

# Interpreting in Asylum Appeal Hearings:

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## Roles and Norms Revisited

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The involvement of interpreters in legal proceedings with speakers of other languages has a long history, as illustrated by the sixteenth-century laws regulating judicial interpreting in the Spanish colonies. Though it received relatively little attention as a field of practice and research until the 1980s, interpreting in legal settings has since emerged as one of the major domains of the profession and of academic study. While this is true for the spoken and signed language modalities alike, the study presented here addresses a setting that is almost exclusively the domain of spoken-language interpreters.

With the exception of international tribunals, legal interpreting is typically set in a particular national context and thus constrained by a specific judicial framework and legal tradition. The resulting diversity of practices is a difficult challenge to efforts at international harmonization (e.g., Hertog, 2003), but also a rewarding one for researchers interested in the role of interpreters in the institutional search for truth and justice. This challenge is all the more extensive given the diversity of settings, ranging from police interrogations and client-lawyer consultations to administrative hearings and judicial proceedings in open court. The present study investigates legal interpreting in one of these diverse settings within a given national context, that is, asylum hearings in Austria. What is more, we focus on a particular phase in the asylum process, the appellate level, arguably the crucial one for determining an applicant's refugee status.

Given the importance of context, in its sociocultural and legal as well as institutional and situational dimensions, we begin with a brief sketch of the refugee status determination process in Austria, with particular emphasis on the appellate level. We will then review some of the main research issues and findings for interpreting in asylum hearings in general, and for first-instance proceedings in Austria in particular, before

introducing our empirical study and the specific topics addressed in this paper, namely (1) the interpreter's role and participation status, and (2) the translational norms reflected in the interpreter's renderings.

### **UNIVERSAL RIGHT—LOCAL PRACTICE**

The right to seek asylum from persecution in other countries is enshrined in the Universal Declaration of Human Rights and regulated under international law by the Geneva Convention Relating to the Status of Refugees, adopted by the United Nations in 1951, as well as the 1967 Protocol to the Convention and other international agreements. According to these fundamental legal instruments, refugee status is to be granted to individuals who have left their home country “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion” (Art. 1, A [2]).

Notwithstanding this international legal basis and consistent efforts at establishing standard practices for refugee status determination proceedings by the United Nations High Commissioner for Refugees (UNHCR), it is up to the individual signatory states to create a legal framework and institutional structures and procedures for conducting this process under national law. Not surprisingly, national legislative arrangements exhibit considerable differences, and the role and status of interpreters in the proceedings may vary accordingly. What seems to be a common feature of the asylum process in most jurisdictions, though, is the two-tier structure typical of the legal process in general. In other words, there is a first instance or basic level at which proceedings take place in the form of asylum interviews and are concluded either by a positive or negative decision on the claim for refugee status or similar protection (non-refoulement). Applicants have the right to appeal against a negative decision, and such appeals are usually heard by a court-like institution, such as the Immigration Appeals Authority in the United Kingdom or the Permanent Commission of Appeal for Refugees in Belgium (cf., Maryns, 2006). Whereas in Germany, for instance, appeals against decisions of the first-instance asylum authority are dealt with in regular trials before a district administrative court (cf., Reischl, 2001), the Austrian system currently involves a special quasi-judicial authority, the Independent Federal Asylum Review Board (IFARB; *Unabhängiger*

*Bundesasylsenat—UBAS*), created in 1997 to relieve the country's Administrative Court of hearing appeals against first-instance decisions.

Whereas the Austrian first-instance authority, the Federal Asylum Office (*Bundesasylamt*), created in 1992, is staffed mainly by specially trained police officers and reports to the Ministry of the Interior, the forty-some IFARB members are appointed for life by the Austrian president and enjoy the same degree of independence as judges. While technically an administrative authority under the aegis of the Interior Ministry and thus subject to review by the Administrative Court on matters of procedure, the IFARB has many features of a judicial body that distinguish its members and its proceedings from those of the first-instance asylum authority (cf., Krainz & Wintersberger, 2006).

Since the procedural language of all Austrian public authorities is German, and since applicants for asylum, as a rule, do not have a sufficient command of that language, interpreters are an indispensable part of the entire asylum process. Applicants' right to an interpreter as laid down in the European Convention on Human Rights is mandated by the Austrian Code of Administrative Procedure in Section 39a, which applies only to oral proceedings between the authority and the parties (cf., Maurer-Kober, 2006, p. 19). However, non-German speaking parties' right to interpreting services free of charge does not imply the right to an interpreter for their native language. Rather, interpreting may be, and frequently is, offered in another language of which the applicant has a sufficient understanding and active command. Typical examples are the use of Russian for asylum seekers from Chechnya and the use of English for claimants from anglophone African countries, as in the corpus under study. (On the critical issue of imposed language choice, see Maryns, 2006, chap. 2.) Unlike in Germany, applicants for asylum may not supply an interpreter of their choosing at their own expense, but they do have the right to reject an interpreter hired by the authority if there is evidence of bias or lack of qualification.

The interpreter for a given appeal hearing is contracted by the IFARB member assigned to the case, who will conduct the hearing and issue the decision as the sole adjudicator. Interpreters are drawn from an internal list that includes court-certified interpreters as well as others who have offered their services to the authority. Court-certified status is not a prerequisite, and some of the more than 60 languages used in hearings before the IFARB are so exotic in the Austrian context that it is sometimes difficult to find anyone to serve as an interpreter.

## RESEARCH ISSUES

The availability of qualified interpreters for asylum hearings is one of the most critical issues in this field and has been discussed from the legal as well as the linguistic point of view (e.g., Anker, 1991; Kälin, 1986; Monnier, 1995). Aside from this major organizational and training challenge, the overriding theme in research on interpreting in the asylum process appears to be the interpreter's role, with particular emphasis on the extent to which s/he may or should go beyond the task of relaying the primary participants' utterances and take more active responsibility for the achievement of cross-cultural understanding. The most radical proposal in this regard was introduced to the translation studies community by Robert Barsky (1996), who concluded from his interview-based study of Canadian Convention refugee hearings that the interpreter should act as an "intercultural agent," improving the asylum seekers' chances of receiving a fair hearing by better articulating their claims, filling in cultural gaps, and compensating for errors of judgment.

In a questionnaire-based survey among interpreters serving the Refugee Status Appeals Authority in New Zealand, Sabine Fenton (2004) sought to gauge the level of practitioners' support for Barsky's (1996) "extreme demands." Though she found that most of her 35 respondents expressed sympathy for the disadvantaged position of the asylum seekers in the face of interviewers' often cold and even hostile questioning style, they were unanimous in endorsing the "accurate interpreting" norm and preferring to be "as invisible and unobtrusive as possible" (Fenton, 2004, p. 268).

Taking a more ethnographic as well as a macro-sociological approach, Moira Inghilleri (2003, 2005) concluded from her study of the asylum application system in the United Kingdom that there were two distinct concepts of interpreting, namely "linguistic" and "community" interpreting, and that these differing approaches in using interpreters "can lead to substantial confusion about their role both among interpreters themselves and those who use their services" (2003, p. 1).

Methodologically, none of the authors cited above studied role-related claims by analyzing authentic corpora of interpreter-mediated discourse. While there have been a number of studies on asylum hearings by researchers in such fields as conversation and institutional discourse analysis (e.g., Maryns, 2006; Reischl, 2001) and sociology (e.g., Scheffer, 2001), very little research based on discourse data has been carried out

in the field of translation and interpreting studies. Aside from communication scholar and interpreter Cecilia Wadensjö (1998), who drew, *inter alia*, on interactional sociolinguistics to study dialogue interpreting in immigration interviews, the most extensive discourse-based work to date in translation studies is that of Sonja Pöllabauer (2004, 2005). In her study of first-instance asylum hearings in Graz, Austria, she analyzed a corpus of 20 audio-recorded and fully transcribed asylum interviews conducted by three different officials with English-speaking applicants from four African countries. Drawing on translation theory, critical discourse analysis, and linguistic pragmatics, Pöllabauer examined the performance of three interpreters with regard to their role performance, their positioning in the primary parties' asymmetrical power relation, and their adherence to professional norms. On the whole, she finds "highly discrepant behaviour which seems to be determined mainly by the officers' expectations" (Pöllabauer, 2004, pp. 174–175) and observes that the interpreters, far from being "invisible" and neutral, intervene in a number of ways. Rather than serving as intercultural agents as suggested by Barsky (1996), the interpreters in Pöllabauer's study assume the role of "auxiliary police officers" whose loyalty ultimately lies with the adjudicating officials. Thus, interpreters were found to omit "irrelevant" information and admonish the asylum seekers to provide "concrete" answers; to engage in "internal rounds of talk" that remained untranslated for the other party; and to verbally ally with the officials by using the first person plural to refer to the adjudicator–interpreter team.

For obvious reasons, Pöllabauer's groundbreaking discourse-based study of asylum hearings suggests itself as a point of departure for the study reported here. For one, the findings sketched out above relate only to first-instance proceedings and cannot be generalized to the Austrian refugee status determination process as a whole. As described earlier, interviewing (and adjudicating) officials in first-instance hearings mostly have a background as police officers rather than a full-scale legal education. Moreover, appeal hearings, which are quasi-judicial proceedings involving two parties, could be assumed to differ from first-instance interviews with regard to organizational arrangements, interactional structure, and discursive functions. Indeed, findings from a survey by Maurer-Kober (2004) among IFARB members suggest that nearly half of the 30 respondents are "often" confronted with appellants complaining about communication difficulties with the interpreter(s) in their first-instance interview. With good reason, then, IFARB members were found

to take special care in selecting interpreters for their hearings. Asked about their re-hiring criteria, for instance, the IFARB members in Maurer-Kober's survey gave special attention to such criteria as "strictly neutral behavior" and "smooth facilitation of communication" (each rated "very important" by nearly three-quarters of the respondents on a four-point scale from "very important" to "unimportant"). By the same token, an overwhelming majority of IFARB members expect interpreters to serve as "neutral linguistic mediators" rather than "auxiliaries to the adjudicator" or "cultural mediators." Moreover, IFARB members do not give interpreters license to "omit irrelevant information in order to save time," and a clear majority of them (70%) would not permit the interpreter to "clarify vague responses by asking follow-up questions." Most IFARB members feel that their expectations are met by the interpreters' actual performance. Asked about their level of satisfaction with the quality of interpreting, 72% of the respondents said that they were "very satisfied" as opposed to "somewhat satisfied" (28%) or "not satisfied" (0%).

Given this rich and differentiated body of empirical findings on the role and task of interpreters in the Austrian asylum process, our study takes a two-pronged approach; that is, examining asylum hearings at the appellate level for similarities and differences with regard to Pöllabauer's findings (inter alia, on role behavior and professional norms), and comparing actual practices in interpreter-mediated appeal hearings to adjudicators' expectations and perceptions of interpreters and their role(s).

## **METHOD AND DATA**

Our fieldwork on interpreting practices in asylum hearings at the IFARB was conceived as an ethnographic study with a focus on the analysis of audio-recorded hearings.<sup>1</sup> Given our own linguistic qualifications and the composition of Pöllabauer's corpus, the scope of our project was limited to asylum review hearings involving English-speaking appellants, more precisely, to cases of asylum seekers from anglophone African countries.

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After the IFARB chairman had endorsed our study proposal and granted us access to the institution for data collection, five IFARB members (three women, two men) agreed to take part in the study. Following advance notice of the date and time of hearings, we participated as observers and brought a digital tape recorder (Sony TCD-D8) fitted with an external stereo microphone to record the hearings. While in most cases the interpreters had been informed in advance by the official that the hearing would be taped for research purposes, the asylum seekers were approached before the hearing in the waiting area and asked for their permission after a brief explanation of the aims and methods of our study. They were told, in particular, that all personal data would remain anonymous and that the study had no bearing whatsoever on the outcome of their cases. Having agreed to the recording, they received detailed information about the project in writing (in English) and were expressly advised that they could revoke their permission at any time during or after the hearing. Permission to record was granted in all cases but one.<sup>2</sup>

A total of 14 hearings conducted by the five adjudicators and involving seven different interpreters (five women, two men) were recorded between October 2005 and October 2006, amounting to a total duration of 25 hours. On average, hearings lasted about 100 minutes, ranging from 26 minutes to 3.5 hours. The sample of interpreters exhibited a range of professional qualifications and experience. The majority had MA-level training in interpreting and considerable professional experience, and most were court-certified interpreters. Out of the 14 asylum seekers in the study, 12 came from Nigeria and 1 each from Gambia and Zimbabwe.

The recordings on digital audio tape were converted into digital audio files and transcribed orthographically using standard word-processing and media-player software. In addition to the corpus of audio-recordings and transcriptions, our data also include fieldnotes from participant observation and informal interviews.

## **ANALYSIS**

Our analytical approach was informed by the tenets of functionalist translation theory, or skopos theory, as presented, for instance, in Nord

2. We would like to express our sincere thanks to the asylum seekers and interpreters for their permission to be recorded for this study, and in particular to the IFARB members who granted us access to their hearings.

(1997). Thus, our understanding of the data was guided by our concern with the institutional purpose of the communicative event and with the interaction and the relevant characteristics of the individual participants. Moreover, our analysis draws on concepts of interaction and discourse analysis as applied by Wadensjö (1998).

Out of the many interesting observations to be gleaned from a close study of this rich corpus of data, we have selected the following two aspects for presentation in this paper: (1) the role(s) and participation status of the interpreter and the adjudicating official working as an ad hoc team; and (2) the translational norms reflected in the interpreter's renderings, in particular the use of the speaker's "I" (first person) as well as the classic standards of accuracy and completeness.

### **Situational Context and Structure**

Unlike first-instance asylum hearings, appellate proceedings at the IFARB involve two parties, the asylum seeker and the Federal Asylum Office, whose negative decision is being challenged. In practice, the first-instance authority is not represented in these hearings. Therefore, the constellation of interactants normally includes the adjudicating official, the asylum seeker, the interpreter, and the recording clerk. Persons of the asylum seekers' confidence and other observers are also admitted to these public hearings. Although the proceedings are of a similar nature as those in a courtroom, the general setup is considerably less formal. The hearings usually take place in plain, medium-sized rooms furnished with a small number of chairs arranged around a set of joined-up tables. There is no raised seating position for the adjudicator and no special bench for the appellant, nor do the representatives of the institution appear in formal attire such as robes or gowns. The recording clerk sits next to the adjudicator in front of a computer screen; the appellant is usually seated in a chair roughly facing the official, and the interpreter usually takes up a position between the two primary interactants.

Although it is possible for the adjudicating official to decide a case only on the basis of the documents on file, most appeals involve a hearing in which the asylum seeker is given another opportunity to present his or her claim. Hearings are conducted by the IFARB member assigned to the case and typically include the following seven stages: (1) verification of personal data and current address; (2) procedural information and instruction; (3) summary of the facts of the case; (4) taking

of evidence, that is, interviewing and questioning; (5) presentation of country-related information; (6) announcement that the decision will be issued in writing; and (7) sight translation into English and signing of the written record.

The core of the hearing is stage four, the interview, in which the asylum seeker is asked about his or her reasons for leaving the country, the circumstances of his or her life before the flight, and about his or her escape route. This leads into a round of questioning, in which the adjudicating official confronts the asylum seeker with apparent inconsistencies in his or her narrative and with discrepancies with respect to statements as recorded in the first-instance hearing. Hence, the institutional purpose of the proceedings is to establish the facts of the case and to assess the credibility of the asylum seeker and his or her story. In this, the interpreter plays a crucial and complex role, as shown in the following sections of this analysis.

### **Roles and Participation Status**

In principle, the interactants' roles are well defined by the institutional context, that is, the adjudicating official conducts the hearing and ensures that its contents are reflected in the written record; the asylum seeker presents his or her claim and responds to the official's questions; the interpreter renders the adjudicating official's statements and questions in the language understood by the asylum seeker and the latter's utterances in the language of the proceedings; and the recording clerk types what is dictated to be entered in the record. The interpreter's normative role as commonly laid down in interpreters' codes of ethics and standards of professional practice and specifically described for the refugee status determination process (e.g., UNHCR, 1995; BMI et al., 2006) is thus limited to rendering the primary parties' utterances accurately and completely, without adding, omitting or changing anything, and using the grammatical first person of the speaker.

As demonstrated by Pöllabauer (2004, 2005) for first-instance proceedings, actual role behavior in the interaction tends to be much more complex, and a similar pattern of complexity emerges from the current study. We present examples of three types of deviations from the interpreter's normative role: verbally allying with the adjudicator, acting as co-interviewer, and co-producing the written record.

NEUTRAL AND “INVISIBLE”?

Though strongly challenged by recent scholarship (e.g. Metzger, 1999; Angelelli, 2004), the idea that interpreters are neutral between the primary parties and do not intervene on behalf of either side, is deeply entrenched, both in the interpreting community and, in particular, among users of their services, as illustrated in the expectations voiced by IFARB members in Maurer-Kober’s (2004) study. And yet, as shown by Pöllabauer (2004), interpreters frequently position themselves as members of the institutional “team,” for instance by adopting the first person plural to refer to the asylum seeker’s interlocutor(s). The following excerpt from the corpus (Example 1) is one of many examples of such a verbal alliance forged by the interpreter’s use of the “inclusive ‘we’” (cf., Pöllabauer, 2004, pp. 168–169). It is taken from the central part of a hearing in which the appellant is questioned about threatening events in the course of his flight to and stay in the Nigerian city of Lagos.

EXAMPLE 1: T1H2 (34:21–34:36): “we need to know”

- 1 ADJ Was konkret ist im Panama Hotel passiert?  
*What exactly happened in the Panama Hotel?*
- 2 INT What exactly happened in Panama Hotel, in Lagos?
- 3 APP Yea, while while I was there they attack me.
- 4 INT Yes, **we need to know** exactly what happened during the attack.  
(→REC) Als ich dort war °° griffen sie mich an.  
*When I was there °° they attacked me.*

ADJ’s question to elicit concrete information (1) is rendered by INT with added (though contextually available) information concerning the place. Before giving her German rendition of APP’s answer, INT responds directly, as “co-principal,” emphasizing the need for concrete information (4). In doing so, INT indicates to APP that his answer is not yet satisfactory, that is, not specific enough, and the opening part of her utterance (“Yes”) clearly implies “yes, but” (see also Example 2 below). INT thus assumes responsibility for the institutional purpose of the hearing, which is to establish concrete facts about the asylum claim. Nevertheless, INT does not ask a follow-up question but proceeds to render APP’s answer in German, pausing after the first clause as REC is typing her interpretation into the record.

The self-initiated admonition by INT in Example 1 (4) points to a tendency of interpreters to take on tasks that go beyond their normative role.

Some interpreters in our study even assume an active “co-interviewer” role, as shown in the following section.

THE INTERPRETER AS CO-INTERVIEWER

As observed by Scheffer (2001) and also documented in Pöllabauer’s corpus, interpreters in asylum hearings tend to take on an active interviewing role to elicit further or more specific information. The extent to which they may do so, however, depends on the official conducting the hearing. While some adjudicators appear to be happy with interpreters conducting sub-hearings of varying length, others would not give up their prerogative to ask the questions, as illustrated in the following examples.

The interpreter in Example 2 is very active also in the sense of cutting in before the previous utterance has been completed, as seen in turns 2, 6, and 15. Similar to his colleague in Example 1 above, he responds to an answer by APP that he considers too vague by expressing disapproval (“Yes, but”) rather than rendering what APP has said (4).

EXAMPLE 2: T4H1 (06:40–07:40)

- 1 ADJ Welche Religion gehen Sie nach?  
*What religion do you practice?*
- 2 INT What What is your religion, your faith?
- 3 APP Christian.
- 4 INT Yes, but-
- 5 APP Church was- is a Pentecostal church.
- 6 INT Episcopal, or . . . . Pentecostal?
- 7 APP Yeah.
- 8 INT Also, ə Ch- Ich bin Christin und gehöre einer- der Pfingstkirche So, ə  
Ch- *I am a Christian and belong to a- the Pentecostal church-*  
—(→ADJ) ich glaub das is’ ka anerkannte bei uns.  
*I think that’s not a recognized one here.*
- 9 ADJ Mhm. (? ?)
- 10 INT Ja, Pentecostal.  
*Yes, Pentecostal.*
- 11 ADJ (→REC) Pfingst— *Pentecost-*
- 12 INT Pfingstkirche.  
*Pentecostal church.*
- 13 ADJ (→REC) Pfingst- °° Pfingstkirche an. °° °° °° °° °° °° °°  
*Pentecost- °° to a Pentecostal church.*  
(→APP) Und haben Sie Ihre Religion ausgeübt?  
*And did you practice your religion?*

- 14 INT Did you practice that religion?  
 15 APP Yeah, I was a Christian! And I go to church.  
 16 INT Yes, but but- look, there are many Christians  
 who never go to ch- You went to church?  
 17 APP Yes.  
 18 INT Ich bin in die Kirche gegangen.  
*I went to church.*  
 19 ADJ (→REC) Ich bin in die Kirche gegangen. °° °° °° °° °° °°  
*I went to church.*  
 (→INT) Darf ich Sie nur ersuchen, solche Fragen nicht zu stellen, gell.  
*May I just ask you not to put such questions, okay?*

While INT's initiative (4) makes APP understand that some specification is needed (5), INT interrupts her with an explicit prompt (6) before he registers APP's answer, which he renders in German (8) after a brief clarification turn (6, 7). Before completing his rendition, however, INT volunteers a comment to ADJ about the denomination in question. APP's answer is subsequently recorded upon repeated dictation by ADJ (11, 13), who then proceeds to ask a follow-up question about APP's religious practice (13). As in the earlier part of this sequence, INT reacts immediately to APP's—here somewhat indignant—response, expressing disapproval with the seemingly insufficient answer (“Yes, but but-”) and venturing into some extensive reasoning before taking note of the second part of her reply (16). Again, a clarification turn precedes INT's German rendition (18), which is repeated by ADJ for inclusion in the record. When this has been accomplished by REC during a six-second pause, ADJ finally turns to INT, a court-certified interpreter with many years of experience in legal settings with whom she is working for the first time, and politely requests him not to ask questions on his own initiative (19).

In contrast to this particular IFARB member's preference for a more restricted role of the interpreter in the interviewing process, other adjudicating officials in our study showed fewer qualms about letting the interpreters conduct their own sub-hearings with the asylum seekers. The following example is a particularly striking case of such interpreter-led interviewing. After ADJ's standard question as to whether APP had been going to school or working before leaving his home country (1), INT proceeds to elicit APP's complete educational background—and much more.

EXAMPLE 3: T1H1 (06:20–07:39): “How many years? . . . Did you finish?”

- 1 ADJ Haben Sie einen Beruf ausgeübt? Oder waren Sie in einer Ausbildung?  
*Were you working? Or were you attending school?*
- 2 INT Did you work? Or did you study?
- 3 APP Yeah, I went to primary school at the age of seven,
- 4 INT Mhm.
- 5 APP so I finished up primary school for six years, so-
- 6 INT Ich- Ich trat mit sieben Jahren in die Grundschule ein, ° ° ° ° ° ° ° ° absolvierte diese für sechs Jahre ° ° *I- I started primary school at the age of seven, attended this school for six years ° °*  
 (→APP) So six years of primary school?
- 7 APP Yeah, so after one year for my- for the written result then I proceeded to secondary school.
- 8 INT Nach einem Jahr ° ° Warten ° ° kam ich  
*After one year ° ° of waiting ° ° I was sent*
- 9 APP Then-
- 10 INT in die Sekundarschule. (→APP) **How many years of secondary school?**  
*to secondary school.*
- 11 APP Two years, only two years.
- 12 ADJ (→REC) in die Sekundarschule ° ° ° ° ° ° ° ° Sekund- so wie Sekund,  
 Sekundar *to secondary school* *second- like second, secondary*
- 13 REC Mhm.
- 14 INT **Did you finish secondary school?**
- 15 APP No I didn't finish.
- 16 INT Ich besuchte die Sekundarschule für zwei Jahre ° ° ° ° ° ° ° ° ° ° und schloss sie ° ° aber nicht ab. ° °  
*I attended secondary school for two years but did not finish it.*  
 (→APP) So two years of secondary school, and then?

APP does not understand ADJ's question as referring to the time just before his flight, but starts to recount his formal education from primary school onwards (3). INT is aware that APP's statement about starting school at age seven is not what ADJ is after; rather than translating it, INT signals APP to continue (“Mhm.”). Only when complete information about primary schooling has become available (5), does she cut in

to offer her German rendition (5). The question she then addresses to APP might appear like a request for confirmation; in fact, though, it exemplifies this interpreter's key strategy in eliciting APP's account. Using an intonation contour that signals recapitulation as well as an invitation to continue, INT moves the interview forward without the need for ADJ to intervene. Indeed, the latter's role appears to be limited to supervising REC's typing of INT's renditions, at times repeating parts of them and assisting REC in case of orthographic doubts (12).

Aside from the more covert tactic of pseudo-confirmation prompts, INT also resorts to explicit direct questions in a co-interviewer capacity, as seen in turns 10 and 14. Once she has thus gathered sufficient information, INT formulates her German rendition, pausing for REC in keeping with her typing speed. A third prompting strategy, which is actually a combination of the other two, is seen at the end of turn 16, where INT recapitulates APP's previous statement ("two years of secondary school") and then adds an explicit prompt for him to continue ("and then?"). A variation on the latter, used frequently by the interpreter whose active role was illustrated in Example 2 is the use of the direct prompt "Go on, please!" to elicit APP's narrative. As shown in Example 5(2) another, less imperative technique is the use of "Alright?"

What is most exceptional about the previous excerpt presented to illustrate the interpreter's technique of conducting independent sub-hearings, is that it represents only a fraction of the interview in which INT adopts the same co-principal role throughout. Whereas the (incomplete) interview sequence about APP's education (Example 3 lasts barely one-and-a-half minutes), the evidence-gathering stage of that hearing, which is essentially conducted by the interpreter as interviewer, lasts more than three-quarters of an hour. ADJ only takes charge of the hearing again when APP's story of flight has been finished.

In addition to these interpreters' extraordinarily active role as co-interviewers, they also play a crucial part in the production of the written record—a function that has so far received little, if any, attention in research on interpreting in legal settings.

#### INTERPRETING FOR THE RECORD

Whereas the interpreter's normative role is generally focused on the task of accurately and completely "relaying" (translating) the primary parties' spoken (or signed) utterances as well as on some degree of managing or "coordinating" the flow of discourse (cf., Roy, 2000; Wadensjö,

1998), the interpreting practices observed in hearings at the IFARB suggest a third dimension of the interpreter’s task in this type of event. As pointed out by Scheffer (2001) and Pöllabauer (2005), interpreters are expected to formulate their translations of asylum seekers’ statements in such a way that they can be entered directly into the record. These authors generally assume, however, that responsibility for the record, in both principle and practice, rests with the adjudicating official, who would repeat (or rephrase) the interpreter’s spoken output and dictate it for typing. While there can be no doubt about the adjudicator’s full legal accountability for the record, it is altogether surprising to what extent the interpreters in our study become involved in the production of the record.

It is not possible in the scope of this paper to explore all the various mechanisms—and consequences—of the interpreters’ co-production of the record, and we will present only one of many examples in the corpus to make our point. In the following excerpt (Example 4), INT is seen dictating her output with well-timed pauses for REC to finish her typing—and even complete with instructions for punctuation.

EXAMPLE 4: T1H1 (19:22–19:48): “*colon, quotation mark*”

- 1 APP So when he rushed to me I I- when he rushed to the office I w- I was sur- surprised a- what happened? what happened? He said-
- 2 INT Ich war sehr  
 überrascht, °° als er hereingestürmt kam °° °° °° °° °° °° °° und fragte °°  
 °° °° **Doppelpunkt, Anführungszeichen** °° °° Was ist denn passiert?  
 Was ist passiert? *I was very*  
*surprised, when he came storming in and asked*  
*But what happened?*  
*What happened?*  
 (→APP) Alright?

APP’s narration of a shocking message being delivered to him in his office (1) is full of hesitation and false starts. Not surprisingly, no trace of these is left in INT’s—otherwise rather “close”—German rendition. APP’s repetition (“what happened”) is retained in the interpretation for dramatic effect (2), but the latter is obviously ruined for the listener by INT’s indication of the punctuation marks required (in German) to indicate direct speech.

More so than the other examples (with the exception of Example 3, involving the same interpreter), Example 4 also includes clear evidence

that the interpreter's German delivery is adapted to REC's typing speed and that the target text here is not so much an oral rendering of a spoken utterance than a dictation of what is to be scripted—a finding that corroborates Hale's (2004) results for interpreters' treatment of style.

### **Professional Norms**

The role-related phenomena described earlier mainly concern what is done in the interaction, and by whom. The following sections, on the other hand, address the question of how it is done, with special reference, of course, to the performance of the interpreters.

As defined by Chesterman (1993, p. 8), “[p]rofessional norms are the norms constituted by competent professional behaviour.” These are subordinate to what he calls “expectancy norms,” which are the correctness notions brought to bear on translational output by the users or addressees of the target text. Admittedly, it is not always easy to make a clear-cut distinction between the interpreter's professional role (which implies norm-guided behavior) and professional or performance norms (which would be founded on the adoption of a particular role). This conceptual complexity notwithstanding, the focus on translational norms, particularly of the textual-linguistic kind, helps foreground features of interpreting performance that are often cited as the crucial standards of professional interpreting. Summarized by Harris (1990, p. 118) as the “true interpreter norm,” these will be examined here with regard to the expectation of accuracy and completeness as well as the professional interpreting norm that “the interpreter speaks in the first person” (Harris, p. 115).

#### USE OF FIRST PERSON

Without going into the more elaborate conceptual framework proposed by Bot (2005), which accounts for the use of reporting verbs as well as the “perspective of person,” there are two basic options for the interpreter's pronoun use in rendering utterances in which speakers make reference to themselves. One is to adopt the grammatical first person as used by the speaker, and the other is to reserve the first person for the interpreter's own ‘I’ and refer to the speaker in the third person, thus assuming the footing of principal, with responsibility for the content and form of the message. In the former case, adopting the much-cited conduit role, interpreters are only (re-)formulating others' talk and remain without

a speaker perspective of their own (i.e., invisible) whereas in the latter they speak as a third party to one primary participant about another. The following excerpt, taken from the very beginning of a hearing, illustrates the classic first-person interpreting approach (cf. also Diriker, 2004).

EXAMPLE 5: T5H1 (00:11–00:24)

- 1 ADJ Mein Name ist VORNAME NACHNAME, ich bin das für Ihr Berufungsverfahren hier zuständige Senatsmitglied des Unabhängigen Bundesasylsenates.  
*My name is FIRST NAME SURNAME, I am the member of the Independent Federal Asylum Review Board in charge of your appeal proceedings.*
- 2 INT My name is Doctor SURNAME. I am the member of the Senate dealing with your appeal proceedings.

As regards pronoun use, INT strictly maintains the speaker perspective of ADJ (“My name,” “I am”). In other respects, more relevant to the subsections below, there are interesting deviations, such as the addition of ADJ’s academic degree before (only) the surname (which would be common practice in German more so than in English) and the omission of the institution’s official name, which reduces ADJ’s affiliation to “member of the Senate.”

Example 6, which is again an excerpt from an early stage of the proceedings, illustrates the opposite approach, adopted by the vast majority of the interpreters in our study.

EXAMPLE 6: T6H1 (04:12–04:24)

- 1 ADJ Gut. Ich möchte Ihnen nun ganz kurz ə zeigen, welche Art von Unterlagen wir in Ihrem Akt haben.  
*Alright. I would now like to show you briefly what kind of documents we have in your file.*
- 2 INT Mhm. The Chairman of the Asylum Board will now just go through all the documents that he has, that you have presented.

Whereas ADJ uses the direct form of address (“I” → “you”) in explaining to APP that he is about to enter into stage 3 of the hearing, that is, summarizing the case based on the documents on file, INT opts for a change of speaker perspective and renders the statement in “indirect translation” (Bot, 2005). This creates the need to designate ADJ in his official capacity. However, INT’s terminological choice (“Chairman of

the Asylum Board”) is incorrect; the IFARB has dozens of individual “members” serving as adjudicators, but only one “Chairperson” for the institution as such.

No less problematic is INT’s statement regarding the documents in APP’s file, not all of which have been “presented” by APP. This applies in particular to the written record of the first-instance proceedings, which serves as critical evidence in ADJ’s endeavor to probe APP’s credibility. But again, this is not a matter of pronoun use but one of accuracy, as dealt with in the following section.

#### ACCURACY

While it is difficult at the textual-discursive level to separate accuracy and completeness, the former is most easily applied with reference to smaller elements of discourse, as in lexical and terminological accuracy. Whereas questions of institutional terminology should hardly prove intractable, interpreters can never have ready-made solutions for all and any lexical contingencies arising within the interaction. But this confronts us head-on with the fraught translation-theoretical issue of fidelity (or meaning equivalence, sense consistency, etc.) that will not be expatiated on in this particular context. Rather, we will present an example of a much less subtle or debatable lexical deviation, indicating the potential for semantic distortions of the asylum seeker’s statements that may end up in the written record.

In the sequence preceding the excerpt below, ADJ has just asked APP about his father’s political activity and now tries to find out more about APP’s own involvement.

EXAMPLE 7: T6H2 (67:35–68:05)

- 1 ADJ Und jetzt er selbst?  
*And now he himself?*
- 2 INT Mhm. And you personally? Did you have anything to do with his political activity?
- 3 APP Yeah, I was supporting, you know.
- 4 ADJ (→REC) Ich war ein Unterstützer.  
*I was a supporter.*  
(→APP) Können Sie mir darüber etwas erzählen?  
*Can you tell me something about that?*
- 5 APP Because everybody is free when the election was coming, you can support somebody when you like, you know, any person you like.

- 6 INT Mhm. Es kann jeder die Partei wählen, die er will, wenn es gerade Wahlen gibt.  
*Mhm. Everyone can vote for the party he likes when there are elections.*
- 7 REC (→REC) Bitte?  
*Sorry?*
- 8 INT Wenn es Wahlen gibt, kann jeder die Partei wählen, die er will.  
*When there are elections, everyone can vote for the party he likes.*

Example 7 contains a number of phenomena worth noting, such as one of the rare instances of an indirectly addressed question by ADJ (1); ADJ's direct formulation of the German rendition for the record, assuming the role of interpreter; and REC's request for repetition, addressed to INT rather than ADJ. We will, however, limit our comments to the lexical deviation in turn 6, where INT renders APP's statement about someone's right to "support" (a person) (5) as the right to "vote for" (a party). It is this rendering that ends up in the record, having even been repeated by INT upon REC's request. Depending on APP's age and the other facts of the case, the shift from "supporting" to "voting" might well engender contradictions that could undermine APP's credibility.

#### COMPLETENESS

As in the case of semantic inaccuracy, an interpreter's incomplete rendering can be detrimental to the asylum seeker's case. The following example illustrates this for an abridged translation of ADJ's questioning.

EXAMPLE 8: T5H1 (57:32–58:21)

- 1 ADJ Sie haben °° °° °° °° weder °° °° vor dem Bundesasylamt noch heute in der bisherigen Verhandlung davon gesprochen, dass man Sie mehrmals aufgefordert hat, diesen Trank zu sich zu nehmen, und Sie haben auch nicht angegeben bis dato, dass Sie irgendwann einmal davon getrunken haben. °° °° Wie erklären Sie mir diesen Widerspruch?  
*Neither at the Federal Asylum Office nor in today's hearing up to now have you mentioned that you were asked several times to drink that potion, and so far you also have not indicated that you ever did drink from it. How do you explain this contradiction to me?*

- 2 INT Neither in your previous statement before the Federal Asylum Office nor today you said that you were asked to drink this potion several times, and you a- neither did you say that you drunk from it once.

Critically, in this credibility-testing stage of the hearing, ADJ confronts APP with an alleged contradiction and asks him explicitly to try and resolve it (“*How do you explain this contradiction to me?*”). While INT renders the references that allegedly contradict APP’s most recent statement, she does not translate the concluding prompt for APP to explain the discrepancy. APP is merely reminded that he did not say previously what he has said now, and is thus not alerted to the threat to his credibility, nor to the need to counter it with an explanation. Similar kinds of omissions occur elsewhere in the corpus and deserve to be examined further for their impact on the course and outcome of the proceedings.

## **DISCUSSION AND CONCLUSION**

In view of the explosive growth of the number of asylum seekers worldwide and the concomitant significance of interpreting in the refugee status determination process, the study reported here sought to investigate the challenges relating to the roles and professional norms of interpreters working in this increasingly important legal setting. With qualitative findings on Austrian first-instance proceedings (Pöllabauer, 2004, 2005) and quantitative survey results on the Austrian asylum appeals authority (Maurer-Kober, 2004) as invaluable points of departure, we studied interpreting practices at the Independent Federal Asylum Review Board (IFARB) in relation to both the role- and norm-related findings for first-instance asylum interviews and to IFARB members’ expectations and preferences regarding the role performance of interpreters contracted to work with them.

Based on a close examination of our 25-hour corpus of audio-taped interviews with appellants from three anglophone African countries, we were able to gain a number of valuable insights, some of which are presented in this paper. Most importantly, the general expectation of adjudicating officials at the IFARB, that interpreters serve as “neutral linguistic mediators” rather than “auxiliaries to the adjudicator” was not

borne out by our discourse-based analysis. Rather, interpreters were often found to take on tasks that go far beyond an interpreter's normative role as laid down in professional codes of ethics and standards of practice, and these extended roles are ostensibly ratified by the adjudicators in the interaction. As illustrated with excerpts from the corpus, some interpreters assume an active co-interviewer role, applying specific questioning and prompting strategies to elicit asylum seekers' narratives in internal sub-hearings.

Viewed in terms of the *skopos* or overall purpose of the communicative event, this practice arguably facilitates the information-gathering procedure across language barriers, especially in cases where asylum seekers' responses are vague and difficult to understand. The interpreters, who have after all been contracted by the authority, thus become agents of institutional efficiency. This phenomenon has also been described for health-care settings, with opinions divided over whether interpreters can or should indeed be given license to act as co-diagnosticians or co-therapists. In the asylum hearings observed, the interpreter's interviewing function in, for instance, eliciting the narrative of escape is undoubtedly controversial; in some respects, though, it can be said to benefit the asylum seekers, who are assisted in telling their stories ("Then what happened?") and receive confirmation that their most recent statement has been understood and entered in the record ("So two years of secondary school, and then?"). Similarly, interpreters responding to vague answers by directly admonishing the appellant to be more specific ("Yes, but-," "We need to know exactly . . .") help elicit a detailed account, which is also what adjudicators state as the main purpose of the hearing in the introductory stage of the proceedings.

The extent to which interpreters can go beyond their normative role certainly depends on the adjudicator, and we have shown one example (Example 2) of an official curtailing the interpreter's interviewing function. In hearings involving English, the adjudicators can easily monitor and restrict such practices. In the case of other, often very exotic languages, which are typical of day-to-day practice at the IFARB, the officials would be much less able to decide which interventions to accept. It may clearly be difficult to draw the line between overeager co-interviewing and asking clarification questions that are needed to ensure proper comprehension (particularly in the case of the African English speakers in our corpus) and that are therefore indispensable for avoiding errors in the written record.

Though a major challenge and achievement in itself, providing accurate translations is by no means the interpreter's only production task. One of the most striking findings in our study is that most adjudicators expected interpreters to take on the role of co-producers of the written record. Though mentioned by Scheffer (2001) and Pöllabauer (2005), this phenomenon has not yet been demonstrated and discussed in great detail. The corpus extracts included in this paper serve to illustrate a few mechanisms and consequences of this practice, a fuller account of which will be presented in a separate publication. What is readily apparent from our examples is that interpreters assuming this function tend not only to time their renderings to accommodate the recording clerk's typing speed but also to give explicit instructions for punctuation ("colon, quotation mark"). Moreover, the interpreters cooperate directly with the recording clerk in matters of spelling and by repeating their renditions for the benefit of the typist.

The practice of interpreting directly for the record frequently involves stylistic shifts from oral to more literate renderings, as exemplified briefly in this paper. Given the critical significance of the written record as a basis for assessing an applicant's credibility and thus reaching—and justifying—the ultimate decision on the claim, the issue of the inevitable filtering process that occurs on several levels when producing the written record (cf. Maryns, 2006) requires more comprehensive analysis in future publications.

The traditional notion of interpreters' neutrality and invisibility has been challenged by recent scholarship, for interpreting in general (e.g., Angelelli, 2004; Diriker, 2004) and for asylum hearings in particular (e.g., Pöllabauer, 2004, 2005). Our data clearly corroborate this trend, as illustrated by interpreters' tendency to forge verbal alliances with the adjudicators by using the inclusive "we."

Under the broad notion of professional translational norms, we have also discussed the interpreting performances in our corpus with regard to the classic quality standards of accuracy and completeness as well as the use of the first person in professional interpreting. Our findings confirm that deviations from these norms occur in interpreting at the appellate level of asylum hearings just as they do at the first-instance level investigated by Pöllabauer. While we did not embark on a discussion of the fraught theoretical issue of translational fidelity, our examples indicate the risk of semantic distortions finding their way into the written record, and the potential impact of incomplete renderings (e.g., of an

adjudicator's prompt for the appellant to explain an apparent contradiction) on the course and outcome of the proceedings.

As with any transcription-based qualitative study of this kind, the findings reported here should not be viewed as representative, neither of interpreting practices at the IFARB nor even of the work of interpreters for English in that institution or even of the working styles of the seven interpreters in our corpus. Variable situational and contextual constraints require great flexibility in problem-solving, and translational decisions that may be judged appropriate in one case may be less felicitous in another. Also, our intention in collecting and analyzing this corpus has been essentially descriptive rather than prescriptive. Even so, we hope that the institution that has granted us access to these data, the IFARB members and the interpreters they work with, and, not least, the appellants in future hearings may benefit from the reflections and discussions we hope to generate with our findings.

While our corpus is among the largest that have so far been collected and analyzed in this domain, the limitations pointed out above rather make it a (substantial) pilot study, limited to interpreting in one particular language and to one particular (Austrian) institution at the appellate level of asylum proceedings. Nevertheless, we are convinced that our findings are relevant also to hearings in other languages and national contexts, and hope that fellow interpreting researchers will carry out similar and further work on asylum hearings, thereby according this significant field of practice the attention it deserves.

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