"Remoulded, remodelled and re-narrated"

– Narrative acts of 'making the refugee' and liquid stories in the asylum hearing

Andrea Nold

Supervisor: Patricia Lorenzoni

LINKÖPINGS UNIVERSITET

Acknowledgements

I wish to express my gratitude to my supervisor, Patricia Lorenzoni, for her invaluable advice, critique and guidance throughout the process of writing the master thesis.

A big thank you to the best two Finns, who not only supported me during the time writing the thesis but who also accompanied me during the two years of this master's programme. Thank you, Inna and Tanja, for countless pizza- and sushi evenings and for lending me your ears in times of 'desperating'.

Thank you, Tanja, for evenings philosophizing about liquid fixity – and hopefully many more to come.

Thank you, Inna, for reading my thesis and for all your invaluable comments.

I am grateful for the selfless help given by my dear friend, Hammam – thank you.

To all my interview partners, whom I cannot disclose their names here, I am deeply thankful for giving me their time and trust, and shared their experiences with me. I also would like to thank the welfare organisation, which so kindly provided me with the protocols and the decision documents. Without them, this master thesis would not have been possible.

Last, but in no way least, I would like to thank my family for their unlimited support throughout writing the thesis and pursuing this masters' programme, and their unquestioning belief and confidence in me.

Preface

Darjeeling. *The sunlight highlights a grey wall. A black graffiti catches the eye. Next to it, a sentence, written inconspicuously:* Who are we without our stories. *It hides in a small alleyway in the winding, up-and-down meandering streets of Darjeeling. It drew my attention. Since this sunny day in Darjeeling, this question whirls around in my mind, like a leave caught in an eddy. Yes, who are we, actually, without our stories? How do stories determine us and our identity? What is the purpose of the stories we tell? Who listens to them? And shouldn't we ask first and foremost, who are we* with *our stories? I am not here to answer these questions, in one way or another, nor am I able to do so. I can only offer my ears to listen. It is in our recognition where stories rise or fall, where making or un-making takes place, where we create or are created, where words meet and touch, form an Other by their soft utterance or leave a void behind when they float by. Stories are liquid, flow freely, like water. They do not have an independent form. They can change from one moment to the next. They can slip your mind. They are bound by time and space and yet, they are not. There is no fixity we can grasp. Aren't we all standing on shifting sands in our liquid times?*

Table of Contents

Transcription symbols

(,)	Short pause in speech
(P)	Long pause in speech (over 2 sec)
(-)	A word or a part of a word missing
(--)	A part missing
<u>Underlining</u>	Extra stressed word or part
(brackets)	Mentioning 'performance' elements and discourse markers
[brackets]	Comments
[PR]	Protocol (Document)
[D]	Decision (Document)

Prologue

Some stories don't want to be told.
They walk away, carrying their suitcases
held together with grey strings.
Look at their disappearing curved spines.
Hunchbacks. Harmed ones. Hold-alls.

Some stories refuse to be danced or mimed,
Drop their scuffed canes
And clattering tap shoes,
Erase their traces in nursery rhymes
Or ancient games like blindman's buff.

And at this stained place words
Are scraped from resinous tongues,
Wrung like washing, hung on the lines
Of courtroom and confessional,
Transposed into the dialect of record.

Why still believe stories can rise
With wings, on currents, as silver flares,
Levitate unweighted by stones,
Begin in pain and move towards grace,
Aerating history with recovered breath?

Why still imagine whole words, whole worlds:
The flame sputter of consonants,
Deep sea anemone vowels,
Birth-cable syntax, rhymes that start in the heart,
and verbs, verbs that move mountains?

Ingrid de Kok, 'Parts of Speech'[1]

---

[1] Anthony, L., De Kok, I. Dowling, N., Eppel, J. & van Jerusalem, J. (2003). *Poems by Ingrid de Kok, Nuala Dowling, Loren Anthony and Johannes van Jerusalem; short fiction by John Eppel*. Scrutiny2, vol. 8, no. 1, pp. 39-61.

1. Introduction

"'Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tost to me,
I lift my lamp beside the golden door!'"
– Emma Lazarus, *The New Collosus*

Written in 1883, Emma Lazarus' 14-line long poem, called *The New Collosus,* is engraved on the base of the Statue of Liberty standing in New York – the statue which is referred to as the 'Mother of Exiles' in the poem; the statute who holds the torch high; the statue who offers sanctuary and a new life for those who seek it. How much resonates of Lazarus' vibrant words in the 21st century, now, after almost 135 years? Looking back in time, their echo already faded away long before: We write the year 1938, July. 32 countries meet up at Geneva lake in Evian to discuss a 'solution' for Jewish refugees fleeing from the Nazi regime. The conference ends in a disaster; none of the 32 countries present want to take in any of the Jewish refugees or is willing to open their borders. This conference was remembered in history as one of inhumanity, ignorance and cynicism (Kauffmann, 2018). 80 years later, it is July 2018, a Deja-vu takes place: 28 EU-Member States meet up in Brussels to discuss a 'solution for the refugee crisis'. The results are shocking. The Member States agree to focus more on deterrence, exclusion, refusal, defence and the outsourcing of borders (Kauffmann, 2018). Another example of the repetition of past atrocities, this time happening at sea: It is the year 1938 again. A ship, called 'St. Louis', is desperately trying to reach safety – on board are about 900 Jewish refugees from Germany – but Cuba, the USA and other countries close their borders; they do not allow them to dock on their shores and, therewith, deny them to reach safe haven. It is only after weeks of shipping on sea that the passengers finally are allowed to land in Antwerp, the Netherlands; with the Nazi Regime so close, however, safety was not guaranteed. Jumping 80 years ahead, it is June 2018, this time it is two ships, called 'Aquarius', with around 600 people on board, and the 'Lifeline', which carries over 200 passengers, all of whom seek to land on Europe's shore to reach safety. Italy, and other states, refuse to let the boats dock on their ports. This means that the people are stranded on sea for days, often with scarce resources of water and food. It was not until Spain finally allowed the 'Aquarius' to disembark, and Malta permitted the 'Lifeline' to land on its shore.

Almost 80 years later since these incidents in the past, the EU-Member states and many others seem to have forgotten what happened back then. It is a Deja-vu of shame (Kauffmann, 2018), history repeating itself. More than 1600 people died crossing the Mediterranean Sea already by August 2018 – it is one of the deadliest flight routes on earth (UNHCR, n. d.). But still, borders are closed. The examples from the past and the present show that border controls do not get weaker in our globalised world; they are enforced, strengthened and externalised. Zooming in from this macro-picture of

borders into the micro-picture of a nation-state, one realises that borders do not only mark the geographical limits of a nation-state or are externalised (e.g. the EU-Turkey-Deal), they also exist within, for example the implementation of reception-centres, transit zones and hot-spots, the detainment of refugees and asylum seekers in detention-centres or camps, their deportation into crisis- and war areas – to mention a few. All of these are "internal migration control systems", as Engbersen (2001: 223) calls them, which help to guard the borders from within and to control the 'flood' of migrants – this also includes the refugee determination process, which examines the asylum seeker's credibility and legitimacy for seeking asylum, enabling the nation-state to grant or deny refuge. The refugee determination process entails several stages, of which the personal interview, or the asylum hearing, is the most crucial part. More often than not, applicants for asylum have only their voice as evidence to tell their story of flight as 'proof' that they are eligible for asylum and that they 'conform' to the interpretation of the term 'refugee' according to the 1951 Geneva Convention and the respective laws; in most cases, it is their narrative, which determines their fate.

With or without evidence, their story turns into a 'passport', which, in the end, allows or denies asylum. But what does this 'passport' have to look like in order for the applicant to be granted asylum and what does it need to entail? With this question in mind, the hearing turns into a test, a quest, where the asylum applicants have to find the 'appropriate' answer, to tell a 'suitable' story for their asylum claim to be accepted. In all of this, the asylum officials can be seen as 'border guards' (Van Houtum, 2010: 287) and gate keepers, who hold the power to allow or deny entry. The room itself, where the hearing happens, turns into a border-site; a space, where exclusionary and inclusionary practices take place. These border spaces construct their own reality and truth; everything that is considered as reality or a truth within these border-spaces "can be a lie in the space and/or eyes of another" (ibid., 2010: 291). Asylum law turns from protecting people from persecution, war, terror, into protecting "the receiving country from potentially dangerous migrants" (Bohmer & Shuman, 2018: 6). This master thesis, therefore, sets out on a journey, a quest, if you so will, to find the 'appropriate' and 'suitable' answers to pass this test, but might only end up tilting at windmills standing on shifting sands in our liquid times.

1.1 Choice of the case

Coming from a literature background, my previous studies focused on Australian literature dealing with the topics of postcolonialisms and the silences in Australia's history. Within these histories, the colonised have been marginalized, excluded and 'Othered' (Tuhiway-Smith, 1999: 34). Looking from this point of view at the asylum determination process, and especially at the asylum hearing, asylum seekers often have no other evidence, but solely their voice to tell their personal story of flight in order to make their case heard. The choice of the case of study was inspired, amongst other things,

by these silences and the liquidity of stories: what kind of story takes shape always depends on who the story tells, where the story is being told, to whom it is being told and who is listening; stories are not mainly self-crafted but co-constructed with the one who listens, recognizes and interprets it. It is always a point of perspective, and of course, of hegemonic forms and power relations, what kind of story and whose story is told and not told, is heard or gets silenced – history is more often written by the victors, told by the powerful (Tuhiway-Smith, 1999: 34). The asylum hearing presents a special case: in order to be granted asylum, asylum applicants have to tell their story; it is the asylum officials' job to listen and interpret. What they hear and interpret in the end, counts as properly assessed and verified – however, what they hear or not hear might differ from what has been uttered.

1.2 Research aims and questions

The burden of proof lies on the asylum applicant. They are deemed 'guilty until proven innocent' in the hearing. It is not until the asylum applicants are believed to be credible by the asylum officials before they are granted protection. This includes a thorough investigation of their case during which the applicants' fate is often dependent on their "ability to convey their experiences in a way that convinces increasingly sceptical host states" (Eastmond, 2007: 259) and asylum officials of the genuineness of their case. Therefore, the asylum applicants have to present a story, that fits the legal framework of the asylum hearing, and which, then, is written down in the protocol and in the decision document. The aim of the present thesis is to show how "remoulded, remodelled and re-narrated" (Blommaert, 2001: 438) the narrative is when it ends up in the two documents, the protocol and the decision; it sets out to understand the process of 'producing' and 'constructing' the refugee during the asylum hearing and in these two documents, and to elucidate 'narrative acts of self-making' of the applicant, which turn into acts of 'making the refugee', not only by the applicant but also by the asylum official, to create either the successful or the failed refugee.

Telling stories always involves a teller and a listener, which shape the arising stories in an interchange between them. The story told in the asylum hearing is not a single product of the asylum applicant, but it is a co-production between the asylum applicant and the asylum official. Stories told in the asylum hearing are also restricted and shaped by the institutional setting. In order for stories to take shape, they need to be heard and recognized – and in the case of the asylum hearing, also believed. It is not only a question of *if* stories are heard, recognized and believed, but also a question of *what* is being heard, recognized and believed and *how* stories are heard, recognized and believed. Yet, w*hat* was heard by the asylum official is written down in the protocol, which is the most important document in the asylum process upon which the decision is based; *how* the story is interpreted by the asylum official is outlined in the decision, which states the reasons why an application was granted or denied. This not only means that the narrative has gone through the level

of *life as lived*, *life as experienced*, *life as told*, *life as translated* (see Bruner, 1986 and Eastmond, 2007) before it ends up as *life as text*, but also that the story is filtered through the lens of the translator and the asylum official. Consequently, the transferral from speech into writing, and from one document into another raises the questions:

- Whose narrative is represented in the final document?

The question of ownership of a story is always a complicated one, but it becomes even more so in the asylum hearing, where the story is "remoulded, remodelled and re-narrated" ((Blommaert, 2001: 438). Once the narrative ends up in the protocol as text, it is practically out of reach and control for the applicant. To answer this question, the whole process needs to be taken into account. Furthermore, the kinds of stories, which can take shape in the asylum hearing, are also depended on the asylum applicants' expectations and what they think the asylum officials want to hear. Their stories are tailored according to these expectations, and therewith, a 'refugee self' is created during the hearing. But since stories are collaborative works, this brings up the questions:

- Who creates the successful/failed/genuine/bogus refugee?' and
- How is the successful/failed/genuine/bogus refugee constructed?

To answer these research questions, I will look at narrativity in the asylum process from two directions: I focus on the German asylum procedure and will analyse four protocols and decision documents from the German asylum hearing; I have conducted six interviews with asylum applicants and former asylum applicants, who went through the experiences of the asylum hearing in Sweden.[2] Combining the findings of the six interviews with these documents, this thesis sets out to shed light on how the asylum applicant is constructed and produced before, during and after the hearing.

1.3 Previous research

This section aims to give a, due to the limited scope, narrow overview of the relevant literature dealing with the asylum hearing to emphasize the importance of the topic and to illuminate its problematics. In the following, I will outline a few, for the present thesis relevant and important, studies done in the past concerning the asylum hearing, which contributed to its inspiration and motivation.

Walter Kälin's article "Troubled Communication: Cross-Cultural Misunderstandings in the Asylum-Hearing" (1986) provides valuable insights into the misunderstandings between asylum seeker and asylum official in asylum hearings in Switzerland from a cross-cultural communication point of view. Cross-cultural misunderstandings are still an important factor concerning the decision-

---

[2] The reasons why I have decided to focus on the German asylum procedure and conducted interviews with asylum applicants and former asylum applicants in Sweden will be outlined in chapter 4.

making process and need to be taken into consideration when analysing narratives in the asylum hearing. The paper "Language, Asylum, and the National Order" (2009) by Jan Blommaert discusses "modernist reactions to postmodern realities" (ibid., 2009: 415). The main point of his article is that the concept of the nation-state is heavily based on the thought of a monoglot ideology, which sees language as belonging to a certain national space defined by the nation-state. This is especially the case in asylum application procedures, where imageries about a sociolinguistic normalcy and ideas about national language ideologies are applied as tools of the nation-state to determine the applicant's origin. Also focusing on national language ideologies, amongst others, is Jacquemet's article "Transcribing Refugees: The Entextualization of Asylum Seekers' Hearings in a Transidiomatic Environment" (2009). He states that the space where the interview takes place is not only a space where different languages and communicative behaviours are present, but it is also a space which is influenced by national norms and standards, which are imposed on the applicant. Jacquemet's emphasis thereby lies on the written transcript, which needs to be produced by the asylum officials during the hearing in order to be able to come to a final decision. This 'representation' and 'entextualization' of the applicants in a written record not only reveals narrative inequalities, power asymmetries, and cultural assumptions of the asylum official, it also shifts the asylum applicant's story into a sphere, which is mainly out of reach and control for the asylum applicant. In his article "Investigating Narrative Inequality: African Asylum Seekers' Stories in Belgium" (2001) Blommaert focuses on narrative inequalities in the Belgium asylum procedure. He argues that the asylum procedure includes "a complex set of discursive practices and language ideologies" (ibid. 2001: 414) that are grounded in power asymmetries and then used to assess 'truth' and 'trustworthiness' of the asylum applicant. Addressing language and narratives in Belgium asylum processes as well, Maryns' book *The Asylum Speaker* (2006) investigates the discursive mode of the asylum hearing by drawing on ethnographic data, interviews with interpreter and decision-makers and observations. She emphasises the asylum officials' focus on coherency and consistency of the narrative into a chronological order, which does not take into account the difficulties of asylum seekers regarding their varying linguistic and narrative resources to achieve these goals in their narratives. Maryns argues, the asylum seeker is not given an equal voice and most often, is not given a voice at all (ibid., 2006: 303).

Jubany's book *The Culture of Disbelief* (2017) draws on ethnographic research done among border control officers in the UK and examines, through the lens and language of the officers, the controlling and the managing of migration. Due to the immense difficulties of gaining access to the border control and immigration officers, this book belongs to one of the firsts, which researches this group of actors in an ethnographic study, and therewith, offers valuable, new and important insight into this topic. She provides accounts of how immigration officers see their work and role in the

everyday decisions they make about asylum seekers, which sheds light on their subcultural views and values. Jubany is able to connect the gained insights with the broader picture of the security landscape and the official's self-perception of safeguarding the nations from threats arising from 'illegal' and 'irregular' migration, and how this perception contributes to construct and uphold the culture of disbelief reigning in Britain and in the asylum hearing. Jubany reminds the reader that the decisions the officials make about the 'truth' of the asylum applicants are at the centre stage of how border controls are put into effect

The book *Rejecting Refugees. Political Asylum in the 21st Century* (2008) by Bohmer and Shuman assesses the asylum procedure in both the United States and Great Britain. Through interviews with lawyers, accounts of asylum applicants and other people involved in this procedure, they explore themes, such as the problematic of credibility in the asylum hearing, the need to prove identity and the emphasis on evidentiary documents, the difficulties of 'fitting' into the categories, which define who is a refugee and who is not, and point out that these categories often cannot be easily distinguished. Their recently published book *Political Asylum Deceptions. The Culture of Suspicion* (2018) explores the ambiguous and fine lines between lying and truth-telling, between deception and credibility in the asylum hearing. It looks at political asylum applications in the UK and the US by applying discourse analysis to better understand the complexities of narratives shaped in the asylum hearing and the assessment of documents and evidence. Their expertise in law and policy, their focus on narratives and texts, give valuable insights into the culture of suspicion governing not only the asylum hearing but also the broader climate in the nation-state.

Zambelli's article "Hearing Differently: Knowledge-Based Approaches to Assessment of Refugee Narrative" (2017) explores new approaches towards the fact finding and the assessment of credibility in the asylum determination process, which is needed in order to make the encounter between applicant, asylum official and host State more intelligent and humane (ibid., 2017: 41). She accentuates the point that truth in the context of the asylum hearing is not fixed but relative, and argues for a more open assessment of asylum seekers' narrative, which would ease thee struggle to tell stories according to the legal standards. In her article, "Stories as lived Experience" (2007), Eastmond looks at narratives in forced migration. She emphasises the need to differentiate between *life as lived, life as experienced, life as told* and *life as text* (ibid., 2007: 249), and argues that stories cannot be directly seen as reflecting life, but should be looked at as created constructions or interpretations thereof (ibid., 2007: 250), which are produced for an intended purpose in a specific context. Especially in a legal-institutional setting, such as the asylum hearing, the asylum applicants' fate depends on the applicants' ability to convey experiences and the asylum officials' responsibility to interpret these stories. Therefore, it is crucial to consider the role the researcher and also the asylum officials play in the production and construction of the narrative data and in the representation of their

story as text. The book *Constructing a productive Other. Discourse theory and the convention refugee hearing* (1986) by Barsky illustrates how the asylum applicant aims at constructing a productive Other, or a 'refugee self', in the asylum hearing in order to fit the category of the convention refugee and in order to be granted asylum. However, it is not only the asylum claimant, who aims at constructing a 'refugee-self', it is the first world, which is directly responsible for 'producing' refugees to begin with, Barsky argues (ibid., 1994: 246).

The studies mentioned above are important insights for the present thesis. What all of these studies, in one or the other way, have in common, is their focus on the decision-making process by either including the problematics of narrativity, cultural-misunderstandings, national ideologies and cultural assumptions, the assessment of credibility, believability and truth. My analysis will follow in this vein; by using narrative analysis and a social constructionism and decolonial approach, it focuses on the transcribed narratives in the protocol and the decision document as well as on the interviews I have conducted with asylum applicants and former asylum applicants to shed light on the narrative production and construction of the 'successful' refugee. There are many more studies and dimensions of the asylum hearing, which I do not have the space to mention here (see appendix [i]).

1.4 Structure of the thesis

The thesis is divided into seven chapters. This chapter has introduced the motivation of the study, the research aims and questions and has outlined previous research, which places my work into the broader field of research. Chapter two sets the scene of the study and gives an overview of how the German asylum procedure works, focusing on the asylum hearing. The next chapter, called 'theoretical framework', outlines and defines theories and concepts which are useful for and will help to understand the issues this thesis engages with. Chapter four clarifies the methodological approach of this study, which includes the data collection process and the method of analysis, taking into consideration the limitations and ethical consideration I encountered along the way. The analysis in chapter five presents the findings that emerged from my research data. The sixth chapter summarizes and discusses the findings of the analysis, and the last, but in no way least, chapter, is reserved for my interview partners and their experiences.

2. Setting the Scene – Seeking Asylum

> *"Instead of welcoming those fleeing persecution, as was the intention of the Convention when it was passed in 1951, the immigration officials and policy makers now devote time and attention to finding ways of preventing people from finding a refuge in another country. If refugees do manage the increasingly difficult journey to a safe place, the receiving countries work hard to find ways of denying that they are legitimate refugees and sending them back, or if that is not possible, of forcing them to live in limbo and in miserable circumstances."*
> – Bohmer & Shuman (2018: 7)

In the Universal Declaration of Human Rights, Article 14, it is written that "everyone has the right to seek and to enjoy in other countries asylum from persecution". It further follows that "this right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations" (Universal Declaration of Human Rights). Asylum, therewith, belongs to the fundamental human rights. It is an obligation of every country, which recognises the 1951 Geneva Convention on the protection of refugees and the 1967 Protocol, and shall be granted to everyone who meets the regulations outlined in the Convention. Most countries have implemented an asylum procedure in order to assess if a person can be considered a refugee according to the definition of the 1951 Convention – a procedure which can be rather described as wrestling with "the larger issues of who deserves asylum and who should be prevented from gaining asylum" (Blitz 2017: 381, qtd. in Bohmer & Shuman, 2018: 8).

2.1 Defining a 'Convention Refugee'

As this thesis is concerned with the asylum hearing, which determines the refugee status, I cannot avoid but to briefly talk about the definition of the term 'refugee'. The grounds on which asylum is granted is highly influenced by the definition of the term according to the 1951 Convention. The Convention defines a refugee as a person who is

> "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it" (UNHCR Handbook, 2011: 9)

This means that, for an asylum claim to be successful, the applicant has to 'fit' into one of the legal categories as set out in the 1951 Convention; asylum is only granted to someone who has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion and who is unwilling or unable to return to their home country because of past persecution (Bohmer & Shuman, 2008: 128). Since all members of the EU have agreed to the 1951 Convention and the 1967 Protocol, they largely base their refugee determination process on this definition, as well as on nationally implemented ones.

The problem of the different categories of 'well-founded fear of being persecuted', 'race', 'religion', 'nationality', 'membership of a particular social group', 'nationality', 'political opinion' and 'being outside of the country of nationality' is not only due to their overlapping and intersecting nature and the difficulty to determine to which kind of category an asylum applicant 'fits' into; the problem concerns also the assumption of the universality of these categories. These categories are culturally specific and not stable or fixed – they do not have the same meaning across the globe (Bohmer & Shuman, 2008: 197) and therewith, cannot be universally determined. As Bohmer and Shuman point out: "Even basic human rights do not have universal agreement" (ibid., 2008: 210); even the 'universal' human right for asylum, as outlined above, might not be as universal as it is assumed to be because the term 'persecution' can take on many different meanings depending on the respective country. Consequently, the construction of the legal definition of the refugee suggests an idealized and 'universalised' type of refugee, to which people have to conform to in order to be considered a 'true' and 'genuine' refugee. The diverse and complex experiences of refugees are disregarded; there is no 'standard' refugee which neatly fits into a box. One has to keep in mind that the definition of the 1951 Convention was created for refugees fleeing the atrocities of the Second World War. However, this was about 67 years ago. A lot has changed since then. The refugees nowadays are in other circumstances and have other reasons to flee; but it rather became an obligation to protect the state's interests and to prevent the arrival and the stay of asylum seekers (Jubany, 2017: 42, 53) instead of protecting the ones seeking refuge.

2.2 The UNHCR Handbook

All EU Member States have signed and agreed to the 1951 Convention and its amendment in the 1967 Protocol. However, no standard procedure for the asylum determination process exits; how it actually is implemented is up to the countries themselves. Each of the Member States of the EU have their own national asylum procedure. The UNHCR Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees was written as a direction for governments to help guide those, whose job it is to determine refugee status. It is divided into two parts: The first part explains the definition of the term 'refugee' and tries to clarify who is eligible to receive this status by giving a general analysis of the definition to fine-tune the understanding of who a 'convention refugee' is. The second part of the Handbook suggests some guidelines for the procedure of determining refugee status. To get an overview of these guidelines, the Handbook gives the following summary (UNHCR Handbook, 2011, Article 205: 39-40):

(a) The applicant should:
(i) Tell the truth and assist the examiner to the full in establishing the facts of his case.

(ii) Make an effort to support his statements by any available evidence and give a satisfactory explanation for any lack of evidence. If necessary he must make an effort to procure additional evidence.

(iii) Supply all pertinent information concerning himself and his past experience in as much detail as is necessary to enable the examiner to establish the relevant facts. He should be asked to give a coherent explanation of all the reasons invoked in support of his application for refugee status and he should answer any questions put to him.

(b) The examiner should:
(i) Ensure that the applicant presents his case as fully as possible and with all available evidence.
(ii) Assess the applicant's credibility and evaluate the evidence (if necessary giving the applicant the benefit of the doubt), in order to establish the objective and the subjective elements of the case.
(iii) Relate these elements to the relevant criteria of the 1951 Convention, in order to arrive at a correct conclusion as to the applicant's refugee status.

These guidelines express a great emphasis on evidence and details, on the burden of proof of the applicant to present a coherent and credible story, which should be satisfactory enough to make up for any lack of evidence; it is the examiners task to assess and evaluate if the applicant's case is credible. However, the Handbook does not give any guidance on the determination of credibility of an applicant's account – this, again, is being left to the examiner. The Handbook also includes a section about the 'benefit of the doubt', which outlines that the examiner should give the applicant the benefit of the doubt if they cannot provide any evidence. This applies only, if the examiner is satisfied with the applicant's credibility (see section *3.5.2 'Benefit of the doubt' Principle*). In the concluding remarks, the Handbook stresses the examiners' responsibility for the applicants' lives and recalls that the examiners shall apply "the criteria in a spirit of justice and understanding"; their "judgement should not, of course, be influenced by the personal consideration that the applicant may be an 'underserving case'" (UNHCR Handbook, 2011, Article 202: 39). In how far the guidelines of the Handbook are implemented is the decision of each nation-state; they are free to decide if they want to implement these guidelines or not; the Handbook just serves as a guiding frame.

2.3 The German asylum procedure

As each determination process of the asylum procedure is handled differently from country to country, in this section I will briefly explain how the German asylum procedure works in order to get an overview of this process and to be able to place the hearing within it. The next section, then, will focus in more detail on the asylum hearing, as this is the main topic of the present thesis and the most crucial part during the whole procedure.

Germany has implemented the 1951 Convention into its law and its definition of the term 'refugee' has been included in the German Asylum Act. In order to determine, whether a person is eligible to receive refugee status, an asylum application needs to be lodged in the first place. Therefore, all persons who seek asylum in Germany need to report to a state organisation and apply for asylum immediately upon arrival, as is outlined in the German Asylum Act 13 (3) – asylum

seekers who fail to do this, breach the law and violate their obligation to co-operate as outlined in Article 15. After an application was lodged, they will be registered, which includes the collection of their personal data, the taking of their fingerprints and the receipt of a proof of arrival (*Ankunftsnachweis*). The application for asylum needs to be made in person. After the registration, they are allocated to the closest reception facility, where they are obliged to stay until their application is processed.

The submission of the application is followed by an invitation to a personal interview, in which the person seeking asylum needs to state the reasons for their claim. It is stated in the German Asylum Act (Article 25 (1)), that the interviews shall be conducted in-person. In some cases, a 'brief' interview takes place, before the actual 'big' interview, during which questions about the route of flight are asked in more detail to check if the Dublin Regulation is applicable: it is checked whether an applicant already has lodged an application in any other EU country, which has agreed to the Dublin regulation; if this is applicable, Germany is no longer responsible for the asylum application and the applicant's claim is to proceed in the member state they have applied in the first instance. In all cases, the applicants have a personal 'big' interview. This is the most important step in the whole procedure, as the decision is based upon this interview. I will outline the procedure of the hearing in more detail in the following section. After the interview and the examination of all documents and evidence, the Federal Office decides if one of the four forms of protection applies. If the application is declined, the applicant has the right to appeal the decision and can take the case to court; if the application is rejected by the court, the applicant is obliged to leave the country.

2.3.1 The burden of proof - the asylum hearing

The asylum hearing is the most crucial part during the whole asylum procedure. It is here, the applicants have to tell about their individual reasons of flight. The interview is the applicants (in most cases) only chance to 'convince' the Federal Office of their individual and personal need for protection.

The asylum hearing

In general, the hearing is structured into two parts: In the first part, questions from a standard questionnaire, which contains about 23 to 25 questions, are being asked. These questions can be found online on the website of the Federal Office for Migration and Refugees and of several NGO's (I have attached the questionnaire in appendix A). This questionnaire is only a guiding frame, which helps to get an overview of the questions, which can be asked during the hearing, but not all of these questions have to be asked in particular. Providing these questions gives the applicants a possibility to prepare for the hearing. The first part of the hearing serves identificatory purposes and data

acquisition. The last question of the questionnaire introduces the second part of the interview, in which the applicants need to state the reasons why they have left their home country. During the course of the interview, the case official draws up a protocol (*Anhörungsprotokoll* or *Niederschrift*), which usually is retranslated to the applicant, either during the interview in parts or at the end, unless the applicant wants to forgo the retranslation. The retranslation, however, is very important, as it is there, where the applicants can make amendments and modifications to their case or correct any mistakes, otherwise it is difficult to make changes, as the Federal Office stresses that they may not be able to take facts, incidents or documents into account later on or in court proceedings, which applicants did not state during the hearing (Federal Office for Migration and Refugees). By signing the protocol, the applicants affirm that they agree to the content of it.

Most of the times, three people are present during the hearing. This includes the asylum official, who is also the interviewer, the asylum applicant, and in most cases, a translator if needed. It is the asylum applicants' right to be interviewed in the language they feel the most comfortable to express themselves in. The Federal Office is obliged to provide a translator in the requested language. It is not common that the Federal Office appoints a legal representative, which is present during the hearing. The applicant is allowed to bring their own interpreter, additionally to the interpreter of the Federal Office, and a person of trust and/or a legal representative to the interview. However, if the applicant wants to bring an additional person to the hearing, the Federal Office needs to be notified in advance, otherwise their attendance during the hearing can be refused. It is possible to ask for 'specially-commissioned case officers', who are specifically trained for situations such as severe trauma, torture or persecution, amongst others.

It is stated on the Federal Office of Migration and Refugee website that applicants are given "sufficient time" during the hearing in order to present their reasons for flight. The hearing may take from only 20 minutes up to several hours and even days. How long the interview takes also extensively depends on the asylum official, as they are not obliged to ask any follow up questions, questions for understanding or questions about details. Therefore, it is even more important to prepare the story thoroughly, as the asylum officials only examine the facts as far as the applicants state. Many organisations in Germany offer advice on how to prepare for the asylum hearing. Overall, emphasis on a cohesive and chronological order of the story is stressed, and the importance of supporting documents in order to make the story more credible and believable is emphasized. A preparation for the hearing, therefore, is invaluable and helps the applicants to present their case in a credible manner according to the 'asylum hearing standards'.

The protocol (Die Niederschrift)[3]

The protocol is the official record of the hearing and states the essential content of it. It plays a crucial role as it presents the basis on which the decision concerning the recognition as a refugee is based on, and also partly the decision of the appeal, if applicable. The protocol outlines the procedure of the interview and states the questions, which have been asked by the asylum officials, and the answers given by the asylum applicant in direct speech. It also should mention break-times and non-verbal communication. It is vital that the applicant makes sure during the retranslation that the facts and details are stated correctly. To make corrections to the protocol afterwards might become difficult. Given the circumstances that the interview is neither being video-recorded nor audio-taped, the only details left of the hearing is the written account, the protocol. Usually, the asylum officials dictate what the applicant has said into a recording-device and/or take notes. After this, the dictated will be transcribed into the protocol. One has to bear in mind here that the asylum official dictates everything with punctuation marks and formatting specification; it is not a word-for-word transcription and only includes what the asylum official thought to be of essence. Hence, the transcribed answers of the applicants are already summed up by the asylum official, but still represent the asylum applicant's and asylum official's voice in a dialogic style. The text of the protocol, then, provides the basis for the decision making.

The decision (Der Bescheid)

After the hearing, the asylum officials base the decision on an overall assessment of all relevant findings, with an emphasis on the personal interview, the protocol, and all supporting documents brought in by the applicant. In obtaining a decision, they, additionally, are allowed to use "language and text analyses, physical-technical document examinations, and medical or other expert advice" (library of congress, n. d.). The decision document is a comprehensive written text in third person singular about the applicant, which entails a summary of the applicant's statements of personal flight, the arguments for the acceptance or the rejection of the application, judicial and constitutional formulations about the respective case. The document consists of different text modules, which the asylum official puts together respectively and inserts the reasons why the application was rejected. Sometimes this can result in an incoherent text, which is difficult to understand.

In some countries, for example the United Kingdom (Jubany, 2017), Belgium (Maryns, 2006) and also Sweden (FARR, 2011), the decision is not made by the person who conducted the interview, but by a third party, who bases the decision solely on the protocol (however, one has to keep in mind that the protocol varies from country to country and might include, depending on the transcription of

---

[3] In Germany, the protocol is either referred to as the 'Anhörungsprotokoll' or the 'Niederschrift'. In the following, I will use the word 'protocol' to refer to it.

the interview, more or less richness of details than some other protocols). In other words, the person who decides has had no access to the conversational process upon which the asylum official has based the protocol. As Maryns points out, the separation from interviewer and decision-maker marks a transition from "a personal to a depersonalized case" (2006: 82); the asylum official can distance themselves from the asylum applicant's case, and the protocol becomes a "depersonalized file" (ibid. 2006: 82). One should not forget that not only the stated facts in the protocol, but also the impression of the applicant, the presentation of their story and the collaborative work between applicant and official are determining factors of assessing credibility and believability. By 'outsourcing' the decision process, these facts are vehemently neglected.

In the Swedish asylum hearing, the decision-making process is separated as well, however, the asylum officials are in direct contact with the decision-makers and constantly exchange information before, during and after the hearing, which can have a decisive influence on the course of the interview, the drafting of the protocol, and the respective decision (Lahusen & Schneider, 2017: 94). In Germany, since 2015, when the numbers of applicants increased and asylum officials could not keep up with the assessment of applications, the decision-making process was separated and the person who conducted the interview was not the person who made the decision. One of the reasons for this separation was to speed up the asylum procedure. However, this system is highly criticised. For an appropriate assessment of the refugee status, the personal impression is crucial because the asylum process depends essentially on the credibility of the applicant, which cannot be proven solely on the basis of the documentation and the protocol provided. It is argued for a decision process, where the asylum official is the interviewer and the decision-maker, so that they can get an idea of the person and their reasons for their application. Jutta Cord, the former president of the Federal Office for Migration and Refugees until June 2018, said that this was only in times of the increase of applications and shall return to the old system, where the asylum official and the decision-maker are the same person (Haerder, 2017). In the beginning of the year 2018, however, this system has not changed and the decision still was taken in one of the four 'decision centres' (*Entscheidungszentren*) in Germany.

The four forms of protection

An applicant for asylum can receive one of four forms of protection: 'the entitlement to asylum' (*Anerkennung als Asylberechtigt*), 'the refugee protection' (*Zuerkennung der Flüchtlingseigenschaft*), 'the subsidiary protection' (*subsidiärer Schutzstatus*) and 'the ban on deportation' (*Abschiebungsverbot*). If one of these forms of protection is granted, the person can stay legally in Germany, at least for a certain amount of time. The important part of the asylum hearing

is, therefore, the examination of whether one of these forms of protection applies; if none of them do, the asylum application is considered as being rejected and the applicant is subject of being deported.

The 'entitlement to asylum' and the 'refugee protection' is granted if the conditions under the 1951 Geneva Convention and the German Asylum Act are fulfilled. If the applicants receive one of these two forms of protection, they receive a residence permit (*Aufenthaltserlaubnis*) for three years. Only after the three years have passed, an indefinite settlement permit might be issued considering certain circumstances, which might include the command of good German or the competency to secure a living. The only difference between these two forms of protection is that the refugee protection is wider-ranging and also includes the persecution of non-state actors.

Applicants receive 'subsidiary protection' if they can prove that they are at risk of being seriously harmed and threatened in their country of origin and that they cannot or do not want to take up protection in their country of origin because of the threat they would face. The Federal Office for Migration and Refugees regards the following as serious harm: "the imposition or enforcement of the death penalty, torture, inhuman or degrading treatment or punishment, a serious individual threat to the life or integrity of a civilian as a result of arbitrary force within an international domestic armed conflict" (Federal Office for Migration and Refugees, 2016: 19). By receiving this form of protection, the applicant is granted residence permit for one year, which can be extended to two years in some cases.

A 'national ban on deportation' is admissible under the European Convention for the Protection of Human Rights and Fundamental Freedoms, or if the applicant, upon deportation to the country of origin, faces a "considerable concrete danger to life, limb or liberty" (Federal Office for Migration and Refugee, 2016: 20). This form of protection gives the applicant residence permit for at least up to one year, which can be repeatedly extended in certain cases.

The forms of rejection

An application for asylum can be rejected as either 'unfounded' (*unbegründet*), 'manifestly unfounded' (*offensichtlich unbegründet*) or 'inadmissible' (*unzulässig*). According to Article 30 of the German Asylum Act, an application is 'manifestly unfounded', if, amongst others, the applicant is obviously seeking asylum for economic reasons or to avoid a general emergency situation. The application is also to be rejected as 'manifestly unfounded', if the applicant's claim is contradictory, inaccurate or based on forged or falsified evidence, the applicant has lied about their identity or has breached the obligation to cooperate as stated in the German Asylum Act. The legal consequence is that the deportation can be initiated immediately, even if the applicant appeals. Only if the court orders a "suspensory effect" of the claim at short notice, the applicant is safe from deportation until the court examines the application. If the application is rejected on the grounds of 'unfounded'

reasons, the applicant has one-week time to appeal; if it is written 'inadmissible' (*unzulässig*), it means that no asylum assessment will take place in Germany, for example due to the Dublin Convention, and the applicants have one-week time in order to appeal.

2.3.2 Statistics

To get a general picture of the numbers of asylum applications, which have been lodged in the EU and in Germany, I will give a broad overview over the number of applications in the EU and in Germany, and of the numbers of appeals in Germany. I will focus mainly on German statistics, since I analyse the protocols and decision documents form the German asylum procedure.

Number of applications in the EU and Germany

Around 704.600 persons have applied for asylum in the 28 EU Member States in the year of 2017. The majority of the asylum applicants came from Syria (105.000), Iraq (51.700), Afghanistan (47.800) and Nigeria (41.000). The most asylum applications have been lodged in Germany, with around 222.600 applications, Italy, with around 128.900 applications, followed by France, with 98.600 applications, and Greece, with 58.700 applications (Mediendienst-Integration, 2018). At the end of 2017, around 927.000 asylum applicants were still waiting for a decision within the EU (Mediendienst-Integration, 2018). In 2016, around 1.2 Million people have applied for asylum in the EU (these were around 50.000 applications less than in 2015). Of this number, Germany received around 722.300 applications, Italy about 121.200, France 76.000, Greece 49.000 and Austria 39.900 (Mediendienst-Integration, 2018). From January until end of July 2018, 110.324 asylum applications have been lodged in Germany. The main countries of origin were Syria, Afghanistan and Iraq. During these seven months, the Federal Office decided upon 138.449 cases, of which 43.685 received protection:

- 19.717 applicants received the entitlement to asylum
- 1.787 applicants received the refugee protection
- 15.542 applicants received subsidiary protection
- 6.639 applicants received a ban on deportation (Mediendienst-Integration, 2018)

Nonetheless, this leaves more than twice of this number, 94.764 applicants, with a rejection. Comparing the first half of 2018 to the whole year of 2017, 222.683 asylum applications have been lodged and 186.644 asylum seekers came to Germany. The main countries the applicants came from were Syria, Afghanistan and Iraq. The Federal Office decided upon 603.428 cases in 2017, of which a total of 261.642 applicants received a positive decision and were granted one of the four forms of protection. However, this leaves 341.786 applications with a negative decision. Furthermore, at the end of June 2018, the number of asylum applicants, who were still waiting for a decision, was 57.273

people. Until the end of February 2018, around 4.800 of them were waiting for more than two years for a decision of their case by the Federal Office (Mediendienst-Integration, 2018).

Germany[4]	First half of 2018	2017
New Arrivals	82.066	186.644
Applications	110.324	222.683
Decision	138.449	603.428
Positive decision	43.685	261,642
Negative decision	94.764	341.786
Quota of protection	31,6%	43,4%
Pending	57.273	

Number of appeals in Germany

Although the number of asylum applications has decreased since October 2016, the number of appeals against the decision of the Federal Office has increased. In the appeal, an independent court assesses the cases again, and upon this re-assessment, it is decided if one of the four forms of protection applies. In 2017, 49,8 percent of all the decisions (including the ones who received one of the forms of protection) made by the Federal Office have been taken to court; in 2016, this was 24,8 percent; and in 2015 it was only 16,1 percent – this number tripled in a period of only three years (Jelpke, 2018). Regarding the numbers of applications, which have been rejected by the Federal Office, it looks similar: the rate of appeals in 2015 was at 43 percent; this rate increased in 2016 up to 68,5 percent and in the year of 2017, the rate of rejected cases taken to court was 91,3 percent. The success rate in court to receive a positive decision and therewith, to be granted protection, thus, was at 40,8 percent in 2017, at 29,4 percent in 2016 and 12,6 percent in 2015 (Jelpke, 2018).

Germany	2017	2016	2015
Appeals of all decisions	49,8%	24,8%	16,1%
Appeals of rejected cases	91,3%	68,5%	43%
Success rate at court	40,8%	29,4%	12,6%

The figures show that the rejected cases by the Federal Office which have been decided positive in court are quite high. This indicates the poor quality of the decisions made by the Federal Office and shows that the applications are not assessed properly. The asylum officials may work under immense time pressure and/or might not have received the proper training needed due to the shortening of the training time, are overburdened and overworked. On top of that the Federal Office gives the guidelines that an asylum official has to have three hearings or work on two or three decisions a day – without a lunch break, this makes two and a half hours per hearing (Anzlinger & Deleja-Hotko, 2018). Nonetheless, it needs to be kept in mind that the hearing is not only about the handling of and 'working off' a case nor only about the examination of the credibility and believability of the asylum applicant but, in most cases, it is a decision about life and death.

---

[4] All tables in the statistics section are made by me, based on the data provided by Mediendienst-Integration, 2018.

2.3.3 Seehofer's 'Masterplan'

The German Federal Minister of the Interior Horst Seehofer has published his 'masterplan'[5] concerning migration at the beginning of July 2018. It contains 63 provisions to reform asylum policy in Germany. According to Seehofer, the German asylum policy needs a fundamental revision (Handelsblatt, n. d.). His 'masterplan' includes four fields of action: countries of origin, countries of transit, European Union and Inland/National. In the preamble it states that "The promise stands, to permanently decrease the numbers of people fleeing to Germany or Europe, so that a situation similar to the one in 2015 will not and cannot be repeated" [6]. One of the main focus in the fourth section is on the introduction of so-called AnKER-centres, which is an abbreviation for 'Arrival' (*Ankunft*), 'Decision' (*Entscheidung*) and 'Return' (*Rückführung*), where the whole asylum procedure, from the registration until the decision, shall take place. Even courts for appealing a decision shall be located there. Consequently, people need to stay in AnKER-centres until their final decision – which can be up to 18 months or even longer. This also means isolation and exclusion for the asylum applicants; they are only allowed to leave the institution under certain circumstances. In August 2018, six AnKER-centres shall start being pilot tested for half a year and be evaluated (Buschow, 2018). However, the assessment of the AnKER-centres is highly criticised. ProAsyl, Germany's largest pro-immigration advocacy organisation, states that the isolation in such centres not only hinders integration but people also have to live together in inhumane condition, e.g. having no privacy and space; it cuts the access to counselling services or legal advice and leaves many asylum applicants without help (Klöckner, 2018) in the already more than complicated and complex asylum procedure. Everything in the so-called masterplan aims at closed-door policies: 'sealing-off', fortifying borders, excluding refugees and discouraging migration, supporting voluntary return and hindering refugees from reaching the EU and Germany in the first place. Buschow called this masterplan a 'masterplan for more deportations'[7] (Buschow, 2018).

---

[5] His 'masterplan' can be downloaded here: https://www.handelsblatt.com/downloads/22758182/4/masterplan-migration.pdf

[6] "Es gilt das Versprechen, die Zahl der nach Deutschland und Europa flüchtenden Menschen nachhaltig und auf Dauer zu reduzieren, damit sich eine Situation wie die des Jahres 2015 nicht wiederholen wird und kann."

[7] "Masterplan für mehr Abschiebung"

3. Theoretical Framework

The following sections will introduce the theories relevant for the present thesis. Section 3.1 will introduce postcolonial concepts; Section 3.2 will be concerned with narrative theories; section 3.3 elaborates on the representation practices in transcripts and explains the entextualization process, which narratives go through when they are transposed from oral into written form; the final section of the theoretical framework looks at the concept of credibility and the assessment thereof within the asylum hearing.

3.1 Postcolonial theory

> *"We always speak from a particular location in the power structures. Nobody escapes the class, sexual, gender, spiritual, linguistic, geographical, and racial hierarchies of the 'modern/colonial capitalist/patriarchal world-system."*
> – Grosfoguel (2007: 213).

The room where the asylum hearing takes place can be seen as a 'border site' contained within the nation state and the European Union; a space, where bordering practices and boundary-making processes occur from within; a space, where exclusionary and inclusionary procedures unfold; a space, which contains a variety of knowledges, multiple realities and subjectivities; and a space, where people from different backgrounds bring different expectations with them – especially in the power-infiltrated environment of the asylum hearing, where the person in the higher power position has the control over what kind of knowledge and truth is accepted and what is dismissed as lies. In the following, I will introduce the concept of 'coloniality of power' coined by Quijano to show that the space of the asylum hearing resembles a 'colonial situation' where different knowledges and truths meet, which takes as its measure stick a universal western knowledge and therefore, requires to be approached from a pluriversalistic point of view to give other knowledges and truths space to be voiced. The last section will present the concept of subalternity and hegemonic representation practises, rephrasing Spivak's question of 'can the Subaltern speak?' to 'can the hegemonic ear hear?'.

3.1.1 The coloniality of power in colonial situations

Designed as a *"factory of exclusion"* (Engbersen, 2001: 242), from 'fortress' to 'panopticon Europe' (ibid., 2001: 242), the asylum procedure belongs to one of the technologies of power set up by the nation-state to manage the mass displacement of migrants, to create an ordered process to achieve control and surveillance over them (Jacquemet, 2009: 530). With this in mind, the asylum hearing can be seen as part of the structures of power, control and hegemony which arose during the era of

colonialism and the modernist era. Colonialism, however, is not equivalent to coloniality; coloniality refers to the "continuity of power of colonial form of domination after the end of colonial administrations" (Grosfoguel, 2009: 22). These structures Quijano (2007) coined by the name of "coloniality of power". It is a concept which outlines the legacies of colonialism in our contemporary societies, which have been integrated into our social orders and knowledge production, and refers to the structuring process in the modern/colonial world (Grosfoguel, 2009: 22) (e.g. the international division of labour, centre/periphery, 'global North /global South', also the classifying people into who is a 'refugee' and who is not). In order to understand Quijano's concept of coloniality of power, it is crucial to agree that coloniality is constitutive of modernity (Mignolo, 2002: 81). Looking back in history, concepts such as nation states, citizenship, institutions, laws and policies were all invented during the ongoing process of the "domination/exploitation of non-Western people" (Grosfoguel: 2007: 218). Accordingly, coloniality of power can be referred to as the "darker side of modernity" (Mignolo, 2007: 159), which is still alive and ticking today.

Colonial differences can be found in colonial spaces when two or more knowledges and cultures encounter each other, or, in other words, when the assumed universal knowledge meets the 'local' knowledge, and where the 'local' knowledge has to accept or adapt to the universal knowledge (Mignolo, 2012: xxv). Hence, colonial situations emerge, when Western epistemology and philosophy have reached their limit and they no longer can hide the diversities of local histories and epistemologies which Western thought tried to suppress (Mignolo, 2002: 66). The asylum hearing can be described as such a colonial situation, where colonial differences can be found: it is not an 'empty' space, but a value-laden location, where 'colonial hierarchies' are still regulating the 'other', and therewith, present a space and a situation where colonial differences meet and touch; it is a space, which contains a multiplicity of realities, subjectivities (Anderson et al, 2014: 6) and knowledges. In the end, it is the applicant's knowledge, the 'local' knowledge, which has to adapt to the 'dominant' knowledge of the asylum official, in order for the applicant to be granted asylum.

3.1.2 The myth of a universal (western) knowledge

As pointed out in the quote above, "we always speak from a particular location in the power structure" (Grosfoguel, 2007: 213). No one can escape this. We know, and this is for sure not a new insight, "knowledges are always situated" (Grosfoguel, 2007: 213) and knowledges are constructed. However, for the last 500 years or so, the fact of the situatedness and constructedness of knowledges seemed to have been forgotten. Instead, a "universalistic, neutral, objective point of view" (Grosfoguel, 2007: 213) has taken its place, which does not take into account other knowledges and from where the universal knowledge was produced. The thought that knowledge-making has no particular location but is an "ethereal place" where it is created (Mignolo, 2009: 167) has been

described as "the hubris of the zero point" by the Colombian philosopher Castro-Gomez (ibid., 2009: 167), which can be seen as the point of view that depicts itself as having no point of view at all. This paved the way towards a "universality, neutrality and objectivity" (Grosfoguel, 2009: 11), which depicted itself as having no point of view and coming from nowhere, and dismissed all other knowledges – the non-Western knowledges, cultures and traditions – as, according to Mignolo, "The first world has knowledge, the third world has culture" (Mignolo, 2009: 160). The idea of a universal truth and knowledge justified the classifying of people in the sixteenth century as "people without writing", in the eighteenth and nineteenth century as "people without history", in the twentieth century as "people without development" and in the beginning of the twenty-first century as "people without democracy" (Grosfoguel, 2007: 214).

One has to remember that the capacity to produce universal neutral knowledge coming from nowhere is, and still remains, a myth. There is no universal knowledge, but rather multiple knowledges, created in different times and spaces, produced by people who come from diverse geo-historical places, which contain distinct memories (Mignolo, 2009: 176). Unfortunately, the idea of a universal knowledge that is connected to a subject coming from a distinct location is still pervasive today and prevails in schools and universities, in social and natural sciences, philosophy and the humanities (Mignolo, 2009: 160) – and asylum hearings. Consequently, we always have to keep in mind the questions of who produces knowledge, where is it produced and about what? Especially in the case of the asylum hearing, it is always knowledge about the asylum applicants, produced by the asylum officials for a distinct purpose from the space where colonial differences meet. Therefore, assessing asylum applicants from a universal knowledge and the hubris of the zero point of view in spaces of colonial differences can lead to crucial misunderstandings and fatal consequences for the asylum applicants and may be decisive for their future. Mignolo argues (qtd. in Dabashi, 2015: xxvi), "it was the control of knowledge that justified the demonization and dehumanization of people, civilizations, cultures and territories". Knowledge and truth are still being controlled in and from the space of the asylum hearing. Therefore, it is necessary not only to take the broader picture of our modern/colonial world from past to present into account, which is still influenced by the idea of a universal knowledge, but to look at the situatedness and the constructedness of the knowledge within this environment. Seeing the asylum hearing as a border-space, it can be seen as a spatial entity in which its own knowledge and truth is constructed (Van Houtum, 2010: 291). As Jubany points out, it has developed its own subculture with its own subcultural norms and values and its own constructed 'professional knowledge' (ibid., 2017: 148), which is used to evaluate the asylum seekers' narratives. This not only accommodates the thought of a western universal truth but also enables the dominant view that "there is a Western normality, which represents the right way of understanding the world" (ibid., 2017: 148). Thus, the asylum officials, according to Jubany, perceive themselves as "objective

agents, professionally equipped with the expertise to decipher whether applicants are lying or telling the truth" (ibid., 2017: 158) and see their views as "fair and just" (ibid., 2017: 148). For example, this thinking is applied to the necessity of providing documents as prove of the asylum applicants' stories in the asylum hearing, which assumes that the production of documents is a common task in every country and equally perceived as important for everyone. However, in some countries, documents, which we take for granted in the western modern/colonial world, are less vital and significant, and in some cases are not even provided, as will be seen in section *5.5 The 'hunt' for documents.*

3.1.3 Monotopic and pluritopic hermeneutics

The idea about a universal western epistemology, as outlined in the previous section, was described by Shiva (1993, qtd. in Mignolo, 2009: 176) with the words of "monocultures of the mind". Nearly no culture in the world remained untouched by the "modern/colonial capitalist/patriarchal western-centric/Christian-centric world-system", as Grosfoguel describes it (ibid., 2011: 25). This world system, which has privileged western epistemology and culture, has created and promoted a "monologism or monotopic global design of the West" (ibid., 2011: 25), which inferiorized other epistemologies and cultures; at the same time, it created a 'deafness' towards them. By obstructing alternative knowledges, Mingolo argues, the dominant views became associated with the 'real' (Mignolo, 1995: 5) and the alternative knowledges, therewith, with the 'unreal'. The hermeneutics, which has been created in colonial situations, Mignolo calls 'monotopic hermeneutics' (Mignolo, 1995: 15). Encountering other knowledges and cultures did not change the overall monotopically conceived hermeneutics (Mignolo, 1995: 18) of the west, and the locus of enunciation remained in a European/Western position. In a nutshell, monotopic hermeneutics uphold the thinking of "the universality of European culture" (Mignolo, 1995: 18).

Monotopic hermeneutics, Mignolo argues, require a rethinking in terms of the "plurality of cultural traditions and across cultural boundaries" (Mignolo, 1995: 15). In order to outline his concept of pluritopic hermeneutics, Mignolo starts from Panikkar's concept of diatopical hermeneutics (qtd. in Mignolo, 1995: 11), which is the needed method of interpretation in order to overcome the limits of understanding not only within one single culture but between two or more cultures, which have developed in "different spaces" (Mignolo, 1995: 15-16). The only point which differentiates diatopical hermeneutics from pluritopic hermeneutics is the 'different spaces' it refers to. A pluritopic approach does not serve to support "cultural relativity or multiculturalism" (Mignolo, 1995: 15) but rather stresses the fact that someone assumes their truth through their local, situational and temporal knowledge and, at the same time, acknowledges the right of alternatives of local knowledges to claim truth as well (Mignolo, 1995: 15). A pluritopic hermeneutics is achieved if the monotopic hermeneutics, and the 'natural traditions', are being "questioned and regionalized", which shows that

there are several hermeneutics and 'natural' traditions (Mignolo, 1995: 19). It is important here to take into consideration the power relations in spaces, where more than one perspective coexist, and where one perspective has the power to silence other traditions. Summing up, a pluritopic approach is important as it aims at telling a story from various perspectives to show "how relative the invention of reality is" (Mignolo, 1995: 15), which will be important to have in mind throughout the whole thesis, but vehemently so in the analysis part. The asylum hearing is a place, infiltrated with asymmetrical power relation, where, in most cases, two or more different understandings of truths and knowledges meet. These situations call for an understanding in a pluritopic way. Therefore, colonial situations ask for a pluritopic, rather than monotopic hermeneutics (Mignolo, 1995: 19).

3.1.4 Subalternity and western representation practices

In an environment where colonial differences come to surface, it is important to look at the practices of representations and, especially, to take into consideration who has the power to represent, to speak and to be heard. As Chatterjee emphasises (2010: 84), it is, therefore, unavoidable to talk about Spivak's crucial essay "Can the subaltern speak?", in which she problematizes the representation practices of the third-world subject within a western discourse and argues that is it not that simple to just lend the subaltern a voice or try to make them visible – it is much more complicated than that. For Spivak, the 'true' subalterns are not aware of the mechanics at work to oppress and silence them. Not seeing these mechanisms, they are not able to take part in the hegemonic western knowledge-production – and the hegemonic discourse makes sure it stays that way. The question, if the subaltern can speak, Spivak answers with a 'no' in the end. However, this answer has been widely criticised and variously interpreted. Barret (2004) points out that a more appropriate reading of her question 'can the subaltern speak?' would be to ask 'can the hegemonic ear hear anything?' (ibid., 2004: 359), which assumes that the subaltern is not voiceless but can speak. Taking this question a step further, Saffari asks what it means for the hegemonic ear to hear (ibid., 2016: 40)? Or rather, under what circumstances and in what context can the subaltern's voice be heard? In order to answer this question, one needs to be attentive to the existing asymmetrical power relations in the specific context and the way knowledge-making has been shaped, because certain positions of power enable some people to not only be heard but also to speak for and about 'others' (Saffari, 2016: 41).

I would like to emphasize that I do not want to categorize asylum applicants as subaltern – they can speak – what is being heard and represented in the end, however, is up to the asylum official. Alcoff makes two claims which affects if someone can be heard: First of all, she says that the location of a speaker, which she understands as "social location or social identity" (ibid., 1995: 2), influences the speaker's words and can "serve either to authorize or dis-authorize" the speaker's claims (ibid., 1996: 2-3); secondly, it is not only the location from which the speaker speaks, but it is also the

privileges certain locations hold, which is significant for the spoken (ibid., 1995: 8). Therefore, it is important to look at who speaks and to whom, who is listening and who is speaking from where, as this might change what is said (ibid., 1995: 13). The practices of speaking for and about are both highly problematic practices, because in each act someone engages in the practices of representing another person (ibid., 1995: 10). The power to represent someone underlies complex structures in our global modern/colonial world. Therefore, one not only must take into consideration what is represented, but also look at the *how* of representation practices (Doty, 1996: 5). Looking at the *how* goes hand in hand with the creation of knowledge – it is here the coloniality of power turns full circle.

3.2 Narrative theory

> *"Narratives are fluid, continuous, dynamic, and always constructed interactively – with an audience and within a context – out of the stuff of other narratives."*
> – Ewick & Silbey (2003: 1343)

Narratives are produced and shaped in a myriad of occasions, contexts and settings. So is their purpose manifold: they serve as entertainment, experience- and meaning-making; they appear in everyday life and in the context of bureaucratic and institutional frames; they can be told, written or performed; they can be disguised in a million forms; but what they all have in common: someone who tells the story and someone who listens to them – it is there, where stories awake to live, where stories assume their form, gain meaning and rise, until they finally end up in the listeners' ear. This section serves to take the readers into the world of narratives, so that they might grasp what is meant by this term. I don't want to say that I have a definition of narratives or understand them in their entirety – for narratives cannot be precisely defined – at least not in one sentence or with one meaning. I would like to highlight the manifold understandings of narratives and emphasize the reasons why it is important to not only look at the 'what', but also at the 'how' and 'why' of narratives to see that narratives are a tricky and not so 'innocent' business (Bruner, 2002: 5; Blommaert & Maryns, 2001: 64) as one might have thought. The situatedness of narratives, the interaction and co-constructedness in certain situations, the hearing and interpreting of the listener – all of them do matter for how a narrative is perceived and understood. These factors go hand in hand. They are intertwined and cannot be looked at individually. Stories cannot, and never will, mean the same for each person, as they can be told, interpreted and understood in entirely diverse ways. In the following, I will look at the various meanings of the term narrative, then turn to their situatedness, their interactive creation, the narrative acts of self-making, and the silences within – all of which shall shed some light on the dilemma of defining and interpreting narratives – especially in the light of the asylum hearing, where narratives turn into passports, granting or denying refuge.

3.2.1 Liquid narratives

The term 'narrative' is a slippery one to define. This section is dedicated, not to define what a narrative is, but to set out to grasp an understanding of the reasons why it is so difficult to define and to get a taste of its slippery-ness. Before I start, I would like to emphasize that, although some researchers differentiate between 'narrative' and 'story' (for example, Denzin argues, even though narrative and story are nearly the same, they are slightly different in the regard that a story is "an account involving the narration of a series of events in a plotted sequence which unfolds in time" (Denzin, 2004: xi)), in this present thesis, I do not differentiate between these two terms and I also do not differentiate between 'narrative' and 'account' – all of the three terms will be treated as being synonymous to each other.

Narratives can be understood in many diverse and manifold ways. Sandelowski (1991) understands narratives as "stories that include a temporal ordering of events and an effort to make something out of those events: to render, or to signify, the experiences of persons-in-flux in a personally and culturally coherent, plausible manner" (ibid. 1991: 162). Wells defines narratives in terms of that a narrator "recounts a personal experience of a *specific event* that occurred in the past in the order in which the event occurred in real life" (ibid., 2011: 63). Denzin defines narrative as "a telling, a performance event, the process of making or telling a story" (ibid., 2004: xi) – only to mention a few 'slippery' definitions of narrative. Riessman points out that "there is no single definition of narrative" (ibid., 2013: 259). Hyvärinen makes a good argument by outlining that "no definition will fit all narratives and that the desire for a conceptual consensus may be rather counter-productive" (ibid., 2008: 448). Therefore, when referring to narratives in this thesis, I would like to define them as 'liquid narratives' in reference to Bauman's concept of liquid modernity (2000): Just as society changes over the years, narratives, and the interpretations thereof, do change, too. They are no 'solid' concepts, but 'liquid' ones – because, like liquids, they have no independent shape and, therefore, are prone to change in whatever context they are being told. Liquid narratives are not only referring to the perception of change, but also to their characteristics that they can be reshaped, remoulded, remodelled and re-narrated, that they can be perceived and interpreted differently by different individuals in different environments and situations. But it is not only a matter of defining what narratives are, neither it is only about what they contain, although I do not mean that this importance shall be neglected; what I mean to say is that one also needs to look at questions such as what and whom is the story for?; why is it told?; how is it told?; and how is it being heard and interpreted in the end? Therewith, I see stories as products of interactions, produced and shaped by the teller and the listeners in a distinct setting in a distinct culture, influencing its course of 'storyability'. For example, a narrative told by a student in a classroom shapes in a different form and

has other expectations than a narrative in a job interview. So, too, do the narratives of asylum applicants told in the asylum hearing follow certain expectations and requirements. To sum up, this present thesis understands narratives as liquid, as situated performances, constructed in the interaction of performer and audience, teller and listener, asylum applicant and asylum official, created to meet the expectations the teller thinks the listeners want to hear, always in need for recognition, depending on the interpretation and judgment of the listener. In other words, I treat narratives as a liquid concept, without a specific form, not able of being grasped nor held nor contained, which, in the asylum hearing, turns out to be problematic.

3.2.2 Narratives as 'windows' into the world

In earlier times, narratives were seen to be windows into someone's life as it was thought they can reveal 'real' experiences and, thus, were seen as the narrators' own stories (Shaw, 1930, qtd. in Gubrium & Holstein, 2009: 41; Bruner, 2002: 6-7). This perspective depicted narratives as a "genuine reflection of the lived experience retained within and recounted outwardly in relation to others" (Gubrium & Holstein, 2009: 42). But looking at narratives from this perspective is too narrow. Gubrium and Holstein remind their readers: "Stories are assembled and told to someone, somewhere, at some time, for different purposes, and with a variety of consequences" (ibid., 2009: 10). This influences how a story unfolds. Eastmond (2007) builds up on Bruner's concept (1986) that stories need to be distinguished between *life as lived*, *life as experienced¸ life as told*, by adding a fourth level, which needs to be taken into consideration when looking at narratives: *life as text.* In the case of the asylum hearing, however, a further level needs to be added before the applicant's narrative ends up as *life as text*, which is the *life as translated*, as the narrative goes through a translation process in almost all cases. Eastmond argues that "Past experience is always remembered and interpreted in the light of the present as well as by the way the future is imagined" (ibid., 2007: 249). The told, then, is always shaped in the very situation of the encounter between narrator and listener and the power hierarchy amongst them (ibid, 2007: 249) and, therewith, cannot only be seen as "simply reflecting life as lived", or as windows into someone's life, as they are always "creative constructions or interpretations of the past, generated in specific contexts of the present" (ibid., 2007: 250) and addressed to a certain audience.

From there it should be apparent that narratives are not transparent and real versions of reality, but that they need to be interpreted by someone (Eastmond, 2007: 250). According to Riessman, we come to understand stories only through their interpretation, paying careful attention to the contexts that shape their creation and to the world views that have informed them (ibid., 1993: 22). The understanding and interpretation of stories depend, then, on the ability of the listener to imagine the worlds the teller is trying to convey (Andrews, Squire & Tamboukou, 2013: 18). However, the same

world views might not in particular be shared with the teller and the listeners; they can be interpreted and judged as being true or false or as many other things (Craib, 2004: 65); however, there "is no place to stop interpreting, and no way to judge between interpretations, all of which may be 'truthful' in their own contexts" (Squire, 2013: 62). In order to interpret narratives more accurately, one needs to look at the context (section 3.2.3) and the interaction of teller and listener (section 3.2.4).

3.2.3 Contextualizing narratives

Looking at narratives, Bamberg emphasizes that there is a strong need to take their "situated and contextual nature" into account, which is simultaneously embedded in a local culture (Bamberg, 2006: 141). Gubrium and Holstein stress that the contexts are "integral parts of narrativity" (ibid., 2009: 22). Thus, as already pointed out above, stories can never be just looked at the 'what' has been said or taken as 'windows' into the storytellers' lives, but the 'where' it has been uttered needs to be looked at as well. This means that not only the present local situation, therewith meaning the social, cultural and institutional context, needs to be considered, but also that the story needs to be situated in the wider historical context.

Four levels of context

Shuman (1986) outlines three levels of contexts which need to be looked at when dealing with narratives: The first level concerns the most general meaning of context, termed "cultural context", which can be seen as synonymous to culture. Secondly, she refers to the "situational context", which entails the people engaged in a conversation, either in oral or written form. The third level is labelled "text" which indicates the relationship between context and text. In this regard, she treats context as relating to either the "cultural" or "situational" level as mentioned above, and "text" relating to an oral conversation which is transcribed into a written text (Shuman, 1986: 77). Another level to Shuman's three levels outlined above could be added here: the 'institutional context', which I would refer to as the interaction between people in a legal and bureaucratic environment. Taking this context into account is important because the institutional environment shapes narratives in tremendous ways, as the narratives must conform to distinct "rules, guidelines, roles" (Gubrium & Holstein, 2009: 110), all of which influence and also constrain the narrative in certain ways. It is there, the narrative needs to be told. Institutions have their own history (Berger & Luckmann, 1991 [1966]: 72) within the social and cultural context and the wider history itself. They have been set up for distinct purposes, and, according to Berger and Luckmann, "control human conduct by setting up predefined patterns of conduct" (ibid., 1991 [1966]: 72). This is also true for the narrative told within institutions, as the 'production' of stories in such environments is under close scrutiny and strict control (Gubrium & Holstein, 2009: 110) and, in some occasions, transposed into the form of a legal record (see section

3.4 Transcribing narratives and narrators into texts). In this regard, institutions set the basis for what counts as "recognizable, legitimate accounts" (ibid., 2009: 174) within their environment. Thus, institutions create the circumstances and conditions for emerging possible narratives (ibid., 2009: 174). However, Gubrium and Holstein also argue that, while institutions do influence the narratives, they do not determine them (ibid., 2009: 176). In other words, they might construct the frame but they do not fully determine the content of the narrative.

Transidiomatic Environments

In the case of institutions, it is helpful to take Jacquemet's concept of 'transidiomatic environments' (2005, 2009, 2014) into account, especially when looking at the asylum hearing. Jacquemet argues that the globalization processes during the last couple of years, which allowed the movement of "people, languages, and texts" (Jacquemet, 2014: 202), contributed to the emergence of multilingual environments at workplaces, which Jacquemet refers to as 'transidiomatic environments'. In these environments, people communicate over distance with each other and with people not speaking the same language. This form of communication creates 'transidiomatic practices' (Jacquemet, 2005: 265). The term 'transidiomatic' or 'transidioma' refers to "communicative practices of people, who are embedded in multilingual environments and are engaged in interactions that mix face-to-face and electronically meditated communication (Jacquemet, 2014: 202). Governments, as a result of the emergence of transidiomatic environments, saw the need to set up their own transidiomatic environments in order to "address transnational concerns" (ibid., 2014: 203), primarily to be able to handle the increasing influx of migrants, which mainly addresses people seeking asylum, "deterritorialized speakers and their multiple languages" (ibid., 2014: 203). The site, where the asylum hearing takes place, thus, can be considered to be a transidiomatic environment. However, as Jacquemet argues, transidiomatic environments clashes with national language ideologies and the legal norms and bureaucratic forms they force onto people (ibid., 2014: 203), for example such as the asylum procedure, which is seen as a necessary procedure in order to assess who 'deserves' being granted entry into the nation-state. Nonetheless, it not only is important to look at the environment, where stories unfold, but one also needs to take the interaction between people and the power hierarchies environments bring with them, which determines the shape of the narrative, into account.

3.2.4 The 'interactiveness' of narratives or 'giving an account of oneself'

All narratives are co-constructed by the teller and by the listener (Riessman & Salmon, 2013: 199). The listener shapes the story with their reactions, non-verbal communications and sounds to the teller's story, with follow-up questions and their expectations they might have on the story – and the teller is influenced by this. Especially in an interview scenario, the interviewer vehemently guides

and steers the narrative through their questioning – the same applies in the asylum hearing: the applicant's story is influenced by the questions being asked about their narrative; hence, the narrative is shaped in an interactive process and, as a result, is a co-productive work; each of the people present in a conversation plays a role in shaping the course of the narrative.

Bamberg points out that "the worst that can happen to a narrative is that it remains 'responseless'" (ibid., 2006: 141). If it does not get any response, it might not be recognised. Thus, the recognition or non-recognition of narratives by the listener has consequences for how a story is shaped. Butler looks at the interactiveness of stories as a "struggle for recognition in the Hegelian sense" (Butler, 2005: 43), which requires that the participants in an interaction recognize that the "other needs and deserves recognition" and at the same time, simultaneously, are steered by the same need for recognition (ibid., 2005: 44). This Hegelian view on narratives shows that giving an account of oneself can only happen if 'an Other' asks for it and recognizes it. However, this recognition only can take place in a constrained setting, which has been created prior to the existence of an 'I', or a 'you', set up by a "regime of truth that decides what will and will not be a recognizable form of being" (ibid., 2005: 22). Recognition is not only dependent on a 'you', but what the 'you' thinks of the 'I' needs to be recognizable as. In other words, both, the listener and the teller, in an exchange, are driven for the need of recognition; they cannot be looked at separately in this struggle, because it is only through 'an Other' the 'I' can tell their story. Hence, every teller needs a listener otherwise the story "becomes impossible" (ibid., 2005: 32). This shows that no account, no situation or interaction exists in a vacuum, but are always entangled in "a network of relationships" (Schwalbe & Shay, 2014: 161).

3.2.5 The activation of narratives

As Gubrium and Holstein point out, the activation of a narrative is an important part to look at when analysing narratives, because 'how' a narrative is activated might change the 'what' of the narrative, as stories are not just 'out there', waiting to be told (ibid., 2009: 41). In order to analyse narratives, one also has to look at the question: "How is storytelling activated in practice?" (ibid., 2009: 41). Therefore, the narrative process should mention how a narrative is incited as different questions trigger different stories. To focus on the activation process shifts the focus away of the story itself as being a 'single' product of only the teller and moves the narrative towards being a cooperation between teller and listener. It also shows that narratives cannot be seen as windows into the teller's life depicting an unaffected reflection of the teller's experiences (ibid., 2009: 42), and emphasizes the fact that a story is locally constructed on the site, where the asylum hearing takes place (ibid., 2009: 46), where storyteller and listener, or asylum applicant and asylum official, both take part in the shaping of the story. Gubrium and Holstein provide four examples how they have asked

participants about their life stories: Example 1: "Miss Mary, why don't you tell me about your life?"; Example 2: "A lot of people think of their lives as having a particular course, as having gone up and down. … Some people see it as having gone in a circle. How do you see your life?"; Example 3: "As you look back over your life, what are some of the milestones that stand out?"; Example 4: "Let me ask you this. If you were writing a story of your life, what chapters would you have in your book? Like what would the first chapter be about?" (ibid., 2009: 46). Each of these questions aims to elicit a life story but they trigger different accounts. This highlights the importance of the activation process and enables to look at how it has influenced the course of a story, which parts are being told or not told and especially, to focus on where the story begins. By excluding how the narrative was triggered neglects the "flip side" of the story's activation process, which is "narrative silencing" (ibid., 2009: 52).

Where to begin a narrative?

The narratives of asylum applicants are expected to be a coherent story, with a beginning, middle and end. However, the narrative process should be treated dynamically, as something which emerges within the context, "interactionally, situationally, and organizationally" (Gubrium & Holstein, 2009: 42), and not as a ready "waiting-to-be-told-text" (ibid., 2009: 42). To find a beginning and an end is difficult and is easier said than done – especially in the environment of the asylum hearing: where to begin the story of personal flight? Where to end if it obviously still is continuing, not only because their narrative has to entail a past and future risk of persecution, but because it is still on-going in the very moment they are being interviewed for their refugee status. This means, in Butler's words, that their "narrative begins *in medias res*" (Butler, 2005: 39) because many things already have happened before the 'actual story', which cannot all be known and therewith, the storytellers are "left to fictionalize and fabulate" beginnings which they cannot even know (ibid., 2005: 39). A story, no matter if it is a life-story, an autobiography, or just giving an account of oneself, always starts *in medias res* – something has always happened before that moment in the past, which leads to the point the tellers find themselves in right now in the present moment, over which they did not have an influence on or why their story took these twists and turns. How, then, is it possible to find a beginning or an end if what influences them in the now is influenced by the past, and vice versa, if what influenced them in the past influences their present and future? Beginnings, middles and endings of stories are difficult to find, if not, nearly impossible.

3.2.6 The active narrator

When it comes to the telling of a story, Gubrium and Holstein argue that the capacity to tell a story or to 'story experience' relates to agency (ibid., 2009: 149), which is, in their words, "the possibility

of actively entering into talk and social interaction to compose accounts" (ibid., 2009: 149). The very act of telling a story already entails an active agent; hence, the one who is telling the story can be called "an active narrator" (Elliott, 2005: 129). It is important to see active narrators not as "cultural dopes" (ibid., 2005: 129), but rather to see them as being able to "artfully construct" a story based on their imagination, their interpretations and experiences (ibid., 2005: 129). Cultural and social norms may provide guidelines in the storytelling, but it does not fully determine the content of their narratives (ibid, 2005: 129). Gubrium and Holstein (1998) also point out that the active narrator is not only the author of their narrative, but also simultaneously the editor, who "constantly monitors, manages, modifies, and revises the emergent story" (ibid., 1998: 170). "Narrative editing" (ibid., 1998: 170) highlights the reflexive agency of a storyteller (ibid., 1998: 170); it is a tool to manage stories actively and with which narrators are capable of influencing the views of their stories and the ways they might be heard (ibid., 1998: 170).

We have seen in the previous sections that narratives always are co-produced, arising in a series of interactions amongst teller and listener. Consequently, the question of 'narrative ownership' arises: Who is the author of a story if it is a co-product? In Butlerian terms, an 'I' cannot give an account of itself without 'an Other' being there (Butler, 2005: 82) and without 'an Other' asking to give an account of oneself. After all, a story needs "conversational 'space'" (Gubrium & Holstein, 1998: 176) for it to be told. In order to create such a space, teller and listener must interact (ibid., 1998: 176). Therefore, listeners are also "active co-participants" in the production of narratives, which shape the telling thereof (ibid., 1998: 176). The interaction between teller and listener can be restricted and controlled in institutionalized settings, where the institutional context may confine what is and how it is told (ibid., 1998: 177); it even can be decide if a story shapes at all (ibid., 1998: 179). As a consequence, control and ownership of a narrative is diffused, because it always unfolds in the interaction with another. In this regard, agency of an 'active narrator' needs to be looked at from their "continuum of capabilities" (Näre, 2014: 223) within these limitations; the agency to give an account of oneself might be more restricted and depended upon 'an Other' and on the context the 'I' finds itself in.

3.2.7 Narrative acts of self-making

In the process of giving an account of oneself, the teller is not only trying to create a narrative self, but also shapes and adjusts the story according to what the teller thinks the listeners expect (Riessman, 1993: 11). Therefore, Bruner conceives narratives, or to be more precise, "self-referent narratives", as being an act of self-making (ibid., 2002: 14). He argues that it is through narratives, where a selfhood is created and re-created and that the self itself is a "product of telling" (ibid., 2002: 85). However, one has to keep in mind that these narrative acts are restricted by the memories,

imaginations and expectations of the teller, and are shaped in the situational context where the self-making takes place. This process is as much affected by the inside, the memories, imaginations and expectations, as it is by the outside, which contains the interaction with others (ibid., 2002: 99) and the respective situation in which the interaction takes place (ibid., 2002: 100), considering not only the local but also the historical environment, or in other words, the time and space aspect. Thus, the selves are constructed and re-constructed "to meet the needs of the situations" (ibid., 2002: 64). Telling others about oneself also depends on what the self thinks that the other thinks the self to be like. In other words, we construct our self-making narratives in regard to what we think others think what we should be like (ibid., 2002: 66) and create our narrative accordingly. All of this underlies the culture in which we are immersed in, which provides "presuppositions and perspectives about selfhood" (ibid., 2002: 66). Therefore, narrative acts of self-making are never the sole act of only the narrator.

3.2.8 Narratives' intertextuality

Narratives are not only shaped and influenced by the environment and the interaction between teller and listener, they might also be influenced by other stories a teller has heard and what the teller thinks the other wants to hear. Stories, like texts, are related to other stories. In 1973, Kristeva coined the term "intertextuality" to refer to the relatedness of texts to each other. In other words, texts get their meaning from other texts in a perpetual interchange of their interpretations (Gubrium & Holstein, 2009: 187) – so do stories, in their different accounts, relate to other stories. When looking at stories, it, therefore, becomes necessary to not only look within the story and the situation in which they shape, but it also requires to look outside of it (ibid., 2009: 187). This makes it impossible to think of personal accounts as the persons' "own stories" (ibid., 2009: 197), because stories circulate, touch and shape each other. However, Gubrium and Holstein are not suggesting "the death of the narrator", they merely stress the necessity to look outside of narratives to fully be able to grasp their meaning (ibid., 2009: 197).

3.2.9 Hearing narrative silences

Equally important to how stories emerge and shape is how a story is heard, or failed to be heard. This is not only dependent on the active narrator, but also fundamentally on the ways the listeners hear the story. Especially in environments such as the asylum hearing, which is increasingly marked by suspicion (Bohmer & Shuman 2018) and disbelief (Jubany, 2017), asymmetrical power relations, different expectations and knowledges, the conditions under which narratives may be heard can be difficult and problematic. Another crucial point is that 'what' is being heard by the asylum official is, in many cases, the voice of the translator, who chooses the words, the phrasing, the intonation, the

pauses and breaks, the things that are being said or not voiced (Zambelli, 2017: 17). The question if narratives are heard or not heard and how they are heard by the listener's ear is not only a matter where stories have been uttered, as some stories are more acceptable in some contexts than in others, especially when narratives need to conform to some legal constrains, but also a matter of the control of their representation in texts, such as transcripts for example. Unfortunately, these texts often do not show what has not been said (Gubrium & Holstein, 2009: 52), neither do they acknowledge silences and therewith, what has not been heard cannot be included; texts focus solely on what has been told and heard during the interaction.

There is another side which needs to be taken into account when looking at narratives: the narrative silence. It not only counts what is uttered and what is heard, but it is also important to hear the silences. Asylum seekers' stories often struggle with voicing the unspeakable. This might leave things unsaid or they are not voiced in the first place; silence can also arise if narratives are interrupted, discouraged or shut down (Gubrium & Holstein, 2009: 52); silence can also arise due to the consequences of not asking questions or to respond to narratives. Therefore, silences in stories can often be "attributed to macropolitical factors such as power, status, authority, and hegemony" (ibid., 2009: 52), which equally contribute to the shaping and creating (or silencing) of narratives. Thus, silences are as well part of narratives. Every silence is full of information, in silence lies agency, in silence lies the power to shape a story. But if silences are not noticed and are not being heard, neither in the interview nor in the protocol or elsewhere, can silences, then, speak? Words not uttered remain forever silent; silences not heard vanish forever. The act of hearing, or not hearing, becomes the first step of transforming talk into a written text.

3.4 Transcribing narratives and narrators into texts

> *"Different transcription conventions lead to and support different interpretations and ideological positions, and they ultimately create different worlds. Meaning is constituted in very different ways with alternative transcriptions of the same stretch of talk."*
> – Riessman (1993: 13)

It is not only important to look at how stories emerge and are shaped, but one also needs to take into consideration what happens to them afterwards. The narrative which is created between the asylum applicant and the asylum official needs to be transformed into legal language in order to meet the standards of the institutional environment. Therefore, we have to look at how narratives are represented and interpreted in their textual format. Two moments are crucial in this transformation of the asylum narrative: the transcription of the interview into the protocol and the composing of the decision. In these two documents, the asylum applicant's story is "remoulded, remodelled and re-narrated" (Blommaert, 2001: 438) and turned into a *"text trajectory"* (ibid., 2001: 438) of the actual

narrative. The process, in which speech is transferred from its original context into "circulable texts" which are relocatable in new contexts is referred to as the process of "entextualization" (Bauman & Briggs, 1990). It brings to the fore the changes the narratives go through, highlights the power hierarchies reigning in transidiomatic environments, and hints at the tension between national ideologies, cultural assumptions and different knowledge productions. Henceforth, this section will have a closer look at the entextualization process, at the transcription, and the texts which are formed out of the transcriptions. One has to bear in mind that the asylum narratives undergo two levels of representation: The first level is the entextualization from oral to written text, which is the protocol; the second level is the decontextualization and recontextualization of the entextualized narrative into a final text, the decision document.

3.4.1 The entextualization process

At the heart of every process of transforming speech into written text is the 'entextualization' process. It is the process, during which a verbal performance is transformed into a written text, which, then, can be transposed into another context. In Bucholtz and Parks words entextualization is "the process by which circulable texts are produced by extracting discourse from its original context and reifying it as a bounded object" (ibid., 2009: 486). The transfixing of speech into text can be seen as an act of power; but the act of being able to lift the transfixed-speech-into-text out of its context and transfer it into another context – entextualizing it – is not simply an act of "inscribing talk", but is an act, which "inscribes and reinscribes relations of power" (Bucholtz & Park, 2009: 493). Once the text has been lifted out of its context, the transfixed-speech-into-text can take on a new meaning in the new context it has been transferred to.

In the case of the asylum hearing, Jacquemet argues, the entextualization of the asylum applicants' narrative is much more than the transformation of speech into writing and its location into a different context, but it shows how asylum officials, in a transidiomatic environment, "rely on commonsensical, but at times inappropriate, local knowledge to produce the public record" (Jacquemet, 2009: 528). He analyses how the narratives can be misrepresented and misinterpreted by outlining three basic points which are involved in the entextualization process: first of all, he shows that the construction of the text is based on dominant culture assumptions; secondly, he points out that semantic ambiguities are reduced to a univocal statement in the protocol due to the need to resolve these ambiguities; lastly, he demonstrates how the statements are distorted while they are transferred from speech to a written statement. With this, Jacquemet not only reveals inequalities and power asymmetries in the asylum hearing, but also demonstrates that the transcript is based on language ideologies and cultural assumptions of the asylum official. The entextualization process of the narrative shows how it is lifted out of the original context and relocated in a different "space and

time frame" (Blommaert, 2001: 442); it has been shaped to fit administrative and bureaucratic criteria and textual formats, which is mainly out of reach and out of control for the applicant (ibid., 2001: 442).

3.4.2 Decontextualizing and recontextualizing

The process of entextualization, as I understand it, always involves the 'decontextualization' and the 'recontextualization' of texts, but a 'decontextualization' and 're-contextualization' is not always an entextualization, since an entextualization involves the transformation from speech to writing. According to Shuman (1986), 'decontextualization' is the process, in which a text is produced in such a manner that it can be understood by readers, who do not know anything about the context where it has been produced. Ideally, such texts should contain the information necessary to read and understand them far away from their original context. This means that the text not only supplies "its own context" (Shuman, 1986: 117) but places "the burden of analysis" on the text itself, rather than on the process of the text-creation (ibid., 1986: 117). The overall purpose of the decontextualization, hence, is the composing of a comprehensible text, which can be understood without having prior knowledge about where the text was produced and in what kind of interaction. The decontextualization of texts already includes the recontextualization of them. Recontextualization is the process, in which the decontextualized text is placed into another context. Thus, decontextualization and recontextualization can be seen as "two aspects of the same process" (Bauman & Briggs, 1990: 75). Summing it up in a nutshell, the process of entextualization includes the decontextualization and recontextualization of texts. At first, speech is transformed into a text; this text, then, is decontextualized, so that it can be understood in another environment without having prior knowledge of the face-to-face communication in which the text actually was produced; it follows that the text is recontextualized in a new context – undoubtedly, some of the meaning of the actual oral account will be lost somewhere along the way.

3.4.3 The transcript

In the asylum hearing, a transcript[8] is composed about the interview. In this transcript, the interaction between asylum applicant and asylum official is transformed into a written (entextualized) text. Bucholtz points out that a transcript contains not only interpretive decisions – what is transcribed – but also representational decisions – how it is transcribed (ibid., 2000: 1439). Both decisions cannot be separated, but are influenced by each other. The interpretive decisions in transcriptions include

---

[8] Although the protocol in the German asylum hearing is not a word-for-word transcription, it, nonetheless, is a form of transcription of speech into text of an interview and therewith, bears, if only faintly, resemblance to a transcript. In this section, I will refer to the protocol of the asylum hearing as a transcript.

the question what the transcriber[9] hears in the first place. This implies that the transcriber, by hearing or not hearing, makes some selections and reductions of the narrative (Riessman, 1993: 56), which can have tremendous effects on the analysis of the transcript. The interpretive choices a transcriber makes are not only shaped by their personal experiences, cultural and social assumption, and national ideologies, but also by the purpose and the intended audience of the transcript (Bucholtz, 2000: 1439) as well as by the social and political environment in which the transcript emerges. All of these choices influence how the person whose speech is transcribed, and their speech, is being represented in the transcript, which enables "certain interpretations, advancing particular interests, favouring specific speakers, and so on" (ibid. 2000: 1441).

The contribution of the transcriber – the act of selecting, interpreting and representing, including the transcribers' words, intonation and emphasis rather than the ones from the teller, which, to a certain extent, reflects the transcribers views and goals – is not visible in the transcript itself (Doornbos, 2005: 117). Thus, a transcript is seen to be a 'neutral' document, depicting the original speech. Seen in this light, transcripts can be wrongly understood as "official versions of events" (Bucholtz & Park, 2009: 488) and therewith, are often thought of as transparent and unambiguous texts (Blommaert, 2001: 438), which reflect the 'truth' (Doornbos, 2005: 118). In the very moment a written text is mistaken as the exact copy of talk "we enter a world of differential power relations (Blommaert, 2001: 445), where institutions exert control over exclusion and inclusion (Bucholtz & Park, 2009: 487). As Bucholtz points out, "all transcripts take sides" (ibid., 2000: 1440), which support certain goals and link them to the context in which they shall be read in (ibid. 2000: 1440). Consequently, a transcript is never just an objective and neutral reproduction of speech as it does not produce accurate or scientific content (ibid., 2000: 1453); it is the creation of a whole new text, written from one perspective (ibid., 2000: 1441), which is influenced and shaped by the one who transcribed the speech and thus, bears the mark of authorship of the one who has transcribed it (ibid., 2000: 1453).

Briggs sees transcripts as "products of socially, politically and historically constituted processes of discourse production and reception" (Briggs, 1993, 407) and argues, that, in order to treat them adequately, one needs to examine the processes and ideologies, which have shaped their production, including the influence of the transcriber (ibid., 1993: 420). Thus, the process of the creation of a transcription should not be pushed into the background and rendered unimportant, because it answers significant questions about how transcripts were constructed, what relations have shaped the speech, who had the right and power to speak and who had the right and power to listen. It is crucial, because it is a process during which "people and subjects are constructed, cases are

---

[9] The asylum official, in this context, can be equated with the transcriber, as they are the ones who transcribe the interview into the protocol.

judged and individual lives are being influenced (Blommaert, 2001: 446). The same applies for looking only at parts of the transcript: not looking at the context in which the narrative and the transcript was produced can lead to an "overly simplistic, reductive" interpretation of it (Patterson, 2012: 38). Even if the context is included in the transcript, Cook argues, this can never be more than "selective, impressionistic and heavily dependent upon the value of judgements of the analyst" (ibid., 1990: 8). In the end, it is the one who has the power to transcribe, interpret and represent, who decides about the 'what' and the 'how' of the transcript.

3.4.4 The representation of the represented

Edward Said, in his book *Orientalism* (2003 [1978]), raises the question if there ever can be "a true representation of anything" because all representations take place in a certain language and culture, in institutions or political environments (ibid, 2003: 272). If this is the case, Said continues, then we must come to terms with the fact that a representation is always "implicated, intertwined, embedded, interwoven with a great many other things besides the 'truth', which is itself a representation" (Said, 2003: 272). As Riessman points out, there is no "true representation of spoken language" (ibid., 1993: 13); all texts "stand on moving ground" (ibid., 1993: 15) and the people who are transcribed in those texts do not hold still for their portraits being taken. Hence, all forms of representation in texts can only ever be limited portraits. Interpretations of them is always ambiguous "because it arises out of a process of interaction between people: self, teller, listener and recorder, analyst and reader" (ibid., 1993: 15), which is hardly being acknowledged in texts. Therefore, texts can only represent a narrative "partially, selectively and imperfectly" (ibid., 1993: 15).

The representation of narratives often does not look at how the narrative actually was constructed. This raises the question what kind of control the teller has in the representation of their story in the final text. The act of representing the stories of 'others', and therewith representing 'others', needs to admit the voices of the ones who are representing it. Eastmond concludes that there are no simple neither satisfying representational practices, which contain "unmediated voices" or views in the final written version of a text (ibid., 2007: 261). The representation of narratives is influenced by certain knowledge production and at the same time is a form of knowledge production itself. Hence, some representations "make various courses of action possible" (Doty, 1996: 5), whereas others limit them; it is always a question of having the power over the representation.

Forms of representation: Ethnopoetics

It is also of great importance 'how' the transcript is structured, as the form is affecting the interpretation and understanding thereof (Riessman, 1993: 13). To completely capture all of the meaning, which was communicated during the interaction itself, however, is almost impossible

(Elliott, 2005: 51). Therefore, it is vital to think about in what format the transcript shall be written down. Blommaert (2006), for example, uses ethnopoetics to analyse an interview between a young female refugee from Sierra Leone and an asylum official. He shows that this approach created different criteria how credibility in an asylum hearing is constructed as it represents a different tone of voice: Ethnopoetics organizes narratives in the forms of verses and stanzas, which includes ethnopoetic markers, for example "discourse markers such as 'and', 'but', or 'so', intonation, prosody and pitch, repetitions and parallelism, style shifts, the use of reported speech and so forth" (Blommaert & Maryns, 2001: 67). Accordingly, ethnopoetics not only represents the content of the narrative – what has been told – but also highlights how it has been told (Blommaert, 2006: 182) and therewith, allows for a more emotive voice, instead of a 'factual' one (ibid., 2006: 189), which recaptures the interactive dynamics that have guided the narrative in the encounter (ibid., 2006: 184). In this regard, the effect of ethnopoetic markers might change the transcribed narrative to a more interactive, emotive one.

3.5 Credibility assessment

> *"The word 'credibility' is used constantly as the holy grail to differentiate the truth tellers from the liars."*
> – Bohmer & Shuman (2018: 2)

Bohmer and Shuman argue that for many people who are involved in the asylum determination process, "credibility is the crux of the matter" (Bohmer & Shuman, 2008: 115). The search for credibility becomes a major part in the asylum hearing. The UNHCR Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refuge stresses the fact that "an assessment of credibility is indispensable where the case is not sufficiently clear from the facts on record" (UNHCR Handbook, 2011, Article 41) and that it is up to the person who is in charge of the determination process to assess "the validity of any evidence and the credibility of the applicant's statements" (UNHCR Handbook, 2011, Article 195). However, it does not state what credibility is and how it can be assessed. Kagan highlights that credibility "may be the single biggest substantive hurdle" in the determination process (ibid., 2003: 368), but it should not be expected, contrary to the applicant's burden of proof, that they establish credibility (ibid., 2003: 374), as "neither a state nor UNHCR can refuse someone protection simply because he or she has been less than completely honest" (ibid., 2003: 370).

3.5.1 What is 'Credibility'

The most commonly accepted criteria to assess credibility are coherency, plausibility and consistency (Kagan, 2003: 381). However, if narratives do not conform to these criteria it does not in particular mean that applicants are not credible; it might result from cultural and linguistic misunderstandings,

suffered traumas and persecution in the past, the manner the hearing is conducted, the fear of authorities, the unreliability of human memory, the difficulties to put the lived experiences into words, and countless other things, which all play a crucial role why the applicants might not meet 'credibility factors'. Credibility assessment is all too often based on personal judgment and the 'gut feeling' that varies from asylum official to asylum official (Kagan, 2003: 367) – and here comes the conundrum, in my regard: If the asylum official judges the credibility of an applicant in a subjective manner, the decision-making process might be rendered inconsistent and unpredictable; on the other hand, judging credibility based on an objective assessment, according to some standard criteria, would reduce the process to a scientific one. Scientific experiments "are generally deemed valuable if they can be repeated, and the testimony of the Convention refugee will be considered accurate and truthful if it conforms to the same test" (Barsky, 1994: 71). However, one has to bear in mind that the determination of refugee status is a "human process" (Kagan, 2003: 375) and not "an exact science" (ibid., 2003: 375). Applying objective standard criteria would turn the hearing into a test, in which it becomes secondary if the applicant's story is 'true' or 'false', but rather relies on the applicant's ability to provide a narrative which meets standard criteria (Barsky, 1994: 119).

Nonetheless, the search for inconsistencies seems to be part and parcel in the asylum hearing. Credibility assessment, Kagan, argues, should not be a search for contradictions (ibid., 2003: 388) or the discovery of flaws in narratives, which would reject the applicant's claim; rather, the asylum official should assume that the applicant is telling the truth right from the beginning (ibid., 2003: 372). Kagan, therefore, suggests a framework on four key criteria, on which creditably can be founded: firstly, the hearing should start with the assumption that the claimant is credible; secondly, the hearing should not just consist of looking for inconsistencies in the narrative; thirdly, if inconsistencies are discovered, the applicant needs to have the chance to explain the inconsistencies; and fourth, even if parts of the applicant's story are not deemed credible, other parts should be taken into consideration for their credibility as well (ibid., 2003: 399). Nonetheless, not being seen as credible in the asylum hearing remains one of the most common reasons for rejecting a claim (Bohmer & Shuman, 2008: 171).

3.5.2 "Benefit of the Doubt" principle

The reality that asylum applicants, in most cases, cannot prove their well-founded fear with documents or concrete evidence leaves the applicants with their statements as the only evidence they have. Thus, there always will remain a drop of doubt about the asylum applicant's claim. This issue has been addressed with the "benefit of the doubt" principle, which is the basic idea that an applicant's claim can be recognized as credible by their narrative claim alone – under certain circumstances, though. The 'benefit of the doubt' is outlined in the UNHCR Handbook (Article 203) as follows:

> After the applicant has made a genuine effort to substantiate his story there may still be a lack of evidence for some of his statements. As explained above (paragraph 196), it is hardly possible for a refugee to "prove" every part of his case and, indeed, if this were a requirement the majority of refugees would not be recognized. It is therefore frequently necessary to give the applicant the benefit of the doubt.

In other words, the 'benefit of the doubt' principle states that an asylum applicant's claim can be uncorroborated; their statements might be enough to gain refugee status. However, this 'benefit' is not without its limits: it only applies if all available proof has been collected, checked and when the asylum official has been "satisfied as to the applicant's general credibility" (UNHCR Handbook, 2011, Article 204) and if the applicant has presented a "coherent and plausible" narrative and does "not run counter to generally known facts" (UNHCR Handbook, 2011, Article 204). In retrospect, this means that their statements have to be deemed credible before the 'benefit of the doubt' principle can be applied. Establishing credibility and assessing if an asylum applicant is a 'genuine' refugee or not is, indeed, a difficult task. Yet, credibility assessments should not be seen as an "all or nothing" choice (Kagan, 2003: 391), leaving no space for the benefit of the doubt, but should be approached with a pluritopic hermeneutics, which offers space for diverse knowledges.

4. Methods

> *"There is no single way to do narrative research, just as there is no single definition of narrative."*
> – Riessman (2013: 259)

The following sections will present the methodology of this thesis and outline the process and the choices, both, for the data collection and the chosen methods, and will point out ethical considerations and limitations encountered along the way.

4.1 Data collection

The asylum determination process is not only based on the narratives told during the hearing, but also profoundly based on the protocol the asylum officials write up during and after the hearing. This document is the central document of the determination process on which the decision, if asylum is granted or not, is based. These two documents, the protocol and the decision, and the interviews I have conducted, are at the heart of this thesis.

4.1.1 The Protocol and the Decision

The protocol is the document, where the essentials of the hearing are transcribed and is one of the most crucial documents during the process of granting asylum, as it serves as the fundament on which the decision is based on; the decision is the document, where the content of the protocol is summarized into a coherent narrative and then, in a rather lengthy account, outlines why asylum was granted or denied (for more information about both documents, see section *2.3.1 The burden of proof*). I was able to receive four protocols with the respective decision documents, kindly provided by a welfare organisation based in Germany, who took their time and went through the effort of blackening the parts which could reveal the identity of the asylum applicants. In all of the four cases I have received, an asylum official, the asylum applicant and a translator were present; consequently, in all of the four cases the hearing was conducted in another language than German. The protocol was transcribed into German and therewith, all of the accounts have gone through a translation process the material quoted from the protocol and the decision has been translated by myself. Case 1 has been rejected on manifestly unfounded reasons, case 2 and 4 have been rejected on unfounded reasons and case 3 received subsidiary protection (more information about the cases can be found in endnote ii).

4.1.2 Interviews and research participants

I conducted six interviews in Sweden with asylum applicants and former asylum applicants, who had their hearing in Sweden. The interviews ranged from 30 to 70 minutes. All of the participants had

one or several hearings. For some of the interview partners, the hearing was more than four years ago, and for some, it was only a couple of months ago. The participants' age range was between 23-40 years. In order not to expose my interview partners' identity, I have changed all of their names and I will not mention their nationality. Since my overall interest lay in the asylum applicant's experiences of the asylum hearing, I decided not to limit the scope by focusing on the country of origin, on gender or the age range, neither did I put a time limit on the duration of the stay in Sweden or a time limit on how much time has passed since they have had their hearing. My only requirement was that the participants should be eighteen years and above and should speak English, since I did not want the told to go through the process of translation, as this would have added another level of distortion on top of my entextualization of their experience. The advantage of this was that English is neither the native language of my interview partners, neither of myself; the disadvantage of this was that the participants might not have felt able or confident to express themselves in the way they would have liked to. Access to the interview participants was mainly gained through the help of acquaintances of mine and also through attending several events. I let my interview partners decide on time and place of the meeting, since it should be a location, where they feel comfortable and not feel restricted in talking freely. Therewith, the interviews unfolded in café's, homes or parks – all of which have their advantages or disadvantages.

All my interview partners have received a letter of information, in which I have outlined my intentions of the present thesis. Additionally, they have received a consent form, in which I asked them for their consent, their permission to record the interview, and their permission to use the data of this interview for the sole purposes of the master thesis. I also verbally asked them for their consent and assured them that they can withdraw from this research at any given point in time, that all their information will be treated confidentially and no names or other identifying markers will be used. All gathered data from the interviews and the audio files thereof were safely stored on my personal laptop and will be kept for the purpose to clarify quotes from the original audio tape, until the submission of the present thesis upon which all their information will be deleted.

I have chosen to conduct narrative interviews with the initial aim that my interview partners could talk freely about their experiences and their perspectives of the asylum hearing and could decide themselves what they wanted to tell. I started with an open-ended question, asking my interview partners to tell me about their experiences. After this initiation, I tried to restrain from interruptions, only asking questions occasionally for clarification and to assist my interview partners to tell their experiences (Brinkman & Kvale, 2009: 155) It was a pretty straightforward question and most of my interview partners did not know where to start, since it is in general difficult to define where a story starts and where a story ends in the course of one's life, which meant that I needed to help activate the story. I tried to restrict myself to active listening and non-verbal communication,

such as nodding or showing my interest, which, nonetheless, influenced the course of the interview (Bauer & Jovchelovitch, 2000: 63; Brinkman and Kvale, 2009: 155). I was not always able to trigger a story of my interview partners; in some occasions, it turned out to be rather a semi-structured interview with occasional and irregular lengthy narrative parts.

4.2 Data analysis

My analysis was heavily influenced by a social constructionism and a decolonial approach, guided by Gubrium's and Holstein's *Analyzing Narrative Reality* (2009). By analysing narratives from a social constructivism and decolonial approach, I take them out of their vacuum and place them in a 'bigger picture', to highlight that they are always produced and shaped during an interaction, in a distinct social, cultural, institutional environment and a historical context, judged and interpreted through the listeners' background. I looked at narratives in the asylum process from two directions: The analysis of the interviews mainly will focus on my interview partners' experiences of the asylum hearing and how they remember the re-narrating of their story; the analysis of the documents will focus on the 'remoulding, remodelling and re-narrating of the narratives told in the hearing from the protocol into the decision. By looking from two directions at narratives, and combining the interviews with the protocol and the decision documents, enabled me to look beyond the texts of the protocol and the decision, and to zoom out to the narrative reality to incorporate asylum applicants' and former asylum applicants' experiences.

4.2.1 Social constructionism and decolonial approach

The social constructionism approach goes hand in hand with the decolonial approach, which not only takes into account that knowledge is always produced in an interaction as "historically and culturally relative" (Burr, 1995: 4), but also looks at the distinct locus of enunciation from where knowledge was produced, by whom it was produced and who had the power to produce it. Seeing narratives through the constructivist and the decolonial lens means that they are understood in terms of being an interactive accomplishment between a teller and a listener, arising in a certain locus of enunciation. Both approaches focus on the asylum hearing as a site, where meaning is created in the interaction itself (Elliott, 2005: 19, 20) and raises awareness about who has the power as to which meaning and knowledge is heard and recognized.

4.2.2 Narrative analysis

In order to analyse the protocol and the decision documents, as well as the interviews, my analysis was also guided by Gubrium and Holstein's approach (2009), which moves beyond the narrative text and takes the "circumstances, conditions, and goals" of narratives into account (ibid., 2009: xvi).

They see narratives not as "social products" but as "social action" (ibid., 2009: xvi). Their approach is divided into four parts, which all are connected and intertwined, and cannot be regarded separately. They look at narrative analysis from the point of view of 'narrative reality', which contains the two components of 'narrative work' (the *hows* of storytelling or the 'interactional' terrain) and 'narrative environments' (the *whats* of storytelling or the 'situational' terrain). Narrative reality suggests that the context is as significant part of the storytelling and emphasizes the "socially situated practice" of the storytelling process (Gubrium & Holstein, 2009: 2). In the last part of their analysis, Gubrium and Holstein, look at 'narrative adequacy', which relates to the question 'what is a good story' and 'what is a good storyteller'. Narrative environments are crucial factors in determining what is considered to be a good story and a good storyteller. However, they only partially determine their outcome (ibid., 2009: 223); adequacy is also depended on the narrative work and the recognition of the listener.

To sum up, the following defining elements of narrative analysis largely guided my research: 1) narratives are co-constructed in an interaction with teller and listener; 2) narratives are told in specific settings and under certain circumstances; 3) narrative texts, such as the transcripts, need to be analysed taking point 1) and 2) into account and need to move beyond the text; 4) texts were composed for a specific purpose in a specific environment; 5) narratives, in oral or written form, are liquid and take on different meanings and interpretations depending on the teller's, listener's, researcher's or reader's goal in mind and the setting where they were produced and are read, and last but not least, 6) analysing the experiences of my interview partners and how they remember and experienced the asylum hearing by looking beyond the protocol and the decision.

4.3 Ethical considerations and limitations

All narratives, spoken or written, in this present thesis, are seen as being shaped and co-produced by a teller and a listener, told in certain situations, and, in the end, heard, recognised and interpreted by the listener. The reader of this thesis has to bear in mind that it has been written from a certain perspective and from a certain locus of enunciation. Consequently, this thesis can only include what I have heard, recognized and interpreted to be important – which always only shows one side of the coin.

The protocol and the decision

The protocols and decision documents I have received have been anonymized: the names and specific locations, apart from nationality, ethnicity and social group, have been blackened accordingly by the welfare organisation I received the documents from, in order to secure the applicants' identity and privacy. If any names or specific locations were mentioned in the documents, I did not include them

here. Everything that I analyse from the protocol and the decision are already entextualized narratives, which have been produced in a certain environment under certain circumstances, during the interaction between the people present in the asylum hearing and have gone through the different stages of *life as lived*, *life as experienced*, *life as told*, *life as translated* and *life as text*. My translation from German into English contributed to another stage of *life as translated* and put the narrative through an additional decontextualizing and recontextualizing process. Furthermore, using the narratives for the purpose of this research, I might have read and understood them by having a particular goal in mind. Therefore, it needs to be kept in mind that texts are never univocal, but always plurivocal and, depending on the researchers' or readers' goal, might change the meaning and interpretation thereof.

The interviews

The circumstances of living and studying in Sweden, and the limited time frame, made it difficult to get in touch with people from Germany and I did not want to conduct interviews via media such as skype or Voice over Internet Protocol (VoIP).[10] I decided to interview people currently living in Sweden, who went through the asylum procedure there. Although there are differences between the Swedish and the German asylum procedure, in all European countries, a personal interview with the asylum applicant is conducted (Lahusen & Schneider, 2017: 84) in which the applicant is asked to tell about their story and their reason of flight, and therewith, the asylum hearing is the common and most crucial part in all European asylum procedures – and this is where the thesis takes its motivation and justification from. I was an active participant in shaping and co-constructing the interviews and their content. Therefore, the reader needs to be aware that the quotes outlined in the analysis part, although represented as the single product of my interview partners, have been influenced by me, my transcription choices (if I use discourse markers, intonation and stress and the like) (Brinkman and Kvale, 2009: 178), how I present the quotes and also by my interpretation and judgement thereof. Due to a better readability, I decided to delete some of the repetitions in the quotes; however, I did not translate Swedish words into English in order to represent the quotes as closely as they have been uttered during the interviews. I am aware that during the process of transferring the oral speech into writing and using the quotes in the present thesis, I, too, have entextualized, decontextualized and recontextualized my interview partners and the narratives.

---

[10] I decided not to use Skype or VoIP to conduct the interviews, due to personally having experienced technological difficulties with such technologies.

5. Analysis

> *Bruno: "It was terrifying. I heard that, that someone gonna decide how your life, how your future, is going to be, so. Eh, and it, it wasn't, it was just about, eh, less than, eh, one hour, so, you have to say everything, you have to concentrate, eh, because (,) it's something you are wrong, eh, like, all your life can be messed up. So. Yes, so, this, idea was ehm, ja breaking sort of, eh, stress, that, eh, that, ja, I just have one time and one hour, and I have to say everything about my life, or, and why I came here and so on. (P)."*

The stories in the asylum hearing unfold under circumstances which not only have to match the cultural, historical and social context and the local environment but they also have to match the institutional and legal requirements of the Federal Office and the expectations of the asylum official, which, then, need to be transferred into legal language, into a standard document for the asylum official to read and assess if the applicants have a well-founded fear of persecution on the grounds of race, religion, nationality, membership in a particular social group or political opinion. Assessing narratives of asylum applicants is one of the biggest challenges the legal system faces (Zambelli, 2017: 10) and it is by no means an easy task. In the following, I will look at the preparation for the hearing of the applicants, take a closer look at the protocol and the decision document and outline the four types of questions which are asked during the hearing. The final sections focus on how the narratives are represented in the protocol and the decision, and how they are "remoulded, remodelled and re-narrated" (Blommaert, 2001: 438) in order to fit the legal framework during the process of entextualization, decontextualization and recontextualization.

5.1 The preparation for the hearing - intertextuality of stories

Stories told in the asylum hearing are not only shaped, influenced and restricted by the institutional and transidiomatic environment, and by the interaction between asylum applicant, translator and asylum official, but they are also influenced by what the applicants have heard from others about the hearing; they seek advice from friends and people who already have had the hearing and, upon this, 'tailor' their narratives to suit what they have been told the asylum officials want to hear (Bohmer & Shuman, 2004: 397). Stories about the asylum hearing are circulating and therewith, stories told within the asylum hearing are also intertextual. When I asked my interview partners if they prepared for the asylum hearing, most of them answered that they asked friends or people who already have had their hearing to find out what is happening during it. Hassan told me:

> Eh, I ask, you know, when your friend or anybody before you and take the appointment, you go and ask, "Tell me what's happened? What they ask you?" This is normal for you must know what's happen inside the room (laughing). Yeah, but really, I listened too much, too much story […].

Adam, too, asked people he has met in the refugee camp to figure out what is going to happen in the hearing:

> Eh, a little, you know, everyone, we met many person i camp, the hotel, when we stand, when we were waiting and eh everyone speak about question, what happened, […].

Samuel told me that he practiced with his friends and they helped each other to prepare:

> Andrea: When you said, like, you talk to each other, with whom did you talk about the interview, like, with whom did you prepare?
> Samuel: Eh, with eh friends. För att, ehm, we just förbereda, eh förbereda [eh prepare?] ah, prepare [yes] from ourselves. We don't know what they – it's like exam [hmh]. So, eh you should to ask your friends what's going on, vilken frågor, eh, questions, what should I say for, just prepare, preparing.

> Samuel: Eh, we are nervous. Eh, when we have, it's like exam. So we help each other. Om frågor, what they will ask, what's the time, what you should be careful with.

Bruno said that there are many people who have different theories about what the 'perfect' story is, which will be 'believed' by the asylum official and which will directly grant asylum, but no one really knows what the officials actually want to hear. Before he had his interview, he was given two advices:

> The first one was just be eh pragmatic and tell them what they want, to get the eh asyl [asylum?] ja asylum and the other was just to say my truth. Ja. So, I chose the other one, that just to say what happened with me. Ja, and it's (,) eh, I have waited for the for the ehh for the answer ehh about a year and four months, eh, to, ja, to maybe it was because I didn't really say I make them hear what they really want to hear, like (P).

Bruno decided to tell the truth and therewith had to wait a long time until he received his decision. By being 'pragmatic', he told me, he could have said that he had a religious problem in his country of origin and tell the asylum official that, regarding his profession, he does not have the right to pray or practice his religion. Although he did have a religious problem, it was not the main reason why he applied for asylum.

> But eh, ja, one can (,) use that by I sss(-) like, for example it, if you are AAA [profession] in XXX [country of origin] you didn't have eh a right to pray or to do anything religious, so, ehm, and this eh could ja (,) this could be a also ehm a reason to to ask for a(-), I'm not sure but eh, an example, this wasn't my really problem, so I, ehm, ja, I didn't speak about it, ja. I don't know.

Bruno's two advices highlight a tension between telling a story true to himself and telling a story he thought the asylum official wanted to hear in order to be granted asylum. He decided not to follow the pragmatic advice and to focus on what he felt was his main reason to apply for asylum, which were the restrictions he faced due to his profession. He also heard different suggestions about what to say in the asylum hearing: For example, he was advised not to give his ID card because the asylum officials can check if is an original or fake one by sending it to the embassy, which would lengthen the time to get the decision; he was told not to tell that he had spent a year in XXX, because the asylum officials might assume that it is safe to live in this country because Bruno was able to live there for over a year; he also heard from another person that he should not take too much time to

think when answering a question because the asylum official could assume that he is lying; moreover, he was told to give a lot of dates, which he did and which also raised the suspicion of the asylum officials (see chapter *5.4 Details, details and more details*). All of the advices Bruno was given influenced him in how he answered the questions in the hearing. Stories circulate and influence other stories. They cannot be seen and interpreted in a vacuum but must be looked at from the outside and take their intertextuality into account.

Sarah told me that she had help from someone who guided her through the asylum process and gave her a narrative she needed to follow and act accordingly in order to be granted asylum:

> So this person, like, eh, he or she knew how the system works and they advised the whole thing and the whole narrative, so they had a narrative and I should have, like, I should follow it and act by it [hm].

To strengthen her narrative, she even set up a new Facebook account and deleted her skype history:

> So yeah, you do (laughing), I did my strategies and then I started a whole narrative, a new narrative, the Facebook like, I, eh, I, like, yeah, I have a new engagement or something, in case they [hmh], because they say that they, like, yeah, they search on social media as well. One never knows.

She used a prepared narrative in the hearing, because she felt that her real reasons were not strong enough to be granted asylum. Although her narrative within the hearing was made-up, she emphasised that she did not lie about where she comes from and her life there:

> But there was no way I could have arrived to Sweden legal, without (,) lying [mh]. Or without being smuggled, because being smuggled as who, as well is illegal means. So, there was unfortunately, there were, there was no way to apply for asylum without cre(-), eh (,) mh, I didn't lie about my right to get asylum. I lied about how I got to (--), to, eh Sweden. And who helped me, blablabla. But, the right to it, I didn't lie about it [mh]. So, like the form, yeah, a big lie, but the content (,) wasn't (,). So I wouldn't have been granted asylum for the content [aha], but if they would have discovered that the form was a big lie, I would have, I would not been granted, because I breached the law [mh]. I claimed something that was not right. I claimed that I was engaged to a person but it was a big lie. So, I cheated (,). So I think like most of us have the right to apply for asylum, and we are really, like, yeah, truthful when we talk about our experiences in XXX. However, how we came to Sweden is a whole (laughing) other thing, like, yeah.

Regarding Sarah's narrative, the successful asylum story is one that fits into the framework of the legal system and which follows the standards and assumptions of the asylum official. The feeling to have to lie in order to be granted asylum, or to embellish the story, or to inquiry what the asylum officials want to hear in the hearing, shows that the applicants try to "match their experience as closely as possible to the experience deemed acceptable" (Barsky, 1994: 5). To be successful in the asylum hearing, therefore, means to be successful in constructing an appropriate version of the 'refugee' (ibid., 1994: 6).

Even if asylum applicants prepare for the asylum hearing, it is no guarantee that they will pass this 'test'. Bruno, for example, expected to be asked about his profession and was not prepared for being asked about his siblings, as he explained to me:

So a(-) after the interview, eh, the interview wasn't eh like what I ehm waited? Eh, I have ehm, prepare myself to a type of questions and the questions that came in the interview was eh another questions, but it's all about my life, but eh, ja, so.

And, ehm, largely I said in the first short interview that I was forced to be XXX [profession] and because of that I have left my country. So I thought that they can ask more about this, not about my sister and (laughing) my, my, ja.

Furthermore, the purpose of the questions was not very clear to him, and he told me about his confusion:

And one strange thing that they asked me was about my, ehm, brothers and to which school they go [hm], so it is, it's was (laughing), what do they have to do with my (laughing), ja.

Bruno's expectation of the hearing differed from the expectations the asylum official had. Differing expectations about the asylum hearing produces different versions of what constructing an appropriate version of the refugee means, as this version also needs to fit the expectations and requirements of the asylum official and the legal framework in order to be able to 'pass this test'.

5.2 'Zooming' in the documents

The protocol and the documents are the two documents in which the asylum applicant is 'remoulded, remodelled and re-narrated'. In the following, I will briefly explain their make-up according to their standardized format and outline the four types of questions which can be found in the hearing.

5.2.1 The Protocol

The protocol should assure a truthful and complete account of the applicants' experiences and motivations for their application, but it also has to meet the institutional requirements at the same time (Maryns, 2006: 26). It is framed by a standard format, which contains standardized statements and the standard questionnaire (see appendix A). The subsequent standardized statement is given about the general procedure of the hearing at the beginning of the protocol:

The applicant will first be informed about the procedure and the meaning of the hearing. Upon request of the asylum official, the applicant confirms that she/he was handed the "Important notice – Instructions for Applicants" and that she/he has understood the content. The applicant again is referred to her/his obligation to cooperate in accordance with article 15 AsylG [German Asylum Law]. In particular, she/he is told that she/he has to provide all identification documents, travel documents, and other documents, which refer to her/his case.

She/He is told that she/he will have the opportunity to give an account of all the facts and events, which she/he believes to justify her/his fear of persecution as well as everything which opposes a deportation to her/his home state or any other state. She/He is advised to give a truthful testimony. The applicant is also informed in accordance with Article 24 (3) 2 AsylG of the consequences of late assertions.[iii] [PR][11]

---

[11] To indicate, where the citations were taken from, they are marked with PR (Protocol) or D (Decision) respectively. All of the quotes have been translated from German to English by myself. The original extracts in German can be found in the appendix.

The exact words in which the asylum official actually has informed the applicant about the procedure and the meaning of the hearing is not transcribed in the protocol; it is only the standardized statement mentioned above, which indicates the matters the applicant should have been informed about. However, how and about what the applicant is informed by the asylum official can have a relevant impact on what and how the applicant tells their story, as this is part of activating the story and where the applicant chose to begin their story (see further below 5.2.3 *Four types of questions Motivation questions*).

After the standardized introduction, the questions from the standard questionnaire follow (see appendix A), which aim to clarify the applicant's identity and include questions about name, address, place of birth, travel route, and so on. The last question of the standard questionnaire is the motivation question, where the applicant needs to tell their personal story of flight and state the reasons why they have left their home country. This is the most important and usually longest part of the hearing. In the protocol it is introduced in this way:

> The claimant is told that she/he is now being heard about her/his persecution and the reasons for her/his asylum application. She/He is asked to present the facts that motivate her/his fear of persecution or the risks of imminent serious harm facing her/him. Furthermore, she/he must state all other facts and circumstances opposing a deportation or a deportation to a particular state. [PR] [iv]

The exact words the asylum official used to ask the applicants to present their facts which motivate their fear of persecution are not mentioned in the protocol. As outlined in section *3.2.5 The activation of narratives*, the ways in which a narrative is triggered in the first place, is crucial for the course of the narrative. The activating of narratives is important to understand how a narrative is shaped and how factors such as authority, power and status (Gubrium & Holstein, 2009: 52) can discourage, disregard, interrupt or even stop stories (see 5.2.3 *Four types of questions - Motivation question*).

Although the protocol should contain break-times and non-verbal communications, in none of the cases I have analysed was anything mentioned about this. Only in two cases the actions of the asylum applicants were referred to. The applicant in case 4 was asked about what a Yezidi needs to bring to the graves of Lalesch. The protocol states:

> Answer: Summat and Barat.
> Note: The applicant shows Barat. It looks like a small white ball. [PR] [v]

Case 2 was asked about his ID or passport:

> Answer: I never had a passport. I have my Tazkira with me.
> Note: The applicant hands in his original Tazkira. This is taken on to the files. [PR] [vi]

The protocols, however, do not include further non-verbal statements or discourse markers; the applicant's voice becomes objectivated and reduced to mere statements represented in a block quotation, which appears to be an 'objective finding' made by the asylum official and reads like an 'objective' statement, which can be analysed accordingly.

The protocol ends with a standardized formulation:

> Upon request, the applicant declares that she/he had ample opportunity to explain her/his reason for her/his asylum application and to state any other obstacles, which she/he faces upon return to his home country or any other state. She/he once again is reminded of his obligation to notify the Federal Office immediately about any changes of address giving her/his file number.

> She/He concludes, that there have been no communication difficulties. [vii]

This standardized formulated ending of the protocol more or less 'puts' these words in the applicant's mouth and makes passive objects out of them, which ignores the power imbalance of the setting and the limitations and restrictions the applicants face in telling their narratives and emphasizes the asylum officials' need to comply with the question-answer format and the necessity to follow and fill out the standard questionnaire.

I have received one case, which had some handwritten comments on it. Unfortunately, I do not know by whom it was written. Next to the last statement of the protocol – that there have been no communication difficulties between the applicant and the translator – was scribbled one sentence which reads:

> "Communication problems, interpreter could not speak so well Tigrinya." [viii]

Although the applicant is asked twice (or at least as stated in the protocol in the beginning and in the end of the hearing) if there have been any communication problems, this comment shows that there are, nonetheless, difficulties between translator and applicant. Furthermore, the setting and the power asymmetry between applicant and official and also between applicant and translator might also restrict and limit the answerability to this question – another issue which requires further research.

5.2.2 The Decision

After the applicant's narrative has been transposed into the 'dialects' of the protocol, it is transposed another time into the 'dialects' of the decision, where the applicant's narrative is summed up and then analysed accordingly to see if one of the four forms of protection apply or do not apply. This means that the entextualized narrative transcribed in the protocol is once again lifted out of its context, decontextualized and recontextualized, and reshaped into a chronological and comprehensible text. Thereby, the narratives take on a different form and tone, are shortened and narrowed down to their stated reasons for claiming asylum. The further this text is removed from the actual narrative interaction, the less it will be related or can be related back to the interaction between the asylum applicant and the asylum official (Maryns, 2006: 162). The entextualized narrative might even be passed on one from one person to another person, who, then, is trying to evaluate the 'credibility' of the claim (Barsky, 1994: 22). What we get in the decision is a "chronological, depersonalized and decontextualized account of events" (Maryns, 2006: 90) which only represents selected and filtered elements relevant for rejection. Whereas in the protocol the interaction of asylum applicant and

official is represented in a dialogic format, which includes the voices of both (although already filtered and selected through the eyes and ears of the translator and asylum official), the decision is represented in a monologic account (Maryns, 2006: 162) in third person about the applicant, which hides any authorship of the asylum official and depicts itself as having an objective point of view, which is the point of view of the law.

The decision can be divided into two sections: the 'statement of reasons' (*Begründung*) and the 'argumentation' part. The first section, 'the statement of reasons', represents a chronological and summed up narrative of the applicant's claim, in which the transcribed narrative of the protocol is transferred into the decision. The narrative in the decision is written in the subjunctive mood[12], whereas the protocol is not:

Subjunctive (as stated in the decision)	Indicative
He claimed to have been beaten unconscious. He claimed to have been unconscious for three to four days. He claimed to have woken up in the hospital. [D] [ix]	He has been beaten unconscious. He has been unconscious for three to four days. He woke up in the hospital. [x]

Using the subjunctive mood in the rejected decision[13] frames the decision in a suspicious style and points out that the statements the applicant has made are only hypothetical and might not actually have happened. Furthermore, the narrative is represented in a 'staccato-like' sequence of events, which functions to depict the narrative in a well-structured and also chronological account, in which details and tones of voices are being lost. The end result represents a 'clear' account filtered of all unnecessary information, which are not 'useable' for the decision. Moreover, the narrative in the decision fails to include the dialogic exchange and omits the whole interactive process during which the narrative was created. All that is 'left' in the decision are barely the applicants' words, but merely 'text-trajectories', which have been decontextualized and recontextualized, filtered and transformed a second time, while being transferred from the protocol to the decision.

The 'argumentation' part in the decision goes systematically through the four forms of protection and successively outlines, why one or none of the four reasons of protection did apply (see appendix [xi] and [xii], 1.-4.). It is here, where the genuine or failed refugee is constructed according to law. This part of the decision is basically a standardized document, where the applicable text modules (e.g. information about the respective country of origin of the applicant) and the relevant law paragraphs are inserted in order to explain why the respective form of protection did or did not apply, for example, why it is safe for an applicant to return back to their home country. Parts and fragments

---

[12] The subjunctive, also called 'irrealis' mood, is usually used in situations, that describe wishes or hypothetical situations rather than actual accounts or situations which have happened in the past and thus, refers to various states of unreality or events which have not happened or haven't happened yet; contrasting to the realis mood, which refers to real events or statement of facts.

[13] Since I only received decision documents where the asylum application was rejected, apart from one decision which was granted on subsidiary protection, I do not know if the subjunctive mood is applied in decision documents which received a positive decision.

from the entextualized narrative are used in order to substantiate the appropriate decision. This part disassembles the narrative in order to use some parts to explain and justify the decision for denying asylum.

5.2.3 Four types of questions

The questions asked during the hearing can be divided into four types: identification questions, knowledge questions, motivation questions (Maryns, 2006: 95-126) and control questions (ibid., 2006: 141-143). Each type of question has a different objective to gather certain kind of information and each type of question requires a specific kind of answer and "explanatory mode" (ibid., 2006: 93). In the hearing, the asylum official can switch from one type of question to another, but it usually starts with the standard questionnaire which typically contains identification question and ends with the motivation questions.

Identification questions

Identification questions are the questions asked during the standard questionnaire (see appendix A). These questions require clear and concise answers of the applicant and should preferably be answered in a short, straightforward and precise manner in order to fit the bureaucratic format (Maryns, 2006: 94), e.g. the question about the date of birth should preferably be answered in three words: day, month and year. Many applicants, however, might not even know their date of birth. The question of the date of birth, hence, cannot be answered in just three words, but demands a greater explanation. Moreover, the stating of an address can become, due to the lack of geographical familiarity quite complicated; so does the applicant in case 1 state as his address the village, the district and the province instead of naming street, city and county as it is common in the Western format:

> I have lived in the village of XXX in the district of YYY in the province ZZZ. I was officially registered there. [PR] [xiii]

Someone not familiar with the geographic division into districts and provinces might become confused about certain places, especially when great emphasis is given to particular locations during the hearing. In some cases, applicants might not have an official home address because many villages might not have street names, or streets names might have changed over time. The standard questionnaire presupposes a 'universal' answerability of its questions. From a "social, cultural and historical perspective" (ibid., 2006: 329), Maryns points out, these standard 'bureaucratic' questions are not always as 'universal' as it is often assumed; applicants "do not always have access to the presumed social and cultural network to be able to function within such a format" (ibid., 2006: 329). As shown above, a 'universal' answerability, in a straightforward and concise format, which might be common from a 'western' point of view, is not always possible. The expectation that the answers

of the asylum applicants need to, at least some extend, match the supposition of the asylum official in order to match "our commonly recognized and accepted rules and procedures of pertinence, seriousness, and rational thought" (Barsky, 1994: 98) must be approached from a pluritopic point of view, which does not assume that the identification questions can be answered in a universal format which fit into the standard questionnaire, but must acknowledge that there is a plurality of diverse 'right' answers to these questions. This is where it becomes important to look beyond traditional western horizons to see the complications in answering the questions of the standard questionnaire.

Not being able to give a 'universal' answer, which fits into the rigid format of the standard questionnaire, might also arise due to the applicant's uncertainty what is expected of them and if the answer is 'enough', as I have encountered in my interviews. Bruno proclaimed:

> (,) but, eh, ja, I, as I told you, like it is (P) when they ask a question it's like (,) you don't know if it is, if my answer is enough or have to speak more or speak less and it was like, ja, a bit scaring, like (P).

The uncertainty if an answer is 'enough' might also be due to the differing "conceptions and expectations" my interview partners and I, or the applicants and the officials, had of the interview (Maryns, 2006: 24). Uncertainty, confusion and unclarity about the purpose of the bureaucratic questions form the applicant's side might lead to more details than is anticipated as an answer by the asylum official, which are often filtered out and ignored in the end. Many answers given by the applicants tend to lose their importance in the standard questionnaire and will be discarded as 'irrelevant' (Maryns, 2006: 253) when the protocol is used to write up the decision (see 5.7 *Assembling and filtering narratives*).

Maryns proposed hypotheses about the standard questionnaire that, firstly, the applicant might not be familiar with the format of these questions and that the purpose of it might not be very clear to the applicant or well explained by the official; and, secondly, that the applicant's current situation might not be suitable to fit into a standard format of a questionnaire with closed questions because the applicant needs to provide contextual explanations to answer these questions (Maryns, 2006: 32-33), can be confirmed. The requirement to go through the standard questionnaire, to follow its form and to 'check' off the questions, not only neglects the fact that some questions do not fit the bureaucratic format or cannot be answered in a straightforward manner and often need some further explanatory work, but also constructs the applicants in a way so that they fit the legal framework (Barsky, 1994: 7). Hence, a clear tension between the asylum officials' requirement to adhere to the standard questionnaire and the asylum applicant's need to motivate their case exists.

As Maryns points out these questions sometimes can trigger an explanatory 'pre-narrative' of the applicant (ibid., 2006: 33, 94). Case 4 illustrates an example, where the applicant, upon being asked to give her official home address and if she stayed there until her departure or if she has been somewhere else, provides some additional "contextualizing information" (Maryns, 2006: 253):

> I have lived alone in the village XXX close to YYY. My husband died in 2005 and I had four children. My parents-in-law took the children. They also live in XXX. Our village is 10 minutes away by car from YYY. [PR] [xiv]

This not only emphasizes the difficulties mentioned above about the 'universal' answerability of such standard questions (the applicant does not give an exact home address, but just states the name of the village in which she lives), but reveals her attempt to contextualize her living situation and to explain her situation. Her answer turned into a pre-narrative containing more contextualizing details necessary to answer the asked question.

Furthermore, these questions inquire about the applicants' "personal state of affairs" (Maryns, 2006: 95), something which is usually stable and does not, or change very little, in the course of time and, therewith, would require only little further explanation of their answers, e.g. 'I have two sisters', 'I live in XXX', 'I work as an engineer'. Most of the applicants have experienced some kind of displacement and trauma and also live in a present state of uncertainty; very often asylum applicants do not even know their current state of affairs at the present moment, because they do not know if they are allowed to stay in the country where they applied for asylum or if they will be deported. Identification questions and their answers are, nonetheless, usually handled according to the applicants' situation as it used to be in the past before their situation has changed (Maryns, 2006: 95); This misses the fact that many applicants are in a current state of displacement and uncertainty, which makes these questions highly problematic for some applicants as the taken for granted permanency of identification questions no longer applies and they often cannot be answered in a clear and brief manner because the situation as it used to be is no longer their current state of affairs.

Motivation questions

The motivation question focusses on the applicants' reasons of flight, their story of escape and their motivation for seeking asylum; it should enable the applicants to give an account of themselves. As already discussed above (see section *5.2.1 The Protocol*) it is not mentioned in the protocol how the narrative is activated, which plays a crucial part in how the story begins and unfolds; instead, a standardized formulation is used to introduce this question.

To emphasize the importance of stating how a narrative is triggered and to underline the difficulties to activate a story and to find beginnings of a story, I will outline a few of examples from my interview partners and therewith, emphasize that including how a story is activated is crucial in order to see why a story has started at a certain point. I initiated the interview with Adam, for example, by asking him to tell a little bit about his background and when he came to Sweden. He, then, started a narrative which began at his arrival at XXX airport in Sweden and the first interview he had there. After a couple of minutes, he stopped the narrative to ask me if I had specific questions for him:

> Adam: "We took taxi och, eh, moved from migration plats till hotel [ah]. Eh, it was först, eh, first interview. You want me to know mer?
> Andrea: Yes, please. Whatever you want to tell me about your experience.
> Adam: Eh. (P) (laughing). Do you have questions?
> Andrea; Okay. Ehm. When did you come to Sweden?

The request to just tell me about his experience is a very open and broad question and it was difficult for most of my interview partners to find a beginning because many parts play an important role for their experiences in the hearing. By asking Adam to tell me when he first came to Sweden, I tried to help him find a beginning and from there, we moved towards his experience in the asylum hearing in a collaborative way. The interview with Annano, I started by asking the following question:

> Okay. So, yeah, so what(-), what(-), whatever you want to tell me about your experience in the asylum hearing, like, from the start, like, ja.

Throughout the whole interview, Annano explicitly emphasised that he is telling me about *his experiences*, which might have been due to the way I had phrased my question (tell me about *your* experience). Furthermore, asking him to tell me about his experience *from the start*, he began his story by talking about his arrival in Sweden:

> *My experience* like this, eh, in the start, if you are an eh asylum seeker [mh], eh, it's very difficult. It's very difficult to move to one country, like in the new country, like you don' know someone, so (,) like you don't know anyone, so the feel isn't very good in the beginning you will get many problem like you will have in the camp, in the hotel, in the camp, with the migration camp so it's eh sometime if you are lucky, for example, sometime if you are (,) you will have good friends in the camp so many of, I, like, (,) *my experience*, so I have been in fiv(-) a lot of camps eh in Sweden [mhmh], so there [okay] have been everywhere, so *my experience* is like this, so if you have a good luck you get one camp near to the centrum, near to the centrum. [Ja]. […]

He continues to tell me about his experiences and feelings being an asylum seeker and how others perceive them:

> Like, during asylum seeker, in this situation, my experience is very very difficult life, like, for other, the people are saying, the people are thinking, eh for example, the people are thinking European people some who call, some whose name is racist, like, they are thinking eh, they are coming to Europe for to get eh new life and for social, to eat food or for to get free home or this. No, it's not depend on this, because everyone has their own home, own money in their country [ja] and the problem is that they're getting problem there. Like, eh, they don't under(-), they don't eh co(-) they don't feel comfortable, like eh, the feeling, if the someone life is in dangerous, so no one, eh, nobody want to come to eh to become asylum seeker [ja]

His camp experiences and his feelings about what other people think of asylum seekers, that they only came here for economic reasons and not because their life is in danger, and that no one wants to become an asylum seeker, is part of his experiences of being an asylum seeker himself. Before he told me about his experiences during the hearing, he felt the need to contextualize his story, to frame it in a bigger picture, which gave me a better understanding and insight about his feelings being an asylum seeker, so that I could comprehend the position he is speaking from. Eventually, he moved on to his experiences during the hearing:

> But *my experience* is this, eh, in the migration agency, the people who working, they are liar, they are, they don't have time to handle the cases or, mh, I don't understand, but eh, they are doing like this. So *my experience* is like this, (,) in the migration agency, who are working, in the migration, who working, in the Sweden, I am telling about Swedish migration people [ja] they don't want to tell you exact date, exactly date, in this date your decision is coming, in this date you are this coming, they are just telling you, sorry we don't have time, we are just working on your case.

To find a beginning in his story was difficult for him because he has many different experiences, all of which were important to him to tell me about, so I would understand his situation and experiences in the asylum hearing better. Annano also asked me after a while during the interview: "What do you want to ask?" He realised that the story he was telling me might not have been what I wanted to hear:

> Yeah, because eh right now I am, you can just ask me, I can give you answer. But sorry, I, there is many things I don't have in mind right now.

In both examples mentioned above, it can be seen that *how* a question is asked has an influence on how the story is activated and where it begins. Annano started with his experiences in the camp, moved on to his experience being perceived as an asylum seeker before he told me about his experience during the hearing, all of which have been important in order to bring his experiences closer to my understanding. Adam started his narrative also from his arrival in Sweden. Both narratives started in this way because I asked a certain open-ended question and their expectations what they thought I expect them to tell me. However, eventually, both stopped and asked me what I exactly want to hear and if I have specific questions, because they were uncertain about what was expected of them. This shows that finding a beginning and telling their experiences in a coherent way, with a beginning, middle and end, is a difficult task and points out that finding a beginning is an interactive and dynamic process between the teller and listener, triggered by a specific question which determines the course of the narrative. Omitting this question in the protocol and replacing it with a standardized text misses an important point of how the narrative is shaped and shapes in the course of the interview.

The narratives, which are transcribed by the asylum official in the protocol, often have different beginnings than their summed-up narratives in the decision document. For example, in case 1, the applicant begins his narrative (see table below) by saying that he left school after the 12th grade when his father became ill. He subsequently states that he has worked three years for a man he described as a Kurdish Turk. In the decision, however, the fact that he had to leave school because his father became ill, is not mentioned. On the contrary, in the decision, the narrative starts with the fact that he has assembled counter tops. This information is taken from the standard questionnaire of the protocol and not from the motivation of the claim. The initial beginning of the applicant's narrative in his motivation of the claim is ignored, and the two sentences he starts his narrative with are not even mentioned in the decision. What is left of these two sentences has barely anything to do with his beginning of the story:

Protocol		Decision
Part I: Standard Questionnaire	Part II: The motivation of the claim	
	I had to leave school in the 12th grade because my father was ill. That was 2013. I have worked for three years at this Kurdish Turk.	[omitted]
Question 12: Which profession have you learnt? Who has been your last employer? Did you have your own business? Answer: I have **assembled counter tops** out of marble for the kitchen.	---	He has **assembled counter tops**.[xv]

The beginning the asylum applicant has chosen to start his story with in the protocol is not thought of to be important and treated as irrelevant for the case and, consequently, is disregarded in the decision. Important background information are neglected, especially the precarious situation the applicant was living in. The applicant, therewith, is stripped of the information he has chosen to tell. What is left of the account is a 'cleaned-up' narrative, which only entails information important enough in the asylum official's eye to be included in the decision.

In case 3 no narrative is stated after the standardized formulation of the applicant being asked to tell her story. Only upon the question what personally happened to her before she left Eritrea, three sentences are transcribed in the protocol:

A. What personally happened to you before you left Eritrea?
Answer: I should have served the military, that is why I have left Eritrea. I was illegal in Sudan. I did not have any personal papers. I could work there, but not further live there. [PR] [xvi]

This is transformed into one sentence in the decision:

In her personal hearing, the applicant substantially presented, that she left her home country on the reasons that she feared being called up for military service. [D] [xvii]

The word 'substantially' (*im Wesentlichen*) in the decision suggests that the narrative from the protocol can be summed up in one sentence and that this one sentence states everything which is important, or 'substantial', in order to assess her case. Case 3 is the only case I have received, who has been granted subsidiary protection. The fact that the applicant is from Eritrea might explain why her motivation of the claim was so short and not adequately assessed by the asylum official. Pro Asyl states that the applicants, in most cases, only receive subsidiary protection although Eritrea remains a brutal military dictatorship, where torture and persecution are commonplace (Pro Asyl, 2017: 20). With around 19,000 asylum seekers from Eritrea in Germany in 2016 (Pro Asyl, 2017: 20), it is one of the five main countries people seek refuge in Germany. This raises the question if the applicants actually did have a chance to sufficiently represent their cases, as is the occasion in case 3, or if the applicants in this regard are just 'subject' to the laws and guidelines. From the decision-making practices regarding applications from Eritrea in Germany, one gets the impression that political guidelines influence the procedures and decision-making practices in a negative way (Pro Asyl, 2017: 21). It seems cases are assessed according to the motto quickness comes before accuracy, and

numbers come before the individual fate. Case 3 is just one example emphasizing the importance to take the country of origin into account in the decision-making process and the acts of 'making the refugee', which I did not have the scope to do so in the present thesis and therewith, is a field which requires further research.

Furthermore, a proper narrative process might not 'materialize' if the asylum officials interrupt the narrative. This was the occasion in Annano's case during his hearing. He told me that they were often inquiring about details and time when he was telling his story and for this purpose, were interrupting him:

> That's why in interview, during interview, the case officer, they are giving eh taking your time, we are there many times they are asking when you are talking interview, when you are giving interview, so they are asking, they are asking you "stop stop stop", okay. For example, if you are talking, so I had this problem and eh, then they are "wait wait wait, which time was this problem?" If you tell him, on the day time, okay, and the day time this problem, then you are giving interview, giving giving giving giving giving giving giving giving giving giving giving. Eh after half an hour, they are again asking you, which time was this. If you telling, it was night time, for example, they will say to you, you are lying

Annano's narrative not only shows the asylum official's 'hunt for details' (see section *5.4 Details, details and more details*), but also their interruption of the narrating process. To give the applicants time and space for their motivation of the claim is important for their adequate and proper assessment. By interrupting the narrative, asylum applicants are often not able to tell a coherent and chronological narrative, and therefore, might fail to 'pass the test'.

Knowledge questions

Knowledge questions are a tool for determining credibility. They aim at verifying the applicants' identity and that they are who they say they are (Maryns, 2006: 100) by asking knowledge questions, amongst others, about their nationality, identity, religion or political affairs. This kind of questioning can quickly turn into an interrogation or cross-examination, where a series of questions is quickly asked one after the other, and a rigid question-answer style dominates the hearing during this part, as can be seen in case 3:

> F: In which soba (region) is your city located?
> A: XXX
> F: What is the currency of Eritrea?
> A: Nakfa
> F: What is the name of the highest mountain in Eritrea?
> A: I don't know.
> F: Does the name Hamid Idris Awate ring a bell?
> A: The name does not ring a bell. [PR] [xviii]

The quick one-after-the-other style resembles an interrogation rather than an interview, where the one who is questioned is under a crossfire of questions and the questioner is in an all-knowing power position to 'shoot' these questions at the applicant. The asylum official takes on "the dominant role

of an all-knowing questioner", whereas the applicant is pushed into the role of "submissive examinee" whose knowledge is tested (Maryns, 2006, 101), as can be exemplified in case 2:

> Question: What is the population of your town?
> Answer: I don't exactly know.
> [Question: Did I understand you correctly, you said that the Taliban have been looking for you with a picture?
> Answer: Yes, they have looked for me in my area.]
> Question: What is the population of your town?
> Answer: Like XXX, only without the surrounding provinces. We had 2 schools. [PR] [xix]

The repeating of the question regarding the population of his hometown gives the hearing a feel of rather being an interrogation than an interview and puts the asylum applicant under pressure, which has something threatening: if the asylum applicant fails to answer the questions quickly and correctly, they 'fail the test' and therewith, lose credibility, and can be denied asylum. The purpose of these questions is not explained to the applicant. Knowledge questions are not asked in every hearing and can be asked at any point. For example, in case 2, 3 and case 4, knowledge questions have been asked, but not in case 1. I could not find a pattern, which might have triggered the asking of knowledge questions during the hearing, and it seemed they are rather arbitrarily applied. These kinds of questions not only test the applicants' knowledge about their nationality, ethnic group or religion, but they also suggest that the applicant is not believed in the first place – in order to be believed, they need to pass the test. This validates the culture of disbelief and suspicion reigning in the asylum hearing.

One of my interview partners, Samuel, considered the interview to be "like an exam", in which he had to prove that he really comes from XXX and with the help of the knowledge questions, the asylum officials would make sure that he deserves to stay in Sweden:

> They ask about everything, me, about my, eh, family, about my stad, about my city, about my land, what's eh, happening with me. They was very eh nogrann. They, eh försiktiga. They, eh, want to know everything about me. För att, they want to be sure I am eh kommer från XXX and I deserve standa, eh stay here.

Sarah felt confident in answering the knowledge questions. She told me that "it's easy" to answer knowledge questions about her home country and city because she has lived there:

> Ehm, they ask so much about you, like what have you done before XXX, your parents, where do you live, you have to give details. Of course, it's easy, because you, eh, you lived in XXX in YYY.

Hassan also felt secure in answering these questions because he is familiar with the place he comes from. He did not seem stressed or scared to answer the knowledge questions, but rather content and proud to know so many facts about his city – 'I like my city', he told me. He was quite sure that the asylum official would believe that he comes from XXX, when I asked him:

> Andrea: Hm. Okay. [P]. But they believed you, that you are from (,) […]?
> Hassan: Yes, yes! They are write everything. They ask me, because they have paper. [Hmh]. When I said, I'm from XXX, okay, "XXX"? By system, they know what they ask about XXX. [Hmh]. Hmh.

> They ask me and write everything and after that they are check if I any wrong, they are tell me, coming, come back. But everything good.

If he hadn't given so many details to the officials, they could have thought that he lied and that he comes from somewhere else and not from XXX, Hassan expressed, because 'by system' the asylum officials would know the truth. Moreover, it seemed like Hassan considered these questions to be very significant, as they would help to spot if someone is lying and would receive asylum by claiming to come from another country:

> You know, eh, some person from YYY, you know YYY? [hmh] They are coming here and say I am XXX. And they are (-) say, ja, okay, XXX, ah, okay, take the paper. And they give them the paper (--). He is lying. For take the paper. Too much people. I, and, I know some people like this, but eh, (--) they are YYY and say we are XXX.

Contrary to Sarah, Samuel and Hassan, who were confident in answering knowledge questions, many applicants might be confused about the purpose of them – so was Bruno. He did not expect to be asked about his home country, family, culture or tradition, and thought it to be rather 'silly' questions:

> Eh, it was more about my identity, not my life as XXX [his profession]. This is, this was about XXX, culture and what we do in our wedding, things that (P) things that eh I have never thought eh, ja, things that you take for granted in your society but you don't think eh too much about them, like, eh, what is the clothes that (,), like, if you have a special clothes for a special ceremony and such things, ja. And the population of my, eh, town and how I go from home to school. So, it was (,) and how I get my XXX identity. So it was like a silly questions, but at the same time (,) maybe I didn't, eh, you know, but everyone, ehm, see it's, ehm, s(-) society by, different perspectives, so, ja, when I someone ask me about XXX, it, eh, that which come to my mind it's my home and our, eh, friends not the whole picture. So, they need the whole picture in the interview and eh (,) and, as I said, I don't know, I, ehm, ja,, I prepare myself for another questions so wh(-) when those questions, it was easy and silly, came, I b(-), I become like (-) is there something wrong with me, eh, why they are asking me this, I give them my ID, I speak three XXX local languages and eh and Arabic, so, why they are asking those questions (P). Ja.

Even though Bruno gave the asylum official his ID and speaks three XXX local languages, the asylum official still were suspicious about where he comes from and had to answer the knowledge questions. Bruno even started to question and doubt himself if he did something wrong for being asked these questions. He also told me that he was scared during the interview and that he tried to answer very quickly, so that the asylum official would not suspect him of lying about where he comes from:

> There was a silly question like ehm (P). If we have a special food that we make if in weddings (,) I was I was scared so and I didn't took enough time to think. It is st(-), very very simple eh questions. Ah, I said, I don't know, we have but I don't know what they call eh ja, so many or about ehm (,) how you how ou(-), how XXX money eh look like [mhm] (,) I know that.

The questions Bruno had been asked are all questions, which many people take for granted, but especially in such a stressful situation, it is even harder to remember such details. He was put under a credibility test, he did not understand the purpose of and was not prepared to be asked knowledge

questions, which made him so nervous that he forgot even the things he actually would have known. The asylum official also asked Bruno about the population of his hometown:

> I remember that the ask me, it was a simple question, about my (,) town's population and and the answer, the real answer is about eh 30 000 and I say three and I remember that I say three so this this was like I don't know that time eh that town, thirty-three, so, this idea was like eh, (,) thirty three mer (--), how I can say, (,) I don't know.

When he thinks about the answer to this question now, he told me, it's logical that it could not have been three thousand, because the high school he went to already had more than one thousand students. The interrogation style of the knowledge questions, where one question after the other is 'cross-fired' at the applicant, puts many under stress and pressure, and gives them the feeling that they have to answer quick and fast in order to 'pass' the test, so that the asylum official would not think that they are lying. Bruno explained to me:

> I mean. You don't be really yourself, you are scared and so and you say whatever, like, without even have the time to think so much an(-) and I was thinking that someone said to me that I become (laughing a bit) it was a bit, if I become silent and take my time to think this means that I'm lying, so I have eh (laughing) ja, I have (,) to answer so fast, ja, to tell them that it is the truth and this was a stupid thing. So, but it affected me, like, I have, eh, they told me only the student in my high school was more than thousand (P). You don't have tim(-), time to think.

The statement that "you don't be really yourself" shows that the asylum applicants' narrative is aimed at creating 'an Other' – creating the successful asylum applicant. Consequently, narratives in the asylum hearing cannot be seen as 'windows' into the applicant's world and experiences but have to be analysed by taking the transidiomatic environment into account where the stories are shaped and the persons who are present during the hearing, and collaboratively create the narrative and answers.

In sum, knowledge questions not only presuppose a kind of mistrust towards the asylum applicant in the first place, as they aim to make sure that the applicant is telling the truth and that they are who they say they are, they also verify the opinion reigning in the hearing that the asylum applicant is 'guilty until proven innocent'. The officials also act as if they know about the applicant's situation in their home country. However, they have not been themselves in the situation to which the story of flight refers to, and they usually do not personally know the country of origin, and thus, rely only on available and provided information about the situation in the country of origin (Lahusen & Schneider, 2017: 89) by the system. Furthermore, by asking knowledge questions, the asylum officials make sure that the applicant's account is not only credible but also reliable, because, according to Maryns (2006: 165), it is one thing to decide if the statements conform to one of the four forms of protection, but it is another thing to find out if the statements are reliable. This puts the officials in the position of the 'all-knowing', who control knowledge and truth within this space, which does not leave any place for other knowledges or truths, or for the asylum applicants' personal experiences and feelings.

Control questions

Control questions are asked at the end of the hearing after the motivation of the claim. They include questions such as:

> A. What personally happened to you before you left XXX?
> B. What do you fear when returning to XXX?
> C. Why do you fear personal difficulties when returning to XXX?
> D. Do you have anything to add to your claim? ˣˣ

Not all of these questions need to be asked at the end of the hearing. Question A, B, and C are a kind of recapitulation to the motivation claim. Therefore, they can be quite confusing and also upsetting, since the applicant has already stated the reasons and the fear of return in their narrative[14]. The applicant in case 1 was asked question A, what personally happened to him after he left Iraq, directly after he has given his account, and answered:

> Answer: It only happened to me what I just have told. Otherwise, there are no reasons, which caused me to leave. [PR] ˣˣⁱ

By referring back to his story he just has told, he does not understand the point of the question and does not repeat the answer, since he has already outlined this. Later on, he is asked question B, which he also has already answered during his narrative, but, nonetheless, tells the asylum official:

> Answer: I, for sure will be killed. Under oath they kill people. [PR] ˣˣⁱⁱ

The same happened in case 2, when the applicant was asked question B; he basically sums up is narrative in three sentences:

> Answer: I am afraid of groups, like the Taliban or the IS. They have already looked for me and I am scared, that, when I return, that they will kill me. [PR] ˣˣⁱⁱⁱ

The applicant in case 4, after having been asked question A answered:

> Answer: Personally, nothing happened to me. [PR] ˣˣⁱᵛ

And question B with:

> Answer: IS is located close to our village. The fear of IS is still there. I do not want to go back to Iraq under any circumstances. Only over my dead body I will go back. [PR] ˣˣᵛ

All of the answers the applicants have given are basically a summary of their narrative about their claim, summed up in one or two sentences, which all of them already have answered in the motivation of the claim. Interesting about the control questions is that they accentuate on the personal, which, I assume, many applicants are not aware about the importance of this word – but I will come back to this point later on in section *5.6 Personal reasons of flight: is the fear well-founded enough?*

The four types of questions which are being asked during the hearing are problematic in many ways: each type of question demands a different explanatory mode. Identification questions are aimed

---

[14] Maryns provides an example of an applicant, who, after having been asked this question, became really upset, because he spent more than four hours telling his story and persuading the official about his case and the gravity of his claim and then, the official still wanted to know the reasons why he is afraid to return to his home country (ibid., 2006: 146)

at the applicants' identity and require short and precise answer; knowledge questions demand an accurate and isolated factual answer, which has nothing to do with the applicants' reasons of flight; the motivation questions necessitate the applicants to tell about their reasons of flight which requires the contextualisation of their story in order to avoid any misinterpretation; and the control question are directed towards the reproducibility of the answer. Switching between these kinds of questions might confuse the applicants and put them under pressure in the already power-infiltrated environment. In this 'jungle' of questions it is also important not to neglect the aspect in how far the asylum applicants are given the chance to tell their story and in how far the questions of the asylum official help to 'construct', or 'de-construct', the applicant's claim, as questions not being asked can have a fatal influence on their application as well.

5.3 The burden of proof and the obligation to co-operate

5.3.1 The burden of proof

The UNHCR Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees gives the following guideline:

> 196. It is a general legal principle that the **burden of proof lies on the person submitting a claim**. Often, however, an applicant may not be able to support his statements by documentary or other proof, and cases in which an applicant can provide evidence of all his statements will be the exception rather than the rule. In most cases a person fleeing from persecution will have arrived with the barest necessities and very frequently even without personal documents. **Thus, while the burden of proof in principle rests on the applicant, the duty to ascertain and evaluate all the relevant facts is shared between the applicant and the examiner.** Indeed, in some cases, it may be for the examiner to use all the means at his disposal to produce the necessary evidence in support of the application. Even such independent research may not, however, always be successful and there may also be statements that are not susceptible of proof. In such cases, if the applicant's account appears credible, he should, unless there are good reasons to the contrary, be **given the benefit of the doubt.** [my emphasis]

This paragraph states that although the burden of proof lies on the asylum applicant, it is both, the applicant's and the official's duty to "ascertain and evaluate all the relevant facts". The handbook furthermore outlines:

> 199. While an initial interview should normally suffice to bring an applicant's story to light, it may be **necessary for the examiner to clarify any apparent inconsistencies** and **to resolve any contradictions in a further interview**, and to find an explanation for any misrepresentation or concealment of material facts. Untrue statements by themselves are not a reason for refusal of refugee status and it is the examiner's responsibility to evaluate such statements in the light of all the circumstances of the case. [my emphasis]

In this statement, the UNHCR Handbook recommends that the asylum official is obligated to help to clarify any contradictions in the applicants' narratives and try to find an explanation for any arising contradictions, if necessary in a further interview. However, in some instances these two guidelines contradict each other and the official's responsibility to resolve contradictions and the applicant's burden of proof, clash: In how far is the asylum official responsible to resolve contradictions? In how

far does the burden of proof apply to the asylum applicant? This seems to be illustrated in case 2, where it is written in the decision:

> The applicant has also made no further substantiated statements about the incidents described. The applicant's presentation, thus, does not fulfil the requirement for a credible presentation of facts. Therefore, it is noticeable, that his statements are kept very short. In addition, the arguments in his choice of words were too colourless, short and without any hints of minor matters. His statement must be considered as flat and merely target-oriented. The applicant only gives an account of details upon request.

> As a result, he merely sticks to the claim of persecution, without making his reasons for leaving credible by giving details and concomitant circumstances. [D]. [xxvi]

The applicant's case is rejected to be 'unfounded'. The stated reason is that the applicant's narrative is too short, that his story has no colour, and that he only gives details upon request and did not provide them himself. This shows that the asylum official has put the burden of proof solely on the applicant and expects that the applicant adds details to his case all by himself without being asked. The fact that it is both, the duty of the official and of the applicant, to find out all the relevant facts of the reason of flight collaboratively, as stated in the Handbook in article 196, is neglected. One has to bear in mind here that narratives are accomplished in a collaborative act during interaction and also needs recognition, in the Hegelian sense, according to Butler, to even 'become' a narrative, otherwise it remains impossible to 'materialize'.

Questions not asked and contradictions not resolved can have fatal consequences on the asylum applicant's decision – as can be seen in case 1. In case 1, the asylum official points towards a contradiction in the applicant's narrative and asks the applicant, how he can explain this:

> Question: You first said, that, during your last 40 days in Iraq, you spent 20 days in XXX and 20 days in YYY. Later you said, that you have been 45 days up to two months in YYY. How do you explain that?
> Answer: No, I have been 40 days in YYY. [PR] [xxvii]

The applicant does not resolve this contradiction himself although the official has been asked to explain it, whereupon the applicant just states that he has been 40 days in YYY. The official, however, does not inquire further to clarify this contradiction or does put any effort in trying to resolve it, but moves to the next question, contrary to the suggestion of the UNHCR Handbook for the examiner to clarify any apparent inconsistencies. The applicant claims in case 1 was rejected as 'unfounded' and the decision states:

> In the case of substantial contradictions or embellishments in the account, the foreigner can only be believed, if the contradictions or inconsistencies are convincingly resolved.

> The applicant's presentation is not credible. [D] [xxviii]

However, the applicant never had a chance to solve the contradictions pointed out in the decision to begin with, as some of the contradiction arose only after the interview upon the checking of his stated facts. For example, the applicant said during the interview that the name for the head of the village

he lived in was ABC. Furthermore, the applicant claimed to have gone to a police station in the town of XXX. The applicant even specified quite elaborately during the hearing, as stated in the protocol, where the police station is located:

> Answer: I have been to the police station in XXX [where the applicant is from]. If you go from YYY to ZZZ, then XXX is before ZZZ. In WWW is no police station. WWW is six to seven minutes away from XXX. [PR] [xxix]

After the hearing, however, it is found out that the applicant apparently gave a wrong name of the head of the village he lived in and that there is no police station in XXX, contrary to the applicant's statements. The decision specifies:

> The applicant's presentation is not credible. He stated an entirely different name for the head of the village than the actual name. Consequently, a mistake can be ruled out. In a letter dated XX.YY.ZZZZ, the Foreign Ministry notified that the head of the village ABC is called XYZ and has been in his office for several years. Furthermore, there is no police station in XXX. He, consequently, could not have gone to the police there. [D] [xxx]

Instead of inviting the applicant to a second interview to give him the chance to resolve these contradictions, they are 'used' in the decision to deem the applicant as not credible and therewith, to reject his claim. Moreover, although the knowledge about the name of the head of the village might have been proven by the Foreign Ministry (which does not mean that the applicant has given a wrong name), the statement that there is no police station in XXX is not corroborated and might have arisen due to the officials lack of geographical knowledge in this area – but no chance was given to the applicant to resolve these contradictions in a second interview, but the decision for his application was denied as being 'unfounded'.

It is not only these two contradictions, which are used against the applicant in case 1 to deem him not credible, it also is stated in the decision that his inability to provide evidence, e.g. corroborating documents that he has filed a complaint at the police, is another sign that his account is not credible:

> Another indication that his account is not credible is that he has no evidence of his filed complaint at the police even though he claimed to have been there at least twice. [D] [xxxi]

Upon rechecking the transcribed narrative of case 1 in the protocol, the applicant never went to the police twice: the applicant once went there with his mother to file a complaint; after this he asked his uncle if he could call the police; the police came to him while he was hospitalized; and his father and brother went to the police upon his request. However, he never went to the police twice. Additionally, the lack of corroborating documents to prove that he has filed a complaint indicates the importance of documents as evidence. The fact that documents might not be universally accessible and significant everywhere to everyone is neglected. Conclusively, it is stated in the decision that it is not convincing that, upon being beaten unconscious, the applicant has been unconscious for three to four days without having sustained permanent damage to his health. [xxxii] The asylum officials are allowed to

use means such as medical or other expert advice to assess an applicant's claim; but instead of making use of these means and consulting a doctor to verify the possibility of being unconscious for three to four days without further damage, it is just assumed that it does not seem possible.

Piece by piece is taken from the transcribed narrative in the protocol in order to deem the applicant as not credible, and instead of inviting him for a second interview so that he might be able to resolve these contradictions – of which some of them only arose after the interview – the application is rejected. How can an applicant be credible 'enough' if they are not even given the chance to solve contradictions and prove their credibility? And where is the benefit of the doubt in all of that?

5.3.2 The obligation to co-operate

Additionally to the burden of proof, the asylum applicant has the obligation to co-operate, according to the German Asylum Act, Article 15[xxxiii]. This means the applicant has to provide all necessary documents, including documents proving identity, documents concerning their travel route and all other relevant documents. If the applicants cannot provide such documents can be held against them in the decision, as can be seen in section *5.5 The 'hunt' for documents.* Moreover, the applicant also has the obligation, according to the German Asylum Act Article 13 (3)[xxxiv], to seek asylum immediately upon crossing the border if they are not in possession of necessary entry documents. One of the stated reasons in the decision, why case 1 was rejected as manifestly unfounded, was based on this law; the applicant had violated the obligation to co-operate in accordance with Article 13 (3), because he did not immediately seek asylum upon entry:

> The applicant has violated his obligation to cooperate in accordance with Article 13 (3) sentence 2 of the Asylum Act, as he did not seek asylum immediately upon entry. He arrived on October 4, 2015 by land to the Federal Republic of Germany and filed an application for asylum on 09.06.2016. This is no longer immediate. He also entered illegally because he could not prove a visa. The applicant is responsible for the breach of this obligation to cooperate, as he has not demonstrated that he was unable to apply for asylum for important reasons. [D] [xxxv]

It took the applicant about eight months to apply for asylum. Comparing the cases I have received, the applicant in case 3 took eleven months and the applicant in case 4 took nine months to apply for asylum (see appendix i); although both cases (3 and 4) have been denied unfoundedly, the reasons for their rejection did not include that they have breached the law according to Article 13 (3) of the German Asylum Act, by not applying for asylum immediately after arrival in Germany. Moreover, the applicant in case 3 is not only told to have breached Article 13 (3) of the German Asylum Act, but is also 'criminalized' and 'illegalized' for crossing the German border without possessing entry documents, as the decision outlines:

> He also arrived illegally, as he could not provide a visa. [D] [xxxvi]

This shows that asylum applicants are largely categorized "as criminals in a system that refuses to see individuals as victims of persecution who seek to cross political borders" (Bohmer & Shuman, 2004: 397).

The fact that only case 3 was accused of the above mentioned and the other cases were not, although they have committed the same 'crime' by not applying for asylum immediately upon arrival according to article 13 (3), shows that reasons for rejecting asylum applications are rather randomly applied – and therewith, the 'failed' refugee is constructed. The burden of proof and the obligation to cooperate can both turn against the applicants and can become a burden which they might carry with them for the rest of their lives.

5.4 Details, details and more details

The asylum officials spend a lot of time questioning the applicants about details. This is a way to 'spot' and 'catch' applicants, who are telling fabricated stories (Bohmer & Shuman, 2008: 5) and therewith, becomes a method to 'sort' the 'deserving' from the 'undeserving' asylum applicants. However, details might get lost in the translating process of the translator; or it might be difficult to remember details, since many applicants might have experienced traumatic events (Bohmer & Shuman, 2018: 26); there is also a long period of time between the point they have left their home country until the point they have the appointment for the hearing. As Samuel explained to me:

> Eh, I told you, it's about seven months after you came till Sweden. So, sometimes, when you come, when you came till Sweden, okay, I should to remember everything, date, and when I leave eh Turkiet. So, after this danger eh, journey, resa, so, sometimes, it's eh difficult to remember everything, the details.

Bruno also said that it was difficult to remember all the details. Before he left his home country, he spent one year in YYY and then six months in ZZZ; there was a long period of time between his flight and the hearing in Sweden:

> So, I can remember my journey from YYY to ZZZ, I could remember with details my journey. But my life in XXX [home country] as AAA [profession] it is, have been, ja. But I eh, and I spent about six months in ZZZ, so it has been one year and six months, so eh, I need to focus more on this because, ja, I can eh forget something which is important, so (P).

The assumption that being able to give a lot of details as a means to strengthen their claim becomes evident in the protocols I have analysed, in which the officers asked about extraneous details and several times about exact dates and times.

Extraneous Details

Many officers inquire about extraneous details, which are not connected to the applicants' asylum claim, to test the applicants' truthfulness about their accounts. For example, the asylum official in

case 1 asked the applicant about the colour of the car, in which the applicant was being kidnapped and about the place he was taken to:

> Question: Where did the meeting take place?
> Answer: It was a two-storey house of the union. It looked like any other Iraqi house.
> Question: Where in the house did the meeting take place?
> Answer: On the ground floor.
> Question: How did the room look like?
> Answer: There were two chairs and a table. There was a picture and the flag of the union.
> Question: How did the flag of the union look like?
> Answer: It has three horizontal lines in the colours of red, white and green (from top to bottom). In the middle there is a yellow sun. [PR] [xxxvii]

These „off-the-wall details" (Bohmer & Shuman, 2004: 403) are not easily remembered when someone is in a dangerous situation – how the outside of a jail looks like or the inside of a room, for example, might be the least someone focuses on if their life is in danger or under threat to get seriously injured, Bruno told me:

> […] I mean, it's (,) when you feel that everything is good, then you feel okay, then you can like ehm (,) be more aware of your surrounding but like you are in a terrible situation, so (,) like (,) eh like you are in some (,) black whole inside you, eh, like you, you doesn't think more about it, you think what can happen to me ehm after this (,) and things like this, or how it how it like ehm, ja, I mean (,) you think about what can happen, you didn't think or you didn't like eh (,) see the place, oh wow, eh this, the wall is yellow and the blablabla is, ja. I can remember it, but this is, it wasn't my priority to to (,) [laughing] to ja to have eh (,) accurate build of the jail. [ja] (P).

Even if an applicant is able to provide a lot of details, the official can perceive it as suspicious and might think that the applicant is 'making up' all the details. Bruno, for example, said that he has memorized a lot of dates for the hearing, because a friend of his told him that it is important to mention them:

> So, I wrote all of them (laughing). (,) I have eh (-), when they asked me when you left XXX, I give them even the month and the date not only the year, so, they was little bit shocked eh how you can memorise a such thing that you left XXX (,) I forget it now (laughing) and blablabla. Eh, then they said that it was (--) I couldn't say, ah, my friends eh told me to (laughing) memorize it but I said, it was (,) ja very important day in my life, so (P).

The asylum official was "a little bit shocked" when Bruno was able to remember the dates so precisely. By telling too many details and exact dates the narrative might come across as a fabricated story and raise the mistrust of officials.

'This timing system'

Many officers inquire several times about exact dates and times. Let me, therefore, briefly summarize the account of the applicant in case 2, where the asylum officials' 'hunt' for details turns into a 'digging for' contradictions: The applicant tells the asylum official that he was approached by a group of three people. They wanted him to become part of their group and assured him everything he needs for his safety. They explained that they would give him weapons and that he should fight against the

government. After this the applicant went to the police to file a complaint. Three days later, the same people approached him again and told him that he has to fight against the government and that he does not have any other choice. Upon this conversation, his brother brought him to a friend for his safety. He stayed there for a week. When the three people searched for him in the village with a picture of him, he decided to leave his home country. This is only a very short summary of the narrative and an entextualized account represented here, but it is necessary in order to get a short overview of the many details the asylum official has asked him about. After the applicant has finished the narrative, the official inquires several times about the time between the first and the second meeting with the group and the leaving of his home country:

> Question: How much time did pass from the first meeting until the second meeting and your departure?
> Answer: Between one and two months.
> Question: How much time did pass between your last meeting with the Taliban until you went to the friend of your brother?
> Answer: My brother took me to his friend directly on the same evening.
> Question: How much time did you spend there?
> Answer: One week. [PR] xxxviii

The inquiry about the time was already previously answered by the applicant in the narrative. Although in some instances, the 'digging' for details can reveal facts, which have not been previously stated before and their discovery can be important to the outcome of the hearing, it sometimes rather seems to turn into a 'quest' to find contradictions – which the official in case 2 finally did:

> Allegation: You explained before, that the second meeting took place after three days and that you went to the friend of your brother at the same evening. There, you spent a week and after this, you left the country. Those are ten days and not two months. Please explain.
> Answer: I did not say that. I meant, that I have seen these people one to two month before in the mosque. They went to the same mosque then I did. [PR] xxxix

The applicant already mentioned in the questions before how much time has passed between the meetings and his leaving of the country. The many inquiries about time were confusing and also the way the questions were asked was not very clearly put. Although the official might have tried to resolve this contradiction in the end (see 'allegation') it rather seemed like an attempt to find a contradiction in the narrative. Regarding his contradictory answer, it could be assumed that the translator did not properly translate the official's question or that the applicant or the translator have misunderstood it, because in the applicant's statements before, he did not deviate from the stated times. This 'timing system', as Annano puts it, is just there to 'get' the asylum applicant and to deem them as 'liars, as he explained to me with the following example:

> For example, right, if you are giving interview, I, you are saying, yesterday I went to the bar, so when I was on the, at around one o'clock, I was on the way to home from bar, two guys come, they took my mobile [mhmh] and when I, when I went to home and then I slept and I woke up on the morning and I dreamed (--) then they say "okay, wait, wait, wait, wait, which time was this when you are on the way to home?" If you eh, first time you said at one o'clock. If you said second time two o'clock, they will say you are lying [mhmh]. So, in this situation, they are investigating your case too much, a lot of [yeah].

He vividly explains how this 'timing system' works and describes the asylum officials' digging for details and their inquiry about the same detail more than once to verify if the applicant is telling the truth or lying. The applicant in case 2 also got 'caught' in this 'timing system':

> Question: When did you arrive in Germany?
> Answer: in the 6th month 2015
> Question: When exactly did you arrive in Germany?
> Answer: In June 2015.
> Question: Are you sure about this?
> Answer: Yes.
> Notice: Eurodac-match 1 Hungary from 12.07.2015. xl

The applicant was very certain about his date of arrival in Germany, but the asylum official inquired more than twice if he is sure about his statements, because the Eurodac-match indicated that he applied for asylum in Hungary sometime in July, and therewith, could not have been in Germany during the given time in June. The official confronted the applicant with this contradiction and asked him to explain:

> Allegation: You confirmed to me upon request, that you arrived in Germany in June 2015. Although you have given your fingerprints in Hungary on the 12.07 2015 and applied for asylum. Can you explain this to me?
> Question: I am sure, that it was in the sixth's months, because it was in the middle of Ramadan. And I did not apply for asylum, I only have given my fingerprints. [PR] xli

The asylum applicant was not aware that, by giving his fingerprints, he simultaneously was applying for asylum. Many refugees were forced to give their fingerprints in Hungary without knowing that this would simultaneously count as an asylum application[15]. Over this 'timing system', the official might neglect the fact that some applicants might not be familiar with the Western calendar (Bohmer & Shuman, 2004: 408). Ramadan varies from year to year in the western calendar, whereas in the Islamic calendar it is always on the same day. The difference, thus, is that Ramadan moves a couple of days every year in the Western calendar. Besides this, Ramadan may also vary depending from country to country. Therefore, believing the applicant not credible because he provided the official with a diverging date is to take the Western calendar as a measuring stick from which the official takes their assumptions and the applicant is left to explain why he is diverging from the 'standard', which is assumed to be the universal one, known by everyone.

Talking 'shortcut'

In the process of narrating, the asylum applicants are still the editors of their story (which changes when the text is decontextualized and recontextualized in the decision). In this regard, Samuel 'edited' his story by deciding to talk 'shortcut':

> I just eh talk shortcut, yes or no, [mhmh] not more details. Not a lot of details.

---

[15] The situation in Hungary is a different case and, unfortunately, is out of the scope of this present thesis to discuss it further.

He told me, that it is better not to explain too much or to mention too many details, because if you do, the asylum official can ask more questions:

> When you talk mer, eh, more, he will ask you more and he want to know more details, more details.

Especially after the war, Samuel said, it is difficult to remember exact details because he fled from one place to another place. He decided to talk 'shortcut' in order not to say anything 'wrong'. When I asked him again, why he decided to only talk 'shortcut', he gave me one example,

> Till example, ehm [mh], one times I was in really danger in XXX. So, I (-), said att, I was in dangerous situation, so she asked me, he asked me "okay what's going on, what's happening, eh do you know hur, who eh did that? [yeah] can you give me eh all the details? When? Where? Och who?" So, okay, okay (laughing). Ohh, I eh (-), I talked to hon him everything, but, it's not one times I was eh in dangerous situation. But I didn't tell him more. Eh, many times I was for eh, he will ask me more question, more question. I don't want to say something, maybe wrong, maybe he understand, he didn't understand right. Oh. (laughing).

He emphasized that he told the truth during the hearing, but that he did not tell all the details or every part of the story, just 'shortcut'. Sarah also told me that one should not give any extra information, because the asylum official could request more details. She mentions that one should avoid talking about political topics:

> However, eh, as this person advised me, the one who helped me, don't give extra information, that they haven't asked you to. Because if you, they will keep tal(-), asking you. And don't talk about opposition or the regime, because they will ask you, so just try to stick to your, like, if you want to give them personal details, give them, but not in a way that you will talk about, like, political debates, or something

Samuel also mentioned that there are certain topics one should avoid talking about:

> Jaha, yes, eh, I don't want to talk about political [hmh]. I don't want to talk religione, I don't want to talk om eh, racism, eh, it's eh, I think that, when you are in interview, you should to talk eh truth and eh direct and eh just when he ask you eh till exemple eh, "are you nervous?" So it's yes or no and not okay, senior, I want to explain, pratar om historie, then explain long long. […].

However, providing to little details can also lead to a negative decision, as we have seen above in case 2 by not giving enough details and only giving them upon request.

The asylum applicant is caught in the matrix of the burden of proof, the obligation to cooperate and the laws, out of which it is difficult to escape. Providing too many details or providing too little details – both can lead to a rejection and, therewith, really becomes a 'burden' within the asylum hearing. It turns into a test, where the asylum applicants can either fail or pass, depending on what the asylum official accepts as the appropriate 'amount' of details. In the end, no matter how you twist or turn it – the absence of details or the giving of too many details – both can question the credibility and truthfulness of an applicant's claim. In sum, it is very important to give a lot of details during the knowledge questions, so the asylum officials believe that the applicant is telling the truth about their identity. However, when it comes to the motivation of the claim, my interview partners told me to rather talk shortcut, not to give too many details, and to avoid certain topics because the

asylum officials can ask further questions and can entrap the applicant in contradictions. This indicates that the applicants are still the editors of their narrative during the hearing; but what actually is written down in the protocol and used in the decision, however, is out of the applicants' hands – this is when the authorship and editor-rights shift over to the asylum official.

5.5 The 'hunt' for documents

Documents are often needed as corroboration and 'objective proof' in the asylum hearing to verify the applicant's identity and story. However, applicants are not always able to verify their statements with documentary proof. The UNHCR, therefore, states that the requirement to provide evidence should not be too strictly applied (2011, Article 197). Documents, nonetheless, are given great importance in verifying the applicant's claim. The applicant in case 3 could not provide such documents:

> Question: Are you in the possession of any personal documents, for example, a passport, a provisional passport or an ID or any other documents or certificates, which can prove your Eritrean origin or which prove the imminent personal threat you are exposed to there. Please list the documents here.
> Answer: I did not have any documents in Eritrea. There were no border controls, I did not need any documents. [PR] [xlii]

The applicant does not possess identity documents and consequently feels the need to justify why she does not possess any. What seems to be, from a Western point of view, straightforward question, as the possession of identification documents is obligatory, for example, in Europe, as each citizen is required to identify themselves, is not seen so from the asylum applicant's point of view.

In cases in which no documents are provided, as was the situation in case 1 (see below), can be held against the applicant to reject their claim. The applicant in case 1 was asked twice for supporting documents during the hearing: The first time he was asked for documents to confirm his filed complaint at the police; the second time he was asked for documents of a police interrogation during the time he was hospitalized:

> Question: Do you still have the documents when you were filing a complaint?
> Answer: I did not get any documents. [PR]

> Question: Do you have any documents of the police interrogation at the hospital?
> Answer: They never gave me any documents. [PR] [xliii]

The asylum official's taken for granted assumption that the applicant received documents for filing a complaint becomes clear, when the official asks if the applicant 'still' has the documents. However, the applicant never received any documents in the first place. Asking him a second time about documents points out the asylum official's emphasis on documents as evidence. The asylum official heavily depends on evidence as 'scientific proof' in the form of documents to evaluate the credibility of the applicant's claim (Bohmer & Shuman, 2018: 57). The fact that the applicant could not provide

any documents for supporting his claim is included in the short summary part of the applicant's narrative in the decision:

> […]. After this he went to the police station in XXX. He did not receive any documents for his filed complaint. […]

> […]. He woke up in the hospital. The police have interrogated him, but he did not get any documents. […]. [D] [xliv]

On top of that, the lack of documents is even used in the decision to argue for the lack of credibility of his claim:

> Another sign that his presentation is not credible is that he is in no possession of any documents of his filed complaint at the police, although he at least went there twice. [D] [xlv]

The doubting of the applicant's claim because of the lack of evidence indicates that documents are seen as a sound proof to verify that events really took place. They are regarded as a neutral and objective representation of accounts, events, identities, and therewith, are often given greater credibility and trustworthiness over the applicant's account (Bohmer & Shuman, 2018: 56). However, the universal western assumption that documents are produced, used or are equally accessible to everyone and everywhere cannot and should not be assumed, especially in a transidiomatic environment – this, the applicant in case 2 tries to explain to the asylum official, when being asked how he, then, will be able to verify his account:

> Question: You told me, that you have been at the police. Do you have a written protocol or any evidence that you have been at the police?
> Answer: No, I did not receive any documents. It is like this, that the Taliban have many allies within the police.
> Question: Please explain to me, how you will prove your account?
> Answer: In XXX it's like this, that I don't get a protocol from the police. [PR] [xlvi]

The growing demand for documents contributed to a rise in the production of fake documents (Bohmer & Shuman, 2018: 39), which has consequences on the reliability of the documents themselves, because they cannot be trusted anymore, and therewith, the validity of them is doubted as well. The dominant view, that documents stand as sound proof is slowly challenged with the rise of forged documents and consequently, providing documents can raise suspicion, too. Hence, not only the absence of documents can impede an applicant's credibility, but also the providing thereof can question it (ibid., 2018: 51). Now, we are back facing the same conundrum regarding the details mentioned above: providing too little or too less, both can be held against the asylum applicant. Nonetheless, the importance of documents and the assumption that they are equally accessible to everyone and that they have the same significance as in western countries prevails in the hearing and needs to be abandoned, especially in transidiomatic environments such as the asylum hearing presents.

5.6 Personal reasons of flight: is the fear well-founded enough?

The UNHCR Handbook states that an "applicant for refugee status must normally show good reasons why he individually fears persecution" (2011, Article 45). The need to prove personal reasons and individual fear in the asylum hearing, therefore, becomes essential (Bohmer & Shuman, 2008: 190). However, the definition of fear always bears a subjective and an objective element within: fear is "a state of mind and a subjective condition" (UNHCR Handbook, 2011, Article 38), which has to be accompanied and supported by an objective situation. The applicants need to frame their personal fear of persecution in a broader context of the situation of their country of origin (Bohmer & Shuman, 2008: 190). This means that the applicant's personal statements must be looked at in the broader context of "the relevant background situation", which requires a good knowledge of the situation of the country of origin (UNHCR Handbook, Article 42).

Although the applicants are being asked about their 'personal' reasons in the German asylum hearing (as outlined in section *5.2.3 Four types of questions (Control questions)*, which are aimed at the 'personal'), the officials are not interested in emotions, but in objective facts, like details, place names and times. As Bruno explained during our interview, he would have liked to be asked about his feelings and emotions because this was the main reason why he left his home country in the first place. Therefore, I would like to quote a rather lengthy part of our conversation:

> Bruno: […] eh, the game is like this, ehm, the one who make interview and you are the one who, ehm, (,) who, eh, apply for, eh, asyl. So, I just ask you questions and you have to answer them, eh (,) objectively, that they didn't ask me about my feelings, about, eh, what further things I've gone through, it was about places, how long days I stayed there and like, objective things, like places, times, eh, names of place and things like that.
> Andrea: Would you like to have been asked about feelings and, yeah, your personal emotions?
> Bruno: Yeah. That was which make me eh leave my homeland. (P)
> Andrea: And do you think you didn't have the chance to tell this in this interview. Like, they didn't give you space, or, like, they didn't, because they didn't ask you that?
> Bruno: Ja, they (P) ehm (,) it's it's (,) ja, ehm, I don't remember that (,) that they asked me how I experienced those things. They just asked about what happened (P). Yeah, it's (,) I mean (,) yeah, ob(-) objective things like, okay, you have been in jail in, eh, how many days. Okay, and you say that you have sent to another jail. Okay, why? They didn't ask about, eh, if they ask (P) they asked me, like, about (,) [laughing], it was silly that the shape of the jail (,) [hmh], like what matters, I mean (,) ja. It's just, it's just a place (P).

Bruno exclaimed that the officials just asked him what happened and inquired about objective things, like places and times. No emphasize was put on his feelings or the trauma he possibly has suffered during his flight. The part which is made relevant is the 'well-foundedness' of the fear of persecution, the only emotion which is relevant in the hearing, but not the fear itself. There is no recognition to the emotional criteria of the term. Inquiring only about events in order to clarify them, the asylum official's position of power and authority is strengthened on the expense of the applicant, who is treated in a very objective way – like Bruno has experienced.

Providing personal fear can be very complicated. Even though an applicant may explicitly have stated that they are afraid, it might not be mentioned in the decision, since it does not relate to the fear of persecution. Even if it does relate to the fear of persecution, as was the situation in case 1, it has to be well-founded enough. The applicant in case 1 was approached and kidnapped by a group of the Taliban. After the kidnapping, the applicant states:

> They left me there and drove off. After this I hitchhiked home. I was scared. I went to the police with my mother. [PR] [xlvii]

The decision outlines the following:

> He was left on the way and hitchhiked home. After this he went to the police station in XXX. He did not receive any documents for his filed complaint. [D] [xlviii]

The applicant's stated fear in the protocol is not mentioned in the decision and left out because it is not seen as relevant and well-founded enough to be included. This shows how the applicant is stripped off his emotions during the process of transferring the narrative from the protocol into the decision document; what is left is an 'objective' and 'cleaned-up' narrative.

A person also can be surrounded by violence, but if the violence is not directed at the person, it is not considered persecution. The applicant in case 2 was approached by the Taliban, however, he personally did not experience any physical violence and the Taliban did not harm him. The decision reads:

> <u>Personal</u> infringements on the applicant, moreover, did not take place.
> […]
> Moreover, he asserted a general security risk situation because of the violent encounters between the Taliban, the IS and other groups. He did not state further details or <u>personal</u> infringements. [D]. [xlix]

Because the applicant did not put forward any personal circumstances, but only presented a general attributable fear, it is outlined that there is no persecution, which would individually increase the risks for life and death. The decision specifies that an impending forced recruitment of the Taliban might be a possible, but not an "extreme acute" [l] dangerous situation:

> Therefore, it cannot be expected that the applicant runs the risk to be exposed to an <u>individual</u> threat to life and integrity if he, upon return, just resides in these areas.

> Thus, the applicant does not face any significant <u>individual</u> dangers of arbitrary violence when returning to Afghanistan. [D] [li]

As there are no individual threats to life and limb for the applicant, the applicant can be deported back to his home country. Moreover, for the fear to be well-founded enough, the applicant also has to show that no part of his home country would be safe to return. If it is safe to return to one part, the applicant will not be granted asylum. Thus, the applicant has in general no reason for his (subjective) fear because (objectively) he has nothing to fear upon return in his home country. The decision states:

> It can be assumed that a national armed conflict exists in Afghanistan or at least cannot be ruled out and the applicant as a civilian has not actively participated in it. However, upon return to Afghanistan, based on the local situation, he will not face significant individual risks due to the arbitrary violence. [D] [lii]

> The individual reasons given by the applicant are not applicable to motivate a prohibition of removal. The circumstances the applicant has invoked do not go beyond the extent of what all residence living in comparable situations have to accept. [D] [liii]

Moreover, it is written in the decision that the applicant is of legal age, health and able to work, he can, even without significant wealth, a completed education or family support, be able to earn a small income through occasional work by which he can reach at least the minimum income needed to exists.[liv] In a nutshell, his personal well-founded fear was not well-founded enough to be granted any of the four forms of protection – it has to be personal and also individual enough to be seen as well-founded, but at the same time needs to be looked at from a broader context in the country of origin. As so many other things, this is subject to diverse interpretations. Even if the applicant would have experienced some personal violence, as is seen in case 1 (he was beaten unconscious by the Taliban and woke up in the hospital), this is not 'enough' to prove the well-founded-ness of his fear. Although there is no personal threat, the danger of being harmed or killed exists, as Sarah told me in our interview:

> And what they, when they asked me, do you have, like, a personal threat, there is no personal threat, but you could have died anytime […].

The UNHCR Handbook, furthermore, states that the well-founded fear does not have to be necessarily based on the "applicant's own personal experience" (2011: Article 43); it might be 'well-founded' enough, if what has happened to the applicant's friends and relatives or other members of the same racial or social group may show that the applicant, sooner or later, also will become a victim of persecution. The applicant in case 4 fled her home country because the IS had invaded her village and many residents left the village because of that. There was no personal experience; however, she states that, as a Yezidi, and as a woman, she was especially at risk. She expressed the fear that she will become a victim of persecution. Nonetheless, it is concluded in the decision:

> The applicant did not present any concrete personal reasons for persecution. [D] [lv]

Her well-founded fear was not personally and individually well-founded enough to be granted asylum. Bohmer and Shuman assert: "It is not enough to claim that one feels persecuted simply because of the amount of violence in the country would likely affect the individual" (2004: 399), but there needs to be even a 'greater' well-founded-ness. Is the emphasis, thus, on the emotion of fear, the well-foundedness of it, or the individual and personal reasons? And who has the power to decide if the individual fear and the personal reasons are well-founded enough? This, again, indicates the 'subjective' objectivity of the asylum officials' decision practices and the liquidity thereof.

5.7 Assembling and filtering narratives

Institutional settings and interactional circumstances can specify who can talk or who should talk, and what kind of story should be told (Gubrium & Holstein, 1998: 179). This is especially the case in the asylum hearing, where the asylum official 'guides' the talk, as the hearing has to follow certain legal requirements. Therefore, the question of ownership of a story is a fuzzy concept, since storytelling is always a collaboration between listeners and tellers. In the decision, however, the narratives of the applicants are remoulded, remodelled and re-narrated by assembling their story and by leaving certain details out. Whereas in the protocol, the authorship of the narrative was rather blurry, it seems to almost have shifted over to the asylum official in the decision as it is the asylum official who constructs and represents the refugee. The applicant's voice slowly diminishes in size and importance (Barsky, 1994: 231) and vanishes into the background.

Assembling narratives

In the table below, it can be seen how assembled, and therewith 'constructed', the narrative of the asylum applicant is. Bits and pieces are taken from the questions and the narrative in the protocol and are 'assembled' to put together the narrative in the decision. What we get is, then, a chronological and coherent account of the narrative, told by the asylum official:

Protocol		Decision
Questions	Motivation of the claim	
Question: Please explain to me in more detail, who has stopped you and in what way the conversations took place. Answer: The group was called XXX and they have been from the Taliban. They have been very friendly, and they asked me to follow them. They wanted me to like them. They promised to give me everything I need, a car, weapons or money. I myself was not able to join them, I could never kill people. Question: What was your answer? Answer: I did not give them a concrete answer, I only said, that it is right what they say. They told me, I should think about it.	One day on my way back, three people stopped me. They brought me to a different location to talk to me. They wanted, that I join their group. They assured me safety and everything I need.	One day he was stopped by three people. They have been from the group XXX. They have been very friendly. They have asked him to join them. They have promised him a car, weapons and money. He should think about this[lvi].

This example shows how assembled the applicant's narrative is and that some parts, for example that the people from the Taliban took him to a different location, that they assured him safety and everything he needed and that he never could kill people, are omitted in the decision. The authorship of the narrative has shifted to the asylum official, who not only became the author but also the sole editor of the decontextualized and recontextualized narrative in the decision.

Filtering narratives

The table below shows, how details are left out in the narrative and important points are summed up in the decision. The applicant has talked in some detail about his experience being kidnapped in the protocol:[16]

Protocol	Decision
1) I worked for 40 more days. 2) One day I walked home and I saw, that a car with four people is parked in our street. It followed me and stopped next two me. 3) The two people in the back got out. 4) He told me that I am not allowed to tell anyone. 5) He opened his jacket, so that I could see a pistol in the inside of his jacket. 6) I thought about running away. 7) They then told me, that they will kill me, if I try to escape. 8) I had to get into the car. 9) This was before sundown. 10) I was sitting in the middle. 11) Both pressed my head down. 12) I didn't see the street. 13) We drove for about 30 to 40 minutes. 14) They did not tell me anything.	1) – 14) About 40 days later, he was kidnapped.
15) They only beat me. 16) I got a nose- and head injury. I bled. 17) Then, I lost consciousness. 18) I still could hear, that someone asked: "Shall we kill him?", and the other answered: "He's already dead".	15) – 18) He was beaten unconscious.
19) I have been unconscious for three days.	19) He was unconscious for three to four days.
20) I woke up and noticed, that I am in a hospital.	20) He woke up in a hospital. [lvii]

What the applicant has explained in a lengthy narrative of his experience of being kidnapped, badly treated, beaten unconscious and left on the street in the thought to be dead (1-18) is all summed up in the decision in three sentences. It is not even mentioned that he suffered some bad injuries.

Another example of the filtered-ness of narrative in the decision can be pointed out in case 4; the applicant told the asylum official that she left her home country because she was afraid for herself and her children of being kidnapped by the IS, but also because as a woman, she was in danger of being abused. Her 'self' as a mother is included in the decision, however the gender-factor is not:

Protocol	Decision
I feared for myself and my children, especially to be captured.	She feared for herself and for her children to be captured.
Because we are Yezidi, we are especially endangered.	As Yezidi, they are especially endangered.
The IS people kidnapped and abused women.	--
People got killed.	-- [lviii]

---

[16] In order to show better which parts have been omitted in the decision, I have numbered the applicants' transcribed narrative.

Although her fear for herself and her children is mentioned, the fear of being kidnapped as a woman is left out. Furthermore, the decision states:

> Also, that the applicant is a widow, that she could not take care of her children in her home country Iraq out of financial problems and that she wants to bring them to Germany is from a humanely perspective understandable, however, in the light of the refugee law, not relevant. [D] [lix]

This statement shows, that the information she gave, and the 'selves' she presented, as a mother, a widow and a woman and her financial problems, are irrelevant in the asylum hearing and in the light of the refugee law. To sum up, all that is left of the former narratives stated in the hearing written in the protocol and transposed into the decision are a few, by the translator and the asylum official filtered, and by the asylum official assembled and reduced sentences, which are only relevant in the light of the refugee law. This highlights that not any kind of 'self' is appropriate to construct in the hearing and is included in the documents. Thus, the whole purpose of the hearing is to construct the appropriate 'refugee' according to the law.

5.8 Narrative acts of self-making or making 'the refugee'?

In the course of the hearing, the asylum applicants "act of self-making" turns into a narrative act of "making the refugee": the applicants could have, or may have tried to "constructed a number of other selves: a 'family man self', a 'potentially valuable citizen self', 'a leader self', 'a devoted employee self', 'a moral self', and so forth" (Barsky, 1994: 119). But if the applicant would have constructed an 'Other' self than the 'refugee-self' in the hearing, it would not be appropriate for the circumstances (ibid., 1994: 119) and is discarded as irrelevant (as seen above in *5.2 Assembling and filtering*). Hence, narrative acts of self-making turn into narrative acts of making the 'other', which is 'the refugee'. In this respect, "the claimant must adequately assess the situation in order to focus upon those aspects of his long and complex life which are most likely" to grant the applicant asylum in the respective country (ibid., 1994: 119). The applicant becomes a 'refugee-Other' (Barsky, 1994), because they select and choose certain information to present to the asylum official (Zambelli, 16). This is the point where the applicant's authoring of the story turns into "othering" (Barsky, 1994: 174) as they try to 'produce' a 'refugee-self'. Hence, the word 'production' seems to be the right one here because it symbolises the "process of origination, creation, generation and construction" (Barsky, 1994: 4) of the 'refugee-Other' during the asylum hearing. This constructed 'refugee-Other' bears little resemblance to the actual lived experiences of the applicants, "but rather fits into too easily accepted bureaucratic procedure that requires a façade of self-justification rather than veritable representation. (Barsky, 1994:4). The 'act of making the refugee-Other' is influenced by what the asylum applicant thinks the asylum official wants to hear in order to be granted asylum and is also guided by the legal parameters of what kind of story should be told and how it should be told.

Although narratives are a work of collaboration, in the end, it is the asylum official who leads and drives the narrative construction of the applicant's accounts in the institutionally informed situation. The question arises if the applicant is actually given a chance to give an account of themselves? And who is the owner of the asylum applicant's account? This is already in itself a difficult question, since narratives are always co-productions. Moreover, the account of the applicant gets further distorted by the transformation from speech to a written text – it is here, the authorship and the editor-rights of the narrative shift over to the asylum official – it is them, who represent and interpret the narrative in the final documents, and therewith, have the power to 'create' or 'not create' the refugee-Other.

5.9 Concluding remarks

It is not a question if the asylum applicants can speak or not speak during the hearing – as we have seen above, they definitely can speak; the question should be rephrased if they can be heard by the asylum official's ear. This includes not only to examine who has the power to speak for whom and about whom, who is in the dominant position to represent whom and especially *how*, but one also needs to take into consideration the contexts in which knowledge about people is produced. Every statement the asylum applicant makes or does not make can be used against them – telling too many details or too little; providing too many documents or too little; criminalizing and illegalizing them by crossing a state-border without entry documents and therefore claiming that they have breached a law; not having relevant personal reasons (or being seen and acknowledged as personal reasons); and to be judged as not credible – everything depends upon the applicant telling the 'right' story which fits into the legal framework and the asylum officials' final judgement thereof. However, we cannot know what the 'right' story is. This shows the liquidity of telling stories. Even if the applicant is able to tell the 'appropriate' narrative, it is entextualized, decontextualized and recontextualized, filtered and assembled during the process of assessing and analysing it. What is left in the end might only be a pale and faded account of the applicant's created selves, who is "diminished to the point of near non-existence" (Barsky, 1994: 3) because the 'means' of producing and constructing the genuine asylum seeker, created by the applicant as well as by the asylum official, "act to diminish rather than complete the claimant" (Barsky, 1994: 4).

6. Concluding Discussion

> *"If we really wish to contribute to lessening the suffering of persons, we must work in the short term to save the lives of individuals; but in the long term, we must work towards the elimination of those systemic abhorrences which created refugees in the first place."*
> – Barsky (1994: 246)

I want to start this concluding discussion by reminding the reader of Kafka's parable 'Before the law'; it is about a man from the country who asks for permission to enter the law. For this purpose, let me cite the beginning sentences:

> Before the law sits a gatekeeper. To this gatekeeper comes a man from the country who asks to gain entry into the law. But the gatekeeper says that he cannot grant him entry at the moment. The man thinks about it and then asks if he will be allowed to come in later on. "It is possible," says the gatekeeper, "but not now." At the moment the gate to the law stands open, as always, and the gatekeeper walks to the side, so the man bends over in order to see through the gate into the inside. When the gatekeeper notices that, he laughs and says: "If it tempts you so much, try it in spite of my prohibition. But take note: I am powerful. And I am only the most lowly gatekeeper. But from room to room stand gatekeepers, each more powerful than the other. I can't endure even one glimpse of the third." (Kafka 'Before the Law')

The man from the country sits and waits for years at the gate without success to gain entry. Shortly before his death, he asks the gatekeeper why no one has come to request entry apart from him, although everyone strives after the law. The final words of the gatekeeper are:

> "Here no one else can gain entry, since this entrance was assigned only to you. I'm going now to close it." (Kafka 'Before the Law')

In his parable, Kafka illustrates the mysterious and obscure ways of the law. Although the gatekeeper did not grant the man permission, he could have tried to pass, as the gate of the law is always open. Herein lies the dilemma in Kafka's parable: How can we open the gate if it is already open? – for, we can only enter if we can open it. However, the "already-open immobilizes" (Cacciari, 1985: 69, qtd. in Agamben, 1999: 172) and the man from the country is left to wait for the gate keepers' permission to grant him entry, which is 'not now' given to him, but possibly in the future. The gate keeper holds the invisible power and control to grant or deny entry; in this very act, the gate keeper is performing the law by classifying and categorizing the people who wish to enter (Van Houtum, 2010: 287). Until his death, the man from the country does not know what he needs to do in order to pass and perpetually waits for his permission of entry. Kafka's parable is an example how "omnipresent, mysterious, and complex" (Brackett, 2015: 1111) and liquid the law is in our world.

The parable 'Before the Law' can be applied to the asylum hearing: the hearing itself represents a gate, a border-site within a nation-state; the law is open to everyone, as is declared in the Universal Declaration of Human Rights: "everyone has the right to seek and to enjoy in other countries asylum from persecution"; as stated in the Basic Law for the Federal Republic of Germany in Article 16a: "everyone who is being persecuted on political grounds shall have the right to asylum"

(Article 16a [Right of Asylum], paragraph (1); and as specified in the German Asylum Act which outlines who is allowed to seek refuge by fitting into one of the categories defined in the 1951 Geneva Convention of 'well-founded fear of being persecuted', 'race', 'religion', 'nationality', 'membership of a particular social group', 'nationality', 'political opinion' and 'being outside of the country of nationality'; the law is open to everyone – as long as the ones who seek entry fit certain categories. The asylum officials represent the gatekeeper, holding the power in their hands to grant or deny access; the asylum applicants embody the man from the country asking for permission to enter.

In order to gain entry, the asylum applicants have to construct an appropriate narrative, a narrative which meets the asylum officials' expectations and which fits into the legal framework and conventions of the law. Upon this, the asylum applicant tries to produce the 'genuine refugee' accordingly. As Butler outlines, in the very act asking for recognition, we are not asking for someone to see us "as we are", but we are asking for someone to see us as we think someone would like to see us. In this very moment, "we have already become something new" (Butler, 2006: 44). In other words, the asylum applicant asks for the asylum official's recognition to be seen as a 'genuine refugee', but not as being seen who the asylum applicant 'is'. It is this "position of recognition" (Anderson et al, 2014: 8), which the asylum applicant does not have and which they hope to obtain during the hearing by passing the test and gaining entry into the law. The struggle for recognition in the asylum hearing is influenced by the power relations between the applicant and the official; the site of the asylum hearing offers, in this sense, no grounds for a match between equal partners: it is asylum officials, who control the situation and are able to steer the narrative. In the very act of asking for recognition, the 'asylum applicant' is born. The system compels the applicant to try to create an Other, the 'refugee-Other', so that they might fit into one of the categories, and are, therewith, allowed to enter

However, there is a gate assigned for everyone, and therewith, no asylum applicant can know what will take them through their gate in order to be granted asylum or will make them wait perpetually for the permission to enter, like the man from the country – and herein lies the "true Kafkaesque rigidity" (Jacquemet, 2009: 540) the whole asylum procedure represents. Even if the applicant is able to tell an appropriate story, one has to bear in mind that narratives are liquid: they are situated performances, constructed and shaped in the interaction of teller and listener, asylum applicant and asylum official. It is during this interaction where the refugee is constructed – how successful the applicant is in producing a genuine refugee depends highly on the asylum official. In the end, the power lies in the hands of the asylum officials. The laws, made up by a nation-state which are 'designed' to control and filter the influx of people, serve as the justifying principles; the definitions outlined in the laws act as tools to include or exclude the people "who are otherwise in need of protection, especially those facing generalized violence or economic and social harm" (Zagor,

n. d: 17). This shows that not only narratives are truly liquid but also the laws themselves are liquid and are rather arbitrarily applied in the decision – they serve as the *liquid fixity* on which the decisions are based and can be twisted and turned in order to fit a positive or negative outcome – what is seen as persecution or the well-foundedness of fear in the eyes of someone might not be so in the eyes of someone else. This shows how relative the invention of the law is, just as "how relative the invention of reality is" (Mignolo, 1995:15).

In the end 'the refugee' is not only a construct created during the narrative process in interaction between asylum applicant and asylum official in an environment informed by unequal power relations and laws who guide and steer the construction of its production; 'the refugee' is also constructed during the process of entextualization, decontextualization and recontextualization of the stories, narrowed down to 'relevant' details, filtered and assembled through the eyes and ears of the translator and the asylum official, who represents them in the protocol and the decision documents – none of this takes into account the interactive co-production of stories between asylum applicant and asylum official, neither the context in which the stories have been told. At last, the decision has whittled "down the claimant as Other to a small series of contradictions which justify a negative decision" (Barsky, 1994: 231), because in the end, it is not so much what has been said, which counts, but it is rather what is rendered from the saying. At last, it is the asylum officials, who represent the law, who hold the power and do the classifying; they are the key actors in the border world of the asylum hearing; they are the ones who can 'dis-qualify' applicants who do not fit neatly into categories set out by law; they are the ones who represent the law and decide what is real or not within this space; they are the ones who 'test' the asylum applicants; and they are the ones, who, in the end, compose the successful/failed/genuine/bogus refugee, because what ends up in written form of the asylum applicant's story is not more than a faint resemblance of the words the applicants used when spoken, their representation out of the applicants' control.

The asylum hearing represents a border-site, where the 'genuine' or 'failed' refugee is constructed, produced and reproduced; a space, where multiple knowledges meet; a space, where a monotopic hermeneutics is not enough anymore to apprehend; a space, where some people have the power to exercise power over other; a space, in which it is of crucial importance to listen to and recognise each other in their difference without judging 'other' knowledges as inferior or not true. Such a space needs to be decentred and should rather be seen as spaces where colonial differences meet, where these differences are acknowledged and the western blindness regarding a universal western epistemology is shed light upon, and subalternizations of knowledge are recognized. It is only in this acceptance, which can protect from the western arrogance of the universality of our thoughts (Dhawan & do Mar Castro Varela, 2015: 217). But this requires the willingness to accept unexpected answers – answers, which might go beyond our knowledge and which might not fit neatly

into the asylum hearing – and the readiness to leave suspicion and disbelief behind for a moment – especially when it comes to the narratives told in the asylum hearing. If countries cannot 'accommodate' or provide a safe haven for asylum seekers, the least they could do is to establish a system, which would start with the recognition of the diversity and individuality of asylum applicants and their experiences.

My approach may only tilt at windmills by giving a small peak into the problematics of the status determination process, which is largely based on the entextualized file of the protocol, that reduces the applicants to a document stripped of almost all emotions, feelings and important details (except form the "well-foundedness of fear"). Even if I could have been present during the hearing, the 'voice' of the asylum applicant is filtered through the translators' and asylum officials' ears, through the levels of *life as lived*, *life as experienced*, *life as told*, and *life as translated* and the level of contexts. I am aware that there are limitations to my approach that should be considered; they are mostly related to choices I made owing to the limited scope of the present thesis. For a more comprehensive investigation of the asylum hearing, it would have been valuable to consider the applicant's country of origin, as cases are handled differently according to countries. Also focusing on age could be an interesting area of further examination. The difference between how families and single persons are treated in the asylum hearing might also be a possible field of further research, as I have found amongst my interview partners rather positive experiences when families were applying for asylum than compared to single persons. Another topic which arose in the interviews I have conducted was trusting the translator, which, due to the limited scope of the thesis, I could not include here. Furthermore, the long waiting periods came up quite often in my interviews. Annano, who has been waiting for a decision for two and a half years, told me:

> "During two and a half years, people can see whole world and can make one, a few few buildings, a big big building, structure working on very big big eh places".

He was kept waiting, caught in the limbo of the system and subjected to the law, like Kafka's man from the country was, in the perpetual possibility that he might gain entry, but not just yet. Although Annano may never get 'access' to the law, his life is infused and regulated by it nevertheless (Martel, 2011: 159). Moreover, the education of the asylum officials should be considered as well as their knowledge about laws and the countries of origin of the applicants is crucial in order to be able to come to a decision. The process of adiaphorization, which is the "moral distancing of organizational members from their decision and acts (Kociatkiewicz & Kostera, 2014: 9), would be an interesting concept to look at within the asylum hearing and in how far asylum officials' decisions are exempted from moral judgements, based on the law, and therewith, cannot be hold responsible for their decisions. Certainly, there are many more areas, which can be focused on and need further research. And so we will continue tilting at windmills.

7. 'No one wants to become an asylum seeker'

The last chapter of the thesis is dedicated to my interview partners, in gratitude of sharing their experiences with me, to give space for their experiences to be expressed.

The current environment of disbelief (Jubany, 2017) and of suspicion (Bohmer & Shuman, 2018), closed-door policies and fortress Europe certainly play an important part in the overall perception, assessment, and the decision-making process of asylum applications. However, asylum seekers who encounter closed doors and walls are still human beings, with feelings and emotions, with legitimate and genuine motives to leave their homes behind, and who have gone through terrible and often unimaginably things in order to reach safety. Moreover, many of them would have never gone through such a strenuous journey in order to reach safety if it wasn't for serious reasons. "No one wants to become an asylum seeker", Annano told me. He is still stuck in the limbo of the asylum procedure and has gone through six hearings already but has not received a decision since almost two years. Even though he is in Sweden now, he still is in a difficult situation:

> Like, during asylum seeker, in this situation, my experience is very very difficult life, like, for other, the people are saying, the people are thinking, eh for example, the people are thinking European people some who call, some whose name is racist, like, they are thinking eh, they are coming to Europe for to get eh new life and for social, to eat food or for to get free home or this. No, it's not depend on this, because everyone has their own home, own money in their country [ja] and the problem is that they're getting problem there. Like, eh, they don't under(-), they don't eh co(-) they don't feel comfortable, like eh, the feeling, if the someone life is in dangerous, so no one, eh, nobody want to come to eh to become asylum seeker [ja]. So like you, you are from eh Germany [mhmh] like you, you are in Sweden, you came for study [ja]. But when your study will complete you will go back to your country. Like me, I, I came from XXX, for example, if I, tomorrow, I understand, I, my life is save, and it's no dangerous, I swear I will go tomorrow back to my country. Because eh no one want to become asylum seeker, so [mh] like, my country, so I had also (,) I didn't had a problem of money, or I didn't have a problem of eh home, but the problem was that I don't feel my life is save. So, that's why I'm coming. So, my experience is this, so don't ignore the asylum seeker.

He draws a picture of being perceived as an 'economic' migrant, who did not leave his home country for good and valid reasons, but just having been "attracted to the 'Honey Pot' of other countries (Cohen, 2002: xxii). Annano left his home country, because he felt his life to be in danger, otherwise, he emphasized, he never would have left – it was not out of economic reasons, he told me. For him, it did not really matter, where he wanted to go, he just wanted to save his life:

> Ja, whatever, it doesn't matter, in Sweden, or, just I want to save my life. So it doesn't matter if it is here or there or there, but right now I am here, so I saved my life, […]

Adam was also only looking for a 'good plats' for his family:

> Nej, eh, do you understand, if it's war in your country and it's a very bad situation, you just looking about eh good plats eller good place (P).

Applying for asylum is not easy and the hearing, for most, it is a terrifying and uncomfortable experience. Hassan told me that the hearing was not a comfortable situation for him, especially because it was not clear what would happen in the future:

> First time, I feel not comfortable and I, cause I afraid, you know, it is something, eh, not clear for me. There are fog, you know [mhmh], what will happen, what's happened, what they, what they can do with us. I don't, I don't know.

Samuel was afraid, that if he would forget important details in the interview, he would need to flee to another city:

> It was very important that eh interview. For, I eh waited seven months. So, I was afraid, I don't want to eh (,) forintegoten [forget?] and I was afraid, if I miss this eh for I should to ehm flee till another eh stad another city. So it was very important and I was very afraid and nervous.

For Bruno, the hearing was a terrifying experience:

> I find it, it's terrifying to decide in one hour, if someone's gonna, stay here or not or if he is (,). I don't know. I (,) I hope that they inve(-) invent, eh, I don't know, that they had a way to change the, I don't know, more. (P). I don't know, like it's, it is not only enough just to (,) to judge someone in (,) only one hour or two hours, I don't know. It's, it's hard, it's hard, a positive decide, like, when I think eh of myself and many eh many XXX friends that, okay, good, it was just one hour and take the resident (,) but I don't know. I don't <u>think</u> that it is enough. (P).

After the interview, he became depressed and sat at home for two days without speaking to anyone and blaming himself that he made some mistakes answering the questions in the asylum hearing:

> So, I, after the interview, I became frustrated, like, ja. And I was a little bit sick so I remember that I, (,) I sat, I ehm, (-) I sat at home when I go two days without speaking with anyone, just thinking and what I say and saying myself what idiot, eh, like eh, (,) ja it is (,) they (,) ja (,) eh, they was not the worst two days in my life but (laughing a bit) ja, they was of that the (,) the worst experience so far (,) that I had.

Sarah felt like being a traitor to her country because she applied for asylum. On top of that, she felt like she could not talk to her friends about her experience, because she feared they would laugh at her. The whole process made her feel like she has lost a part of herself:

> […] but I was so much annoyed that I had to lie. And that was the only way. I couldn't get a job. And like, yeah, to apply for asylum is the best way. Eh, what is annoying about to apply for asylum is that, here, it's so much, it's normal, you can't talk to a person and express your feelings about applying to asylum, like yeah, I'm angry that I applied for asylum because they will laugh at you. If you want to talk about asylum with your friends in XXX, they will, you will feel, they, they will make you feel that you are, you have, you are a traitor in a way. So, there wasn't, there is no one to talk to, about the experience of of applying to asylum, because I felt really, like, I felt like, I lost something from, from myself. And like, you still like, yeah, was the lie worth it, to start a new life, but then, like, you proceed, like, yeah, you just want, you just want to, like, to move up/on, but you never forget it, the movement when applying for asylum.

I don't want to say that all experiences of the applicant's during the asylum hearing are bad; neither do I want to generalise the experiences of my interview partners, or of all asylum applicants – each and every one of them has experienced it differently. Sarah had a quite positive experience:

> Like, for example, my experience with the system is quite positive, actually. It's not negative. But I think because (P) I used the system's narrative, I knew what they want.

Knowing 'how' the system works made her encounter with the system more positive. Adam also had a quite positive experience:

> Om du are interested about eh, the interview, I said it was very good [mh], really, it was very good. När I come, I was little afraid, men after ten minutes, it's, eh, very nice and I, eh, go out, go to Stockholm to train station it was, we was very happy and we know about att we come to have the (laughing) the decision, we can stay here in Sweden.

Unfortunately, not every "asylum hearing story" has a happy ending, especially for the ones who do not 'fit' into the system, which creates the failed refugee in the first place.

Epilogue

[…]
Or say that the end precedes the beginning,
And the end and the beginning were always there
Before the beginning and after the end.
And all is always now. Words strain,
Crack and sometimes break, under the burden,
Under the tension, slip, slide, perish,
Decay with imprecision, will not stay in place,
Will not stay still. […].
T. S. Eliot, 'Burnt Norton'

By traveling freely across cultures
those in search of the human essence
may find a space for all to sit...
Here a margin advances. Or a centre
retreats. Where East is not strictly east,
and West is not strictly west,
where identity is open onto plurality,
not a fort or a trench/
Mahmoud Darwish

Bibliography

Agamben, G. (1999). *Potentialities. Collected Essays in Philosophy*. Stanford California: Stanford University Press.

Alcoff, L. M. (1991). "The Problem of Speaking for Others". *Cultural Critique,* no. 20, pp. 5-32.

Anderson, J., Hollaus, J., Lindsay, A. & Williams, C. (2014). "The Culture of Disbelief. An Ethnographic Approach to Understanding an Under-Theorised concept in the UK Asylum System". *Refugee Studies Centre*, Oxford Department of International Development, University of Oxford, Working Paper Series No. 102.

Andrews, M., Squire, C. & Tamboukou, M. (2013 [2008]). "Introduction. What is narrative research?", in *Doing Narrative Research*, 2nd edition, M. Andrews, C. Squire & M. Tamboukou (eds.). N.p.: Sage Publications.

Anthony, L., De Kok, I. Dowling, N., Eppel, J. & van Jerusalem, J. (2003). *Poems by Ingrid de Kok, Nuala Dowling, Loren Anthony and Johannes van Jerusalem; short fiction by John Eppel*. Scrutiny2, vol. 8, no. 1, pp. 39-61.

Anzlinger, J. & Deleja-Hotko, V. (2018). "Bamf aus Sicht der Flüchtlinge. Behörde ohne Gesicht". *Sueddeutsche Zeitung*. Retrieved July 23, 2018, from https://www.sueddeutsche.de/politik/bamf-aus-sicht-der-fluechtlinge-behoerde-ohne-gesicht-1.4010645.

Bamberg, M. (2006). "Stories: Big or small. Why do we care?" *Narrative Inquiry*, vol. 16, no. 1, pp. 139-147.

Barrett, M. (2004). "Can the Subaltern Speak?". *History Workshop Journal,* New York, vol. 1, no. 1, pp. 359-359.

Barsky, R. F. (1994). *Constructing a Productive Other. Discourse theory and the convention refugee hearing*. N. p.: John Benjamins Publishing Company.

Bauer, M. W. & Jovchelovitch, S. (2000). "Narrative Interviewing", in *Qualitative Researching with text, image and sound. A practical handbook*, M. W. Bauer & G. Gaskell (eds.). Great Britain: Routledge.

Bauman, R. & Briggs, Ch. L. (1990). "Poetics and performance as critical perspective on language and social life". *Annual Review of Anthropology*, vol. 19, pp. 59-88.

Behrman, S. (2016). "Between Law and the Nation State: Novel Representations of the Refugee". *Refuge Journals*, vol. 32, no. 1, pp. 38-49.

Bierens de Haan, D., Bollini, P., Gariazzo, F., Loutan, L. & Pampallona, S. (1999). "Impact of trauma and torture on asylum-seekers". *European Journal of Public Health,* vol. 9, no 2, pp. 93-96.

Blommaert, J. (2001). "Investigating narrative inequality: African asylum seekers' stories in Belgium". *Discourse & Society*, vol. 12, no. 4, pp. 413-449.

Blommaert, J & Maryns, K. (2001). "Stylistic and thematic shifting as a narrative resource: Assessing asylum seekers' repertoires". *Multilingua*, vol. 21, no. 1, pp. 61-84.

Blommaert, J. (2006). "Applied Ethnopoetics". *Narrative Inquiry, v*ol. 16, no. 1, pp. 181-190.

Blommaert, J. (2009). "Language, Asylum, and the National Order". *Current Anthropology*, vol. 50, no. 4, pp. 415-441.

Bohmer, C. & Shuman, A. (2004). "Representing Trauma: Political Asylum Narrative". *Journal of American Folklore*, vol. 117, no. 466, pp. 394-414.

Bohmer, C. & Shuman, A. (2008). *Rejecting Refugees. Political Asylum in the 21st Century.* Great Britain: Routledge.

Bohmer, C. & Shuman, A. (2018). *Political Asylum Deception. The Culture of Suspicion.* N. p.: Palgrave MacMillan/Springer International Publishing.

Bowers, M., Chand, D. and Schreckhise, W. (2017). "The Dynamics of State and Local Contexts and Immigration Asylum Hearing Decisions". *Journal of Public Administration Research and Theory*, vol. 27, no. 1, pp. 182-196.

Briggs, Ch. L. (1993). "Metadiscursive Practices and Scholarly Authority in Folkloristics". *The journal of American Folklore,* vol. 106, no. 422, pp. 387-434.

Brinkmann, S., & Kvale, S. (2009). *Interviews – Learning the Craft of Qualitative Research Interviewing*. N.p.: Sage Publications.

Bruner, E. M. (1986). "Experience and its Expressions", in *The Anthropology of Experience*, V. W. Turner and E. M. Bruner (eds.). Chicago: University of Illinois Press.

Bruner, J. (2002). *Making Stories: Law, Literature, Life.* USA: Farrar, Straus and Giroux.

Bucholtz, M. (2000). "The politics of transcription". *Journal of Pragmatics*, vol. 32, pp. 1439-1465.

Bucholtz, M. & Park, J. S.-Y. (2009). "Introduction. Public transcripts: entextualization and linguistic representation in institutional contexts". *Text & Talk*, vol. 29, no. 5, pp. 485-505.

Butler, J. (2005). *Giving an Account of Oneself.* USA: Fordham University Press.

Butler. J. (2006 [2004]). *Precarious Life. The Powers of Mourning and Violence.* UK: Verso Books.

Chatterjee, P. (2010). "Reflections on 'Can the Subaltern Speak': Subaltern Studies After Spivak", in *Can The Subaltern Speak? Reflections On The History Of An Idea*, R. C. Morris (ed.). New York: Columbia University Press.

Cheney, D. (1993). "Valued Judgements?: A Reading of Immigration Cases". *Journal of Law and Society*, vol. 20, no. 1, pp. 23-38.

Cook, G. (1990). "Transcribing Infinity: Problems of Context Presentation". *Journal of Pragmatics*, vol. 14, pp. 1-24.

Cohen, S. (2002 [1972]). *Folk devils and moral panics: The creation of the Mods and Rockers,* 3rd edition. USA / Canada: Routledge.

Craib, I. (2004). "Narratives as bad faith," in *The use of narrative. Exploration in Sociology, Psychology, and Cultural Studies,* M. Andrews, S. Day Sclater, C. Squire & A. Treacher (eds.). USA: Transaction Publishers.

Crépeau, F., Houle, F., Foxen, P. & Rousseau, C. (2002). "The Complexity of Determining Refugeehood: A multidisciplinary Analysis of the Decision-making Process of the Canadian Immigration and Refugee Board". *Journal of Refugee Studies*, vol. 15, no. 1, pp. 43-70.

Dabashi, H. (2015). *Can Non-Europeans think?* London: Zed Books ltd.

Darwish, M. (2005). "Counterpoint: Homage to Edward Said". Available at:
http://www.mahmouddarwish.com/ui/english/ShowContent.aspx?ContentId=15

Das, V. & Poole, D. (2004). "State and Its Margins: Comparative Ethnographies" in *Anthropology in the Margins of the State*, V. Das & D. Poole, (eds.). New Delhi: Oxford University Press.

Denzin, N. K. (2004). "Foreword. Narrative's moment," in *The use of narrative. Exploration in Sociology, Psychology, and Cultural Studies,* M. Andrews, S. Day Sclater, C. Squire & A. Treacher (eds.). USA: Transaction Publishers.

Dhawan, N. & do Mar Castro Varela, M. (2015). *Postkoloniale Theorie. Eine kritische Einführung* (2nd edition). Bielefeld: transcript Verlag.

Dixon, C., Franzquiz, M. & Green, J. (1997). "The Myth of the Objective Transcript: Transcribing as a Situated Act". *TESOL Quarterly,* vol. 31, no. 1, pp. 172-176.

Doornbos, N. (2005). "On Being Heard in Asylum Cases – Evidentiary Assessment through Asylum interviews" in *Proof, Evidentiary Assessment and Credibility in Asylum Procedures*, G. Noll (edt.). Leiden : Nijhoff.

Doty, R. L. (1996). *Imperial Encounters. The Politics of Representation in North-South Relations.* USA: University of Minnesota Press.

Duranti, A. (2009). "Transcripts, Like Shadows on a Wall". *Mind, Culture and Activity*, vol. 13, no. 4. pp. 301-310.

Eastmond, M. (2007). "Stories as Lived Experience: Narratives in Forced Migration Research". *Journal of Refugee Studies,* vol. 20, no. 2, pp. 248-264.

Eliot, T. S. (n. d.). *Four Quartets. Burnt Norton.* Retrieved, August 18, 2018, from
http://www.coldbacon.com/poems/fq.html.

Elliott. J. (2005). *Using Narrative in Social Research. Qualitative and Quantitative Approaches.* Great Britain: Sage Publication.

Engbersen, G. (2001). "The unanticipated consequences of Panopticon Europe. Residence strategies of illegal immigrants", in *Controlling a new migration world*, V. Guiraudon and C. Joppke (eds.). London: Routledge.

Ewick, P. & Silbey, S. (2003). "Social Structure: Stories of Resistance to Legal Authority". *American Journal of Sociology,* vol. 108, no. 6, pp. 1328-1372.

FARR (2011). "Good Advice for Asylum Seekers in Sweden". Translated by Lööf, R. & Myritz, L. Retrieved 15 March, 2018 from

http://www.farr.se/files/GodaRad/GR_engelska_2011.pdf.

Federal Office for Migration and Refugees (2016). *The stages of the German asylum procedure. An overview of the individual procedural steps and the legal basis.* Nuremberg: Silber Druck oHG. Retrieved June 29, 2018, from

https://www.bamf.de/SharedDocs/Anlagen/EN/Publikationen/Broschueren/das-deutsche-asylverfahren.pdf?__blob=publicationFile.

Federal Office for Migration and Refugees (n. d.). "The personal interview". Retrieved July, 27, 2018, from:

http://www.bamf.de/EN/Fluechtlingsschutz/AblaufAsylv/PersoenlicheAnhoerung/persoenliche-anhoerung-node.html.

Gibson, S. (2013). "Testimony in a Culture of Disbelief: Asylum Hearings and the Impossibility of Bearing Witness." *Journal for Cultural Research*, vol. 17, no. 1, pp. 1-20.

Grosfoguel, R. (2007). "The Epistemic Decolonial Turn. Beyond political-economy paradigms." *Cultural Studies*, vol. 21, no. 2/3, pp. 211-223.

Grosfoguel, R. (2009). "A Decolonial Approach to Political-Economy: Transmodernity, Border Thinking and Global Coloniality". *Kult 6 – Special Issue: Epistemologies of Transformation: The Latin American Decolonial Option and its Ramifications,* pp. 10-38.

Grosfoguel, R. (2011). "Decolonizing Post-Colonial Studies and Paradigms of Political-Economy: Transmodernity, Decolonial Thinking, and Global Coloniality." *Transmodernity: Journal of Peripheral Cultural Production of the Luso-Hispanic World,* vol. 1, no. 1.

Gubrium, J. F. & Holstein, J. A. (1998). "Narrative Practice and the Coherence of Personal Stories". *The Sociological Quarterly*, vol. 39, no. 1, pp. 163-187.

Gubrium, J. F. & Holstein, J. A. (2009). *Analyzing Narrative Reality.* USA: SAGE Publications, Inc.

Handelsblatt (n.d.). *Seehofers Asyl-Masterplan enthält 63 Maßnahmen.* Available from:

https://www.handelsblatt.com/politik/deutschland/migrationspolitik-seehofers-asyl-masterplan-enthaelt-63-massnahmen/22667912.html?ticket=ST-3300654-oPVvuweb3E5CLjOdorOR-ap3.

Hare, A. P. & Blumberg, G. G. (1988). *Dramaturgical Analysis of Social Interaction.* USA: Praeger Publishers.

Haerder, M. (2017). "Flüchtlingsamt-Chefin Jutta Cordt 'Es gibt kein Ende'". *Wirtschaftswoche,* retrieved July 25, 2018, from

https://www.wiwo.de/politik/deutschland/fluechtlingsamt-chefin-jutta-cordt-es-gibt-kein-ende/19431034.html.

Herlihy, J., Jobson, L. & Turner, S. (2012). "Just Tell Us What Happened to You: Autobiographical Memory and Seeking Asylum." *Applied Cognitive Psychology*, vol. 26, no. 5, pp. 661-676.

Herlihy, J. & Turner, S. (2007). "Memory and seeking asylum". *European Journal of Psychotherapy & Counselling*, vol. 9, no 3, pp. 267-276.

Hyvärinen, M. (2008). "Analyzing Narratives and Story-Telling," in *The SAGE Handbook of Social Research Methods*. London, United Kingdom: SAGE Publications.

Jacquemet, M. (2005). "Transidiomatic practices: Language and power in the age of globalization." *Language & Communication*, vol. 25, pp. 257-277.

Jacquemet, M. (2009). "Transcribing Refugees: The Entextualization of Asylum Seekers' Hearings in a Transidiomatic Environment". *Text & Talk*, vol. 29, no. 5, pp. 525-546.

Jacquemet, M. (2014). "Transidioma and Asylum: Gumperz's Legacy in Intercultural Institutional Talk." *Journal of Linguistic Anthropology*, vol. 23, no. 3, pp. 199-212.

Jelpke, U. (2018). "Falschaussage zu Klagequote. Massenhaft fehlerhafte BAMF-Bescheide sind der eigentliche Skandal". *Migazin*. Retrieved July 20, 2018, from http://www.migazin.de/2018/05/24/falschaussage-klagequoten-massenhaft-bamf-bescheide/?utm_source=wysija&utm_medium=email&utm_campaign=MiGAZIN+Newsletter.

Jubany, O. (2011). "Constructing truths in a culture of disbelief. Understanding asylum screening from within". *International Sociology*, vol. 26, no. 1, pp. 74-94.

Jubany, O. (2017). *Screening Asylum in a Culture of Disbelief. Truths, Denials and Skeptical Borders.* Switzerland: Palgrave McMillan.

Kafka, F. (n.d. [1915]). 'Before the Law'. Franz Kafka online. Retrieved September 10, 2018 from http://www.kafka-online.info/before-the-law.html.

Kagan, M. (2003). "Is Truth in the Eye of the Beholder? Objective Credibility Assessment in Refugee Status Determination". *Scholarly Works,* vol. 17, no. 633, pp. 367-415.

Kauffmann, H (2018). "Deja-Vu der Schande. Evian Juli 1938 – Brüssel Juni 2018". *Migazin*. Retrieved July 13, 2018, from http://www.migazin.de/2018/07/13/deja-vu-schande-evian-uli1938/?utm_source=wysija&utm_medium=email&utm_campaign=MiGAZIN+Newsletter.

Kälin, W. (1986). "Troubled Communication: Cross-Cultural Misunderstandings in the Asylum-Hearing." *The International Migration Review*, vol. 20, no. 2, pp. 230-241.

Klöckner, M. (2018). "Warum Ankerzentren eine schlechte Idee sind". *ProAsyl*. Retrieved July 20, 2018, from

https://www.proasyl.de/hintergrund/warum-ankerzentren-eine-schlechte-idee-sind/.

Kociatkiewicz, J. & Kostera, M. (2014). "Introduction", in *Liquid Organizations. Zygmunt Bauman and Organization Theory,* J. Kociatkiewicz & M. Kostera (eds.). USA: Routledge.

Lazarus, E. (n.d.). *Poetry Foundation.* Retrieved July 15, 2018, from https://www.poetryfoundation.org/poems/46550/the-new-colossus.

Library of Congress (n.d). "Refugee Law and Policy: Germany". Available from http://www.loc.gov/law/help/refugee-law/germany.php#skip_menu.

Martel, J. (2011). "Waiting for Justice: Benjamin and Derrida on Sovereignty and Immanence." *Republics of Letters: A Journal for the Study of Knowledge, Politics, and the Arts*, vol. 2, no. 2.

Maryns, K. (2006). *The Asylum Speaker: Language In The Belgian Asylum Procedure*. Manchester, UK; Northampton, MA: St. Jerome Pub.

Masinda, M. T. (2004). "Quality of Memory: Impact on Refugee Hearing Decisions." *Traumatology*, vol. 10, no. 2, pp. 131-139.

Mediendienst Integration (2018). "Zahl der Flüchtlinge". *Mediendienst Integration.* Retrieved July 20, 2018, from

https://mediendienst-integration.de/migration/flucht-asyl/zahl-der-fluechtlinge.html#c1164

Mignolo, W. D. (2003 [1995]). "On Describing Ourselves Describing Ourselves: Comparatism, Differences, and Pluritopic Hermeneutics" in *The Darker Side of the Renaissance: Literacy, Territoriality, and Colonization*, Michigan: The University of Michigan Press.

Mignolo, W. D. (2002). "The Geopolitics of Knowledge and the Colonial Difference." *The South Atlantic Quarterly*, vol. 101, no. 1, pp. 57-96.

Mignolo, W. D. (2007). "Introduction. Coloniality of power and de-colonial thinking." *Cultural Studies*, vol. 21, no.2-3, pp. 155-167.

Mignolo, W. D. (2009). "Epistemic Disobedience, Independent Thought and Decolonial Freedom." *Theory, Culture & Society*, vol. 26, no. 7-8, pp. 159-181.

Mignolo, W. D. (2012 [2000]). *Local Histories / Global Designs. Coloniality, Subaltern Knowledges, and Border Thinking*. UK: Princeton University Press.

Näre, L. (2014). "Agency as capabilities: Ukrainian women's narratives of social change and mobility". *Women's Studies International Forum.* Vol. 47, pp. 223-231.

Patterson, W. (2013 [2008]). "Narratives of events: Labovian narrative analysis and its limitations", in *Doing Narrative Research*, 2nd edition, M. Andrews, C. Squire & M. Tamboukou (eds.). N.p.: Sage Publications.

Pro Asyl (2017). "Tag des Flüchtlings 2017". Retrieved, August 13, 2018, from: https://www.proasyl.de/material/tag-des-fluechtlings-2017-2/.

Quijano, A. (2000). "Coloniality of Power, Eurocentrism, and Latin America." *Nepantla: Views From South*, vol. 1, no.3, pp. 533-580.

Quijano, A. (2007). "Coloniality and Modernity/Rationality". *Cultural Studies*, vol. 21, no. 2-3, pp. 168-178.

Riessman, C. (1993). *Narrative Analysis.* USA: Sage Publications.

Riessman, C. K. & Salmon, P. (2013 [2008]). "Looking Back on narrative research: An exchange", in *Doing Narrative Research*, 2nd edition, M. Andrews, C. Squire & M. Tamboukou (eds.). N.p.: Sage Publications.

Saffari, S. (2016) "Can the Subaltern be Heard? Knowledge Production, Representation, and Responsibility in International Development." *Transcience*, vol. 7, no. 1, pp. 36-46.

Said. E. (2003 [1978]). *Orientalism*. England: Penguin Classics.

Sandelowski, M. (1991). "Telling Stories: Narrative Approaches in Qualitative Research." *Journal of Nursing Scholarship,* vol. 23, no. 3, pp. 161-166.

Schwalbe, M. & Shay, H. (2014). "Dramaturgy and Dominance", in *Handbook of the Social Psychology of Inequality*, J. McLeod, E. Lawler & M. Schwalbe (eds.). Dordrecht Springer.

Shuman, A. (1986*). Storytelling rights: The uses of oral and written texts by urban adolescents*. Cambridge: Cambridge University Press.

Smith-Khan, L. (2017a). "Different in the Same Way? Language, Diversity, and Refugee Credibility". *International Journal of Refugee Law*, vol. 29, no. 3, pp. 389-416.

Smith-Khan, L. (2017b). "Telling stories: Credibility and the representation of social actors in Australian asylum appeals". *Discourse & Society*, vol. 28, no. 5, pp. 512-534.

Smith-Khan, L. (2017c). "Negotiating narratives, accessing asylum: Evaluating language policy as multi-level practice, beliefs and management." *Multilingua*, vol. 36, no. 1, pp. 31-57.

Souter, J. (2011). "A Culture of Disbelief or Denial? Critiquing Refugee Status Determination in the United Kingdom." *Oxford Monitor of Forced Migration*, vol. 1, no. 1, pp. 48-59.

Squire, C. (2013). "From experience-centred to socioculturally-oriented approaches to narrative", in *Doing Narrative Research*, 2nd edition, M. Andrews, C. Squire & M. Tamboukou (eds.). N.p.: Sage Publications.

Spivak, G. (2010). "'Can the Subaltern Speak?' revised edition, from the 'History' chapter of Critique of Postcolonial Reason", in *Can The Subaltern Speak? Reflections On The History Of An Idea*, R. C. Morris (ed.). New York: Columbia University Press.

Tuhiwai-Smith, L. (1999). "Imperialism, History, Writing and Theory," in *Decolonizing Methodologies: Research and Indigenous Peoples*. London and New York: Zed Books.

UNHCR (2011). "UNHCR Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees." Retrieved July 23, 2018, from http://www.unhcr.org/publications/legal/3d58e13b4/handbook-procedures-criteria-determining-refugee-status-under-1951-convention.html.

UNHCR (n.d.) *Operational Data Portal.* Retrieved September 5, 2018, from https://data2.unhcr.org/en/situations/mediterranean.

United Nations (n.d.). *Universal Declaration of Human Rights.* Retrieved July 17, 2018, from http://www.un.org/en/universal-declaration-human-rights/.

Van Houtum, H. (2010). "Waiting Before the Law: Kafka on the Border." *Social and Legal Studies*, vol. 19, no. 3, pp. 285-297.

Wells, K. (2011). *Narrative Inquiry.* New York: Oxford University Press.

Zagor, M. (n. d.). "Recognition and Narrative Identities: The Legal Creation, Alienation and Liberation of the Refugee." *ANU College of Law Research Paper*, no. 11-22. Available at https://ssrn.com/abstract=1906507 or http://dx.doi.org/10.2139/ssrn.1906507

Zambelli, P. (2017). "Hearing Differently: Knowledge-Based Approaches to Assessment of Refugee Narrative." *International Journal of Refugee Law*, vol. 29, no. 1, pp. 10-41.

Appendix

A. Interview at the Federal Office – Standard Questions

(Please note that you won't be necessarily asked all questions)

Question 1:   Do you speak – apart from the given ones – any other languages or dialects?

Question 2:   Do you or did you possess any further nationalities?

Question 3:   Do you belong to any particular tribe or ethnic community?

Question 4:   Can you present identity documents as a passport, a passport substitute, or an identity card?

Question 5:   Did you possess identity documents as a passport, a passport substitute, or an identity card in your home country?

Question 6:   For which reason can you not present identity documents?

Question 7:   Can you present any other documents (e.g. certificates, birth certificates, military passport, driver's license)?

Question 8:   Do you or did you have a residence permission/visa for the Federal Republic of Germany or any other country?

Question 9:   Please give me your last official address in your home country. Have you been there till your departure? If not, where have you been?

Question 10:   Please give me your family name, if applicable name of birth, first name, date and place of birth of your husband/wife as well as date and place of your marriage. Can you present evidence or provide it later?

Question 11:   What is his/her address (if he/she is not in the home country anymore, please give the last address there and the current one)? Can you present evidence or provide it later?

Question 12:   Do you have children (please all of them, also adult ones, with their family name, first name, date and place of birth)? Can you present evidence or provide it later?

Question 13:   What is their address (if they are not in the home country anymore, please give the last address there and the current one)?

Question 14:   Please give me name, first name and address of your parents.

Question 15:   Do you have sisters or brothers, grandparents, uncles or aunts that live outside of your home country?

Question 16:   Do any other relatives of yours live in your home country?

Question 17:   What are the personal details of your grandfather on your father's side?

Question 18:   Which schools/universities did you attend?

Question 19:   Which profession have you learnt? Who has been your last employer? Did you have your own business?

Question 20:   Did you do military service?

Question 21:   Have you been to Germany before?

Question 22:   Did you apply for asylum or for the recognition as refugee in another country, and have you been granted any recognition?

Question 23:   Has any of your family members applied for refugee protection in another country, has been granted any protection, or has his legal residence there?

Question 24:   Do you have any objections that your asylum application is considered in Germany?

Question 25:   Please describe, how and when you came to Germany. Describe, when and in which way you left your home country, through which countries you travelled and how you entered Europe and Germany!

B. Original extracts in German and additional information

[i] To get a narrow overview, research also concentrates on the asylum officials (Bowers, Chand & Schreckhise, 2017; Jubany, 2011, 2017; Souter, 2011), the translators (Pöllbauer, 2004), the asylum applicants (Bohmer & Shuman, 2008, 2018; Maryns, 2006), the decision-making process (Bohmer & Shuman, 2008, 2018; Crépeau, Houle, Foxen & Rousseau, 2002), narratives in the asylum hearing (Bohmer & Shuman, 2018; Blommaert & Maryns, 2001; Blommaert, 2001; Eastmond, 2007; Smith-Khan, 2017c; Zambelli, 2017), on the entextualization process (Blommeart, 2001; Jacquement, 2009), on asylum appeal hearings (Anderson, Hollaus, Lindsay & Williams, 2014), on cross-cultural misunderstandings (Kälin, 1986; Maryns, 2006), and trauma and memory (Bierens de Haan, Bollini, Gariazzo, Loutan & Pampallona, 1999; Bohmer & Shuman, 2004; Herlihy & Turner, 2007; Herlihy, Jobson & Turner, 2012; Masinda, 2004).

[ii]

	Case 1 (Iraq, m)	Case 2 (Afghanistan, m)	Case 3 (Eritrea, f)	Case 4 (Iraq, f)
Arrival in Germany	04.10.2015	15.06.2015	21.09.2015	21.09.2015
	→ 8 months	→ 4 months	→ 11 months	→ 9 months
Application	09.06.2016	13.10.2015	10.08.2016	10.06.2016
	→ 12 months	→ 6 months	→ 4 months	→ 14 months
Hearing	28.06.2017	05.04.2017	12.12.2016	01.08.2016
	→ 6 months	→ 5 months	→ two weeks	→ 4 months
Decision	18.01.2018	15.09.2017	21.12.2016	15.12.2016
	→ 26 months	→ 15 months	→ 15 months	→ 27 months
	manifestly unfounded	Unfounded	subsidiary protection	unfounded
Hearing Time	155 minutes	100 minutes	50 minutes	70 minutes

[iii] Der Antragstellerin / Dem Antragssteller werden zunächst der Ablauf und die Bedeutung der Anhörung erläutert. Sie bestätigt auf Nachfrage, dass ihr der Inhalt der Antragstellung ausgehändigten „Wichtige(n) Mitteilung – Belehrung für Erstantragsteller" bekannt sei und dass sie diesen verstanden habe. Sie wird nochmals auf ihre Mitwirkungspflicht gemäß Paragraph 15 AsylG hingewiesen. Insbesondere wird ihr erklärt, dass sie all Ihre Unterlagen zur Person, zum Reiseweg und solche, auf die sie sich in ihrem Asylverfahren beruft, vorzulegen hat.

Ihr wird erläutert, dass sie im Verlauf der Anhörung die Gelegenheit hat, alle fakten und Ereignisse zu schildern, die nach ihrer Auffassung ihre Verfolgungsfurcht begründen sowie einer Abschiebung in ihren Heimatstaat oder einen anderen Staat entgegenstehen. Sie wird hingewiesen, wahrheitsgemäß auszusagen. Die Antragstellerin wird außerdem gemäß Paragraph 25 Abs. 3 Satz 2 AsylG über die Folgen verspäteten Vorbringens informiert.

[iv] Dem/Der Antragsteller/-in wird erklärt, dass er nun zu seinem Verfolgungsschicksal und den Gründen für seinen Asylantrag angehört wird. Er wird aufgefordert, die Tatsachen vorzutragen, die seine Furcht vor Verfolgung oder die Gefahr eines ihm drohenden ernsthaften Schadens begründen. Weiterhin hat er alle sonstigen Tatsachen und Umstände anzugeben, die einer Abschiebung oder einer Abschiebung in einen bestimmten Staat entgegenstehen.
[v] Antwort: Summat und Barat.
Anmerkung: Die Antragstellerin zeigt Barat. Es sieht wie eine kleine weiße Kugel aus.

[vi] Antwort: Einen Reisepass habe ich noch nie besessen. Meine Tazkira habe ich hier.
Anmerkung: Der Antragsteller reicht seine Tazkira im Original ein. Diese wird zur Akte genommen.

[vii] Auf Nachfrage erklärt der Antragsteller/die Antragstellerin, dass er/sie ausreichend Gelegenheit hatte, die Gründe für seinen Asylantrag zu schildern und auch alle sonstigen Hindernisse darzulegen, die einer Rückkehr in sein Heimatland oder in einen anderen Staat entgegenstehen. Er wird nochmals auf seine Verpflichtung hingewiesen, jede Adressenänderung dem Bundesamt unter Angabe seines Aktenzeichens sofort mitzuteilen.
Er/Sie bestätigt abschließend, dass es keine Verständigungsschwierigkeiten gab.

[viii] Verständigungsschwierigkeiten, Dolmetscherin konnte nicht so gut Tigrinja.
[ix] Er sei bewusstlos geschlagen worden. Er sei drei bis vier Tage bewusstlos gewesen. Er sei im Krankenhaus aufgewacht.

[x] Er ist bewusstlos geschlagen worden. Er war drei bis vier Tage bewusstlos. Er ist im Krankenhaus aufgewacht.

[xi]

1. The application for refugee status protection is rejected as unfounded/manifestly unfounded/inadmissible

2. The application for entitlement to asylum is rejected as **unfounded/manifestly unfounded/inadmissible.**

3. The application for subsidiary protection is rejected as **unfounded/manifestly unfounded/inadmissible.**

4. The **ban on deportation** according to article 60 (5 and 7 (1)) of the residence act **do not apply**.

5. The applicant is requested to leave Germany within 30 days/one week after having been notified of his decision. If the applicant does not comply with the deadline of departure, she/he will be deported back to XXX. The applicant may also be deported to another state in which he is allowed to enter or which is obliged to take her/him back.

6. The statutory ban of entry and residency according to article 11 (1) of the residence act is limited to 30 months from the day of deportation

xii

1. Der Antrag auf Zuerkennung der Flüchtlingseigenschaft wird als **offensichtlich unbegründet abgelehnt/nicht zuerkannt/unzulässig abgelehnt.**

2. Der Antrag auf Asylanerkennung wird als **offensichtlich unbegründet abgelehnt/nicht zuerkannt/unzulässig abgelehnt.**

3. Der Antrag auf subsidiären Schutz wird als **offensichtlich unbegründet abgelehnt/nicht zuerkannt/unzulässig abgelehnt.**

4. **Abschiebungsverbote** nach § 60 Abs. 5 und 7 Satz 1 des Aufenthaltsgesetzes l**iegen nicht vor.**

5. Der Antragsteller wird aufgefordert, die Bundesrepublik Deutschland innerhalb 30 Tage/einer Woche nach Bekanntgabe dieser Entscheidung zu verlassen. Sollte der Antragsteller die Ausreisefrist nicht einhalten, wird er in XXX abgeschoben. Der Antragsteller kann auch in einen anderen Staat abgeschoben werden, in den er einreisen darf oder der zu seiner Rücknahme verpflichtet ist.

6. Das gesetzliche Einreise- und Aufenthaltsverbot gemäß § 11 Abs. 1 des Aufenthaltsgesetzes wird auf 30 Monate ab dem Tag der Abschiebung befristet.

xiii Ich habe im Dorf XXX im Kreis YYY in der Provinz ZZZ gewohnt. Dort war ich auch offiziell gemeldet.

xiv Ich habe alleine in einem Dorf XXX in der Nähe von YYY gewohnt. Mein Mann ist 2005 gestorben und ich hatte vier Kinder. Meine Schwiegereltern haben die Kinder zu sich genommen. Sie wohnen auch in XXX. Unser Dorf ist 10 Minuten mit dem Auto von YYY entfernt.

xv

Niederschrift		
Part I: Fragebogen	Part II: Fluchtgründe	Entscheidung
	In der 12. Klasse musste ich die Schule verlassen, weil mein Vater krank war. Das war 2013. Drei Jahre lang habe ich bei diesem kurdischen Türken gearbeitet.	[ausgelassen]
Frage 12: Welchen Beruf haben Sie erlernt? Bei welchem Arbeitgeber haben Sie zuletzt gearbeitet? Hatten sie ein eigenes Geschäft? Waren Sie im medizinischen Bereich tätig? Antwort: Ich habe Arbeitsplatten aus Marmor für die Küche hergestellt. Ich war bei einem kurdischen Türken angestellt. Die Arbeitsstelle war zwischen XXX und YYY.	---	Er habe Arbeitsplatten hergestellt

xvi A. Was ist Ihnen persönlich vor der Ausreise aus Eritrea passiert?
Antwort: Ich hätte Militärdienst leisten müssen, deshalb habe ich Eritrea verlassen. Im Sudan war ich illegal. Ich hatte keine Personalpapiere. Ich konnte zwar arbeiten, aber dort nicht weiterleben.

xvii In ihrer persönlichen Anhörung trug die Antragstellerin im Wesentlichen vor, dass sie ihr Heimatland auf Grund der Befürchtung zum Nationaldienst einberufen zu werden verlassen habe.
xviii F: In welcher Soba liegt ihr Wohnort?
A: YYY
F: Wie heißt das Zahlungsmittel in Eritrea?
A: Nakfa
F: Wie heißt der höchste Berg in Eritrea?
A: Das weiß ich nicht.
F: Sagen ihnen die Namen Hamid Idris Awate etwas?
A: Der Name sagt mir nichts

xix Frage: Wie viel Einwohner hatte ihr Ort?
Antwort: Das weiß ich nicht genau.
[Frage: Habe ich sie richtig verstanden, sie haben gesagt, dass die Taliban mit einem Foto nach Ihnen gesucht haben
Antwort: Ja, sie haben in meinem Ort nach mir gefragt.]
Frage: Wie viel Einwohner hat ihr Ort?
Antwort: So wie XXX nur ohne Ortschaften. Wir hatten 2 Schulen.

xx A. Was ist ihnen persönlich vor der Ausreise aus XXX passiert?
B. Was befürchten Sie bei der Rückkehr nach XXX?
C. Warum befürchten sie persönliche Schwierigkeiten bei einer Rückkehr nach XXX?
D. Haben sie dem Asylantrag noch etwas hinzuzufügen?

xxi Antwort: Mir ist nur passiert was ich eben erzählt habe. Ansonsten gibt es keinen Grund, der mich zur Ausreise veranlasst hat.

xxii Antwort: Ich werde sicher getötet. Beim Eid werden Menschen getötet.

xxiii Antwort: Ich fürchte mich vor Gruppierungen, wie den Taliban oder dem IS. Sie haben bereits nach mir gesucht und ich habe Angst, wenn ich zurückkehre, dass sie mich töten.

xxiv Antwort: Mir ist persönlich nichts zugestoßen.

xxv Antwort: IS befindet sich in der Nähe von unserem Dorf. Die Angst vor IS ist immer noch da. Ich will unter keinen Umständen in den Irak zurückkehren. Nur über meine Leiche werde ich zurück gehen.

xxvi Der Antragsteller hat zu den geschilderten Vorfällen auch keine weiteren substantiierten Ausführungen gemacht. Der Vortrag des Antragstellers erfüllt somit die Anforderung an einen glaubhaften Sachvortrag nicht. So fällt auf, dass der Sachvortrag sehr kurz gehalten ist. Dazu war das Vorbringen in seiner Wortwahl zu farblos, kurz und ohne Anklang von Nebensächlichkeiten. Die Aussage muss als glatt und lediglich zielgerichtet gewertet werden. Einzelheiten schildert der Antragsteller nur auf Aufforderung.

Im Ergebnis bleibt er daher bei der bloßen Verfolgungsbehauptung, ohne die von ihm ins Feld geführten Ausreisegründe durch Angabe von Details und näherer Begleitumstände auch glaubhaft zu machen. [D].

xxvii Frage: Sie haben zuerst gesagt, dass Sie von den letzten 40 Tagen im Irak, 20 Tage in XXX und 20 Tage in YYY waren. Später haben Sie gesagt, dass Sie 45 Tage bis zwei Monate in YYY waren. Wie erklären Sie das?
Antwort: nein, ich war etwa 40 Tage in YYY.

xxviii Bei erheblichen Widersprüchen oder Steigerungen im Sachvortrag kann dem Ausländer nur geglaubt werden, wenn die Widersprüche und Ungereimtheiten überzeugend aufgelöst werden.

Der Vortrag des Antragstellers ist nicht glaubhaft.

xxix Antwort: Ich war bei der Polizeistation in XXX. Wenn man von YYY nach ZZZ geht, liegt XXX vor ZZZ. In WWW gab es keine Polizeistation. WWW ist sechs bis sieben Minuten von XXX entfernt.

xxx Der Vortrag des Antragstellers ist nicht glaubhaft. Er nennt für den Dorfvorsteher von XXX einen komplett anderen Namen als der Name tatsächlich lautet. Eine Verwechslung ist somit ausgeschlossen. Mit Schreiben vom XX.YY.ZZZZ teilte das Auswärtige Amt mit, dass der Dorfvorsteher in XXX AAA heißt und schon seit einigen Jahren im Amt ist. Ferner gibt es keine Polizeistation in XXX. Er kann dort also nicht zur Polizei gegangen sein.

xxxi Weiteres Indiz dafür, dass sein Vortrag nicht glaubhaft ist, ist dass er über keine Belege seiner Anzeigen bei der Polizei verfügt, obwohl er mindestens zweimal zur Polizei gegangen sein will.

xxxii Schließlich ist nicht überzeugend, dass der Antragsteller drei bis vier Tage bewusstlos gewesen sein soll ohne bleibende gesundheitliche Schäden davongetragen zu haben.

Conclusively, it is not convincing that the applicant has been unconscious for three to four days without having sustained permanent damage to his health.

xxxiii § 15 General obligations to cooperate
(1) Foreigners shall be personally required to cooperate in establishing the facts of the case. This shall apply also to foreigners represented by an authorized adviser.

(2) The foreigner shall be required in particular to

1. provide the necessary information orally, and on request also in writing, to the authorities responsible for implementing this Act;

2. inform the Federal Office without delay if he has been granted a residence title;

3. comply with statutory and official orders which require him to report to specific authorities or institutions or to appear there in person;

4. present, hand over and surrender his passport or passport substitute to the authorities responsible for implementing this Act;

5. present, hand over and surrender all necessary certificates and any other documents in his possession to the authorities responsible for implementing this Act;

6. cooperate, if he does not have a valid passport or passport substitute, in obtaining an identity document;

7. undergo the required identification measures.

(3) Necessary certificates and other documents within the meaning of subsection 2, no. 5 shall include in particular 1. all certificates and documents apart from the passport or passport substitute which might aid in establishing the foreigner's identity and nationality,

2. visas, residence permits and other border-crossing documents issued by other countries,

3. air tickets and other transport tickets,

4. documents concerning the travel route from the home country to the federal territory, the means of transport used and time spent in other countries after leaving the country of origin and before entering the federal territory, and

5. all other certificates and documents which the foreigner uses to substantiate his claim or which are relevant for the decisions and measures to be taken under asylum and foreigners' law, including the decision and enforcement of possible removal to another country.

(4) The authorities responsible for implementing this Act may search the foreigner and the items he carries with him if he fails to comply with his obligations under subsection 2, nos. 4 and 5 above, and if there are indications that he has such documents. The foreigner may be searched only by a person of the same sex.

(5) The withdrawal of the asylum application shall not terminate the foreigner's obligation to cooperate.

xxxiv § 13 (3) A foreigner, who is not in possession of the necessary entry documents, has to seek asylum at the border (§ 18). In the case of unauthorized entry, he must immediately report to a reception center (§ 22) or seek asylum at the immigration office or the police (§ 19).

xxxv Der Antragsteller hat seine Mitwirkungspflicht gemäß Paragraph 13 Abs. 3 Satz 2 AsylG verletzt, da er nicht unverzüglich nach Einreise um Asyl nachgesucht hat. Er reiste am 04.10.2015 auf dem Landweg in die Bundesrepublik Deutschland ein und stellte am 09.06.2016 einen Asylantrag. Das ist nicht mehr unverzüglich. Er reiste auch illegal ein, da er kein Visum nachweisen konnte. Der Antragsteller hat die Verletzung dieser Mitwirkungspflicht zu vertreten, da er nicht dargelegt hat, dass ihm die Asylantragstellung aus wichtigen Gründen nicht möglich gewesen sei.

xxxvi Er reiste auch illegal ein, da er kein Visum nachweisen konnte

xxxvii Frage: Wo fand die Sitzung statt?
Antwort: Es war ein zweistöckiges Haus der Partei. Es sah aus wie jedes irakische Haus.
Frage: Wo in dem Haus fand die Besprechung statt?
Antwort: Im Erdgeschoss.
Frage: Wie sah der Raum aus?
Antwort: Es gab Stühle und einen Tisch. Es gab Bilder und die Flagge der Partei
Frage: Wie sieht die Flagge der Partei aus?
Antwort: Sie hat drei waagerechte Streifen in den Farben rot, weiß und grün (von oben nach unten). In der Mitte ist eine gelbe Sonne.

xxxviii Frage: Wie viel Zeit ist vergangen von dem ersten Treffen bis zum zweiten Treffen und Ihrer Ausreise?
Antwort: Zwischen einen und zwei Monaten:
Frage: Wie viel Zeit ist vergangen von Ihrem letzten Gespräch mit den Taliban bis Sie zu dem Freund Ihres Bruders gegangen sind?
Antwort: Mein Bruder hat mich am gleichen Abend zu seinem Freund gebracht.
Frage: Wie lange haben Sie sich dort aufgehalten?
Antwort: Eine Woche

xxxix Vorhalt: Sie haben vorhin ausgeführt, dass das zweite Treffen nach drei Tagen stattgefunden hat und dass sie am gleichen Abend zum Freund Ihres Bruders gegangen sind. Dort hätten sie sich eine Woche aufgehalten und haben anschließend das Land verlassen. Das sind zehn Tage und nicht ein bis zwei Monate. Bitte erklären Sie mir das.
Antwort: Das habe ich nicht gesagt. Ich meinte, dass ich diese Menschen ein bis zwei Monate vorher in der Moschee gesehen habe. Sie gingen auch in die gleiche Moschee wie ich.

xl 6. Wann sind sie in Deutschland eingereist?

Antwort: im 6 Monat 2015
Frage: Wann sind sie genaue nach Deutschland gekommen?
Antwort: Im Juni 2015
Frage: Sind Sie sich da ganz sicher?
Antwort: Ja.
Anmerkung: Eurodac-Treffer 1 aus Ungarn vom 12.07 2015

[xli] **Vorhalt**: Sie haben mir auf Nachfrage bestätigt, dass sie im Juni 2015 nach Deutschland eingereist sind. Dabei haben Sie am 12.07 2015 in Ungarn Fingerabdrücke abgegeben und einen Asylantrag gestellt. Können Sie mir bitte das erklären?
Antwort: Ich bin mir sicher, dass es im sechsten Monat war, weil es mitten im Ramadan war. Und ich habe keinen Asylantrag gestellt, ich habe nur Fingerabdrücke abgegeben.

[xlii] Frage: Verfügen Sie über Personalpapiere wie z. B. einen Pass, Passersatz oder einen Personalausweis oder andere Urkunden und Papiere, die Ihre Herkunft aus Eritrea oder Ihnen persönlich dort drohende Gefahren belegen? Bitte listen Sie diese Dokumente hier auf.
Antwort: Ich hatte keine Papiere in Eritrea, Es gab keine Grenzkontrollen, ich brauchte keine Papiere.

[xliii] Frage: Haben Sie die Anzeige noch, die Sie dort erstattet haben?
Antwort: ich habe keine Bescheinigung bekommen.

Frage: Haben Sie Belege von den Vernehmungen der Polizei im Krankenhaus?
Antwort: Sie haben mir keine Bescheinigung gegeben.

[xliv] […]. Danach sei er zur Polizeistation in XXX gegangen. Er habe keinen Beleg der Anzeige bekommen. […]

[…]. Er sei im Krankenhaus aufgewacht. Die Polizei habe ihn vernommen, er habe aber keine Belege bekommen. […]

[xlv] Weiteres Indiz dafür, dass sein Vortrag nicht glaubhaft ist, ist dass er über keine Belege seiner Anzeige bei der Polizei verfügt, obwohl er mindestens zweimal zur Polizei gegangen sein will.

[xlvi] Frage: Sie haben gesagt, Sie waren bei der Polizei. Haben sie eine schriftliches Protokoll oder Beweise, dass sie bei der Polizei waren?
Antwort: Nein, ich habe keine Dokumente bekommen. Es ist so, dass Taliban viele Verbündete bei der Polizei haben.
Frage: Bitte erklären sie mir, wie sie mir ihre Schilderungen beweisen möchten?
Antwort: in XXX ist es so, dass ich kein Protokoll von der Polizei bekomme.

[xlvii] Sie haben mich dort gelassen und sind weggefahren. Danach bin ich per Anhalter nach Hause gekommen. Ich hatte Angst. Ich bin mit meiner Mutter zur Polizei gegangen.
[xlviii] Er sei dann auf dem Weg gelassen und per Anhalte nach Hause gekommen. Danach sei er zur Polizeistation in XXX gegangen. Er habe keinen Beleg der Anzeige bekommen.

[xlix] Persönliche Übergriffe auf den Antragsteller haben zudem keine stattgefunden.
[…].
Zudem machte er eine allgemeine Gefährdungslage wegen der Kriegsgefechte zwischen den Taliban, der IS und anderen Gruppierungen geltend. Nähere Einzelheiten sowie persönliche Übergriffe hat der Antragsteller jedoch nicht vorgetragen.

[l] Soweit der Antragsteller vorträgt, wegen einer drohenden Zwangsrekrutierung geflohen zu sein ist anzumerken, dass dies zwar eine mögliche, in regional unterschiedlicher Intensität bestehende, jedoch keine extrem zugespitzte Gefahr darzustellen mag.

[li] Demnach kann nicht davon ausgegangen werden, dass der Antragsteller bei einer Rückkehr allein durch seine Anwesenheit in diesen Gebieten tatsächlich Gefahr beliefe, einer ernsthaften individuellen Bedrohung des Lebens und der Unversehrtheit ausgesetzte zu sein.

Somit drohen dem Antragsteller bei einer Rückkehr nach Afghanistan keine erheblichen individuellen Gefahren aufgrund willkürlicher Gewalt.

[lii] Zwar ist davon auszugehen, dass in Afghanistan ein Innerstaatlicher bewaffneter Konflikt besteht oder zumindest nicht ausgeschlossen werden kann und der Antragsteller als Zivilperson sich daran nicht aktiv beteiligt hat. Es drohen ihm jedoch bei einer Rückkehr nach Afghanistan aufgrund der dortigen Situation keine erheblichen individuellen Gefahren aufgrund willkürlicher Gewalt.

liii Die vom Antragsteller individuell vorgetragenen Gründe sind nicht geeignet, ein Abschiebungsverbot zu begründen. Die Umstünde, die der Antragsteller geltend macht, gehen nicht über das Maß dessen hinaus, was alle Bewohner hinzunehmen haben, die in vergleichbarer Situation leben.

liv Es ist davon auszugehen, dass der Antragsteller als junger, arbeitsfähiger und gesunder Mann auch bei einer Rückkehr nach Afghanistan selbst ohne ein nennenswertes Vermögen und ggf. auch ohne familiären Rückhalt in der Lage sein wird, z. B. durch Gelegenheitsarbeiten wenigstens ein kleines Einkommen zu erzielen und damit ein Leben am Rande des Existenzminimums zu finanzieren und sich allmählich wieder in die afghanische Gesellschaft zu integrieren

lv Die Antragstellerin trug keinen konkreten persönlichen Verfolgungsgrund vor.

lvi

Niederschrift		Entscheidung
Fragen	Fluchtgründe	
Frage: Bitte erklären Sie mir genauer, wer Sie aufgehalten hat und in welcher Form die Gespräche stattgefunden haben. Antwort: Die Gruppe hieß XXX und sie waren von der Taliban. Sie waren sehr höflich und baten mich, ihnen zu folgen. Sie wollen, dass ich sie sympathisiere. Sie versprachen mir alles zu geben, was ich brauche, ein Auto, Waffen oder Geld. Ich selbst war nicht in der Lage, mich anzuschließen, ich könnte niemals einen Menschen töten. Frage: Was haben Sie geantwortet: Antwort: Ich habe ihnen keine konkrete Antwort gegeben, ich habe nur gesagt, dass es richtig ist, was die sagen. Sie haben mir gesagt, ich soll darüber nachdenken.	Eines Tages auf dem Rückweg, hielten mich drei Personen an. Sie haben mich an einen anderen Ort gebracht, um mit mir zu reden. Sie wollten, dass ich mich Ihrer Gruppe anschließe. Sie versicherten mir Sicherheit, und alles was ich brauche.	Eines Tages sei auch er von drei Personen angehalten worden. Sie seien von der Gruppe der XXX gewesen. Sie seien sehr freundlich gewesen. Sie hätten ihn gebeten, sich ihnen anzuschließen. Sie hätten ihm Auto, Waffen und Geld versprochen. Er solle darüber nachdenken.

lvii

1) Ich habe noch etwa 40 Tage weitergearbeitet. 2) Eines Tages bin ich von der Arbeit nach Hause gegangen und habe gesehen, dass in unserer Straße ein Auto steht, in dem vier Personen saßen. Es ist hinter mir hergefahren und hat neben mir gehalten. 3) Die zwei Leute, die hinten saßen, sind ausgestiegen. 4) Er hat gesagt, dass ich niemandem etwas sagen darf. 5) Er hat seine Jacke geöffnet, so dass ich in der Innenseite seine Pistole gesehen habe. 6) Ich habe überlegt wegzulaufen. 7) Sie haben dann gesagt, dass ich getötet werde, falls ich weglaufe. 8) Ich musste in das Auto steigen. 9) Das war vor dem Sonnenuntergang. 10) Ich saß in der Mitte. 11) Beide haben mir den Kopf nach unten gedrückt. 12) Ich habe die Straße nicht gesehen. 13) Wir sind etwa 30 bis 40 Minuten gefahren. 14) Sie haben nichts gesagt.	1) – 14) Etwa 40 Tage später sei er entführet worden.
15) Sie haben mich nur geschlagen. 16) Ich habe eine Kopf- und eine Nasenverletzung bekommen. Ich habe geblutet. 17) Dann bin ich bewusstlos geworden. 18) Ich habe noch gehört, dass einer gefragt hat: „Sollen wir ihn töten?", und ein Anderer geantwortet hat: „Der ist schon tot".	15) – 18) Er sei bewusstlos geschlagen worden.
19) Ich bin drei bis vier Tage bewusstlos gewesen.	19) Er sei drei bis vier Tage bewusstlos gewesen.
20) Dann kam ich zu mir und habe gemerkt, dass ich in einem Krankenhaus war.	20) Er sei im Krankenhaus aufgewacht.

lviii

Niederschrift	Entscheidung
Ich hatte Angst um mich und meine Kinder, insbesondere gefangen zu werden.	Sie habe Angst um sich und ihre Kinder gehabt, gefangen genommen zu werden.
Da wir Yeziden sind, sind wir besonders gefährdet.	Als Yeziden seien sie besonders gefährdet.
Die IS Leute haben die Frauen entführt und misshandelt.	
Die Menschen wurden getötet.	

[lix] Auch, dass die Antragstellerin verwitwet ist ihre Kinder in ihrem Heimatland Irak wegen finanzieller Probleme nicht versorgen konnte und diese nach Deutschland nachholen will, ist zwar menschlich nachvollziehbar, flüchtlingsrechtlich jedoch nicht relevant.