

[This article is adapted from Jamie Thunder's 2011 MA in Journalism at City University in London of the same title. Jamie has worked with the Bureau for Investigative Journalism, and can be contacted at jamiedthunder@gmail.com.]

The Asylum Speakers

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Thousands of asylum seekers could have wrongly been refused entry to the UK because of an assessment method that has been criticised as “unfit for purpose”.

Between 2007 and 2010, the Home Office sent asylum seekers for ‘language analysis’. These tests, carried out by a Swedish company, Språkab, claim to be able to give information about where someone is from based on how they speak.

But no independent linguists were consulted about the introduction of the technique, and there are serious concerns about how the analyses were carried out.

Some asylum seekers could have been wrongly refused asylum and sent back to danger, or removed to a country they don't know.

Sunny Michael was one of the 4,000 asylum seekers to have been analysed by Språkab. He arrived in the United Kingdom as a 22-year-old fleeing from the civil war in Sierra Leone in October 2000, with just a small bag of clothes and his ID card to verify who he was and where he was from.

It took the Home Office 15 months to make their decision: they rejected Sunny's claim to be from Sierra Leone.

Sunny appealed the decision. The appeal was due to be heard over a year later in March 2003, but Sunny says he wasn't notified – not an unusual complaint from asylum seekers. Because he didn't attend, the hearing was abandoned and he lost his further appeal rights and right to work.

With no job and no right to appeal, Sunny's life spiralled downwards. At one point he tried to commit suicide by jumping from a railway bridge. He was convicted of burglary and fraud, and in 2006 he was sentenced to four years in jail for assaulting a supermarket security guard after he had been caught shoplifting. This meant he became a foreign national prisoner (FNP), not an asylum seeker.

Sunny's supporters maintain that his crimes were out of character and that, had his claim been handled properly by the Home Office, he would have had no need to resort to such desperate measures. “It was out of character for him,” says John Ward, who has worked with immigration and asylum charities and visited Sunny several times while he was in prison.

“He was depressed, he was homeless, his girlfriend had left him, he wasn't able to work, and he was drinking and gambling as a result of his circumstances.

“There’s a strong argument to be made that the Home Office handling of his case forced him into this situation.”

Whatever the reason, the circumstances around Sunny’s crimes had no effect on his treatment. Under Home Office rules, any foreign national serving a jail sentence of over 12 months is automatically due for deportation when the sentence ends. Sunny was to be sent back to Sierra Leone – the very country the Home Office denied he had fled.

In order to deport Sunny, the Home Office had to arrange for the Sierra Leonean authorities to issue him travel documents. But the Sierra Leonean authorities repeatedly refused, saying that the country was still not safe.

The Home Office then tried to deport Sunny to Nigeria, over 1,000 miles from Sierra Leone. This was the first time any suggestion had been made that Sunny was Nigerian. But after interviewing Sunny, the Nigerian authorities refused to take him because they didn’t think he was from the country.

It was at this point that the Home Office decided to send Sunny for language analysis.

Language analysis was first piloted by the Home Office in 2001, when it concluded that it was “a valuable aid to assessing credibility at the initial decision stage in cases of doubtful nationality”. But this perceived success was based on its effect in asylum cases, not the science behind it; there was barely any academic research into its use at the time.

In 2004 a group of concerned linguists drew up a set of guidelines on its use, which stated that “language analysis should be used with considerable caution in addressing questions of national origin, nationality or citizenship”.

But in 2007 the Home Office began to authorise language analysis for use in cases, first for asylum seekers claiming to be from Iraq and Sri Lanka, then for Somalia and Eritrea, and later Afghanistan, Palestine, and Kuwait.

Yet these official authorisations only tell part of the story. Documents released under the Freedom of Information Act show that between 2007 and 2010 language analysis was used on 271 asylum seekers who claimed to be from Iran, Zimbabwe, and Sudan, as well as on 220 other applicants only recorded as ‘other’. No ministerial statement announced the use of language analysis in these cases.

Between 2008 and 2010 Språkab received £1,178,141 from the Home Office, but the total figure is likely to be higher. The Home Office says all financial records from before 2008 have been destroyed as the legal requirement to keep them has expired.

The Home Office’s justification for using language analysis was that some asylum seekers lie about where they are from to improve their chances of getting asylum. But while this does happen, Språkab’s analyses are unlikely to be able to identify these cases with a high level of accuracy.

Professor Peter Patrick is a sociolinguist from the University of Essex who has reviewed over 50 of Språkab’s analyses when cases have been appealed. He is the only linguist in the UK to have regularly assessed Språkab’s analyses. He says that while language analysis can be useful, he finds the system that has been used in Britain “unfit for purpose”.

“The use of language analysis in the UK over the last few years has relied on a single commercial agency, whose reports are authored by analysts lacking adequate linguistic credentials and supervised by linguists who fail to ensure that valid scientific methods and analytical procedures were used, and which as a result frequently manifest deficient and incorrect linguistic practice,” he said.

Most language analyses took place after the first quick interview an asylum seeker had with a Home Office official, but during or before the “substantive” interview. An analyst from Språkab, who claims to speak the same language the asylum seeker claims to speak, conducts an interview over the phone, usually around 17 minutes, but sometimes for as little as 12 minutes.

Using that interview the analyst concludes whether the asylum seeker is from the country they claim to be from, and sometimes offers an opinion as to their actual country of origin. Their report is then checked by a linguist working for Språkab and sent back to the Home Office.

Sunny’s interview lasted for a little over ten minutes. When the report came back to the Home Office, it said Sunny’s speech meant he was most likely from Nigeria.

“I was thinking ‘They don’t know what they are saying when they said this’. I was very shocked,” said Sunny. “I have never even been to Nigeria.”

There are several reasons why using language analysis might lead to an incorrect result. A major one is that language simply doesn’t always match neatly to place. It is linked to the community in which someone grew up, and when dealing with refugees who have often been displaced and have complex personal histories, identifying these communities can be difficult.

For language analysis to be of any use, there need to be trained linguists involved. The Home Office’s evaluation of its 2001 pilot stated: “The language analysis bureau used should be asked to provide details of its analysts in individual cases for disclosure at appeal.”

Språkab’s initial reports provided details of the analyst’s and linguist’s qualifications together in their reports, rather than separated. When they eventually began to distinguish analysts’ and linguists’ qualifications, it became clear that in almost every case the analysts who conducted the interviews did not have any linguistic qualifications. Even the linguists’ qualifications were limited - they all had some form of qualification in language, but Bachelor’s or Master’s degrees, not PhDs, and often in unrelated areas of linguistics like computational linguistics.

“You may know what you know quite well, but would you go to the court and say I’m an expert capable of supervising somebody whose language I don’t speak?” says Professor Patrick.

“One of the linguists with an MA has qualifications in Arabic linguistics. When they are working on an Arabic case as far as I’m concerned they are qualified. When they are working on a Somali case or Sri Lankan case they are not qualified.

“They know some linguistics but they are working with [an analyst] who’s also not qualified who speaks the language – maybe not the right dialect – but doesn’t know any linguistics and together they are doing the analyses.”

In fact in some cases there are problems with the very language that is used by Språkab when interviewing an asylum seeker. During the initial asylum interview, the applicant is asked to state what languages they speak.

This can be a problem because many people who speak varieties of a language do not see them as separate languages, but as versions of that language – dialects. These aren't included on the form because it doesn't ask for dialects, even though that dialect could be very different from the mother language.

If the asylum seeker and the analyst speak different dialects, the asylum seeker might – subconsciously – change their speech to sound more like the analyst. This is known as 'accommodation', and is a particular problem in countries like Somalia. To get asylum from Somalia you need to show you are from a persecuted minority clan in the South, but if the analyst speaks the Northern dialect – the dialect used in school and public life – you might 'accommodate', and sound more Northern.

It takes training in sociolinguistics and interviewing to tease out someone's natural speech, but Språkab's analysts don't have that training. And despite so many potential problems with the analyses, the reports are almost always unequivocal.

"Certainty is the key word and it's almost always there," says Professor Patrick. "In every single case [I've assessed] certainty was used in some key aspect of the result. In 82 per cent it is expressed in unqualified form. They are very strong in expressing opinions with certainty."

Although the conclusions of Språkab's reports are often expressed with certainty, what they actually mean is often ambiguous.

"Sometimes when the reports say 'She doesn't speak a particular language' it's completely ambiguous. Does it mean 'On this recording she doesn't happen to speak the language because we didn't speak it to her and we didn't ask her about it'? Or does it mean 'She is unable to'?"

"It's systemically ambiguous in their reports. It's generally interpreted by the courts to mean 'She cannot speak it'."

And if it's interpreted by the courts to mean someone cannot speak the language, that will greatly affect their claim. In March 2010 a major case was heard by the Upper Tribunal, which hears immigration appeals, concerning a woman, RB, who claimed to be from a minority tribe in Somalia.

A key part of the evidence was Språkab's analysis of her language. She was interviewed a total of four times over the phone by Språkab analysts, but in the first three the interviewer spoke Swahili, rather than RB's claimed language of Bajuni. In the fourth interview the analyst spoke in Bajuni.

When the judgement was made, the three immigration judges who heard the case strongly endorsed the use of language analysis in asylum cases, saying: "Linguistic analysis reports from Språkab are entitled to considerable weight." The only linguist who gave evidence on the case was the general manager of Språkab.

The RB case is now being appealed, but currently judges in lower courts have to follow the Upper Tribunal's acceptance of the use of language analysis in asylum claims in the UK. Yet despite the RB

decision strongly supporting Språkab, and the Home Office calling language analysis an 'effective tool', in March 2010 the Home Office quietly dropped the procedure.

The language analysis program has now been reviewed to assess its cost-effectiveness – but not whether the technique itself is valid, and the review has not yet been made public. There are still cases going through the appeals system in which language analysis has been involved, but no-one knows how many. No-one knows how many asylum seekers have been wrongly returned to potential danger, or to a country they do not know, based on the results of language analysis.

After the review was completed, the language analysis programme restarted, again using Språkab.

For Sunny, language analysis was not the reason for his deportation; it's his crimes. But Språkab's analysis is central to where he was sent back to.

"They say that I sound like a Nigerian. I am scared because I have read bad things that go on in Nigeria," he said, days before he was deported in June.

"I am scared now. I can't sleep. I'm sick. I don't know what to do. I don't know what's going to happen. I am not from there. I don't have anybody there. I haven't got any money.

"What proof have Nigeria got? None, but they are willing to give me a travel document. There's no proof that I'm a Nigerian. When I came I gave [the Home Office] my ID but they said it was fake.

"I am really tired. I don't know where to start from. Where do I go when they drop me from the airport?"

Språkab did not respond to questions. The Home Office said in a statement: "We use language analysis testing to inform, but not to determine, a decision. This approach has been backed by the courts."