

ESF Exploratory Workshop on

**LANGUAGE AND ORIGIN: THE ROLE OF
LANGUAGE IN EUROPEAN ASYLUM
PROCEDURES**

NIAS (WASSENAAR), April 22-23, 2010

Convened by:

Pieter Muysken

SCIENTIFIC REPORT

1. Executive summary

The *ESF Exploratory Workshop on Language and origin: the role of language in European asylum procedures* took place over two days, at the Netherlands Institute for Advanced Studies in Wassenaar, April 22-23, 2010. It was a closed meeting, but on the last afternoon there was a section for the public, with interested journalists, language specialists, and anthropologists, about ten in total, attending. The main objectives of the Workshop were (as stated in the original planning document):

In recent years, language has been used as evidence in assessing asylum seekers' claims. Do they come from the country that they claim to originate from? Although this would seem quite simple, reliable assessments are hard to achieve. Many factors intervene: high variability, multilingualism, extended stays in refugee camps, lack of systematic knowledge about the languages, mixed ancestry. European countries have developed various techniques, but experts often disagree about these, and the validity of the results. This workshop brings together an interdisciplinary group of experts from different European countries to explore the different techniques and work towards improving them.

At the workshop, a number of presentations were given from many different perspectives, with almost inevitably too little time for general discussion, it was felt. Over the two days, people started to understand each other's approach to the general issues better, and discussions gained in depth. The beautiful surroundings, quiet, and excellent hospitality greatly contributed to the quality and intensity of the interactions during these days. Participants have all been asked to contribute, with a brief presentation or additional comments, to one of the thematic sessions of the workshop

Despite the very acute troubles with ashes in the sky from the Icelandic volcano, the conference went very well, and more people showed up than we had dared to expect (20 out of 28), one colleague driving all the way from Spain. Atmosphere was excellent and a number of productive results were reached.

2. Scientific content of the event

In a general introduction to the workshop by the convenor Pieter Muysken the main research questions in this domain, both linguistic and judicial, were once again presented to structure the ensuing discussion.

- Is it possible to determine the origin of asylum seekers on the basis of an analysis of characteristics of their speech (LADO)?
- Which research methods and which techniques are available for these analyses, in practice (e.g. in immigration services and aliens police), and in linguistic science. Do recent advances in language recognition software provide a basis for reliable LADO-assessments?
- How can the validity and reliability of such analyses be determined?
- What is the validity and reliability of the analyses that are put forward at the moment?
- What are the advantages and disadvantages of various methods of data collection in the context of language analysis (an interview, a conversation with an interpreter, a recorded monologue, a dialogue, a translation of a list of words, etc...)?
- What are the requirements that experts who carry out such analyses should comply with?
- The Guidelines for the Use of Language Analysis were published in 2004 and have since been endorsed by several linguistics associations. What has been the influence of these Guidelines on the use of language analysis in practice?
- What contribution can native speakers make to valid and reliable language analysis? What are the respective roles for native speakers and specialised linguists in this process?
- How does an assessment of geographical and cultural knowledge affect the validity and reliability of language analysis?
- What is the effect of multilingualism on the way people speak and how this affect they way they are identified in asylum procedures?
- What can we learn from a more qualitative, ethnographic study of the interactions that the asylum seekers and officials engage in as part of the admission procedure?

- How does variation in the local languages, both geographic and social, affect unambiguous LADO assessments?
- The goal of LADO in the asylum procedure is to establish a person's main socialization - not the citizenship - absolutely or with a degree of probability. The result of LADO will be one element in the later decision about the asylum application. What degree of probability is required?
- Why is LADO mainly used as a 'falsifying' instrument? In the asylum procedure language analysis is used mainly when there are doubts with regard the nationality/origin of the asylum applicant. This turns LADO into a gate-keeping instrument.
- What is the role of the counter-expert, and who decides who is right, the expert or the contra-expert? The judge or the linguist?
- There is the need for harmonization within the Common European Asylum System, and so there is a need for European States to apply LADO in the same way, and using the same sources. Is there a need for a LADO European Support Office?
- What qualifications should a language analyst possess to make him/her a reliable source of information/proof (native speaker, native competence?) within the judicial process?
- What is the exact division of labor between the linguistic expert and the judicial expert?
- What is the nature of the evidence that comes from LADO?

Language Analysis (LADO) started life in the 1990s in various immigration departments, notably in Sweden and Switzerland, as a way of using language to determine the national and regional origin of asylum seekers. The first academic meeting took place in 2003. A group of concerned linguists produced a set of Guidelines in 2004 about proper procedures for LADO. In 2005, 2006, 2007 and 2008, small specialist workshops were held on the topic. These workshops were organised by LADOexperts (De Taalstudio in 2005, 2006 and 2007, and LINGUA in 2008) and also attended by language professionals mainly. The focus was on technical issues. Some differences between the practices of the various LADO-providers turned out to be rather contentious, for example the expert's profile and the format of expert reports. The need was also felt for input from the judicial domain.

This ESF-workshop aimed to bring together an interdisciplinary group of experts in a closed, constructive setting to exchange views, to learn to speak each other's language and to set priorities for future research and developments. Professor Muysken, in his introduction, stressed that the aim of the meeting was NOT to "conclude" what is the best method for LADO, a contentious issue in the research community invited to the workshop.

Pieter Muysken also addressed the issue of the different stakeholders in LADO, with their respective potentially conflicting interests:

- the governments with a potential northern European / southern European split with the massive physical influx on the southern borders, but of the northern countries as potential ultimate destinations for refugees. Governments must provide protection to those who are entitled to it, while at the same time they must ensure effective control of their borders. Asylum requests are dealt with in accordance with national and international regulations. In particular, governments shall not violate article 3 of the European Convention on Human Rights (prohibition of torture). All this takes place under public pressure to keep the costs of the selection, admission, and eviction procedures down;
- the refugees and their representatives, who seek admission and at least the benefit of the doubt;
- the language bureaux, interested in cost-effective procedures for evaluating the claims of refugees;
- the legal system, interested in fair procedures and compliance with legal standards
- language professionals from the academic world, who welcome job opportunities and also need to guard the public image of their field of study
- the language professions (especially interpreters), which has opportunities for jobs and possibly extra income in LADO

The first main session was devoted to LADO procedures. **Tina Cambier-Langeveld** (IND, Netherlands) presented an Introduction to LADO with linguists and native speakers, and **Eric**

Baltisberger (LINGUA, Bern) an Introduction to LADO with specialized linguists. A presentation by **Diana Eades** (Australia) about Guidelines from linguists for LADO was presented in absentia. Finally, **Sylvia Moosmüller** (Austria) discussed the content and background of the resolution on Language and Origin that was adopted in 2009 by the International Association of Forensic Phonetics and Acoustics.

Next on the agenda were several talks about the use of language analysis in the national asylum procedures. **Silvia Morgades** (Spain) discussed the Spanish situation, **Dirk Vanheule** gave a presentation on the use of language analysis in the Belgian asylum procedure, and **Claudia Pretto** described the situation in Italy. In Spain language analysis is only used rarely, and not at all in Italy. In Belgium it is starting to evolve more and more.

Ton Broeders (Netherlands) presented the perspective of forensic science, stressing that it is always necessary to compare the likelihood of the result on the basis of Hypothesis A with the likelihood of the result given hypothesis B. A paper by **Tim McNamara** (Australia) on 'Validity issues in language testing' was read in absentia, stressing the similarities between LADO and other types of language testing and proposing a research agenda for LADO based on decades of language testing research.

Next were three papers outlining the main features of particular subdomains of language studies relevant to LADO. **Peter Patrick** (UK) gave a good overview of Language Variation and its implications for LADO. Multilingualism was the topic of **Pieter Muysken's** (Netherlands) presentation. **Dirk Van Compennolle** (Belgium) presented recent findings on Phonetics and language and speech recognition technology, and its potential for implementations of language recognition technology for LADO. Compennolle concluded that in principle it is possible to establish the dialectal origin of speakers, but that a great many technical conditions have to have been fulfilled, which makes the technique perhaps less useful at present for LADO as it is currently being carried out.

The official part of Day One ended with the discussion of a first Case Study: East Africa, on the basis of two introductions: **Vincent de Rooij** (Netherlands) on Swahili, and **Georgio Banti** (Italy) on Somalia. While the general outlines of the geographical distribution of Somali and Swahili are relatively clear, patterns of language mixing and multidialectalism are complex. Also, the situation along the coast is dynamic, with Swahili spreading northward along islands in southern Somalia.

The need to harmonise the use of language analysis? (eg in the EU Procedures Directive) was the topic of the first morning session on the next day. **Karin Zwaan** (Netherlands) discussed the role of LADO in the Dutch courts. Her main conclusion was that the use of language analysis is a difficult topic for judges to handle. Also due to the fact that sometimes the expert and the counter expert come to different conclusions, and it is left to the judge to choose between experts. **Blanche Tax** (UNHCR, Belgium) confirmed the current interest of the United Nations High Commissioner for Refugees in LADO, especially in the context of the European harmonisation programmes. **Martin Skamla** (Slovakia) described the virtual absence of proper procedures for LADO in Slovakia.

Institutional interactions – **Melissa Moyer** (Spain) and **Katrijn Maryns** (Belgium) provided a perspective on the complexity of interactions between individuals and institutions, especially in a multilingual setting. Moyer discussed recent results from studies in multilingual institutions in Spain, while Maryns talked about her research on interviews with asylum seekers in Belgium.

Then there was an extensive discussion of a second Case Study: Iraq and the Middle East, with introductions by **Judith Rosenhouse** on Iraq and **Enam El Wer** on Palestine. In both talks there was detailed information on the complexities of Arabic dialect variation in these regions, and potential problems this may raise for properly identifying people's origins.

The main part of the two-day workshop ended with a discussion of research opportunities and plans by **Karin Zwaan** and **Pieter Muysken**. **Peter Patrick** (UK) presented the launch of a research network on Language and Asylum (Language and Asylum Research Group). The primary mission of LARG is to stimulate research, contribute to the further development of guidelines and promote best-practice for practitioners working in the field of LADO. Many of the experts present in the meeting are part of the advisory board of LARG.

3. Assessment of the results, contribution to the future direction of the field, outcome

Overall, the participants found that the interdisciplinary exchange worked out very well. Some tensions were unavoidable given the polarisation in the field, but overall the spirit was very constructive and many reported that they had learned a lot.

Some overall conclusions from the meeting were:

1. LADO is unavoidable. If it does not acquire a regulated place in the national admission procedures, judgements about dialects and varieties will continue playing an implicit role in the procedures, with undesirable legal consequences.
2. It is an open question whether LADO can offer to lawyers what they need (unambiguous and clear evidence) if LADO is carried out up to common standards from the field of linguistics
3. There is a need for regulation, but the big question is how. Possibly much can be gained through a certain level of modesty of projected outcomes. Defining the limitations of LADO would be an improvement: For example, LADO may be validated for certain regions but not for others, or validated to assess languages spoken from birth, but not languages spoken as second or third languages.
4. There is an urgent need for further empirical research in this area, which preferably should be carried out in a European context.

Planning new research on LADO

Several possibilities for new research were discussed at the workshop in the final session.

(a) Language use data base for a specific region

One possibility would be to create a language data base for a specific country or region from which there has been, and can reasonably be expected to remain, a steady stream of asylum seekers. The specific region that was discussed as a prototypical example was Somalia and the immediately neighbouring regions.

The database would include:

- i. a GIS survey with available language use data
- ii. a reference list for language use in greater Somalia
- iii. pdf scans of sources which are not easily available
- iv. stored audio and where possible video material on language use
- v. an extended sociolinguistic profile for Somalia

(b) Basic empirical research on issues linked to LADO

There is an urgent need for basic research on the following general issues:

- To what extent can language be manipulated?
- What is the potential of language and speech technology, in particular language recognition software, for LADO, and what are its limits?
- Perception research, on the way people 'perceive' foreign accents?
- "folk" LADO: on the basis of which criteria do untrained speakers of a language attribute regional identities to others?
- What is known about the stability of linguistic features in the individual over a lifespan?

(c) Best practices research in institutional settings

In addition, more applied 'best practices' research is needed in a number of subdomains. Some of this research could take place in "mock asylum contexts".

- What are ideal modes of interaction between native speaker expert/ language expert / general linguist?
- What are the official and unofficial roles of interpreters?
- What are successful LADO procedures and what are the limits of LADO?
- What is the ideal form and content of LADO reports to immigration agencies?
- What are the appropriate quality standards for interviews?
- What is the role, in actual practice, of the language of the interview?
- Does the formulation of questions to 'linguistic experts' influence the type of answers given?
- What are the typical structures in the refugee narratives, and what do these structures reveal.
- What are the standards for document comparison

(d) Legal contextualization of LADO

A host of legal questions come to the fore, including:

- What is the legal basis for the different roles agencies and experts?.
- Can we seek harmonization in the formulation of reports?
- Harmonization should be achieved at what level?

Projected Volume

Language and Origin: The Role of Language in European Asylum Procedures: A Linguistic and Legal Survey

Zwaan (ed.) with Maaïke Verrips and Pieter Muysken

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Pieter Muysken, Maaïke Verrips and Karin Zwaan

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Tina Cambier-Langeveld

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Eric Baltisberger

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Diana Eades

4. IAFPA Resolution - Language and Determination of National Identity Cases
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Concluding Remarks

4. Final workshop programme

Wednesday 21 April 2010

Afternoon	<i>Arrival</i>
Evening	<i>Dinner at NIAS</i>

Thursday 22 April 2010

09.00-09.35	Tea and coffee, getting acquainted, paperwork travel reimbursements
09.35-09.50	Opening statement by the convenor

09.50-11.00	Introduction to LADO with native speakers and specialized linguists – Tina Cambier-Langeveld (Netherlands) Introduction to LADO with specialized linguists – Eric Baltisberger (LINGUA) Guidelines from linguists for LADO – Diana Eades (Australia) The position of the International Association of Forensic Phonetics and Acoustics –Sylvia Moosmüller (Austria)
11.00	<i>Tea and Coffee</i>
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12.10-13.00	Views from forensic linguistics and phonetics - Ton Broeders (Netherlands) Validity issues in language testing - Tim McNamara (Australia)
13.00-14.20	<i>Lunch</i>
14.20-15.30	Language Variation – Peter Patrick (UK) Multilingualism – Pieter Muysken (Netherlands) Phonetics and speechtechnology – Dirk van Compernelle (Belgium)
15.30-15.50	<i>Tea and Coffee</i>
15.50-17.00	Discussion of Case 1: East Africa: introduction and discussion – Vincent de Rooij (Netherlands), Georgio Banti (Italy)
17.00-18.30	Informal discussion
18.30	<i>Drinks</i>
19.00	<i>Dinner at NIAS</i>

Friday 23 April 2010

9.00-10.10	The need to harmonise the use of language analysis? (eg in the EU Procedures Directive) – LADO in the courts – Blanche Tax (Belgium), Martin Skamla (Slovakia), Karin Zwaan (Netherlands)
10.10-11.00	Institutional interactions – Melissa Moyer (Spain), Katrijn Maryns (Belgium)
11.00-11.15	<i>Tea and Coffee</i>
11.15-12.30	Discussion of Case 2: Iraq and the Middle East – introductions and discussion – Judith Rosenhouse (Israel), Enam El Wer (UK)
12.30-13.00	Discussion of research opportunities and plans 1 – Karin Zwaan (Netherlands), Pieter Muysken (Netherlands)
13.00-14.00	<i>Lunch</i>
14.00-14.30	Discussion of research opportunities and plans 2 – Karin Zwaan (Netherlands), Pieter Muysken (Netherlands)
14.30-14.45	<i>Tea and Coffee</i>
14.45-17.00	Open Meeting Conclusions by convenor and local organizers Public discussion

18.00 *Drinks*
19.00 *Informal dinner at the seaside*

Saturday 24 April 2010

8.00 *Breakfast at NIAS*
9.00 *Departure*

5. Final list of participants

Eric BALTISBERGER

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Faculteit Rechten

6. Statistical information on participants

age brackets:

3 x 60+, 6 x 50+, 6 x 40+, 5x 30+

countries of origin:

6 x Netherlands, 4 x Belgium, 2 x UK, 2 x Spain, 2 x Italy, 1 x Austria, 1 x Switzerland, 1 x Israel, 1 x Slovakia

M/F repartition:

11 x F, 9 x M

Legal, institutional / language:

12 language, 8 legal, institutional