

"Linguistic Rights in the Asylum Context"

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Analysis of the speech of refugees plays a progressively visible, important role in the process of evaluating claims for asylum. Linguists are becoming aware, and concerned, about how our discipline is represented in this process, and the human consequences of the naïve misuse, or abuse, of "language analysis". I review background and recent developments in this area; set it in context of linguistic human rights; illustrate key issues from recent UK cases, and consider what linguists can and should do.

Individuals with varying types of language expertise – linguists with academic credentials, interpreters with various qualifications, native speakers with few or none – are increasingly involved, in different configurations, in the determination of national, regional or ethnic origins of refugees for asylum purposes (Eades 2005). There is considerable controversy over the role language experts and linguistic expertise should play in this process. An early draft of a minimum set of standards (Language and National Origin Group, 2004), though widely endorsed by linguists, has been both cited and contested in proceedings. While each host nation differs in its practices (eg Maryns 2006, Singler 2004), a common solution for governments is to employ a commercial language firm – such as Sprakab (based in Sweden), who collect speech via telephone, analyse it, and provide a report within a few hours. These reports may be relied upon by bodies such as the UK Border Authority (UKBA) in deciding claims.

This paper illustrates with data from recent Somali appellants in the UK asylum process. Somali appeals cases are distinctive: there is rarely disagreement as to whether the applicant natively speaks a language that is characteristically spoken in Somalia – indeed, it is generally granted that the applicant has Somali origins. Rather, the issue at stake is often membership of a minority and persecuted clan, for which the ability to speak a relevant minority dialect of Somali – Af-Reer Hamar – is held to be an index. This focuses the language issues on a set of questions including the following:

- How is determination of ethnic identity related to speech evidence?
- What does it mean to be bi-dialectal/bilingual? Do linguistically-naïve actors in the asylum process make valid assumptions about multilingualism?
- Why do speakers switch between standard languages & stigmatized minority dialects? What consequences do such language choices have for the asylum process? What effects do the language-testing context have on these choices?
- What effect do language attitudes and ideologies have on the ability of actors in the asylum process to recognize, produce and label ways of speaking?
- What types of analysis need to be undertaken to give accurate and reliable results? What standards of accuracy and reliability should be applied? What qualifications ought to be required of those claiming language expertise?
- What actual qualifications, types and levels of expertise are possessed by those now submitting evidence to the UKBA process? Does practice meet international scientific standards? Does it match standards of expertise required in civil and criminal court processes in the UK? (UK Border Agency 2009)
- What would an ideal LADO process look like, from the linguist's point of view?

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