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An exploratory study on Home Office policy guidance documents regarding language provision for LGBTQI+ people in asylum settings

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Aston University, School of Languages and Social Sciences

Supervisor: David Orrego-Carmona
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Abstract

This dissertation aims to evaluate and analyse policy guidance documents from the Home Office website to conclude how language provision for LGBTQI+ asylum applicants is provided to linguists, interpreters, and translators in asylum situations. This study will use both policy and language for specialised purposes (LSP) analysis to analyse a corpus of texts selected for this purpose to draw conclusion about the language used and how effective this policy guidance may be. Relevant literature will be provided, however, there are currently no studies that combine language provision in asylum situations and LGBTQI+ people together, therefore this study will be mostly speculative in its recommendations. Ultimately, this essay supplies recommendations based on the theoretical policy guidance supplied regarding the provision of terminology for all agents in asylum situations to aid clarity and understanding, as well as highlight the need for clearer instruction regarding training and ensuring linguists are capable.

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1. Introduction

The United Nations High Commissioner for Refugees states in the training module 'Interpreting in a Refugee Context' that "the function performed by interpreters – that of overcoming the barrier of language – is vital in any international context" (2021b, 1). Language is also constantly evolving along with policy, particularly relating to LGBTQI+ identities and communities (Charity Commission for England and Wales 2019; Government Equalities Office 2018a; Cabinet Office 2017). Combining translation and interpreting with sexual orientation and gender identity, however, can be challenging due to cultural miscommunication: as in, the words line up, but the cultural knowledge is missing (Fathi 2012; Sageder 2010). In situations such as asylum seeking, an LGBTQI+ asylum applicant may be more likely to receive a rejection from the UK Home Office (Home Office 2019b; 2019a; Bulman 2018) – combined with the added third party of an interpreter, the communication can easily become muddled. For all communicative agents in the asylum interview – the interviewer, the interpreter, and the claimant – clear, universal understanding of appropriate terminology and conduct is paramount in order to achieve the fairest decision. Policy and guidance are useful methods of disseminating the information necessary to achieve this. However, guidance is not representative of reality, and must therefore be approached with caution when making statements and recommendations.

This dissertation will begin first with a literature review on relevant studies, reports, and papers, explaining the overarching themes discussed in each and evaluating the gaps in research regarding the intersection of language provision for asylum seekers and LGBTQI+ individuals engaged in the asylum process. Next, the context of the study will be set out. This

is to inform the reader of the historical and contemporary background of asylum, LGBTQI+ rights, and asylum language provision in the UK.

The methodology of this dissertation is then set out, including the methodological approach and the methods of analysis used to dissect the corpus of guidance texts. The analysis section will give an overview of the text type, then the micro analysis: this will contain linguistic analysis of the corpus, as well as policy analysis using supporting evidence. From this, a discussion about the analysis is presented, containing any further relevant supporting literature and an evaluation of what the policy guidance documents do well, what they lack, and any relevant recommendations for the future.

2. Literature review

By reading and evaluating the existing relevant literature on language provision and LGBTQI+ issues in UK asylum proceedings, areas for further examination can be identified.

Some literature on LGBTQI+ asylum seekers is focused on identifying issues in how the UK asylum system approaches LGBTQI+ asylum seekers (Dustin 2018; Raboin 2017). In her conclusion, Moira Dustin briefly asks, “how might LGBTQI asylum decision-making be improved?” (2018: 34), and offers some well-meaning solutions, for example: “Would you be viewed as LGBTQI if you went back [to your country of origin]?”. However, her solutions do not factor in the additional issues of interlingual and intercultural communication when a claimant needs an interpreter. Thibaut Raboin does bring up the existence of terminology regarding LGBT+ people and issues with claimants who are unaware of the specific terminology used by receiving governments but discusses it in relation to identity and legal definition rather than about language provision. Asylum literature that does not focus on sexual orientation or gender identity claims also allows for a broader understanding of the

climate in asylum proceedings. Similarly, John R. Campbell does not consider language provision, instead focusing on credibility and fairness in overall asylum claims (as in, not strictly LGBTQI+ claims) (2020).

Using studies that have taken place outside the UK can offer perspectives that, while not specific to the UK's processes and attitudes, will provide discourse that should be considered within the contexts this dissertation focusses on. David A. B. Murray (2014) examines the Canadian refugee system, dealing with the authenticity of LGBT refugee claims. This study argues that "the credibility of LGBT refugee claimants is ... evaluated through processes ... [that assume] about 'real' gays or lesbians that reflect white, middle-class LGBT experiences and beliefs about their own and 'other' cultures" (2014: 26), a sentiment reflected by Rosa dos Ventos Lopes Heimer in relation to the UK (2019). Similarly, Ryan Richard Thoreson (2013) describes issues in translating sexual orientation and gender identity leading to power struggles between NGO information distributors in New York and Cape Town offices when dealing with distant crises – how do you translate a person's identity when you cannot ask the individual themselves? Both studies show a marked thread of power relations running through the act of both seeking or giving asylum and translation.

Some language power-relevant studies also take their data from outside the UK, with Jeffery Killman (2020) drawing his conclusions from U.S contexts, and Kolb and Pöckhacker (2008) from Austria. Both studies deal with the idea of translator agency and neutrality in court settings, ultimately concluding that interpreters can and do fulfil additional communicative needs outside of simply translating the words provided, such as telling clients about additional information that may allow them to better understand their situation. Discourse originating from these findings tends to build upon this with how the interpreter can fulfil their

assignment fairly, professionally, and as they have been requested without becoming ethically compromised (Killman 2020, 84; Inghilleri 2005; 2013).

In addition to academic work, inspection reports conducted on the usage of language services, asylum, and LGBTQI+ asylum in the Home Office can offer basis for examination, as they contain information, data, and recommendations specifically for or concerning the Home Office asylum processes (UK Lesbian & Gay Immigration Group 2013; Bolt 2019; 2020; Independent Chief Inspector of Borders 2021). While mentions of sexual orientation and gender identity (SOGI) and LGBTQI+ asylum procedure occur in these reports, other documents written on LGBTQI+ policy in general can also be used to assess how the UK Government aims to address these issues (Government Equalities Office 2018a; 2018b; LGBT Policy Team 2019). Matson Lawrence and Yvette Taylor's empirical study (2020) evaluating the government's language in the LGBT Action Plan is another source that can offer direct analysis of different, but related public policy, and suggests that even well-meaning language can be problematic.

Language provision in asylum proceedings and asylum conditions for LGBTQI+ people in the UK are often explored as two separate topics, rather than as intersecting issues. Not every case requiring either language provision and LGBTQI+ consideration will require both, which leaves a gap in the literature about how sexual orientation and gender identity can intersect with a language barrier. Communication in a real-life asylum interview with these criteria in place could result in a suboptimal communication event taking place if the agents involved (e.g. attending officers, interpreters, and claimants) are unable to understand each other at either lexical or conceptual levels. Various papers bring up valid questions about law, policy, and guidance regarding either interpreting or LGBTQI+ issues in asylum situations, the

majority of which voice concern about fairness¹. Other literature focused on language provision shows interpreter actions directly affect the outcome of a communicative situation, which, when coupled with the idea of 'fairness' against marginalised people, suggests that an uninformed, misinformed, or biased interpreter has the ability to turn 'fairness' on its head for the other agents in an asylum situation.

3. Context of study

3.1. UK asylum system

The 1951 Geneva Convention for the Status of Refugees and the 1950 Convention for the Protection of Human Rights and Fundamental Freedoms involve regarding asylum, as these are the international, overarching conventions on which the UK immigration system operates upon (Independent Chief Inspector of Borders 2021). These Conventions detail the obligations and definitions of ruling states in regard to the rights of refugees and by extension, asylum seekers. Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms states "[n]o one shall be subjected to torture or to inhuman or degrading treatment or punishment"(United Nations 1953), which, while not specific to asylum, is a blanket statement that can easily be applied to asylum.

The 1951 Convention (OHCHR 1951) is referred to less specifically in the UK Government's definition. As stated earlier, it is used by Amnesty International to define a refugee:

"As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to

¹ See Dustin 2018; Raboin 2017; Campbell 2020; Lawrence & Taylor 2020.

avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”

This definition follows a “universal approach, according to which the characteristics of refugees would be specified in the instrument” – an alternative option would have been the “traditional approach, according to which refugees were defined by specified categories” (Stevens 2004, 124). A similar definition appears in the Statute Of The Office Of The United Nations High Commissioner For Refugees (UNHCR 1950), with only slight alterations made.

Dallal Stevens (2004) suggests any action taken by the UK in previous years was reactionary in relation to refugee and asylum issues. The oldest piece of legislation available on the Legislation.gov.uk website refers to immigrants and asylum seekers as “aliens” (Government of the United Kingdom 1969, 10) – this term is dated as becoming synonymous with demonising Jewish people seeking shelter from pogroms during the turn of the twentieth century (Hayes 2014, 31; Stevens 2004). Essentially, Stevens argues the societal perceptions of asylum seekers affected the names given to and legislation enacted upon them throughout history. Whether this idea can be extended to the modern day is questionable, as his work was written more than two decades ago and does not have the advantage of retrospect from recent refugee crises. However, recent studies suggest there is still an undercurrent of bias in the asylum system: for example, Campbell’s ethnographic study on decision-making in UK asylum courts concludes “in short, arbitrary standards continue to be used to assess evidence/credibility, and this undermines procedural fairness” (2020). This bias correlates with increased migration being cited as a major factor in the Brexit referendum result

(Goodwin and Milazzo 2017). In March 2021, the UK received 26,903 asylum seekers: when asked whether this number is more than most countries, the UNHCR confirms that no, it is not (UNHCR 2021a).

Defining the difference between 'refugee' and 'asylum seeker' is important in both a general and specialised sense. Amnesty International (AI), an international human rights non-governmental organisation, defines a refugee as "a person who has fled their country of origin and is unable or unwilling to return because of their race, religion, nationality, membership of a particular social group or political opinion" (2019). This definition uses the same phrasing as the 1951 Geneva Convention for the Status of Refugees, which is discussed later. AI defines the term 'asylum seeker' as "someone whose claim has not yet been finally decided on by the country in which [they have] submitted it", also acknowledging "[n]ot every asylum seeker will ultimately be recognised as a refugee, but every refugee is initially an asylum seeker".

Academic definitions can vary, some not being quite as broad and others not quite as specific as either Amnesty International's or the United Nation's definitions, the latter of which is discussed later in this section. Stevens' definition reads as follows: "any individual dispersed from [their] homeland who seeks protection or a safe haven in another country, for religious or political reasons" (2004: 1-2). He cites Zolberg et al's definition in a footnote: "persons whose presence abroad is attributable to a well-founded fear of violence", a definition which extends to include "coercive circumstances" or "threatening effects". His criticism stems from Zolberg et al's suggestion that fleeing famine is fleeing violence, arguing this definition of violence is too broad – whether this is a fair criticism or not is not the debate of this paper. However, he fails to specify whether his own definition follows a legislative or a general definition, saying instead it comes from a "wider, and historically more appropriate" sense

(ibid: 1). The Geneva Convention for the Status of Refugees was published half a century before his own writings.

Over the past twenty years, immigration and asylum legislation has been updated or enacted eight times, at the time of writing the most recent being in 2020. This piece of legislation was in response to the UK's decision to leave the European Union and predominantly contains information about the repeal of free movement between EU states, the Republic of Ireland, and the UK and Northern Ireland (Government of the United Kingdom 2021). It appears that for immigration and asylum acts, updated legislation is built upon in the next iteration with corrections or alterations. The Nationality, Immigration and Asylum Act 2002 (Government of the United Kingdom 2002) defines an "asylum-seeker" to be such if they are at least eighteen years old, in the United Kingdom, and has made a claim of asylum which has been recognised by the UK Secretary of State and has also not yet been determined, to which Amnesty International's definition correlates. This document also defines what a claim for asylum is, stating:

"[From Section 18] (3) A claim for asylum is a claim by a person that to remove him from or require him to leave the United Kingdom would be contrary to the United Kingdom's obligations under—

(a) the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and its Protocol, or

(b) Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms agreed by the Council of Europe at Rome on 4th November 1950."

From these definitions, this dissertation will take the Convention for the Status of Refugees 1951 and the Nationality, Immigration and Asylum Act 2002 as the legal definitions of refugee and/or asylum seeker. Updates and amendments regarding these definitions in later Acts do not apply to the clauses discussed here, meaning the definitions presented are the current definitions used by the government. Additional legislation or critique may apply and will be discussed if and when appropriate.

3.2. Definitions and LGBTQI+ in legal proceedings

A brief explanation of the history of LGBTQI+ people is appropriate here to understand specifically the United Kingdom's modern historical attitudes to sexual and gender identity minorities. This section will also detail how these minorities experience the asylum system as reported by the British media – this is to show the public background of the topic. Due to their subjective nature, news articles should not be taken as primary sources in a study such as this, but the information and opinions expressed can be used to show what the public *will* see, and is used here to illustrate the need for investigation into LGBTQI+ asylum seekers in order to assess possible misinformation in the press.

3.2.1. History and background of government policy

It is important to remember that LGBTQI+ is used in this dissertation as an umbrella term. In many cases, some groups within the minority group of LGBTQI+ people are overrepresented in studies: this problem is raised by Dustin, who points out that even in her own study gay men are the majority of case studies labelled as 'LGBTQI+' (2018). Gay men are, of course, a part of the community – the issue raised here is that experiences of the LGBTQI+ community are vastly diverse between each group represented by a letter, and even within each letter grouping. The Government Equalities Office themselves also acknowledge their umbrella

usage of the term LGBT: “When we say ‘LGBT people’ we mean anyone who identifies as lesbian, gay, bisexual or transgender, or who has another minority sexual orientation or gender identity, or who are intersex” (Government Equalities Office 2018a). Brian Lewis suggests “alphabet-soup categories [have become] ever more refined and ever more complex (yet always falling short of the much-desired inclusivity)” (Lewis 2013, 2–3), but this attitude refers more to British gay communities and the discourse that comes in more Western LGBTQI+ and queer circles. He presents ‘queer’ as the co-opted umbrella term [ibid.], which can be a point of deep contention that some academics have attempted to discuss and have failed to make an objective point about². ‘Queer’ is nevertheless included in the LGBTQI+ acronym, as it encompasses identities that are not listed – this also occurs with the inclusion of the + symbol. With this discussion in mind, this dissertation will use the acronym LGBTQI+ with the same definition as the UK Government’s understanding of it, while also reminding the reader of the differing variety of individuals that can reasonably be assumed to be included and affected by the findings of this study. Any additional terminology will be defined as and when it becomes relevant.

When it comes to asylum, “[i]t is recognized that the Refugee Convention of 1951 was not created with the persecution of lesbian, gay, bisexual, transgender, queer or questioning, and intersex (LGBTQI) people in mind” (Dustin 2018: 104-105). An alternative understanding is that the Convention covers these groups through the line “membership of a particular social group” (OHCHR 1951; UK Visas and Immigration 2018c). This is an interpretation suggested to have been used as a precedent in Home Office appeal tribunals³, with the argument being: “groups which share an immutable characteristic (including women and homosexuals, or

² See Szuba 2018.

³ See House of Lords 1999.

other persons defined by their sexual orientation) may constitute a social group, if they are subjected to persecution in their society because they are members of that group” (Stevens 2004: 274). There are many more social groups of people outside of LGBTQI+ groupings who may require asylum, which makes this definition a broad catch-all for people the original legislators of the Convention did not consider, whether intentionally or not. This is not to argue that the Convention should have exclusively been written with the persecution of LGBTQI+ people in mind, but instead to point out that there is no distinction drawn in the Convention about LGBTQI+ people as there is with “race, religion, nationality ... or political opinion” (OHCHR 1951), meaning there is no explicit precedent in the base legislation the UK Government uses as reference material. Since this is the law that the British asylum system uses, it can be reasonably assumed this lack of definition extends to British asylum law. The webpage ‘Country and policy information’ provides country of origin information (COI) guidance for asylum cases that may require additional context to determine an asylum application – there is guidance available about sexuality and gender for some of the countries catalogued on the COI webpage (SOGICA 2021; UK Visas and Immigration 2021e)⁴. Despite concern about the range of information provided in the COI documents voiced by both SOGICA and an internal 2020 report called ‘Inspection of Country of Origin Information’⁵, there is precedent for sexual orientation or gender identity and expression (SOGIE) to be considered in applications, with plans to expand into collecting more data on gender identity and expression (Bolt 2020: 6-7; ICIBI 2021: 12 & 31).

⁴ “Where there is a lack of country of information (COI) on the treatment of LGB individuals, this should not automatically lead caseworkers to make either the conclusion that the claim is unfounded or that there is no persecution of LGB individuals in that country” (UK Visas and Immigration 2021: 18).

⁵ This report contains review of several COI documents dealing with sexual orientation and gender identity, concluding information should be regularly and diligently updated to avoid knowledge gaps.

Until 2010, it was possible to refuse an asylum application due to the belief that the applicant could be ‘discreet’ about their sexuality or gender identity upon return to their home country (Gray 2010; Gray and McDowall 2013; dos Ventos Lopes Heimer 2019). This idea of ‘reasonable discretion’ clashed with the UNHCR’s 2008 Guidance Note on Refugee Claims Relating to Sexual Orientation and Gender Identity, which stated concealment of identity did not constitute safety⁶. UKLGIG’s report on lesbian and gay claims for asylum coincided with a change in UK asylum legislation regarding LGBTQI+ claims, as in 2010 discretion requirements were deemed inappropriate and new guidance was set out (Gray 2010). The guidance document ‘Sexual orientation in asylum claims’ quotes the UNHCR’s 2012 guidance on discretion: “That a claimant may be able to avoid persecution by concealing or by being ‘discreet’ about his or her sexual orientation or gender identity, or has done so previously, is not a valid reason to deny refugee status”, resulting in the UK government conclusion that “internal relocation is not the answer if it depends on the person concealing their sexual orientation in the proposed new location” (UK Visas and Immigration 2021: 36-37).

As mentioned, the UK Government has an Equalities Office, which conducted a National LGBT Survey in 2017, publishing the summary report in 2018. Despite much positive data, the less positive findings⁷ of the report resulted in an LGBT Action Plan being published in 2018, with a follow up the consecutive year. In a section about laws on LGBT rights, the Action Plan claims, “The UK has a proud record of defending and extending LGBT rights both at home and abroad. We continue to be recognised as one of the best countries in Europe for LGBT rights

⁶ “[A] person cannot be expected or required by the state to change or conceal his or her [sexual] identity in order to avoid persecution” (Gray & McDowell 2013:22).

⁷ LGBT respondents reported less life satisfaction than the general UK populace, two thirds avoid holding hands with a same-sex partner in public, conversion therapy had been offered to 5% and undergone by 2%, and nine in ten of the most serious incidents were unreported as respondents considered it normal (Government Equalities Office 2018: 3).

by ILGA-Europe” (Government Equalities Office 2018: 21). New decision-making guidance was set out regarding LGBTQI+ asylum applicants, which Dos Ventos Lopes Heimer implies was in 2010 (2019) – the earliest published guidance document in this corpus related to the topic of decision-making for LGBTQI+ applicants was from 2009, under ‘Gender recognition in asylum claims’. This shows there is a concerted effort to improve equality standards within the UK Government (Government Project Delivery Profession 2020; Government Finance Function 2021), and public attitudes are positive (Government Equalities Office 2018b).

3.2.2. LGBTQI+ asylum seekers in the British media

Without the media, many important topics cannot come to light: however, there must still be caution exercised when using news as evidence. This paper will not be dealing with perceptions distributed by the media and will pass no judgement on whether officers act fairly or not, as the full information required to evaluate these decisions is not publicly available: my intention is to show correlation, rather than causation.

May Bulman (2018) reported in the Independent that the number of LGBT+ asylum seekers refused by the Home Office rose by 52% in 2017, with 1,464 applications dismissed over 964 dismissals in 2015. Data released by the Home Office suggests that whilst Bulman's statistics are worded to showcase a larger percentage rise of dismissals, they are accurate. In an Excel sheet titled ‘Asylum claims on the basis of sexual orientation tables’ (Home Office 2019), figures show that in 2017 64% of applications based on sexual orientation were dismissed, in 2018 58% were dismissed, and in 2019 55% were dismissed. The downward trend in the data suggests fewer applications are being dismissed, but the number is still substantial enough to result in refusal of over 50% of applications.

More recently, Jon Henley reported in the Guardian that: “one in three [asylum claimants] were refused because officials simply did not believe their sexual orientation or gender identity” (2020). Connecting back to the earlier point made about the wording of the Convention for the Status of Refugees, four in ten claimants reported being refused because “decision makers did not consider they were persecuted, or at risk of persecution, in their home country”. This could relate to COI information not being as extensive as it could, as well as potentially a lack of training about LGBTQI+ topics – this, however, is speculation, as no links are made by Henley between his figures and Home Office policy. Since there are also no dates provided in Henley’s article, it is difficult to determine whether these claims are from recent sources.

3.3. Provision of interpreting services in the asylum system

This dissertation discusses the policy guidance documents available for language provision in asylum, most specifically for interpreting. This is not to say translation does not also occur within asylum situations, but rather that this dissertation will predominantly contain information about interpreting language provision. Policy guidance documents, of which will be analysed in this dissertation, are publicly available on the Home Office website. Amongst these documents is information for interpreters undertaking Home Office asylum assignments.

As previously stated, the UK asylum system follows the UNHCR definitions of asylum, including the “Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees” (1992). This is corroborated by the Annual Report of the Independent Chief Inspector of Borders and Immigration (2021), which is recent at time of writing and is an in-depth evaluation of the

language provision within the Home Office's asylum processes. The particular passage this report chooses to highlight from the Handbook is "The applicant should be given the necessary facilities, including the service of a competent interpreter, for submitting his case to the authorities concerned" (ibid. 22; UNHCR 1992: 21). Under European law, one of the minimum rights of a defendant in court was "to have the free assistance of an interpreter if he cannot understand or speak the language used in court" (European Court of Human Rights 2021, 10), but due to the departure of the UK from the EU in January 2020 cannot be considered a concrete source upon which this dissertation should be based.

The basic process of claiming asylum in the UK is explained on the GOV.UK website under the amalgamate page 'Claim asylum in the UK' (2021). This page contains several links to each section within the article. It states that to be eligible for asylum, the applicant must "have left [their] country and be unable to go back because [they] fear persecution". It also advises to apply as soon as possible, otherwise the "application is more likely to be denied". From here, the process goes as follows: the applicant will first have a 'screening' meeting with an immigration officer, where they will be photographed, have their fingerprints taken, and have an interview to check their identity and where they are from. The page does not specify whether this refers to nationality, their original country of origin, or from where the applicant travelled from to get to the UK. If the Home Office decide to consider the claim, the applicant will have an asylum interview with a caseworker. From then, the decision is estimated to take around six months, with potential actions to be taken between the asylum interview and final decision depending on the circumstances.

The asylum interview is conducted with individual applicants, and an "interpreter will be provided, if [the applicant] need[s] one". The page does not provide a link on how to request

an interpreter. Documents such as birth certificates, passports and any other supporting information or evidence should be brought to the interview. After the interview, a copy of the interview record is given to the applicant. Legal representation is permitted within the interview, and in the case that an applicant does not have a legal representative the interview can be recorded upon request. There are also additional guidance pages under 'Browse: Seek protection or asylum', which all lead to pages offering information about helplines, support, finding an immigration adviser and what to do after applying for asylum (GOV.UK n.d.).

4. Methodology

4.1. Methodological approach

It is difficult to narrow down the exact ontological or epistemological framework through which to carry out analysis for this project, as no single approach encompasses all its needs. Egon Guba and Yvonna Lincoln (2005, 168) present an extensive table detailing the paradigm positions of analytical approaches, which interlinks several frameworks. However, "[m]ost methodologies are prescriptive; they limit the range of ... explanations" (Caldwell 2015, 2), meaning the chances of any single framework being completely applicable to a project is unlikely. Gabriela Saldanha and Sharon O'Brien (2014) present Bob Matthews and Liz Ross' (2010) broader definitions as a possibility for analysis, while drawing a similar conclusion to Caldwell: the conclusions they draw cannot encompass every approach, but will give an idea of the various approaches that can be taken. In order to avoid tangential on the many possible approaches for this project, this dissertation will draw predominantly upon Saldanha and O'Brien's classifications to determine its methodology, with additional supporting referencing.

There are three categories of ontology: objectivism, constructivism, and realism. Respectively, these relate to the epistemological categories of positivism, interpretivism, and realism (Saldanha and O'Brien 2014.: 10; Matthews and Ross 2010: 24-30). This dissertation will take a realistic approach, both ontologically and epistemologically, as realism in both senses of the word recognises there are mechanisms outside of the researcher's frame of knowledge that may be taking effect (Matthews & Ross 2010: 26 & 29). This has occurred even during the approval process for this dissertation, as even when planned ethics approval was granted, there were still barriers related to privacy and security that (fairly and rightfully) did not allow for an expected outcome. Moreover, when an independent researcher outside an institution's framework cannot access every corner of that institution's data, there needs to be adequate assumption that there may be additional information, data, or documents that would be considered related to the research project at hand that are not available to the researcher.

Objectivism and positivism do not allow for this: the expectation is that the findings are "true" (Guba and Lincoln 2005, 168) which cannot be the case unless the full scope of the data is realised by the researcher. It also essentially takes the position that the researcher has no impact on the data: that all quantitative data gleaned and analysed during research is objectively true without outside influence. Constructivism and interpretivism also do not quite fit the scope for this project. Constructivism posits that social actors are the ones who ascribe meaning to social phenomena, which "are only real in the sense that they are constructed ideas" which are "continually being reviewed by those involved" (Matthews & Ross: 25). Guba and Lincoln additionally describe it as a "hermeneutic" methodology (2005, 168), further showing constructivism approaches a project with intent or expectation to find perception-based data. This dissertation initially intended to collect additional qualitative

data through interviewing linguists and individuals from thebigword, a company that supplies language provision for the Home Office (thebigword 2019; Bolt 2019), which may have resulted in a more blended interpretivist/realist approach due to the more subjective nature of interview data. However, this plan did not come to fruition, and therefore constructivism and interpretivism will not be used as an approach in this project.

The style of research this dissertation will undertake is inductive, meaning it seeks to show patterns and (in)consistencies in the data collected (Saldanha and O'Brien 2014, 14-15; Johnson and Onwuegbuzie 2004, 17). It is also intended to be evaluative, assisted by policy analysis: as discussed in section 4.3.2, evaluation can occur both through analysis of the data and through contextual research.

Since this dissertation is concerned with the guidance surrounding language provision, translation, and interpreting, and the classifications provided by Saldanha and O'Brien are more focused around the idea of a translated text, it is not initially clear how the two relate to one another. Corpus analysis is considered to fall under product-oriented research: it is a form of analysis related to the "textual product that is the outcome of the translation or interpreting process" (2014, 50). However, as policy analysis will also be used in this dissertation, it is less obvious which category this would align with. The additional categories are process-oriented research, participant-oriented research, and context-oriented research. These deal with the individual linguist and the investigation of external factors around individual linguists and the language service they provide. Policy analysis (discussed in more detail in section 4.3.2) deals with process, product, participants, and context of policy, therefore all the possibilities appear to be covered. However, process-oriented research relates specifically to cognitive function of individuals, rather than to the overall process of

how a specific facet of policy may progress. Here, policy analysis can be categorised as a crossover between product- and context-oriented research, as it evaluates how effective the product (the policy) is, with continued and intentional reference to the context surrounding the product.

4.2. Methods of data collection

The data to be analysed for this project is a corpus of policy guidance texts from the UK Government's website. A total of fifty-one policy and guidance links can be found on the page 'Asylum decision-making guidance' (2021a) – all published by UK Visas and Immigration: each will be assigned a code, displayed in appendices A and D. This page collates publicly available guidance for government officials and other people involved in the bureaucratic side of the asylum process, including interpreters.

Since these documents are "compiled for a particular reason", they are specifically a linguistic corpus (Cheng 2011, 3). Corpus analysis will be discussed in more depth in section 4.3.1. In addition to the total corpus, a number of documents will be analysed in depth using policy analysis and language for specialised purposes (LSP) analysis. The documents for micro analysis will be selected due to their relevance to this dissertation: this provides an additional hyper-specific tool for analysis outside of the general quantitative tallying of the overall decision-making corpus.

When building a corpus, external and internal factors of the texts should be considered. "External criteria" refers to the context of the texts (date and time, publisher etc.), and "internal criteria" refers to linguistic features of the texts (Saldanha and O'Brien 2014: 71). Both factors should be considered to result in a balanced corpus – however, as internal factors

rely on having pre-existing knowledge of the texts, often external factors are the main consideration. The documents analysed in this dissertation all adhere to the following criteria:

- Policy and guidance documents from the official UK Government website, GOV.UK. Documents from this site are widely available for public use (with some exceptions requiring a login), meaning there are few obstacles to accessing policy. Documents published by UK Visa and Immigration (and by extension the Home Office) will be analysed, as this is the presiding body over asylum and immigration, as well as the predominant publisher of relevant guidance.
- Documents referring to and dealing with asylum policy and guidance, specifically regarding interpreting provision and LGBTQI+ considerations. Often documents may not contain all relevant themes: the reasons for these occurrences will be examined later in this text. The webpage “Asylum decision-making guidance (asylum instructions)” from the GOV.UK website contains multiple guidance documents on making a decision on an asylum application.
- Documents which are their **most recent** version. There are multiple updates for some documents, while others have never been updated as per its webpage’s record. The date of some published documents and webpage can vary, possibly due to an absence of an update (appendix D). It is also possible that some documents may be considered void and replaced with a completely new document separate to the original. Older documents can be used as comparison where appropriate.

Since the policy and guidance documents are theory-based data, it would have been ideal to combine this theory with practice. This dissertation deals with the policy and guidance publicly available, as data on practical application of provided policy was not possible to

obtain. However, should there be an opportunity for this kind of data to be explored, further study should be considered, especially as written policy cannot accurately reflect the actions of fieldwork in every situation.

4.2.1. UK Visas and Immigration texts

In order to accurately select the texts for micro analysis, a brief initial analysis should be conducted to specify exactly what is contained in each text. The tables in appendices A and D shows the full categorisation of the decision-making guidance, as well as the initial notes for micro analysis of selected texts.

From the fifty-one links on the 'Asylum decision-making guidance' page, there are fifty unique texts containing a variety of topics on asylum guidance. Seven relate to either the topic of language and language provision, or to sexuality and gender guidance, which makes them ideal for a more qualitative analysis regarding the phrasing, terminology and context of both topics:

DM1⁸: Translations for asylum claims (2009b). This text details guidance for decision makers provided with an applicant who has submitted documents that require translation into English.

DM2: Code of conduct: interpreters working for UK Visas and Immigration (2021b). This text is the only text in the corpus directed towards interpreters, informing the reader of the interpreter's responsibilities. To some extent, it is also addressed to decision makers.

⁸ DM: Decision-making. This code is used to distinguish the texts for micro analysis from the general corpus of guidance documentation.

DM3: Gender recognition in asylum claims (2009a). This document instructs the decision maker on how to arrange provisions for people who have gone or are going through legal processes to obtain new gender recognition during asylum proceedings.

DM4: Conducting asylum interviews (2021c). This document describes the responsibilities and processes to be followed by interviewers in asylum interviews.

DM5: Language analysis (2018b). This text sets out the process of language analysis (LA), which is intended to confirm an individual can speak the language they claim to in order to verify their asylum application.

DM6: Transgender identity issues in asylum claims (2011). This text describes potential scenarios or considerations that may arise in an asylum interview with a transgender applicant.

DM7: Sexual identity issues in asylum interviews(2016). This document describes potential scenarios or considerations that may arise in an asylum interview with lesbian, gay, or bisexual (LGB) applicants.

In the general corpus, twelve links contain documents with information about interpreting or language provision. Many are passing or singular mentions, but all texts selected for micro analysis except DM3 contain at least a passing reference to language provision. In comparison, sixteen links contain documents with mentions of sexuality and gender-based claims, same-sex partners, or sexual orientation and gender identity: twelve of these

documents are not directly related to LGBTQI+ decision-making. All but five documents are guidance documents⁹.

As stated previously, the publishing dates for the decision-making guidance have a large range: the earliest is the text G4¹⁰ 'Minute writing' (2007), which is a text dealing with the writing of minutes for asylum assignments. It has not been updated since then, therefore it can reasonably be assumed this policy is still in practice – the UNHCR text described in the paragraph above is marked as “archived ... as it is no longer in use” (2009c), suggesting documents no longer of use to UK Visas and Immigration are marked as such. This logic, along with updates as recent as the 22nd of September 2021 (with the month of writing being September 2021), suggest the 'Asylum decision-making guidance' page is kept up to date. The update log at the bottom of the page shows these updates are predominantly to add new guidance and provide updates on certain texts. Since its creation in 2014, there have been ten sporadic updates.

4.3. Methods of analysis

4.3.1. Corpus analysis

A corpus is a collection of texts, either mono- or multilingual, assumed to be “used as a representative sample of a particular language or subset of that language” (Bowker and Pearson 2002, 9). To take it a step further, the micro-corpus collected for this dissertation is a specialised corpus, as it is collated to “capture a specific type of language use, in order to

⁹ The exceptions being asylum decision-making guidance from the UNHCR (2009), a review report on Settlement Protection (2010), a statement on applications from abroad (2011), Section 31 of the Immigration and Asylum Act 1999 and Article 31 of the 1951 Refugee Convention (2012), and an interim notice concerning the 'Transfer of refugee status' (2013). All sources can be accessed via appendix D.

¹⁰ G: Guidance. This code is used as shorthand for texts within the general corpus of guidance documents.

describe in highly contextualized terms language use in this domain” (Vaughan and O’Keeffe 2015, 4).

Corpus analysis is usually referred to as “the methods of extracting information from a corpus” (Caton 2020, 55), which can be done through corpus analysis tools. The concordance tool used in this project is AntConc, which is especially useful for smaller corpuses due to its simplicity (Smith 2021; Saldanha and O’Brien 2014). While not so effective for larger corpuses, AntConc is ideal for the micro-corpus in this dissertation, as it records the frequency and scattering of words, collocates, and phrases across the corpus it is supplied. From this, terminology frequency and placement relating specifically to LGBTQI+ and language provision-based terminology will be examined and organised. It is important to remember that while LSP analysis will occur, policy analysis will also be performed, meaning the micro-corpus has been collated specifically to research the topics of language provision and LGBTQI+ guidance.

Regarding terminology, every word has a specific meaning in context. In order to communicate successfully, people must first understand the terms they are using to be the same: “a common language allows the sharing of information, **with a mutual understanding of its words**” (Lum 2005, emphasis added). To determine the terminology and language used by the Home Office and UKVI is to see how information is communicated as well as what information exists within the corpus. The information collated through corpus analysis will be available in appendix B, which will include the frequency of certain terms and where they appear in each micro-corpus text.

4.3.2. Policy analysis

Policy analysis is a discourse that, while generally agreed upon, is presented almost entirely subjectively. One definition suggests policy analysis examines the services provided by administrative organisations “without denying or obscuring the power relationships inherent in all political-administrative processes” (Knoepfel 2007, x). While a helpful broad statement concerning the topic, it assumes reader knowledge and concludes that power exists in policy process rather than the process of analysing policy. A more comprehensive definition would be “how and why certain policies come to be developed in particular contexts, by who, for whom, based on what assumptions and with what effect” (Blackmore and Lauder 2005, 97) – this, while still brief, shows a more specific how-why-whom investigation than Knoepfel’s more general definition. Still, though, this does not address the process totally, rather offering the answers the investigation provides. For brevity’s sake, only a few of the theories regarding policy analysis will be discussed as examples, but much like section 4.1 uses Saldanha and O’Brien, I will be using a summative study by Browne et. al. (2019) to show the general frameworks policy analysis theories fall into.

Approaches to analysing policy can be generalised under three branches: traditional, mainstream, and interpretive (Browne et al 2018: 1033-1034). Traditional approaches, much like positivism, assume objectivity in the agents who affect policy changes, relying heavily on the idea that there exists an optimal solution to the problem at hand. Mainstream approaches focus more on values, asking “whose values are at stake, whose voices are being heard?” (ibid: 1034). Finally, interpretive approaches examine the framing of the problem: how the problem can be interpreted and subsequently portrayed. Carol Lee Bacchi classifies policymaking as problem identification (facts), problem definition (values), and problem

representation (how meaning is created) (1999, 39), which Browne et al have aligned their own categories with. This dissertation works towards a traditional approach, as the planned evaluation of the corpus to come attempts to provide recommendations based on data and contextual evidence. Mainstream and interpretative elements may also appear, as views from other studies and papers that take one of these approaches may be used to support the overall findings. Browne et al also use Colebatch's theory that three broad policy orientations can describe how policy is formed: the policy this dissertation will focus on will fall under structured interaction, "where policy is a process of interaction between a range of bodies with particular specialized interests, mostly inside government" (Browne et al 2018: 1033).

Knoepfel further sets out a framework for understanding the state in action, which is useful for untangling which groups require consideration. In this framework, public and private actors within a particular sector, their resources, and the institutions governing them "make it possible to understand collective and individual behaviour and the results they achieve" (2007: x). In context of this dissertation, asylum seekers, linguists, and the Home Office align to these three divisions respectively. Asylum seekers are public actors seeking protection; the Home Office is very clearly the governing body overseeing the process. Linguists are undeniably human resources utilised for and by asylum seekers and the Home Office during asylum applications and interviews.

Knoepfel's strategy is to take less of a theoretical approach and more of an application in order to go through with the process of analysing. Despite his brief definition, his strategy examines as many facets as it seems possible to: this level of detail can lead to communication easily becoming confused. To explain Knoepfel's policy analysis strategy analysis in more

detail, there are four stages in which six steps take place.¹¹ The first stage is **agenda setting**, which contains the first step “political definition of the public problem” (ibid: 114). The second stage is **programming**, which contains the steps “political administrative program (PAP)” and “political administrative arrangement (PAA)”. These steps refer to the decisions necessary for the actors to take and the resources available for them to use respectively. Stage three (**implementation**) involves “plans of action (APs)” as the priorities for implementation and “implementation acts” as the activities involving the measures taken. The final stage, **evaluation**, contains “evaluative statements on the policy effects (impacts and outcomes) (EE)”. These stages also take the agents involved in the policy creation and implementation into consideration, as policy is not borne from thin air.

This will be one of the frameworks taken into consideration in this paper when analysing the policy and guidance documents. Supplementary documents such as the LGBT Action Plan and the report done on Home Office language usage will be used to help analyse, as they provide much needed context that the policy documents do not offer. The main issue with using this form of analysis as an encompassing method for the entire project is it deals more with the actions and practice of creating the policy in question. This project examines the already existing guidance related to specific situations, namely those of LGBTQI+ asylum seekers who may not have a sufficient grasp of English to be able to progress through the UK asylum system without assistance from interpreters or translation. The terms “policy” and “guidance” also differ: “policy” is defined as “a course or principle of action adopted by a government ...; the written or unwritten aims, objectives, targets, strategy, tactics, and plans that guide the

¹¹ See The Classical Rational Problem-Solving Process” (Patton and Sawicki 1993: 4). This is a similar although self-admitted “basic method”, intended to be used for cursory analysis on the job rather than as part of a study.

actions of a government” (Porta and Last 2018), or “an official plan to address a particular situation such as agreed by a business, organization, or government(s)” (Manley, Foot, and Davis 2019). Comparatively, “guidance” or “guideline” is more difficult to define, but in a legal (and often social care) context is used as an aid to policy for common or likely issues and scenarios that may occur, as well as the appropriate conduct of the authority actors, and is supported by relevant evidence (Harris and White 2018; Hunter 2020; Bettal Consultancy 2020). Policy guidance could therefore be defined from these definitions as guidance which supports policy.

Despite the slight shift in text type of policy guidance from policy, Knoepfel offers a framework that still assists in analysing the guidance available (2007). In posing the six stages to a text, the intention can be translated into the problem that needs defining (stage one), and resources and actions available for the actors to take are identifiable when recommended or mandatory (stages two and three). Priorities, while not explicitly stated in guidance, can be inferred from the definition of the problem and any emphasis or repetition placed upon phrases, terms, or sections (stage four) and for the measures taken are present as part and parcel of the text type itself (stage five - see section 5.1 for more detail on the text type). It should be noted that with stage five the measures taken in this case will be hypothetical, based on what is expected or should occur. Since there is reasonable evidence to assume equal information can be obtained using this kind of analysis, these five stages of Knoepfel’s framework will be searched for in the texts selected for micro analysis. Since the wider, practical context of the guidance is not possible to obtain for this dissertation, it is difficult to evaluate how effective the guidance documents are in practice. The final, sixth stage of evaluation is therefore not possible to determine in this study.

5. Analysis

5.1. Overview of text type: policy guidance document

Since the majority of the corpus texts are guidance documents, and all of the texts selected for micro analysis are guidance documents, the predominant text type to be under examination is clear. As discussed, policy guidance documents do not appear to have one centralised definition: this dissertation will use the definition of policy guidance as defined earlier in section 4.3.2. In the context of this dissertation, policy guidance documents are described as “asylum instructions”, and are “used by UK Visas and Immigration to make decisions on asylum applications” (2021a). On another page, policy guidance documents are described as providing information about a service (UK Visas and Immigration 2021g). Essentially, the communicative agenda is to instruct people – this means the information should be structured according to the reader’s comprehension needs. It may also contain a number of speech acts with perlocutionary effect: a perlocutionary speech act refers to the effect a communicative activity has on the receiver (Crystal 2011, 30:446).

5.2. Macro analysis

The first noticeable difference between texts is the formatting. Initially, this could be related to the time at which the text was published – in later years, texts contain a full title page, whereas others offer a different initial layout. Eleven documents begin with no title page, instead showing a purple contents page upon opening the document (G4-11, G18, G20-21). All of these documents were published in 2013 or earlier. Twenty-nine documents had a full cover page, the earliest of which were in 2012 (G13-14, G17, G22-24, G26-45, G47-50). This suggests there was a switch of format over the period of 2012 to 2013. When present, the title page maintains the purple theme with a simple bar graphic on the left-hand side, the

Home Office seal in the top left-hand corner, and includes the title of the document and its version number. At the bottom of the newer documents with title pages, a footnote displays the page number and the note “Published for Home Office staff on [date]”. One anomaly is G23, which has a title page but does not display the Home Office seal nor a footnote. Some documents also do not have page numbers: G4-6, G8-9, G11, G16, G18-21, G25. This may become a problem when the document is printed.

Another anomaly was the format of webpage for G46, ‘Considering children’s individual protection needs’ (UK Visas and Immigration 2021d). This could be for accessibility means, as G48 and G49 have accessible versions in HTML format – other pages on the GOV.UK website offer HTML formats in the same manner¹². The other anomalies were G19, which had a contents page in black underlined font as opposed to the more common purple, and G16, which eschewed both title page and contents page.

Contents varied between texts, as did length. The longest by page was G42 at 67 pages, with G16 as the shortest at three pages. Since these documents can be so long, providing a contents page can allow for the reader to locate the most relevant section faster if only one specific piece of information or guidance needs to be researched. Contents-wise, certain sections appeared frequently in the contents table: ‘Contents’ (in 26 documents), ‘About this guidance’ (26), ‘Contacts’ (25), ‘Clearance and/or Publication’ (24), ‘Introduction and/or Purpose of Guidance’ (41), and ‘Changes from the last version of guidance’ (22). As an additional relevant inclusion, there were four documents with sections titled “Glossary”. However, this does not mean these documents were the only ones with terminology:

¹² See Ministry of Housing 2021; Home Office 2007; 2019c.

G28/DM7 also included a section on language and terminology to be used with regards to LGB applicants, and G43/DM2 has a definitions section for the document on page six.

Where multiple items (such as instructions or information) were linked with one another, all documents used bullet point list format. This enables the reader to more easily comprehend the information given to them, as it is presented in shorter sentences:

- “• applicants should be informed that any documents relied upon should be provided in English or accompanied by an English translation, no matter when they are submitted
- any foreign-language document on which the applicant or the asylum officer wishes to rely must be accompanied by an English translation of reliable quality
- no reliance can be placed on an untranslated document
- asylum officers should allow reasonable time for translations to be submitted, but a decision should not be unduly delayed by the applicant’s failure to submit a translation
- asylum officers have the discretion to arrange for an untranslated document to be translated at UK Border Agency expense where this is justifiable in the circumstances of the case”

(from page 2 of DM1)

This formatting adheres to the function of the text as an instructive guide – while guidance does not need to be followed to the letter, the intention is to compel the appropriate reader into performing a certain set of actions.

5.3. Micro analysis

5.3.1. Linguistic analysis results

To separate data from discussion and analysis, key words and noteworthy additions will be detailed in this section and referenced in the later analysis-oriented sections. A full table of term analysis conducted for this study will be included in appendix B. These terms are key words within the dissertation topic, and therefore may hold different contextual meaning when used elsewhere. Any more specific analysis that is relevant will be added where appropriate (such as tallying the context of the instances of a word).

There are no instances of “LGBTQI+” in any of the texts, although there are two instances of “LGBT” and 110 of “LGB”. The term “interpreter” and its plural “interpreters” appears a total of 322 times. There are thirty-nine instances of the word “term(s)” across the micro-corpus, and six instances of “terminology”, nine and four of which appear in DM7 respectively. Thirty-five of the forty-five total instances from “term(s)” and “terminology” are related specifically to LGBTQI+ contexts, including “transgender”, “gay,”, “homosexual”, and “men who have sex with men (MSM)”, as well as other references to specification of a certain term as “Western” (two instances). One of the most numerous terms related to LGBTQI+ themes is “sexual orientation” at 139 instances, most of them occurring in DM7 (as does “LGB”). However, “gender” appears the most, with 164 instances. Nine of these are not related to gender identity (72 individual instances) or transgender (77 individual instances) people. Since corpus selection intended to focus in on LGBTQI+ people, the amount of these terms is not surprising. However, it is important to keep in mind that gender can encompass other issues¹³ – these

¹³ ‘Gender issues in the asylum claim’ [UK Visas & Immigration 2018]

terms occur almost exclusively in this micro-corpus for the topic of gender identity relating to transgender people.

There are ten instances of “impartiality” (four) and “impartial” (six) in the micro-corpus. These instances only occur in DM2 and DM4, which deal with the interpreter code of conduct and conducting asylum interviews. These are addressed to interpreters (seven instances across both texts) and attending officers or decision makers (two instances in DM4 only) respectively. The final “impartiality” is not related directly to the asylum interview agents.

There are no imperative forms in the micro-corpus, which initially seems strange due to the nature of the text type as instructive. However, illocutionary speech acts are still present, but with passive address rather than the imperative. Modal verbs such as “must” or “should” appear frequently, enacting deontic modality – this supplants the imperative by instructing the reader (or target reader) to adhere to the guidance’s instructions and suggestions. More specifically, it deals with the obligation of the interpreter in agreeing to take on the assignment (Crystal 2011: 136). These kinds of modal verb are used almost exclusively when addressing interpreters, whereas many other sentences not relating directly to interpreters use the passive voice. There are 2009 instances of modal verbs in the micro-corpus. Such a number for seven documents suggests this is even greater in the full, fifty-document corpus. The full breakdown of modal verbs can be found in appendix B. Stronger modal verbs such as “must” are used predominantly when speaking about the responsibilities of the interpreter as they do with imperative speech acts commanding the interpreter to perform or not perform an action. In DM2, there are 72 instances of “must” in a command, eighteen of which are “must not”. In contrast, less definitive modal verbs and phrases are used when speaking

about how disciplinary measures will be conducted: “will be taken into consideration”, “If it seems”, “There may be instances where” (all one instance each).

5.3.2. Policy analysis

Here, the results from the policy analysis conducted are described and discussed briefly¹⁴.

DM1’s stage one, political definition of the problem, is that all documents desired by the applicant to support their claim must be in or be translated into English, if so required. Stage two states the overall actions the asylum officer must take: determining whether a document submitted for application requires translation; informing the applicant if they require an English translation of a document; and ensuring a translation can be acquired; and allowing reasonable time for a translation to be submitted for application. If the translation needs to be obtained, stage three puts forth the Asylum Resources Directorate as a resource for the commissioning of the translation, Representations Requiring Translation and the Country of Origin Information Service (COIS) for advice about the document to be translated, and the UK Border Agency’s expense as monetary means to acquire the translation if necessary. Senior caseworkers and team leaders are also recommended as resources. Stage four and five, as the priority and measures taken, can be simplified to an if-then clause. **If** the translation is necessary, **then** the translation should be obtained.

DM2’s purpose is to explain and clarify the role of the interpreter when they are conducting assignments on behalf of the Home Office. From this, stage one is that interpreters require specific knowledge about performing interpreting duties for the Home Office. Stage two can be determined as having the interpreter complete their assignment satisfactorily i.e. to

¹⁴ As per section 4.3.2, Knoepfel’s final evaluative stage six will not be included as the data required for such an evaluation is not publicly available.

render the interview between the attending officer and the applicant as close to English as their translation decisions allow. It could also be argued that the secondary decision to be fulfilled by the interpreter is to remain impartial, as multiple instructions on pages twelve to fifteen clarify the actions an interpreter should take in the interpreting situation to remain fair. Stage three produces the DM2 guidance document and the Interpreter Management Team as resources. Attending officers may also be resources for interpreters reading DM2. Stage four overlaps with stage two, with the priority being the appropriate interpreting of the asylum interview. Stage five is difficult to define, as DM2 does not contain any single linear written procedure – rather, it instructs action as a set of guiding principles. Processes for attending officers are sanctioning interpreters who complete the assignment poorly and taking precaution to ensure interpreter identity and professionalism. Interpreter procedures relate mostly to adhering to the instructions given and informing the relevant parties of any changes in their situation, be that within or outside of the interview (e.g. conflict of interest, availability, criminal charges).

Something to note about DM3 is that it was published in 2009, making it over a decade out of date at the time of writing. DM3 recognises the problem to be defined as issues that may arise when an applicant files a Gender Recognition Certificate (GRC). The action that needs to be fulfilled as part of stage two is the issuing of a new immigration status document and application registration card (ARC). Resources tend to relate to seeking advice in this text, with senior caseworkers and the Asylum Policy Unit¹⁵. Other resources include the Immigration Directorate Instructions (IDI) and the Asylum Instruction on Disclosure and Confidentiality of Information. Stage four essentially posits the priority of the text to be

¹⁵ DM3 also refers to APPU, but does not define this acronym. Additional searches also returned no information about what this acronym stands for.

informing the reader of how to proceed when an applicant receives a GRC, and stage five involves filing a new application document are keeping confidentiality unless ruled otherwise, and requesting a new Immigration Status Document and ARC.

DM4 is the longest text in the micro-corpus. As it deals with a multitude of topics relating to various aspects of the interview process, the sections on interpreters (pages 19-20, 62-64) and SOGI claims (pages 46-48) be focused on in this particular policy analysis. Stage one asserts that the problems for definition are requiring an interpreter and processing a SOGI claim. Stage two then determines that the actions to be fulfilled are a) locating a suitable interpreter and having them comply with Home Office regulations and b) establishing the claimant's situation regarding their SOGI claim in order to either progress or terminate their claim. The resources at the attending officers disposal are the interpreters themselves and the Code of Conduct (DM2), along with the main asylum policy instructions and the Interpreter & Language Services Unit (ILSU) Interpreter Management Team for advice and reference. No resources are defined in the SOGI elements of this text. However, it could be argued that the inclusion of information in DM4 constitutes a resource about SOGI claims. The priorities of these two sections are to conduct the interview to ensure the interpreter does as they are instructed, and that the claimant's application can be assessed fairly. For stage five, the measures taken to ensure this are numerous, including confirming the correct language with claimant and interpreter, conducting a briefing with the interpreter to determine terminology to be used in the interview, establishing the claimant's personal definitions for their identity, assuring the impartiality of the interpreter if the claimant has an objection, and resolving any issues that may arise.

DM5 concerns language analysis, and does not relate its policy to language provision in a way that is directly helpful to this dissertation. However, as it was selected for micro analysis due to it fitting under the umbrella of language provision, policy analysis will still be conducted. The problem to be determined is that the applicant in question generates confusion about where their place of origin is. Stage two requires language experts to communicate with the applicant to determine whether the claim is fraudulent or not based on dialect and language. Stage three lists the companies used by the Home Office to determine these claims as 'Sprakab' and 'Verified AB', and the resources for asylum officers as the Casework Information Database (CID), the Language Analysis (LA) Team, senior caseworkers and Chief Immigration Officers (CIO). The priority is to determine the claimant's language to progress or terminate their claim. Finally, stage five is helpfully signposted in summary on page 25, where the full process is shown (appendix C). Officers must read the full instruction, however.

DM6's first stage is that people will be seeking asylum basic on their gender identity – stage two is that the attending officer must determine whether the claimant's application based on gender identity is valid. Resources as part of stage three are multiple asylum guidance documents relating both to SOGI claims and other general asylum policy guidance¹⁶, the COI service, and DM6 itself as it contains a glossary to inform the reader of the terminology used in the document. Stage four is helpfully stated on page 4: "it will always be necessary for the decision maker to establish how the applicant perceives him or her self" (2011). Stage five involves determining the applicant's self-identification, material facts of the individual's experience and of the COI information, when available. The attending officer is also warned

¹⁶ Sexual orientation in the asylum claim; Gender Issues in the asylum claim; Considering the Protection (asylum) Claim and Assessing Credibility; Humanitarian Protection; Considering Human Rights Claims; Conducting the Asylum Interview; Internal Relocation (UK Visas and Immigration 2018a).

against making subjective assumptions about the applicant multiple times, predominantly using conditional modals to offer scenarios.

DM7's stage one is that applicants claiming asylum based on sexual orientation, like every other applicant, must prove they require asylum to the attending officer. Stage two is identified as: asylum claims should be properly considered, with sound decision and protection granted to those who truly need it. Resources in DM7 are similar to those in other micro-corpus texts. The COI service, the interpreters, and more senior caseworkers, along with UNHCR guidelines (2012), in-document information and redacted document information are all listed as resources. The redaction proves that there is information not publicly available: from this, all recommendations should be considered as hypotheticals as the reality of the situation is unclear. The priority of this text is to obtain information about the claimant in order to make a balanced decision on their application. Finally, the fifth stage details many guidelines to follow, including but not limited to: avoiding stereotyping, establishing terminology with claimants and interpreters alike, referring to COI services but not using them as sole evidence, and avoiding the infringement of human dignity.

5.3.3. Topics for discussion

This analysis suggests two overarching themes for discussion: one, terminology regarding LGBTQI+ people can be collated, but is not done so conducive for interpreters, and by extension claimants and asylum officers. Second, impartiality and the ethics are heavily encouraged in all texts – however, there are many uncertainties about practices in place to ensure the impartiality of interpreters.

6. Discussion and recommendations

6.1. Terminology

Terminology holds both cultural and practical importance: J. W. Foppe van Mil and Martin Henman point out that institutions like the World Health Organisation struggled to agree on the definition of the word “health” (2016, 709). More specifically for the purposes of this dissertation, “mastering the terminology and the language of identity is crucial to the recognition of claimants” (Raboin 2017, 25). Because of this, terminology may have an effect on the way an attending officer acts when conducting an asylum interview through misunderstanding from intercultural or contextual differences (van Mil & Henman 2016, 710). While there is already guidance in place to combat this, there is no centralised glossary or termbase (terminology database) for LGBTQI+ terminology relevant to asylum seekers publicly available from the Home Office. This section will discuss what already exists related to terminology in the guidance documents, where it succeeds and what could be improved.

One particularly interesting inclusion in DM6 is the short glossary on page four. This glossary is the only place an instance of “term” exists in conjunction with “glossary” (five instances, majority in DM6). It begins with a short disclaimer about terminology: “[g]iven the variety of terms that may be used, it will always be necessary ... to establish how the applicant perceives [themselves]”, and how the society they come from will perceive them (2011: 4). The glossary, while not without discourse surrounding some of the terms chosen and definitions used, shows that there is awareness in UK Visas and Immigration of transgender terms. While it provides more linguistic terms than any other guidance document in the corpus, DM6 does still contain terminology considered outdated by Western LGBTQI+ community standards. The term “transsexual” is defined in the Equality Act 2010 as “a person who has the protected

characteristic of gender reassignment” (2021), whereas many academic and non-academic sources reiterate that “transsexual” is not an umbrella term and can be disrespectful when an individual does not wish to be referred to as such (Chaiet, Morrison, and Streed 2017; Carroll 2019; BBC News style guide 2020; Stonewall 2021). In asylum situations, wider public understanding is not so necessary, as the process of asylum is very private. However, concepts and by extension terminology are always evolving. This is not reflected in the glossary in DM6, and the last update made to this document was in 2011, when it was uploaded. As this is the only glossary provided in the corpus relating to LGBTQI+ people, there is room to update the existing terminology collected so far.

Outside of the constantly evolving nature of language and community, English language glossaries and resources attempting to set out the terms and identities within and arounds the LGBTQI+ community are, however well-meaning, related specifically to hegemonic Western concepts (Murray 2014; Dos Ventos Lopes Heimer 2019). Some non-Anglophone concepts of gender do appear in English glossaries such as the Native American notion of “two-spirit” from the Ojibwe language: “used to describe people who embody both masculine and feminine aspects” (Braquet 2019, 50). “Two-spirit” or “two spirit” is debated as an accepted term amongst Native American tribes, as some reject the idea that they ascribe to European concepts of language and binary gender (O’Brien 2009). Despite the geographical separation of the Americas from the UK, the parallel of how the dominant or ruling language cannot encompass another culture’s concepts is well illustrated here. Cultural confusion may also occur with LGBTQI+ applicants (Fathi 2012; Sageder 2010), who may not initially be aware they could apply for asylum on the grounds of persecution against their sexuality or gender identity (Gray and McDowell 2013, 23). Claimants may be able to immerse themselves in the language and terminology used by the government in order to better communicate their

application (Killman 2020, 27), but clearly in some cases this may not occur. Communication (language ability, including terminology) and comprehension (practical and conceptual understanding of the terms used for both LGBTQI+ and asylum related topics) are required to successfully navigate the interview scenario according to the agent's communicative agenda. DM7 includes a section on late credibility on pages 34-35, which allows time for the claimant to realise their position regarding notions of LGBTQI+ identity and asylum in the UK – the main example given in DM7 for possible late disclosure is reluctance due to personal or cultural factors (2021, 34).

Similarly in DM7 there is a section on pages 6-8 called "Language and terminology", concerning terms used towards lesbian, gay, and bisexual people: in it, some terms are presented, but without the structure used in DM6. The terms are translated into English without the original source language term. The acknowledgement that terms exist that may be considered crude, insensitive, or offensive in English is necessary, especially for an officer who has no immersion in the source language and is presented with the closest English translation possible. In comparison, no instances of the word "terminology" appear in this particular text either which, while not necessarily detrimental to the overall analysis, could be omission of information that may otherwise help solve stage one of the policy analysis. Despite this, "offensive" language is taken into consideration (2021, 14), and there is also reference to the topics that may be discussed in an asylum interview in DM2, which includes "religious conversion, Female Genital Mutilation (FGM), sexuality- and gender-based claims, all types of persecution, medical (physical and mental health) and political activity" (ibid.,15). It could be argued that including the topics in which interpreters are expected to be proficient in insinuates heavily that that terminology is part of their expertise. Indeed, point four of the European Masters' in Translation Competence Framework states that being able to

“[a]cquire, develop and use thematic and domain-specific knowledge relevant to translation needs ... (terminology and phraseology)” is part of the Translation competence (2017, 8).

By ignoring the integral nature of terminology to language, many LGBTQTI+ asylum seekers may not be able to achieve a fair judgement due to factors unrelated to the contents of their application. Some documents provide glossaries for certain specialised terms, but they are not designed to be used in multilingual contexts.

6.2. Impartiality

With language provision inevitably comes the sociological aspect of translation: it is embedded in communication, which in turn is affected by how the society it operates in perceives the agents involved. Power in and around translation has already been briefly discussed in this dissertation, but specifically in the context of LGBTQTI+ asylum this power can quickly become an imbalance if not monitored: “*all* actors in the asylum field ... contribute in different ways to judicial decision-making” (Campbell 2020, 73).

The priority (stage four) of DM2 is for the interpreter to “properly and fully interpret what is being said, as close as English allows” (2021, 7). Another priority is the impartiality of the interpreter. Although not stated in the initial “Guiding principles”, there is a substantial amount of emphasis on impartiality in DM2 for it to be ignored. Gisèle Sapiro puts forth that sociological approaches to translation ask “Who are the translators? How is their practice shaped by cultural norms? ... [H]ow is translation organised as a profession? Under what conditions does the cultural transfer operate?” (2014, 82). It is impossible for interpreters to approach the situation from a truly neutral position due to their inherent cultural perspective. Some answers to the first question can result in unfavourable outcomes: “An interpreter who is homophobic or transphobic, or perceived by the claimant to be such, can seriously damage

communication” (SOGICA 2021). SOGICA also point out that “SOGI claimants may be wary of interpreters from their own ethnic communities as they may fear they share the homophobia or transphobia they have fled or will put them at risk by disclosure”, thereby offering a possible scenario for Sapiro’s second question. One solution is to allow the applicant to select their own interpreter to ensure maximum ease of communication¹⁷ - however, this could lead to an inappropriate choice for a different reason. Inghilleri suggests that “breakdowns in interpreted communication are usually attributed to one or more of the participants’ inability to use language appropriately” either through linguistic or communicative competence (2013, 14), meaning the compromise for an interpreter the applicant is comfortable with may not be considered appropriate by the attending officer, for linguistic or professional reasons.

The ideal scenario for this guidance to be effective is when the interpreter does not allow or have personal prejudice or views to alter how they translate. In theory, this is possible: in practice, some studies show interpreters in any situation will step outside of the ‘linguistic-only’ mode of interpreting. Jihong Wang asserts that the role of the interpreter is not as simple as pure information transfer: interpreters “fluctuate on a continuum between extreme non-involvement ... and extreme personal involvement”, using telephone interpreters as an example to show occasionally the interpreter may feel obligated or asked to calm or mediate with the clients outside of simply translating content, especially in stressful situations, so as to fulfil the communicative goal of the situation (2021, 626). Inghilleri, however, points out that even in a situation where an interpreter follows code, it can still stem from a viewpoint

¹⁷ A sentiment shared by SOGICA (2021): “Asylum authorities should allow claimants to provide their own interpreter at the expense of the state, and to request a replacement where they have concerns about the interpreter provided. Claimants should be informed that they have the right to request a male or female interpreter and the exercise of this right should be facilitated.”

that would be considered unethical – her example involves a Palestinian interpreter ignoring a potential falsification and interpreting only the words she heard as she felt a national kinship with the claimant (2013, 46). Therefore, it cannot be ignored that the interpreter may feel beholden to their own morality or achieving what they perceive to be the communicative goal.

As an example of subjective thinking regarding LGBTQI+ asylum, homonationalism can cloud individuals' judgement. This describes the view or perception of a country (such as the UK) as "a 'modern' and 'progressive' nation, committed to the inclusion of its lesbian, gay, bisexual, transgender, and/or intersex (LGBTI) citizens" – this perception can be intentionally manufactured, but is also enforced by prioritising Western notions of LGBTQI+ identities¹⁸ (Dos Ventos Lopes Heimer 2019, 175). When discussing an individual who made the decision to be 'discreet' about their sexuality, one immigration judge is quoted as having said "if [the claimant] can hide it in the United Kingdom, where tolerance rules ..., then she can hide it in Malawi" (Gray and McDowall 2013, 24). Another case from the same source argued that since in Gambia only male same-sex relationships were prosecuted under law and female same-sex relationships were not, it would be safe for a lesbian applicant to return to Gambia. Policy can change over time, and these incidents are likely to be almost a decade old at the time of writing this dissertation. It is difficult to use it as reliable evidence, especially as the UK discontinued the discretion requirement in 2010 (Gray 2010). What it does show is that attitudes can persist after policy changes, and laws can also be used to enforce an unreasonable decision, meaning practical evidence is needed to accurately evaluate how effective policy and guidance is. This is supported in one of the SOGICA project's final

¹⁸See also Murray 2014 for a study on homonationalism in Canada.

recommendations, as “Even where good policies and guidance exist, there is a worrying degree of inconsistency in decision-making, with ... officials failing to apply existing law and policy correctly” (2021).

The misalignment of policy and practice has already been discussed in more general terms relating to sexual orientation and gender identity and is usually assumed to be the decision maker’s fallibility. However, by adding an interpreter into an already high-stakes situation such as an asylum interview, the situation has the potential to unfold through how the interpreter chooses to relay information between the attending officer and the claimant, as they will have their own outlook on the topics to be discussed in an interview. To then be the mediator between two people gives weight to the interpreter’s conduct.

Another form of power regarding language can be found in DM1, which deals with the English translation of foreign language documents submitted as support for an application, stating “[a]ll documents that the applicant wishes to rely upon should be provided in English, or accompanied by an English translation” (UK Visas and Immigration 2009b, 3). On the GOV.UK webpage for claiming asylum in the UK, readers are informed that an applicant’s “supporting documents need to be verified” (2021), which can be connected to DM1 stating that “no reliance can be placed on an untranslated document” - as the UK has only one official language, it makes sense for the application to be submitted in English as it is easier to process. However, the onus is on the applicant to obtain an English translation of the document they want to use for their application unless an asylum officer believes the occasion is “appropriate” to have the translation commissioned at the expense of the UK Border Agency (UK Visas and Immigration 2009b, 4). This raises the potential for an assessing asylum officer to make a subjective judgement about a text they are likely to not understand or

cannot be sure of the translation's credibility, especially in a situation requiring the terminology an LGBTQI+ applicant may need. This is antithetical to DM7's stage four priority.

The interpreter may have a different idea about the communicative nature of the assignment even outside the topic of LGBTQI+ claimants. DM2 states the aim of the interpreting assignment is to "properly and fully interpret what is being said", as well as repeating multiple instances of guidance that either implies or outright states that interpreters should not take part in the asylum interviews as an individual, rather more as a mouthpiece through which the attending officer and the asylum applicant can communicate. Deontic modal constructions appear, such as "interpreters must not question the content of the interview", "interpreters must not try to anticipate what the interviewer or customer is trying to say", and "interpreters must use direct speech when interpreting" (UK Visas and Immigration 2021b, 14). Direct speech refers to the interpreter relaying information in the first-person pronoun, and is "generally regarded as the sign of interpreters formal training" (Wang 2021, 627). Wang also suggests that this is a method of interpreting that can distance the interpreter from being a participant in the conversation, which can explain its inclusion in the impartiality instructions.

Schäffner explains what this is meant to produce in the interaction: "By producing texts for others, translators as experts act in the interest of others, though they are not expected to pursue their own communicative agenda in this transcultural interaction" (Schäffner 2018, 148). Similarly, "codes are assumed to help interpreters avoid certain practices such as: omitting potentially incriminating information, manipulating testimony ...; or offering meta-textual information to any one party which might provide an unfair advantage" when taking each participant's communicative agenda into consideration (Inghilleri 2013: 44). From an

alternative viewpoint, the guidance documents reiterate this idea of impartiality so many times because interpreters can exert a considerable amount of control over interactions, “even where this involves the disruption of pre-established power relations” (Inghilleri 2005: 76). In a situation where an attending officer is the decision maker, this can result in an unreliable interview.

The interpreters, when hired to undertake a Home Office assignment, will be aligned with either the governing body or with the applicant. For example, were an interpreter to be hired directly by the Home Office, the prestige of working for a government body may influence their actions (Bourdieu 1993; Zheng 2017). Irrespective of how fair or impartial this hypothetical attending officer acts towards the claimant or the interpreter, the interpreter still has a real chance of being influenced by the party with more social weight. Killman uses studies from Pöllabauer, and Kolb and Pöchhacker as examples to corroborate this possibility, albeit in Austrian rather than UK courts: “interpreters [align] themselves in many instances with the adjudicating officials. ... [they] may elicit clarification from the asylum applicants, omit information they may deem irrelevant, act as co-interviewers, or co-produce the written record” (2020, 75). Despite cultural and policy-based differences in how interpreters located in Austria or the U.K. will approach an asylum case, this example shows it is still a possibility.

Freelancers employed by the Home Office have a “duty to be impartial ... at all times”, and “if other[s] perceive that they are biased ... their role as an interpreter may be compromised” (2021b, 13). DM2 also categorises self-interest as bias, which covers the points about prestige or power in institutions. Responsibility to keep up with changing guidance and policy in asylum situations is placed upon the interpreters: “[DM2] may be updated at any time and it is the responsibility of every interpreter to make themselves aware of these updates” (ibid.,

5). Since this guidance document is provided alongside the 'Guidance for UKVI freelance interpreters' page (UK Visas and Immigration 2021f), interpreters looking to register with UK Visas and Immigration are able to access guidance easily. It is unclear whether there is additional training or documents available for interpreters to use outside of DM2 and the webpages publicly available.

From discussions on impartiality, a topic of research that could be further explored is a study on how asylum officers or other staff determine how interpreters are unreliable, especially when officers and staff do not speak the language required for interpreting or are monolingual.

7. Discussion and recommendations

It is difficult to offer certain recommendations as much relevant data regarding Home Office asylum interviews and interpreter training is not obtainable due to confidentiality or its potential non-existence. Despite this barrier, there are some suggestions that can be made based on the analysis carried out. The issues identified in this dissertation suggest decentralised information in various forms can be improved to allow better clarification surrounding LGBTQI+ terms and considerations.

This dissertation has already recognised that interpreters have the ability to skew an interview as much as any other agent in the situation. The question then becomes 'how can something like this become mitigated?', which the speech act of the deontic language in DM2 could be a solid answer for. It would be worth discussing how and in what contexts clarifying or additional measures may be required, as the only mention of interpreters being able to take action outside of interpreting during the interview portion of the meeting is "interpreters must not interrupt the progress of the interview other than to make a correction to the

interpretation, request clarification, resolve a misunderstanding or draw attention to any distractions” (2021b, 14). What is relevant is how interpreters can be informed of how to act appropriately during an asylum assignment. DM4 states:

“If possible, it is good practice to brief the interpreter on the case before the interview, especially in situations where particular sensitivity may be required, for example where torture, sexual violence or other kinds of abuse are likely to be discussed. The interviewer should affirm the role of the interpreter at the outset of the interview emphasising their impartiality, professionalism and the confidentiality of the process.”

(page 62, emphasis added)

And when the applicant includes SOGI claims in their application and must therefore be interviewed:

“In these circumstances, you must explain to the claimant that the interpreter will not allow their beliefs to influence their professional attitude, so they should feel free to say what they want to say without worrying about upsetting the interpreter (or, indeed the interviewing officer).”

(page 48)

The presence of the conditional ‘if’ in the first excerpt is most likely to cover any and all bases where this is not possible, such as urgent occurrences or emergencies. “Good practice” suggests some officers may not consider it necessary, possibly assuming the interpreter understands their role in taking on an asylum assignment: DM2 also informs the reader that there is the possibility of sensitive information in asylum interviews. The full recruitment process of interpreters is not clear, with the ‘Guidance for UKVI interpreters’ offering an email

for application and no further explanation on how or if there is any selection process besides qualification. The webpage requires interpreters to be qualified in various ways¹⁹, so this suggests the interpreters employed by UKVI are already professionals and will conduct themselves accordingly. DM2 is available online, and interpreters can read through the other asylum policy guidance documents to gain a full recognition of the assignments themselves. It is stated in DM2 multiple times that the interpreter is responsible for keeping up to date with any changes in documentation²⁰. If interpreters are not already given material and briefing upon their acceptance onto the UKVI interpreter roster, this should be remedied.

As it stands, the recruitment system allows for the Home Office to employ only qualified interpreters without expending excess training. Recorded online learning sessions with sensitivity training dedicated to not just LGBTQI+ applicants, but also for other scenarios within asylum language provision may provide better understanding for the interpreter. SOGICA recommended, "Training should be mandatory on induction and repeated at regular intervals", implying this was not originally the case when the study was carried out (2021). Once again, as the full recruitment and training procedures for UKVI interpreters cannot be determined as completely publicly available, it is not possible to make any further recommendation. Despite this, the guidance written for the relevant agents covers two very important bases: communication with both interpreter and claimant, and impartiality.

A more determinable recommendation can be made for terminology, however. Terminology creates a substantial linguistic problem due to the range of potential languages and cultures

¹⁹ "a full member of the National Register of Public Services Interpreters (NRPSI) ... Diploma in Public Services Interpreting (DPSI) (Law) or a letter of credit in all oral components (Law); TQUK Level 6 in Public Service Interpreting (RQF); CIOL Qualification Diploma in Police Interpreting (DPI) Level 6; assessed by the Asylum and Immigration Tribunal (AIT); assessed by the Metropolitan Police." [UKVI Interpreters]

²⁰ See Messitidis 2018: 105 for the conclusion that it is the individual's decision to engage in social responsibility.

required in asylum seeking procedures. However, this uncertainty could be mitigated by creating a glossary or termbase for LGBTQI+ terms which could be referenced outside of the interview, both as preparation for what may be said and post-interview while reviewing an applicant's case.

Some countries, like Wales or Canada, have government-created termbases for two or more languages (BydTermCymru 2021; Government of Canada 2021) – however, these countries have more than one official language, and therefore have a more general vested interest in maintaining standardised terms across their government departments. However, if not already fulfilled, specialised termbases or glossaries available for UKVI interpreters, whether they are in-house or freelance linguists, would be beneficial. DM6's quote earlier about the variety in language and how an individual may perceive themselves suggests standardising LGBTQI+ terminology is likely to result in many specific terms requiring categorisation, some of which could be specific to a single individual. However, if intercultural communication is required in order to fully understand an individual's application, and the interpreter "must look for the closest equivalent" when translating a particularly difficult term (2021b, 14), then a glossary or termbase would be useful to clarify how terms are used in different cultures and societies. A monolingual glossary may also help interviewers, asylum officers, and any other government agent present in an asylum interview situation understand how to ask questions to determine the applicant's sexual orientation or gender identity. This is not to say all terms relating to LGBTQI+ applicants are pejorative – rather, there may be historical context to a certain term, whether about an identity or practice relating to sexual orientation or gender identity that cannot be explained or communicated through one or two words in English.

Regarding the collection of terms, different approaches can be taken. In DM4, the attending officer is informed:

“If possible, it is good practice to brief the interpreter on the case before the interview, especially in situations where particular sensitivity may be required. Where a case is known to be about sexual or gender identity you **must** establish with the interpreter (in advance of the interview), the available words in the language of origin which may be used to reference the concepts of trans and hetero, homo or bi-sexuality identities. You **must** also establish whether they carry any derogatory connotations.”

(page 48, formatting as original)²¹

This is definitely good practice to conduct, especially regarding terminology. This establishing dialogue, from which the attending officer **must** establish the correct terminology, shows there is already policy in place to collect terminology on a one-off basis. From this, there is a good basis to expand on curating specific terminology for LGBTQI+ situations, and indeed for additional situations if the need exists. As per stage five of the policy analysis for DM4, establishing the claimant’s own personal definitions is also imperative to deliver a fair assessment.

Other methods can also be used. Interpreters are permitted to take notes during the interview, and these notes “must be passed to the Interviewing Officer at the end of the interview” (2021b), but it is unclear what these notes may consist of. There is also no indication what these notes may be, the vagueness of which is most likely used to cover the

²¹ DM7 corroborates this on page 22, offering guidance that all agents involved in the interview must establish together which terms will be used for either language, and whether they are derogatory or not.

scope of any and all notes produced by the interpreter to avoid possible data breaches or determine which interpreters should be considered for future assignments. Many interpreters will use shorthand notes to consecutively interpret the “classic” method, whereas simultaneous translation “typically implies the use of electro-acoustic transmission equipment” (Pöchhacker 2016, 19) in situations where it is possible to interpret aloud without disrupting the communication participants. These scenarios suggest additional notes regarding terminology choices may not be possible during an asylum interview, and therefore information relevant to the asylum case in question may be lost. Without practical evidence of how interpreters may interpret for certain asylum interviews, it is not possible to come to a direct conclusion about note taking. Since many forms of interpreting at the Home Office are tape or audio-recorded (2021b, 15), audio and transcripts can be used as sources when a new term is used by either the applicant or interpreter, and especially if the attending officer requests clarification on a term or phrase used.

An additional issue is that this information exists in separate locations, resulting in the withholding of information from applicants. For example, there is no mention of English translations being required on the main ‘Claim asylum in the UK’ webpage (GOV.UK 2021). On page three of DM1, the reader (assumed to be an asylum officer) that “applicants **should** be informed that any documents relied upon should be provided in English or accompanied by an English translation, no matter when they are submitted” (formatting added). The presence here of a softer modal verb suggests that while the applicant should be informed, there is no obligation to inform them unless deemed necessary, that is if they submit documents that require translation. Along with thirteen counts of terms relating to asylum officers’ discretion appearing in DM1 (necessary, 4; appropriate, 4; feel/s, 4; discretion, 1), this suggests the officer has the power to withhold or offer the relevant information based

on their personal opinion. In an asylum situation, an attending officer may be present but still not have the whole picture²² due to their own inability to speak directly to a claimant because of language issues. As with the point about interpreter responsibility, it is difficult to come to a recommendation as the information is, indeed, all available publicly. However, as with David Bolt's recommendations about the disorganised nature of COI files (2021), it may be worth considering how to make information more directly accessible to applicants before they reach the interview stage.

Splitting guidance up into shorter documents allows for human eyes to better digest the information, as well as identify which documents are most relevant to them. To allow better comprehension for potential asylum seekers, one suggestion would be to translate guidance webpages and documents intended for applicants into languages which frequently arise in asylum applications²³ if they are not done so already. This way, there can theoretically be a minimised risk of applicants misunderstanding the requirements of what they need to provide, submit, or cooperate with. When an interpreter is required, it may also be of use to explain to the applicant before the asylum interview begins how the interpreter's role is intended to play out, that is as a neutral mouthpiece through which to communicate. This assumes this practice is not already suggested in internal training. While data of interpreters stepping outside the boundaries of the impartiality asked of them by the Home Office is currently unobtainable, it can be reasonably be assumed that should the applicant in question understand the interview process and the role of the interpreter, that the interpreter

²² See Inghilleri 2012: 46.

²³ Such as Persian, Albanian, Tigrinya, Arabic, and Kurdish, as taken from the countries listed as the top five nationalities seeking asylum in the UK [UNHCR 2021].

themselves will not have to field ethical considerations outside of relaying the interview word for word.

8. Conclusion

Through corpus and policy analysis, this dissertation shows literature and guidance on asylum procedure language provision for LGBTQI+ people is scarce. Where it does exist, it is vague and offers no specific examples of translated terms or case studies, the latter of which is expected due to confidentiality issues.

The recommendation of creating a termbase and glossary for LGBTQI+ terms is feasible, if initially daunting. The number of languages processed by the Home Office and UK Visas and Immigration fluctuates according to demand and location (thebigword 2019; UK Visas and Immigration 2021f), and may not be needed frequently in an asylum situation containing an applicant who is both LGBTQI+ (either by their own admission or how Western standards would consider them) and requires language provision. However, the policy guidance documents analysed in this dissertation show consideration from the Home Office about the possibility of these two criteria occurring. The expertise of the interpreter may also vary depending on what topics they have experience with, and providing a termbase or glossary for reference can prepare interpreters for this particular situation.

The initial plan for this dissertation was to interview members of thebigword to determine policy and guidance given in a practical setting to interpreters: however, as this ended up not being possible, this gives a clear indication on what further study could entail. By obtaining specific, practical examples of policy being enacted or disseminated, the final, evaluative stage of Knoepfel's policy analysis framework could be fulfilled regarding LGBTQI+ asylum seekers and their potential language provision. A report in the style of the ICIBI reports, or

even in conjunction with the ICIBI could gain further insight into the reality of asylum interviews with these specific criteria. Ultimately, theoretical policy cannot be considered effective guidance until it is proven to be followed – and even then, the question of whether the policy in question requests the agents to act ethically should be borne in mind.

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10. Appendix

10.1. Appendix A: Policy Micro-analysis

	Document	Link	Notes/Date
DM1	Translations for asylum claims	https://www.gov.uk/government/publications/translations-instruction	2009
1	Political definition of the public problem (I)	All documents that the applicant wishes to rely upon should be provided in English, or accompanied by an English translation. The translator's credentials should be provided, along with their affirmation that the translation is accurate	European Council Qualification Directive is incorporated into UK legislation
2	Political administrative program (PAP) (II)	<ul style="list-style-type: none"> • applicants should be informed that any documents relied upon should be provided in English or accompanied by an English translation, no matter when they are submitted • any foreign-language document on which the applicant or the asylum officer wishes to rely must be accompanied by an English translation of reliable quality • no reliance can be placed on an untranslated document • asylum officers should allow reasonable time for translations to be submitted, but a decision should not be unduly delayed by the applicant's failure to submit a translation • asylum officers have the discretion to arrange for an untranslated document to be translated at UK Border Agency expense where this is justifiable in the circumstances of the case 	applications can be ended if the English translation is not sought Has the applicant has been informed? Covered by point 2 of the policy when foreign language etc. When a translation is required, the applicant will be informed
3	Political administrative arrangement (PAA) (II)	, it may on occasion be appropriate for an asylum officer to commission the translation of a foreign-language document at UK Border Agency's expense. advice should be sought from a Senior Caseworker and Team Leader. Asylum Resources Directorate Representations Requiring Translation Country of Origin Information Service	Linguist support? Necessary means if the document is considered integral to the application. Further study: how does an asylum officer determine the need for a translation?
4	Plans of action (APs) (III)	IF the translation is necessary	"the asylum officer feels" is interesting. See above about determining the need for translation.
5	Implementation acts (III)	THEN obtain a translation page 11-14	Detailed, clear. Guidance is good practice, not necessarily binding?
DM2	Code of conduct: interpreters working for UK Visas and Immigration	https://www.gov.uk/government/publications/code-of-conduct-interpreters-working-for-uk-visas-and-immigration	2021
1	Political definition of the public problem (I)	The purpose of this document is to explain and clarify the role of the interpreter when they are conducting assignments on behalf of the Home Office.	Self-explanatory
2	Political administrative program (PAP) (II)	self-discipline...see translator competences "• interpreters must be in a fit state to interpret effectively throughout the interview • interpreters must speak slowly and clearly • interpreters must not question the content of the interview • interpreters must be aware that they will be interpreting for vulnerable customers and must behave accordingly • it is important to remember that the Interviewing Officer will be relying entirely on the interpreted version of the account given by the customer and may draw conclusions about the customer's credibility - accurate interpretation is essential to enable fair and accurate decisions • interpreters must retain every element of information that was contained in the original message and interpret in as close to verbatim as English allows • interpreters must not try to anticipate what the interviewer or customer is trying to say or give an answer different from the one being provided • interpreters must spell out names or unusual words said by the	"it is the responsibility of the interpreter to make themselves aware of these updates". pp 5 Is this enforced? If so, can only speculate. They have to be qualified/certified, so most likely they will be aware of how to conduct themselves already. Saves HO the time and money to train them - makes sense esp. when in an urgent situation.

		<p>Interviewing Officer or customer</p> <ul style="list-style-type: none"> • interpreters must inform the Interviewing Officer immediately if they have any difficulty in interpreting • interpreters must remain calm, especially if they hear unpleasant or controversial evidence - their duty is to remain professionally detached from what they are interpreting • interpreters must use direct speech when interpreting - they must not say "he said..." this must be interpreted as "I..." • interpreters must interpret language which may be offensive - for cultural reasons, obscenities may be difficult to translate - in this case they must look for the closest equivalent • interpreters must not interrupt the progress of the interview other than to make a correction to the interpretation, request clarification, resolve a misunderstanding or draw attention to any distractions • interpreters must confirm they are interpreting the correct language and/or dialect at the beginning of the interview, any differences in language or dialect being interpreted must be raised with the Interviewing Officer at the earliest opportunity • interpreters must not ask the customer what they mean by a particular answer - they must ask the Interviewing Officer's permission to ask the customer to repeat or clarify • interpreters must not show emotions - the only reactions they must express are those of the customer • any notes which are made during the interview must be passed to the Interviewing Officer at the end of the interview Page 15 of 20 Published for Home Office staff 09 April 2021 • interpreters will be required to interpret to a high standard on a range of protection-based and human rights topics including (though not limited to) religious conversion, Female Genital Mutilation (FGM), sexuality-and gender based claims, all types and forms of persecution, medical (physical and mental health) and political activity" 	
3	Political administrative arrangement (PAA) (II)	Interpreter Management Team & guidance document DM2	
4	Plans of action (APs) (III)	<p>discrimination is worthy of suspension, also termination of the contract</p> <p>a success is considered as... following the guidance. on a linguistic level, "Interpreters must properly and fully interpret what is being said, as close as English allows." pp 7</p>	<p>No direct priority (?), but the aim appears to be the complete impartiality of the interpreter</p> <p>Lots of modals to instruct the reader</p>
5	Implementation acts (III)	<p>Sanctions, taking precautions to ensure interpreter identity and professionalism</p> <p>Changed information, follow instructions given</p>	<p>less focused on procedure, more on the values and responsibilities of the interpreter</p> <p>Equality and Integrity</p> <p>A freelance interpreter engaged by the Home Office has a duty to be impartial and to be seen by others to be impartial at all times. Even though they may not feel that they have bias or are not impartial, if other people perceive that they are biased or not impartial their role as an interpreter may be compromised. Interpreters must act with integrity in all their professional and business activities. This means acting with honesty, fairness and impartiality at all times and not allowing themselves to be improperly influenced either by self-interest or the interests of others.</p>
DM3	Gender recognition in asylum claims	https://www.gov.uk/government/publications/asylum-cases-involving-gender-recognition-instruction	2009
1	Political definition of	It is expected that the effect of the GRA on the asylum process will be limited. However, should an asylum claimant submit a GRC (or a	"transsexual" is used here -- could talk about discourse on

	the public problem (I)	certified copy), it will be necessary to create a new paper file and a new CID record to reflect the person's new identity and not to disclose the change of gender to anyone who is not dealing with the asylum claim. The Home Office file should be marked 'Restricted'. This will have the effect of restricting the way files are stored and transmitted from location to location, thus reducing the risk of unauthorised access to the records.	term? technically not incorrect as such but is not widely accepted. Is it different in other iterations of the document/any other places in the corpus?
2	Political administrative program (PAP) (II)	Disclosure (unless permitted or required otherwise) is banned Request for the issue of a new immigration status document Request for a replacement application registration card (ARC) -- caseworker needs to be consulted	Could potentially be out of date Also stated to be unlikely to affect asylum seekers. Good as a precautionary measure Side note: would transgender asylum seekers pretend to not be trans if they thought it would speed the process up/allow them a greater chance of entry? Seems unlikely, especially re: it is likely how some claimants will have come to the UK specifically for protection based on their gender identity status
3	Political administrative arrangement (PAA) (II)	Consulting other colleagues IDI Asylum Instruction on Disclosure and Confidentiality of Information Asylum Policy Unit	
4	Plans of action (APs) (III)	Many plans of action point to discretion or consulting with a higher-up	More procedure-based (as opposed to guidance-based)
5	Implementation acts (III)	See above about procedure	Noted difference in how updated/more recent guidance approaches things. Short text, but not the shortest in full corpus
DM4	Conducting asylum interviews	https://www.gov.uk/government/publications/conducting-the-asylum-interview-process	2021
1	Political definition of the public problem (I)	Choice of language: A claimant may have been screened in one language but expressed a preference for the substantive interview to be conducted in another language. Every effort should be made to find an interpreter in the claimant's chosen language. However, if you cannot find an interpreter in their preferred language you must use an interpreter who speaks the language used at the screening interview. You must explain this to the claimant and conduct the interview in the language used at the screening interview, unless the claimant's command of the language is not good enough for the asylum interview. See also languages at interview.	Additionally: gender preference of interpreter "In all cases, you must also be aware of gender related issues, since this may affect how the claimant responds during the interview. See gender issues in the asylum claim, gender identity issues in the asylum claim, and sexual orientation issues in the asylum claim." Relevant mostly to claimant comfortability
2	Political administrative program (PAP) (II)	must provide an interpreter for those claimants who require one	
3	Political administrative arrangement (PAA) (II)	interpreters senior caseworkers DM2 main asylum policy instructions ISLU Interpreter Management Team	No resources defined in SOGI element, could be argued that being in DM4 is a resource, though
4	Plans of action (APs) (III)	Priority is to process the interview "correctly", as in fair assessment and the interpreter does as they are requested. For interpreters, the focus is on making sure the claimant can express themselves through language and comfort Equality act	
5	Implementation acts (III)	Languages at interview You will have already confirmed that the claimant is content to be interviewed in the language or dialect for which the interview has been booked and that they understand the interpreter. If the claimant begins to speak another language or dialect, the interpreter must alert the interviewer immediately. If the interpreter has been provided in the correct dialect or language but the claimant does not understand the interpreter or objects to the interpreter for reasons unrelated to the language in use, for example,	briefing of terms + personal definitions impartiality pragmatic elements to the interview professionalism: one example is if the discussion is getting informal/unprofessional, the

		<p>on grounds of their view of the interpreter's ethnic origin or religion, you should find out the nature of the difficulties. If the claimant is genuinely having difficulty with the language, you must call ILSU to see if another interpreter can be found to allow the interview to continue on the same day. If, however, the claimant's objection is to the individual interpreter rather than the language in use, you should take steps to assure the claimant of the interpreter's impartiality and professionalism and continue with the interview. However, if you have concerns over the interpreter's conduct or ability, you should call a break and discuss the concerns with the interpreter outside the interview room. If it is not possible to resolve the problem, you must suspend the interview, and discuss the issue with a manager at SEO level or above before arranging an alternative interpreter. An interpreter monitoring form must be completed and sent to the ILSU in all cases where you suspend or cancel an interview due to language difficulties or interpreter problems. The ILSU Interpreter Management Team welcomes all feedback, and you are encouraged to complete an ILSU monitoring form to provide feedback on the interpreter's performance following each interview. Completing this helps to ensure the highest standards are maintained.</p> <p>Complaints of discrimination The Equality Act 2010 prohibits discrimination in public authority functions on grounds of:</p> <ul style="list-style-type: none"> • disability • race • religion or belief • sex • marriage and civil partnership • pregnancy and maternity • sexual orientation • gender reassignment • age <p>If a claimant states that they have been discriminated against unfairly, you should ask for full details and record them on the interview record. You should try to resolve the issues at the time if at all possible. If they cannot be resolved the interview record can later be considered to identify whether the problem is one of discrimination within the meaning of the Equality Act.</p>	interviewer should remind interpreter of their role
DM5	Language analysis	https://www.gov.uk/government/publications/language-analysis-instruction	2018
1	Political definition of the public problem (I)	This instruction is for all officers involved in asylum screening, asylum casework and appeals, and other immigration casework where someone's true place of origin needs to be established.	
2	Political administrative program (PAP) (II)	<p>Purpose of instruction Language analysis (LA) is used by the Home Office to help establish an individual's true place of origin, where that origin is in doubt. The LA process involves language experts talking and listening to individuals speak in their own language and dialect, analysing significant features in the speech, and producing written, reasoned conclusions as to their place of linguistic origin. These conclusions are valuable in helping to confirm individuals' places of origin and to detect fraud. LA is therefore important in helping to maintain a firm but fair system that grants protection and/or leave to those who need it, or qualify for it, and which tackles abuse and protects public funds by quickly rejecting unfounded claims. This instruction sets out:</p> <ul style="list-style-type: none"> • which cases may be appropriate for LA • how mandatory authority to test may be obtained from the LA Team • how testing must be arranged and documented • how to handle LA issues in asylum interviews, refusal letters and appeals 	Does inform the decisions necessary. explains why
3	Political administrative arrangement (PAA) (II)	Sprakab & Verified AB, consultation with higher ups	
4	Plans of action (APs) (III)	Determine language claim as close as possible	
5	Implementation acts (III)	Show full process in appendix	

DM6	Gender Identity Issues in the Asylum Claim/Transgender identity issues in asylum claims	https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/257387/genderissueintheasylum.pdf	2011
1	Political definition of the public problem (I)	<p>The experiences of discrimination and persecution for transgender people are often distinct, and in addition to those they may experience due to other characteristics. For example, a transgender man may be perceived to be lesbian even after gender reassignment if his 'new' gender is not acknowledged. A transgender woman may be vulnerable as a woman and as a transgender person. This instruction should therefore be read in conjunction with the Asylum Instructions (AIs) on Sexual orientation in the asylum claim and Gender Issues in the asylum claim as well as Considering the Protection (asylum) Claim and Assessing Credibility ; Considering Human Rights Claims, Conducting the Asylum Interview, and Internal Relocation.</p> <p>States the concealment: The Supreme Court in HJ (Iran) made the point that internal relocation is not the answer if it depends on the person concealing their sexual orientation in the proposed new location:</p> <p>"There is no place, in countries such as Iran and Cameroon, to which a gay applicant could safely relocate without making fundamental changes to his behaviour which he cannot make simply because he is gay." (para 21)</p> <p>States the idea of transgender people can be considered by some countries as antithetical to politics</p>	states the issues faced clearly and over several pages. with thought to additional issues outside of physical violence
2	Political administrative program (PAP) (II)	Given the variety of terms that may be used, it will always be necessary for the decision maker to establish how the applicant perceives him or her self and how his or her behaviour or characteristics are perceived by the society which s/he is from.	COI service?
3	Political administrative arrangement (PAA) (II)	Casework Information Database (CID) Language Analysis (LA) Team senior caseworkers Chief Immigration Officers (CIO).	includes glossary. See use of "transgender", but also the now debated term "transsexual". Discussion on concepts of gender from cultural down to the individual level Claims relating to gender identity are most likely to be considered under the Convention ground of membership of a particular social group, but may also be linked to other grounds, such as political opinion and religion, depending on the circumstances.
4	Plans of action (APs) (III)	<p>It should be noted that in addition to the UK's obligations under the 1951 Refugee Convention and the European Convention on Human Rights (ECHR), and the minimum standards for protection set by the EU Qualification Directive, the Equalities Act 2010 places a positive duty public bodies to eliminate discrimination. As with anyone who lives by a name other than their birth name, a transgender applicant should be given respect and referred to by their chosen name. If in any doubt, an applicant should be asked which personal pronoun and salutation he or she would like used.</p> <p>This instruction gives guidance on:</p> <ul style="list-style-type: none"> • How to approach consideration of asylum claims made on the basis of gender identity. • The additional considerations decision-makers should have in mind when assessing claims for asylum that could include issues to do with gender identity. • How to take gender identity issues into account when looking at the persecution experienced and whether there has been a failure of state protection. • How to objectively consider future fear within the legal, political and social context of the country of origin. <p>How to approach consideration of asylum claims made on the basis of</p>	COI service. see the report for how the COI is not well categorised Asylum instruction on internal relocation "The onus is on the decision maker to demonstrate that internal relocation is not unduly harsh, having regard to the individual circumstances and country of origin information." worded in a way to suggest the COI is infallible, which has been investigated and offered improvements. this should be an area of reconsideration, as the decision maker should not be sending the claimant somewhere dangerous even if stated as otherwise by the COI - the information has a real possibility of being false/misleading/harmful

		<p>gender identity.</p> <ul style="list-style-type: none"> • The additional considerations decision-makers should have in mind when assessing claims for asylum that could include issues to do with gender identity. • How to take gender identity issues into account when looking at the persecution experienced and whether there has been a failure of state protection. • How to objectively consider future fear within the legal, political and social context of the country of origin. 	
5	Implementation acts (III)	<p>carefully considered items to take into account re: gender identity. Determining self-identification Facts (about country, themselves, their experiences, why they are seeking asylum etc)</p>	<p>good advice. nothing to complain about, but: we have no practical evidence of this actually taking place in interview scenarios, no case studies etc. Further study element? Lots of modals</p>
DM7	Sexual identity issues in asylum interviews	<p>https://www.gov.uk/government/publications/sexual-identity-issues-in-the-asylum-claim</p>	2016
1	Political definition of the public problem (I)	<p>This instruction explains how caseworkers should consider claims made on the basis of sexual orientation. This is to make sure that the relevant information is obtained in order to make a balanced decision so that we grant protection to those who face persecution because of their sexuality and refuse protection to those who do not. Some asylum claims are based on a fear of persecution relating to sexual orientation. For many, discussing such matters may be unfamiliar to them and having to do so in an asylum interview, may prove additionally daunting. The asylum interview is a key part of the asylum process because it is the main opportunity for the claimant to provide relevant evidence about why they need international protection and for caseworkers to test that evidence. It is important that claimants disclose all relevant information at this stage and that caseworkers fully investigate the key issues through a focused, professional and sensitive approach to questioning, particularly as some evidence may relate to sexual violence.</p>	
2	Political administrative program (PAP) (II)	<p>Such evidence is crucial in making sure that:</p> <ul style="list-style-type: none"> · asylum claims are properly considered · decisions are sound · when protection is granted, it is granted to those who genuinely need it · protection is refused to those who do not need it <p>Policy objectives The policy objectives when conducting an asylum interview are:</p> <ul style="list-style-type: none"> · to provide an opportunity for the claimant to put forward sufficient evidence to establish their case · to encourage full disclosure of all relevant facts, allowing the caseworker to investigate and consider the evidence about a particularly sensitive topic to identify and protect those who would face persecution if returned to their country of origin · in the case of claims based on a risk of persecution for being lesbian, gay and bisexual (LGB), to establish whether a claimant is in fact LGB and the relevance of that to the asylum claim 	
3	Political administrative arrangement (PAA) (II)	<p>interpreters, UNHCR law, reference to co-workers/higher up, COI, any evidence that can point to the conditions in the Country of Origin Redacted document information also listed</p>	<p>Shows some information is withheld. Speculation within reasonable grounds language and terminology: good discussion on how terminology can vary from language and culture. Is the interpreter expected to know this? Does the interpreter have any extra training? They are already qualified, can be assumed they are aware/will read the appropriate documents and guidance. Responsibility is on the interpreter (DM2) (No. 9: Claims to refugee status</p>

			based on sexual orientation and/or gender identity)
4	Plans of action (APs) (III)	<p>Key considerations are:</p> <ul style="list-style-type: none"> · caseworkers must not stereotype the behaviour or characteristics of lesbian, gay or bisexual persons Page 8 of 41 Published for Home Office staff on 03 August 2016 · it is important to recognise that some individuals may hold a completely different perception of their own sexual orientation from those implied by the term LGB, or may be unaware of labels used in Western cultures: they may be unwilling to use the labels used in their language · it will be necessary to establish how the claimant perceives themselves and how their behaviour or characteristics are perceived by the society which they are from 	<p>Lists considerations extensively. Will have to summarise for stages four and five</p>
5	Implementation acts (III)	<p>Caselaw</p> <p>The European Court of Justice ruled, in December 2014, in the cases of C-148/13, C-149/13 and C-150/13 (otherwise referred to as the ECJ December 2014 A, B and C judgment). This ruling addresses the issue of what evidence can be used to assess asylum claims brought on the basis of sexual orientation. Specifically, the court ruled that:</p> <ul style="list-style-type: none"> · questions based solely on stereotypical behaviour cannot be relied on in order to assess evidence put forward by a claimant: any assessment made solely on the basis of stereotyped notions associated with homosexuals will not satisfy the requirements of EU law, in that it does not allow those authorities to take account of the individual situation and personal circumstances of the claimant for asylum concerned · detailed questioning in regard to sexual practices must not be asked: any such questions are contrary to the fundamental rights guaranteed by the EU Charter Page 10 of 41 Published for Home Office staff on 03 August 2016 of Fundamental Rights and, in particular, to the right to respect for private and family life · sexually explicit evidence, even if it is provided voluntarily by the claimant, must not in any circumstances be accepted: such evidence does not necessarily have probative value and would of its nature, infringe human dignity, the respect of which is guaranteed by the EU Charter of Fundamental Rights: the effect of authorising or accepting such types of evidence would be to incite other claimants to offer the same and would lead, in effect, to requiring claimants to provide such evidence · an adverse credibility finding cannot be made merely because a claimant did not raise issues of sexual orientation on the first occasion in which they claimed asylum 	<p>Key considerations</p> <p>Caseworkers and interviewers should therefore make sure that:</p> <ul style="list-style-type: none"> · the human dignity of the claimant is respected · an open and reassuring environment is established to help build trust between the interviewer and the claimant · assurances are given to the effect that information provided will be treated in confidence and in a non-judgemental manner · they are sensitive to the fact that the asylum interview may well be the first occasion on which some individuals have needed to speak about their sexual orientation and that they may feel reluctant to speak openly about these issues when being questioned by figures of authority: they may not have felt either willing or able to disclose this information at for example, screening, which may be in a more open and public place and this will need to be explored in greater depth at interview · they explain to asylum claimants that they have to relate their reasons for having made a claim · they must not make an adverse credibility finding solely on the grounds that a claimant did not raise issues of sexual orientation on the first occasion that they claimed asylum, that is at screening, for further information see Establishing credibility during the interview

10.2. Appendix B: AntConc analysis

Term	Instances	DM1	DM2	DM3	DM4	DM5	DM6	DM7
LGBTQI+	0	0	0	0	0	0	0	0
LGBT	2	0	0	0	0	0	2	0
transsexual	14	0	0	6	0	0	8	0
gay	48	0	0	0	4	0	4	40
homosexual	9	0	0	0	0	0	0	9
lesbian	24	0	0	0	2	0	3	19
bisexual	18	0	0	0	2	0	1	15
trans/transgender	79	0	0	0	2	0	67	10
intersex	7	0	0	0	1	0	0	6
queer	0	0	0	0	0	0	0	0
LGB	110	0	0	0	2	0	0	108
men who have sex with men (MSM)	2	0	0	0	0	0	0	2
gender identity	72	0	0	1	19	0	35	17
sexual orientation	139	0	0	0	21	5	113	0
gender	164	0	1	21	39		71	32
discretion	12	1	0	0	1	4	6	0
impartiality	4	0	1	0	3	0	0	0
impartial	6	0	4	0	2	0	0	0
responsibility	12	1	8	0	3	0	0	0
responsible	21	0	2	0	8	11	0	0
necessary	41	4	1	2	17	8	1	8
appropriate	73	4	5	1	38	12	1	12
feel/s	27	4	1	0	15	0	0	7
believe	3	0	1	0	2	0	0	0
accurate	7	1	2	0	3	0	0	1
credibility	92	0	2	0	28	3	14	45
can	161	2	9	1	84	8	7	50
could	42	1	4	0	16	0	5	16
may	454	9	27	5	134	30	66	183
might	26	0	0	1	11	3	4	7
must	526	4	72	2	277	83	7	81
shall	10	1	4	0	0	0	4	1
should	383	49	2	13	181	10	42	86
will	240	3	35	7	83	40	12	60
would	67	0	3	2	18	4	9	31
term/s	39	2	0	0	4	4	6	23
terminology	6	0	0	0	1	0	1	4
glossary	5	2	0	0	0	0	3	0
language	163	16	9	0	33	95	0	10
interpreter	187	2	74	0	102	2	1	6
translator	1	1	0	0	0	0	0	0

translation	71	68	0	0	2	0	0	1
interpreting	22	0	17	0	5	0	0	0
interpreting assignment	2	0	2	0	0	0	0	0
interview	690	17	23	0	480	110	13	47
asylum interview	57	3	0	0	37	7	2	8

Process summary

The following information is in summary only. Officers must read the full instruction.

- 1) Claimant's claimed place of origin is doubted, or claimant claims an origin that is targeted for language analysis (LA) testing, such that LA is considered appropriate.
- 2) Officer asks further questions as necessary to obtain information sufficient to complete [LA Form 1 \(Authorisation Request\)](#).
- 3) Officer emails [LA Form 1](#) to the LA Team, requesting authorisation to test, usually in a single, language or dialect. Authorisation is given or refused by the LA Team (this is required for all tests – whether case by case testing, or targeted by nationality or national origin).
- 4) Officer emails LA [Form 2 \(Verified Order Form\)](#) to book LA (telephoning and emailing for urgent cases). Verified confirm booking time and provide telephone number.
- 5) [LA Form 3 \(Direct Analysis Form, ASL 3384\)](#) explained to claimant by officer, and claimant invited to consent to test. Claimant consents by signature or officer's record, or refuses to consent.
- 6) If the booked LA interview cannot be undertaken, it must be cancelled by sending [LA Form 4 \(Verified Cancellation Form\)](#) to Verified. (HO is charged for late cancellations).
- 7) LA interview undertaken, lasting about 20-30 minutes. The claimant has a conversation with the Verified interviewer, who will speak the language being analysed at mother-tongue level. The conversation is recorded, and forms the basis of the analysis.
- 8) The preliminary assessment will be notified to the officer by email within 30 minutes after the end of the interview (or officer can telephone for the assessment after this time); CID Special Conditions and CID Notes are updated by officer.
- 9) The Verified analyst reviews the interview recording, taking fully into account linguistic features such as phonology, morphology and lexicon.
- 10) The full LA report will be sent electronically to the email address specified on the order form. If the linguistic origin is as claimed, the report will arrive within 3 working days, and if linguistic origin is other than as claimed, it will arrive within 5 working days.
- 11) The CD recordings of the LA interview will arrive with the LA Team within 10 working days, and will be sent directly to the officer's address as specified on the order form.
- 12) Asylum decisions must not be based solely on the LA outcomes, but must take full account of the detailed findings and consistency levels in the LA report, as well as the wider evidence in the case.
- 13) Any refusal decision must be served with relevant LA documents (for example, report, CD).
- 14) Transliterations (word for word transcriptions of the interview), additional CD copies or supplementary statements may sometimes be required. They may be obtained only by making a request to the LA Team (not to Verified directly).

10.4. Appendix D: General corpus overview

Code	Document	Date	Interpreting/language provision	Evidence	Page	Sexuality mention	Evidence	Page	Notes
G1	The United Nations High Commissioner for Refugees								external reference, archived in 2018. suggests all other documents are up to date? or in use/otherwise no issues/assumed to all be the working guidance documents
G2	Transferring refugee status - interim notice		n			n			interim notice
G3	Reviewing refugee leave or settlement protection: full equality impact assessment template					y	3: The policy on settlement protection affects those granted refugee status and humanitarian protection and as such reflects representation of equality strands within current asylum case working. Therefore, the make-up of the group affected by this process is pre-determined by asylum intake and decision-making processes including decisions of the First Tier Tribunal (Immigration and Asylum Chamber). Everyone who was granted refugee status or Humanitarian Protection after 30 August 2005 will be required to apply in the same way and will be treated in the same way regardless of race, nationality, religion or religious belief, disability, gender, sexual orientation or gender identity. With the exception of a possible decision to trigger an active review of cases based on a 'significant		review report

						<p>and non-temporary change' in country situation. To ensure any such review is conducted fairly and transparently, the UNHCR would be consulted and the decision to conduct a review of these cases would be announced to Parliament.</p> <p>4: Sexual Orientation This policy and process change is unlikely to have a particular effect on sexual orientation and no additional research has been carried out.</p> <p>12: Everyone who was granted refugee status or humanitarian protection after 30 August 2005 will be required to apply in the same way and will be treated in the same way regardless of race, nationality, religion or religious belief, disability, gender, sexual orientation or gender identity with the exception of a possible decision to trigger an active review of cases based on a 'significant and non-temporary change' in country situation. To ensure any such review is conducted fairly and transparently, the UNHCR would be consulted</p>	
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							and the decision to conduct a review of these cases would be announced to Parliament.		
G4	<u>Writing minutes</u>		n			n			
G5	<u>File management</u>		n			n			
G6	<u>Gender recognition in asylum claims</u>		n			y	entire document		
G7	<u>Considering human rights claims</u>		y	[Those under criminal investigation have the legal right] to have the free assistance of an interpreter if he cannot understand or speak the language used in court.		n			
G8	<u>Translations for asylum claims</u>		y	Role of the Home Office Interpreter Home Office interpreters are not permitted to translate documents submitted by the applicant/ representative during the asylum interview. Interviewing officers should however ask the applicant sufficient questions to establish exactly what the document submitted is and to establish its relevance to the asylum application.		n			
G9	<u>Checking a representative is legally authorised to provide immigration advice</u>		n			n			
G10	<u>Transgender identity issues in asylum claims/Gender Identity Issues in the Asylum Claim</u>		y	Each applicant will have been asked at screening to indicate a preference for a male or female interviewer, and it should normally be possible to comply with a request for a male or female interviewer or		y	entire document		

				<p>interpreter made in advance of an interview. Requests made on the day of an interview should be met as far as is operationally possible.</p>					
G11	Family cases			<p>Interviewers should be ready to ask searching questions while being sensitive to the difficulties an applicant may have in disclosing all the relevant information. Each applicant will have been asked at screening to indicate a preference for a male or female interviewer, and it should normally be possible to comply with a request for a male or female interviewer or interpreter that is made in advance of an interview. Requests made on the day of an interview for a male or female interviewer or interpreter should be met as far as is operationally possible.</p>		n			
G12	Applications from abroad: policy		y			n			statement

G13	<p><u>Exclusion under Article 1F of the Refugee Convention</u></p>		n			y	<p>Extremism Those who promote extremist views or engage in extremist activities that represent a danger to the security of the UK may engage Article 14(5) of the QD and therefore they will be refused asylum under the corresponding provisions of the Immigration Rules. Decision makers must explore during the asylum interview any issues that may point towards extremist behaviour or activities. Where such issues come to light the case must be referred to the Special Cases Unit (SCU) for consideration. Those considered to represent a danger to the security of the UK on grounds of extremism may include:</p> <ul style="list-style-type: none"> · those whose presence in the UK is deemed not conducive to the public good, for example on national security grounds, because of their character, conduct or associations · those who engage unacceptable behaviours, in the UK or abroad, including undertaking, proposing to undertake or espousing extremist views which: <ul style="list-style-type: none"> o foment, justify or glorify terrorist 		
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							violence to further particular beliefs or provoke others to commit terrorist acts to foment other serious criminal activity or seek to provoke others to such acts or foster hatred which may lead to inter-community violence or spread, incite, promote or seek to justify hatred on grounds of disability, gender, race, religion, sexual orientation, gender identity and/or for purposes of overthrowing democracy		
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G14	<u>Assessing credibility and refugee status</u>			<p>Caseworkers must approach apparent inconsistencies with care when evidence has been taken through interpreters – the same name or word could be translated in different ways. For example, not all armed groups have formal ranks and the word for “commander” might be translated as “sergeant”, “captain”, or “leader”; what matters is the level of responsibility exercised by the person. Interpreters may give slightly different spellings of a person’s name or a place if there is no agreed way to translate words into the Latin alphabet. Apparent inconsistencies on dates may also occur: dates in countries like Afghanistan and Iran may not correspond with the western calendar</p>	y	<p>5: All claimants are treated with respect, dignity and fairness regardless of age, disability, ethnicity, nationality, race, gender, sexual orientation, religion or belief. 11: Examples of material facts can include a claimant’s personal circumstances e.g. gender, nationality, ethnicity, membership of a political party, religious beliefs, sexual orientation, and past experiences of ill-treatment e.g. arrests, periods of detention and torture, locations and episodes of threats or violence at the hands of state or non-state agents. 14: Levels of detail and specificity are not only about requiring the claimant to provide objectively known facts and minutiae. They are also about establishing, for example, what has motivated the individual into a set of political or religious beliefs or realising a different sexual orientation. 25: A risk of being prosecuted under a discriminatory law can amount to persecution – for example if a State criminalises</p>	
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						<p>homosexuality.</p> <p>26: State persecution can occur where the State legislates to discriminate against or prosecute a certain group (for example, laws which discriminate or criminalise on the grounds of gender or sexual orientation)</p> <p>27: In RT Zimbabwe the Supreme Court held that the Convention affords no less protection to the right to express, or not to express, political opinion openly than it does to the right to live openly as a homosexual (for example).</p> <p>31: 7.6.2 Innate/immutable characteristics</p> <p>Characteristics which are beyond the power of an individual to change or which are so fundamental to individual identity or conscience that they ought not to be required to change, will include gender, sexual orientation, family membership, linguistic background or an indelible association with a particular group in the past.</p> <p>Regulation 6(1) (e) explicitly states that "sexual orientation cannot be understood to include acts which are</p>	
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						<p>considered to be criminal in accordance with national law of the UK” (e.g. paedophilia)</p> <p>32:If the State singles out a particular group by banning homosexuality and rounding up and flogging anyone who is suspected of being gay there can be little doubt that persecution is for reasons of membership of a PSG</p> <p>Persecution by non-state actors will not always be discriminatory. A gang may launch indiscriminate attacks against anybody in their neighbourhood, irrespective of (for example) ethnic background or sexual orientation. In these circumstances, the victims would have difficulty in showing they were persecuted for reasons of their membership of a social group, unless they could demonstrate that the State authorities discriminated against them in the protection afforded – i.e. they refused to protect certain groups, but were prepared to intervene to assist other more favoured groups.</p> <p>36: Caseworkers must consider whether</p>	
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							protection afforded by the authorities or organisations controlling all or a substantial part of the State is available to an individual regardless of their race, ethnicity, sexual orientation, disability, religion, class, age, gender, occupation or any other aspect of their identity	
G15	<u>Immigration and Asylum Act and the Refugee Convention</u>		n			n		act
G16	<u>Mandate refugees</u>		n			n		
G17	<u>Humanitarian protection</u>		n			y	Extremism Those who promote extremist views or engage in extremist activities that represent a danger to the security of the UK may engage Article 17 of the QD and therefore they will be refused HP under paragraph 339D(iii). Caseworkers must explore during the asylum interview any issues that may point towards extremist behaviour or	

							<p>activities.</p> <p>Those considered to represent a danger to the security of the UK on grounds of extremism may include:</p> <ul style="list-style-type: none"> - those whose presence in the UK is deemed not conducive to the public good, on national security grounds, due to their character, conduct or associations - those who engage in unacceptable behaviours, in the UK or abroad, including undertaking, proposing to undertake or espousing extremist views which: <ul style="list-style-type: none"> o foment, justify or glorify terrorist violence to further particular beliefs or provoke others to commit terrorist acts to foment other serious criminal activity or seek to provoke others to such acts or foster hatred which may lead to inter-community violence or spread, incite, promote or seek to justify hatred on grounds of disability, gender, race, religion, sexual orientation, gender identity or for purposes of overthrowing democracy 		
G18	<u>Lost, stolen or incorrect status documentation</u>		n			n			
G19	<u>Military service and conscientious objection</u>		n			n			
G20	<u>Multiple applications</u>		n			n			

G21	<u>Non-compliant claims</u>		n			n			
G22	<u>Dependants and former dependants</u>		n			n			
G23	<u>EEA and EU asylum claims</u>					y~	6.1 Presume unfounded On the rare occasion where there are exceptional circumstances to justify a claim being considered substantively or where an asylum claim is made by a national of Liechtenstein, Norway, Iceland or Switzerland, the case must be overseen by a non-suspensive appeal (NSA) caseworker. Such claims must be considered on the presumption that it is clearly unfounded on the basis that EU and EEA states are deemed to be safe countries. Claims must be considered in accordance with relevant published guidance on asylum and human rights cases, in particular Asylum Interviews, Assessing credibility and refugee status, Certification under section 94 of the NIA Act 2002, Gender issues in the asylum claim, Sexual orientation in the asylum claim, IDI Family Migration: Appendix FM Section 1.0b, Discretionary Leave and Further Submissions.		
G24	<u>Drafting, implementing and serving asylum decisions</u>		n			n			
G25	<u>Integration loans</u>		n			n			

G26	<u>Further submissions</u>		n			y	<p>The starting point must always be the findings in any final appeal determination on which override conclusions in the original decision letter. For example, if the original refusal letter disputed nationality but an Immigration Judge did not accept that conclusion, the nationality accepted in the final appeal usually takes precedence. However, care must be taken when a court determination is based on caselaw that no longer applies. For example, the judge may have found that a claimant can be discreet about their sexuality to avoid persecution. This finding, although part of a final appeal, must be considered in light of more recent caselaw which states that an individual cannot be expected to be discreet to avoid persecution. See HJ (Iran) and HT (Cameroon) v SSHD [2010] UKSC 31. Depending on the facts of the case, it may be appropriate to interview the claimant again. This can be done during the FSU appointment, applying principles set out in the instruction, 'Conducting the Asylum Interview'. It</p>		
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							may also be necessary to interview those who apply on human rights only grounds, for example, an individual who asserts rights only under article 8 and claims their private life would be adversely affected if returned due to their sexual orientation.		
G27	<u>Settlement protection</u>		n			y	<p>27: Spouses, civil partners, unmarried or same-sex partners can be included in the main applicant's application, or by using their own form if they have refugee status. Spouses, civil partners, unmarried or same-sex partners with leave in line, who no longer meet the requirements of the family reunion Rules under which they were granted leave - for example because the relationship has broken down - cannot apply for settlement as the dependant of a refugee or person with HP.</p> <p>29: 8.5 Post-flight spouses or partners If a spouse, civil partner, unmarried partner or same sex partner is listed on the application form requesting settlement as a dependant who was not dependent on the main applicant at</p>		27, 29

							the time of the original grant and does not qualify under refugee family reunion provisions (for example where the relationship formed after the original grant of asylum or HP) the caseworker should establish whether the new dependant has leave or not, and follow the relevant actions below.		
G28	<u>Sexual identity issues in asylum interviews</u>			8: Caseworkers should be aware that interpreters may be using labels in the claimant's original language which are derogatory because no adequate translation exists, and that this may impact on the conduct of the claimant in interview. See Interpreter arrangements for further guidance 22: Interpreter arrangements Claimants are asked at the screening interview if they would like a male or female interviewer. A request, made in advance, by the claimant for an interviewer of a particular gender should normally be met and, if that request cannot be met on the scheduled day, the interview should normally be re-arranged. This applies to the interpreter		y	entire document		

				<p>also, as far as practically is possible. Where it is known that the asylum claim includes sexual orientation issues, it will be useful in advance of the interview to establish with the interpreter the available words in the language of origin and whether they carry any derogatory connotations. This is because the familiar western terms of 'homosexual', 'gay' or 'bi' may not, when translated, be used as forms of self-identification by all people (or in particular cultures) and, while the terms may exist in certain cultures, they may have very different and possibly derogatory connotations. The interviewer should establish what words are to be used in both English and in the individual's native language of origin to reference, as appropriate:</p> <ul style="list-style-type: none"> · the concepts of hetero, homo and bi-sexuality · the way in which the interpreter will explain any contact or encounters · to ensure they do not cause offence or imply a derogatory connotation <p>Language issues Caseworkers</p>				
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				<p>should also be aware that the concept of 'sexual identification' or 'orientation' is not represented in all languages, and that certain words in such languages can imply that the behaviour to which they refer is inappropriate or 'sinful'. As a result, claimants may use unfamiliar words and phrases. Some people may not identify with the labels 'LGB'. Language used to discuss sexual orientation should be that which the claimant uses to perceive them self.</p>				
G29	<u>Article 1D of the Refugee Convention: Palestinian refugees</u>		n			n		
G30	<u>Revocation of refugee status</u>		n			n		
G31	<u>Doubtful and disputed nationality cases</u>		n			n		
G32	<u>Refugee leave</u>		n			n		
G33	<u>Gender issues in asylum claims</u>		y	<p>Requests for a male or female interviewer or interpreter. Claimants are asked at the screening interview if they would like a male or female interviewer and interpreter and they can also request this later. The letter sent inviting them to their asylum interview repeats this option and explains why it is important. You should normally expect to meet the interviewer requirement and if it</p>		y~	<p>This guidance explains how you must consider gender-related issues in the asylum claim. Issues in relation to gender identity and sexual identity are covered in separate pieces of guidance. This guidance must be read in conjunction with the main asylum policy guidance, in particular:</p> <ul style="list-style-type: none"> • Assessing credibility and refugee status • Humanitarian protection 	

				cannot be met on the scheduled day, the interview should normally be re-arranged. When requested in advance of the interview, you must also make every effort to meet the request for a male or female interpreter as far as operationally possible.		<ul style="list-style-type: none"> • Discretionary leave • Asylum interviews • Dependants and family members • Processing children's asylum claims • Gender identity issues in the asylum claim: transgender • Sexual identity issues in the asylum claim • Domestic violence: responding to reports of domestic violence and abuse from asylum seekers • Exclusion (Article 1F) and Article 33(2) of the Refugee Convention <p>See asylum decision making guidance for further asylum guidance. You must also refer to the relevant country policy and information notes which includes gender specific guidance on individual countries of origin. For family and private life applications see family leave guidance and family modernised guidance.</p>		
G34	<u>Language analysis</u>		y	12: To establish compliance and consent, officers must: 1) Read the explanation contained on LA Form 3 (DA SEF, Consent Form, ASL 3384) to the claimant, through a Home Office (HO) interpreter if necessary. This explains and requests consent and participation in the process.	12, 17	y~	Our statutory duty to children includes the need to demonstrate : <ul style="list-style-type: none"> • fair treatment which meets the same standard a British child would receive • the child's interests being made a primary, although not the only, consideration • no discrimination of any kind 	

				17: To conduct a LA interview, ordinarily lasting 20-30 minutes, officers must: 1) Escort the claimant to the interview room. If required, an interpreter should be present to interpret for the officer and the claimant during and after the LA.			<ul style="list-style-type: none"> • that asylum claims are dealt with in a timely fashion • identification of those that might be at risk from harm 		
G35	<u>Restricted leave</u>		n			n			
G36	<u>Withdrawing asylum applications</u>		y	You must ensure reasonable adjustments are made to support claimants to enable them to understand, communicate and make their own decisions, this may include paraphrasing, using simple language to explain the documents, options and the consequences of decisions and require using interpretation services if the person is not fluent in English. Home Office records must be updated accordingly.		n			
G37	<u>Family reunion</u>		n			n			
G38	<u>Inadmissibility: third country cases</u>		n			n			
G39	<u>Overview of family reunion options in the Immigration Rules</u>		n			n			
G40	<u>Family asylum claims</u>		n			y~	Introduction This guidance explains how you must determine asylum claims under the Family Asylum Claims process. The Family Asylum Claims process applies where a main claimant and		

						<p>any children dependant on their claim share common grounds for claiming asylum and can be considered together as part of a single consideration. This instruction must be read in conjunction with the main asylum policy instructions, in particular:</p> <ul style="list-style-type: none"> • Dependants and former dependants • Asylum screening and routing • Children's asylum claims • Assessing credibility and refugee status • Asylum interviews • Disclosure and confidentiality of information in asylum claims • Humanitarian protection • Discretionary leave and where relevant: <ul style="list-style-type: none"> • Family tracing • Gender issues in the asylum claim • Gender identity issues in the asylum claim • Sexual orientation issues in the asylum claim • Exclusion (Article 1F) and Article 33(2) of the Refugee Convention • Further submissions • Hague Convention Cases Operating Instruction 		
G41	<u>Disclosure of information relating to asylum applications</u>		n		y~	<p>This guidance explains what you must consider when:</p> <ul style="list-style-type: none"> • obtaining information in relation to an asylum claim • sharing information 		

						<p>related to the asylum claimant</p> <p>This instruction must be read in conjunction with the main asylum policy instructions, in particular:</p> <ul style="list-style-type: none"> • Assessing credibility and refugee status • Asylum interviews • Dependants and family members and where relevant: • Asylum screening and routing • Processing children's asylum claims • Family tracing • Gender identity issues in the asylum claim • Sexual identity issues in the asylum claim • Exclusion (Article 1F) and Article 33(2) of the Refugee Convention <p>See asylum decision making guidance for further asylum instructions. You must also refer to the relevant country policy and information notes which include country specific guidance. For family and private life applications see family leave instructions.</p>	
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G42	<u>Conducting asylum interviews</u>			<p>62-66: Interpreters This section tells you how to work effectively with Home Office interpreters and interpreters who attend with legal representatives. Conduct and professional standards: Home Office interpreters The Home Office will provide an interpreter at public expense whenever necessary. Interpreters are required to interpret to a high standard on a range of protection based and human rights topics including (though not limited to) religious conversion, Female Genital Mutilation (FGM), sexuality- and gender-based claims, all types and forms of persecution, medical (physical and mental health) and political activity. If possible, it is good practice to brief the interpreter on the case before the interview, especially in situations where particular sensitivity may be required, for example where torture, sexual violence or other kinds of abuse are likely to be discussed. The interviewer should affirm the role of the interpreter at the outset of the interview emphasising their</p>	62-67	y~	<p>Complaints of discrimination The Equality Act 2010 prohibits discrimination in public authority functions on grounds of:</p> <ul style="list-style-type: none"> • disability • race • religion or belief • sex • marriage and civil partnership • pregnancy and maternity • sexual orientation • gender reassignment • age <p>If a claimant states that they have been discriminated against unfairly, you should ask for full details and record them on the interview record. You should try to resolve the issues at the time if at all possible. If they cannot be resolved the interview record Page 67 of 67 Published for Home Office staff on 03 June 2021 can later be considered to identify whether the problem is one of discrimination within the meaning of the Equality Act</p>		
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				<p>impartiality, professionalism and the confidentiality of the process. Interpreters must conduct themselves in a professional and impartial manner, and respect confidentiality at all times irrespective of whether they are attending an interview in-person, remotely via VC, or audio only. However, you are responsible for the overall conduct of the interview. You must ensure that the interpreter behaves in line with, and not ask any interpreter to act outside, the professional standards set out in the Interpreters Code of Conduct. The Code of Conduct helps to maintain the integrity of the profession and provides advice on what action can be taken if there are any concerns. The Code is summarised below:</p> <p>An interpreter must:</p> <ul style="list-style-type: none"> • treat everything heard or seen as confidential, whilst on an assignment • confirm they are interpreting the correct language and/or dialect at the beginning of the interview, any differences in language 				
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				<p>or dialect being interpreted must be raised with the interviewer at the earliest opportunity</p> <ul style="list-style-type: none"> • be in a fit state to interpret effectively throughout the interview • speak slowly and clearly • be aware that they will be interpreting for vulnerable customers and must behave accordingly • retain every element of information that was contained in the original message and interpret in as close to verbatim as English allows – they cannot attempt to summarise what has been said and you must challenge them if they try to do this • spell out names or unusual words said by the interviewer or claimant • inform the interviewer immediately if they have any difficulty in interpreting <p>Page 63 of 67 Published for Home Office staff on 03 June 2021</p> <ul style="list-style-type: none"> • remain calm, especially if they hear unpleasant or controversial evidence - their duty is to remain professionally detached from what they are interpreting • interpret language which may be offensive - for cultural reasons, obscenities 				
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				<p>may be difficult to translate - in this case they must look for the closest equivalent</p> <ul style="list-style-type: none"> • use direct speech when interpreting, for example, the interpreter must say, "I attended a demonstration ...", not, "he said he attended a demonstration ..." • hand over any notes taken during the interview <p>An interpreter must not:</p> <ul style="list-style-type: none"> • question the content of the interview, offer an opinion, comment or declare any personal observations on truthfulness or ethnic origin of the claimant, nor their religious or political beliefs, or sexual orientation or gender identity • allow their personal political, religious, philosophical or other beliefs to influence their professional attitude or the quality provision of translation • try to anticipate what the interviewer or customer is trying to say or give an answer different from the one being provided • interrupt the progress of the interview other than to make a correction to the interpretation, request clarification, resolve a misunderstanding or draw 				
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				<p>attention to any distractions</p> <ul style="list-style-type: none"> • interpreters must not ask the customer what they mean by a particular answer - they must ask the interviewer's permission to ask the customer to repeat or clarify • interpreters must not show emotions - the only reactions they must express are those of the customer • indulge in general conversation with the claimant, other than to establish that they speak the same language or dialect, before, during or after an assignment • be acquainted with or related to the claimant or anyone associated with their case • accept an assignment if they have previously acted as the interpreter for the legal representative on the same case - it is inappropriate for the same person to interpret in the same case <p>Interpreters attending with legal representatives</p> <p>Legal representatives may engage the services of their own interpreter to attend the asylum interview and, as with legal representatives, they are welcome to attend. The legal</p>				
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				<p>representative is responsible for ensuring that the interpreter is suitably qualified, there are no conflicts of interest and that they are aware of their role in the interview. Unless you have good reason to consider otherwise, you should assume that the legal representative has met their responsibilities in regard to engaging their interpreter. In most cases, legal representatives should notify the Home Office in advance that an interpreter is attending. If they do not give notice, you should not refuse to allow the interpreter to attend solely for that reason. You should refer the names of legal representatives who fail to provide notice to Asylum Policy. Legal representatives must ensure that their interpreter has the correct identity documents to enable access to Home Office buildings. If an interpreter arrives and is denied entry to Home Office premises by security officers, you must not rearrange the interview for that reason. Interpreters are professional individuals and can be expected to conduct</p>				
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				<p>themselves to the same professional standards as legal representatives. See section professional conduct of legal representatives, which applies equally to the conduct expected of interpreters. In some interviews, such as those involving children, care must be taken to ensure that the child is not overwhelmed by the presence of several people attending the interview. The number of individuals attending or observing a child's interview should be kept to the minimum required. The minimum requirement for those attending interviews with children are the claimant, responsible adult, interviewing officer, legal representative, and the Home Office interpreter (where an interpreter is needed). See processing children's asylum claims. Interpreters attending without legal representatives</p> <p>Where an interpreter attends without the instructing legal representative, they must provide written confirmation in advance of the interview</p>				
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				<p>from the instructing legal representative that they have been instructed to attend the interview. The legal representative must inform the Home Office as soon as reasonably possible that they will not be attending the interview in person and provide details of the interpreter they have instructed. They must confirm that they have met their responsibilities with regard to instructing the interpreter. You must check with the legal representative's office if you are not sure about the interpreter. If you are unable to obtain confirmation from their office in a reasonable period of time, you should continue without the interpreter rather than delay the interview. As soon as possible after the interview, you should inform the legal representative that their interpreter was prevented from attending the interview and provide them with the reasons for this. Interpreter disagreements</p> <p>As interviewer, you are responsible for the overall conduct of the interview</p>				
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				<p>and that includes ensuring the discussion between all parties remains professional. Home Office interpreters should not feel pressured by challenges from other interpreters. With your assistance, and possibly that of the legal representative if they are familiar with the language, Home Office interpreters should try as far as possible to professionally resolve any differences of opinion. They can do this during the interview if there are immediate or significant concerns. Otherwise, they should wait until comments are invited at the end of the interview. Providing the challenges are appropriate and necessary, there is no reason why elements called into question should not be revisited with the claimant to clarify understanding and there is no reason why the Home Office interpreter should not be asked to consider an alternative interpretation if appropriate. If the disagreement cannot be resolved following a professional and cordial discussion at the end of the interview, make a note of the</p>				
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				<p>details on the interview record. Home Office interpreters are required to attain a minimum level of competence before they will be engaged by the Home Office. Therefore, in the event of a disagreement with another interpreter who is unable to provide evidence of a similar level of expertise, you must rely on the interpretation of the Home Office interpreter. It may be appropriate for you to agree with the legal representative a suitable period of time for them to submit further evidence after the interview to assist in clarifying any issues. See also submission of further evidence. If you believe that the discussion is starting to become unprofessional, you should remind interpreters of the standards expected of them. You should reiterate that opportunity is provided to submit further evidence after the interview. If the situation cannot be controlled, you must consider suspending the interview and sending a monitoring form to the interpreter</p>				
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				<p>& Language Services Unit (ILSU) Interpreter Management Team for investigation .</p> <p>Languages at interview</p> <p>You will have already confirmed that the claimant is content to be interviewed in the language or dialect for which the interview has been booked and that they understand the interpreter.</p> <p>If the claimant begins to speak another language or dialect, the interpreter must alert the interviewer immediately .</p> <p>If the interpreter has been provided in the correct dialect or language but the claimant does not understand the interpreter or objects to the interpreter for reasons unrelated to the language in use, for example, on grounds of their view of the interpreter's ethnic origin or religion, you should find out the nature of the difficulties.</p> <p>If the claimant is genuinely having difficulty with the language, you must call ILSU to see if another interpreter can be found to allow the interview to continue on the same day. If, however, the</p>				
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				<p>claimant's objection is to the individual interpreter rather than the language in use, you should take steps to assure the claimant of the interpreter's impartiality and professionalism and continue with the interview. However, if you have concerns over the interpreter's conduct or ability, you should call a break and discuss the concerns with the interpreter outside the interview room. If it is not possible to resolve the problem, you must suspend the interview, and discuss the issue with a manager at SEO level or above before arranging an alternative interpreter. An interpreter monitoring form must be completed and sent to the ILSU in all cases where you suspend or cancel an interview due to language difficulties or interpreter problems. The ILSU Interpreter Management Team welcomes all feedback, and you are encouraged to complete an ILSU monitoring form to provide feedback on the interpreter's performance following each interview. Completing this helps to</p>				
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				<p>ensure the highest standards are maintained.</p> <p>67: Complaints about an interpreter</p> <p>If, during the interview, there is a complaint about the interpreter, note this in the interview record and try to resolve it at the time, seeking advice from a senior officer if necessary. If it is not possible to resolve the complaint, suspend the interview while an alternative interpreter is found. You should also complete the interpreter monitoring form. You can also complete the form if an interpreter has provided an exceptionally good service. Any complaints made about the interpreter by the claimant after the interview will be investigated by ILSU on a case by case basis, and you will be notified if that impacts on considering and deciding the claim.</p>				
G43	<p><u>Code of conduct: interpreters working for UK Visas and Immigration</u></p>		y	entire document		y	<ul style="list-style-type: none"> interpreters will be required to interpret to a high standard on a range of protection-based and human rights topics including (though not limited to) religious conversion, Female Genital Mutilation (FGM), 	

							sexuality- and gender based claims, all types and forms of persecution, medical (physical and mental health) and political activity		
G44	<u>Medical evidence in asylum claims</u>		y	<p>You must act reasonably in deciding whether to allow more time beyond these targets where there are good reasons for the delay and a clear timescale for the medical evidence to be produced is provided. There are several factors that may lead to a delay in providing medical evidence which may justify additional time. These include, but are not limited to:</p> <ul style="list-style-type: none"> • a high level of trauma and/or a long history of torture and/or multiple injuries requiring additional clinical sessions • the need to match the claimant with a particular specialist • missed appointments due to travel disruption • illness on the part of the claimant, clinician or interpreter • in children's cases, securing the appropriate clinical resources and expertise 		n			

G45	<u>Operational instruction: Hague Convention cases</u>		y	Factors which may complicate the determination of a claim in accordance with the Expedited Process may include: <ul style="list-style-type: none"> • difficulties authenticating documents • cases where referrals in respect of modern slavery have to be made to the National Referral Mechanism (NRM) • difficulties obtaining appropriate interpreters for less common languages • claimant being unable to attend an interview (for example, for health reasons) or non-compliant with reasonable requests (for example, failure to attend substantive interview) • requirement for medical reports or other third-party material 		n			
G46	<u>Considering children's individual protection needs</u>		n			n			
G47	<u>Discretionary leave</u>		n			n			
G48	<u>Pending prosecutions in asylum claims</u>		n			n			
G49	<u>Permission to work</u>		n			n			
G50	<u>Revoking indefinite leave to remain in the UK</u>		n			n			