

The DEVAS Project: Methodology Guidelines

1. What is the research being conducted?

The 'DEVAS Project' (*D*etention of *V*ulnerable *A*sylum *S*eekers) aims to study the conditions for vulnerable asylum seekers in detention in 23 EU Member States. The project will take place within an 18-month period, beginning officially on 17 November 2008.

The project will also study the conditions for illegally staying third-country nationals in detention. This research will not be presented in the final report to the European Union, but will be merged with the rest of the research for wider public distribution.

The research will determine which vulnerable groups exist in detention, what the conditions of detention are for these groups, and how they cope with their detainment.

2. Who is conducting the research?

JRS-Europe is the Lead Project Coordinator of the 23 project partners. Each project partner should designate a Country Project Supervisor to ensure the smooth implementation and progression of the project.

Organisation	Town/City
Caritas Austria	Vienna
JRS-Belgium	Brussels
Bulgarian Helsinki Committee	Sofia
Simfiliosis	Nicosia
Counselling Centre for Refugees	Prague
Estonian Refugee Council	Tallinn
Jesuiten Fluchtlingdiesnt	Berlin
Greek Refugee Council	Exarcheia
Hungarian Helsinki Committee	Budapest
Fondazione Centro Astalli	Rome
JRS-Ireland	Dublin
Caritas Latvia	Riga
Caritas Vilnius	Vilnius
JRS-Malta	Birkirkara
Dutch Refugee Council	Amsterdam
Caritas Poland	Warsaw
JRS-Portugal	Lisbon
JRS-Romania	Bucharest
JRS-Slovenia	Ljubljana
Caritas Slovakia	Bratislava
Comisión Española de Ayuda al Refugiado	Madrid
JRS-Sweden	Stockholm
JRS-UK	London

JRS-Europe and the 23 project partners will be organised into a Steering Committee (SC), composed of one representative of each partner organisation. The SC will meet three times during the project period: before the project begins, mid-way to evaluate the project's progress, and during the final conference in Brussels.

3. Which research instruments will the project use?

Three social questionnaires will be used to interview three distinct groups:

- a. Detainees: asylum seekers and/or illegally staying third-country nationals who are in detention;
- b. NGOs: non-governmental organisations that work in the detention centres being researched;
- c. Staff: the staff of the detention centres being researched.

A legal questionnaire will be used to research the existing laws related to detention in each Member State under investigation.

4. What are the research guidelines?

Guideline 1: The research participants

Project partners will interview asylum seekers and illegally staying third-country nationals who are in detention in one of the 23 EU Member States being investigated by the project partners. Specifically, the DEVAS project *will* research third-country nationals who are:

- Asylum seekers who are administratively detained while the Member State determines the outcome of their asylum application (i.e. the asylum procedure);
- Asylum seekers who are administratively detained while a Member State prepares their transfer to the Member State responsible for determining their asylum claim (i.e. the Dublin procedure);
- Asylum seekers who are administratively detained while the Member State determines the outcome of their asylum application, but do not enjoy the basic guarantees and procedural safeguards of Council Directive 2003/9/EC (Reception Conditions Directive)
- Persons who apply for asylum while they are administratively detained for illegally staying in the Member State;
- Persons who are in administrative detention for illegally staying in the Member State, in view of being returned to their country of origin or a country of transit;
- Persons whose asylum applications have been denied by the Member State authorities, and are thus administratively detained in view of being returned to their country of origin or a country of transit.
- Asylum seekers and illegally staying third-country nationals who are administratively detained within a border zone of a Member State (e.g. land, sea or air).
- Persons who are subject to a criminal penalty for an otherwise administrative infraction – such as an illegal stay and/or entrance in the Member State – and are held in detention (i.e. false passport).

The DEVAS project *will not* research third-country nationals who are:

- Detained by a Member State's immigration/customs authorities at a transit zone (e.g. land, sea or air) for not possessing the correct immigration documents and

- are thus denied entry into the Member State's territory, or while undergoing a routine asylum pre-determination interview by immigration authorities;
- Incarcerated by the Member States' criminal justice authorities for a committing a criminally recognised offence (i.e. assault, theft, espionage, robbery, murder, kidnapping, etc.)

The DEVAS project will also conduct research with persons who are:*

- Staff members of an administrative detention facility;
- Staff members of an NGO/Civil Society organisation that routinely works in the facility being researched.

* See Guideline 3 for more details

Guideline 2: Choosing which centres to investigate

The project partners will carry out research in the following facilities:

- Closed administrative detention facilities for asylum seekers;
- Closed administrative detention facilities for asylum seekers and illegally staying third-country nationals;
- Closed administrative detention facilities for illegally staying third-country nationals;

Project partners will select which centres to investigate based on the following criteria:

Selection Criteria 1: Centres that detain asylum seekers;

Selection Criteria 2: Centres that detain illegally staying third-country nationals;

Selection Criteria 3: Centres that are known to detain 'vulnerable' asylum seekers and/or illegally staying third-country nationals (e.g. pregnant women, children, persons with physical or mental illness, torture victims, elderly persons, etc.);

Selection Criteria 4: Centres that detain a mixed population of asylum seekers and/or illegally staying third-country nationals (e.g. in terms of sex, ethnicity and culture).

Above all it is important for project partners to select an appropriate mix of detention centres for investigation. Partners should ensure that the sum of their data is not collected from only males, or only women, or only children. If a partner investigates a male-only detention centre, then they should investigate another centre that detains women. The key is to obtain data from a wide distribution of asylum seekers and/or illegally staying third-country nationals. In order to be able to generalise the report's findings, all partners will need to ensure that they obtain data from a diverse group of people. Also, since the report will focus on vulnerability, it is also important that partners target centres that are known to detain 'vulnerable' categories of people.

Guideline 3: Choosing how many centres to investigate

Where there are more than three centres in a given country, the responsible project partner shall investigate a minimum of three centres. Project partners with enough resources and capacity are encouraged to visit more than three centres.

Where there are less than three centres in a given country, the responsible project partner shall investigate all of the centres.

A situation may arise where a project partner cannot visit a detention centre because of distance. In these situations the project partner should consult with the Lead Project Coordinator in order to find a solution or an alternative. Project partners may consider asking another NGO/Civil Society organisation that does have access to such a centre to administer the research instruments, in place of the project partner, but *not* as a sub-contractor. In these cases the project partners should be well aware of the other organisation's mandate and work. Such situations will be clearly documented into the final national and regional report.

Another situation may arise where a project partner cannot, for valid reasons, fulfil the criteria in this guideline. In these situations the project partner should consult with the Lead Project Coordinator to find a solution or an alternative.

Guideline 4: Choosing the number of persons to interview

Detainees: Project partners shall interview a minimum of 30 detainees per centre investigated. In such cases where a centre under investigation has less than 30 detainees, the responsible project partner shall interview all of the detainees present in the centre at that time.

(Another situation may arise where a project partner cannot, for valid reasons, fulfil the criteria in this guideline. In these situations the project partner should consult with the Lead Project Coordinator to find a solution or an alternative.)

Staff: Project partners shall interview a minimum of one staff person per centre investigated. The staff person(s) chosen for the interview must have sufficient seniority in the centre and must already be an employee of the centre for at least one year. Chosen staff persons should also be in frequent contact with detainees as a part of their normal work routine.

- *For example...* administrative officials, security officials
- *And not ...*janitorial staff, kitchen staff, building maintenance staff

In no way should detention centre staff alter the contents of the research instrument. Just as with detainees, project partners should obtain the informed consent of the staff person selected for the interview. They should be fully aware of the project's purpose and objectives, the intent of the interview and how the data will be used. Staff persons do not have to answer every question, and they can refuse to participate in the interview. Project

partners can allow staff persons to preview the research instrument prior to the interview, if detention centre officials require such a procedure.

NGOs: Project partners shall interview a minimum of one NGO/Civil Society organisation that visits and/or works in the centre under investigation. The organisation(s) chosen for the interview must have a mandate to provide social services to detainees in the centre, either in a formal¹ or informal² capacity.

If there are no NGOs/Civil Society organisations that visit and/or work within the centre, then the project partner need not complete the relevant questionnaire. There may be situations where the project partner *is* the NGO/Civil Society organisation visiting and/or working within the centre. In these cases, the project partner can complete the NGO/Civil Society questionnaire themselves.

Guideline 5: Choosing the pool of detained participants

Due to the differences in contexts and situations in each country under investigation, project partners should have a high degree of flexibility in determining how they choose their pool of participants (i.e. the detained asylum seekers and illegally staying third-country nationals; suggestions for NGOs/Civil Society organisations and detention centre staff can be found in guideline 4).

Project partners can consider the following when choosing their pool of detained participants:

- **DO** ask NGOs, detention centre staff, chaplains for advice on whom to choose
- **DO** obtain a diverse pool of participants
- **DO** keep your choices random
- **DO NOT** base your choices on linguistic or cultural factors
- **DO NOT** base your choices on personality characteristics
- **DO NOT** base your choices on a pre-selected list of vulnerable persons

Guideline 6: Research discipline

All questionnaires must be strictly adhered to. In order to ensure reliability in our research, the same questions must be asked in every interview.

The interviewer should use his or her judgement to determine whether or not a question can be responded to more completely. Questions marked “yes/no” can only elicit that type of response. But open-ended questions can elicit a longer response, which may require the gentle encouragement of the interviewer in order to ensure a complete

¹ *Formal* capacity is to be an official partner with the detention centre, mandated to implement activities to the extent that it provides an official service to the detention centre. Or, it is to be officially recognised by the detention centre as a formal monitor of detention conditions, with duties to officially report its findings to the staff.

² *Informal* capacity is to provide services without official recognition by the detention centre as an implementing partner or monitor.

response.

All responses must be recorded as completely and clearly as possible. The Interviewer's Evaluation (see Guideline 11) must be completed as soon as possible after the completion of an interview. This will help to ensure an accurate portrayal of the interview and the validity of the data collected.

Guideline 7: Translation of the questionnaires and the use of interpreters

Situations may arise when the project partner will need to translate the questionnaire into their own language. In these cases project partners should take the utmost care to ensure as accurate a translation as possible, using the resources that are available to them. Similarly, re-translation of responses back to English should be undertaken as accurately as possible.

Project partners may need the assistance of an interpreter during interviews (with detainees especially). The use of interpreters should be documented in the national and regional reports. It will be left to project partners to decide which interpreters to use, if necessary. In any case, chosen interpreters should be appropriately qualified to perform the task. Interviewees must be fully informed about the interpreter's role, and they must be in accordance with the interpreter's presence and objective.

Guideline 8: Ethical considerations

Voluntary and informed consent: All interviews must first begin with obtaining the voluntary and informed consent of the interviewee. If the interviewee does not give consent, then the interview must immediately cease. Interviewees may wish to cease the interview at any time, and for any reason. Interviewees may refuse to answer any question, for any reason. It is also the responsibility of the interviewer to ensure that the interviewee's expectations are fully aligned with the reality of the project's expectations, e.g. the interviewee should not expect that their case will attract any positive attention or impact as a result of participating in the interview. Knowing this is a part of voluntary and informed consent.

Likewise, the informed consent of detention centre staff and NGO/Civil Society organisations must be obtained.

Voluntary and informed consent can be obtained both in *writing* and *orally*. The consent, and the method by which it was obtained, must be officially recorded in the national and regional report. It is up to the project partner to decide which method is best for themselves and the interviewees.

Interviewer's bias: All interviews must be conducted as objectively as possible. Interviewers must not show any bias towards or against the interviewee. This does not mean that the interviews can only be conducted in a cold and impersonal manner. Interviewers should portray a warm and friendly demeanour that can be conducive to a successful interview. However interviewers should not display any preferences towards any type of response, nor should they hold any judgement towards any interviewee no

matter how a question is answered.

Effect of the interview on detainees: Detainees must be able to safeguard their rights to privacy and self-determination, which can be ensured through the appropriate obtainment of voluntary and informed consent. Before the interviews are conducted, the interviewer should review the questionnaire to determine whether any questions may potentially harm or negatively impact the detainee. In these cases the interviewer should check with their Country Project Supervisor. If the country project supervisor is unable to resolve the question, then the Lead Project Coordinator should be consulted. Interviewers must terminate a session if it is clear that the detainee's continued participation negatively impacts his or her well-being. In these cases, only the detainees can choose whether or not to continue the interview at another scheduled time.

Guideline 9: Interviewing persons who are detained

Administering the questionnaire for persons who are in detention may be difficult for both the interviewer and the interviewee. Many of the questions may be difficult for the interviewee to answer, especially for those who have experienced trauma. As the data collection process progresses, project partners might find an interview style that elicits full responses with minimal negative impact upon the interviewee. The following is a non-exhaustive list of ideas project partners may consider as they administer the questionnaire to detained persons:

- DO change the order of the questions if the situation requires it (this will rely on the interviewer's intuition and the particular state of the interviewee)
- DO rephrase questions if the interviewee cannot understand you (as long as the *intent* of the question is not changed)
- DO gently encourage interviewees to say more about a particular question if you feel there could be more to their response
- DO instil a reasonable amount of flexibility into the interview that would allow an interviewee to express themselves, or express emotion
- DO maintain control of the interview process
- DO NOT hesitate to terminate an interview session if the interviewee's behaviour is combative, threatening or insulting towards you. If possible, suggest another time and date for an interview.
- DO NOT hesitate to terminate an interview session if the interviewee cannot focus on the questions due to an overwhelming emotional or physical state. If possible, suggest another time and date for an interview.
- DO NOT lose control of the interview process
- DO NOT administer the interview in a rigid and inflexible manner

Interviewers may consider utilising listening techniques such as:

- An attentive sitting posture;
- Acknowledging responses with non-verbal cues (e.g. nodding your head) or verbal cues (e.g. thanking them after each response);
- Maintaining eye contact;

- Reflecting responses back to the interviewee (e.g. summarising their response into a short sentence to show them that you are listening and understanding them);

Guideline 10: Retention of data and research

Project partners should retain all of the raw data they collect, including hand written notes on the questionnaires and on other materials, anything recorded digitally or on audiocassette and any photos taken. This data may be needed during the drafting of the national and regional reports, and after they are published.

Guideline 11: Recording data

Data may be recorded in one of three ways:

- On the questionnaire itself
- On a digital voice recorder
- On an audiocassette voice recorder

Interviewers may wish to utilise more than one method during each interview to ensure accurate data collection. But in the end, all responses must be recorded on the questionnaire itself to facilitate the Lead Project Coordinator's ability to comparatively analyse the data. The Lead Project Coordinator will not be able to transcribe digital or audiocassette recordings of interviews. The three methods identified above are intended to facilitate the collection of data for the project partners.

Guideline 12: Transmission of the data to the Lead Project Coordinator

All research data must be transmitted to the Lead Project Coordinator in order to complete the comparative analysis for the regional report. Project partners can transmit photocopied versions of the data and retain the original versions for themselves. Project partners can also scan their data and transmit it to the Lead Project Coordinator in electronic PDF format.

All data that is sent to the Lead Project Coordinator must be in English. Only the most exceptional circumstances will be considered.

Guideline 13: Post-interview evaluation

During the process of the interview there may be particular factors that remain unacknowledged by both the interviewer and interviewee. These and other factors have the potential to impact the process and quality of the interview and the data that is collected. Therefore it is important for the project partners to set aside a small amount of time to reflect upon each interview that is conducted.

Interviewers will be asked to complete a 1-page "Post-Interview Evaluation" checklist

after each interview conducted (see Draft PIE2). Completion of the checklist should take no longer than 5 minutes. Copies of completed checklists (electronically or on paper) should be sent to the Lead Project Coordinator along with photocopies of the interviews, and any other data collected.

Guideline 14: Incorporating asylum seekers and illegally staying third-country nationals into the report

The DEVAS Project is partly funded by the European Commission from the European Refugee Fund (ERF). Being so, the report that is officially submitted to the Commission must be about asylum seekers. Yet data will also be obtained from illegally staying third-country nationals.

This means that, in effect, two regional reports will be published:

- The regional report submitted to the Commission will only contain references to asylum seekers in detention ...
- While the full ‘public’ regional report will contain references to both groups of people.

Similarly, national reports that are submitted to the Commission (within the official regional report) will not contain data and findings on the situation of illegally staying third-country nationals. However project partners can use such data and findings in the national reports that they distribute to the public.

5. What do we mean by ‘vulnerable’ asylum seekers and illegally staying third-country nationals?

In a recent study the European Parliament identified ‘vulnerability’ according to three factors: risk, personal and environmental.³

Risk factors are experiences of the asylum seeker and/or third-country national prior to their arrival, whether in their country (war, famine) or as a consequence of their migration (desert or sea crossing, trafficking).

Personal factors include gender, age, physical and mental health condition, race and ethnicity.

Environmental factors are the experiences of the asylum seeker and/or third-country national after arrival into Europe. These include medical, legal and social needs, accommodation and the political climate of the reception country.

Conditions of vulnerability such as severe depression and anxiety, or severe malnutrition, may be deeply rooted in the experiences of the asylum seeker and/or third-country national before their migration, yet may only manifest itself at a later time while they are in detention. The conditions of detention may serve as a catalyst for the manifestation of vulnerable

³ 2008 European Parliament study on detention

‘symptoms,’ such as from prolonged detention. Or the social conditions in the detention centre may create vulnerability where none existed before, e.g. elderly persons detained with a larger number of younger persons, or, a woman detained with males in the same living quarters.

Legal institutions and bodies have sought to identify ‘vulnerability’ by clearly delineating specific groups of people who are, according to established criteria, at a disadvantage when compared to the rest of the population.

EU law identifies vulnerable asylum seekers and third-country nationals as minors, unaccompanied minors, disabled people, the elderly, pregnant women, single persons with minor children, persons subjected to torture, rape or other serious forms of psychological, physical or sexual violence.

The European Court of Human Rights has addressed vulnerability in relation to Article 3 (torture and ill-treatment), Article 5 (arbitrary detention) and Article 8 (private and family life).

The 1999 UNHCR Revised Guidelines on Detention identify single women, unaccompanied minors, accompanied minors and those with special psychological or medical needs as vulnerable. Furthermore, UNHCR views the detention of vulnerable asylum seekers as “inherently undesirable” where alternatives should be actively considered.

Medical research has sought to identify ‘vulnerability’ by linking the experiences of a person to the specific behaviour they emit. Dr. Joseba Achotegui, a psychiatrist and director of a psychopathological and psychosocial support service, identified immigrants living in extreme situations as experiencing the effects of “Ulysses Syndrome”.⁴ Coined in 1952, Dr. Achotegui uses this label to classify immigrants who experience multiple chronic stressors as a result of their migration. Loneliness, despair and failure, a diminished will to survive and deep-seated fear are the four main stressors of this syndrome. These stressors cause immigrants to exhibit symptoms such as sadness and crying, tension, insomnia, intrusive thoughts, irritability, migraines and fatigue, confusion and osteoarticular discomfort or pain, e.g. arthritis. The marked difference between this and the legal interpretation is that any migrant could experience these symptoms, meaning that any migrant could be considered as ‘vulnerable’.

6. How will the DEVAS Project assess vulnerability?

The DEVAS Project will not research pre-determined categories of vulnerable asylum seekers and illegally staying third-country nationals in detention. It will instead determine, through the research, the factors and circumstances that could lead to vulnerability. The detainee research instrument, in particular, will seek to obtain the personal experiences of persons in detention and to identify which risk, personal and environmental factors of vulnerability they are faced with. Moreover it will aim to research the personal stressors and symptoms the detainee may experience while in detention. Taken this way, the DEVA

⁴ Achotegui, J. *The Ulysses Syndrome*, presentation to the Japanese Society of Transcultural Psychiatry and the World Psychiatric Association, 27-29 April 2007. The “Ulysses (or, Odysseus) Syndrome” is in reference to the Greek hero who suffered countless adversities and dangers in lands far from his loved ones.

project diverts from the legal definitions of vulnerability that are commonly used in the political and social discourse on refugees and migration.

The objective is to identify how detainees become vulnerable in order to advocate for the improvement of detention conditions, and more importantly, to advocate for stronger protections and alternatives to detention for vulnerable persons.

7. What is the project timeline?

The project will be implemented during an 18-month period. The project officially began on 17 November 2008. The draft timeline is as follows:⁵

2008

November: Draft the research methodology; plan SC meeting

December: Draft the research methodology; plan SC meeting

2009

January: SC meeting; finalise research methodology

February: Finalise research methodology; Record, compile and analyse data

March: Record, compile and analyse data **(One-third of interviews due from each partner)**

April: Record, compile and analyse data

May: Record, compile and analyse data

June: Record, compile and analyse data **(Another one-third interviews due from each partner)**

July: Record, compile and analyse data **(All interviews due)**

August: Produce national reports; produce European comparative report

September: Produce national reports; produce European comparative report

October: Produce national reports; produce European comparative report

November: Produce national reports; produce European comparative report; Plan final conference

December: SC meeting; review research; edit and publish final report; discuss final report recommendations; plan final conference

2010

January: Edit and publish final report; plan final conference

February: Edit and publish final report; plan final conference; Design policy strategy

March: Finish planning final conference; hold final conference; final SC meeting; design policy strategy; media activities; external evaluation

April: Media activities; external evaluation

An internal evaluation process will occur throughout the 18 months of the project.

8. What will the national reports look like?

⁵ Refer to DRAFT PT3

It is important that each project partner's national report be composed in the template the Steering Committee has approved of. This uniformity will not only make for a readable report, but it will also facilitate the drafting of the European comparative report. The national report should also be able to stand on its own, to be used by the project partners for their work.

The national reports'⁶ table of contents should look like the following:

- Preface and acknowledgements
- Executive summary
- Introduction
- Methodology

- Part I Administrative detention of asylum seekers and irregularly staying third country nationals in XXXXX
- Part II Administrative detention on the basis of social conditions
 - 2.1 The perspective of detainees
 - 2.2 The perspective of NGOs/Civil Society organisations
 - 2.3 The perspective of detention centre staff
- Part III Determining 'vulnerability' within the context of administrative detention in XXXXX
 - 3.1 Determining factors
 - 3.2 Identifying vulnerable groups in administrative detention
- Part IV Recommendations
 - 4.1 Recommendations
- Glossary
- Annexes

9. What will the European comparative report look like?

The purpose of this report is to comparatively analyse the conditions of detention in each country researched, and to draw out an analysis on what 'vulnerability' is for detained asylum seekers and illegally staying third country nationals. In particular, this report will determine which factors lead to 'vulnerability' in detainees, and whether and how detention conditions exacerbate these factors. The report will offer conclusions from the research project, and policy recommendations for advocacy.

- Preface and acknowledgements
- Executive summary
- Introduction
- Methodology

- Part I National reports
- Part II Administration detention and 'vulnerability' in the context of the EU
 - 2.1 EU asylum and immigration law and policy
 - EU policy
 - EU law
 - 2.2 Major international guidelines
 - UNHCR
 - Council of Europe
- Part III Legal and social conditions of administrative detention in 23 Member States of the EU
 - 3.1 Administrative detention on the basis of national legislation
 - 3.2 Administrative detention on the basis of social conditions

⁶ Please refer to DRAFT NR2

	3.2.1	The perspective of detainees
	3.2.2	The perspective of NGOs/Civil Society organisations
	3.2.3	The perspective of detention centre staff
Part IV	Determining and identifying 'vulnerability' within the context of administrative detention in the EU	
	4.1	The determining factors
	4.2	Vulnerable persons and groups
Part V	Recommendations	
	5.1	Recommendations
Glossary		
Annexes		

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