

# **The Immigration Appeals Board**

## **Rules of procedure regarding interviews**

17 July 2020

### **1) Introduction**

According to Article 8, para 7, of the Act on Foreigners number 80/2016, the process of a case before the Immigration Appeals Board shall generally be in writing. If reason deems to exist, the Immigration Appeals Board may invite applicants for international protection to appear before the board to express themselves on their case or on individual factors of the case as appropriate. The board may also summon others than appellants if this is deemed necessary. The chairman and vice-chairman of the board have an independent authorization to invite appellants to appear before the board. These rules of procedure address how decisions are made to invite an appellant to appear before the board.

The purpose of these rules of procedure is to coordinate the work processes and how interviews are carried out. They do not create a right to an appellant to appear before the board and do not create a duty of the board to invite an appellant to come for an interview.

### **2) Opinion by a lawyer**

The lawyer of the Immigration Appeals Board, who is responsible for a case, shall assess in light of these rules of procedure whether the statement by an appellant may affect the outcome of a case. If the lawyer deems that this may be so, he/she will draw the attention of the chief lawyer of this, who then brings the matter to the attention of the chairperson or the vice-chairperson unless it is obvious that there is no need for an interview. Such an assessment by the lawyer shall be made as soon as possible after the relevant report has been received.

When assessing whether an appellant should be invited to appear before the Immigration Appeals Board consideration shall also be made as to whether there exists

- suspicion about an appellant's individual circumstances not having been sufficiently examined by the Directorate of Immigration,
- the appellant is a single parent or an unescorted child, or
- more than 6 months have passed from the time an appeal was made without the case having been completed and circumstances indicate that the appellant's situation may have changed.

### **3) Applications for international protection**

Applicants of cases regarding international protection that have been accepted for procedure shall be invited to an interview after an initial examination of the data of a case, provided the board, the chairperson or the vice-chairperson consider it as likely that the statement of the applicant will shed a light on the factors of a case and could determine its conclusion.

If the decision by the Directorate of Immigration indicates a lack of credibility of an applicant's statement the applicant shall generally be invited to an interview if the committee, the chairperson or the vice-chairperson consider his/her statement before the board as being likely to shed a further light on its credibility.

#### **4) Dublin cases and protection cases**

If the Directorate of Immigration has not taken an application by an appellant for processing on grounds of Article 36 of the Act on Foreigners, the appellant is generally not called in for an interview unless

- the Immigration Appeals Board, the chairperson or the vice-chairperson, deem that the statement by the applicant is likely to shed a light on his/her individual circumstances to the extent that could affect the conclusion, or
- the applicant has maintained that he/she has special ties to the country, and the board, the chairperson or the vice-chairperson deem that the appellant's statement about said ties may affect the conclusion.

#### **5) Invitation to an interview**

If the board, the chairperson or the vice-chairperson decide to invite the appellant to appear before the board, such invitation shall be sent as soon as possible through his/her spokesperson. If possible the invitation shall state the date and time of the interview.

#### **6) Appellant's attendance at an interview**

The appellant is encouraged not to bring bags, backpacks or other luggage with him/her when attending an interview with the Immigration Appeals Board. If the appellant brings such luggage with him/her, the items will be separated from the appellant while he/she is inside of the board's housing. A security guard of the Immigration Appeals Board is authorized, subject to the appellant's consent or of the owner of the luggage, to search such luggage.

The appellant shall take off his/her overcoat, hat and scarf at the reception area prior to entering the meeting hall. The appellant shall also leave his/her mobile, other technical equipment, drinking containers, folders or other items at the reception area. The appellant is permitted to bring writing tools and paper to write on into the meeting hall. If the appellant intends to submit further data at the interview, he/she shall give the data to his/her spokesperson before they enter the meeting hall.

If the appellant brings along a child under the age of 12, he/she must see to it that someone takes care of the child while the appellant is in the meeting hall. An appellant's child may not accompany him/her into the meeting hall.

#### **7) Absence of appellant**

If the appellant does not appear for an interview the invitation by the Immigration Appeals Board automatically becomes void. However, the board may on grounds of argued request by the appellant extend a new date if his/her absence is justifiable, for example due to illness or other circumstances rendering the appellant unable to appear before the board.