



## A Guide to Writing an Asylum Claim Statement

A good way to start your asylum preparation is to study our documents on interview preparation or watch our films on interview preparation and then write some things down so that you can order your thoughts.

It is really important to say that this statement should not be given to the interviewer at your interview. It is not a substitute for having a frank and honest discussion at the interview. It is merely a tool to help you to think about what's important.

This guide is meant to help you to write the first draft of your asylum claim statement.

First we explain about how your **credibility** will be assessed, which means how you should tell your story in the most detailed way. Second, we explain the criteria for **eligibility** for different legal categories of asylum. 'Asylum' means international protection.

Third, the main part of this guide is a list of **example questions** which cover all the kinds of questions you should (depending on your individual case) be asked about in your interview.

There are spaces for you to write down anything you think of in your own case which you think might relate to the questions in each sub-section.

Everything you write or say in your asylum claim is strictly **confidential**. The asylum service and the government legally must not disclose any information about your asylum claim to anyone which could put you or anyone associated with you in further danger.

### Evidence

You do not have to totally prove every fact in your claim for asylum, because it's understood and accounted for in the law that if your asylum claim is genuine it is very unlikely you would be able to totally prove it. So, when you apply for asylum, according to EU law, you have a duty, which is *shared* with the interviewer from the government, to substantiate your claims or make a reasonable attempt to do so. Substantiating your claim means explaining the facts of what happened to you individually, or as a family, in as much detail as you can, which show why you need asylum. If you can you should also show supporting evidence such as documents or photographs to confirm key facts in your claim.

Since applicants cannot normally show complete evidence for all your factual claims, the interviewers have to rely mainly on indicators of your credibility. Therefore it is very important not to risk saying anything which isn't strictly, exactly true, and do not try to copy answers from other people who got asylum if the same things did not happen to you. If you have *good enough* reasons to need asylum, trying to make it 'better' by adding bits which aren't strictly

true *for you* individually is not a risk worth taking. Asylum interviewers are usually very experienced and will almost certainly notice if you say anything which is not exactly true.

If you can, include documents or photographs which you think might be relevant to show what happened to you and why you need international protection. Use a scanner or take photographs of the documents to attach with your application to the consulate by email. Electronic copies are equally acceptable as long as they're legible and visibly genuine.

### **Credibility[1]**

The essential principle for making your asylum claim as credible as possible is to explain what happened to you as **specifically** and in as **factually detailed** way as possible.

First, look at the eligibility criteria and think about which of the legally recognised reasons for needing asylum might apply to you.

There are three legal types of asylum status (excluding family reunification which is dependent on a family member fulfilling the criteria for the other legal types of asylum status): Refugee Status, Subsidiary Protection, and Humanitarian Protection. You may qualify for more than one or even all three of the categories, in which case you should receive the longest lasting type of asylum status that you are eligible for.

Starting with the longest lasting type of asylum status you think you may be eligible for and then with the most serious reason in your case why you might qualify for that type of asylum status, then try to think of at least a few events or experiences which show why you are afraid or need to leave your country for that reason.

For each of those events or experiences, try to say exactly **what** happened, whether it was to you or someone like you or related to you or near to you, **when** it happened, **where** it happened, **who** did it, if you know, but don't overstate your confidence in knowing who did it, and, lastly but very importantly, **why** you think they did that to you or someone like you.

**What, when, where, who, why.**

**What, when, where, who, why.**

**What, when, where, who, why.**

### **How to make it easy for the asylum interviewer - which also helps your chances.**

Start from the very beginning of the reasons why you are afraid or need to leave your country and tell your story in chronological order as much as you can remember. Telling it in order of how it happened just makes it easier for the interviewer to understand, but of course you can go backwards again if you missed something you think might be important.

The more details you put into your asylum claim statement in your written application, the easier it will be for the interviewer at the consulate to know what they should ask you about to confirm your story is credible and then decide if you are eligible for asylum.

Especially if you have a big family, make it easier for the interviewer to understand your story by writing a list for them of all your family members' names, ages, genders, and their relationships to you. If their names can be transliterated or spelled different ways, write their names both transliterated in Latin script and in their original script. You don't have to do this but it helps to prevent confusion.

Mentioning family members in your asylum interview now can also help to show later that you are really important to each other and may possibly help if you want to apply for family reunification with them to bring them to Europe to be with you later.

- **Credibility assessment methodology includes:**

(1) Are the specific details you tell the interviewer internally consistent with everything else you have told them (including information you wrote in your asylum claim statement)?

(2) Are the details consistent with what your other family members tell them?

(3) Are the details consistent with generally known facts (and the interviewer should have already researched relevant and time-appropriate country of origin information)?

(4) Are the details all plausible (plausible means what seems reasonable, likely or probable)?

If the interviewer finds a reason to reject or doubt a fact you claim, they *should* tell you and give you chance to respond to it.

### **Dates and timeline.**

The timeline of when things happened to you is very important for establishing that your claim is credible. For every important fact in your claim, try to remember and say when it happened. But if you can't remember exact dates, don't try to make them up or guess. If you can't remember something exactly, it is better to say so and just be as specific as you can remember clearly than to risk an inconsistency being perceived as negative for your credibility.

When things happened **relative** to other things is more important for this examination process than absolute dates. If you can't remember exact dates, you may be able to remember whether it was before or after generally known events, such as whether it was before, during or after Ramadan.

If you can only remember when something happened relative to another event in your story, especially one that has a fixed and verifiable date, explain your story around that event, e.g two days before this or 5 days after that.

If you know the date in a different calendar system, for example the Islamic calendar, if you're not completely sure of the calendar conversion, say the date according to the calendar you can most easily remember clearly. The interpreter or interviewer should be able to convert the dates into the Roman calendar system later.

Saying approximately when something happened is okay - just try to be as specific as you can remember reliably. And don't overstate how confident you are that you know something - if you can only remember approximately when something was, say so. The interviewers *should* be looking for credibility and a reasonable effort to substantiate an eligible claim, not total proof.

## Psychological trauma and memory difficulties

If there is a reason why you can't remember some events completely clearly – especially if you're psychologically traumatised, depressed, or sleep-deprived possibly due to living in a noisy place with too little privacy, and therefore your memories aren't all clear now, say so.

The interviewers *should* be trained to understand and recognise trauma and memory deficits, also cultural stigma and shame attached to memories of certain kinds of abuse.

If you need psychosocial support before, during or after your interview, ask for it.

If you need to take a break part way through your interview because you're getting too upset to remember or speak clearly, ask for it. The interviewers are not monsters.

If you feel like you are not in a psychologically normal state of health, meaning you are even more vulnerable than most refugees, this is an important fact for your application. Please tell us in enough time so that we can try to arrange a doctor's examination and get a medical report for you to use as evidence in your application. We can sometimes arrange funding to get medical examination reports for you if you cannot afford it otherwise.

If you are a woman and you prefer to have a female interviewer and interpreter, you have the right to ask for them. If you are a man and you have a serious reason to ask for a male interviewer and interpreter, such as, you would feel uncomfortable talking to a woman about certain kinds of abuse which are important facts in your asylum claim, you can also ask.

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## Criteria for eligibility – introduction, how and how not to use this information

Do not try to repeat legal technical jargon in your interview, unless it sounds naturally like your own words, because sometimes interviewers might interpret that as negative for your credibility. Just remember or look back at the criteria when you're thinking about what might be relevant to write in your asylum claim statement or to tell the interviewer later.

## Three (Four) Types of Asylum in EU Law

There are four categories of international protection you can receive in European law:

**Refugee Status** – if you have 'a well-founded fear of persecution'. If there are facts in your case which make you a refugee according to the 1951 Refugee Convention, when a government which agreed to that law receives your application they are legally obliged to recognise that you have Refugee Status.

**Subsidiary Protection** – if you have a realistic risk of serious harm in your country of origin which is an indiscriminate threat or targeted at you for reasons other than the five reasons for persecution (except if it is proportionate and legitimate penalty for an internationally recognised serious crime), then you are eligible for Subsidiary Protection.

**Humanitarian Protection** – if you are specially vulnerable for reasons such as age, serious illness or disability, and you cannot get sufficient protection from the government in your country of origin, then you are eligible for Humanitarian Protection.

If you qualify for Refugee Status or Subsidiary Protection and you also qualify as specially vulnerable, you should receive the longer-lasting legal category of protection of those you are eligible for, and your application should be prioritised to be processed quicker.

**Family Reunification** with a legally recognised asylum status holder in the EU is also sometimes categorised as a type of asylum, but as it is dependent on having a family member accepted for one of the other types of asylum, we do not explain the criteria for it in this document.

## Eligibility criteria for Refugee Status

### Criteria for Refugee Status [2]

To be eligible:

1. You must be outside the country you are from; and
2. You must be unable or unwilling to return to the country you are from;
3. Because you have a well-founded fear, meaning:
  - a. You must be afraid; and
  - b. There must be objective evidence from your country (e.g. newspaper articles, NGO reports, UN reports) that shows you have a good reason to be afraid;
4. That if you return to your country, you will be persecuted (e.g. there is a threat to your life, freedom, or other human rights);
5. Based on one or more of the following reasons:
  - a. Your race;
  - b. Your religion;
  - c. Your nationality;
  - d. Your political opinion; or
  - e. Your membership of a particular social group (this could be your family or persons with similar backgrounds, habits or social status, often with a characteristic which is innate, unchangeable or fundamental).

Discrimination for the five reasons above which is much less serious than a threat to your life or liberty is not by itself considered to be sufficient reason for refugee status, but it can be relevant to showing the likelihood of a more serious kind of threat being considered realistic.

### Detailed definition of the five reasons for persecution included in the definition of Refugee Status

(Article 10 of the Qualification Directive 2011)

10(1) Member States shall take the following elements into account when assessing the reasons for persecution:

1. the concept of race shall, in particular, include considerations of colour, descent, or membership of a particular ethnic group;
2. the concept of religion shall in particular include the holding of theistic, non-theistic and atheistic beliefs, the participation in, or abstention from, formal worship in private or in public, either alone or in community with others, other religious acts or expressions of view, or forms of personal or communal conduct based on or mandated by any religious belief;
3. the concept of nationality shall not be confined to citizenship or lack thereof but shall, in particular, include membership of a group determined by its cultural, ethnic, or linguistic identity, common geographical or political origins or its relationship with the population of another State;
4. a group shall be considered to form a particular social group where in particular:
  - members of that group share an innate characteristic, or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it, and
  - that group has a distinct identity in the relevant country, because it is perceived as being different by the surrounding society. Depending on the circumstances in the country of origin, a particular social group might include a group based on a common characteristic of sexual orientation. Sexual orientation cannot be understood to include acts considered to be criminal in accordance with national law of the Member States. Gender related aspects, including gender identity, shall be given due consideration for the purposes of determining membership of a particular social group or identifying a characteristic of such a group;
5. the concept of political opinion shall, in particular, include the holding of an opinion, thought or belief on a matter related to the potential actors of persecution mentioned in Article 6 and to their policies or methods, whether or not that opinion, thought or belief has been acted upon by the applicant.

10(2) When assessing if an applicant has a well-founded fear of being persecuted it is immaterial whether the applicant actually possesses the racial, religious, national, social or political characteristic which attracts the persecution, provided that such a characteristic is attributed to the applicant by the actor of persecution.

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Eligibility Criteria for Subsidiary Protection

You are subject to a real risk of serious harm;

15 'Serious harm' means:

- a) the death penalty or execution; or
- b) torture or inhuman or degrading treatment or punishment; or
- c) serious and individual threat to a civilian's life or person (includes rape) by reason of indiscriminate violence in situations of international or internal armed conflict.

6. Those who threatened you with serious harm may be:

- a) the State;
- b) parties or organisations controlling the State or a substantial part of the territory of the State;
- c) non-State actors, if it can be demonstrated that the actors mentioned in points (a) and (b), including international organisations, were unable or unwilling to provide protection to you.

### Eligibility Criteria for Humanitarian Protection

- "a. Unaccompanied minors,
- b. handicapped persons or suffering an uncured or serious illness,
- c. elderly persons,
- d. pregnant women or who have recently given birth,
- e. single parent families with children under 18 years old,
- f. victims of torture, rape or other kinds of psychological, physical or sexual assault or exploitation, persons with post traumatic syndromes, especially survivors or relatives of victims of shipwrecks,
- g. victims of human slavery or trafficking."

### More Detailed Advice about **WHAT WHEN WHERE WHO WHY**

**What:** Events that happened to you individually are the most relevant, secondly events that you saw or heard happen to someone like you in terms of the five reasons for persecution, thirdly people related to you or in your family, fourthly people in the same area as you who you saw or heard of but who are not like you in terms of the five reasons for persecution.

**When:**

Exact date and time, e.g.: "On 16 June 2005 at about 6pm...".

Approximate date and time, e.g.: "One day in March 2006, late at night...".

Relative date and time, e.g.: "About two weeks before New Year in 2007, early in the morning...", or "Soon after my 30th birthday...", or "When I was about 20 years old...", or

“During the summer of 2006...” or “Soon after the [last event]...” or “Around the same time as the [last event]...”.

Duration in time, e.g.: “I was kept in prison for two days” or “I was in the hospital for two weeks”.

**Where:** e.g. “I was arrested or abducted when I was walking from Town A to Town B”, “the police station was in City C”, “I went to a large brick house which was about 5 minutes walk from my house” or “I was taken to a small village about 30km south of my village”.

**Who:** If you know names, try to include the name of every significant person in your story.

Different transliterations or spellings of names originally written in other scripts can vary, and this can cause confusion and then problems. If there is any chance of the interviewer not recognising names are the same or different because of differences in transliteration, include the names both in the original script and also whatever transliterated spellings you’re using.

If you don’t know people’s names or you can’t remember them, then try to describe the people, including what they were wearing, especially uniforms or indications of what group or power they belong to, whether they had weapons, what language they spoke, etc.

**Why** e.g.: “because I’m Kurdish” or “because I’m Sunni” or “because I’m gay” or “because I oppose the regime” or “because they think everyone in my area opposes the regime” or “because I refused military conscription for reasons of conscience since I know for x,y,x reasons that I would be forced to commit war crimes if I did not escape before conscription”.

Why you were at targeted or at risk may make the difference between Refugee Status and Subsidiary Protection. You will have slightly more rights with Refugee Status than Subsidiary Protection, especially if you need to apply for family reunification later, so it is important to explain why you think you were targeted and how you know that you were targeted for that reason or reasons.

Try to be as specific as you can about everything, without overstating what you really know. If you don’t really know or you’re not completely sure, say something like “I believe that... because...” or “I think that ...,” but don’t say “I know that...” unless you’re really sure.

If there are things you don’t remember, don’t make something up. It is better to say that you don’t remember completely and just try to say as much as you can remember clearly.

### **Feelings and Credibility**

One of the criteria for Refugee Status is that you have to be afraid of returning to your country. You have to say or show that you’re afraid of returning to your country, but without putting on act which might detract from your credibility.

Sometimes if you’ve suffered discrimination for a long time, you might find it hard to imagine that the interviewer will respect you or your experiences or your feelings, but you have to try to trust them enough to tell your story and show consistent feelings.

It's normal to sometimes laugh when you feel very nervous, and making a joke about something really horrific is a common way of coping or making it feel easier to talk about, but it could be misperceived if the interviewer doesn't know you enough and is from a different culture with slightly different body language. Just be aware if you appear to laugh or smile while talking about something horrifying it *might* not be particularly helpful to your perceived credibility.

### **More Advice about Explaining WHY you think you were targeted**

If you were targeted individually or as a member of a group (even if the group was only attributed to you by the actor of persecution), that is grounds for refugee status.

If you were at risk of serious harm in an indiscriminate way or it was targeted at you for reasons other than persecution, that is (with some exceptions) grounds for subsidiary protection.

Refugee Status is treated more seriously in international law. So it is important to explain as much as you know **why** you think you were targeted, not just what happened to you.

To explain *why* you think you were targeted, the most credible way is to describe specific events which *show* that you were targeted for any of the five reasons of persecution.

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### **Example Questions about the Five Reasons for Persecution**

There is a lot of repetition of similar questions below, but that is realistically how an asylum interview is too. Repetition of similar questions going into more and more specific details is the main way the asylum interviewer can actually help you to substantiate your claim, so understand why they're doing it and try to not get frustrated with them. If you're upset or just tired and want a short break, ask for it.

If the interviewer asks you more and more specific and detailed questions, it is probably a sign they believe you and are trying to help you; it probably does *not* mean they disbelieve you, but usually the opposite. If they think what you just said is potentially important they *should* ask you for more details, until you say you have no more details about that fact to tell them. They should not assume or add anything to what you say, even if they already know generally what you're likely to say next, because it's more helpful to you if they guide you with questions to say everything in your own words with your own individual factual examples showing how you know what you claim than if they just assume things.

Closed questioning, as *if* the interviewer has no prior general knowledge about reasons people from your country usually claim asylum, in order to get you to say everything in your own words with your own individual and detailed examples that *show* how you know every important fact that you claim is actually the best way the asylum interviewer can help you to make your asylum claim as credible as possible.

***If there was a parrot always listening in a good asylum interviewer's room, the phrase the parrot would most likely learn is: "Can you be more specific about that please?"***

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Was it because of your race? Was it because of your nationality? Was it because of the language that you spoke? Was it because of your ethnicity? Was it because of your culture or cultural things that you did? Was it because of your clan? If it was for one of these

reasons, explain why you think that. Was it because of your religion? Was it because of the way you practised your religion? Was it because of something that you believed in? Was it because other people thought you had a certain religion or supported a certain religion? What made these other people think that you had this religion or supported it? If it was for one of these reasons, explain why you think that.

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If the area you were living in was besieged or bombed, why was your city or your area of the city targeted and others cities or neighbourhoods not targeted? Was it because the regime or another side in the war attributed a political opinion or a religious identity to all the people in your area? If all the people in your city or area of the city were targeted, why were you targeted?

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If you had to escape in order to avoid or to refuse military conscription, *why* did you object to that military conscription? If you saw or heard events which show why you had good reasons to avoid or refuse military conscription, such as witnessing the army committing war crimes or someone you know who was conscripted into the army who you know has been forced to commit war crimes or seriously harmed or threatened if he refused to, describe the events which show that. Explain what you saw or how you know. If you fear persecution due to conscientious objection to military service because of your religion, that is also a reason for Refugee Status, but you have to explain or show that *why* you refused that military conscription fits within the eligibility criteria.

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Was it because of your opinions or political views? What were your opinions or political views? What did you do to show your opinions or political views? How did other people find out about your opinions or political views? Was it because other people thought you had certain opinions or political views? What made these other people think you had such opinions or political views? If it was for one of these reasons, explain why you think that.

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Was it because of a group or organisation that you were part of? Was it because you supported the group? What was the name of the group? Who was in the group? What did you do with the group? Why did you join or support the group? Was it because other people thought that you were part of or supported the group? What made these other people think that you were part of or supported the group?

If it you were persecuted or threatened for one of these five reasons, explain how you know that you were targeted for these reasons or why you think so. Did you see or hear other people like you being targeted for these reasons? What problems did they have and why do you think you might be targeted too?

Were these people part of your family or a group that you belonged to? What was the relationship between you and these people? How did it impact you? If it was for one of these five reasons for persecution, explain why you think that.

Was it because you were different to other people? What was different about you? Was it because other people thought that you were different? Was it because of something that you

had done in the past? Was it because of what people thought you had done in the past? Was it because of a job you had? Was it because of your sexual orientation? What made these other people think these things about you? If it was for one of these reasons, explain how you know or why you think that.

If you know of other people who have had similar problems to yours, include information about those other people and what happened to them. Explain how you know this.

### **What makes you think you would not be safe in your country if you returned now?**

Explain why you thought you had to leave your country and what you thought would happen to you if you stayed any longer in your country.

If you left your country in the past but had to go back to your country, then explain what happened. Also explain if you tried to leave your country but couldn't and what stopped you. If you tried to relocate within your country to seek safety, explain what happened. If you found you still weren't safe when you tried to relocate internally in your country, explain why.

Explain what you did to leave your country and who helped you. If you came straight to the country you are in now from your country and registered quite soon after, then explain.

### **Other countries you transited through – if you did not seek asylum there, why not?**

If you passed through other countries before coming to the country you are in now, explain which countries you went to, how long you stayed and whether you tried to get help in those countries. Similarly, if you waited more than one month after arriving in the country you are in now to register as an asylum seeker, explain why.

Did you try to do anything to stop the problems that happened to you in your country and what happened? Did you try to get help from your government, the police or anyone else? When? What did they say and do? Did they help? Did you try to move to another part of your country to avoid your problems? Where did you move to and when? Did that help?

### **Are you still afraid to return to your country now? Why?**

What do you think will happen to you if you return to your country and what you are scared about? Include information about who you think will hurt you and what you think they will do to you and also explain why you think those things will happen to you.

If anyone in your country has received threats about you or had problems because of you after you left your country include this information as well.

### **Any other relevant facts or evidence why you should be considered especially vulnerable.**

If there is any information about your security or your medical, physical or psychological situation that you have not already said, then you should mention that briefly.

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[1] This section is based on UNHCR, *Beyond Proof: Credibility Assessment in EU Asylum Systems*, May 2013. Accessed at <http://www.unhcr.org/51a8a08a9.pdf>. See especially pp.254-261.[2] The method of this guide is based on Asylum Access' Self-Help Kit originally written for refugees in Thailand from Vietnam and Cambodia in the 1990s with adaptations. [www.refugeelegalaidinformation.org/sites/default/files/uploads/Self\\_Help\\_Kit\\_English.pdf](http://www.refugeelegalaidinformation.org/sites/default/files/uploads/Self_Help_Kit_English.pdf)