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4.11.1. Legislative and policy updates

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Section 4.11.1 Interpretation legislative updates

Countries undertook various actions to facilitate the provision of interpretation in the asylum procedure.

In terms of legislative changes, the Interpretation Act entered into force in Norway in January 2022. It follows from the Interpretation Act that when a public body is obligated to use an interpreter, a qualified interpreter must be used. The act also stipulates the requirement of professional conduct, including the duty of confidentiality, of interpreters.913 Public bodies must nominate one of the 2,000 qualified interpreters who can suggest improvements to the system. 914

In Iceland, a reform was put forward on administrative procedures, including asylum, in order to provide professional interpretation to individuals who do not speak Icelandic.915

The new government in Sweden plans a reform to limit the right to a publicly-funded interpreter, in line with the minimum standards set by EU law.

Most countries use external services to secure interpreters and issue tenders. In 2022, OFPRA in France launched a tender procedure worth up to EUR 42 million for interpretation services, which expired in early September 2022.916 A similar tender in Greece resulted in a change of provider for interpretation at the national level, while due to contractual issues since September 2022, interpretation services were provided in a limited fashion, which according to ECRE led to delays in the registration of applications and interviews. As of February 2023, the contract for interpretation was awarded to METAdrasi.917

Finland also launched a new tender with no major changes on the requirements. In addition, it implemented a new reception model for beneficiaries of temporary protection which involves municipalities in the provision of reception services, including interpretation.

Videoconferencing and other means of remote interpretation are commonly used to ensure easier access and faster processing of cases. As of 2022, interpreters in Ireland are allowed to use videoconferencing during the first instance procedure rather than provide interpretation by telephone. Similarly, a new law on the acceleration of the appeal procedure and the asylum procedure introduced the possibility for Germany to provide interpretation through videoconferencing. The measure is intended to be particularly helpful for rare languages and

situations when there is a regional shortage of interpreters. Germany also increased the pool of available interpreters.

The legislation on delegating interpretation to the Ministry of the Interior's employees with C1 or C2 knowledge of a relevant language was criticised by civil society organisations in Bulgaria due to the lack of impartiality.[918] This came against the general background of concerns being raised by civil society organisations about interpretation being provided in English, French and Arabic, and mainly in the reception centres in the capital Sofia. Interpreters from other key languages, such as Kurdish (Sorani or Pehlewani), Pashto, Urdu, Tamil, Ethiopian and Swahili, were scarce and largely unavailable.[919]

To address the arrival of displaced persons from Ukraine, several EU+ countries[920] needed to increase the number of Ukrainian-[iiv]and Russian[921]-speaking interpreters and produce more information material in those languages.

An area which is often unaddressed, interpretation for people with hearing impairments,[922] was tackled in Austria, Bulgaria, Czechia, Hungary, Italy,[923] Poland and Romania. They established cooperation mechanisms between local communities and international organisations. Both qualified and unqualified sign language interpreters were deployed to provide support to displaced persons with hearing impairments in Ukrainian, Russian and international sign languages during the first phases of reception to convey relevant information related to the host country[924] and to facilitate access to services.[925]

The efforts made by EU+ countries and institutions triggered some criticism by civil society organisations, which reported a two-tier system for people fleeing Ukraine and applicants from other countries. They noted the *ad hoc* support services[926] and initiatives[iv] which were quickly offered to Ukrainians.[927] However, the unprecedented situation, which further emphasised the need for translated information during the international protection procedure, could foster an opportunity for national authorities to harmonise the level of interpretation services provided to all individuals seeking protection, irrespectively of the country of origin or habitual residence.

Icon box: Non refoulment

Box 3. EUAA support to countries

As part of the operating plans, the EUAA provides a range of support services to Member States, including training case officers and interpreters. The Agency provides general guidance on the effective use of interpretation in the asylum procedure to ensure quality and impartiality.

The EUAA also provides direct operational support when Member States are experiencing disproportionate pressure on their asylum or reception systems, for example when the demand for interpretation exceeds the capacity of existing services. The EUAA has significantly expanded its presence in EU+ countries following the war in Ukraine. New operating plans were signed in 2022 with Bulgaria, Netherlands, Czechia and Romania, and other plans were amended to provide additional support on the implementation of temporary protection. An average of 525 cultural mediators and interpreters were deployed in 12 Member States to facilitate communication between national authorities and applicants for international protection and

beneficiaries of temporary protection *(see Table 4.1).*

Table 4.1. EUAA assistance with interpretation through operating plans

	Country	Step of procedure	Interpreters deployed	Operating Plan
Belgium	Belgium	Reception	22	Operating Plan 2022, agreed by EUAA and Belgium
flag of Bulgaria	Bulgaria	Temporary protection	N/A	Operational Plan 2022 agreed by the EUAA and Bulgaria
Cyprus	Cyprus	Registration, information provision, procedures at first and second instance, reception, vulnerability assessment, relocation	87	Operational Plan 2022-2024 agreed by the EUAA and Cyprus
czech flag	Czechia	Temporary protection, registration, information provision	21	Operational Plan 2022 agreed by the EUAA and Czechia
Greece	Greece	Registration, information provision, procedures at first instance, Dublin procedure, relocation, first and second-line reception	236	Operating Plan 2022-2024 agreed by the EUAA and Greece
Italy	Italy	Access to procedure, referral of vulnerable applicants, second instance, voluntary relocations procedures, information provision for international protection and temporary protection	49	Operating Plan 2022-2024 agreed by EASO and Italy
Lithuania	Lithuania	Reception (including information provision and vulnerability identification)	42	Operating Plan 2022 agreed by EASO and Lithuania
Latvia	Latvia	First instance and reception	4	Operating Plan 2022, agreed by EASO and Latvia
Malta	Malta	Access to procedure, first instance, reception, identification, and referral of vulnerable applicants	44	Operational Plan 2022-2024 agreed by the EUAA and Malta
flag of the Netherlands	The Netherlands	Reception of beneficiaries of temporary protection, reception and information provision	3	Operational Plan 2022-2023 agreed by the EUAA and the Netherlands
Romania	Romania	Temporary protection	6	Operational Plan 2023 agreed by the EUAA and Romania
small Slovenia flag	Slovenia	Procedures at first instance	4	Operational Plan 2022 agreed by the EUAA and the Republic of Slovenia
Spain	Spain	Temporary protection and voluntary relocation procedure	7	Operational Plan 2022-2023 agreed by the EUAA and Spain

- 913Lov om offentlige organers ansvar for bruk av tolk mv. (tolkeloven) [Act on public bodies' responsibility for the use of interpreters etc. (Interpretation Act)], June 11, 2021. https://lovdata.no/dokument/NL/lov/2021-06-11-79
- 914Directorate of Integration and Diversity | Integrerings- og mangfoldsdirektoratet. (2023, April 26). Hva skal vi med tolkeloven? [What are we going to do with the Interpretation Act?]. https://www.imdi.no/hva-skal-vi-med-tolkeloven
- 915Council of Europe, Group of Experts on Action against Trafficking in Human Beings. (2022, September 29). Reply from Iceland to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties. https://rm.coe.int/0900001680a85ac3
- 916French Office for the Protection of Refugees and Stateless Persons | Office français de protection des réfugiés et apatrides. (2022, July 8). Contract Notice. France-Fontenay-sous-Bois: Interpretation services. https://ted.europa.eu/udl?uri=TED:NOTICE:369387-2022:TEXT:EN:HTML&src=0
- 917Danish Refugee Council Greece. (2023). Input to the Asylum Report 2023. https://euaa.europa.eu/sites/default/files/2023-02/drc_greece.pdf; Network for Children's Rights | Δίκτυο για τα Δικαιώματα του Παιδιού. (2023). Input to the Asylum Report 2023. https://euaa.europa.eu/sites/default/files/2023-02/network_for_children_rights.pdf
- 918Center for Legal Aid - Voice in Bulgaria. (2022, August 31). Communication Under Rule 9.2 of the Committee of Ministers' Rules for the Supervision of the Execution of Judgments and of the Terms of Friendly Settlements on the Implementation of D v. Bulgaria (App. No. 29447/17). https://www.ecchr.eu/fileadmin/user_upload/Rule_9_submission__D_v._Bulgaria_implementation.p
- 919European Council on Refugees and Exiles. (2023). Input to the Asylum Report 2023. https://euaa.europa.eu/sites/default/files/2023-03/european_council_on_refugees_and_exiles_ecre.pdf
- 920European Migration Network. (November 2022). Access to services for beneficiaries of temporary protection. https://home-affairs.ec.europa.eu/system/files/2022-11/EMN_INFORM_services.pdf
- iivBelgium was in need of Ukrainian speaking interpreters to translate into French, Dutch or English for both registration interviews at the Immigration Office and asylum interviews at the CGRS. Due to an increased demand in Luxembourg, the ONA recruited independent interpreters on a temporary contract. Interpreters have been deployed to labour offices in Czechia and Ireland in order to facilitate communication for applicants.
- 921The Guardian (2022, March 18). The hope and the horror: my week as an interpreter on Ukraine's border. The Guardian. https://www.theguardian.com/global-development/2022/mar/18/the-hope-and-the-horror-my-week-as-a-translator-on-ukraines-border
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- 923Arca di Noè Società Cooperativa Sociale. (2023). Input to the Asylum Report 2023. https://euaa.europa.eu/sites/default/files/2023-02/arca_di_noe_societa_cooperativa_sociale.pdf
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- 926Global Detention Project | Mapping immigration detention around the world. (2022, March 2). The Ukraine crisis double standards: has Europe’s response to refugees changed? https://www.globaldetentionproject.org/the-ukraine-crisis-double-standards-has-europes-response-to-refugees-changed; InfoMigrants. (2022, May 4). NGOs highlight a 'two-tier system for refugees' in Greece. https://www.infomigrants.net/en/post/40279/ngos-highlight-a-twotier-system-for-refugees-in-greece
- ivIn Romania, the IOM deployed 24 Ukrainian-English/Romanian speakers to provide interpretation services and to convey relevant information to Ukrainians and other third-country nationals fleeing the conflict in key locations throughout the country, including border crossing points, transit areas and reception centres.
- 927IOM Romania. (2023). Ukraine Response. https://romania.iom.int/ukraine-response

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