

Panel Proposal for Sociolinguistic Symposium 16
(July 2006, Limerick)

Panel Title:

Language Analysis in Refugee Status Determination
(workshop)

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Language Analysis in Refugee Status Determination

Workshop proposal for SS16

Dedication

By organising this workshop, the convenors wish to commemorate our colleague Jacques Arends, who died suddenly in August 2005. Jacques played an important role in attracting sociolinguists' attention to this field, and we miss him sorely.

Background:

Since the mid-1990s, language analysis has been used to help determine the status of refugees (i.e. primarily the national origin of those seeking asylum) by the governments of a growing number of countries, now including Australia, Belgium, Germany, the Netherlands, New Zealand, Sweden, and Switzerland. Pilots have been conducted by the UK, which legitimised the process in 2003, and Ireland. Recently, linguists have started to critically evaluate the issues involved (Eades et al. 2003), thus contributing to the development of professional standards and scientific methodology in this domain.

In June 2004, the Language and National Origin Group, an international group of linguists, published the *Guidelines for the Use of Language Analysis in Relation to Questions of National Origin in Refugee Cases*. These *Guidelines* outline a set of minimum requirements for professional language analysis and its use in any legal procedure. The *Guidelines* have been endorsed by professional linguistic bodies in forensic, applied and general linguistics (Patrick 2005). Yet very little comparative research has been published on how Language Analysis for the Determination of Origin (LADO) is carried out, and its outcomes (Reath 2004, Eades & Arends 2004).

A conference session of the Society for Pidgin and Creole Linguistics (Arends et al. 2003) first focused international attention on sociolinguists' concerns with the use of Language Analysis in refugee status determination. In July 2005 (at the International Association of Forensic Linguists conference in Cardiff), a meeting was held between academic linguists, legal professionals, and representatives of government and independent agencies to discuss the status of the above-mentioned *Guidelines* and their meaning for practitioners, and to further examine conflicts and pressures inherent in this new sphere of applied and forensic (socio-)linguistics.

We became aware that:

- Considerable agreement, but no unanimity, exists on minimum standards and correct procedures required in LADO;
- There is a strong need to discuss general and specific methodological issues involved in LADO;
- LADO appears to be evolving, in response not only to government policies and political pressures, but also to legal challenges (appellate processes), and professional attention and involvement from independent linguists.
- Although trans-EU harmonization of refugee status determination is underway, legal processes/standards still vary dramatically for LADO:
 - Acceptance of language analysis as expert testimony, and the credentials required for language expertise;
 - Possibilities for appealing language analysis through the civil court system; and
 - Availability of in-house language expertise to governments.

The rapid uptake of LADO by governments; the diversity of practice across jurisdictions; the relative unfamiliarity of lawyers, civil servants and human rights professionals with the principles underlying a sociolinguistic view of language socialization; academic linguists' general unfamiliarity with the processes of refugee status determination, and the decentralized way in which linguistic expertise is provided and evaluated in LADO - all serve to underline the importance of LADO to the sociolinguistic profession, and the urgent need for cross-disciplinary research.

Topics

In addition to sociolinguists, the presenters include others with relevant expertise, i.e. linguists and administrators with experience working for government and independent agencies that commission and/or perform LADO. Our joint purpose is to seek greater clarity about current practices, standards and outcomes; to discuss the relevance of sociolinguistic theory to the body of analytic practice; and to increase communication between principals engaged in this arena. Collectively, the papers selected and the discussants will:

- Analyse asylum claimants' language from various perspectives:
 - interactional discourse, dialectological, language-choice and lexicographical
- Include (data from) actual reports or interviews, properly anonymised and with appropriate permissions;
- Consider the *Guidelines* and how they affect LADO in practice, including:

- Which questions can be addressed by LADO?
- What kind of data are required for LADO?
- What background is required for experts who carry out LADO?
- Present the rationales, standards or processes of LADO in the refugee status determination process, including
 - Syntheses and overviews of bureaucratic, organizational and legal contexts in which LADO is performed; and
 - Standards of evidence and expertise across governments.
- Compare research into methods of analysis, including
 - the direct method (interview of claimants by linguistic experts);
 - the indirect method (analysis of data gathered in other ways);
 - the combination (or not) of linguistic evidence and knowledge of the country and its culture;
 - the gathering of reliable information about the linguistic situation in the country of origin of the applicants;
- Consider the relevance of sociolinguistic theory and findings to LADO, e.g. regarding language attitudes, linguistic ideology, and linguistic human rights; the status of minority, unwritten and/or contact languages etc; and
- Discuss the role linguists can play in informing those who use linguistic evidence in the process of evaluating claims to asylum.

Titles

1. *Language analysis in the context of the asylum process: An overview*
Anne Reath (Stockholm University)
2. *The practical experience at LINGUA/Switzerland*
LINGUA (Office fédéral des migrations, Confédération Suisse – probably represented by Eric Baltisberger)
3. *The language analysis interview as mediated, intercultural discourse*
Jan ten Thije (University of Utrecht)
4. *Multilingualism in the Belgian asylum procedure*
Katrijn Maryns (University of Ghent)
5. *The expert lost in the labyrinth: Main problems of LADO with particular attention to the Sudanese case*
Catherine Miller (CNRS/IREMAM, l'Université de Provence Aix-Marseille I)
6. Discussion period
Diana Eades (University of New England)
Peter L Patrick (University of Essex)
Maaike Verrips (de Taalstudio)

Organisation:

The 3-hour session includes five 30-minute presentation slots and a discussion. An initial presentation will set out key background information, followed by four other individual papers. In the concluding period, Diana Eades will present a brief update of the Australian situation, thematising the general role of politics in linguistic advocacy, while the other organizers (Peter Patrick and Maaïke Verrips) will serve as discussants. Organization of discussion will not aim primarily at questioning individual speakers, but rather at elucidating issues speakers have collectively raised. We encourage participation efforts that do not stress technical linguistic analysis alongside those that do. The workshop will be conducted primarily in English.

1027 words

References

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- Eades, Diana, Helen Fraser, Jeff Siegel, Tim McNamara, & Brett Baker. February 2003. Linguistic identification in the determination of nationality: A preliminary report. Online: <http://www-personal.une.edu.au/~hfraser/forensic/LingID.pdf>
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- Maryns, Katrijn & Jan Blommaert. 2001. Linguistic and thematic shifting as a narrative resource: Assessing asylum seekers' repertoires. *Multilingua* 20(1): 61–84.
- Patrick, Peter L. 2005. Language analysis and national origin in refugee/asylum cases. Webpage including *Guidelines* and updated list of endorsing organisations: <http://privatewww.essex.ac.uk/~patrickp/lhr/lhrasylum.htm#Resolutions>
- Reath, Anne. 2004. Language analysis in the context of the asylum process: Procedures, validity, and consequences. *Language Assessment Quarterly* 1(4): 209–233.