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Important information about the BAMF Interview (Anhörung) for lesbian, gay, bisexual, trans* or inter* (lgbtqi*) refugees

As of: December 2024

We have put together some information regarding the BAMF interview, also known in German as “Anhörung” and/or “BAMF-Interview”. If you have any further questions regarding its preparation, do not hesitate to contact us.

Website: www.gerede-dresden.de
E-mail: refugees@gerede-dresden.de or asyl@gerede-dresden.de

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I. Interview framework

1. Why the interview?

The BAMF interview is the central part of the asylum application procedure. Your asylum application will be decided on the basis of the interview. Thus, it is important that you explain your personal reasons for fleeing. Your report on the persecutions you have experienced is decisive for the recognition of asylum, whether or not you already explained those reasons to another authority (e.g., the police) or mentioned it during your registration at the reception centre. Only what you say at the BAMF interview is decisive.

The procedure consists of two parts, which are usually spread over two appointments.

First, there is a hearing (also called a *short* interview) during which it will be checked whether Germany is responsible for your asylum procedure.
Then, during the second interview (*big* interview), you will have to describe all the circumstances regarding your reasons for fleeing, even if you have already done this before.

2. Your rights and obligations

- The interview is individual. Each person will be interviewed individually by a BAMF worker. A translator will also be present.
- Should the gender of the translator be important to you, e.g., if you would rather speak to a woman, you can send a written request to the BAMF beforehand. We can help you with this (see below section **I. 4.**).
- You can ask for a break anytime you want. Feel free to use it whenever you feel you need one. This will not have a negative impact on the interview.
- It is possible for a "trusted person" (support) to attend the hearing (see below under **I.5**.).
- There are BAMF employees who are trained in special grounds for persecution (special representatives). You are entitled to have such a BAMF employee being involved in the decision (see section **I. 6.**).
- If you cannot attend your appointment, you must inform the BAMF in written form on time and provide an explanation. If you do not attend your interview without noticing the BAMF, your asylum application may be rejected or the procedure may be discontinued without you being asked for the reasons why you did not show up. If you are ill or run late that day, you must inform the BAMF with a phone call. In case of sickness, you must provide a sicknote afterwards.

Duty of confidentiality

Both BAMF workers and translators have a duty of confidentiality. Divulging any information you gave during your interview to any third person makes them punishable by law. It does not matter, whether that person resides in Germany or not.

3. Interview procedure

- You get an appointment and are invited to the interview at the same time as many other people. You cannot know in advance in which order the interviews will be held. This means that you may have to wait in the waiting area for a few hours until you are called and your interview begins. (see **III.** below).
- The interview is generally not open to the public. The only people present are the BAMF worker (who sits at the front and types the protocol) and the translator.
- Firstly, your personal data will be verified. Then, the interviewer must ensure that you are in good health conditions to get interviewed and that you can communicate with the translator. If do not feel good that day, let them know, you will receive a second appointment. This will not have any negative impact on your asylum procedure.
- This is followed by general instructions on your rights and obligations during the procedure. You can already find those instructions in the written invitation to the interview (see **I.2.** above).
- Then, you will be asked further general questions, e.g., where you lived in your home country, what your school education was like, when you left your country etc. The BAMF will ask questions related to your socio-cultural background as well as details of your journey. The aim of the BAMF is to make sure that the information you have provided so far matches.

Examples of possible questions can be found in section **II. 6**.

- Afterwards, you will be asked to describe your reasons for fleeing and you are expected to give a “factual presentation”; this means you have the right and the opportunity to explain the various reasons which led you to flee and what you consider to be important. You will not be interrupted during this part.
- It is normal for this to be very detailed.
- You can take as much time as you need to explain your story. However, the focus must remain on your reasons for fleeing.
- It is normal that emotions come up during the interview (see section **III.** below). The interviewers are used to people having strong emotional reactions. It is fine to cry, it

is also fine to ask for a break. You can pause your presentation at any time if you notice it is getting too much for you. You have the right to take breaks.

- At the end of your presentation, the BAMF worker will ask you if there are any further information you want to add. Take the time to think whether there is anything else you want to say.
- Thereafter the interviewer will ask you questions related to your presentation. These can be detailed questions. For example, you may be asked when exactly the events you talked about happened; who was there, etc. It can also be asked why you acted a certain way during an event. Sometimes you will be asked the same question several times. They can also ask you what would happen to you if you were to return. The interviewer may ask if there is a place in your home country where you would not have to fear persecution.
- The interviewer will try to find out if there are any further reasons (besides the ones mentioned previously) which could speak against a deportation, e.g., health, work, family reasons etc.
- If you spoke about your gender identity or your sexual orientation as flight reasons, the BAMF worker might question you further on this (see below **II. 3**.).
- It is possible that they ask you whether you have reported any acts of persecution to the police. Answer truthfully and explain your reasons if you have not done so, e.g., that the police would not protect you and you feared violence, torture or ostracism by your family. If it is the case, it must become clear during the hearing that neither the police nor the state and society can protect you.
- The interview has no fixed duration. It depends on how much you have to say and how many questions you will be asked. You may not be able to explain everything in one day, this is not uncommon. The interview will then be paused and you will receive a new appointment to continue with the hearing. This has no negative impact on your asylum procedure. You can contact us if you find yourself between two appointments and have any questions. This could be a good opportunity to prepare yourself for the second part of the interview.

4. Translation

- The interview will be held in your first language, a translator will be present.
- If you wish to have the interview in another language, you can inform the BAMF beforehand.
- Should the gender of the translator be important to you, e.g., if you would prefer a woman to mediate, you can ask the BAMF prior to your interview. We can help you with that. Nevertheless, it can be that your preference will not be held into account.

- The translator must remain neutral during the interview and can only translate what you and the interviewer are saying, they are not allowed to make any comments.
- If you do not understand and/or trust the translator, say so immediately, even if you find it difficult: to is your right to ask for a new translator. This will have no negative impact on your asylum process. Retrospectively complaining about the translator is rather difficult if you have signed at the end of the interview that you agreed to the language mediation.
- You can bring a translator of your choice, however at your own expenses. The BAMF must give its consent.
- The translator must comply with the duty of confidentiality (see above under **I.2.**).

5. Support

- You can take a person (support) with you during the interview (e.g., a friend, a lawyer or a counsellor)
- This person must identify themselves and are not allowed to be in the asylum procedure themselves or be about to attend their own interview.
- It is preferable to register your support person before the appointment. Do to so, you must contact the BAMF, we can support you with this.
- The support person is allowed to speak, and although they cannot explain the reasons of your flight, they can however ask you questions and speak independently. Their statements must be written down in the protocol.
- It can be useful if this person speaks both German as well as your language.

6. Special representatives

The BAMF provides special representatives for the following groups:

- Unaccompanied minors
- Victims of torture
- Traumatized people
- Gender-specific victims of persecution
- Victims of human trafficking
- People persecuted because of their sexual orientation and/or gender identity

- The special representatives are specially trained interviewers.

- If you belong to one of the groups, you have the right to an interview conducted by a trained interviewer.
- You must submit an application beforehand. We can help you with this.

How do I submit an application?

You can submit your application as early as possible, by sending a short letter to the BAMF prior to the interview. In the letter you must include your name, your file reference number, known as "AZ-Nummer" (this number is written in all letters from the BAMF).

You can write that you would like to have a special representative (e.g., for people persecuted because of their sexual orientation and/or gender identity), the support of a trusted person and/or a specific translator.

You can send the letter via post, E-mail or fax or give it directly at the BAMF office.

7. The protocol

- A transcript/protocol of the interview will be made in German. It is the most important document of the procedure as it is the basis for the decision on your asylum application. Often the person who makes the decision is not the same person who conducts the interview, so it is important to know that only what is written in the transcript is crucial for the decision.
- The protocol does not only include what you say, but also your physical reactions, for example if you cry, if you need a break and/or ask to change the translator etc.
- This protocol will be translated word for word to you. By the end of the interview, you will usually be asked if you want a translation of it or not. It is advisable to insist on a translation, even if this takes time.
- With this translation, you have the opportunity to correct information and/or contradictions. If you notice any mistakes (e.g., an incorrect time/date), insist that these must be changed!
- At the end of the interview, you should sign the protocol, do not sign it if it has any mistakes!
- Ask for a copy of the protocol. If you notice any mistakes, contact us or your legal representant.

II. Your asylum procedure

1. Reasons for flight

There are various reasons that can lead to recognition.

a. The **refugee status** can be recognised on the basis of §§ 3 ff AsylG (Asylum Act). This protection is granted if certain actors persecute people for specific reasons.

b. A refugee status can also be recognised through **Art. 16 a GG** (constitution). However, this only comes into consideration if you arrived **directly** to Germany by plane or boat.

c. **Subsidiary protection** according to § 4 AsylG can be considered if you are at risk of serious harm in your country of origin. In comparison to the refugee status according to §§ 3 ff AsylG, it is not necessary that you are threaten due to a particular characteristic.

d. **A deportation ban** applies if, despite the lack of refugee status, you cannot be deported. This can be the case if there is a concrete danger for your health (§ 60 par. 7 AufenthG (Asylum Act)) or if the deportation would constitute a violation of an ECHR right (European Convention on Human Rights) (§ 60 par. 5 AufenthG Residence Act). This is for example the case, if you cannot ensure a minimal subsistence level in your home country.

2. Information on the reasons for fleeing

- It is important that you state which persecutions happened or could happen to you if you were to go back in your homeland. You must talk from personal experience.
- The persecutions must be so severe that they constitute a serious violation of fundamental human rights. Insults, verbal abuse and threats, as well as the feeling of being unwanted should be mentioned during the interview. Unfortunately, they alone are not sufficient to be recognized as acts of persecution for the BAMF. The same applies to disputes or problems with the family or the neighbourhood.
- You will only be granted asylum in Germany if you are not safe anywhere in your country and if the state will not protect you. The BAMF will ask you if there are any other places in your home country where you would be safe.
- You must credibly present the reasons for your asylum application during the interview. The focus does not have to be on one reason only, there may be several of them leading to asylum being granted.
- Even if it is really hard to talk about stressful events, remember that you are safe in the here and now. It is understandable, that you might have some difficulties to speak

about those. Some emotions might come up while you talk about your experiences. You can ask for a break, you can show your emotions, you can cry etc. (see below **III.**)

- If there is a particular even you do now wish to talk about with strangers, do not leave it out, mention when and where it happened and why you cannot describe it in detail. If it is easier for you, you can submit it in a written form. We can help you with it.
- Try to remember all details, including names of place or people (e.g., witnesses or perpetrators). Report on visible details such as people´s appearances (e.g., type of uniform) or the weather. When you report on your experiences, answer the questions honestly. You have the right to not answer a question. Many of the bad events that you talk about are probably far in the past, it is often hard to remember such in accurate details. You can honestly say if you can't remember certain things exactly. The most important is that your statements do not contradict each other, this could be interpreted as not credible by the BAMF.
- Explain chronologically, i.e., start with the first situation that is related to your flight, e.g., experiences of rejection/discrimination/violence in childhood, right up to the present day. Also report on relevant events that are related to your escape which only happened after your flight such as ongoing threats via telephone, social network etc.
- It is important that the acts of persecution have a temporal connection with the escape, i.e., if you report events which happened much earlier than the escape, then you should explain why you fled later. Was there a particular reason that triggered your decision to flee? Or did the situation worsened throughout the years leading you to escape?
- During the interview you should talk as much as possible about the reasons of your escape. If you only assert your reasons for fleeing later, for example in court, you will have to explain why you did not describe these reasons during the interview.
- You will be asked many questions, do not let this destabilizes you!
- This appointment can be an opportunity to be heard and to speak for yourself. Take all the time you need to speak about your experience and your life story, it is your right.

Note: If you are sick, mention it during the interview. It is especially relevant if you come from a country where the health care system is not good and/or if you cannot pay for the medical expenses.

3. LGBTQI+ specific reasons for flight

- It is possible that your sexual orientation or your gender identity will be addressed by the interviewer.

- If you have been persecuted because of your sexual orientation or gender identity or are threatened with persecution if you were to return to your homeland, this can be considered grounds for refugee status in Germany. This includes violence, the risk of death, physical injury or imprisonment, criminal prosecution or inhuman and/or degrading treatment and/or punishment. Therefore, it is necessary to talk about those issues during the interview.
- Discriminatory laws against the LGBTQI+ people are not sufficient grounds to get the refugee status. You have to talk about personal experiences e.g., you were arrested by the police, you did not get any work, your family threatened you, the society outcasted you, the police did not help you etc.

You can think about the following questions. Should any of them apply to your situation, it is important to mention them during the interview:

- Have you ever have had a bad experience due to your gender identity and/or sexual orientation?
- Were you persecuted/injured/discriminated by the police/other people in your homeland because of your gender identity and/or sexual orientation?
- What does your family think about the fact that you are gay/bisexual/trans/lesbian?
- What would happen to you if you were to come out as gay/bisexual/trans/lesbian in your home country? Give concrete examples: would you not be allowed to do certain jobs? Would you be in danger (what could happen to you exactly?)
- Did you talk to anyone about your gender identity and/or sexual orientation back home? If so, with whom? What happened to you afterwards?

4. Overall situation in home country

The BAMF workers do not always know the condition in your country and that certain things are not allowed, even if they are not written in the law. Thus, it is important that you talk about incidents from your everyday life that demonstrate how you deal with certain issues.

If the following questions apply to you, you shall mention them during your interview:

- How is the current situation in terms of security in your home town/in your country overall?
- How was the situation in your home town/home country before you fled?
- Did the people around you in your home country died because of the situation? (e.g., due to war, persecution, lack of supplies etc.)
- Did you experience psychological, physical, and/or sexual violence in your country? Did you witness such violence?
- Were you afraid to die?
- Do you have a sickness which would not be treated back home due to a lack of medical aids/supplies?

Keep in mind that the overall situation in the home country is significant, but not as much as your personal reasons for fleeing.

5. Proofs and documents

- Take all documents which can prove your story (e.g., pictures, videos, E-mail, chat histories, letters, documents, medical/therapeutic certificates (including those issued in Germany), newspaper cuttings medication packaging, Facebook and Instagram posts... etc)
- If you think your friends/relatives can send you some relevant documents from your homeland, be sure to ask them to do so, so that you can take these documents with you to the interview.
- Prepare some copies of the documents you want to submit. You can copy them on a CD or put them on a USB stick.
- Note: the BAMF staff are not allowed to request photos or videos of sexual acts as it is prohibited in Germany.
- If your documents are not accepted, insist that this is noted in the protocol.

6. Content preparation for the interview

This is how you can prepare yourself for the interview:

- You can write down what you have experienced chronologically. It is not advised to take your notes with you for the interview as it might come across as untrustworthy. Only use your notes for your preparation. It is important that your presentation does come across as memorized by heart.
- You can use a timeline for your preparation. Take a piece of paper and draw a line which will symbolize your life story. You can write down the beginning (the year you were born, a specific event…) and the end (now, arrival in Germany). Then divide the line in various time periods (e.g,. annually). You can use this line to organise your experiences chronologically. Add locations to any experience (e.g., my mother´s house, on the beach, in Caracas…). It is normal not to remember everything and be a little bit confused. The line helps you to orientate yourself in time and space.
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- You can tell your story to people you trust to practise and train your openness. In the interview, you will have to give intimate details of your life to strangers. This is not an everyday occurrence and can be difficult. Practising it beforehand can help you deal with it in a better way.
- Dealing with your own biography can be intense, especially if you have had painful experiences. Take care of yourself, take breaks, move around a little bit. You will find some tips for self-care at the end of this brochure (see below **III.**)

III. Self-care

The interview can be challenging: you will talk about your personal life story and about events that may be stressful. This is an unusual situation that people don't experience every day!

When people recall memories, they remember them not only with their head but also with their body and this can be exhausting. It is important to take care of yourself before and after the interview. Here are a few ideas:

- Is there a snack which you really like? Maybe some chocolate, a fruit or something salty. Snacks are perfect allies to keep the energy level up.
- If you need a break, speak up! Everyone needs a break every now and then.
- Is there any object which gives you a sense of security? Perhaps an object that brings back fond memories? Bring it with you to the interview.

- It is not too late to find a suitable object. Maybe you can go for a walk and see if you find something. A leaf, a stone, a picture, a flower etc.
- Think of people who are there for you and whom you trust. You can plan some activities with them after the interview. Maybe you can organize a video call or go for a walk.
- What do you enjoy to do on your own? Be it painting, going for a walk, watching a movie, do that before and/or after the interview.

Sometimes we feel restless, pumped up with energy and overwhelmed by thoughts and emotions. If this happens you can:
- move softly
- Breathe deeply and consciously. Try to focus specifically on your exhalation.
- massage yourself (e.g., hands!)

Sometimes we feel as if we could fall asleep in no time, with no energy left and indifferent to things. If this happens you can:
- move your body. Stretch or go for a walk during a break, dance before the interview.
- check your surroundings and see what you can perceive with your senses. For example, look for four blue things around you. Or maybe enumerate which sounds you are hearing
- wash your hands and face with cold water.

You probably have other ideas about what could help you, write them down:

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IV. Decision

- You will receive the BAMF decision by post at your current address in a yellow envelope. Therefore, it is crucial that the BAMF has your current address. There will a date on the envelope which is very important if you want to appeal against the decision. The deadline for an appeal starts from that very date. In order to not miss the deadline, check your mailbox regularly.
- If there is a notice board in the hall of your residence with the newly received mail, check it regularly; otherwise ask the person in charge.

- If you already have a lawyer, the BAMF decision can be sent to them directly. Make sure that your lawyer can reach you anytime. This requires a power of attorney. Counselling centres cannot provide legal representation. This also includes, for example, reception of mail.
- If the decision is negative, look quickly for counselling as you usually only have 7 or 14 days to file an appeal.

V. Info material about the interview

Small animation film about the BAMF interview:
Allemand, Anglais, Français, Pashto, Kurmandji (kurdisch/ كورمانجى), Albanian (Shqipja), Arabic (العربية اللغة), Macedonian (македонски јазик), Bosnian (bosanski), Farsi (فارسی زبان), Serbian (српски)

Further links:

BAMF Fragen.pdf (fluechtlingsrat-thr.de)

https://queer-refugees.de/material/

https://www.saechsischer-fluechtlingsrat.de/de/venezuela-info/