

Immigration Appeals Board
Procedural Rules for Interviews
December 2024

1) Introduction

According to Article 8, Paragraph 7 of the Act on Foreigners No. 80/2016, proceedings before the Appeals Board for Immigration Matters shall generally be in writing. The Appeals Board may, if deemed necessary, invite applicants for international protection to appear before the board to express themselves regarding the case or specific aspects thereof. The board may also summon others, besides the appellant, if necessary. The chairperson and deputy chairperson have independent authority to invite appellants to appear before the board. These procedural rules outline how the decision to invite an appellant to an interview is made.

The purpose of these procedural rules is to standardize processes for summoning and conducting interviews. They do not create a right for the appellant to appear before the board, nor do they impose an obligation on the board to invite the appellant to an interview.

2) Legal Assessment

An assessment of whether an interview is necessary shall take place as soon as possible after a written statement has been submitted. This assessment primarily considers whether the appellant's testimony is likely to clarify aspects of the case that could determine its outcome.

When assessing whether to invite the appellant to appear before the board, the following shall also be taken into account:

- If there is suspicion that the appellant's individual circumstances have not been adequately examined by the Directorate of Immigration,
- If more than six months have passed since the appeal without resolution, and circumstances indicate that the appellant's situation may have changed.

3) Applications for International Protection – Substantive Review

If the Directorate of Immigration's decision indicates that a lack of credibility in the appellant's testimony was decisive for the outcome, the appellant shall generally be invited to an interview if the board, chairperson, or deputy chairperson believes that their testimony before the board is likely to shed further light on their credibility.

4) Dublin and Protection Cases

If the Directorate of Immigration has not substantively reviewed the appellant's application, referring to Article 36 of the Act on Foreigners, the appellant is generally not invited to an interview unless the board believes that the appellant's account is likely to clarify their individual circumstances to an extent that it may affect the outcome.

5) Summoning to an Interview

If the board decides to invite the appellant to appear, the summons shall be sent as soon as possible through their legal representative. The summons shall include the date and time of the interview.

6) Attendance of the Appellant at the Interview

The appellant is encouraged not to bring bags, backpacks, or other luggage when attending the interview. If the appellant brings such items, they will be separated from the appellant while they are in the board's premises. The board's security personnel are authorized, with the consent of the appellant or the luggage owner, to search such luggage.

The appellant shall remove outerwear, hats, and scarves in the reception area before entering the meeting room. The appellant must also leave behind phones, other devices, drink containers, folders, or documents in the reception area. The appellant is allowed to bring writing materials and paper into the meeting room. If the appellant wishes to present additional documents during the interview, they must hand them to their legal representative before entering the meeting room.

If the appellant is accompanied by a child under 12 years of age, they must ensure that someone cares for the child while the appellant is in the meeting room. The appellant's child cannot accompany them into the meeting room.

7) Absence of the Appellant

If the appellant fails to attend the interview, the board's summons for the interview is automatically canceled. However, the board may, based on a reasoned request from the appellant, offer a new interview date if their absence is excusable, e.g., due to illness or other reasons that made it impossible for them to attend the meeting.