



Ad-hoc query on using video-recordings as the evidence in the asylum procedures

Requested by EE EMN NCP on 2th July 2014

Compilation produced on 22th September 2014

Responses from Austria, Belgium, Cyprus, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom plus Norway (23 in Total)

Disclaimer: The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

1. Background Information

The Police and Border Guard Board of Estonia is looking for information on using video-recordings as the evidence in the asylum procedures in the European Union Member States. In this respect we would like to know how European Union Member States handle this problems.






1. Is the conduct of the personal interview with the asylum seeker is video-recorded in your Member State?
2. If yes, then:
 - a) Do you also prepare written draft of the personal interview, in addition to the video-recording;
 - b) Can the video-recording of the personal interview be used as the evidence in the court;

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- c) Do you ask for the further confirmation of the applicant after the personal interview has conducted that the applicant remains to the statements that he/she gave during the personal interview? If yes, then how is it arranged (is the video-recording presented to the applicant after the personal interview) and drafted?

Please provide your responses by **25th July 2014**.






2. Responses

		Wider Dissemination?	
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Belgium	Yes	1. Belgium has no experience with audio or video recording of the personal interview. We use a verbatim written transcript including all relevant events (e.g. demeanour, interview breaks, ...) and ask at the end of the interview whether the asylum applicant has any remarks and whether he understood the interpreter well. The content of the interview report is however not repeated, nor is the applicant asked to confirm it. 2. See answer on question 1.
	Cyprus	Yes	1. No 2. (a) N/A (b) N/A (c) N/A
	Estonia	Yes	1. No 2. No a) N/A b) No, the legislation of Estonia does not allow it in the asylum procedures. c) N/A
	Finland	Yes	1. No.






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			2 N/A.
	France	Yes	The conduct of the personal interview with the asylum seeker is not video-recorded in France. However, the draft national law on asylum which is under development provides for the transposition of article 17 of the directive 2013/32/EU. Therefore, the transcript of the interview as well as the communication of the report to the asylum seeker are foreseen.
	Germany	Yes	1. No 2. N/A
	Hungary	Yes	1. No. 2. N/A
	Ireland	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Italy	Yes	1. No. In Italy, the personal interview of the asylum seeker with one of the seven <i>Territorial Committees for the Recognition of International Protection</i> is covered by the general confidentiality rule (Article 13 ¹ of Legislative Decree No. 25 of 2008). The asylum seeker will then be asked to sign the interview's written report. 2. a) No b) No c) No
	Latvia	Yes	1. In Latvia the conduct of the personal interview with the asylum seeker is not video-recorded. 2. N/A
	Lithuania	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Luxembourg	Yes	1. No. In Luxembourg the interviews can be recorded using a recording device but they are not video-recorded. 2. a. As mentioned above, there is no video-recording during the interviews. However, after the interview is finished it is transcribed and sent to the lawyer of the international protection applicant for review. b. N/A c. No. If the lawyer finds something in the minutes of the interview during the relecture that need correction or clarification it can ask to the authority that made the interview to correct it.

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	Malta	Yes	<p>1. No. The Office of the Refugee Commissioner notes that all interviews conducted by this Office are audio-recorded.</p> <p>2. (a) This Office notes that a verbatim transcript is done of each interview, in addition to the audio-recording; a copy of this transcript is given to the applicant together with the copy of the application form and the three decision papers. (b) After the personal interview is concluded, the case worker prepares a document/report with the substantial elements of the claims presented by the applicant and with the help of an interpreter reads the document/report out to the applicant. If the applicant agrees, he/she signs the document/report. If he/she does not agree, the reasons for not agreeing are included in the file.</p>
	Netherlands	Yes	<p>1. No, not in general, but we do use video recording in the case of interviews with unaccompanied minors under the age of 12.</p> <p>2. In the case of unaccompanied minors under the age of 12:</p> <p>a) Yes (but the report is made after the interview, based on the recording, so that no computer is involved during the interview with the child)</p> <p>b) Yes, but the recording is only available for the applicant/legal representative in the building of the INS, and for judges</p> <p>c) No, but the applicant can make corrections and additions to the written report</p>
	Poland	Yes	<p>1. Yes. According to Act of June 13 2003 on granting protection to foreigners within the territory of the Republic of Poland (Article 43(5)), the authority carrying the proceeding may record a course of activities by means of audio-video recording equipment, if the applicant was informed about it and there are no technical obstacles. Since 2013 the Office for Foreigners has been making use of video-conferences when conducting interviews with detained asylum seekers. The necessary equipment is located in the Office for Foreigners and in 4 out of 6 detention centers managed by the Border Guard.</p> <p>2. In general, written transcript is drafted for all interviews. It is attached to case files as an evidence (used also as an evidence in the court). Pursuant to Polish law, a copy of the protocol is provided to an applicant.</p> <p>b/ Before signing the protocol by the applicant, s/he is given an opportunity to read it again and double check the content of the protocol as well as correct it or make further comments.</p>
	Portugal	Yes	<p>1. No</p> <p>2. Not applicable</p>
	Slovak Republic	Yes	<p>1. No, the personal interview with the asylum seeker is not video-recorded. It is recorded solely in written form. Video-recording during the personal interview with the asylum seeker is not laid down by the Slovak legislation.</p> <p>2. N.A.</p>

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	Slovenia	Yes	We do not record asylum interviews.
	Spain	Yes	-No. In Spain the interviews are recorded in some cases but not in all cases. Video it is not used. -In Spain we use transcription for all the interviews. - It can be used always with the consent of the asylum seeker
	Sweden	Yes	1. NO 2. NA
	United Kingdom	Yes	1. No. We recognise that digitally recording asylum interviews has the potential to bring benefits to both asylum seekers and to the Home Office and we are currently exploring this as an option for the future. 2. a) N/A b) N/A. c) N/A
	Norway	Yes	No, the asylum interview is presently not video-recorded in Norway, a fairly thorough, written report is produced however. Nevertheless it is important to note that the Norwegian Directorate of Immigration (UDI) presently has a project running that is examining the use of audio- and video recording when interviewing asylum seekers. The project started in May 2013 and will be finished by October 2014. By October the project will make its recommendations to the management team. Norway has recently completed two research reports on training needs in relation to making credibility assessments in asylum cases that might provide some interesting related insights though little is said about taking a video of the asylum interview. Here are the links to one report, by Cecilie Schjatvet, primarily in English and with a 35 page English summary http://www.udi.no/globalassets/global/forskning-fou_i/beskyttelse/troverdighetsvurderinger-asylsaker-2014.pdf and to the other report by Guri Bollingmo, May-Len Skilbrei and Ellen Wessel, with a very brief summary in English: http://www.udi.no/globalassets/global/forskning-fou_i/beskyttelse/troverdighetsvurderinger-sokerens-forklaring-som-bevis-i-saker-om-beskyttelse.pdf Questions about these reports can be directed to kac@udi.no
