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In 2023, Member States tested changes to the procedure to reduce the length of the personal interview, while courts clarified the role of the case officer in establishing the facts at the interview stage. Courts also examined challenges related to waiving rights at the stage of the personal interview, the use of electronic notifications and the protection of confidentiality during interviews taking place through Microsoft Teams. NGOs continued to raise various concerns related to delays in scheduling personal interviews and the lack of adequate training for officers carrying out the interview.

In Belgium, the CGRS tested the use of a preliminary questionnaire in the pilot project “Tabula Rasa”. The written replies should include the reasons for requesting international protection by applicants from certain countries of origin and should enable the CGRS to prepare the file in advance so that the personal interview lasts less than the current 4 hours. The organisation ADDE expressed doubts that this declaration would significantly reduce the length of the procedure if the personal written account is limited to a short summary and the elements would be re-examined during the personal interview.413

The Dutch IND piloted a project on written interviews in 2022 but stopped the practice following a parliamentary motion. The Minister for Migration noted the impact of this decision, which slowed down the handling of cases that could previously be managed within the written procedure.414

To establish the facts during a personal interview, the Administrative Court in Slovenia ruled in February 2023 that the case officer must ask the applicant relevant (sub)questions and distinguish between the reasons that led to leaving the country of origin and the reasons which, as a result of widely-known information on the situation in the country of origin, may cause the person to fear persecution or serious harm in the event of a return. The court noted that this was particularly relevant for applicants from Iran, if their reasons for fleeing are also linked to religious reasons. In addition, from the point of view of the absolute prohibition of inhuman treatment, the court noted that the competent authority or the court of a country that is a signatory to the ECHR is not always necessarily bound only by the reason for fear that the applicant states but must verify *ex officio* a specific reason for a justified fear.

In Czechia, the Regional Court of Brno determined as unlawful the practice of the Ministry of the Interior of asking applicants at the end of the interview if they wished to waive the right to comment on country of origin documents. The court noted that an effective waiver may occur

only with informed consent after the applicant has been invited to familiarise himself/herself with the documents collected, and after the ministry properly instructs the applicant about the consequences of such a waiver. The ministry confirmed that the administrative practice was adjusted following the decision, and the end-of-interview waiver is no longer used. The Organisation for Aid to Refugees (OPU) noted the short time limit, 10 days, provided by the ministry to comment on COI. The organisation assessed that this did not allow to provide a good quality assessment of the evidence and often resulted in information being submitted only during a judicial review.415

Regarding the digitalisation of the notification for the personal interview, the French Council of State ruled in June 2023 that the implementation of an electronic process before OFPRA does not violate the principle of personal receipt of the summons having regard to all the guarantees surrounding the use of a secure personal digital space.

Protection of confidentiality during a personal interview carried out through Microsoft Teams was an issue raised on appeal in Belgium. CALL confirmed the position of the CGRS that carrying out personal interviews by Microsoft Teams ensured appropriate confidentiality considering the additional protection measures the CGRS had taken to prevent third parties from accessing personal information during the interview.416

Equal Legal Aid noted delays in rescheduling appointments in Greece following transfers from the islands to the mainland. It further noted technical difficulties in carrying interviews remotely, which significantly altered the quality of the interview.417

Fundación Cepaim noted, as it had before in 2022, that personal interviews in Spain were not carried out by the determining authority but by police officers without adequate training and in an inadequate environment. Fundación Cepaim noted the lack of sufficient consideration of individual circumstances for applicants from countries with a high influx of applicants, such as Colombia and Venezuela, for which 'model' decisions were used.418

For Switzerland, Asylex continued to urge the asylum authorities to use audio-recording for the interview.419

- 413Office of the Commissioner General for Refugees and Stateless Persons | Commissariaatgeneraal voor de vluchtelingen en de staatlozen | Commissariat Général aux Réfugiés et aux Apatrides. (2023, July 18). *Tabula Rasa*.

- 414Ministry of Justice and Security | Ministerie van Justitie en Veiligheid. (2023, November 10). *Kamerbrief over actuele situatie asielketen en MMP 2023-2 [Letter to Parliament about the current situation of the asylum chain and MMP 2023-2]*.

- 415Organisation for Aid to Refugees | Organizace pro pomoc uprchlíkům. (2024). Input to the Asylum Report 2024.

- 416Belgium, Council for Alien Law Litigation [Conseil du Contentieux des Étrangers - CALL]. *X* v *Commissioner General for Refugees and Stateless Persons (CGRS)*, No 291 490, 4 July 2023.

- 417 Equal Legal Aid. (2024). Input to the Asylum Report 2024.
- 418 Cepaim Foundation | Fundación Cepaim. (2024). Input to the Asylum Report 2024.
- 419 Asylex. (2024). Input to the Asylum Report 2024.

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