

INTERVIEWING IN NATURALISATION CASES

1. In some cases applicants for British citizenship can be interviewed by the Border and Immigration Agency rather than by the police. This may be the more appropriate arrangement where the doubts we have about an applicant's suitability for naturalisation or registration are of a type which caseworkers are as well, if not better placed to resolve than the police. If, however, an applicant is unwilling to travel to Liverpool to be interviewed we should ask the police to conduct the interview.
2. **It should be made clear to applicants who ask that the Border and Immigration Agency is unable to reimburse travelling and other costs in connection with their interviews.**
3. **Types of cases suitable for interview in relation to applications for British citizenship**
 - 3.1 We should continue to refer to the police any cases involving doubts about the applicant's ability to meet the good character requirement, although it may exceptionally be considered appropriate to conduct character-based interviews ourselves. The types of cases in which we should offer an interview with a caseworker are as follows:
 - Where there are doubts about the applicant's intentions to have his or her principal home in the UK or to intend to enter into or continue in Crown service under the UK government, or service in the employment of a company or association established in the UK or service under an international organisation of which the UK is a member
 - Where there are doubts about an applicant's ability to satisfy the requirements to have knowledge of language and Life in the UK.
 - Where clarification is needed of an applicant's immigration status
 - Where there are other, normally non-character-related, doubts (e.g. relating to the length or reasons for absences, marital status, other family relationship, citizenship of spouse/civil partner, or immigration status) which cannot be otherwise satisfactorily resolved
4. **Authority to arrange interview**
 - 4.1 Interviews should not be approved below Senior Caseworker level.
5. **Level at which interviews should be conducted**
 - 5.1 Interviews will be conducted at an appropriate level decided by the Chief caseworker or Deputy Chief Caseworker.
6. **Interview Reports**
 - 6.1 Interviewing officers will be expected to make a formal record of the interview. This will take the form of a note to be placed on the right-hand side of the applicant's file. It should include the date, time and place of the interview and the names and statuses of all persons present. It should also confirm that the applicant agreed he or she was not feeling unwell and understood all of the questions asked. Although it does not need to be

verbatim, it should cover all of the questions asked and the answers given and record what, if any, documents were sighted and/or retained.

6.2 It should conclude with the interviewing officer's evaluation of the applicant's performance.

7. **Interview room and procedure for arranging interviews**

7.1 Interviews should take place in suitable accommodation, bearing in mind the need for security, safety and confidentiality.

7.2 Two computerised stock letters are available for use in connection with nationality interviews (ICD 422-423).

8. **Security**

8.1 An interviewee should never be left alone in the interview room with official papers of any kind. Classified files and documents should not be produced at an interview. While interviewees may need to refer to a letter or enclosures they have sent in, minutes and other Departmental comments should not be shown.

9. **Standard of Dress**

9.1 Interviewing officers will be expected to dress smartly when conducting interviews. Casual or sports wear will not be acceptable and male officers should normally wear a shirt and tie.

10. **Cases which have been referred to the Legal Adviser**

10.1 Interviewers should not disclose in which part of the office a case is being considered. The fact that it has been referred to the Legal Adviser should never be mentioned; it may cause a solicitor to telephone the Legal Adviser and try to enter into a discussion about the case. Decisions based on legal advice are sent through administrative directorates as simply coming from the Home Office.

11. **Giving names at interviews**

11.1 Interviewing officers should give their name, but should explain that they might not be available to deal with a caller personally at some future date. Officers should never enter into any discussion with members of the public on the question of rank.

11.2 When an interviewing officer has to question an applicant about intimate personal matters such as marital status he should do so tactfully and discreetly showing every consideration for the applicant's feelings. An abrupt or off-hand manner is particularly out of place in an interview when the whole approach and attitude must be one of helpfulness and understanding coupled with firmness when necessary. Officers should in particular ensure that the comfort of pregnant women, the infirm and parents accompanied by very small children, is taken care of.

12. **Advice to interviewees**

12.1 When an officer is in any doubt about the correct answer to any question that may arise during the interview he should not hesitate to contact a senior officer rather than give misleading, incorrect or incomplete information.

13. **Inspection of documents at interviews**

13.1 A careful and accurate note of all documents produced should be made at the time of the interview if the interviewee wants them back immediately. An applicant will be understandably annoyed if asked to produce the same document more than once. In addition the entries in any application should be checked against the supporting documents so that any discrepancies can be pointed out to the applicant and an explanation obtained at the interview.

14. **Complaints**

14.1 If an interviewee requests to speak to a senior officer or makes a complaint about the conduct of the interviewing officer during the course of the interview, the officer should refer the matter to his or her line manager. If, after discussion with the line manager, the interviewee wishes to pursue the matter, he or she should be advised to do so in writing. The normal Border and Immigration Agency complaints procedure will then apply if appropriate.

15. **Jargon**

15.1 Official Jargon, however convenient for use in the office, should not be used when speaking to interviewees. In most cases, they will not understand it and at other times they may find it offensive. Jargon includes certain official abbreviations such as "GES", "Group" or "ILR". In addition certain terms must NEVER be used in interviews, such as "marriage of convenience".

16. **Solicitors and others accompanying applicants**

16.1 If an applicant is accompanied by his or her solicitor, relative or friend, their relationship or standing must be established at the beginning of the interview. Although it is at the interviewing officer's discretion, having regard to the best interests of the Agency, whether or not the interviewee is interviewed alone, it is normal practice to allow solicitors to support their clients. Equally, a private interview may be requested by one of the parties, or it may become evident that either the interviewee or an accompanying person is reluctant to discuss the circumstances fully, except in private. In this event the interviewer might suggest that the person be interviewed in private after the others have had a full opportunity to state their views.

17. **Photography, filming and sound recording by people attending interviews**

17.1 There are security and policy objections to the unauthorised use of photographic, video or sound recording equipment by visitors to Home Office premises.

17.2 Should officers become aware, at any point during the interview, that photographs are being taken, or that a video or sound recording is being made, they should immediately halt the interview and ask a senior officer to attend. The senior officer will ask the interviewee to cease recording the interview and should remain with the interviewer until the end of the interview. If the interviewee refuses to comply with the request, the interview should be terminated. In either case, the interviewee should be told that a decision on the application will be made on the available information and that a dim view will be taken of the attempt to record the proceedings.

17.3 Where it only comes to light after an interview has been completed that photographs or recordings have been made, the senior officer should ask why the warning about the ban was ignored and what purpose the photography or recording was meant

to serve. The interviewee should then be told that the fact that an unauthorised record of the interview had been made would be added to the report of the interview and would be likely to count against the applicant. Under no circumstances should any attempt be made to take possession (even temporarily) of equipment, film or recordings, because of the risk that this could result in criminal or civil proceedings being taken against an officer or the Agency.

- 17.4 It is not possible to give any hard or fast guidance on the extent to which the behaviour of a particular applicant or his representative in disregarding the prohibition on photographs or recordings should prejudice an application. Much will depend on the circumstances in the particular case. However, most applicants are expected to be of good character and, as explained in Annex D to **Chapter 18**, it can count against an applicant who lies or attempts to conceal the truth, since concealment of information or lack of frankness in any matter must raise doubts about the applicant's truthfulness in other matters.

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