

The Conversion of Asylum Applicants' Narratives into Legal Discourses in the UK and France: A Comparative Study of Problems of Cultural Translation

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This project studies the processes – and problems – of cultural translation involved when lawyers (usually aided by interpreters) seek to convert asylum applicants' accounts of persecution into legal language. It aims to assess the implications of these processes for the adjudicating of asylum claims in the two quite different national legal systems of France and the UK.

The processing of asylum claims is a major administrative and legal undertaking in both countries, but many asylum applicants face problems in securing qualified legal representation. Non-governmental organisations (NGOs) play a vital role in both countries by providing asylum applicants with free legal advice. So far, however, there has been no attempt to compare the practicalities of providing legal advice in different European countries.

Earlier research identified an important practical aspect of legal provision for asylum applicants that would clearly benefit from a comparison of this kind. During an investigation into the uses of expert evidence in UK asylum appeals, it became apparent that there were vital, unstudied issues concerning the ways lawyers edit and structure asylum applicants' accounts before presenting them to the Home Office or the courts. Research by anthropologists and lawyers into forms of legal language suggests that litigants' chances of success are much enhanced when they present issues, both orally and in writing, using styles of language and reasoning familiar to legal professionals.

This project also aims to contribute to more effective provision by NGOs who offer legal representation to asylum applicants, by: (1) documenting, assessing and comparing the practical activities of NGOs in each country, focusing on their roles in preparing statements and presenting cases on behalf of their clients; and (2) analysing the wider structural and policy contexts within which NGOs operate in the two countries.

The core of the research lies in participant-observation studies of the activities of selected NGOs in each country, through working as an intern and/or shadowing key staff members. These pay particular attention to: (i) documenting NGO

practices in supporting, advising, and representing asylum applicants; and (ii) examining the translation work – literal and metaphorical – done by NGO staff in converting accounts of persecution into formats suitable for effective presentation before legal decision-makers. Semi-structured interviews will also be conducted with key staff in selected NGOs, and with other key actors in the asylum process. Further information will be obtained through analysis of documentary data held in legal archives in both countries.

The proposed research will have a range of important applications and benefits. In policy terms, it will contribute to fairer decision-making on asylum claims in France and the UK; assist these two national NGO communities in developing best practice; inform continuing UK debates concerning the effects of recent and pending asylum legislation and reductions in legal aid provision; and inform French debates surrounding ongoing reforms of asylum and immigration law. In scholarly terms, it will further the analysis of issues of linguistic and cultural translation arising in contexts of migration and asylum; throw new light on problems of representation and discourse in relation to asylum applicants and refugees; and contribute to a better understanding of the relationship between legal and ordinary language conventions, and of processes of legal change more generally.

Research Questions

- How are asylum applicants' experiences of persecution and migration represented in ordinary and formal legal languages?
- What issues and problems of cultural translation arise in the conversion of asylum applicants' narratives into legally-acceptable forms of discourse?
- How is the effective legal representation of asylum applicants' affected by problems of cultural translation and interpretation, and by ongoing changes in immigration and asylum law?
- What is the impact upon British and French NGOs providing legal representation for asylum applicants, of the wider structural contexts in both countries, including: the impact of recent legislation; relationships between NGOs and the state; and inter-NGO cooperation in lobbying, information-sharing, and efforts to achieve ideological and policy convergence