Justitie

Immigratie- en Naturalisatiedienst
Hot issues in the field of “Language Analysis”

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Language Analysis

- “Language analysis” (LA) is used to check the claimed origin (e.g. national or ethnic) of asylum seekers
- Used by a number of governments
- Carried out by government bureaus (e.g. the Netherlands, Switzerland, Germany) and commercial companies (e.g. in Sweden)
The Dutch “Office for Country Information and Language Analysis”

- Unit employing country specialists and linguists
- Separate unit within the Immigration and Naturalization Service
- Combined with other units into a Centre for Knowledge, Advice and Development; e.g. also medical advice, document examinations
The Dutch “Office for Country Information and Language Analysis”

- Recordings are made specially for this purpose on location by specially instructed officers.

- The asylum seeker is instructed to demonstrate all his language knowledge (except Dutch) and to speak his own language as he spoke it in his place of origin.

- The asylum seeker is aware of the fact that his language is going to be analyzed.
The Dutch “Office for Country Information and Language Analysis”

- Linguists collect information on language varieties, wider languages of communication, what languages are spoken in relevant areas, ...

- Linguists select suitable native speakers (analysts) to do the analyses with them

- Analysts are specifically tested for this job, trained and supervised by the linguist and their work is continuously checked by other analysts within and outside our office
Specific for the Dutch context

- Reports and recordings are available to those involved, and for counter-expert reports.

- A Dutch commercial company called “de Taalstudio” delivers counter-expert reports done by specialized linguists, without necessarily consulting a native speaker.

- Conforming to the “Guidelines...”

- “Guidelines for the Use of Language Analysis in Relation to Questions of National Origin in Refugee Cases”
- Signed by an international group of linguists
- None of these independent linguists seem to be particularly aware of the forensic context
- Prompted by “language analyses” done by unsupervised native speakers in Australia(?)
Content of the Guidelines

- Many guidelines which show the need to have linguistic expertise involved

- “The expertise of native speakers is not the same as the expertise of linguists”...

- “People without training and expertise in linguistic analysis should not be asked for such expertise, even if they are native speakers”...
Lack of forensic awareness

- “rarely possible to be 100% certain of conclusions based on linguistic evidence alone (as opposed to fingerprint or DNA evidence)”

- No reference to the particulars of the type of material involved, esp. non-authenticity

- Assumption is clear that being a qualified linguist makes you a qualified analyst; no reference to testing, forensic training, etc.
Examining casework

- I’ve personally examined some 20 cases with two opposing reports in detail, in 2006-2007

- mostly cases where the claimed language background is refuted by us and supported by de Taalstudio

- I know of only two cases where the expert of De Taalstudio consulted a native speaker, and the problems mentioned here did not occur
Examining casework

• Too often, the task at hand is misunderstood:

• Analysis seems to be often limited to signalling the presence of features known from the literature, and sometimes explicitly so:

“The linguistic features of the applicant’s speech at all levels are consistent with published descriptions of Spoken Libyan Arabic as it occurs in eastern Libya. It is highly likely that he was socialized in Libya.”
Examining casework

• ...but later on in the correspondence on this case, this expert said that as a matter of fact, there were also features in the material that weren’t consistent with Spoken Libyan Arabic, yet she hadn’t reported them because she thought they could be explained otherwise.

• ....Instructions given to the expert?
Examining casework

- The question whether the features present are also **authentic**, and/or whether the speech as a whole is **convincing**, is not posed, probably because a linguist (non-native speaker) is not in the best position to judge this.

- Not clear whether the examiner has considered the possibility of preparation.

- Shocking examples of cases where counter-evidence is either overlooked or disregarded.
Examining casework

- Claims coming from the asylum seeker are sometimes taken as facts and/or considered as possible explanations for findings, linguistic or otherwise:

  -how can somebody who was tortured in jail [this info was supplied by De Taalstudio] be expected to provide detailed information about his country of origin...
At a recent workshop in Amsterdam

1. The importance and logic of consulting a native speaker is denied: *If there are known linguistic differences, you don’t have to be a native speaker to do language analysis...*

2. Arguments why native speaker judgments cannot be relied upon are given as motivation for not including them at all

3. Likewise, problems with the definition of what a ‘native speaker’ is are used against the argument to make use of their competence (I admit this is not unproblematic)
My analysis of the situation is:

- Analysis based on linguistic knowledge alone could be well founded if the material contained only authentic speech material

- However, in the context of the specially held interviews with asylum seekers, this is not a valid assumption

- Linguists who are not native speakers are not in the best position to judge the authenticity
My analysis of the situation is:

- The ‘Guidelines’ are the only available guidelines, yet understanding of the forensic context of these examinations is missing.

- In the reports of several linguists who do not consult native speakers, too much weight is attached to the presence of certain features, without considering their authenticity and the possibility of preparation by the speaker.
Conclusion

- Language analysis is also a highly complex area of expertise, receiving proper attention from linguists
- Linguists without a forensic background overlook the specific context of these materials
- The ‘Guidelines’ rightly point out the need for linguistic expertise to be involved
- The ‘Guidelines’ and De Taalstudio do not (explicitly) recognize the relevance of the language experience of a native speaker
Conclusion

- No reason why a linguist should be allowed to form opinions or judgments on a foreign language *without* consulting a native speaker

- in a context where the speaker under investigation may try to hide his native dialect, or may display features in his speech that are not part of his native language variety, it is all the more important that a native speaker is consulted
Way ahead

- The ‘Guidelines’ need to be supplemented
- Input from forensic phoneticians and practitioners is necessary
- Following your approval at last year’s meeting, a draft ‘recommendation’ has been put forward
- Discussion with linguists will be continued