Please cite as: EUAA, '7.4 Interpretation services' in *Asylum Report 2020*, janvier 2022.

7.4 Interpretation services

Interpretation services can play a fundamental role throughout the asylum procedure to ensure that the exchange of information between the applicant and the asylum authority is accurate and understood by both parties. While the recast Asylum Procedure Directive sets out the legislative provisions for interpretation, in practice the quality, integrity and efficiency of the interpretation services impact the applicant's ability to fully understand all the steps of the asylum procedure. All the necessary details of the case must be communicated clearly through the interpreter, taking account of cultural nuances, or the applicant may be disadvantaged from receiving a fair decision. It is also important that interpreters are specially trained and sensitised to the asylum procedure, in particular when interacting with vulnerable applicants.

During 2019, EU+ countries made amendments to improve the interpretation services which are available to applicants for international protection. Changes included expanding budgets, increasing the number of interpreters, providing more information in more languages, launching modern technologies to support interpretation and adjusting practices to current needs.

7.4.1 Legal and policy changes

Some EU+ countries amended their national legal and policy frameworks in 2019. For example, a new Federal Agency for Care and Assistance Services was established in Austria which will have exclusive responsibility to provide accommodation and care to asylum applicants in the federal reception system, providing interpretation and translation during the asylum procedure (AT LEG 02). This includes the provision of interpreters both at first and second instances, oral hearings in front of the Federal Administrative Court (BVwG) and in procedures concerning basic support. The pilot phase includes five interpreters for the first half-year of 2021, reaching 15 employees in the second half. The authorities and courts can still hire external interpreters as well.[378]

With the aim of streamlining procedures in France, as of January 2019 the applicant has to choose, during the registering of his application, the language for the personal interview conducted by the determining authority. The choice of language is binding throughout the entire procedure (FR LEG 06) and can only be contested at the appeal stage before the CNDA.

Due to scarce use, the Netherlands did not extend the temporary subsidy scheme for the provision of interpretation services for a visit to a general practitioner in the first six months after registration with the GP for beneficiaries of protection.[379]

Since concluding an operational plan with Malta in July 2019, EASO has supported the country in providing interpretation during registration and lodging of applications, as well as during

personal interviews. The IOM has also supplied Malta with a pool of interpreters in different languages who are specifically trained on identifying vulnerable applicants.

Luxembourg increased its translation and interpretation budget by about EUR 180 000 since the main applicants for international protection in the country were from Eritrea and interpreters of Tigrinya needed to travel from Belgium and Germany to assist during interviews (LU LEG 01).

Belgium increased the number of interpreters to speed up social and medical intakes in the arrival centre. The Ministry of the Interior in Slovakia provided a legal exception allowing for interpretation outside of the scope of the current framework agreement which significantly eased the process. These services can be used also by social workers in asylum facilities depending on the availability of interpreters.

7.4.2 New technologies

The Norwegian Directorate of Immigration developed an IT system to book interpreters, order translations and manage the logistics and finances related to interpretation. Likewise, BAMF in Germany launched a new software for the administration of interpreting services with agile methods. The authority will have a new team of quality assurance interpreters to implement structural improvements and train employees to communicate via an interpreter.

In July 2019, Belgium launched a new information platform available inside Belgium in 12 languages to provide applicants with objective and factual information on the asylum process. OFPRA in France used video conferences to train interpreters working in French Guyana on interviewing vulnerable applicants, such as victims of human trafficking and female victims of violence.

Videoconferencing has been successfully used in Romania in remote interviews in the administrative and judicial phases and during hearings in court, ensuring access to interpretation services when an applicant cannot attend in person for acceptable reasons.

7.4.2 Provision of translations

With an increase in the number of applicants for international protection from Georgia, the Swedish Migration Agency translated written information on the asylum procedure into Georgian. Luxembourg translated its information leaflet into Georgian and Tigrinya, and the Minister of National Education, Childhood and Youth developed a trilingual dictionary in close collaboration with the Eritrean community. The dictionary contains 1 590 French and Luxembourgish words translated into Tigrigna. It was produced within the Successful Migration Project, implemented by ASTI and financially supported by the Grand Duchess Charlotte National Relief Service, the Luxembourg Office for Reception and Integration and the Asylum Migration and Integration Fund.

In early 2019, the Office for Human Rights and Rights of National Minorities in Croatia published a new edition of the *Guide for Integration* and translated it into six languages (Arabic, English, Farsi, French, Ukrainian and Urdu). In addition, a leaflet on the family reunification procedure for

persons who have been granted international protection was translated into Arabic, Farsi and English. A booklet on life in Czechia (including information on housing, employment, business, social welfare system and social security, health care, education, free time, shopping, finance, transport and basic facts about the country) was translated into seven languages to help refugees integrate.

The provision of translation was also analysed in the courts. For instance, the court in France reaffirmed its jurisprudence according to which the CNDA may refer cases back to OFPRA if applicants had not been able to make themselves understood during their first instance interview and if OFPRA was responsible for the lack of providing interpretation. In the case, a national of Niger had requested that he be heard by OFPRA in the Zarma language. However, since the office had no interpreters with this language, the interview was held in French. French is the official language of Niger, but the applicant only had a cursory understanding of French because he had not attended school. In another case, the availability of linguistic assistance was deemed a prerequisite as the applicant had an insufficient understanding and mastery of the English language.

Existing challenges reported by civil society organisations

Availability of languages

While countries aimed to provide better interpretation services throughout 2019, it is difficult to cover all linguistic families and dialects. The absence of interpretation in specific languages was noted by civil society organisations in various countries. For example, while Bulgaria provided interpretation in Arabic, English and French, it was unavailable in Ethiopian, Kurdish (Sorani or Pehlewani), Pashto, Swahili, Tamil and Urdu.[380] In Greece, there was a particular lack of Bengali interpreters,[381] and the RIC of Orestiada was unable to meet the demand in interpretation services in a large number of dialects and languages.[382]

There was a difficulty in securing interpreters who speak Bambara and Soninke in Spain, and provision of interpretation in Kurdand and Tigrinya to the large number of asylum seekers relocated from Greece and Italy was also a challenge.[383] Croatia strived to provide interpretation in Kurdish Sorani, Kurmanji and Pashto while the availability of interpreters was limited to assist the rising profile of applicants speaking these languages – for instance, in several cases in order to improve the quality and speed of the process, interpretation service was provided remotely through Skype.

In Switzerland, the absence of translation services in hospitals or for psychological treatments was noted,[384] while NGOs in Portugal found a shortage of interpreters with an adequate command of Bambara, Kurdish, Lingala, Pashto, Tamil and Tigrinya.[385]

Access

A lack of access to interpretation services in remote areas has been highlighted by NGOs (for example in Bulgaria[xliv] and Spain[xlv]), in addition to access to interpretation in general noted by

civil society organisations Slovenia[xlvi] and Croatia[386] (where the authorities pointed out that proceedings are done in a language understood by the applicants, and in accordance with national regulations, translation and interpretation can also be ensured through technical means).

In Greece, cases were noted where rejected applicants were not granted an interview due to an absence of interpreters in their language (rare dialects of Western Africa, for example) and the matter has been referred to the appeal instance.[387]

Training and qualifications

Adequate training for and qualifications of interpreters were deficient in some countries, for example in Hungary[xlvii] and Spain.[388] Additionally, no quality assessments on the work of interpreters were undertaken in Hungary[xlviii] and Slovenia,[389] which impacted the quality of the services provided to applicants.

NGOs in Poland also reported cases where inaccurate interpretation led to inconsistencies in the applicant's statements made during interviews,[390] while the Office for Foreigners underlined that there were only a few contested cases and they have not led to cases being rejected at the second instance or the Administrative Court (on the basis of inaccurate interpretation which led to inconsistencies in the applicant's statements). The UK Lesbian and Gay Immigration Group noted that some interpreters do not have the necessary language skills.[391] The quality of interpretation in Bulgaria[392] was also described as unsatisfactory.

Using technology for interpretation

While Hungary resorted to using videoconferencing in transit centres which have no on-site interpreter, several practical problems were reported. For example, poor quality connections had led to audio difficulties and transmission delays. In addition, confidentiality and personal data protection were concerns as more people were involved in the conducting of a videoconference. Similarily, civil society organisations in Spain observed issues with the quality of interpretations provided by telephone.[393]

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xliv Interpretation is available only in Arabic, English and French, and mainly in reception centres in Sofia. See: AIDA Bulgaria. (2020). Country Report: Bulgaria-2019 Update. Edited by ECRE. Written by Bulgarian Helsinki Committee. https://www.asylumineurope.org/sites/default/files/report-download/aida_bg_2019update.pdf

xlv Interpreters were available mostly in Barcelona, Madrid, Sevilla or Valencia. See: Spanish Commission for Refugees - CEAR. (2020). Input to "EASO Asylum Report 2020: Annual Report on the Situation of Asylum in the European Union". /sites/default/files/easo-annual-report-2019-Spanish-Commission-for-Refugees-CEAR-contribution.pdf

xlvi In total, 37 % of the case reports collected by BVMN mentioned the absence of interpreters during pushback procedures. Additionally, respondents frequently reported being forced by the police to sign documents in another language without understanding the content. Police officers use contracted intepreters during proceedings for the language spoken by the foreigner.

xlvii In June 2016, the contract for the provision of interpreters was awarded to Ofilingua, a private

translation company, in Hungary. Since then, several shortcomings and a lack of proper expertise in interpretation techniques have been detected, mainly because the agency does specialise in migration and asylum. See: AIDA Hungary. (2020). Country Report: Hungary-2019 Update. Edited by ECRE. Written by Hungarian Helsinki Committee. https://www.asylumineurope.org/sites/default/files/report-download/aida_hu_2019update.pdf.

[xlviii] In the Vámosszabadi reception facility in Hungary, a lawyer reported that English interpreters could not understand the Nigerian applicants. See: AIDA Hungary. (2020). Country Report: Hungary—2019 Update. Edited by ECRE. Written by Hungarian Helsinki Committee. https://www.asylumineurope.org/sites/default/files/report-download/aida_hu_2019update.pdf.

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[388] AIDA Spain. (2020). *Country Report: Spain—2019 Update*. Edited by ECRE. Written by Accem. https://www.asylumineurope.org/sites/default/files/report-download/aida_es_2019update.pdf

[389] AIDA Slovenia. (2020). *Country Report: Slovenia—2019 Update*. Edited by ECRE. Written by Legal-Informational Centre for NGOs (PIC). https://www.asylumineurope.org/sites/default/files/report-download/aida_si_2019update.pdf

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