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| Concept notE |
| Language variation in asylum interviews |
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***The impact of language variation in the asylum procedure is vastly underrated, both during the asylum interview and in the further course of the asylum procedure. As a result, important factual information might be lost, which may compromise a reliable representation and evaluation of the application. This problem arises in particular when using world languages such as English, French or Arabic. This concept paper focuses specifically on the use of English as a contact language.***

Language variation and socio-cultural differences can be decisive during the asylum interview to the extent that they hamper mutual understanding between the protection officer (PO) and the applicant for international protection (applicant). As a result, certain nuances in the applicant’s account are in danger of being lost. It is precisely these nuances that play an important role in the evaluation of asylum applications. After all, an applicant is expected to provide a coherent, consistent and detailed account of the facts on the basis of which the asylum authorities determine whether the applicant can be granted protection status. These factual details and nuances (place names, dates, personal names) are used in the argumentation of the asylum authorities (Immigration Department, General Commissioner’s Office, Council for Alien Law Litigation) to motivate their decision on the credibility of the application. This gives rise to an inconsistency between, on the one hand, the often very complex linguistic input in the procedure as a result of which many nuances remain misunderstood or vague during the interview or are lost in the reporting afterwards, and, on the other hand, the weight given to detail and nuance in the asylum authorities’ legal argumentation.

The problem can be situated already at the beginning of the registration of the application at the Immigration Office (DVZ). In addition to determining the procedural language (Dutch or French), it must also be decided whether the applicant needs the assistance of an interpreter. The most recent EU legislation (Asylum Procedures Directive 2013/32/EU) refers to the importance of language support during the asylum hearing, but the exact interpretation of this legislation remains very vague, as can be seen in the following provisions:

*Article 12: Guarantees for applicants*

*Member States shall ensure that all applicants enjoy the following guarantees:*

*(a) they shall be informed in a language which they understand or are reasonably supposed to understand of the procedure to be followed and of their rights and obligations during the procedure (…)*

*Article 15: Requirements for a personal interview*

*Member States shall:*

*c) select an interpreter who is able to ensure appropriate communication between the applicant and the person who conducts the interview. The communication shall take place in the language preferred by the applicant unless there is another language which he or she understands and in which he or she is able to communicate clearly.*

However, the question remains who can determine when someone understands the language sufficiently to ensure clear communication. Research has shown that analysing one's own language skills (as non-linguist) is often not accurate. Also for POs, who usually do not have a linguistic profile, it is a major challenge to determine what kind of language support is required in the given interview situation.

**THE STATUS OF ENGLISH AS A GLOBAL LANGUAGE**

If insufficient attention is paid to linguistic variation (social, regional and domain-related language variation) specific to a world language such as English, this can complicate the interaction during the asylum hearing and the reporting process.

After all, a world language such as English shows an enormous potential for linguistic variation, ranging from autochthonous varieties, second- or third-language varieties, to pidginised and creolised forms. These varieties are usually embedded in the speaker's broader linguistic repertoire. When there are few points of contact between these linguistic repertoires, this also affects the extent to which English can function as a contact language. Language variation, code mixing and interference from languages that are part of very different speaker repertoires can lead to a lack of the necessary equivalence between the varieties and thus to English not being able to properly fulfil the function of lingua franca.

Regional variation is particularly noticeable in the pronunciation. In certain African varieties of English, for example, some sounds are pronounced in an entirely different way from the Flemish English pronunciation so that words cannot easily be distinguished on the basis of their spoken form only (e.g. Nigerian English 'thug' is pronounced in a way that is very similar to the Flemish English pronunciation of 'talk'). Moreover, when a speaker speaks quickly or quietly, details are easily lost.

Also at the level of vocabulary, the language chosen may not be sufficient to convey detailed information. POs and applicants not only speak different varieties of English (e.g. Flemish English vs Nigerian English), they also often have different language competencies. This is related to the contexts in which they have learned English: people who use English in a home context (like many applicants do) will attribute very different functions to the language and also acquire different competences from those who have learned and used it mainly in a school context (like many Flemish POs). In addition, asylum applications generally contain concepts that are socio-culturally embedded and for which a lot of context is required in order to understand and accurately represent them in a report. If these concepts are insufficiently contextualised, this can also lead to ambiguity and a lack of precision.

**CASE STUDY: ‘BROKEN ENGLISH’**

A recently processed asylum application of a Nigerian woman has shown how the use of English as a contact language can cause problems during the interview at the CGRS. With regard to the choice of language at the start of the interview, the PO wrote down the following in the report:

PO: U heeft geen tolk gevraagd, dus zal het interview in het Engels plaatsvinden. Begrijpt u mijn Engels?

*PO: You did not ask for an interpreter, so the interview will take place in English. Do you understand my English?*

Applicant: De andere keer, was groot groot Engels. Ik begrijp het niet. Ik spreek het niet zo goed, ik spreek een beetje Engels. Wees aub niet zo snel in uw Engels.

*Applicant: The other time, was big big English. I do not understand. I do not speak it so well, I speak a little bit English. Please do not speak so fast in English.*

PO: Indien ik tijdens het gehoor te snel spreek, of u iets niet begrepen heeft, aarzel dan niet dit onmiddellijk te melden.

*PO: If I speak too fast during the interview, or if you do not understand, do not hesitate to tell me immediately.*

The applicant indicates that she does not understand the ‘big big English' used during the first interview and only speaks a little bit of English. When, a little later in the interview, the PO explicitly asks about the languages spoken by the applicant, the applicant indicates that she speaks 'Broken English', which is actually a synonym for 'Nigerian Pidgin English', also called 'Brokin' (Ethnologue 2016). She also literally says 'we don't speak this English', referring to the English spoken by the PO.

Welke talen spreekt u?

We spreken Engels, Broken English is onze naam, we spreken Bini, we spreken Edo

*What languages do you speak?*

*We speak English, Broken English is our name, we speak Bini, we speak Edo*

Andere locale talen van Nigeria?

Neen, Broken English, is ons Engels, we spreken gebroken Engels, dat is ons Engels, dit Engels spreken we niet

*Other local languages of Nigeria?*

*No, Broken English, is our English, we speak broken English, that is our English, this English we do not speak*

The problem that arises here is that ‘Nigerian Pidgin English’ is assumed to be a kind of ‘English’, whereas these are actually two different languages. This not only makes it very difficult for the applicant to express herself accurately and in a nuanced way, but also for the PO, it imposes high communication requirements:

- The PO can hardly follow the applicant’s story during the interview because of the large linguistic differences

- The PO finds it difficult to present the applicant’s story coherently in the report: the PO chooses to literally translate Nigerian English as 'broken Dutch' in her report. Moreover, she incorporates in her report what she did not understand during the hearing, yet without clarifying this further.

Part of the problem is also that Nigerian Pidgin is often perceived by the speakers themselves as a 'kind of English', rather than a language in itself. The following example shows how much Nigerian Pidgin differs from English (<http://languagecontact.humanities.manchester.ac.uk/McrLC/casestudies/FG_NigerianPidgin.html)>:

*Di tin we mi no laik is when de man dey ple im music*

Nigerian Pidgin English is a fully-fledged language that is mainly used as L2 or L3 (second or third language in addition to the endogenous African language(s)) for communication between Nigerians with a different L1/ L2. Just like any other language, Nigerian Pidgin shows a lot of variation and dialects can be very different from each other.

Still, the applicant has not indicated that she wishes to use an interpreter. The question is, however, to what extent she can assess the importance of language support in this specific context: is she sufficiently aware of the linguistic differences between her Nigerian variety of English and the English spoken by the PO? Is she aware of the impact this can have on the extent to which she can express herself in a nuanced way during the interview? Even though the applicant herself does not ask for an interpreter, in a situation like this, it is advisable to provide language support, rather than starting the interview in a language insufficiently understood by the applicant.

It can be concluded that for the applicant, English cannot 'reasonably' be regarded as 'a language that she understands and in which she can communicate clearly'. Therefore, under the given linguistic conditions, it is extremely difficult for the applicant to provide a nuanced account of the facts and for the PO to accurately report this in a report. This raises questions about the reliability of the linguistic input in the legal-administrative procedure. To address this problem, more attention should be paid to the impact of language variation and discursive reproduction in the course of the procedure. From the first interview at the Immigration Office (DVZ), it should be thoroughly considered which multilingual strategy (which language, which contact language, with or without a professional interpreter, etc.) works best in the given situation, taking into account the language profile of all participants in the interaction (applicant, PO, interpreter). POs, decision-makers and interpreters alike should be given the necessary support in this respect (through counselling and training sessions). If optimal linguistic conditions cannot be guaranteed (e.g. if an interpreter cannot be found), this should be taken into account when assessing the statements of the applicant.