more information about a particular topic or event. Probing for details and clarification is often done by beginning with open-ended questions, then following up on particular issues raised in the interviewee's responses by asking additional open-ended questions, closed-ended questions, or other types of questions.

Probing and following up should become second nature to you as an interviewing skill. This requires that you remain alert and intellectually engaged during the interview process. When probing for details, you should always maintain a neutral tone and give the interviewee an opportunity to respond with more detail or to clarify his or her statements. Let the interviewee know that you are attempting to understand fully what he or she is trying to convey.

You will ask follow-up questions to obtain additional information and further develop the record. This often involves probing to thoroughly understand the circumstances surrounding an event and its relevance to the purpose of the interview. You should base your follow-up questions on what the interviewee has already told you. For example, if the interviewee says she was threatened, ask questions to determine what the threat consisted of, when the threat occurred, who made the threat, and how it was made.

It is important to keep in mind the nature of the particular event as it may dictate the type of questions to ask and the extent to which probing is appropriate. For example, in a refugee case where the applicant has been sexually abused, you may decide to follow up on specific details related to the circumstances surrounding abuse (e.g., the time of the attack(s), the location, the number of people involved), but asking for details about the abuse itself is not necessary. Such questions could further traumatize the applicant and would not affect a determination on eligibility.⁴

You will need to ask follow-up questions in a number of circumstances. Consider the following:

5.1 Elicit Additional Facts Bearing On Eligibility

It is your role to make decisions and legal determinations based on facts. The additional information you obtain through follow-up questions helps you develop the factual record, which, in turn, helps you determine eligibility. A refugee or asylum applicant who fears persecution must establish, through direct or circumstantial evidence, the motive of the person he or she fears. The applicant may not know, or may not be able to articulate the motive of his or her persecutor and generally will not be able to make legal conclusions.

⁴ For additional information, see RAI0 Training module, *Interviewing Survivors of Torture and Other Severe Trauma*.

For example, an interviewee whose claim involves domestic violence may not be able to explain clearly why he or she was abused. Questions such as “What were you doing or saying at the time of the attack?” or “What did [your attacker] say to you when he or she was hitting you?” may help to clarify the motive of the persecutor. Asking follow-up questions will assist you in determining the facts necessary to make these legal decisions.

5.2 Clarify Terms or Phrases

You will often need to clarify the meaning of a term or phrase the interviewee uses by asking follow-up questions.

Examples

- If an interviewee uses a term such as “tortured,” “mistreated,” or “detained,” that has a number of interpretations, you must determine exactly what the interviewee means.
- If the interviewee says that he or she was “hit,” it may be appropriate to ask the following:
 - “How did your attacker hit you?”
 - “What did the attacker hit you with?”
 - “Where on your body did the attacker hit you?”
 - “Please describe what happened.”
 - If an interviewee claims that the child she or he wants to adopt was “abandoned,” you may need to ask:
 - “What were the circumstances that led to the birth mother giving up the child?”
 - “Where did the birth mother leave the child?”
 - “With whom did the birth mother leave the child?”

5.3 Clarify Statements

Sometimes you will need to clarify statements that appear to be illogical or that may have several meanings.

Examples

- When asked how many children the interviewee had, she states that she is the mother of five children; however, she may also have several step-children that she

is not including because she did not give birth to them, or she may be including children who are deceased.

- An interviewee may state that he came into the United States without inspection at Los Angeles. He may mean that he crossed the border at San Ysidro, but the only city he knows is Los Angeles; or he may have been a stowaway who arrived at the port in Los Angeles; or he may have arrived at the airport with false documents.

Ambiguous statements such as these must be clarified.

5.4 Connect Statements Made at Different Points in the Interview

You may need to connect statements the interviewee made at one point in the interview with statements he or she made at another point in the interview, asking follow-up questions about the relationship between the two statements.

Example

An interviewee states at the beginning of the interview that she has two brothers in the military. Later she states that guerrillas targeted her house when they raided her village but that she does not know why they targeted her house. It would be appropriate to probe further to determine whether there is any connection between her brothers' membership in the military and the guerrillas' attack on her house.

Appropriate follow-up questions include:

- Did the guerrillas say anything during the attack?
- Did they attack other houses?
- Why do you think they targeted certain houses, in addition to your house?
- How were the households that were not attacked different from the households that were attacked?

In asking such follow-up questions, you should avoid leading questions, such as:

- Did the guerrillas attack your house because your brothers were in the military?

5.5 Resolve Possible Inconsistencies

There may be inconsistencies within the interviewee's verbal testimony or between the interviewee's testimony and documents he or she submitted, including the application, or

there may be other inconsistencies.⁵ Prior to the interview, you must review carefully all documents submitted by the interviewee, being alert for any possible inconsistencies in the information within the documents, which may raise lines of questioning that you must pursue. During the interview, you should compare the information the interviewee provides with those documents and you should be alert to possible conflicting statements within the interviewee’s testimony.

Examples

- At the beginning of the interview, an interviewee states that he entered the country of first flight in June 1995 after escaping from prison. Later in the interview, the interviewee submits an arrest document from his country of origin that is dated July 1, 1995. You must determine the reason for the discrepancy in dates. It is possible that the interviewee actually traveled to the country of first flight in July and made a mistake when giving the date, that the interpreter misinterpreted⁶ the dates, or that the arrest document is false.
- On the application the interviewee gives January 12, 2010 as his date of marriage. During the interview he says he was married in December 2009. Upon further questioning, he explains that the marriage contract between the two families was signed and recorded with the government in December, but they held the party for the families and community on January 12.
- Applicant stated at the beginning of the interview that she had four children, listed their names, and stated that three were in the Central African Republic and one was in Uganda. Later in the interview, she stated that all of her close relatives had fled Uganda. You would need to ask probing questions to clarify these conflicting statements.

5.6 Address Vague or Non-Responsive Testimony

You must always follow up on vague or non-responsive answers. If the interviewee's answer is vague, does not directly answer the question, or does not answer the question at all, this may indicate that you, the interpreter, or the interviewee has not communicated clearly. On the other hand, it may indicate that the interviewee is not being forthright or is fabricating a claim.⁷

Examples

- The interviewee testifies to having attended high school at a boarding school in Tehran for five years. You ask the interviewee the school address, but the

⁵ For additional information, see RAIO Training modules, *Credibility and Evidence*.

⁶ For the definition of “interpret” and “translate,” see [Other Materials](#).

⁷ For additional information, see RAIO Training module, *Credibility*.

interviewee says he does not know the address. You then follow up by asking, “You testified to attending and residing at this school for five years. Is there a reason you do not know the address?” (Note: In some locations, such as rural villages, there may not be street addresses. See RAIO Training module, *Cross-Cultural Communication*.)

- When you ask the interviewee questions, he does not answer completely; rather, he gives vague responses and his wife answers for him, sometimes correcting or contradicting what he has said. When you advise that you want only the husband to respond to the questions you ask him, you find out that there is an issue with the language of interpretation: the interpreter only speaks Mandarin. The husband’s first language is Cantonese, however, and he does not speak Mandarin well. Because his wife speaks both Mandarin and Cantonese, she has been responding for her husband.
- The interviewee testifies to having served as an active member of an opposition political party for the past ten years. When you ask the interviewee the name of the political party, he responds with an acronym, OLF. When you ask what the letters stand for in the full name of the party, he cannot answer. You then follow up by asking, “You testified to having been an active member of this political party for the past ten years. It seems that someone who is an active member of a political party for ten years would know the full name of their party. Can you explain why you do not know the full name of the party?”

When following up on vague or non-responsive answers you must be particularly careful about your tone of voice, being sure to refrain from using a hostile or confrontational tone.

5.7 Ask Questions in Relation to Country of Origin Information

For protection-related interviews, a thorough knowledge of country of origin information is essential in order to ask appropriate follow-up questions. Officers who are well-versed in country of origin information will be better able to ask relevant follow-up questions and will be less likely to miss important facts.

6 GUIDELINES FOR ELICITING TESTIMONY

You will have to draw on a range of question types and interviewing techniques to elicit all necessary information in an impartial manner within time constraints, while remaining in control of the interview. This section includes a number of techniques to keep in mind when interviewing.⁸

⁸ For additional information on interview best practices, see RAIO Training module, *Interviewing – Introduction to the Non-Adversarial Interview*.

6.1 Prepare for the Interview

Before beginning an interview, review the application, the supporting documents, security check information, as well as country of origin information if necessary. This review can provide a basis for determining initial lines of questioning as well as specific questions to ask during the interview. It may be helpful to create a timeline in your notes to refer to during the interview, particularly if the interviewee discusses multiple and/or overlapping events. Additionally, adjudicative aids from your Division may be referenced to help prepare for your interview. [[Asylum Adjudications Supplement – Sample Checklists](#)] You should go into the interview with a mental or written outline of the issues raised in the application that you need to develop during the interview.

While thorough pre-interview preparation allows you to identify questions to ask during the interview, it should not prevent you from exploring additional issues that arise during the interview.

6.2 Establish Rapport

Research has shown that a good relationship between the interviewer and interviewee is key to getting sufficient and accurate information during an interview.⁹ During your introduction, while you explain the purpose of the interview, the roles of those present, and while you verify biographical sections of the application, make every effort to establish rapport with the interviewee and others present. You can continue to build on this rapport as you enter the substantive phases of the interview.

6.3 Be an Active Listener

In addition to assisting you in gathering the information you need, being an active listener can help build rapport with the interviewee.

6.3.1 Listen Carefully

It is imperative that you pay attention and listen to what the interviewee is saying so that you do not miss important information or relevant lines of questioning. If you are mentally preparing your next question or focusing on taking notes as the interviewee is testifying, you may miss key elements in the interviewee’s answer that would affect your choice of question or questioning technique.

6.3.2 Maintain Appropriate Eye Contact

⁹ 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.

Make non-confrontational eye contact with the interviewee. Look at the interviewee rather than the interpreter when asking questions. Keep in mind, however, that eye contact may have different meanings in different cultures, and with different types of interviewees. When interviewing survivors of torture or severe trauma, for example, eye contact may appear confrontational. Always be mindful of cultural cues, and adapt your eye contact to the situation.¹⁰

6.3.3 Show Interest

Engage the interviewee by showing interest in what he or she is saying. Convey your interest to the interviewee through appropriate posture and facial expressions. During the interview, you should avoid slouching, fidgeting, looking at people passing by the office, or reading the application when the interviewee is speaking. Keep your facial expressions open and neutral.

Encourage the interviewee to continue speaking when appropriate. General leads or prompts, such as “go on” or “and then?” let the interviewee know you are listening and that you are following what he or she says, allowing him or her to elaborate. This type of encouragement also indicates that you are engaged in the interview even while taking notes.

6.3.4 Use the Interviewee’s Words and Terms

Repeating what the interviewee said can encourage him or her to continue a narrative or explanation. Further, it can help the interviewee refocus if he or she becomes confused or goes off on a tangent.

Using the interviewee’s words also can help build rapport by showing the interviewee that you are focusing on their statement.

Example

“You said the soldiers ‘came in the tea shop while [your] husband and parents were out in the fields.’ When they came in, what did they say to you?”

6.4 Be Patient and Flexible

As noted above, you must not show impatience or discouragement when encountering a confused, non-responsive, or evasive interviewee. The interview can be a stressful situation for the interviewee and others at the interview. Cultural and language barriers may be substantial. Information can be easily misunderstood, especially when an interpreter is involved. You must be patient and prepared to repeat or rephrase questions or to ask the interviewee to repeat his or her answers.

¹⁰ For additional information, see RAIO Training modules, *Cross-Cultural Communication* and *Interviewing - Interviewing Survivors of Torture and Other Severe Trauma*.

It is inappropriate to show frustration by your tone of voice or by making statements such as “Just answer the question!” Even saying, “Could you please ...?” depending on the tone, may still convey frustration. Also be aware of your body language and other non-verbal cues as they may reflect emotions such as impatience, more clearly than your words.

Sometimes, a few seconds of silence can give the interviewee an opportunity to collect his or her thoughts and determine how to answer a particularly difficult question. You may feel a need to fill in the silence by asking additional questions. However, waiting a reasonable time for the applicant to respond is likely to result in better responses. If the interviewee is clearly formulating an answer, give him or her the time to do so. Silence can seem to last longer in our minds. As you gain more experience, silence will become a useful tool.

Keep in mind that interviews unfold in unpredictable ways and at various speeds. You must be flexible so that you can pursue lines of questioning that may come up. Allow enough time for the lines of questioning to develop fully, adapting your questioning to fit the situation.

6.5 Have All Interactions Interpreted to the Interviewee

There may be times when you need to discuss certain issues with the attorney or representative, interpreter (if one is present), or someone else at the interview. During interviews in which an interpreter is present, the interpreter is the conduit through which information is relayed to and from the interviewee. Conversations with the interpreter or any other person present that are not interpreted isolate the interviewee and create distance between you and the interviewee, thereby thwarting the ultimate goal of eliciting sufficient relevant testimony to determine eligibility. Ensure that what is discussed is interpreted so the interviewee is aware of all that transpires during the interview and to avoid confusion and foster a sense of inclusion on the part of the interviewee.¹¹

6.6 Keep Questions Simple

Use questions that are clear, short, and simple:

- "Who are you afraid of?"
- “What do you think would happen to you if you returned?”
- “Why?”

Avoid using double negatives in your questions, as it can confuse the interviewee and interpreter.

¹¹ For additional information on eliciting testimony through an interpreter, see RAIO Training module, *Interviewing – Working with an Interpreter*.

Example (of a poorly-worded question)

“Isn't it true that you didn't leave your town until you found out that you were unemployed and unable to locate a job?”

Be mindful of the various types of questions and the effect they have and use various questioning techniques purposefully to fully elicit from the interviewee the relevant information bearing on their eligibility for the benefit sought.

When working with an interpreter, if you need to ask a long question or a question for which you need to give an explanation before the interviewee responds, break up your question or statements into shorter phrases that can be easily interpreted.

Example

1. Mr. Abdul, I need to change the subject now. (Pause for interpreter)
2. I want to begin discussing your military history. (Interpret)
3. I will be asking you about each part of your military service, (Interpret)
4. what your duties were, (Interpret)
5. and where you were stationed. (Interpret)
6. Are you ready? (Interpret)
7. When did you first join the military? (Interpret)

6.7 Use Language That is Easy for the Interviewee to Understand¹²

The interviewees you encounter will have varied levels of English language ability, education, knowledge of the U.S. immigration process, and knowledge of colloquial English terms. Words such as *adjudicate*, *well-founded fear*, and *inadmissibility* may not be clear to the interviewee or interpreter. Therefore, you must use words and terms that will not be misunderstood by the interviewee and others present at the interview.

Furthermore, on October 13, 2011, the U.S. Government implemented the [*Plain Writing Act of 2010*](#). This law requires, in part, that federal agencies draft and issue documents in language that the public can understand. Although this law concerns written communication, the principles outlined in it are relevant to verbal communication with the public, including your interviews.

¹² For additional information on using language that is easy to understand, see RAIO Training module, *Interviewing – Working with an Interpreter*.

6.8 Repeat or Rephrase Questions

At times it may become necessary to repeat a question due to a non-responsive or unclear answer from the interviewee. When the interviewee appears confused by an initial question, the wording of that question may be the source of the problem. Think of a way to restate the question or to approach the subject in a different way rather than asking the same question again. Rephrasing may help the interviewee better understand what you are asking.

Example

Q: "Were you ever arrested?"

A: (silence, long pause)

Q: "Have you ever had any problems with the police?"

or

Q: "Have you ever been stopped or detained by any authorities?"

When you don't understand what the interviewee has said, say so. Just as it is important for an interviewee to explain when he or she has not understood a question, it is also critical for you to let the interviewee know when you don't understand something he or she has said. Of course, this should be done in a polite manner. This will give the interviewee an opportunity to clarify what he or she has said.

Keep in mind that the interviewee wants you to understand his or her testimony. Rarely will asking an interviewee to repeat or rephrase an answer due to your confusion be problematic.

Example

Q: "Why did you join the student group?"

A: "We met at school."

Q: "The group met at school?"

A: "Yes"

Q: "And what was the reason you joined the group?"

Example

Q: “Did you ever have any problems with the Guatemalan army (interpreted as *ejercito*)?”

A: “No.”

Q: “Did you ever have any problems with soldiers (interpreted as *soldados*)?”

A: “Yes. They came to our village and took my husband and the other men. Then they came back to me and...”

6.9 Repeat or Summarize the Interviewee’s Testimony

Repeating what the interviewee said can ensure that you do not misunderstand or miss any information.

When you summarize what you heard, the interviewee is given an opportunity to point out any misunderstandings or information that was missed. Summarizing parts of the testimony also brings together the important points of the discussion and gives each participant at the interview an organized picture of what was said. When summarizing, omit irrelevant issues and organize the pertinent information presented.

Example

“What I heard you say was . . . Is that correct?”

6.10 Ask the Interviewee to Repeat Your Question Back to You

If an interviewee's response does not answer your question, a technique you can use is to ask the interviewee or interpreter to repeat your question back to you so you can be certain it was understood. This technique should be used sparingly. While it serves to ensure accurate understanding, it does cause a delay, and if done many times in one interview, it can lead to confusion.

Example

“Your answer makes me think you did not understand what I am asking. Can you repeat my question so that I am sure we are discussing the same topic?”

6.11 Place the Events in Time or Sequence

Putting events in proper sequence can help you and the interviewee discuss the events and helps you assess the impact of the events on the claim. Knowing when and the sequence in which events occurred can affect the determination of eligibility as well as the assessment of the interviewee’s credibility. You should ask questions that facilitate understanding the order in which the events took place.

Examples

- "When did the arrest happen?"
- "Was this before or after the birth of your oldest child?"
- "What led up to the attack?"

Recollection of exact dates or a sequence of events can be difficult, particularly if the event was traumatic.¹³ It is often easier to recall events in relation to one another than to recall events in isolation. If the interviewee has difficulty responding to: "What month did you desert the army?" you could try rephrasing the question to: "Had the airstrikes begun when you deserted?"

It is important to keep in mind that perceptions of time vary from culture to culture. A question asking for a specific time or date may not be understood by an interviewee whose culture places little value on specific hours and dates. In addition, some interviewees may want to explain what they feel to be the most important events first rather than relate a story in chronological order.

Ask for the time of an event by asking the time relative to other events, such as in what season the event occurred, or if the event took place before or after a holiday, rainy or dry season, birth of a child, death, planting or harvesting, etc. In addition, asking the question several different ways may help you elicit all of the necessary information.¹⁴

Examples

- "You told me you were stationed north of Kirkuk in 1977 or 1978 but you can't recall which months. Do you remember if the weather was cold or hot?"
- "Was your son old enough to attend school when your husband left home?"

However, in situations where you suspect fraud, it may be useful to elicit testimony out of order to determine whether the interviewee's testimony is internally consistent. This does not mean that it is appropriate to try to trick the applicant. Asking questions out of sequence is an appropriate method of verifying credibility only if the applicant has demonstrated ability during previous portions of the interview to appropriately handle such questioning. It may be inappropriate to draw a negative credibility inference when the interviewee has previously demonstrated, for example, that she is from a culture where time references are not significant.¹⁵ It is important to remember to always remain professional and impartial, even when suspecting fraud.

¹³ For additional information, see RAI0 Training module, *Interviewing – Interviewing Survivors of Torture and Other Severe Trauma*.

¹⁴ For additional information on culturally-based perceptions of time, see RAI0 modules, *Credibility* and *Cross-Cultural Communication*.

¹⁵ For additional information, see RAI0 Training module, *Evidence Assessment*.

6.12 Consider the Cultural Background of the Interviewee

Be mindful of the fact that even among people who share a common language, words, expressions, and gestures can have different meanings in different cultures or countries, and perceptions can vary from culture to culture. Even within one country or culture, an interviewee from a remote, indigenous population likely would not describe his or her experiences using the same words, with the same meanings, as an interviewee from a city. Furthermore, interpreters using the precise dialect of the interviewee or sharing the interviewee’s cultural background will not always be available.¹⁶

6.13 Be Aware of the Use of Pronouns and Other Ambiguous Terms

"What did they do then?" may seem clear to you, but the interviewee or interpreter may be unclear about the use of ambiguous terms such as “they” and “then.” Which “they” is being referred to: the traffickers, the interviewee's family, members of the opposition party, or the children? Moreover, “then” is an imprecise time marker and may be misunderstood. It is important to be specific when asking questions.

Example

"After the police tore down your banner, what happened next?"

Relationship terms such as “your sister,” titles such as “the police inspector,” or actual names of persons should be substituted for pronouns such as “he” or “they” to avoid confusion. Similarly, it is important to clarify with the interviewee what he or she means by the terms “he” or “they.”

Examples

- "You said ‘they’ hit you. When you say ‘they,’ who do you mean?"
- “When you say the birth parents relinquished the child to “them,” are you referring to the prospective adoptive parents or are you referring to the orphanage?"
- “When you say “they” were all witnesses at your wedding, do you mean your family, your husband’s family, or someone else?"

6.14 Do Not Use Compound Questions

Compound questions are several questions asked together. In everyday conversation, individuals who speak the same language and know each other may use compound questions without miscommunication. They reframe questions and statements in mid-thought, combine related ideas, or ask multiple questions without pausing. At an immigration interview, however, a second language and an interpreter are often involved,

¹⁶ For additional information, see RAIO Training module, *Cross-Cultural Communication*.

as well as different cultures. These are all “filters” through which the exchange of information occurs. Asking compound questions at an immigration interview can lead to critical misunderstandings. Officers asking compound questions do so unwittingly, as they do with normal conversation. You should make every effort to avoid asking compound questions.

Examples (to be avoided)

- “What were your experiences in jail, such as how long you were detained, the conditions of the jail, and what happened to you while you were there?”
- "How were you threatened and why, if you were so fearful for your life after receiving the threats, did you wait six months to leave the country?"
- “Can you tell me the name and current location of your spouse, what she does for work there, and what she’s told you about the city in which she currently lives?”
- “Do you know what prompted your father to leave China and why is he not identified as your parent on the household registry you submitted?”

The use of compound questions can result in several unfavorable outcomes including the following:

- Questions are not interpreted completely.
- Confusion and misunderstandings occur because the answer to one question may be interpreted as the answer to a different question.
- The interviewee and the interpreter can easily become confused and not know what to answer.
- The interviewee’s confusion could cause you to determine that the interviewee is not credible.

Ask each part of a compound question, or a series of questions, separately to minimize confusion or the appearance of inconsistencies. Writing your interview notes in a question and answer format can help you avoid asking compound questions.

Clear and concise questions are more likely than compound questions to withstand the filters of interpreters and cultural differences and will cause less confusion for all parties during the interview process. Compound questions may compromise an interview and must be avoided.

6.15 Do Not Use Loaded Questions

A loaded question conveys a bias or a personal judgment, usually negative, of the interviewing officer, or it presupposes information or facts that have not yet been established.

Examples (to be avoided)

- “Why didn’t you stay and protect your family instead of leaving them to fend for themselves?”
- “Why in the world did you do that?”
- “If you really weren’t complicit with the regime, why did you return?”

Loaded questions put people on the defensive and impede the open flow of communication. An interviewee who feels defensive may be reluctant to openly relate his or her experiences. Asking questions that reveal your personal biases undermines your control of the interview. For all of these reasons, loaded questions must not be used during interviews.

6.16 Keep the Interview Focused

Keeping the interview focused is important so that you can gather all of the relevant information necessary to make a decision within time constraints.

6.16.1 Focus on Relevant Details

When you begin an interview, you should have a plan of what information you need to elicit. Of course, your plan may change as the interview progresses, but having a plan will help you to focus on the relevant information you need to elicit.

6.16.2 Thoroughly Address Each Issue Before Moving On

As issues come up during the interview and you recognize additional lines of questioning that you want to pursue, you may be tempted to move to another topic without fully exploring the first topic. As noted in RAIIO Training module, *Interviewing – Introduction to the Non-Adversarial Interview*, it is a good practice to keep a notepad or some other method of quickly recording questions or lines of questioning that come to mind that you want to ask later so you do not forget to ask, and you can remain on point on one topic until you have all the information you need before moving on.

6.16.3 Help the Interviewee Understand What Is Relevant

An interviewee’s perception of what information is important may differ from yours. The interviewee may not feel it is necessary to include certain details and may omit information that can assist you in determining whether the interviewee is eligible for a benefit. He or she is already familiar with the information and may not realize that you need to know additional details surrounding particular events. An interviewee also may

jump from one thought to another. In such cases, you may need to focus the interviewee on a single topic or point. The interviewee may be confused by your attempt to focus on something that he or she feels is not important. It is your responsibility to help the interviewee focus his or her testimony on information that is relevant to the purpose of your interview.

Examples

- “In order to help reach a decision in your case, it is important that we discuss what happened when you went to the Prosecutor’s Office on March 15, 2008.”
- “I understand that the home invasion was a traumatic event for your family. However, to make the right decision, I need to get a few more details about the call you received afterwards. What specifically did the caller say?”
- An interviewee at an I-730 refugee follow-to-join interview may think that his previous military history is irrelevant since the purpose of the interview is to confirm the family relationship. The information is important, however, because it could show that the interviewee assisted or engaged in the persecution of others, in which case the interviewee would not meet the legal definition of a refugee.

6.16.4 Keep the Interviewee on Point

To conduct efficient interviews, focus your questioning on topics that are relevant to the purpose of the interview. If the interviewee keeps returning to topics you consider irrelevant or that you believe already were covered, you should explore the topic enough to determine its relevance. If it is relevant, you should either explore the issue or explain to the applicant that you will return to the subject later. However, if you determine it is irrelevant, acknowledge the interviewee’s concern and explain what information you actually need.

Example

Q: Right now, I am asking about an incident in your village outside of Mosul. You continue to tell me about what happened to your father in Diyala. How does your father’s situation relate to the incident in the village?

A: Because my father was a deacon at St. Paul’s church, the Iraqi Islamic State sent a message to the church to tell all of us in our home village that we are not wanted in Iraq unless we convert. Most of the members of St. Paul’s are people who migrated to Diyala from our village and many come back here for safety because Diyala is so dangerous.

Q: I see. Tell me about the message to the church. Then we will come back to what happened in the village.

Some interviewees may try to explain in detail information about their country or relate a complete history of their family. In such cases, provide assurance to the interviewee that you are aware of the situation in the particular country and would like the interviewee to focus on details that relate specifically to the application or request. You can also assure the interviewee that you will be eliciting all the information that you need.

Examples

- “Sir, I understand your explanation of the ‘South Azeri movement’ in Iran and how important it is to you. I also have country condition background information about it. Right now, though, I would like you to talk about what actions the Iranian government took when you participated in the meeting with other ‘South Azeris’ two years ago.”
- “I see that your grandfather was very influential in your life. However, right now I would like you to tell me when you became politically active yourself.”
- "Information about your arrest is important. Before we discuss that, however, I would like to learn more about how you became involved in your political party."

Although trying to refocus an interviewee may sometimes be difficult, you must remain professional and non-adversarial at all times, while keeping control of the interview.

6.17 Use Time Efficiently

Time is limited in all interviews. Managing your time can also help you keep the interview focused. You must efficiently use the time available by asking questions that will elicit the information you need. Ideally, the interviewee should be doing most of the talking and you should be actively listening and noting the interviewee's responses. When the interviewee raises topics that are not material to the purpose of the interview, politely redirect the interview.

Examples

- "I'm sorry, I know you are trying to answer the question, but I'd like you to tell me what the soldier said to you."
- "That's interesting, but what I'm asking is..."

Keep in mind, however, that if the interviewee digresses or does not answer the questions posed, this may be an indication that the interviewee is not being truthful. In such situations, you may need to take time to ask additional questions to further assess credibility.

Your time management during the interview will evolve as you gain experience and familiarity with the types of interviews you conduct. Keep the interview focused on eligibility.

6.18 Consider Past Trauma

Interviewees who are survivors of torture or other severe trauma may have difficulty responding to questioning during an interview. The trauma he or she experienced may distract the interviewee to such an extent that it may be difficult for the interviewee to testify about certain incidents or experiences. You need to take this into consideration when interviewing.¹⁷

Examples

- “I understand that you have difficulty remembering what happened while you were imprisoned, but please tell me what you do remember.”
- “I understand that you’d prefer not to talk about what happened, but it is very important to your case. Everything you tell me is completely confidential. Did the police hurt you after they arrested you?”

6.19 Pay Attention to Transitions

Be aware of how you shift from one topic to another and what effect these shifts have on the interviewee’s testimony. In most cases, the transition should be smooth and clear. Remember that the interviewee probably does not know the law and the important issues to the same extent as you. A smooth transition will aid efforts to elicit information.

Example

Changing focus from a discussion of what happened at the hospital after the interviewee was beaten to what happens to similarly situated people may confuse the interviewee. A statement such as, “We have talked about the events at the hospital; now I want to ask you some questions about what happens to other people who have been attacked” can help the interviewee make the transition to the new topic of future harm.

6.20 Ask Questions about Events in Relation to Known Country of Origin Information

Being well-versed in country of origin information allows you to ask relevant follow-up questions for a variety of adjudications. The more you know about the interviewee’s country of origin, the less likely you will be to miss important facts. Awareness of country of origin information also assists you in conducting the interview with cultural sensitivity, may assist you in putting the interviewee at ease during the interview, and may assist you in determining credibility.¹⁸

¹⁷ For additional information, see RAIO Training module, *Interviewing Survivors of Torture and Other Severe Trauma*.

¹⁸ For additional information, see RAIO Training module, *Researching and Using Country of Origin Information*.

6.21 Avoid Making Assumptions

Avoid jumping to conclusions by making assumptions without knowing all of the facts.

Examples

- The interviewee states that he was a member of an opposition political party and that he was arrested at a party rally at which he was the main speaker. You might assume that the interviewee was arrested because he voiced his political opinion at the rally. It may be possible, however, that the interviewee was arrested because his party did not apply for the necessary permission to hold the rally or that he and others in the rally became violent and attacked the houses of opposing party members who lived nearby.
- In an interview for an I-407, Abandonment of Lawful Permanent Resident Status, an LPR states that she has been outside the United States for more than one year. You should not assume that she has abandoned her status. Instead, elicit testimony regarding the circumstances and reason for her departure from the U.S. including whether she has applied for and been granted a reentry permit.

Assumptions about what an interviewee may know, such as “all Christians know the Bible,” may keep you from probing more deeply into an interviewee’s eligibility, or may lead you to determine incorrectly that the interviewee is not credible.

6.22 Resolve Inconsistencies

You must let the interviewee know if you have noticed a material inconsistency or if you are trying to better understand his or her testimony. Always remain impartial and give the interviewee an opportunity to respond with more detail or clarify his or her statements. When following up on inconsistencies or vague, non-responsive, or contradictory answers, you must be particularly careful about your tone of voice. Be sure to refrain from using a hostile or confrontational tone. Always remain professional, impartial, and in control of the interview.

Example

“When you were explaining your situation to UNHCR, you said the Mai Mai entered your house, took your parents outside, then killed your father and raped your mother. Now you said something different, that the Mai Mai took your father and brother away and you have not seen them since. Can you help me understand the difference in what you said happened to your father?”

(Note: If an interpreter is involved, this example would most likely be interpreted to the interviewee in three chunks of information, conforming to the principle noted above under, “Keep Questions Simple,” to keep your questioning clear, short, and simple.)

6.23 Develop a Library of Interviewing Best Practices

As you gain more experience, you will develop your own interview style and you will recognize best practices that work for you. Talking with other officers can also help increase your repertoire of interviewing skills.¹⁹

7 CONCLUSION

You have the affirmative duty “to elicit all relevant and useful information bearing on the applicant’s eligibility.”²⁰ 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, it is RAIO policy for officers in the RAIO Directorate to conduct all interviews in a non-adversarial manner.

The goal of RAIO interviews is for the interviewee to confirm, correct, or elaborate on information that is in the application and supporting documentation so that you can make a determination on eligibility for the benefit he or she seeks. The interview allows you to address inconsistencies and other credibility concerns and gives the interviewee an opportunity to address those issues. The interview also allows you to determine whether the interviewee participated in any activities that would result in a mandatory bar or a ground of inadmissibility, or establish a basis for a discretionary denial or referral.

You may apply a wide range of interviewing techniques to achieve these goals, many of which are discussed in this module. Officers who remain flexible and alert will generally elicit the most useful and relevant information. When implementing the techniques for eliciting testimony, remember: engage the interviewee; put the interviewee at ease by using a non-adversarial tone; maintain control of the interview; and always be professional.

The key to a successful interview is to:

- Prepare
- Establish rapport
- Review relevant documentation
- Use appropriate questioning techniques
- Listen actively
- Ask probing questions
- Follow up thoroughly

¹⁹ For additional suggestions and best practices for developing interviewing skills, see RAIO Training module, *Interviewing – Introduction to the Non-adversarial Interview*.

²⁰ [8 C.F.R. § 208.9\(b\)](#).

- Clarify inconsistencies

8 SUMMARY

8.1 Officer’s Duty to Elicit Testimony

While the burden is on the applicant to establish eligibility for a benefit, equally important is your obligation as the interviewing officer to elicit all pertinent information. The interview is your opportunity to further develop the record by gathering testimonial evidence. The quality of that testimonial evidence depends on your ability to elicit information from the interviewee.

8.2 Types of Questions Used in Interviews

There are many ways you can ask questions during an interview. The types of questions you use will vary within each interview as well as from interview to interview. Some types of questions may be more effective than others, depending on the kind of information you are eliciting from the interviewee.

Open-Ended Questions

An open-ended question helps put the interviewee at ease and is framed to give the interviewee the opportunity to provide a full answer in his or her own words. It often begins with "why" or "how." An open-ended question gives some control to the interviewee and may lead to a lengthy response; therefore, you must take care to always keep the interviewee focused on what is relevant to the proceedings.

Closed-Ended Questions

Closed-ended questions elicit a brief specific statement or a yes or no answer. Closed-ended questions help you maintain control as the interviewing Officer. These questions can be helpful when you are trying to confirm information that was already provided and when eliciting specific information. In combination with open-ended questions, closed-ended questions assist you in directing the flow of the interview and obtaining certain specific facts.

Multiple Choice Questions

A multiple-choice question can be either “limited options” or “open options.”

A “limited options” question gives the interviewee a choice of a few possible responses. An “open options” question provides suggestions about the type of information you need, rather than providing specific responses from which to choose.

Leading Questions

A leading question is a question that is phrased in a way that suggests a particular answer is expected. Leading questions must be worded and used carefully and judiciously, taking care not to “create” the interviewee’s testimony.

8.3 Probing / Following Up

No reply or issue should be left in doubt when you finish the interview. Remain alert throughout the interview and be prepared once you have asked a question and received a response to follow up on the information you received until you have obtained the information necessary to make a proper determination. Asking follow-up questions and probing for information during an interview is *crucial*. You will need to ask follow-up questions throughout the interview and, in particular, in order to:

- Elicit additional facts bearing on eligibility
- Clarify terms or phrases
- Clarify statements
- Connect statements the interviewee made at different points in the interview
- Resolve possible inconsistencies
- Address vague or non-responsive testimony
- Ask questions in relation to country of origin information

8.4 Guidelines for Eliciting Testimony

- Prepare for the interview.
- Establish rapport.
- Be an active listener.
- Be patient and flexible.
- Have all interactions interpreted to the interviewee.
- Keep questions simple.
- Use language that is easy to for the interviewee to understand.
- Repeat or rephrase questions.
- Repeat or summarize the interviewee’s testimony.

- Ask the interviewee to repeat your questions back to you.
- Place the events in time or sequence.
- Consider the cultural background of the interviewee.
- Be aware of the use of pronouns and other ambiguous terms.
- Do not use compound or loaded questions.
- Keep the interview focused.
- Use time efficiently.
- Consider past trauma.
- Pay attention to transitions.
- Ask questions about events in relation to known country of origin information.
- Avoid making assumptions.
- Resolve inconsistencies.
- Develop a library of interviewing best practices.

PRACTICAL EXERCISES

OTHER MATERIALS

“Interpret” vs. “Translate”

Very often the terms “interpret” and “translate” are used interchangeably; however, for the purpose of this module it is important to understand the distinction between these two processes. The main difference between interpret and translate is the medium: “interpret” involves oral communication; “translate” involves written text.

Interpreting is essentially the art of orally conveying information from one language to another. The interpreter listens to a speaker in one language, grasps the content of what is being said, and then restates in another language what was said, using wording that is as close as possible to the original statement while still maintaining the meaning of what was said.

In this module, the terms “interpretation,” “interpret,” and “interpreter” refer to oral communication. Interpreters utilized in the RAIO Directorate usually provide only interpretation; on occasion, however, they may be asked to translate written documents from another language into English and vice versa.

For additional information, see RAIO Training module, *Interviewing – Working with an Interpreter*.

SUPPLEMENT A – INTERNATIONAL AND REFUGEE ADJUDICATIONS

The following information is specific to international and refugee adjudications. Information in each text box contains adjudication-specific procedures and guidelines related to the section from the Training Module referenced in the subheading of the supplement text box.

REQUIRED READING

1. RAIIO Training Module-International and Refugee Adjudications Supplements
2. Sample Checklists (under development)

ADDITIONAL RESOURCES

None

SUPPLEMENTS

International and Refugee Adjudications Supplement – Officer’s Duty to Elicit Information

The basic information the officer needs to elicit during the interview must answer the following questions:

1. Who is the applicant?
2. How and when did the applicant leave his or her country of nationality or last habitual residence?
3. Why did the applicant leave his or her country? Did he or she ever return?
4. Is the applicant afraid to return, and if so, why? (Focus not only on the experiences of the applicant but also on the experiences of others who are similarly situated.)
5. Is the applicant subject to any grounds that would make him or her ineligible for refugee status or admission to the United States?

International and Refugee Adjudications Supplement – Family Based Petitions

Form I-730, (Visa 92/Visa 93) Refugee/Asylee Relative Petition

Purpose: To verify the family relationship between the interviewee and the Petitioner in the U.S.

People Interviewed: The beneficiary residing overseas.

Basic information the officer should elicit:

Who is the interviewee?

How is the interviewee related to the Petitioner?

For following spouse – elicit information on marriage dates and associated history, compare with I-589 or I-590.

Does the interviewee know why the Petitioner left their country?

CAUTION reminder: 8 CFR 208.6 confidentiality continues to apply, per regulation (for asylum) and per policy (for refugee) in the following-to-join interview.

Question example: Do you know the date your relative (spouse, parent etc.) departed country X? To your knowledge, did your relative depart with a visa? Do you know the purpose of your relative's departure from country X? Officer should document any discrepancies.

Is the interviewee subject to any grounds that would make them inadmissible or bar them from following-to-join status or admission to the United States as a refugee or derivative asylee? ¹.

Form I-130, Petition for Alien Relative

Please note: I-130s are typically a paper-based adjudication; however interviews may be conducted by USCIS when the bona fides of the relationship are in question.

Purpose: To verify the family relationship between the interviewee and the Petitioner.

People Interviewed: The beneficiary and occasionally the petitioner residing overseas

Basic information you should elicit:

Who is the interviewee?

How is the interviewee related to the Petitioner?

Have the interviewee and Petitioner submitted sufficient evidence to establish the claimed relationship?

If relevant (with beneficiary and Petitioner attending interview together), you may interview the relatives separately to assess credibility and *bona fides*.

Verify marital and divorce history.

Verify birth/parental information.

Can the interviewees provide sufficient biographical details about one another?

Example question: Tell me about your spouse's family – how many siblings does he/she have? What is the name of the oldest/youngest sibling? What are the names of your spouse's parents? Are both parents alive? Where do they live?

Do the interviewees provide consistent and detailed information regarding their courtship?

Example question: When and where did you first meet? Tell me what happened? Where were you living at the time? (if relevant) What is the name of the person who introduced you to each other?

Do the interviewees provide consistent and detailed information regarding their living arrangements?

Example question: (if relevant) Describe the home/apartment? Suggest interviewee draw a quick floor plan. (if relevant) Does couple sleep in same bed – who sleeps on what side?

Is the beneficiary-interviewee subject to any grounds that would make them inadmissible for admission to the United States as a conditional or legal permanent resident?

International and Refugee Adjudications Supplement – Intercountry Adoption Forms

The following are forms that you may or may not interview to process an adoption case. There is no requirement that an interview be conducted on any of the following forms associated with an intercountry adoption. Local guidance and case specific facts dictate whether these forms are verified through a face to face interview with the prospective adoptive parents or through a paper adjudication. For the purpose of intercountry adoptions, an interview may be conducted individually or by a combination of the following individuals: Department of State Official, USCIS Officer, Consular Officer, and/or FSN.

Form I-600A, Application for Advance Processing of Orphan Petition

Purpose: To determine eligibility/suitability of prospective adoptive parents (PAPs) to adopt.

People Interviewed: Prospective adoptive parents (PAPs)

Basic information the you must elicit:

Verification of the PAPs identities, marital status and countries of citizenship.

Verification of the required home study requirements.

What is the name and contact information of the organization or individual assisting the PAPs in locating or identifying a child?

Do the PAPs plan to travel abroad to locate or adopt a child? When do they intend to depart and to where will they travel?

Will the child come to the U.S. for adoption after compliance with the pre-adoption requirements, if any, of the State of proposed residence?

Will the child be adopted abroad after having been personally seen and observed by the PAPs?

Where do the PAPs intend to file their Form I-600 petition after being matched with a child?

How many children do the PAPs intend to adopt?

Have the PAPs submitted a valid and complete home study conducted by an adoption agency or individual certified to conduct home studies?

Have the PAPs paid the correct fees associated with the application?

Do the PAPs have current fingerprint clearances?

1.

Form I-600, Petition to Classify Orphan as an Immediate Relative

Purpose: To establish eligibility of the child as an orphan already adopted or coming to the U.S. for adoption.

People Interviewed: Prospective adoptive parents; see also other parties in Form I-604 section below.

Basic information you should elicit:

Verification of the PAPs identities, marital status and countries of citizenship.

Verification of the child beneficiary's identity, gender, DOB and POB.

How did the beneficiary become an orphan?

If the child has only one parent, what happened to the other parent, is the remaining parent capable of providing for the child and has the remaining parent in writing irrevocably released the child for emigration and adoption?

Has the child been adopted abroad by the PAPs or do the PAPs intend to adopt the child in the U.S.?

Have pre-adoption requirements, if any, of the child's proposed State of residence been met if required for Form I-600 processing? If not, will they be met later? (Pre-adoption requirements only apply: 1) when the child is coming to the U.S. for adoption, 2) if the unmarried PAP or both married PAPs did not personally see the child prior to or during the adoption proceeding, and 3) if the adoption abroad was not full and final.)

Does the child have any special needs, physical, emotional or otherwise?

Who has legal custody of the child?

Name of attorney abroad, if applicable.

What is the name and contact information of the organization or individual assisting the PAPs in this case?

What is address where the child will reside in the U.S.?

What is the present address of the child?

Any additional information available to locate the child?

Location of the U.S. Embassy or consulate where the application for visa will be made.

Have the PAPs submitted a valid and complete home study conducted by an adoption agency or individual certified to conduct home studies? Or evidence of a valid Form I-600A approval?

Have the PAPs paid the correct fees associated with the petition, if any?

Do the PAPs have current fingerprint clearances?

Have there been any significant changes in the PAP household since the Form I-600A was approved (or since the last home study submitted to USCIS)?

Are there any new children or adult household members residing in the PAPs home since the Form I-600A was approved (or since the last home study submitted to USCIS)?

Have the PAPs moved or changed residences since the Form I-600A was approved (or since the last home study submitted to USCIS)?

Form I-604, Determination on Child for Adoption

Purpose: To determine if the child is eligible to be classified as an orphan, and verify the documentary evidence submitted with the Form I-600, *Petition to Classify Orphan as an Immediate Relative*.

People Interviewed: Orphanage, hospital, police, government officials, birth parents, or anyone with knowledge of the child's origins.

Basic information you must elicit (as appropriate):

How was the child presented to the orphanage?

Where are the birth parents?

Did the birth parents relinquish the child voluntarily?

Identification of individual/entity with legal custody of the child.

Testimony to verify that the child meets the regulatory definitions of an orphan (i.e. abandonment, desertion, disappearance, loss, separation, or relinquishment by qualifying sole or surviving parent).

Evidence of child-buying.

International and Refugee Adjudications Supplement – Naturalization Forms

Form N-400, Application for Naturalization (for active-duty military and their family members)

Purpose: To ensure that a lawful permanent resident meets the qualifications for citizenship.

People Interviewed: Lawful permanent residents: Active duty member of the military, spouse of an active duty member of the military, or child of an active duty member of the military.

Basic information you should elicit:

Verification of the identity of the interviewee.

Does the interviewee have their green card with them?

Verify all information on N-400 and N-445 is accurate.

Does the interviewee have a criminal history?

Has the interviewee met the good moral character requirements?

Evaluate the interviewee's ability to read, write and speak English.

Evaluate the interviewee's knowledge of civics.

Verify the interviewee's loyalty to the United States.

Form I-407, Abandonment of Lawful Permanent Resident Status

Purpose: To ensure that the interviewee is freely relinquishing permanent resident status and understands the consequences of abandonment.

People Interviewed: Lawful permanent residents wishing to relinquish status.

Basic information the you should elicit:

Verify the identity of the interviewee.

Has the interviewee brought their green card for relinquishment? If not, where is it?

What was the interviewee's date and place of last departure from the United States?

What is the interviewee's intended or actual residence abroad?

Is the interviewee voluntarily, willingly, and affirmatively abandoning permanent residency?

Why does the interviewee want to abandon permanent residency?

Does the interviewee reserve the right to appear before an immigration judge to determine admissibility at a later date?

Does the interviewee waive their right to a hearing before an immigration judge at a later date?

Does the interviewee fully understand the consequences of abandoning lawful permanent residence?

International and Refugee Adjudications Supplement – Travel Documents

Boarding Letters

Purpose: To ensure that a lawful permanent resident meets the criteria for the issuance of a boarding letter.

People Interviewed: Lawful permanent residents whose LPR cards have been lost, stolen, destroyed, or are in possession of an expired LPR card.

Basic information you should elicit:

Verification of the identity of the interviewee.

What are the circumstances prompting the request for a boarding letter?

Where did the interviewee travel to? What was the purpose of interviewee's travel outside the United States?

How long has the interviewee been outside of the United States? If relevant, ask for documentary corroboration.

If relevant, has the interviewee abandoned their residence in the United States? If relevant, can the interviewee present corroborating documentary evidence of continued U.S. residence?

Has the interviewee made previous requests for a boarding letter? When? Where? And under what circumstances?

Determine if interviewee has corroborating documentary evidence substantiating the request for boarding letter. If not, why not?

Includes, but not limited to, police statement/letter (for stolen LPR card). Statement from medical professional if medically related (for applicant or immediate family member).

Does the interviewee continue to be admissible to the United States?

What arrangements has the interviewee made, if any, for return travel to the United States? If relevant, ask for documentary corroboration.

Form I-131, Application for Travel Document

Refugee Travel Document (RTD):

People Interviewed: persons classified as refugees or asylees, or refugees or asylees who obtained LPR status and whose travel documents have been lost, stolen, destroyed, or are in possession of expired travel documents.

Basic information the you should elicit:

Verify the identity of the interviewee.

What are the circumstances prompting the request for a RTD?

Has the interviewee made previous requests for a RTD? When? Where? And under what circumstances?

Where did the interviewee travel to? What was the purpose of the interviewee's travel outside the United States?

How long has the interviewee been outside of the United States? If relevant, ask for documentary corroboration.

Did the interviewee return to the country of feared persecution? If so, why and for how long?

Does the interviewee have any legal immigration status in any other country besides the United States?

If relevant, has the interviewee abandoned their residence in the United States? If relevant, can the interviewee present corroborating documentary evidence of continued U.S. residence?

If relevant, determine if interviewee has corroborating documentary evidence supporting the request for RTD. If not, why not?
Includes, but not limited to, police statement/letter (for stolen documents).

Statement from medical professional if medically related (for applicant or immediate family member).

Does the interviewee continue to be admissible to the United States? Or, if asylee, has the interviewee become subject to any bars for asylum?

What arrangements has the interviewee made, if any, for return travel to the United States? If relevant, ask for documentary corroboration.

SUPPLEMENT B – ASYLUM ADJUDICATIONS

The following information is specific to asylum adjudications. Information in each text box contains adjudication-specific procedures and guidelines related to the section from the Training Module referenced in the subheading of the supplement text box.

REQUIRED READING

1. RAIO Training Module—Asylum Adjudications Supplements
2. Interviewing Adjudicative Aid (see below)

ADDITIONAL RESOURCES

None

SUPPLEMENTS

Asylum Adjudications Supplement – Officer’s Duty to Elicit Information

During an asylum interview, the officer must elicit testimony in order to answer the following questions:

- Who is the applicant?
- Who are the family members included in the application?
- How and when did the applicant enter the United States?
- Why did the applicant leave his or her country?
- Did the applicant suffer past persecution? (Focusing on past harm and/or threats, if any.)
- Does the applicant fear future persecution?
- What are the motives of the past or potential future persecutor in harming the applicant?

- Is the applicant afraid to return, and if so, why? (Focusing not only on the experiences of the applicant, but also on the experiences of others similarly situated, and any other serious harm.)
- Who does the applicant fear? (Who is the persecutor?)
- Is the persecutor a governmental actor or a person or entity that the government is unable or unwilling to control?
- Is the feared persecution country-wide?
- Did the applicant participate in any activity that would make him or her ineligible for asylum or warrant a discretionary denial/referral?

Asylum Adjudications Supplement – Interviewing Adjudicative Aids

This adjudicative aid is not intended to be fully exhaustive of all avenues of exploration and all issues that may arise during an interview. The purpose of this aid is to serve as a reminder of key elements in preparing for and conducting an asylum interview.

PRE-INTERVIEW preparation/review of file

___ note who is included/family relationships/ages

___ is file complete?

necessary forms (I-589, fingerprints, photos)

dependents' A-files included

___ G-28 on file? signed by applicant and representative?

___ any indication file is not in jurisdiction?

___ note claimed entry date, status of applicant, and filing date

___ review claim

___ review relevant documents

___ quick country of origin information review

___ general timeline of key events

___ check for any special status (e.g., *ABC, Mendez*)

___ computer systems check

___ does file review raise the possibility there may be another A-file associated with the applicant?

CONDUCTING THE INTERVIEW

- **Introduction**

___ purpose of interview

___ confidentiality

___ process (including roles of those present)

___ interpreter

interpreter's form, role

___ representative

G-28,

waiver if representative is not present

role

___ dependents

verify (and dismiss during interview if appropriate)

- **Oath**

___ applicant

___ interpreter, and interpreter monitor if being used

___ witnesses

- **Verify basic biographic and entry information (check I-589 and documents)**

___ address, biographical information (use “post-it” on front of file as reminder to update RAPS if necessary)

___ date, place, manner of entry

___ documents

verify and note if from original

compare for consistency

(copy at end of interview if necessary)

___ determine who prepared I-589 and if applicant is aware of contents of application

___ annotate changes on the I-589

- **Testimony**

___ other countries lived in and status there

- ___ reason for claim (cover all possible grounds)
- ___ identify persecutor and issues of state protection
- ___ mandatory bars, other reasons for ineligibility, inadmissibility or discretionary denial
- ___ go to Q&A format if there is derogatory information
- ___ compare with I-589, documents, and country of origin information
- ___ probe credibility
- ___ question applicant about reason for any discrepancies/inconsistencies
- ___ question applicant about any circumstances surrounding any delay in filing

• **Closing statement/questions**

- ___ applicant
- ___ representative

• **Conclusion**

- ___ sign/date I-589
- ___ explain any corrections to applicant
- ___ copy documents and certify if from original or copy
- ___ advise applicant how s/he will be informed of decision (pick-up, mail)

• **Immediate POST-INTERVIEW tasks**

- ___ Update Global