

Language politics at European border; The language analysis interview of asylum seekers in the Netherlands¹

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Zusammenfassung

In diesem Beitrag wird die Sprachenpolitik behandelt, die in Europa Asylbewerbern gegenüber angewendet wird. Da zahlreiche Asylsuchende ihre nationale Herkunft häufig nicht (oder nur ungenügend) nachweisen können, werden sie von den Behörden zu einem Sprachtest zur Bestimmung ihrer Herkunft verpflichtet: sog. Language Analysis for the Determination of Origin (LADO). Im Artikel werden die Zielsetzungen und Grenzen dieses Testverfahrens anhand von zwei Fallstudien, die sich auf die diskursiven Strukturen der Testdurchführung in den Niederlanden beziehen, erörtert. Die Analyse illustriert die Frage, wie europäische Grenzen im aktuellen institutionellen Diskurs konstruiert und aufrecht erhalten werden. Der Beitrag kommt zum Ergebnis, dass das Verfahren zwar zweckmäßig sein kann, dass jedoch zuverlässigere Instrumente für die Datensammlung sowie für die Auswahl und das Training von Sprachexperten nötig sind. Der Autor schlägt vor, vermehrt internationale Forschung zu betreiben, um die unterschiedlichen Verfahren und Standards zu vergleichen und zu verbessern. Dies dient gleichzeitig der Vorbeugung institutioneller Mängel und interkultureller Probleme.

1. Introduction

This volume focuses on multilingualism and multiculturalism by discussing new concepts for linguistic and cultural diversity in Europe and at the same time reflecting on collective European cultural traditions. In the 19th century many European nation states have been constituted and determined one language as their national standard. Anderson (1988, cit. in Ehlich

2005, p 109) refers to this language political programme as the *Project Nation*. This project contained compulsory education for everybody, forced alphabetisation, and the implementation of a standard language in the administration and in the legal system, and applied this national standard language in economic transactions and, finally, in science and humanities. Other contributions to this volume (Hogan-Brun, Duchêne, Jurt, Kreis, Mäder, Richter, and Stickel) document how this language political programme which has been adopted ever since the 18th century has resulted in the hegemony of national languages over a number of minority languages in Europe. These linguistic and cultural minorities have been suppressed systematically and marginalised throughout the past centuries. The proclamation of the European Union in the 20th century brought some protection for these linguistic minorities by setting up the Maintenance Programmes for regional linguistic minorities (Coulmas 1991). They were documented carefully and their maintenance is nowadays supported. Labour migration and globalisation in the 20th century added further linguistic minorities to the European multilingual landscape. Linguistic diversity therefore is an important European characteristic in the 21st century.

Multilingualism attracts both academic and political attention in the European unification process. One can state that a new supranational policy has been proclaimed that – in contrast to the former *Project Nation* – could be called *Project Europe*. The latter programme was initially established on the basis of economic purposes. However, with the installation and constitution of many supranational administrative European institutions in the past decade the consequences of *Project Europe* now reach the everyday life of all European citizens. Although language policy has never been the primary scope of the supranational European cooperation, nowadays the question of multilingualism and linguistic diversity is placed fairly high on the European agenda. As from 2006 the European commission has a special commissary for multilingualism.

In this paper I discuss one aspect of the European language policy which is directly related to diversity, namely the issue under which conditions refugees and asylum seekers are admitted to Europe. Refugees often don't have documents which legitimate their nationality. In those cases national administrations can provide them with the opportunity to make use of the Language Analysis for the Determination of Origin (= LADO). Governmental officials document and analyse the language variety spoken by the refugees by assessing the recorded speech with their native intuition or by comparing the speech with described characteristics of language varieties from the claimed regions of origin. These official reports play an important role in the final decision on their admittance. This language political practice can be considered as a test case for the language policy in multilingual

Europe in general. In actual fact, the LADO procedure exemplifies the institutional tolerance of the multilingual policy of the European Union with regard to the maintenance of its external borders.

The conclusion of this paper can be summarised by the statement that LADO could be useful, but that administrations in many countries are in need of more reliable procedures (e.g. instruments for collecting reliable data and for assigning and training professional and linguistic experts). International research is needed in order to compare and improve different international institutional procedures and standards that deal with various institutional and intercultural pitfalls in different nation states in the European Union.

This paper is structured as follows. In section 2 I sketch the current developments in language policies and migration in Europe. In section 3 I characterise the position of asylum seekers in Europe with respect to the current language policy. In section 4 studies dedicated to the language analysis of asylum seekers are summarised. Section 5 contains two case studies regarding the discursive structures of asylum interviews in the Netherlands. These studies exemplify the question as to how European borders are realised and maintained in the discourse between functionaries and asylum seekers.

2. Language policies and migrations in Europe

Throughout, roughly speaking, the past ten years a noticeable increase in the research on multilingualism has been observable, a fact which was not least stimulated by the challenges set by the European motto, *unity in diversity*, which also reflects the linguistic situation in Europe (e.g. Auer / Wei 2007). Although attention is paid to diversity and multilingualism, institutional official procedures consider the traditional model determined by the *Project Nation* (Anderson *ibid.*) as their conceptional framework. This means that the relationship between *one* standard language and *one* nation state is still the leading ideological principle. In actual fact, deviant linguistic situations as found in Belgium and Switzerland with their multilingual constellations did not affect the fundamentals of the *Project Nation* in other European countries in the past. The central claim of this paper is that this principle is being applied with regard to the issue of how refugees and migrants are treated when they want to enter the European Community. In actual fact, language has become an important and even decisive factor at the borders of the European Community as other formalities have disappeared as a consequence of the European unification. Two recent cases will be discussed.

Firstly, the decision to admit migrants to Europe depends not only on their income, professional education and family relationships, but also on their language proficiency in the national language of the nation they want to immigrate to. Consequently, the administration in various European countries developed language tests in order to assess and select immigrants while they are still based in their country of origin. New assessment techniques have been developed in order to test the language proficiencies of immigrants per telephone in the embassies of the emigration countries (e.g. for the Dutch immigration policy Boutachekourt et al. 2003). These assessment procedures and situations are examples of what Gumperz (1982) called *gate keeping discourse*. I will not elaborate on this development. However, it is important to emphasise how the *Project Nation* has found a new application of its principle. Migrants are only allowed to enter European nations if they have a sufficient command of the national standard languages of the respective European nations.

In this context, one could discuss the consequences of a complementary language policy that would test and assess the multilingual and intercultural competencies of immigrants at the European border. The question should be discussed as to how the linguistic and intercultural expertise of the migrants contributes to multilingualism and multiculturalism in Europe. One could say that migrants strengthen the *Project Europe* by their intercultural and multilingual competences (Hellinger and Pauwels 2007). These considerations should also be part of the *Project Europe* that is discussed in this volume.

As has been mentioned before, another gate keeping situation has recently been institutionalized at European borders. I refer to the Language Analysis for the Determination of Origin (LADO) procedure. This gate keeping situation also depends on the language proficiency of the client. However, these assessments do not concern the national languages of the European nations, but rather the languages of the regions of origin of the refugees and asylum seekers in other parts of the world. In actual fact, the one-to-one relation between language and nation is still the underlying principle (e.g. Maryns 2005). Functionaries of the guarding administrations presuppose the same sort of one-to-one identity between the language and the former residence in the emigration countries as has been established in the European history. If asylum seekers or refugees request to migrate to Europe they have to report in interviews on the reasons for their flight and on their exact journey to Europe (see for the Dutch procedure Doornbos 2003). Subsequently, officials may decide to subject them to the LADO procedure.

It is interesting to put forward the question of how the *Project Nation* is determined in the development of the LADO procedure. In this paper I ar-

gue that the European admittance policies still take the principle of ‘one nation one language’ as the starting point of the procedure. The question can be put forward whether this principle, that may be correct within European countries, is in fact suitable and applicable in other parts of the world. In actual fact, the borders of nation states in Africa were determined at the drawing tables of the European colonists. They did not consider local linguistic peculiarities as important grounds to be considered when determining African borders (e.g. Thelwall 2007). Nowadays, multilingualism is accepted as a fundament of nations in a large number of countries all over the world. This means that the principle of one language one nation is not applicable in many countries around the world. Hence, the problems with respect to the LADO procedure that are discussed in this paper are built on the basic principle of the *Project Nation*. This principle is transferred to other parts of the world whenever refugees or asylum seekers apply for admittance at European borders.

3. Asylum seekers in Europe

In order to be able to consider the historical background of the LADO procedure in the Netherlands, one requires some insight into the number of applications of asylum seekers in Europe in the last decade. In figure 1 the figures for applications in the period between 1992 and 2006 are presented.

Figure 1: Asylum seekers in Europe in the period 1992-2006

Country of asylum	1992	1994	1996	1998	2000	2002	2004	2006
Belgium	17,398	14,456	12,412	21,965	42,677	18,810	15,360	11,590
Denmark	13,884	6,651	5,891	5,699	10,077	6,070	3,240	1,920
Finland	3,634	836	711	1,272	3,170	3,440	3,860	2,290
France	28,872	25,791	17,283	22,375	38,747	58,970	58,550	30,690
Germany	438,840	127,210	11,367	98,644	78,698	71,130	35,610	21,030
Netherlands	20,346	52,576	22,857	45,217	43,895	18,670	9,780	14,470
Norway	5,238	3,379	1,778	8,277	10,842	17,480	7,950	5,320
Spain	n.a.	11,901	4,730	6,639	7,235	6,310	5,540	5,310
Sweden	n.a.	18,638	5,774	12,844	16,283	33,020	23,160	24,320
Switzerland	n.a.	16,134	18,009	41,302	17,659	26,130	14,250	10,540
United Kingdom	34,539	42,201	29,642	58,000	93,607	103,080	40,620	27,850

Source for numbers in the years 1992-2000: Dutch Immigration Services: (2007)

<http://www.ind.nl/NL/inbedrijf/overdeind/cijfersenfeiten/> (last visited: 10-04-07)

Source for numbers in the years 2002-2006: UNHCR (2007)

<http://www.unhcr.org/statistics.html> (last visit 31-01-2008)

In general, the number of asylum applications increased in the period between 1992 and 2002, and decreased again in the period between 2002 and 2006. These developments have been determined by the European stringent admittance policy following the Schengen agreement in 1986. Although European countries have developed their own admittance policies, the overall development is directed towards a harmonisation and a Common European Asylum System for all European nations.

The interpretation of these developments at the European border should consider political and economic development such as the introduction of the Euro as a common currency in 2002 and the recent extension of the common internal market towards Eastern Europe as well. The European labour market was and is always in need of a flexible labour force. The opening up of the European market in 1993 enabled free way for people and goods within the borders of the European Union. The membership of East European countries beginning in 2004 provided additional input to a new labour force. In relation to admittance policies one can conclude that these two developments results in a paradox: on one hand the internal European market was extended and on the other hand the external borders were being kept closed more strictly.

The admittance policy is indirectly related to economic developments. One could ask the question of whether the increase and decrease of asylum applications has been influenced by the East extension of the European market. Refugees and asylum seekers have always been admitted primarily because of humanitarian considerations, but at the moment they attain their residence permits by entering the labour market. In this respect one should also consider asylum seekers and refugees that are turned away at the border and, consequently, do not receive a residence permit from the national administrations. The vast amount of them cannot or do not return to their previous countries and enter the European labour market in order to survive in every-day life. In fact, they are generally exploited as illegal labour workers. Although many regulations try to prevent this illegal work force, illegal refugees considerably contribute to a flexible labour force. Periodically, individual nations are necessitated to grant a general pardon to illegal immigrants on the basis of humanitarian as well as economic grounds (e.g. Spain in 2005, Germany in 2007, and the Netherlands in 2007).

In conclusion, the development of new concepts of multilingualism should consider the relationship with economic developments (e.g. Ehlich 1991). Linguistic diversity is related to economic developments. The increasing importance of language and proficiency tests in admittance policies is related to recent political and economic developments. On the one hand production activities are outsourced to other parts of the world (China, India), while at the same time the impact and importance of Europe as

a *knowledge society* is underlined. Handicraft on a massive scale no longer exists in Europe. In every job, the communication with the managers or with other team members contributes substantially to the productive success. In fact, the knowledge society assumes intensive communication processes between professional experts in all kinds of institutions and companies. This necessity of communicative competences at the workplace might explain why elaborated language proficiency of newcomers has developed into an important and even decisive criterion within the admittance policies. However, communication at the workplace is not always determined by the national linguistic standard. In actual fact, a large amount of workplace communication is multilingual. Consequently, the high demands with regard to multilingual communicative competencies in the knowledge society require the *Project Europe* including a multilingual policy.

4. Studies on language interview in asylum procedures

Language Analysis for the Determination of Origin (LADO) is used in a number of countries to investigate the veracity of claims made by asylum seekers and other immigrants with regard to their origin. In actual fact, the Dutch LADO procedure is used in three instances: first of all in cases in which refugees wish to enter the country. Secondly, in cases in which the asylum seekers have lied about their origin and therefore the immigration and naturalisation Services have to check their origin afterwards, and thirdly, in cases in which immigrants have to be sent back to their country of origin and the agencies have to determine which country these migrants have to be sent back to². Sweden, Belgium, Switzerland and the Netherlands have agencies that coordinate and supply linguistic analyses. However, the technique used by the respective agencies differs: while the Dutch administration, for instance, use a face-to-face interview with the asylum seeker, the Swiss agency makes use of a direct telephone call with the linguistic expert. According to the official procedures, the Dutch LADO interview fulfils two purposes: firstly, the LADO interview aims at the collection of speech from the various asylum seekers on tape, in which they speak their languages from their respective regions of origin in the most natural way and, secondly, the interviews are organised in order to determine the asylum seekers' knowledge on cultural geographic features of their claimed region of origin (ten Thije 2007).

Academics have studied the current practices carried out in LADO since 2003. The first publication was a critical report on 58 cases in Australia (Eades et al. 2003). Shortly thereafter the discussion resulted in the publication of the Guidelines for the Use of Language Analysis in Relation to

Questions of National Origin in Refugee Cases by a group of international linguists in 2004. These Guidelines can be found in annex 2 attached to this paper. The publication of these Guidelines has provided a further impetus to the academic discussion on the conditions under which LADO should be carried out. The discussion is evidenced by the fact that a number of professional societies have endorsed the Guidelines. A number of publications have followed, e.g. a collection of papers on language analysis (Eades and Arends (eds.) 2004), a literature study (Dikker and Verrips 2004), as well as academic events at the conferences.³

The sociolinguistic literature raises the question of whether LADO is possible after all, since national and regional borders do not necessarily correspond to speech communities (Maryns 2004). Secondly, the discourse in LADO interviews may contain different language varieties spoken by the asylum seeker. Thirdly, the asylum seeker can adapt his speech to the language variant used by the interpreter in the interview. Furthermore, Cococan (2003) shows how, during the LADO interview, the official interviewer classifies the asylum seeker according to traditional indigenous ethnic categorisation from his claimed country of origin and, therefore, neglects the migration history and resulting new ethnic identities of the asylum seeker identified in the interview. Consequently, intercultural misunderstandings occur (Kälin 1986) and hinder the asylum seeker to express his extensive language capacities.

In sum, the language interview is characterised by codeswitching, code-mixing and intercultural discourse. Experts who are responsible for the LADO analyses have to be capable of untangling these different linguistic and cultural factors. Therefore, they are in need of professional linguistic qualifications. However, these qualifications are often not at hand since the national agencies often make use of native speakers in order to collect the data for these reports. In conclusion, the linguistic complexity of data collections and the insufficient linguistic expertise of interviewers affect the reliability of the LADO procedure as a whole (de Graaf and Van den Hazelkamp 2006; Ten Thije 2007).

Bronsdijk (2006) focuses on another aspect of the LADO procedure that has not been studied intensively before, namely the position of the interpreter.⁴ She carried out a discourse analytical study of the language analysis interview in the Netherlands. Her project investigated especially the role of interpreters within the language interview. In the Netherlands interpreters are legally required by law since the officials cannot be expected to know all the language variants of the respective asylum seekers.

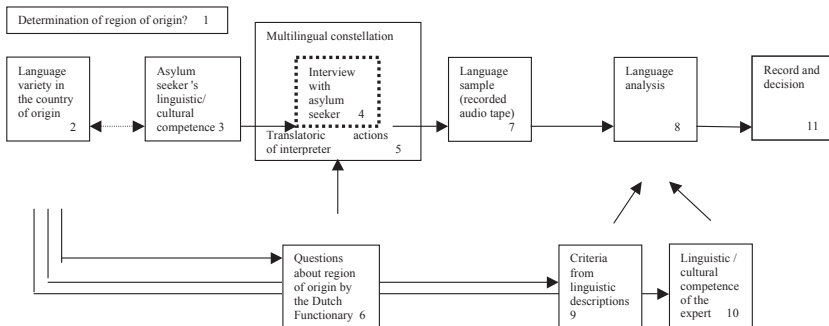
On the basis of her pilot study of three interviews Bronsdijk (2006) concludes that a sizable diversity can be found in the standards that were maintained by the interpreters. While one interpreter works according to stan-

dards of the so-called ‘translation machine’ that is commonly used in conference interpretation (Bührig and Rehbein 2000), the others acted according to standards of ‘intercultural mediation’ (Knapp and Knapp-Potthoff 1985; 1986). This variety can be explained by the assignment of interpreters in the Netherlands which allows them to take over the position of the interviewer. The transcripts in the pilot study contain numerous examples of interpreters asking asylum seekers questions with regard to their cultural knowledge out of their own responsibility.

Furthermore, the transcripts contain a number of examples of how interpreters summarise, explain and elaborate assertions of asylum seekers in contact with officials. In fact, interpreters become a third party within the discourse between the primary speakers (i.e. the official and the asylum seeker). This position of the interpreter has also been studied in various other institutional settings (Bot 2003; Wadensjö, 1992; ten Thije 2007; ten Thije to appear). The conclusion to be drawn by these studies is that interpreters can only take up a third party position when they clearly signalise to the other participants who is responsible for their actions: the interpreters themselves or one of the primary speakers. These discourse strategies require a sophisticated professional discourse expertise that sadly not all interpreters have at their disposal. Consequently, the interpreters themselves may cause certain misunderstanding within the language interview that may stop the asylum seekers from displaying their real language competencies.

On the basis of a flow(-)chart indicating the institutional constellation of the Dutch LADO procedure (ten Thije, 2007), the main results of sociolinguistic and discourse analytical research on language analysis can be summarised. This model clearly distinguishes between the different stages of the language analysis (see figure 2).

Figure 2: The institutional constellation of the Dutch language analysis (ten Thije 2007)



The research carried out after the publication of the Guidelines has been focused on the reliability of the data collection and on the linguistic expertise of the professionals (box 8, 9 and 10). Subsequently, this research has been narrowed down with the focus placed on the question of how an adequate language sample should be composed in order to collect the data for a reliable language analysis (box 4, 6 and 7). Bronsdijk (2006) focuses solely on box 5: the translatoric actions of the interpreter.

5. Case studies on multilingualism in Dutch language interviews

After this literature survey, I continue with two case studies in order to demonstrate how the national language policy affects the discourse of the LADO interview. Therefore, I elaborate on the transcriptions⁵ found in Bronsdijk (2006). She based her research on data from the Dutch Immigration and Naturalisation Services (IND). The recordings have been used with the permission of the asylum seekers, who were being interviewed. They did not agree with the negative results of the LADO procedure carried out by the IND and requested an expert's opinion from linguistic experts under supervision of the Taalstudio in Amsterdam. When considering these examples one should keep in mind the extraordinary status of these cases: they could be an exception to regular IND interview standards⁶. However, in general, institutional discourse can be used to reconstruct the underlying recurrent institutional structures (Bühlig and/ ten Thije 2005).

Bronsdijk (2006) provided the background information on the transcripts: the data consists of three separate recordings of interviews held at an IND-office in the Netherlands. In each interview an IND-officer (O), an interpreter (I) and an asylum seeker (A) participate. The asylum seekers in the three cases were one female and two male persons. The female asylum seeker was interpreted by a female interpreter, while the males were interpreted by male interpreters. The IND-officers were all males. All asylum seekers had already been living in the Netherlands for about three years. The interviews lasted approx. 75 minutes each.

Bronsdijk (2006, p.9) states: «All three asylum seekers claim to originate from Sudan. This country has been especially chosen to use the interviews from, as Sudan is a very complex country if you look at the diversity and the spreading of the languages and dialects. The country has more than a 100 languages and these belong to three of the four languages families in Africa» (Abu-Manga, 2005). The languages are not only spoken in Sudan, but can also be spoken in the neighbouring countries. In addition to that the languages are spread in an unevenly matter (70 percent can be found in the northern half of the country), what is even more reinforced by the numer-

ous tribal migrations caused by civil wars, drought and famine. One of the consequences is that several parts are being arabized (ibid.). It is therefore very difficult to give an identification of a person claiming to originate from Sudan, as every case is so different per individual; has the person been moved, is his tribe or region been arabized, does he live at the border with another country etc.

For that reason it is extremely important for this country that the data gathered from this interview is sufficient and reliable to detect specific features from a language and a region in the recording. In actual fact, the linguistic situation in Sudan clearly illustrates that the basic principle of the *Project Nation* (e.g. one language one nation (state) is not applicable when considering the immigration from this nation.

The examples below make clear how the two purposes of the LADO interview (i.e. data collection and examination of cultural knowledge) are contradictive to each other. In the framework of this paper an in-depth analysis of the fragments is not possible.⁷ The first fragment originates from the beginning of the interview. It starts after the opening phase, in which the interviewer and the interpreter have introduced themselves and, subsequently, have explained the purpose of the interview.

TA3: Language / dialect

[1]	0	1	2	
O [v]	Weet u ook hoe die tAA1 (0.8) door de beWOners, door de MENsen die daar wOnen, <i>Do you know how that language, by the inhabitants, by the people themselves who live there</i>			
[2]	-	3		
O [v]	zELf genoemd wor/ wordt? <i>I/is being called?</i>			
I [v]	So do you know the people tha/ that are living there the			
[3]	-			
I [v]	people that Owners of that e:h tribe, do you know how >they call< how they call that			
[4]	-	4	5	6 7 8
I [v]	eh tribe °there°? (1.5) °Yeah°.			
A [v]	<That's my tribe>. That is Loembek e:h tribe. Is/ is a part			
[5]	-	9	10	11 12 13 14 15 16
I [v]	How they call it? LOEMBek? Loembek			
A [v]	Of DINKa (1.0) tribe Loembek Is a: Loembek Is/ i I/ is a::			

[6]	..	17	18	19							
I [v]		Oke:.	Is een subgroep vane:h Dinka.	Van de stamtaal							
		<i>Okay</i>	<i>It is a subgroup of the Dinka</i>	<i>o/Of the sublanguage</i>							
A [v]	substam of e::h Dinka.	°Dinka's tribe°.									
	<i>subtribe of Dinka</i>										
[7]	..	20	21	22	23	24	25	26	27	28	29
O [v]		Dat vrOEg ik niet. (0.6) Ik vroeg aan u (.) wEEt u (.) hoe de (.) <TAAL									
		<i>I did not asked that</i>		<i>I asked you</i>		<i>whether</i>		<i>you know</i>		<i>the language</i>	
I [v]	°Dinka°.	(0.5)									
[8]	..	30	31	32							
O [v]	ShilOEK (.) door dEGENen die die taal SPREken>, genoemd wordt.	Die geven een									
	<i>Shioek</i>	<i>is being called by those people who speak that language.</i>									
		<i>They use another</i>									
[9]	..	33	34	35							
O [v]	ANdere naam aan die TAAL.	Dus ik praat niet over de etnische	Afkomst,	niet							
	<i>name for that language.</i>	<i>So, I /am not speaking about ethnic</i>	<i>background,</i>	<i>not</i>							
A [v]		(not understandable)									
[10]	..	36	37								
O [v]	over de bevolkingsgroepen, maar over de TAAL.	Die heeft een ANdere naa:m.									
	<i>about the inhabitants, but about the language</i>	<i>They use another name.</i>									
I [v]		.hh	You see,								
[11]	..	38									
I [v]	>we're not talking about a< tribe.	>We're talking about< the (°dialect°) >the language									
[12]	..	39									
I [v]	that the people< speak, the SHilock people, the LANGuage, how do they call IT?	How									
[13]	..										
I [v]	do (they) those >people< that speak this >language<, how do they cAll the language										
[14]	..	40	41	42	43						
O [v]		De									
		<i>The</i>									
I [v]	°there°?	Shilock. 'T wordt gewoon als Shilock °geschreven°.									
		<i>Shilock</i> <i>It is written as Shilock</i>									
A [v]	<SHilock>.										

[15] .. 44 45 46 47
O [v] <ShiLOEK>, dus de mensen die Shilook spreken, (.) <noemen hun Eigen taal (.)
Shilook, so the people that speak Shilouk call their own language

[16] .. 48
O [v] ANders>.
differently
I [v] .hh You see, the Shilook, >the people< that speak that LANguage, Shilook,

[17] ..
I [v] (so they c/) they have another NAME, they used to call that LANguage >have another

[18] .. 49 50 51
O [v] Heeft u wel eens van SHOela
Did you ever hear about Shoela?
I [v] name to< call it. °Do you know?°
A [v] °I don't know°?

[19] .. 52 53 54 55 56 57
O [v] gehoord? Ja. En van SHOlo?
Yes And about Sholo?
I [v] SHOela? Have you ever hea:rd about Shoela? Sholo?
A [v] °No°

[20] 58 59 60 61 62
O [v] Nou, dat z/ (.) <zijn de NAMen die de SHilook aan hun Eigen taal geven>.
Well that are the names the Shilook give to their own language
I [v] (1.2)
A [v] °Nee°.

[21] 63
I [v] .hh So that's the NAME that the Shilook people give (th/) LANguage that they speak.

[22] 64 65 66 67 68 69
O [v] Maar goed. (1.7) Kunt u mij (.)
But, however Could you tell
I [v] That's the NAME of the language °that they speak°. (0.5)

Fragment (1) presented above consists of three sections. In the first section (segment 0 – segment 20) the IND-official (O) asks the asylum seeker (A) whether he knows the name that the people of the Loemboek tribe use to denote their own *language*. The interpreter (I) wrongly translates this question by asking the asylum seeker, whether he knows the name of the *tribe*. The asylum seeker (A) responds that it is his own tribe and that the name of his tribe is *Loembek* which in turn is part of another tribe called *Dinka*. In the second section (segment 21 – segment 50) O rejects this answer, by saying that A did not respond to his question. O repeats his question and stresses the fact that he is not talking about the people or ethnic groups, but rather about the name of the language. Subsequently, the interpreter (I) translates in segment 37 and 38 «*we are not talking about a tribe, we are talking about the language*». The interpreter does not apologise for his false translation, but changes the deixis from the personal deictic expression («*I*») into plural «*we*». He translates the question and A answers in s40 with one word: «*Shiloeck*». The interpreter translates his answer (s41) and O rejects A's answer again by repeating his question (s43). After the translation of I (s49), A answers (s50) «*I don't know*». In the third section, O answers his own question. A confirms in s55 and s59, that he has not heard of the names. In s67 O changes the topic and begins to formulate another question.

As mentioned before, the purpose of the LADO interview is to provide the asylum speaker with the opportunity of speaking as much as possible of his home spoken language variants. From this fragment it becomes clear that the questions formulated by the official have a negative effect on the length of the contributions of the asylum seeker. Moreover, the fragment displays an incorrect translation of the interpreter resulting in the fact that the asylum seeker is held responsible for giving the wrong answer, which is in fact not the case. The asylum seeker gives the right answer to the question the interpreter translated to him.

Furthermore, the fragment illustrates the numerous denotations (proper names) that are available for identifying members of ethnic groups (*Loembek*, *Dinka*, *Shilloeck*) and the language varieties (*Shilloeck*, *Shoela*, *Sholo*) they speak. These various proper names create problems for all participants. The interpreter uses various referential expressions to denote the members of the group of which the asylum seeker has claimed to be a part of. He refers to them as «*inhabitants*» and «*people who live there*» (s2). The interpreter translates the referential expressions in s3 by «*people that live there*' and by «*the owner of that tribe*». In s33 O uses the notion «*ethnic origin*» and in s35 «*inhabitants*» and in s38 the interpreter calls them the «*Shiloeck people*». Both from sociolinguistic research and from the field of Onomastics (ten Thije to appear) it has become clear that a complex re-

relationship exists between the names of nations and names of languages spoken within these nations. The interviewer presumes that the asylum seeker is aware of this relationship and examines the presumed sociolinguistic knowledge on the complex linguistic constellation in Sudan. In this fragment he does not ask the asylum seeker to show his competencies in the Shoela or Sholo variant, but only asks whether he knows their names.

Finally, I wish to draw attention to s16 in which A says: «*It is a substam of Dinka*». The expression «*substam*» is a Dutch word meaning «*subtribe*». A has already lived in the Netherlands for three years and can at times understand O without translations. One can imagine what contradictive expectations arise when A is confronted with different questions being formulated by O and I. In a gate keeping situation it is not appropriate to cast doubt on the meaning of the question posed by the examiner.

The second fragment stems from the same interview and refers to the topic of the names of neighbouring countries of the region where the asylum seeker claims to come from. It is striking that the interpreter (I) uses the notion «*province*» that is used in the Netherlands to indicate an institutional subpart of the Dutch nation (state). The nation of the Netherlands is divided into twelve provinces. The assumption behind O's questions is that Sudan has a corresponding administrative structure as the Netherlands. This results in an intercultural misunderstanding about the references of «*nations*», «*countries*», «*provinces*», «*regions*», «*areas*», «*places*», «*neighbourhoods*», and «*borders*», in which A fails to give the 'right' answer to O's questions. It is not possible to go into details of the analysis.

Fragment 2: TA3, Shilook, countries and tribes.

[31]	..	57	58	59	60	61
O [m]						Oke, u komt uit de provincie OOST- <i>Okay, you come from the province East-</i>
I [m]			°Ja°. °Is duidelijk°. (3.0)			<i>Yes. Is clear.</i>
A [m]	back home.					So I can't ()
[32]	..	62	63	64		65
O [m]	EquaTOR.	Kunt u mij	(.) de LANden	vertellen die RONd	die provincie	liggen? Dus de
	<i>Equator.</i>	<i>Can you</i>	<i>tell me the countries that are/lie</i>	<i>around that province?</i>		<i>So the</i>
[33]	..	66				67
O [m]	LANden.					<i>countries.</i>
I [m]		Say you are from eh the provincie Oost-Equator, see can you				(.) Call/name all the

[34]	..	69	70			
I [m]	>places< all the countries of >places< that are around that area? (0.8)					
A [m]	<Countries>.					
[35]	71	72	73	74	75	
O [m]			°Ja°.	COUNtries.		
I [m]	°Hm°. () andere LANDen in () other countries in		die buurt? that area?	Other COUNtries that are nea/ tha/		
[36]	..	76	77			
O [m]						
I [m]	that are nearby.		.hh Eh bedoelt u landen die in de .hh Uh you mean countries that are in the			
A [m]	As eh neighbouring Sudan countries?					
[37]	..	78	79			
O [m]	Nee, die GRENzen aan UW provincie. No:, those that border on your province.		U heeft op school You have been to school.			
I [m]	buurt van SoeDAN zijn? neighbourhood of Sudan?					
[38]	..	80				
O [m]	gezeten. U weet waar u gewOond heeft. You know where you have lived.					
I [m]	See, they have BORDers, they have bORDers with your PROvince, >places<					
[39]	..	81				
O [m]			Ja. Yes.			
I [m]	that have BORDers with your PROvince, °other° °countries° that have borders with					
[40]	..	82	83	84		
O [m]	De LANDen aan zijn The countries on his		°grens°. border.			
I [m]	your coun/ province.					
A [m]	Yeah e:h. In my eh there is eh >other other<					
[41]	..	85	86	87	88	89
I [m]			HMM?	IONgili?	Is a PROvince?	
A [m]	province I know is eh they call Iongili.		Iongili.	Yeah.		

[42]	90	91	92	93	94	95
I [v]			°Mm°			°Hm
A [v]	Is a °province°.		Also dOEs from: i/ >there's<	lso	(0.9) eh	North-Equitoria

[43]	96	97	98	99	100	101
O [v]						.hh Maar hm But
I [v]			°Mm°.	(0.5)		
A [v]	I'm from EAST-Equitoria there's(North-°Equitoria°).				°Mmh°?	(2.0)

[44]	102
O [v]	() u
I [v]	WE're talking about other COUNtries, countries that have borders with your p/ eh with

[45]	..	103	104	105	106
O [v]		U heeft op school gezeten vijf jaar.			
		<i>You have been at school for five years.</i>			
I [v]	your >province<.	.hh			Yea:h, that ha/ that have
A [v]				OTHER countries?	

[46]	..	107	108	109	110	111	112	113
I [v]	>borders< with your province.		°Mm°.	(0.8)	°Mm°.	(1.0)		
A [v]		It's KEnia.		Kenia?		Kenia have		

[47]	..	114	115	116	117	118
I [v]						°Mm°.
A [v]	(kind of) border with my country, Kenia.		(0.8)	There's also: this e:h	(.)	TsjAAAd.

[48]	119	120	121	122	123
O [v]	Nee: niet eh/ BIJ uw proVINCie hē, we praten alleen over uw provincie.				
	<i>No not uh With your province. we are talking only about your province</i>				
I [v]	(0.8)				
A [v]	(° °)(° °)				

[49]	..	124	125
I [v]	>We're talking about< (.) your own province, that HAVe border with your >province<.		

[50]	..	126	127
I [v]	other country that has >border< with your °province°. (1.3)		
A [v]		The >only country I can	
[51]	..	128 129	130 131 132 133
O [v]			En And
I [v]		°Kenia zei die°. (0.8) Kenia he said	
A [v]	°remember° () border with my< (.) province is °Kenia°. (0.5)		
[52]	..	134	135 136
O [v]	nog mEEr? any more?		
I [v]	(>You know<) >any other< one? (1.2)		
A [v]		°I'm not° (° °) °I was very young that	
[53]	..	137 138	139 140 141
O [v]	Kunt u mij vertellen welke riVIER door U (.) <proVINcie> loopt? Could you tell me which rivers flow through your province?		
I [v]			See, can
A [v]	time°. (1.7)		

The interviewer's question referring to the countries that border the claimed region of origin of the asylum seeker illustrates the application of the principle of Project Nation indirectly. In fact, the borders between the various speech and cultural and speech communities living in Sudan do not correspond to the national borders in this region (Thelwall 2007). The assumption of the interviewer that asylum seekers have geographical knowledge on the official borders might not correspond to the everyday live and knowledge of people living in these regions in which a war is going on.

These two examples provide an insight into the discourse of the LADO interview. The cases are examples of gate keeping discourse. They illustrate the question as to how European borders are addressed in the discourse between functionaries and asylum seekers. The specific characteristics of the gate keeping determine the LADO discourse as an activity type of its own (Bronsdijk 2006). They are characterised by the contradictive purposes, ethnocentric categorisations of the interviewers, and restrictions of translations by interpreters resulting in intercultural misunderstandings. The data collected in these interviews are the basis of an expert's analysis

of spoken language variants of the asylum seeker as shown in figure 2. The analyses strengthen the statements of an international forum of linguistic academics concerning who express serious doubts with respect to the reliability of the data collected in the LADO procedure (Eades and Arends 2004; de Graaf and Van den Hazelkamp 2006; Hübbuch and Meyer 2006; ten Thije 2007).

6. Perspectives

The methodology used in the LADO interviews shows a particular instance of the well-known Observer's Paradox in sociolinguistics, whereby the observation of linguistic action changes the action being observed. A researcher interested in naturalistic linguistic data cannot elicit or observe linguistic facts without affecting the data itself (Labov et al. 1968). Sociolinguists know that this paradox cannot be eliminated from their investigation, and therefore, has to be taken into account in the context of the methods of data collection and analysis.

From this methodological perspective some recent development in the Netherlands referring to the LADO procedure should be mentioned and appreciated. The Dutch Immigration and Naturalisation Services (IND) are participating in an international study in order/dedicated to benchmark the standards of interpreters in Europe. Moreover, the IND is investigating possibilities for alternative solutions of the assignments for interpreters in legal discourse more appropriate to the specific demands of the LADO procedure. Linguistic (contra) experts in cooperation with the Taalstudio plead for changes in the LADO procedure, namely that the formal interview should be replaced by an informal biographical or ethnographic interview (Spradley 1979). In conclusion, the necessity to organise an international research project in order to compare and validate the LADO procedure in various countries is recognised by the various partners in the professional linguistic field (McNamara 2007).

In sum, I propose that *Project Europe* should also incorporate a reliable, humane and fair language policy for asylum seekers.

References

- Auer, P. and Wei, L. (eds.) 2007, *Handbook of Multilingualism and Multilingual Communication*. Handbooks of Applied Linguistics 5. Berlin etc.: Mouton de Gruyter.
- Bot, H. 2005, *Dialogue interpreting in mental health*. Amsterdam: Rodopi.

- Bronsdijk, M. 2006, *Interpreter in the language analysis interview: Translation machine or second interviewer?* [Thesis Master Communication studies] Utrecht University. Available online: <http://igitur-archive.library.uu.nl/student-theses/2007-0607-201206/UUindex.html> (last visited 31-01-2008)
- Bührig, K. and Rehbein, J. 2000, *Reproduzierendes Handeln. Übersetzen, simultanes und konsekutives Dolmetschen im diskursanalytischen Vergleich*, Arbeiten zur Mehrsprachigkeit; Working papers in multilingualism 6 (67).
- Bührig, K. and Thijs, J.D. ten 2005, «Diskurspragmatische Beschreibungsmodelle», in: U. Ammon, N. Dittmar, and K. Mattheier (eds.). *Sociolinguistics – Soziolinguistik. An international Handbook of the Science of Language and Society*. Berlin: Mouton, pp. 1225- 1250.
- Bührig K. and Thijs, J.D. ten (eds.) 2006, *Beyond Misunderstanding. The linguistic analysis of intercultural communication*. Amsterdam: Benjamins.
- Boutachekourt, K., Franssen, C., Kasem, A. and Trouw, M. 2003, *Inburgering in het land van herkomst*. Amsterdam: Ministerie van Justitie.
- Corcoran, C. 2004, «A critical examination of the use of language analysis interviews in asylum proceedings: a case study of a West African seeking asylum in the Netherlands», in: *Speech, Language and the Law* 11(2), p. 200-221.
- Coulmas, F. (ed.) 1991, *A Language Policy for the European Community. Prospects and Quandaries*. Berlin etc.: Mouton de Gruyter.
- De Graaf, A. and Van den Hazelkamp, C. 2006, Useful and reliable data for language analysis, in: T. Koole, J. Nortier, and B. Tahitu (eds.), *Artikelen van de Vijfde Sociolinguïstische conferentie*, pp. 199-208. Delft: Eburon.
- Dikker, S. and Verrips, M. 2004, *Taalanalyse: een vak apart. Een literatuurstudie*. De Taalstudio, Monnickendam.
- Doornbos, N. 2003, *De papieren asielzoeker. Institutionele communicatie in de asielprocedure*. Nijmegen: Instituut voor rechtssociologie/ centrum voor Migratierecht. Kun Nijmegen.
- Eades, D. and Arends, J. (eds.) 2004, *Speech Language and the Law* Volume 11, (2).
- Eades, D., Fraser, H., Siegel, J., McNamara, T. and Baker, B. 2003, «Linguistic identification in the determination of nationality», A preliminary report, *Language Policy* 2(2): 179-199.
- Ehlich, K. 1991, «Linguistic «integration» and «identity» – the situation of migrant workers in the EC as a challenge and opportunity», in: F. Coulmas (ed.), *A Language Policy for the European Community, Prospects and Quandaries* Berlin, New York: Mouton de Gruyter, pp. 195-215.
- Ehlich, K. 2005, «Sprachenvielfalt – Grenzüberschreitungen», in: H. Huget, C. Kambas, and W. Klein (eds.), *Grenzüberschreitungen. Differenz und Identität im Europa der Gegenwart*. Wiesbaden: VS Verlag für Sozialwissenschaften, pp. 105-113.
- Fermin, A.M.E. 2001, *Verplichte inburgering van nieuwkomers*. Utrecht: European Research Centre on Migration and Ethnic Relations.
- Gumperz, J.J. 1982, *Discourse Strategies*. Cambridge, Cambridge University Press.
- Hellinger, M. and Pauwels, A. (eds.) 2007, *Handbook of Language and Communication: Diversity and Change*. Handbooks of Applied Linguistics, 9. Berlin: Mouton de Gruyter.

- Hübbuch, P. and Meyer, L. 2006, *Language analysis interviews: What are the possibilities within this delicate frame of work?* Paper presented at Workshop Language Analysis in Refugee Status Determination, Sociolinguistic Symposium 16, Limerick, Ireland.
- Kälin, W. 1986, «Troubled Communication: Cross-Cultural. Misunderstandings in the Asylum-Hearing», in: *Refugees: Issues and directions*, 1/6, 230-241.
- Knapp, K. and Knapp-Potthoff, A. 1985, «Sprachmittlertätigkeit in Interkultureller Kommunikation», in: J. Rehbein (ed.), *Interkulturelle Kommunikation*. Tübingen, Gunter Narr Verlag, 450-464.
- Knapp-Potthoff, A. and Knapp, K. 1986, «Interweaving Two Discourses – The Difficult Task of the Non-Professional Interpreter», in: J. House and S. Blum-Kulka (ed.), *Interlingual and Intercultural Communication*. Tübingen, Gunter Narr Verlag
- Koole, T. and Thijje, J.D. ten 1994, *The Construction of Intercultural Discourse. Team discussions of educational advisers*, Amsterdam / Atlanta: RODOPI
- Labov, W., Cohen, P., Robins, C. and Lewis, J. 1968, *A study of the non-standard English of Negro and Puerto Rican Speakers in New York City*. Cooperative Research Report 3288. Volumes. I and II. Philadelphia: U.S. Regional Survey (Linguistics Laboratory, U. of Pa.)
- Language and National Origin Group 2004, *Guidelines for the Use of Language Analysis in Relation to Questions of National Origin in Refugee Cases*. <http://www.taalstudio.nl/GuidelinesLA.pdf>. (last visit 10.04.2007)
- Maryns, K. 2004, *The asylum speaker: An ethnography of language and communication in the Belgian asylum procedure*. [Thesis] University of Gent.
- Maryns, K. 2005, «Monolingual language ideologies and code choice in the Belgian asylum procedure», *Language and Communication* 25, pp. 299-314.
- McNamara, T. 2007, *Language analysis: A question of validity*. Paper at the post conference workshop on 'Language Analysis for the determination of national origin of refugees' at the Joint Summer Meeting 2007 of the Society of Pidgin and Creole Linguistics and the Associação de Crioulos de Base Lexical Portuguesa e Espanhola, June 21st 2007, Amsterdam.
- Spradley, J.P. 1979, *The Ethnographic Interview*. New York etc.: Holt, Rinehart and Winston Inc.
- Thelwall, R. 2007, *Arabic in the Sudan: origins, bi- and multi-lingualism, diglossia, dialect knowledge and problems of identification*. Paper at the post conference workshop on 'Language Analysis in the determination of national origin of refugees' at the Joint Summer Meeting 2007 of the Society of Pidgin and Creole Linguistics and the Associação de Crioulos de Base Lexical Portuguesa e Espanhola, June 21st 2007, Amsterdam.
- Thijje, J.D. ten 2002, «Stufen des Verstehens in der Analyse interkultureller Kommunikation», in: H. Kotthoff (ed.), *Kultur(en) im Gespräch. Studien zur Fremdheit und Interaktion*. Tübingen: Narr, 57-97
- Thijje, J.D. ten 2003, «Eine Pragmatik der Mehrsprachigkeit: zur Analyse, diskursiver Interkulturen», in: R. De Cillia, J. Krumm and R. Wodak (eds.), *Die Kosten der Mehrsprachigkeit – Globalisierung und sprachliche Vielfalt / The Cost of Multilingualism – Globalisation and Linguistic Diversity / Le Cout du Plurilinguism – Mondialisation et diversité linguistique*, Wien: Akademie der Wissenschaften, pp. 101-125.

- Thije, J.D. ten 2006, *The language analysis interview as mediated, intercultural discourse*. Paper presented at Workshop Language Analysis in Refugee Status Determination, Sociolinguistic Symposium 16, Limerick, Ireland.
- Thije, J.D. ten, to appear in 2008, «The self-retreat of the interpreter. An analysis of teasing and toasting in intercultural discourse», in: K. Bührig, J. House, and J.D. ten Thije (eds.) *Translatory Action and Intercultural Communication*. Manchester: St. Jerome Publishing.
- Thije, J.D. ten, to appear, «Die Benennung von Ländern und Völkern in der interkulturellen Kommunikation», in: K. Ehlich and S. Scheiter (eds.), *Interkulturelle Kommunikation – Möglichkeiten und Bedingungen ihrer Untersuchung*. München: Meidenbauer.
- Wadensjö, C. 1992, *Interpreting as Interaction*. Linköping, Linköping University

Notes

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- ² Although no official figures are published by the IND one can assume that the LADO procedure is used in ten percent of the total number of asylum applications.
- ³ LADO was the topic of panel discussions at the following conferences: the Society for Pidgin and Creole Linguistics in 2003, the International Association of Forensic Linguists (IAFL) in 2005, the Sociolinguistics Symposium (SS16) in 2006, the work shop at the annual conference of the Dutch Association for applied Linguistics (Anéla) in 2007 (see. ten Thije 2007), and the post conference workshop at the Society of Pidgin and Creole Linguistics 2007.
- ⁴ Bronsdijk (2006) is the result of cooperation between Utrecht University and the Taalstudio in Amsterdam. De Taalstudio is a company that provides various linguistic services to a range of customers. De Taalstudio provides language analyses in asylum cases by freelance independent professional linguists for a number of languages. Within their work, they are committed to apply the standards set out in the Guidelines. For more information, visit their website: <http://www.taalstudio.nl/index%20engels.html> (last visit 28.02.08)
- ⁵ The transcriptions have been specified in the computer programme Exmaralda, a programme which is used to make a transcription in a partiture model. See annexes 1 for transcription convention. One can find out more about Exmaralda on: <http://www1.uni-hamburg.de/exmaralda/> (last visit 20.04.07)
- ⁶ No official numbers are published by the IND on the outcome of the Dutch LADO procedure or on the amount of applications for a contra expertise. Based on lawyer's and experts' reports one could estimate that ten percent of the asylum seekers that are subject of the LADO procedure apply for a contra expertise.
- ⁷ Koole and ten Thije (1994), ten Thije (2001; 2002; 2003) and Bührig and ten Thije (2005; 2006) present an account of the methods of how discourse analysis can be used to reconstruct intercultural and institutional discourse.

Annex (1) Transcription conventions

Score transcription conventions

The score format follows musical notation. Each speaker is given three lines:

- a verbal communication line (indicated by speaker initials in capitals);
- a non-verbal communication line (indicated by italics);
- an intonation line (indicated by >).

Verbal and non-verbal communication transcribed above each other within a score indicates simultaneity.

In addition, the following conventions are used:

.	Intonation pointing out that the speaker is/has finished.
,	Slightly rising intonation pointing out that the speaker is/has not finished
?	Asking intonation. Not particularly/necessarily after a question.
wo:rd	An extension of the previous sound.
w::ord	The more dots (the more), the longer the sound.
WORD	Pronounced louder than the other words. Sound is stressed.
°word°	Pronounced softer than the other words. The more signs, the softer the volume.
wo(h)rd	Pronounced with a laugh.
>word<	Relatively fast pronunciation.
<word>	Relatively slow pronunciation.
wo/	Audible cut short word or sentence.
.hh	Audible breathing.
(0.5)	Silence of about 0.5 seconds (measured with Soundsciber)
(.)	Silence of less than three seconds.
()	Inaudible text segment.
(° °)	Inaudible text segment; only the volume can be heard.
(word)	Badly audible word; probably ‘word’.
(...)	Text has been left out.
((cough))	Comments of the transcriber.

Annex 2

Guidelines for the Use of Language Analysis in Relation to Questions of National Origin in Refugee Cases

June 2004

Language and National Origin Group

[an international group of linguists whose names appear below]

Language analysis is used by a number of governments around the world as part of the process of determining whether asylum seekers' cases are genuine. Such analysis usually involves consideration of a recording of the asylum seeker's speech in order to judge their country of origin. Use of language analysis has been criticized

on a number of grounds, and some uncertainty has arisen as to its validity. This paper responds to calls for qualified linguists to provide guidelines for use by governments and others in deciding whether and to what degree language analysis is reliable in particular cases.

We, the undersigned linguists, recognize that there is often a connection between the way that people speak and their national origin. We also recognize the difficulties faced by governments in deciding eligibility for refugee status of increasing numbers of asylum seekers who arrive without documents. The following guidelines are therefore intended to assist governments in assessing the general validity of language analysis in the determination of national origin, nationality or citizenship. We have attempted to avoid linguistic terminology. Where technical terms are required, they are explained (eg 'socialization' in Guideline 2, and 'code-switching' in Guideline 9c). The term 'language variety' which is used in several guidelines, refers generally to a language or a dialect.

GENERAL GUIDELINES

1) LINGUISTS ADVISE, GOVERNMENTS MAKE NATIONALITY DETERMINATIONS

Linguistic advice can be sought to assist governments in making determinations about national origin, nationality or citizenship. Linguists should not be asked to make such determinations directly. Rather, they should be asked to provide evidence which can be considered along with other evidence in the case.

2) SOCIALIZATION RATHER THAN ORIGIN

Language analysis can not be used reliably to *determine* national origin, nationality or citizenship. This is because national origin, nationality and citizenship are all political or bureaucratic characteristics, which have no necessary connection to language.

In some cases, language analysis CAN be used to draw reasonable conclusions about the country of socialization of the speaker. (This refers to the place(s) where the speaker has learned, implicitly and/or explicitly, how to be a member of a local society, or of local societies.) The way that people speak has a strong connection with how and where they were socialized: that is, the languages and dialects spoken in the communities in which people grow up and live have a great influence on how they speak.

It is true that the country of a person's socialization is often the country of their origin. Therefore linguistic conclusions about a speaker's country of socialization may, in conjunction with other (non-linguistic) evidence, be able to assist immigration officials in making a determination about national origin in some cases. However, linguistic expertise cannot directly determine national origin, nationality or citizenship, which are not inherently linked to language, in the way that socialization is.

3) LANGUAGE ANALYSIS MUST BE DONE BY QUALIFIED LINGUISTS

Judgments about the relationship between language and regional identity should be made only by qualified linguists with recognized and up-to-date expertise, both in

linguistics and in the language in question, including how this language differs from neighboring language varieties. This expertise can be evidenced by holding of higher degrees in linguistics, peer reviewed publications, and membership of professional associations. Expertise is also evident from reports, which should use professional linguistic analysis, such as IPA (International Phonetic Association) transcription and other standard technical tools and terms, and which should provide broad coverage of background issues, citation of relevant academic publications, and appropriate caution with respect to conclusions reached.

4) LINGUIST'S DEGREE OF CERTAINTY

Linguists should have the right and responsibility to qualify the certainty of their assessments, even about the country of socialization. It should be noted that it is rarely possible to be 100% certain of conclusions based on linguistic evidence alone (as opposed to fingerprint or DNA evidence), so linguistic evidence should always be used in conjunction with other (non-linguistic) evidence. Further, linguists should not be asked to, and should not be willing to, express their certainty in quantitative terms (eg '95% certain that person X was socialized in country Y'), but rather in qualitative terms, such as 'based on the linguistic evidence, it is possible, likely, highly likely, highly unlikely' that person X was socialized in country Y'. This is because this kind of language analysis does not lend itself to quantitative statistics such as are often found in some others kinds of scientific evidence.

5) LANGUAGE ANALYSIS REQUIRES USEFUL AND RELIABLE DATA

Linguists should be allowed to decide what kind of data they need for their language analysis. If the linguist considers the data provided for analysis to be insufficiently useful or reliable, he or she should either request better data or state that a language analysis can not be carried out in this case. Some relevant examples include a recording of poor audio quality, a recording of insufficient duration, or an interview carried out with an interpreter who is not speaking the language of the interviewee.

To avoid such problems, it is preferable for linguists to collect the language sample(s) for analysis, or to advise on their collection.

6) LINGUISTS SHOULD PROVIDE SPECIFIC EVIDENCE OF PROFESSIONAL TRAINING AND EXPERTISE, WITH THE RIGHT TO REQUIRE THAT THIS INFORMATION REMAIN CONFIDENTIAL

Linguists should provide specific evidence of their professional training and expertise, for example in a curriculum vitae, so that a court may have the opportunity to assess these matters. But linguists should have the right to require that this information is kept confidential, and not revealed to either the asylum seeker, or the country from which they are fleeing.

7) THE EXPERTISE OF NATIVE SPEAKERS IS NOT THE SAME AS THE EXPERTISE OF LINGUISTS

There are a number of reasons why people without training and expertise in linguistic analysis should not be asked for such expertise, even if they are native speakers of the language, with expertise in translation and interpreting. Just as a person may be a highly accomplished tennis player without being able to analyze

the particular muscle and joint movements involved, so too, skill in speaking a language is not the same as the ability to analyze a language and compare it to neighboring language varieties.

MORE SPECIFIC GUIDELINES

8) WHERE RELATED VARIETIES OF THE SPEAKER'S LANGUAGE ARE SPOKEN IN MORE THAN ONE COUNTRY

In many regions throughout the world, national borders are not the same as linguistic borders, and the same language, or closely related varieties of the same language, is/are spoken in more than one country (eg ethnic Armenians living in both Armenia and Azerbaijan speak what is known as 'Standard East-Armenian', and ethnic Hazaras living in both Afghanistan and Pakistan speak Hazargi Dari).

In such situations, while linguistic analysis may often be able to determine the *region* in which the speaker's socialization took place, it can not be used to determine in which *nation* the speaker's socialization took place. In such situations, an analyst should

- (a) be able to specify in advance whether there exist linguistic features which can reliably distinguish regional varieties, and what they are,
- (b) be able to devise reliable procedures, similar to linguistic field methods, for eliciting these features from the speaker without distortion or bias,
- (c) be prepared to conclude, in the event that such features do not exist or do not occur in the data, that in this case linguistic evidence simply cannot help answer the question of language socialization.

9) LANGUAGE MIXING

It is unreasonable in many situations to expect a person to speak only one language variety in an interview or other recording, for the following reasons:

- (a) Sociolinguistic research shows that multilingualism is the norm in many societies throughout the world.
- (b) In many multilingual societies, it is common for two or more language varieties to be used on a daily basis within a single family. In such families, it is also common for the speech of individuals in one language variety to show some influences from other varieties spoken in the family.
- (c) Many bilingual or multilingual speakers use more than one language variety in a single interaction: this use of 'code switching' or 'style shifting' is very complex, and often subconscious.
- (d) Further, there is variation in all language varieties, that is, more than one way of saying the same thing.
- (e) It can often be hard for linguists to determine the difference between variation within a single language variety, and code-switching between related varieties. For example, when analyzing the speech of a person from Sierra Leone, it may be very difficult to know for some particular utterances whether they are in Krio, the creole language, or Sierra Leonean English. It is also important to note that while linguists distinguish these as separate varieties, their speakers often do not.

- (f) Another factor which complicates this issue is that language varieties are always in the process of change, and one of the most influential sources of change is the vocabulary and pronunciation of related language varieties.
- (g) A further complicating factor is that interviews may be done several years after an asylum seeker has left their home country, and their language variety/varieties may have undergone change in the interim.
- (h) While linguists are devoting a great deal of research to language mixing, they have been unable to determine the extent to which an individual can consciously control the choice of language variety or of variables.

10) WHERE THE LANGUAGE OF THE INTERVIEW IS NOT THE SPEAKER'S FIRST LANGUAGE

In addition to the use of language to assess national origin, issues of professional concern to linguists also arise during the interview in relation to the assessment of the truthfulness of the applicant's story. We note that in some countries, such as Germany, an international lingua franca (eg English) is the language of asylum seeker interviews, used either for language analysis in the determination of national origin, and/or in the assessment of the applicant's truthfulness. These cases call for particular care.

An interviewee with limited proficiency in the language of the interview may – simply because of language difficulties – appear to be incoherent or inconsistent, thereby leading the interviewer to a mistaken conclusion concerning the truthfulness of the interviewee. In many post-colonial countries there are a number of language varieties related to the former colonial language, such as English or Portuguese. These varieties may include pidgin and/or creole languages. There are frequently not clear-cut boundaries between these different varieties (see point 9 above). Asking a person to speak only English or only Krio (the creole language of Sierra Leone), for example, may well be a linguistically impossible demand.

11) WHERE THE DIALECT OF THE INTERVIEWER OR INTERPRETER IS DIFFERENT FROM THE DIALECT OF THE INTERVIEWEE

In some situations interviewees who are speakers of a local dialect are interviewed by an interpreter speaking the standard dialect of the language. In such situations it is common for people to accommodate to the interviewer's way of speaking, whether consciously or sub-consciously. This means that interviewees will attempt to speak the standard dialect, in which they may not necessarily have good proficiency. This accommodation, brought about by dialect or language difference, may make it difficult for interviewees to participate fully in the interview.

CONCLUSION:

For all of the reasons outlined in these guidelines we advise that language analysis should be used with considerable caution in addressing questions of national origin, nationality or citizenship.

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