

INTERPRETATION IN ASYLUM HEARINGS

Bridging borders
of understanding



WHY IS THIS IMPORTANT?

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

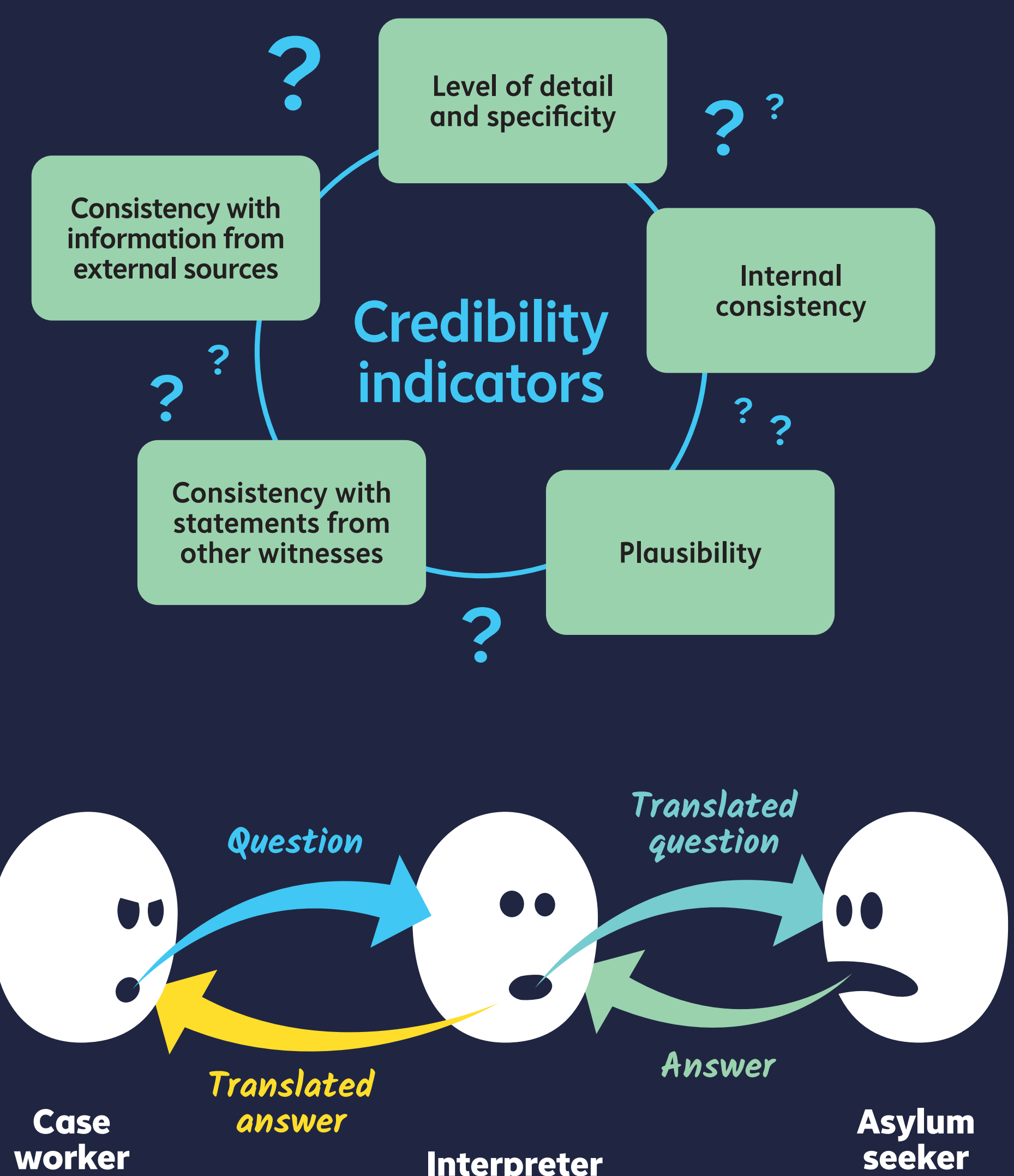
Testimonies given through interpreters represent interpretations, not the original words of the asylum seeker (Yi, 2024).

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

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

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).

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

