



EMN Ad-Hoc Query on Identification of victims of human trafficking during asylum interview

Requested by Orsolya BALOGH on 13th June 2018

Trafficking

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Ireland, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Slovak Republic, Sweden, United Kingdom, Norway (22 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.

Background information:

Hungary is about to step up its efforts in the field of fight against trafficking in human beings. The Immigration and Asylum Office intends to screen possible victims of human trafficking among asylum seekers. To this end, the interview sheet for refugee determination procedure is now being reviewed so as to include a THB-approach with a few additional questions.



In this regard, we aim to explore the MS experience and collect best practices as follows:


Questions




1. Are there specific questions in the asylum interview regarding a possible exploitation in the country of origin and/or exploitation suffered on the route to Europe?





If so, what are those questions directly addressing the phenomenon of human trafficking?




Responses




	Country	Wider Dissemination	Response
	Austria	Yes	1. No, in Austria no such questions are asked in the initial interview. It should, however, be pointed out that (among others) public security bodies are trained to identify victims of trafficking in human beings or of exploitation as under certain circumstances victims may be issued a “residence permit for special protection” ex officio (Art. 57 para 1 subpara 2 Asylum Act 2005).
	Belgium	Yes	1. Belgium has a specific residence permit procedure for victims of trafficking in human beings (THB) aside from the procedure for international protection. Belgium also has a national referral mechanism and there is multidisciplinary co-operation in respect of victims of trafficking in human beings and/or certain aggravated forms of smuggling of migrants. In the framework of the procedure for international protection, the Office of the Commissioner General for Refugees and Stateless Persons CGRS has developed internal guidelines on Trafficking in Human Beings and Public Order. These guidelines aim to provide practical instructions to protection officers, who are invited to pay



			<p>particular attention to this issue, particularly with regard to possible misuse of procedure for international protection by trafficking networks and to provide adequate assistance to victims. The guidelines provide that on the basis of individual asylum claims, the CGRS verifies and/or notes, on its own initiative or upon request of other services, if there are “suspicious elements” indicating cases involving THB. The guidelines mention various elements that should attract protection officers’ attention, both in the preparatory phase and in the course of the interview, such as suspicious address, legal representative’s dubious reputation, asylum seekers’ account (stereotypical) and possible fears as well as other evidence (e.g. medical certificates). In case there are no suspicious elements or indications, there is no systematic and elaborate querying of applicants for international protection during the asylum interview. There are no strict interview instructions on the migration route to verify if the person concerned has been a victim of human trafficking or if they have been maltreated during their migration route. However, recently it has been decided that women and UAMs who came via Libya should be systematically questioned about the violence they may have encountered during their travel route, also if this is not invoked by the applicants themselves. In accordance with the Asylum Procedures Directives victims of human trafficking can benefit from measures to address specific procedural needs. The CGRS has developed several supporting tools addressing the special procedural needs such as in-depth interviews, specialized protection officer/supervisor/interpreter or protection officers/interpreters from a specific gender, referral mechanisms towards specialized reception centers for victims of THB and the provision of brochures. There is a multilingual brochure that can be handed over to the applicant during the interview that aims to make victims of human trafficking aware of their situation in a simple vocabulary. It encourages victims to contact PAG-ASA, Payoke or Sürya, the specialized reception centers for victims of human trafficking. Downloads are available in 28 languages. http://www.myria.be/en/publications/multilingual-brochure-for-victims-of-human-trafficking</p>
	Bulgaria	Yes	<p>1. 1. The interview sheet for refugee determination procedure, developed by the State Agency for Refugees with the assistance of the European Asylum Support Office, does not include questions specifically addressed to identify victims of trafficking of human beings. The questions are aimed at clarifying the facts and circumstances leading to leaving the country of origin and are relevant to granting of international protection. During the interview the applicants are given a fair and effective opportunity to present all the facts and circumstances. Thus an opportunity is provided for the</p>


			applicant, if there are facts, related to trafficking in human beings, to tell them to the case worker. The case workers are trained how to proceed in case a victim of trafficking is identified. State Agency for Refugees shall inform the competent authority. 2. N/A
	Croatia	Yes	<p>1. 1. During each asylum interview we do not pose specific questions whether is the person victim of trafficking in human beings in the country of origin and/or has that person been exploited on the route to Europe. However, the asylum seeker has been provided the opportunity to present in a dignified way all the facts and circumstances of the reasons of leaving the country of origin as well as about the itinerary. If during the interview have been noticed facts which could indicate that the person is a victim of trafficking in human beings, police and other bodies competent for the identification and protection of victims of trafficking are immediately informed. Person who has been identified as the victim of human trafficking is ensured special procedural and reception guarantees during the asylum procedure. The person can also request to be placed in an appropriate institution where he/she can receive psychosocial help.</p>
	Cyprus	Yes	<p>1. Although there are no specific questions in the form of internal guidelines concerning an interview of a possible victim of trafficking, there are specific routes which may lead to the suspicion that the applicant may be a victim of trafficking (e.g. if the person passed through Libya). In this case, the case officer will ask more questions concerning this part of the journey with both general and more specific questions, depending on the merits of each case. Furthermore, (mostly women) applicants coming from Congo , Cameroon, Nigeria, Sudan etc. are possible victims of trafficking and more research is required both before, during and after the interview in order to establish whether the person is actually a victim of trafficking. If through the asylum interview, there is a valid suspicion that the applicant is a victim of trafficking, the Special Anti-Trafficking Unit of the Police is notified immediately, which, among other tasks, has the authority to identify and protect such victims.</p>
	Czech Republic	Yes	<p>1. No. However, there is a possibility that the interviewer can detect some facts indicating that the person was a victim of human trafficking or other forms of exploitation. In that case relevant authorities such as the Police of the Czech Republic are informed. In cases of sexual exploitation we inform NGOs specialised in this issue such as La Strada.</p>


			<p>2. No. However, there is a possibility that the interviewer can detect some facts indicating that the person was a victim of human trafficking or other forms of exploitation. In that case relevant authorities such as the Police of the Czech Republic are informed. In cases of sexual exploitation we inform NGOs specialised in this issue such as La Strada.</p>
	Estonia	Yes	<p>1. Currently there are no specific questions in the asylum interview regarding a possible exploitation in the country of origin and/or exploitation suffered on the route to Europe. However, it is possible that during the interview suspicion arises that the person is a victim of trafficking, in which case relevant authorities are informed.</p>
	Finland	Yes	<p>1. There are no specific questions regarding possible exploitation or human trafficking that are posed in all asylum interviews. If there are signs of exploitation or human trafficking the issue is investigated further. The Finnish Immigration Service has internal guidelines on how to do this. The guidelines state that if there are signs the following things have to be clarified in the asylum interview: means, actions and purpose of the alleged exploitation, relationship with the alleged perpetrators, is the relationship still ongoing or has it been cut off, risk for continuing exploitation in the country of origin, possibility for protection by authorities in the country of origin against the exploitation; vulnerability, health status, education and social networks in the country of origin.</p>
	France	No	
	Germany	Yes	<p>1. There is currently no specific guide available on how to conduct interviews in cases involving trafficking in human beings. If it becomes evident during an interview that the applicant is a victim of trafficking, the Special Representative for Trafficking in Human Beings should be consulted and the case discussed. If necessary, a supplementary interview may then be held. If the case comes under the Dublin Regulation, the reasons why a TCN should not be returned to another Member State may be linked to trafficking in human beings at the meeting to discuss admissibility. If the suspicion of trafficking does not arise until the interview itself, the decision-maker needs to make sure to establish a connection with trafficking in human beings on the basis of certain indications and to ask carefully in this regard. Other indicators may include accompanying circumstances such as an existing</p>


			pregnancy, sexually transmitted diseases, locations of apprehension or a long stay in Germany or another Member State. External signs can be, for example, conspicuous and inappropriate clothing, unusual behaviour as a sign of sexual exploitation and psychosomatic problems. A guide on how to conduct an interview with persons suspected of being involved in human trafficking is currently under consideration. However, a clear distinction must be made between the asylum procedure and criminal procedure when questions are asked.
	Greece	Yes	1. Case workers explore all material facts relating to the case. Specific questions for possible exploitation on route or in the country of origin are not provided beforehand, however those elements are explored by case workers in relevant cases of possible trafficking. Case workers are advised to ask questions about the daily life of the applicant in the country of origin and the applicant's itinerary and if relevant indicators come up, then they are further explored. Additionally, as a general rule during the asylum interview all questions should avoid "to lead" the applicant towards specific answers. The caseworker's aim is to provide the applicant with the opportunity to communicate the reasons as to why (s)he is in need for international protection, and, therefore abstains from any action/type of questioning that would give the impression to the applicant that the interviewer is expecting to hear specific answers. Experience shows that, most victims of trafficking feel the urge to reveal their suffering and do so spontaneously during the interview. In cases where the caseworker has indications that the applicant may have being a victim of trafficking but is still under shock or afraid to speak, (s)he would preferably choose to make "open" questions, that is, more general questions and, in any case, questions that would not "guide" the applicant towards specific answers. Such questions would address the applicant's perception/emotional stance and mental appraisal of the situations (s)he has faced since the start of his itinerary until the moment of the asylum interview. If so, what are those questions directly addressing the phenomenon of human trafficking? n/a.
	Ireland	No	
	Latvia	Yes	1. No. We have no specific set of questions in the asylum interview (on grounds for asylum) regarding a possible exploitation in the country of origin and/or on the way to Europe. If the information obtained during the initial interview (conducted by the State Border Guard soon after the submission

			of asylum application) indicates a possible exploitation in the country of origin or on the way to Europe the interviewer responsible for asylum interview prepares more specific questions in light of particular circumstances of the case.
	Lithuania	Yes	1. No, there are no specific questions asked during the first asylum interview, but after examining the motives for applying for the asylum, an initial assessment of the vulnerability of the asylum seeker is also being performed. During it, it is examined whether the asylum seeker could be a victim of trafficking in human beings, as well as, other circumstances are assessed - whether there are indications that the following actions were taken against the person: he/she was included in trafficking, recruiting, smuggling; held in captivity; in the case of a child - was offered to be acquired. It is also identified if there are indications that the perpetrator used physical violence against the person, threats (psychological violence), otherwise denied the opportunity to resist, used the victim's addiction, used the victim's vulnerability, used fraud, seized his/hers identity documents, accepted money, paid money, received other benefits, etc.
	Luxembourg	Yes	1. No, there are no specific questions in the asylum interview. Article 19 (1) of our national law on international and temporary protection (Law of 18 December 2015 on international and temporary protection) pays particular attention to the identification and protection of vulnerable persons, including victims of human trafficking. In this context, all the interviewers have followed the EASO Training Module “Interviewing vulnerable persons” in order to being able to detect potential victims of human trafficking. In addition, some caseworkers have undergone a special training on the subject of human trafficking, offered by our National Institute of Public Administration. Five officers of the Luxembourgish Asylum Unit have taken part in an extensive training. Concerning a possible exploitation suffered on the route to Europe, the following question has been incorporated into the Dublin interview: “What did you experience on your journey to Luxembourg?” The officers in charge of the Dublin interviews are the “vulnerable persons” contact point for the Directorate of Immigration. N/A
	Malta	Yes	1. During the asylum interview, case workers are instructed to ask, amongst others, questions in relation to: a) why the applicant left his/her country of origin; b) his/her daily life in the country of origin, including whether the applicant faced any problems in the country of origin; and c) how he/she

			left his/her country of origin, including the mode of travel, the route taken, how contact was made with the smuggler (if applicable), etc. It should also be pointed out that when a third country national or a stateless person lodges an application for international protection, the Office of the Refugee Commissioner carries out a vulnerability assessment, based on readily apparent signs and the applicant's oral declarations, to determine whether the applicant is in need of procedural guarantees due to his/her vulnerability (including victims of human trafficking). During the lodging of the application, applicants are also asked questions in relation to how they were smuggled out of the country/into the Union (if applicable) and entry into Malta.
	Netherlands	Yes	1. Yes, there are questions in the asylum interview regarding possible exploitation in the country of origin and/or exploitation suffered on the route to Europe, however, questions concerning human trafficking are only standardized in the format interview concerning unaccompanied minors. In all other asylum cases the asylum officers are instructed to ask in-depth questions concerning human trafficking only when they encounter signals of human trafficking. Asylum officers are instructed to pay special attention to human trafficking signals but there are no specific or standardized questions concerning the subject. In the asylum interview with unaccompanied minors (generally only when the child is able to understand and answer the question) there are standardized questions. The following questions can be asked: - Did you have to work during your journey? - What was the name of the person that brought you abroad? - What was the nationality of the person? - What (work) did the person do in your country? - How did you come in contact with this person? - What name did you have to give when people would ask for your name? - What did you have to answer when people asked what the (family) relation was between you and this person? - Do you have an address or telephone number of this person?
	Poland	No	
	Slovak Republic	Yes	1. A position of the national coordinator for combatting human trafficking was created and regulation of the Ministry of Interior n. 180/2013 was adopted for securing a uniform approach and supporting the protection of the victims of trafficking within the field of action of the Ministry of Interior. According to the above mentioned regulation, one of the subjects for the field of asylum procedures,

			<p>the Migration Office of the Ministry of Interior of the SR, has a competence in line with the Act on asylum in the field of international protection (asylum and subsidiary protection). To secure the selected tasks a Collection of instructions of the director of Migration Office was published to provide a methodical guidance for identification of potential victims of human trafficking within the scope of Migration Office (i.e. among asylum seekers). In this guidance specific conditions and procedures related to how to identify a potential victim are listed, as well as range of questions used during information interviews. Questions are specifically aimed at unaccompanied minors who are asylum seekers and vulnerable females. All the workers of the Migration Office who get in touch with the applicants for international protection were familiarised with the internal rules. In the reception centre Humenné a case-worker of the procedural department is specifically dedicated to ensure relevant information is provided to the asylum seekers already during the first touch. However, these processes are complicated, thus Migration Office is ready to provide more information directly within the process in case of interest of our Hungarian colleagues.</p>
	Sweden	Yes	<p>1. The basic prerequisite for a case handler or a decision maker to be able to identify a victim of trafficking is that they have a basic knowledge regarding what trafficking is and which indicators that can be a sign of trafficking. The Swedish Migration Agency has for this reason worked a lot with education. We have an internal web-based education and also a traditional “face-to-face” course. In our “Handbook for migration cases” there is a part covering “Internal routines when suspicion of trafficking”. In the above mentioned handbook it is said: Some indicators to observe: The person: - Is not in possession of his/her own passport or has a false passport - Has no ticket of return - Looks afraid, is not speaking freely, get the feeling that someone is monitoring - Seems to have given up and you get the feeling of wanting to take care of her/him - Is under constant surveillance of a third person or of the person taking advantage - Is accompanied by a dominant person - Is unnaturally positive in the situation - Has evidence of violence on his/her body - Changes address often - Can have been given drugs against his/her own will and knowledge - Can after being taken care of in a safe environment get reactions such as sleeplessness, vomiting and anxiety. If trafficking is suspected additional questions can be asked. Examples can be: - Have you arrived in Sweden out of your own will? - Have you been physically, mentally or sexually abused? - Are you exposed to pressure or threats? - Is anyone limiting your freedom of movement or are you allowed to move freely? - Do you have possession of your passport, id-documents, credit card? - Do you have any debts? - Have your</p>

			<p>family members been exposed to threats? In Sweden we have, beside the asylum interview, always an arrival conversation with the asylum seeker. It is relatively common that it during this conversation emerges indications that a person can be a victim of trafficking. In that case questions are asked about the person's physical and mental health. Answers can give indications like sleeplessness and the like. During this conversion, as during the asylum interview, questions about how the person has travelled to Sweden are asked. When did the person arrive in the EU? When did the person arrive in Sweden? If the person has been in the EU or Sweden for a long time before applying for asylum this can also be an indication of trafficking. We have seen that victims of trafficking applying for asylum in most cases have been staying in Sweden for one to six months before applying for asylum. Most people who are not victims of trafficking is normally applying for asylum directly after arriving in Sweden.</p>
	<p>United Kingdom</p>	<p>Yes</p>	<p>1. In the UK, at the screening interview there is a specific question that asks: “In your country of origin, on the way to the UK or within the UK, have you ever been subject to exploitation? For example being forced into prostitution, forced labour, or do you have reason to believe you were going to be exploited?” There is no prescriptive list of questions that are asked at asylum interview regarding potential exploitation. There are two circumstances in which exploitation may be encountered at interview. The first is in UKVI's capacity as a First Responder. Every member of our interviewing staff receives e-learning training as a First Responder to support them in identifying indicators of modern slavery. NRM referral forms contain potential indicators of trafficking, which when identified, lead to interviewing officers asking for consent to complete an NRM referral form. In the case of children, no consent is required and referral is mandatory. https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms The second circumstance in which an interviewing officer may encounter the necessity to ask questions surrounding exploitation is when a potential victim has received a positive reasonable grounds decision and a combined asylum/trafficking interview is to be conducted. In this circumstance, the Competent Authority who made the initial modern slavery decision may include a list of questions that the interviewing officer would use as a guide to ensure all elements of the alleged exploitation had been covered. The areas of questioning below indicate the sorts of areas that generally need to be covered. The following does not constitute an exhaustive list, but provides an example of areas requiring consideration: Interviewing NRM cases Personal circumstances in home country Level of education/background Any employment Family's employment / financial</p>

			<p>circumstances Family remaining in country Exit from home country Who the potential victim travelled with Circumstances in which they met this person Relationship with this person e.g. 'boyfriend' Any payments made Any expectations/agreements as to what would happen once in UK Travel documents obtained how and by whom Arrival in UK Arrived alone or with others Met by anyone Where did they go Did they work Any payments received Jobs undertaken (where/when etc.) Days off/freedom of movement Where slept Where was passport kept Allowed to practise religion Meals given Medical treatment Sexual exploitation (how clients paid, contraception arrangements/pregnancies/abortions, details of clients who may have assisted escape) When did they leave these circumstances and how did this come about Who fear Do they fear who travelled with (agent/trafficker/facilitator) Their own family members What level of influence do these people have in their home country Could the applicant live elsewhere in the country Could they access assistance from the police Any assistance available in their home country from NGOs Support from any family/friends Medical Needs Any medical conditions/taking medication (full details) Currently having treatment or any counselling (full details) Police Been to report crime to police (full details) Intend to (full details) Currently assisting police in any capacity (full details) Exploitation What date did you arrive in x What mode of transport did you use to enter x What were your expectations of being in x What work did you undertake in x Who did you work for Were you paid How were you paid How often were you paid Were there anyone else involved What were their nationalities How much did you originally owe the traffickers What were the conditions of this debt How did you arrange to pay it off What made you agree to these terms How many hours a day would you work What were your living arrangements Did you get any time off Where did you sleep Did you have a mobile phone Did you have a bank account How were you paid Did you have any contact with your family Meals given Were you allowed to practice religion Medical treatment</p>
	Norway	Yes	<p>1. In Norway, the following questions are asked to all asylum applicants, as part of our responsibility to identify applicants with special needs: • “If you have health problems or other issues that I should take into consideration during this interview, it's important that you let me know. Is there something I should know about you before we start the interview?” • “Do you have physical health problems (such as infectious diseases, disabilities, major pain / body damage) or mental health problems (such as anxiety, sleep problems or depression)? In addition, all applicants are informed that persons in a difficult situation in Norway can get help. If he or she has been, or is presently exposed to serious</p>

			<p>abuse, violence or threats, or has serious health problems, he/ she may, for example, get help to get a safe place to stay, help from health personnel or police protection. At the end of the interview all applicants are asked if they would like to include any additional information in the application for protection. This question can potentially also be an additional “door opener” for information about trafficking. If the interviewer has a reason to believe, or information that may indicate that the person is a victim of trafficking the following questions should be asked: • "We know that people in similar situations as yours have been exploited in human trafficking. Human trafficking is when a person is forced or exploited, to for example prostitution, work, begging or crime. o Has anyone forced you to do something like this, in your home country, on your journey, or here in Norway? o Is there someone that you are afraid of, or someone with the power to make decisions for you against you will, in Norway? o Do you owe someone money that requires you to do work or provide other services for them here in Norway?" If we know in advance that the applicant may be a victim of human trafficking, or if the answers to the questions above indicate this, we have a detailed interview guide that the interviewer should follow. If the applicant has accompanying children, the interviewer should also ask questions about their situation and well-being, including if the children have been forced or exploited in any way. The interviewer should also provide information about rights and possibilities for assistance, and offer to help contact the main NGO that coordinates access to such assistance. • "If you are exposed to human trafficking, you can get help from the Norwegian authorities. It is forbidden to force anyone to work, or to exploit anyone sexually, as for example in prostitution. If you have experienced this you can get: o safe housing o free help from a lawyer o help for safe return to your home country from the organization IOM, and o You can also apply for a separate type of residence permit that lasts six months in order for you to get away from those who have abused you. You can resume your application for asylum after this period. All interviewers have a duty to contact the police if it is disclosed during an interview that the applicant may be in immediate danger. In these cases, the interviewer also ensure that the applicant is offered a safe place to live, and that he/she may come into contact with the NGO that coordinate access to the above-mentioned rights. If the applicant is a child, or if the applicant has an accompanying child, the interviewer must consider contacting the child protection service.</p>
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