



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, Cyprus, Czech Republic, Estonia, France, Lithuania, Malta, Netherlands, Slovak Republic, Sweden, Norway (11 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).
	Cyprus	Yes	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

			<p>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>
	France	No	
	Lithuania	Yes	<p>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</p>

			money, paid money, received other benefits, etc.
	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?
	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

			<p>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, 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</p>

			<p>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 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>
	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 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</p>

			<p>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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