# INTERPRETATION IN ASYLUM HEARINGS

Bridging borders of understanding



# UVS UNIVERSITY OF THE WEST of SCOTLAND

#### **Research Question**

How is the credibility of asylum seekers affected by interpreter-mediated encounters in the UK immigration process?

#### **Project Overview**

Research focuses on interpretation in asylum hearings.

- Involves observation at the First-tier Immigration and Asylum Tribunal in Glasgow.
- Language barriers pose significant challenges for asylum seekers
- Interpreters play a pivotal role in facilitating communication and ensuring fairness.

### Methodology

- Mixed approach: Ethnography and practical-based methodology
- Ethnography: Cultural and contextual exploration
- Practical approach: Solution development for interpretation challenges



## WHY IS THIS IMPORTANT?

Asylum seekers rarely have English as their first anguage which impacts their ability to understand or convey their points, making language, communication, and the use of interpreters in isylum hearings very important (Jacquemet, 2015).

Decision makers assess the credibility and persuasiveness of the asylum seeker largely based on how well the interpreter reproduces the content of the testimony.

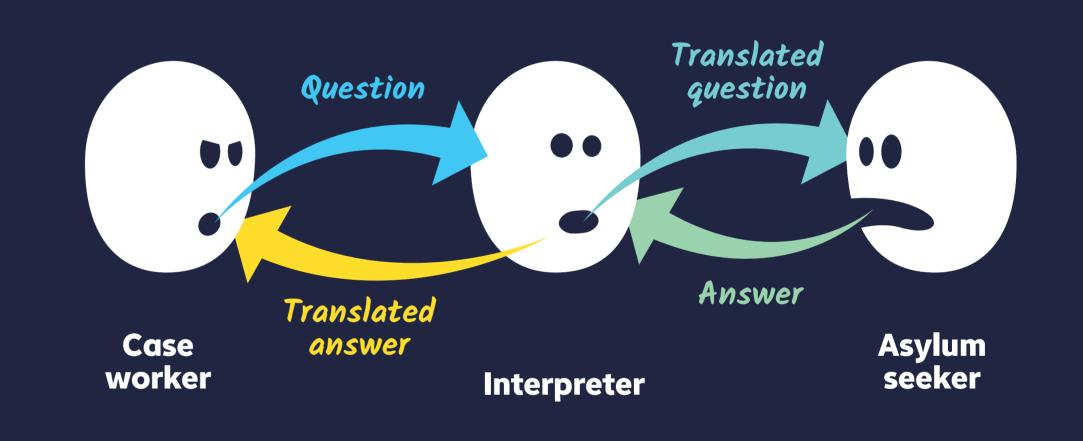
Access to justice can be hindered significantly by interpreter-mediated encounters. Substantive and procedural justice becomes important as linguistic equity through an interpreter is an integral part of procedural justice (Yi, 2024).

Testimonies given through interpreters represent interpretations, not the original words of the asylum seeker (Yi, 2024).

It is often that 'credible' asylum-seekers are expected to tell 'logical, linear and truthful stories' (Mckinnon, 2009).

One of the main reasons as to why asylum claims get rejected is due to the lack of credibility (Bohmer and Shuman, 2008), and the role of the interpreter is problematic in the assessment of credibility (Kendal, 2020).





#### FINDINGS

#### Confirming mutual comprehension

- In court or tribunal settings, there's a legal duty for the court to ensure appellant's understanding of the interpreter.
- Judges in asylum appeal hearings often confirm comprehension between appellant and interpreter at the hearing's outset.
- However, judges' methods of confirming mutual comprehension vary widely, which can impact the effectiveness of communication and the fairness of proceedings.

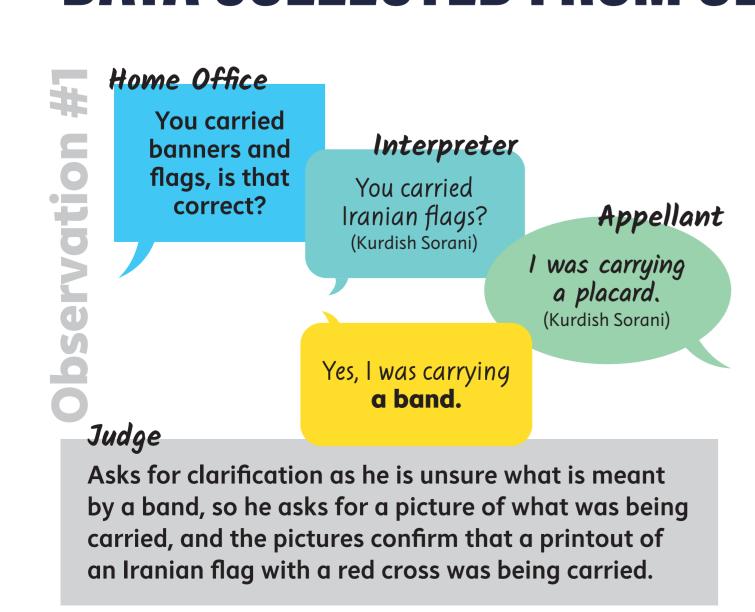
#### Linguistic & cultural

- Words, notions, and concepts often carry different meanings across cultures, leading to misunderstandings.
- Cultural relativity affects comprehension and perception, contributing to communication challenges.
- Cross-cultural misunderstandings can result in unintentional bias in interpreting statements and concepts (Goodman, 1978).
- Self-image and self-perception, influenced by cultural norms, can affect responses in asylum procedures, leading to potential misinterpretations (Geertz, 1983).

#### Interpreting standards

- Insufficient qualification and training can compromise the fairness and effectiveness of asylum hearings, potentially impacting the outcome for asylum seekers.
- First-tier tribunal interpreters often lack familiarity with legal terminology and concepts.
- The complexity of asylum cases necessitates interpreters with a deep understanding of both legal and linguistic nuances.
- Observational data (See #2 below) show instances where interpreters have mistranslated critical terms, such as interpreting "psychiatrist" as "physiotherapist".

# DATA COLLECTED FROM OBSERVATIONS



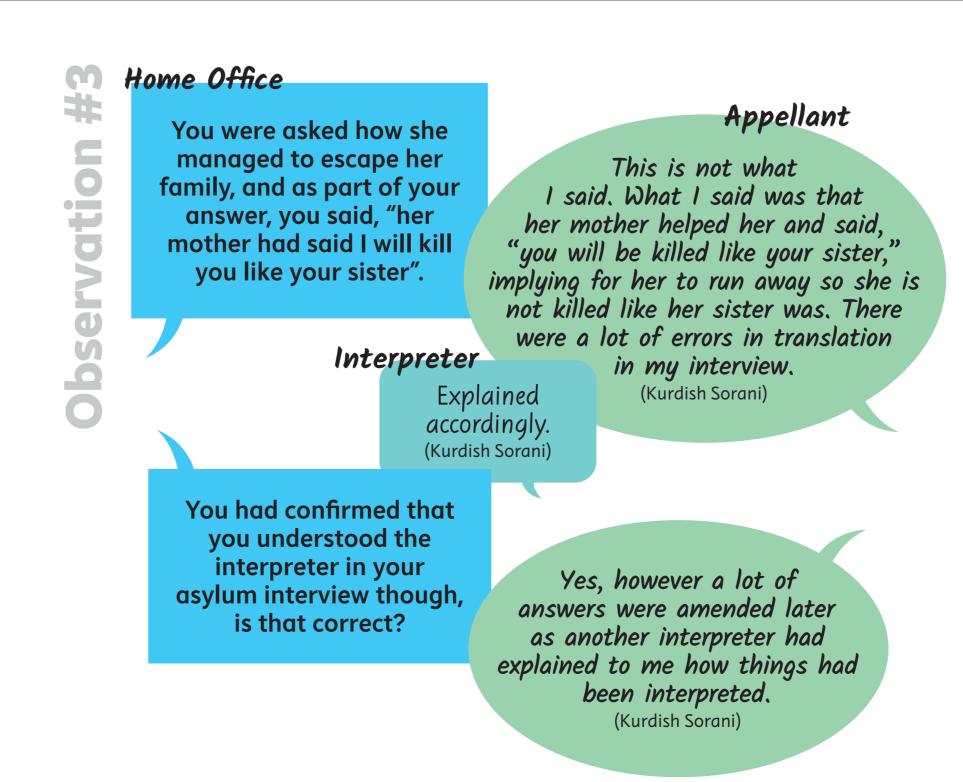
Appellant

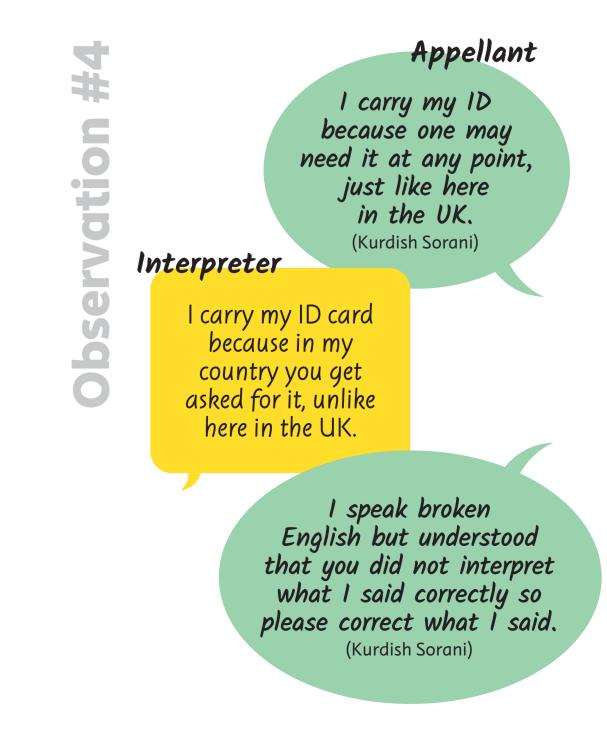
My GP said that they would prescribe me medicine for my sleep and refer me to a psychiatrist for my mental health.

(Kurdish Sorvani)

Interpreter

My GP said that they were going to give me medication for my sleeping and for my mental health issues and I go to physiotherapy also.





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