COMMUNITY & IDENTITY IN LANGUAGE ANALYSIS OF ASYLUM SEEKERS

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Plan of the Talk

- Theorising the Speech Community
- Problems with the Speech Community
- Language analysis of Asylum Seekers
- LADO: Gate-keeping w/applied (socio-)linguistics
- Who performs LADO on which languages/speakers?
- National Order, Dynamic and SpComm models
- Conclusions, Contacts & Resources for LADO
  - Appendix: Involvement of Linguists; Guidelines plus
Introduction

- The speech community (SpCom) is a core concept in empirical linguistics, a contested notion at the intersection of many principal problems in sociolinguistic theory and method — on par with native speaker, language, mother tongue, competence.
- Despite difficulties conceptualizing it, and criticisms of its elusive nature and over-extension (Patrick 2002), linguists find it difficult to resist, as it addresses the relationship of linguistic systems to speakers’ collective behaviour — a non-trivial issue.
- At the heart of defining sociolinguistics: comparative study of SpComs, linguistic practice and social ecologies of language.
- I consider its use in the applied context of Language Analysis for Determination of Origin (LADO) of asylum seekers (ASs).
For me, the SpCom is a **socially-based unit** of linguistic analysis, used to model speech in cities, villages, small nations, clans...

Classic formulations (Prague School, Hymes, Gumperz, Labov) are all contingent, not based on casework or general taxonomy.

Reflect own concerns — *sprech-/sprachbund* (PS), indexicality/multilingualism (G), top-down ethnography (H), styleshifting/stratification (L) — w/o attempts to synthesize across fields.

Labov not concerned w/shared speechways that transcend language bounds, nor Gumperz w/relatedness at the level of linguistic form (both < Prague School notions), nor Hymes with sociolinguistic stratification & frequency of interaction.
Bloomfield (1926): any community in which “successive utterances are alike or partly alike... is a Speech Community” – establishing linguistic uniformity as a primary criterion – but...

Add density of communication in interactional networks (1933), echoed by Gumperz (1968), prefiguring social network theory.

But as these criteria are etic and gradable, such definitions left social cohesion as an optional element, an undesirable move.

For Hymes, linguistic uniformity and frequency are not enough – emic factors of cultural context and identity are ‘decisive’ (1974).

Gumperz agrees shared norms bind distinct varieties > a system at SpCom level; normative regulation also fundamental to Labov.

Richer than general/vacuous Rules + Norms textbook models.
Variationist model of SpCom, I

- Variationist concept of SpCom informed by focus on inherent variation, vernaculars, heterogeneity and social variability.
- Separates shared **grammatical competence** as a criterion from organization and interpretation of **sociolinguistic norms**.
- Speech community member **competence overlaps**:
  - Essentially speakers share the same grammar, lexicon, stylistic norms, phonological inventory, vowel system, subject to same sound changes
- However, a range of **heterogeneity in speech is normal**:
  - Inherent variation always occurs, due to linguistic and social contexts
  - No single categorical reference norm exists for most living languages
  - Range of inter-speaker variability and intra-speaker variation within a speech community is routinely established by empirical methods
Variationist model of SpCom, II

- Individual variation shows systematic regularity at SpCom level
- Postulates uniformity of speech on different occasions by diff. speakers, and identity of a group based in language practices.
- Serves the correlation problem (linking language behaviour to social structure) better than the indexical one (accounting for how the social meaning of language forms arises & changes).

**Axiom of the Speech Community:**

“Speakers who share language socialization are alike enough in linguistic production & evaluative norms to be identified as members of the same Speech Community”

- If language is indicative of origins, can analysis reveal whether a speaker is alike enough to SpCom members to belong to group?
Critique of SpCom models

Open Qs:

- How to identify/constrain uniformity? (variationist approach)
- How to define community: w/objective criteria, or is it simply dependent upon impulse to identify oneself with others?
- If the “natural unit of sociolinguistic taxonomy... is not the language but the speech community” (Hymes 1972), then...
- SpCom is locus of socialization into one’s native language(s), a reference point for individual communicative competence.
- Post-modern approach abandons the SpCom as “an already constituted object of inquiry”, prefers to take it as analytical perspective: “the product of the communicative activities engaged in by a given group of people” (Duranti 1997).
Post-modern problems for SpCom

- Social changes: weakened social boundaries, group norms,
- hence current focus on how individuals index identity — more flexible, multiple and agentive than earlier models.
- **Divorce** of the descriptive/correlational and explanatory/indexical enterprises **is unnecessary**, maybe even dangerous:
  - Possibly leads to focus on indexicality, subjectivity and agency without attending to group cohesion and normativity.
- At political level these are **dominant factors**, as can be seen in civil disturbances/wars from Kosovo to Somalia & Sierra Leone.
- Brings us to **asylum seekers** and Q of their group membership, linguistic verification of which may be a matter of life or death.
What evidence have we got?

- Undocumented ASs claim origin in region and/or group
- An asylum seeker who lacks documents presents two main types of evidence:
  - Her body (Medical/physical evidence)
  - Her story (Linguistic evidence)
    - Incl. all interviews, recordings, statements, texts in process
- New branch of applied linguistics used by govt. to process asylum seekers (ASs) claiming refugee status
- Asylum bureau tests their knowledge of region/group
  - Key component of knowledge is language competence
Folk notion: **linguistic passport** to diagnose nationality

- Lx issue: linguistic **socialization** occurs in **speech community**

- Speech elicited, analyzed for tell-tale features >
- LADO report > decision-maker (> appeal in tribunal)

- How does one **assess** such linguistic evidence?
- What factors **influence** its production and use?
- Who is qualified to **perform** assessment? Who **does** so?
- What do RSD stakeholders **need to know** in order to commission, evaluate & reliably use valid evidence?
Use of Gate-keeping Tools

- Tools for interpreting/ascribing identity, including selective equation of language with national identity
- …in order to assess AS claims of origin, confirm true ones, and weed out false ones.

- Language assessment of asylum seekers:
  - LADO (Language Analysis for Determination of Origin)
  - (focus may be national, regional or ethnic origin)

- Motivating assumption seems plausible to laypeople:
  - “Language reflects Citizenship” – “Linguistic Passport”
    - Performed in context of general governmental and public disbelief or hostility to immigration & refugees – “culture of disbelief”
    - E.g. belief that most are economically motivated, as opposed to motivation by “a well-founded fear of being persecuted”
Types of Gate-Keeping

- **Physical:**
  - Fingerprints:
  - **DNA:**

- **Social/linguistic:**
  - Incl. LADO
LADO as applied sociolinguistics

- LADO connects social characteristics with language behaviour.
- Basic question for applied LADO is then a sociolinguistic one:
  - How does an applicant’s linguistic performance in a LADO context correlate with their history of speech community membership and language socialization?
- LADO thus requires training in sociolinguistic issues. I ask again: If language is indexical of origins, can LADO reveal whether a speaker is alike enough to other SpCom members?
- (Are there speakers for whom mapping language onto social history is difficult or unreliable? Yes, of course – see below.)
What is Sociolinguistics?

Comparative study of speech communities, linguistic practices, and social ecologies of language

- Sociolinguists ≠ HR practitioners, interpreters, lawyers — and these professionals, of course, are not usually linguists
- Sociolinguists professionally involved w/ issues such as
  - language variation & change, correlation with social factors
  - language endangerment, esp. preservation/revitalization
  - language planning, at academic, govt/local/NGO levels
  - forensic, clinical, and other institution-based linguistics
  - bilingual education & other school-centred language issues
  - action research with urban linguistic minorities
  - discourse analysis of talk by powerful/vulnerable speakers
  - ethnolinguistic work w/ indigenous peoples, & much more...
Elsewhere I pursue Qs of expertise, method, decidability and research base development for best-practice of LADO.

Here I ask whether the SpCom can be a useful concept in LADO.

ASs extremely diverse in their social & linguistic backgrounds, and often exemplify breakdown of social boundaries/norms.

Arguably difficult cases for generalization: complex multilingual backgrounds, speak un(der)studied minority or discriminated varieties, uprooted from communities at a young age due to flight from civil war/unrest, undergo language attrition, even permanent disruption or dispersal of SpComs into which they were socialized.

Still, many often have origins in (formerly-)stable, coherent SpComs susceptible of sociolinguistic study and description.
Who currently performs LADO?

- **Independent academic research linguists**, scientifically-qualified; may/not have forensic experience. May work direct for govt., on appeal for asylum seeker’s law firm, or thru commercial firm (e.g. NL Taalstudio)

- **Government bureau**: civil servant, may be qualified linguist (e.g. Swiss) or may not; may contract out to...

- **Commercial analysis firm**: may be qualified linguist, may be “NENS analyst” (=Non-Expert Native-Speaker who lacks extensive scientific training) (e.g. Sprakab)

- **Independent “language professional”**: free-lance interpreter, NENS informant, non-linguist academic

- How do **knowledge/beliefs about Native Speakers, contact & multilingualism** influence the LADO process?
Who performs LADO for Govts.?

- Varies widely from one jurisdiction to another
- Mediterranean nations do not use it: Spain, France, Italy, Greece
- Swiss, Germans use (mostly) independent academic experts
- Dutch BLT have own analysts, but buy from commercial agencies too
- UK, Australia, Austria, Belgium, Denmark, Ireland, Norway, Sweden have all used commercial analysis firms, e.g.
  - Eqvator (formerly) – Skandinavisk Språkanalyse (=Sprakab) – Verified
  - Swedish bureau spun off company in 1990s – sold expertise back to government, then other EU governments, then further afield
- Firms compete re contracts: business pressure on product offered
- Employ few linguists (w/BA, MA qualifications) but many analysts (most NENS) who conduct LADO cases w/supervision by linguists
Who performs LADO? Pt. II

- Independent academic linguists may do LADO on case-by-case basis for some governments –
  - e.g. Swiss LINGUA, rigorous qualification process
  - One NL firm, Taalstudio, performs LADO mostly for AS appeals
- All analysts = qualified linguists w/academic credentials
- Independent academic linguists, ‘country expert’ academics give language evidence for AS appeals, e.g. in UK
  - not always detailed LADO – sometimes just a brief letter
- Independent academic linguists (e.g., me) assess LADO reports produced by other parties for method, knowledge, etc.
- **Primary LADO – Contra-analysis – Report Assessment**
Which languages relevant to LADO?

- LADO: usually smaller, regional/ethnic dialects
  - E.g. minority clans in Somalia (Reer-Hamar, Ashraf)
- Often spoken across borders, not just within them (cf. map)
  - E.g. Mandingo: Senegal, Mali, Guinea-B and -C, Sierra Leone, Liberia, Cote d’Ivoire, Burkina Faso, Benin, Nigeria
- Often unwritten for most speakers til very recently
- Many unstudied, or little detail known about them
- No standard tests for assessing speakers’ knowledge
- Handful of experts in each country, or the world
UKBA: LADO ‘routinely permitted’ for Somalis, Afghans, Iraqis
Eligible: anyone, incl. unaccompanied children > age 12
Besides Somalis/Afghans, anyone ‘strongly suspected’:
  ‘Unable to speak primary language’; ‘inconsistent’ language use
  i.e., language judgment is made before language testing is done
Phone interview b/w applicant and Sprakab analyst, “who will speak the language… at mother-tongue level”
  Preliminary result given 3-15 mins (!) after interview is finished
  Sprakab will analyse data & provide report within 2-4 hrs (!)
  Source: UKBA Language Analysis Guidance (28 Jan 2009)
UK Border Agency views on LADO

- UKBA calls LADO a “relatively robust tool” *(HGC Feb 2010)*, “robust enough to form a part of the decision-making toolkit” *(email from UKBA, 13 July 2010)*
- Its purpose is to “assist in identifying” origin and nationality, and to “deter fraudulent claims” *(LA Guide)*
- Acknowledge it is regularly challenged in court *(HGC)*, cannot distinguish between all groups of populations
- Have only used 1 commercial agency: Sprakab
- Not commissioned from Apr 2010-Nov 2011, under review from a costs/benefits perspective *(pc)*
- Resumed contract; considering tender for new provider
Quality Control Issues for UKBA

- UKBA apparently often fails to ensure that the crucial question for Somali cases is addressed by language analysis.

- This Q often is not explicitly posed to Sprakab for analysis; immigration judges in many cases fail to note this shortcoming.

- Due to lack of basic language expertise within UKBA?
  - In both Somali & W African (e.g., Krio, Liberian) cases, the Sprakab report provided by HO to lawyers contained analysis details not in Int’l Phonetic Alphabet as claimed, but Greek characters! [PaOs ex.] [SprIPA2]
  - Not one of 42 reports cites a reference – a dictionary, a grammar, a dialect study – of Standard Somali or Af-Reer Hamar.

- Are UKBA unaware this fails to meet their own standards?

- Reports: IAFL 8-14; Credentials: CamL 23-4; Somali exs: CamL 26-30
Blommaert (2009) argues vs. linguistically naive, institutionally-endorsed “National Order” model of language competence

- rooted in folk conceptions shared by native speakers (incl. bureaucrats)
- mediated by assumptions on standard languages, linguistic uniformity/homogeneity of speakers, and simplistic notions of bilingualism

...what he calls a “Sociolinguistics of languages”

B considers a Rwandan refugee w/complex multilingual history of displacement & linguistic choice & identification, argues for

- dynamic model capable of encompassing a unique linguistic biography
- & of paying special attention to “sociolinguistic repertoires that index full histories of people & places, not just institutionally genred origins”

...prefers a “Sociolinguistics of speech & repertoires”
When is Dynamic Model needed?

- Examination of speaker’s linguistic history and repertoire often produces unique trajectory to be matched with complex speech.
- Classic ex: ‘Joseph’ in Blommaert (2009), a Rwandan refugee with complex multilingual history of displacement & linguistic choice & identification including c.8 languages by age 15:
  - English, French, Swahili, Kinyarwanda, Kinyankole, Runyankole, etc.

- **Individualization is sometimes the logical LADO hypothesis**

- Follows a forensic linguistic principle, **Axiom of the Idiolect**: “No 2 speakers are completely alike in linguistic production”

- But, how general are such cases? How to present them in court?
I affirm the value of Blommaert’s interpretive approach for our understanding of post-modern identity thru language use, and Agree w/ his critique of how National Order model essentializes simplistic links between language & social category, e.g.

- native competence as ‘passport’ stamped w/time, place of socialization in response to Qs like: Hutu or Tutsi? Iraqi or Iranian Kurd? Etc.

Reports often ignore evidence of variation, dialect mixture/loss

- Eg not accepted that socialization in Ethiopian refugee camp may lead to variation b/w N and S Somali regional dialects; both attested there

- Eg though AS grew up in a village on Somalia/Kenya border, concludes she speaks type of Somali “with certainty” not found in Somalia, but found in Kenya – Home Office decides she must be a Kenyan national

- Eg disbelieves young AS of moribund-dialect group can’t speak mother’s L1, though she left Bajuni-speaking region when she was 10 years old
Requirements of Forensic Analysis

- Such evidence indicates **dangers** in accepting that nationality can be read off prescriptive norms for language competence, and the **need for sensitivity** to complex linguistic trajectories.
- Blommaert ignores a **middle way** that often better serves courts’ need for testable, objective evidence to give reliable results.
- Jurists seek **clarity from experts** to aid their decision-making, require accepted methods with an established research basis.
- The task is to assess a speaker’s linguistic output, allowing for sociolinguistically-predictable constraints in the LADO context, and match it to verifiable knowledge about the speech usually produced by socialization in the AS’s claimed SpCom.
Using the SpCom in LADO

- **Enlightened SpComm model** occupies an intermediate position b/w {nationally-standardized expectations + early-modernist ideologies} and {individuals with unique repertoires/histories}.

- Existing methods allow us to measure the extent of variation, and patterns of choice, in AS’s repertoire, compare to normal range of heterogeneity established for targeted SpComms.

- Where predictions about language contact match evidence of AS’s speech w/good confidence, narratives can be confirmed.

- Where a refugee’s trajectory is too complex for such tests, eg Blommaert’s Rwandan case, linguists should advise courts against employing LADO analysis as a method of verification.
Conclusion

- Q: Is LADO based on sociolinguistic SpComm surveys and variationist methods sometimes possible and appropriate?
  - A: Yes. (This is not a type of work I often do, though I am qualified to.)

- Q: Is it possible to assess whether LADO analyses submitted to courts are competent, based on standard linguistic variationist methods and comparative research findings?
  - A: Yes. (I regularly submit such assessments to UK Asylum & Immigration Tribunals since 2008 as a paid expert linguist – this is my disclosure notice!)

- The Speech Community remains a valuable socio-linguistic concept which may be applied in LADO contexts to the benefit of both refugees and govts.
LADO Resources

- Guidelines for use of language analysis in relation to questions of national origin in refugee cases
  - www.unhcr.org/refworld/ → “language analysis guidelines”
  - Also accessible from LARG “Resources” page w/more info

- Language & Asylum Research Group
  - www.essex.ac.uk/LARG
  - larg@essex.ac.uk

- ESRC LADO Research seminars, 2011–2012
  - → methods & research for best practice in LADO
LARG is a group of experts who share an interest in LADO (Linguistic Analysis for the Determination of Origins) as a research topic, from a practitioner's point of view, or both.

**What is LADO?**

Linguistic Analysis for Determination of Origins (LADO) is a new branch of applied linguistics, used by governments in processing asylum seekers who are applying for refugee status. Applicants are interviewed by government agencies seeking to ascertain whether they speak the language of a group they say they belong to, as part of testing their claim to come from a certain nation, region or group.

**The LADO Process**

Speech recordings are typically analysed to determine whether an applicant's speech patterns show expected features of the specific language variety spoken by their claimed group. The key question that can be addressed scientifically is not one of nationality but of language socialization and speech community membership, which is a sociolinguistic matter.

**Who should belong to LARG?**

LARG seeks collaboration among academics, practitioners, lawyers, qualified linguists, government representatives, NGOs, and anyone else with an interest in responsible, valid and scholarly practices in LADO. Experts connected to LARG collaborate in the interest of contributing to the quality of work in this area. Experts connected to LARG collaborate in the interest of contributing to the quality of work in this area.

**What is LARG’s mission?**

The primary mission of LARG is to stimulate research, contribute to the further development of guidelines, and promote best practice for practitioners working in this field, through exchange of informed views, in the spirit of and extending the scope of the 2004 guidelines. LARG follows up the work of the Language and National Origin Group (LNOG), who jointly authored the influential 2004 Guidelines for the use of language analysis in relation to questions of national origin in refugee cases and have organized discussions since then in various academic and professional meetings.
Involvement of Linguistics Profession

- **Late 1990s**: A few independent academic linguists (e.g. J Arends) begin to be involved in LADO in Netherlands, Belgium

- **2003** - Report by Eades, Fraser, Siegel, McNamara & Baker
  - Study of 58 Australian Refugee Review Tribunal cases
  - Language analysis by overseas agencies based on ‘folk views’
  - Language analysis by NENS found to be ‘not valid or reliable’

- **2003** - SPCL meeting Hawai’i: 1st LADO conference session

- **2004** - Formation of Language & National Origin Group

As a result of linguists’ growing awareness of issues, efforts to **codify best practice** began – first result...

*2004 Guidelines*
2004 Guidelines for best practice

2004: Guidelines for use of language analysis in relation to questions of national origin in asylum cases (Lang Nat Origin Group)
- 19 coauthors/signers from Africa, Europe, Australia, USA
- 17 PhDs, over half with 1st-hand forensic experience in RSD context
- Published in 2 peer-reviewed linguistic journals, UNHCR RefWorld

Main principles include:
- LADO must be done by qualified linguists – proof of expertise
- Caution in rendering opinions – degree of certainty
- Knowledge of native speakers ≠ expertise of linguists
- Linguists to determine/advise on data quality for LADO
- Other issues: cross-border, language mixing, 2nd-language LADO...

Now cited in courts from UK to Pacific, influences govt. practices
Endorsements of 2004 Guidelines

Widely endorsed by thousands of linguists internationally:

- AAAL – American Association for Applied Linguistics
- AIDA – Association Internationale de Dialectologie Arabe
- ALAA – Applied Linguistics Association of Australia
- ALS – Australian Linguistic Society
- ANELA – Netherlands Association for Applied Linguistics
- AVT – Netherlands Society for General Linguistics
- BAAL – British Association for Applied Linguistics
- IAFL – International Association of Forensic Linguists
- LAGB – Linguistic Association of Great Britain
- LSA – Linguistic Society of America
- SPCL – Society for Pidgin and Creole Linguistics
Conferences/workshops on LADO held in Wales, Ireland, Netherlands, Switzerland – forensic linguists & phoneticians, sociolinguists, language contact specialists – Swiss Lingua bureau

Became involved as experts in govt. and legal processes

European Science Foundation Workshop, Wassenaar, on “Language and Origin: The role of language in European asylum procedures”, org. by Prof. Pieter Muysken – invited

Linguists, Govt. bureau representatives, lawyers, asylum NGOs, anthropologists, forensic scientists, analysis firms, UNHCR

Launch of Language & Asylum Research Group (LARG)

Convened by myself and Dr Diana Eades (IAFL former President)

Advisory Panel of 16 linguists, lawyers, HR practitioner, asylum NGO, government representative, psychologist, LADO practitioners

Aims: support research, develop guidelines, promote best practice