Translating Truthfulness and Credibility:
On Socio-legal Construction of Refugee Through
Language Interpretation

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Abstract

This thesis revolves around how the truthfulness of the asylum claim is constructed within the process of refugee status determination in Sweden by focusing on the role of interpretation. The study asks what role interpretation plays in the formation of truth within the credibility assessment of asylum claims. The thesis employs semi-structured interviews with asylum-seekers, lawyers and interpreters. The analysis of interplay between these actors and thus the research question is made possible by applying Michel Foucault's conception of 'truth' construction, truth-games and truth-telling practices.

The research discloses the arbitrariness of the credibility assessment and investigates how truthful narratives and credible applicants are constructed within the interview room. The credibility indicators used in practice are formalistic and depend on how the narrative is presented. A truthful applicant must accord with these expectations to *become* a refugee. In this setting, the interpreter plays a significant role between the asylum-seeker and interviewer who can change the content and form of an asylum-seeker's truth-telling practice. The interpreter is an active, visible and effective agent in the truth construction.

Last but not least, this thesis reveals that interpreters and lawyers who are exposed to asylum interviews many times gain the know-how of credibility. In other words, they master the rules of a truth-game by practice and repetition. On the other hand, the asylum-seeker is exposed to the asylum interviews once or twice in total, making it for asylum-seeker a dramatically unfair game whose rules are learned with repetition.

Keywords: Refugee Determination Process, Credibility Assessment, Asylum-Seeker, Interpretation, Foucault, Truth, Salvation, Language, Interpreter

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"We lost our language"

Hannah Arendt, *We Refugees*

Dedicated to those who left home and died on their journey to escape persecution

1. INTRODUCTION

1.1. BACKGROUND

The Convention Relating to the Status of Refugees (1951) defines a refugee as a person who is outside the country of her nationality and is unable or unwilling to avail herself of the protection of that country due to the well-founded fear of being persecuted. As grounds for protection, this persecution must be for reasons of race, religion, nationality, membership in a particular social group, or political opinion. When the applicant makes her claims on one or more of these grounds, all that remains in order to receive international protection is the credibility of the applicant, or the truthfulness of the applicant's narrative. Thus, credibility assessment is the core element of the determination of refugee status. According to UNHCR, the term 'credibility assessment' refers to the process of gathering relevant information from the applicant, checking this information in view of all information available and determining which of the applicant's statements are acceptable (UNHCR 2013). For most rejected applications, the rejection is made on the grounds of credibility (see Bohmer and Shuman 2008). For example, in Germany about 75% of rejected decisions were based on the assessment that the applicant's statements were not credible (UNHCR 2010). Despite the importance of credibility assessment, constitutive legal texts of the European Union regarding the process, such as the Asylum Procedures Directive or the Qualification Directive, do not explicitly guide how credibility should be assessed. Yet, the problem of credibility assessment is not limited to the lack of explicit and detailed guidelines for finding out if the applicant is telling the truth; there are also other challenges embedded within the practice.

Some of the challenges are specific to the refugee determination process and arise from the fact that the process occurs in a location distant from where the events that comprise the application occurred. This gap poses a challenge for decision-makers to verify an applicant's alleged evidence or obtain new evidence such as documentary evidence, third party evidence, demonstrative evidence, etc. Aside from the geographic distance, other difficulties stem from the long period of time between the date the events happened and when they are expressed in the asylum interviews. The process draws on the applicant's memory, which may be distorted or less reliable due to this long waiting period. In this sense, the psychology of the applicant is also relevant to the credibility assessment; traumatic events may affect the way the applicant reconstructs and changes the story in her own mind. Also, the events may damage the

applicant's memory of dates, times, objects' appearances, peripheral information and proper names, among others (Cameron 2010).

There might also exist issues of trust during an assessment. According to UNHCR, after the experience at the country of origin, the applicant might lose her trust in the state (UNHCR 2013). Some applicants believe their persecutors have connections to the country of application; thus, they do not want to reveal particular details for fear of jeopardizing the lives of acquaintances left in their country of origin (Ibid.).

Moreover, the applicant and the country where international protection is sought may possess different cultural patterns which may cause misunderstandings between the decision-maker and the applicant. Even everyday language may be a source of misunderstanding. For example, the word 'brother' can be culturally relative and be used not only for a biological brother but also a member of the applicant's tribe (Barsky 1994). If the decision-maker does not have this knowledge he may provide a negative credibility assessment. Therefore, cultural differences may cause seeming contradictions in an applicant's narrative which would lead to the rejection of her application.

The decision-maker should also take the applicant's education, gender, age, profession, socio-economic status and religion into consideration when assessing for credibility (UNHCR 2013). For example, in some countries, women may not have spoken with state authorities due to their position in society (Ibid.). A credibility assessment might be the first time a woman has communicated with state authorities and thus cannot present herself as credible enough to obtain international protection.

Other factors from the decision-maker may have an effect on an applicant's credibility assessment. For example, decision-makers may stereotype cases from the same country with similar patterns. UNHCR (2013) informs decision-makers that stereotyping applicants may lead to erroneous decisions. However, research shows that decision-makers frequently stereotype applicants according to their experiences and often rely on stereotypes when they decide on the truthfulness of an applicant (Jubany 2011). Credibility assessment can be compromised by the numerous factors and situations mentioned above. As such, it remains a challenging and extremely unclear process.

1.2. AIM AND RESEARCH QUESTION

Credibility assessment is at the core of the refugee determination process. This project will specifically investigate the question of interpretation within the assessment.

According to the Asylum Procedure Directive (Directive 2013/32/EU), it is forbidden to determine credibility on the basis of a paper review, except in very specific cases. Therefore, the applicant is allowed an in-person interview to receive international protection (see Article 14 (2)). Credibility assessment depends on the asylum-seekers' interviews, including their persecution narratives. Despite the importance of storytelling in these interviews, asylum-seekers typically cannot express their narrative to the decision-makers in their native language. Rather, the communication between asylum-seekers, decision-makers and lawyers is mediated by interpreters.

Building on the aforementioned challenges in the credibility assessment, this thesis views interpretation as an added layer of complication. Interpretation renarrates, reconstructs and remolds the content of an asylum seeker's narrative. Interpreters are not ineffectual and invisible actors within the refugee determination process. To demonstrate this claim, I will review legal documentation and previous studies to introduce credibility assessment as a challenging, elusive and unclear process. Then I will present my own data relative to the credibility assessment and interpretation by investigating the interplay between the asylum-seeker, lawyer, interpreter and interviewer.

As discussed in detail later, my data confirms what previous studies call a 'performativity of truth' and the difficulties of credibility assessment. I posit that the use of interpreters to compose asylum narratives directly contributes to these difficulties. My investigation also allows me to state that credibility is a technique that can be learnt with practice. While lawyers and interpreters are aware of, by repetition, the existence of know-how of credibility, its technique is not reachable for asylum-seekers since they are exposed to the interview only once.

This thesis will focus on interpretation and discuss how this process affects an applicant's credibility. Against this backdrop, *the study aims to investigate how the truthfulness of the asylum claim is constructed within the process of refugee status determination in Sweden by focusing on the role of interpretation.*

Accordingly, the main research question is:

What role does interpretation play in the construction of 'truth' within the credibility assessment of asylum claims?

1.3. PROCEDURE

This section provides background regarding the refugee process in Sweden. In Sweden, the Swedish Migration Agency [*Migrationsverket*] is the first responsible decision-making body for processing asylum claims (Johannesson 2017). If the Swedish Migration Agency (hereafter, the Agency) rejects the application, the applicant can appeal to the Migration Courts [*Migrationsdomstolen*], which are the four largest administrative courts in Sweden (Ibid.). The Migration Court can then decide on oral hearings to assess the credibility of the claims (Ibid.). If the Migration Court dismisses the appeal, the applicant has a right to appeal to the Migration Court of Appeal [*Migrationsöverdomstolen*]. The Migration Court of Appeal allows leave to appeal only if the case is deemed to be legally significant enough to become a precedent (Joormann 2019). Hence, leave to appeal is granted in less than 1% of asylum appeal cases in Sweden (Marten 2015). Therefore, for the vast majority of cases, either the Migration Board or the Migration court is the final decision-making body.

At the Agency, the applicant gives an oral account of her identity and provides reasons for fleeing her home country. In fact, the term of asylum interviews can be used for all three stages of application (see UNHCR 2017): initial asylum screening interviews, where the applicant briefly talks about herself and her experience and why she is applying for asylum; the personal interview where the applicant expresses her narrative in detail; and interviews in the appeals process, which are basically a series of oral hearings. This thesis will focus on the personal interviews since it examines the interplay between the interviewer, lawyer, interpreter and asylum-seeker.

In the Swedish refugee determination system, the interviewer (or asylum case officer) and the decision-maker are not the same person (ECRE 2020). The interviewer conducts the interview and writes the interview transcript, or protocol. The decision-maker is the interviewer's senior who reads the protocol and decides on the application. Notably, the decision-maker is not involved in asylum interviews and makes his decision post-interview on whether or not to grant international protection.

The interview begins with when the actors in the room are introduced and their functions, rights and obligations -such as confidentiality, impartiality for the interpreter and obligation to cooperate and tell the truth for the applicant- are explained (UNHCR 2017). Then an open-ended question is asked of the applicant: 'Why did you flee from your country?' in order to elicit all relevant experiences regarding her flight (Ibid.). In this open-narrative phase, interviewers are expected to restrict themselves to active listening, so the applicant can express her reasoning in *her own words* (Ibid.). The interpreter should listen, take notes and avoid interrupting the applicant in order to maintain the flow of the narrative (Ibid.). After the free narrative phase, the interview goes through a probing phase. In this phase, the interviewer selects topics from the free narrative in order to address information gaps and clarify inconsistencies within the narrative (Ibid.). In the closing phase, the interviewer sums up the reasons provided for the application, asks the applicant whether the summary is accurate, verifies the understanding between the interpreter and the applicant, asks if there is any additional information the applicant would like to provide and notifies the applicant of the next stages of the process (EASO 2014, p. 22-23). In this phase, the interviewer might also mention the country of origin information reports (COI) to the applicant (UNHCR 2017) which can be done in brief or by providing a copy of the document (Ibid.). The COI contains information about the applicant's country collected by the Swedish Ministry of Foreign Affairs and its equivalent authorities in other countries and is available through the database, Lifos (Johannesson 2012). The COI is sometimes the only other evidence available aside from the applicant's narrative (Hungarian Helsinki Committee 2013) and is used to measure an applicant's credibility (UNHCR 2013). However, it is the subject of discussion among scholars regarding its deficiencies, limitations, subjectivity and generality (Hungarian Helsinki Committee 2013).

During the asylum interview, if there are doubts regarding the stated country of origin the interviewer may decide on proctoring a language analysis test (LADO) (UNHCR 2013). LADO is based on the assumption that if the applicant comes from a specific country, then he should know how to speak its language. In Sweden, the test is not conducted by the Agency, but by private contractors (Blight 2015). LADO in Sweden is a subject of considerable debate and scholars assert that methodologies and practices of the contractors are largely nontransparent (Wilson 2016).

Besides the country of origin, if doubts exist regarding the applicant's age, the interviewer may implement an age assessment, such as a medical examination to determine whether an asylum-seeker is under eighteen years old (UNHCR 2017). There are ongoing discussions about the accuracy of these methods and whether or not the methods for age assessment can accurately identify age (Ibid.).

After the interview is concluded, the transcript of the interview is provided to the applicant to confirm (UNHCR 2017). After the applicant approves the protocol, she notifies the Agency and the protocol is handed over to the decision-maker. According to UNHCR (2017), any interpreters involved in asylum interviews are contacted by the authorities either directly or via a third-party agency. As I was informed during my interviews, the Agency contacts interpreters only through third party agencies and they only work with five interpretation companies in Sweden.

These interpreters work on a freelance basis and can work with multiple companies at the same time. Interpreters are ranked by their level of competence which is evaluated according to their level of education and the test results. An interpreter can reach the highest rank by passing the three-step test for authorized interpretation. The authorized interpreters (*Auktoriserad tolk*) have the highest level of competency and can serve all over the country. As such, they are the most preferred interpreters for legal interpretation. However, in Sweden, asylum interviews are often not assisted by authorized interpreters, but by lower-level interpreters (such as *Grundutbildad tolk* or *Utbildad tolk*) since authorized interpreters are few in number and not available for certain languages (ECRE 2020).

To become an interpreter, there are several educational approaches: short-term intensive courses (by *Folkuniversitetet*) and longer (distance) education (by *Folkhögskola*). The intensive courses generally last 2-4 months and present a license to become an interpreter. On the other hand, college education lasts 1-2 years and grants a license to become a high-level interpreter. As I was informed during data collection, at Swedish asylum interviews if there is not an interpreter who can interpret an applicant's language, one will be selected who can interpret a variation or neighboring language, for example, an Azerbaijani applicant with Turkish interpreter. As another point, the interpreter in most cases interprets statements consecutively. In other words, after the applicant finishes speaking the interpreter begins to interpret. As it is difficult to memorize a long speech, the applicant is generally allowed to vocalize two to three

sentences between interpretations. If she speaks longer, she might be interrupted by the interpreter, lawyer or interviewer.

2. LITERATURE REVIEW

2.1. CREDIBILITY ASSESSMENT IN THE LAW

This section pertains to the legal documentation on credibility assessment within the refugee determination process. If the document involves articles, regulations or recommendations on the issue of language, translation, interpretation or interpreter, these are also covered in this section. It is divided into two subsections: The first subsection views the topic at the international and EU level, while the second covers the related Swedish law. Subsections are themed according to document type.

2.1.1. International and EU Legal Framework

Convention

The 1951 UN Geneva Convention relating to the Status of Refugees (hereafter the Convention) is an authoritative document that establishes international law for those in need of international protection. The Convention was first enacted for the protection of European refugees in the aftermath of World War II; today, it is the decisive legal document for the protection of refugees worldwide (UNHCR 2017). The Convention defines refugee and constitutes the core principle of international protection: the principle of non-refoulement. This principle bans the signatory States from expelling or returning a refugee to her country (Article 33). This principle of international protection lies behind several conventions, such as the European Convention on Human Rights (Article 3), the UN Convention against Torture (Article 3) and the UN International Covenant on Civil and Political Rights (Article 7).

The Convention also establishes the minimum standards of living for a refugee, such as healthcare, education, and obligations of the refugees towards the State. However, it does not define the refugee determination process in detail, nor does it include a definition of the working principles behind the credibility assessment. The Refugee Convention charges The United Nations High Commissioner for Refugees (UNHCR) with the task of supervisory responsibility; therefore, the UNHCR issues the documents for the procedure.

Handbooks

In 2013 in an exercise of supervisory responsibility under the Convention, UNHCR published a handbook entitled, *Beyond Proof: Credibility Assessment in EU Asylum Systems*. The handbook posits that EU asylum *acquis* provides little guidance on credibility assessment, which is the core task of the refugee determination process (UNHCR 2013).

The handbook defines credibility assessment as the determinant of whether or not and which evidence can be accepted by decision-makers and may be considered in the evaluation of persecution or risk of serious harm (UNHCR 2013). The handbook accepts that 'there is no infallible and fully objective means to determine whether an applicant's statements are genuine' (Ibid., p.137), however it lists five credibility indicators to be used by decision-makers:

> (i) sufficiency of detail and specificity
>
> (ii) internal consistency of the oral and/or written material facts asserted by the applicant
>
> (iii) consistency of the applicant's statements with information provided by any family members and/or other witnesses
>
> (iv) consistency of the applicant's statements with available specific and general information, including COI, relevant to the applicant's case; and
>
> (v) plausibility. (Ibid., p.191)

According to the handbook, no one indicator should be used as a determinant of credibility or non-credibility (Ibid.). The applicant's individual and contextual circumstances -including age, gender, sexual orientation, education, social status, ethnic and religious background, abuse in the country of origin or in place of habitual residence- must also be considered when deciding on an applicant's credibility (Ibid.).

The handbook recognizes that, in practice, demeanour is used by the decision-makers to draw conclusions. However, according to UNHCR, demeanour is not a strong credibility indicator. Demeanor, which describes the outward manner of an applicant, including tone of voice and non-verbal communication, such as posture, facial expression and skin colouration during crucial questions (Ibid.). UNHCR states that 'demeanour…should not be relied upon as an indicator of credibility or non-credibility. Where it is used, UNHCR urges decision-makers to exercise extreme caution…' (Ibid., p.190).

UNHCR published another handbook in 2017 which focuses on interpreters, entitled *Handbook for Interpreters in Asylum Procedures*. The handbook recognizes interpreters as a vital and active agent in the refugee determination process. Against the prevalent opinion of their invisibility, the handbook alerts interpreters to be aware of their influential role. The handbook stresses that:

> The meaning of utterance is never definite and unambiguous. Rather, the interpreter's background knowledge and experience of the world have a major impact on how they understand the speaker's words. (Ibid., p.87)

As mentioned above, every interpretation involves an evaluation and a deduction of why an utterance was made in a specific way (Ibid.). Thus, it is possible to misunderstand the applicant and misinterpret her statements, yet correcting misunderstandings in an asylum interview is almost impossible. The handbook draws attention to the fact that repairing misunderstandings, which result from the indefinite meanings of utterances, is difficult in 'asymmetrical communicative situations' (Ibid., p.155). The reason for this is because many applicants cannot explain in detail or ask and verify whether their statements were understood by the actors in the room (Ibid.).

The handbook continues and states that interpreters have a very difficult task which is to deliver a full and accurate interpretation that makes the interviewer grasp the meaning of an applicant's statement (Ibid.). It adds that:

> In some cases, it may not be possible to render the meaning of a statement into another language. However, being unable to translate a statement does not automatically cast doubt upon an interpreter's competence. On the contrary, a competent interpreter will be aware of, and draw the interviewer's attention to, any breakdown in communication or untranslatable passages. (Ibid., p.145)

While the Handbook discusses what should happen if the interpreter is unable to seamlessly translate a passage, its effect on the applicant's narrative is left unaddressed. The Handbook is aware that what the applicant says may not reach the interviewer due to untranslatable statements or the existence of an interpreter. However, it effectively 'saves' the interpreters from the shortcomings of translation while the effect of untranslatable passages on the asylum-seeker's fight for international protection, and to some extent 'survival,' is omitted.

In terms of verbal translation, the Handbook regards word-for-word translation as an inappropriate strategy because 'source language and target language syntactic structures are

usually different for literal renditions to produce meaningful texts' (Ibid., p.89). Rather than a word-for-word translation, it favors:

> A complete and accurate reproduction of the source text. All the main and secondary ideas are retained, the interpreter does not omit and add anything and also includes nonverbal behaviour, as well as cultural-specific formulations [and] way of expression. (Ibid., p.89)

This strategy for interpretation aims to preserve repetitions, redundancies, irrelevant details and unfinished sentences that may make the narrative incoherent. All of these measures are in place to avoid the reorganisation of the narrative (Ibid.).

The Handbook also recognizes that consecutive interpretation, which is used in the refugee determination process, damages the storytelling ability of the applicant. Consecutive interpretation requires that the speaker talk briefly enough to allow the interpreter to interpret accurately and in detail; this results in repeated breaks within the flow of the applicant's narrative (Ibid.). For this reason, UNHCR regards simultaneous interpretation as desirable (Ibid.).

The Handbook accepts that interpretation carries new meanings regardless of the interpretation strategy. As the Handbook aptly states:

> …a directive of this kind given to interpreters: 'Interpret everything word-for-word, so it stays the same in the other language,' is a completely unworkable expectation. In order to protect themselves, interpreters should challenge this erroneous expectation… An interpretation -with the proviso that it should be as accurate and complete as possible- is always accompanied by the creation of new meaning… *Rendition is a new edition of something already said or signed, not the same edition*. (UNHCR 2017 p.122)

The Handbook also recognizes cross-cultural contexts embedded in the process and presents the interpreter the task of preventing misunderstandings due to cultural difference: 'Often, there are no equivalents in the target language for terms denoting concepts and practices in the asylum-seeker's culture' (Ibid., p.53). 'It is one of the interpreter's tasks to act as a linguistic and cultural mediator' (Ibid., p.31). However, the Handbook warns that this does not mean that interpreters should share their personal views with the interviewer about the credibility of the applicant or act as an expert witness (Ibid.). Rather, they should provide only the cultural context of words.

When it comes to translation of the transcript (protocol), which is called back-translation, the handbook notes that a return to the words used by the applicant via back translation is not possible since there is no single, absolute and all-encompassing interpretation (Ibid.); that is why a source text involves not only intended meanings but also possible meanings that extend beyond intended meanings (Ibid.). The interpreter always chooses one meaning among many according to her own perception during back-translation. Therefore, back-translation always contains content other than the original transcript (Ibid.).

The handbook accepts that the author of the protocol is not only the applicant; the protocol has co-authors who are the interpreter and interviewer (Ibid.). It is the interviewer who has actual control over the formation of the protocol and 'who [determines] its content' (Ibid. p.126). When it comes to the interpreter, the protocol does not reflect what the applicant said or signed, but what was interpreted from what the applicant said (Ibid.). UNHCR states that there are multiple contributors to a protocol's content, and when the protocol is signed by applicants, 'their signature makes it a transcript of which they alone are the author' (Ibid. p.126).

The language of the interviewer is also covered in the handbook within the refugee determination process. The text states that:

> It is the job of the interviewer [to make] adjustments according to the needs of the applicant (age, level of education, level of maturity) including using appropriate language […] Communication should be as precise, simple and clear as possible. (Ibid., p.31)

Also, the handbook deems the interviewer partially responsible for the result of the interview:

> Communication during the interview is a dialogical process between the interviewer and the applicant. Both the interviewer and the applicant influence each other's behaviour during their conversation, and therefore both are responsible for the result of the interview. (Ibid. p.28)

Another document authored by the UNHCR entitled, *Improving Asylum Procedures: Comparative Analysis and Recommendations For Law and Practice,* explains 'appropriate communication' as stated in the Asylum Directive Procedure. According to the UNHCR, in order to be appropriate, communication must be provided by an interpreter who:

> [...] possesses competent interpreting skills, for instance, interprets accurately without addition or omission; is neutral in his/her interpretation; is impartial; does not provide any kind of supplementary sociological, anthropological or historical information as a

contribution to the case; does not provide procedural or legal advice to the applicant. (UNHCR 2010, p.115)

Consequently, it can be said that the handbooks do not provide detailed instructions about the toolbox from which the truthfulness of a claim is evaluated. Rather, they reflect practices and procedures that are followed by receiving states, and these practices involve pinning-down formalistic elements such as consistency and coherence within the narrative of asylum-seekers. The handbook's statements regarding interpretation provide confusing and sometimes contradictory advice, such as whether or not interpreters can clarify cultural elements of the country of origin or should provide word-for-word translations.

Directives

The European Union (EU) legislation states that the Member States commit to having a common approach to guarantee high standards of protection for refugees. As a result, the EU has been working on the Common European Asylum System (CEAS) since 1999. CEAS' main aim is to ensure 'similar cases are treated alike and result in the same outcome' (European Council OJ C 115/1). To this end, CEAS produces various directives and regulations aimed at the inclusive and equal application of the 1951 UN Geneva Convention among EU Member States (Tampere European Council EU Doc 200/1/99, 1999). Under CEAS there exist different directives and regulations, however only two of them are relevant to this study: The Asylum Procedures Directive (OJ L. 180/60-180/95; 29.6.2013, 2013/32/EU) and The Qualification Directive (OJ L. 337/9-337/26; 20.12.2011, 2011/95/EU).

The Qualification Directive under CEAS clarifies the grounds for granting and withdrawing asylum or subsidiarity protection and the rights for people who benefit from these statuses (EU Commission 2016/0223 (COD) 2016). Accordingly, the directive's main aim is to explicitly set the criteria for international protection and standardize the recognition status and rates among the Member States. When it comes to credibility assessment, which paves the way for differences in recognition rates, the directive does not state in detail how the credibility assessment should be carried out. However, it states that the coherency, consistency and plausibility of an applicant's statements must be provided if there is no supporting evidence to corroborate these statements. Related Article 4(5) of the directive notes that:

[…] where aspects of the applicant's statements are not supported by documentary or other evidence, those aspects shall not need confirmation when the following conditions are met:

[…]

(c) The applicant's statements are found to be *coherent and plausible* and do not counter to available specific and general information relevant to the applicant's case;

 […]

(e) The general credibility of the applicant has been established. (Qualification Directive 2011/95/ EU, Article 4(5))

Another EU directive under the CEAS is the Asylum Procedures Directive (Council Directive 2013/32/EU 2013) which aims to ensure common procedures for granting and withdrawing international protection among Member States. The directive includes rules on how an application should be processed. For example, it dictates that the registration of the application shall take place no later than three working days after the application is made (Article 6 (1)). However, the directive lacks the procedure for a credibility assessment.

When it comes to the question of language in the refugee determination process, the Asylum Procedures Directive recognizes and regulates the matter of language and communication within the refugee determination procedure. Article 15 (3) states that:

Member States shall take appropriate steps to ensure that personal interviews are conducted under conditions which allow applicants to present the grounds for their applications *in a comprehensive manner*. To that end, Member States shall: […]

(c) select an interpreter who is able to ensure *appropriate communication* between the applicant and the person who conducts the interview. The communication shall take place in the language preferred by the applicant unless there is another language which he or she understands and in which he or she is able to communicate clearly… (Asylum Procedure Directive, 2013/32/EU Article 15(3))

An earlier version of the directive (Council Directive 2005/85/EC 2005) included the phrase 'may reasonably be supposed to understand' instead of 'understand' as stated in the new version; the new version also includes 'communicate clearly' while the old one only states 'communicate.' The amendment was made for the sake of a fair procedure that ensures that the evidence gathered in the personal interview is reliable. To the same effect, the UNHCR states that evidence gathered in a language that the applicant is only 'reasonably supposed to understand' is unreliable and makes the procedure unfair (UNHCR APD Comments 2005).

It is obvious that these directives do not give detailed instructions about how to assess the credibility of an applicant's claim and how to carry out the interpretive process; they posit that coherency and plausibility are requirements for being truthful, and only that the interpreter must provide 'appropriate communication'.

Analysis

The European Asylum Support Office (EASO) is an agency of the European Union that plays a decisive role in the concrete development of the CEAS. EASO (2018), along with a team of judges, published the document, *Judicial Analysis: Evidence and Credibility Assessment in the Context of the Common European Asylum System*. After emphasizing that the term 'credibility' and its procedure are not defined in any of the EU law documents, the analysis explains how the credibility assessment is considered and practiced by Member States. Accordingly, credibility assessment involves a process of inquiry into whether an applicant's statement can be accepted to determine her qualification for international protection (EASO 2018).

According to EASO, the credibility criteria applied in practice by decision-makers are: internal consistency of the applicant's narrative, external consistency between the narrative and generally known information, e.g., country of origin information, sufficiency of detail and the plausibility of the account (EASO 2018). The analysis reminds that 'there is no simple answer to the question of how to assess credibility in international protection cases,' thus, these credibility indicators must be considered carefully to avoid ill-considered and simplistic rejections (Ibid., p.91). The analysis also regards demeanour as a poor indicator of credibility and warns decision-makers that they must give reasons why and how the demeanour of the applicant affects her credibility if it is used as a negative factor (Ibid.).

On the other hand, EASO accepts that demeanour is used as an acceptable indicator by courts. As an example, the analysis cites a case against Sweden at the European Court of Human Rights (ECHR). After testifying at the Swedish Migration Board, Migration Court, and Migration Court of Appeal, the applicant carried his rejected application to the ECHR. In this case, ECHR stated:

> ...as a general principle, the national authorities are the best placed to assess not just the
> facts but, more particularly, the credibility of witnesses since it is they who have had an

opportunity to see, hear and assess the demeanour of the individual concerned. (ECHR, RC v Sweden, 41827/07 para 52; see also ME v Sweden, 71398/12, para.78)

When it comes to the problem of language in the credibility assessment, EASO points out that an interpreter may have a negative impact on the ability of applicants to tell their narrative. For example, when the applicant and the interpreter come from the same country, there can be a problem of trust: the applicant may not trust the interpreter because of the interpreter's ethnicity, religion, political opinion etc. and thus, cannot speak freely about the experiences that made her seek international protection. Also, the analysis stresses that a seemingly inconsistent statement by the applicant may have stemmed from inaccurate translation (EASO 2018). Although EASO accepts that the interpreter may pose a challenge for the credibility assessment of credible applicants, it does not provide a solution.

2.1.2. Swedish National Legal Framework

Sweden has national-level legal guidance on the credibility assessment (Migrationsverket RCI 09/2013 2013). The guidance clarifies credibility assessment within the refugee determination process since the consequences of an erroneous assessment are serious; thus, credibility assessment requires high legal certainty (Ibid.). Accordingly, decision-makers are required to assess the credibility of the asylum case; a credibility assessment must never be based on subjectivism, arbitrariness and intuition but should be based on rationale and objectivity (Ibid.). According to the document, credibility assessment concerns coherent/fragmented narrative, concrete/vague narrative, conflicting information/unchanged information within the narrative itself and conflicting/supporting information to commonly known facts (Ibid.). If the decision-maker finds the claim incoherent, vague or contradictory, it is their responsibility to allow the applicant to explain these claims. Then the decision-maker must assess the explanation and include the assessment in the decision (Ibid.). Similar to other legal documents on the refugee determination process or credibility assessment, the guidance does not detail the problems stemming from interpretations within the credibility assessment.

2.2. CREDIBILITY ASSESSMENT AND ITS DISCONTENTS: SCHOLARLY REFLECTIONS

Credibility assessment is a highly criticized aspect of the refugee determination process (Magalhaes 2016). As explained in the introduction, the credibility assessment has inherent challenges, many of which are under investigation by a global community of scholars. This section intends to point out some of the scholarly discussions centering around credibility assessment. I developed four categories according to the themes of the discussion, namely: technologies, embedded inconsistencies, truth and language. The scarce pre-existing literature on interpretation is reviewed in the 'language' section.

2.2.1. Technologies

It is a known fact that credibility assessment pervades almost every aspect of an asylum application and may involve the applicant's name, age, country of origin or document verification. Due to the close relationship between language and the technologies that are used to verify one's country of origin, I will only present a scholarly discussion around the country of origin claim and its technologies. I use the term 'technology' here in the Foucauldian way, meaning techniques that are used to decide on 'truth', or *technologies of truth*.

When undocumented asylum-seekers apply for international protection in a recipient state, first, the applicant's identity become a subject of credibility assessment. In this case, decision-makers may request assistance from another discipline, namely linguistics, to assess the credibility of the applicant. They can employ Language Analysis for the Determination of Origin (LADO) in order to decide on an applicant's credibility regarding her identification (Patrick 2019). The basic assumption behind LADO is that the way a person speaks contains clues about her origin, therefore her credibility can be objectively reviewed (Eades 2009). However, the reliability of LADO is highly controversial in linguistic research. Citing a large body of evidence, linguistic researchers show that it can be problematic to assess the applicant's credibility based on LADO in a forensic context (Preston 2019; Eades 2009; Patrick 2019). Another technique to test an applicant's identity claim is to ask the name of places or things the applicant must know, at least in the eyes of decision-makers. According to Spotti (2019), in some cases the discrepancy between the official naming of places taken by decision-makers from the internet, and the local naming of buildings used by the applicant may not prove the

untruthfulness of the applicant but would show different naming practices. Spotti notes that in order to give proof of identity, the applicant relays the name of the places or things that the decision-makers select and must answer in an expected way. Since this method ignores the complexity of language and different naming practices within society, the decision on the application may be erroneous. To reiterate, the decision-maker determines how applicants should respond in order to label them 'truthful' (Spotti 2019). In a similar vein, Blommaert (2001) investigates the role that the sociolinguistics of languages and repertoires plays in deciding the credibility of an applicant's claim about country of origin. He discusses one particular rejected asylum application on the grounds of credibility regarding the applicant's country of origin. The applicant's claim about his country of origin led the decision-maker to reject the 'untruthful' applicant by saying that he did not speak that language *well enough* (Ibid.). Blommaert states that decision-makers impose a particular regime on language, including its clarity and transparency, and masquerade this regime as natural, neutral, acontextual and static. Thus, they mark other language usages as abnormal, and their users as non-credible (Blommaert 2001).

2.2.2. Embedded Inconsistencies

Credibility assessment is also marked by practical difficulties, such as the external inconsistency between an applicant's account and the country of origin information that the recipient state relies on (Thomas 2006; Johannesson 2012), internal consistency (Herlihy & Turner, 2004, 2007; Rousseau, Foxen & Houle 2002; Masinda 2004), or the applicant's late disclosure during asylum interviews (Bögner, Chris & Jane, 2010; Thomas 2006).

The credibility of the applicant may become problematic when there are discrepancies between an asylum narrative and the information about her country of origin, which is called 'external consistency' in legal documents. The information about the country of origin is used for testing the credibility of asylum-seekers, however there is discussion on whether it is possible to collect objective information regarding politics, norms and culture (Thomas 2006). For example, in the UK the Home Office publishes a country evidence report that provides information about the social and political situation, norms and culture in different countries; however, this is the very same department that is responsible for refugee determination (Ibid.). Thus, the report is the subject of the discussion regarding its own objectivity (Ibid.). In a Swedish context, the country of origin information used in the asylum process is retrieved from a digital database,

which is called Lifos (Johannesson 2012). Lifos includes information about countries all over the world and its main reference is the Swedish Ministry of Foreign Affairs (Ibid.). To be credible, the asylum-seeker must possess or correspond with the Lifos' *unquestionable* information (Ibid.), otherwise the application may be rejected based on the fact that the applicant is not telling *the* truth. Regarding the validity of Lifos, Johannesson also draws attention to the uniqueness of asylum experiences versus the generality of information, as well as the friction between the applicant and the society about which the information is retrieved. This is also obvious in the case of an Iranian applicant whose application was found implausible since he is not the member of a political organization, thus the Iranian authorities would not be interested in persecuting someone who is a low-level activist (Amnesty International 2004). Amnesty International commented as follows:

> In Iran, there is no legally defined difference between high and low level political activists […] Political activists who are 'low-level' in the sense of having no national or international profile may be at an increased risk of torture or ill-treatment in detentation, because *the details of their treatment are less likely to become publicly known*. (Ibid., p.13)

In legal settings, it is a common belief for credibility assessment that a professed 'vital' memory by an applicant should be complete and consistent (Herlihy & Turner 2007). However, scholars from psychology disciplines point out that inconsistencies in an applicant's account may, in fact, be her brain protecting itself from retraumatization (Ibid.). These researchers also believe that major trauma has an impact on memory and expect applicants with trauma-related disorders to have incompleteness and inconsistencies in their memories, especially for peripheral details such as dates and times. Therefore, the assumption that an internal inconsistency in the asylum narrative always points to a non-credible asylum-seeker is erroneous (Rousseau et al., 2002; Herlihy & Turner, 2004, 2007). Furthermore, this naïve assumption of decision-makers or their lack of awareness about mental health may cause detrimental consequences for asylum-seekers (Masinda 2004).

Another problem embedded in the credibility assessment is late-disclosure in the asylum narrative. Late disclosure means that an asylum seeker discloses her experiences in a later interview without mentioning them in the first interview. A decision-maker may decide that a late disclosure of past experiences such as torture, rape or persecution is a sign that these experiences are manufactured in order to be granted asylum (Thomas 2006). On the other hand, disclosing these experiences by asylum seekers might give the impression that no genuine

applicant having these experiences would be willing to disclose them immediately, so these experiences must be fabricated (Ibid.). Drawing upon asylum-seekers' interviews, Bögner, Chris and Jane (2010) argue that the decision-makers' attitudes at Home Office regarding disclosure vary significantly from one person to another. They also find that the decision-makers' attitude towards applicants plays a large role and could result in late disclosure, thereby discrediting the applicant (Bögner, Chris & Jane 2010).

This section demonstrates additional challenges posed to credibility assessment from external inconsistency, internal inconsistency and late-disclosure as non-credibility indicators.

2.2.3. Truth

Truth as the main objective of the credibility assessment is actively debated by scholars. For many scholars, 'truth' appears either as impossible to reconstruct *post factum* (Eastmond 2007) or is always a construction independent of a singular subject's experience (Noll & Beard 2009; Sorgoni 2019 a; Magalhaes 2016).

Eastmond (2007) looks at the epistemology of the narrative method in the context of the refugee determination process. According to her, a narrative is a form in which experiences are described as having a meaningful and coherent order. Narrative analysis posits that the meaning is ascribed by experiences and we can only know experiences from the expressions people give them (Ibid.). She further distinguishes between *life as lived* - what happened, *life as experienced* - how the person ascribes meaning to what happened, *life as told* - how experience is framed and verbalized in a specific context and to a specific audience, and *life as text* - what is told is interpreted and represented in writing. These different iterations of one and the same life are not necessarily identical or wholly similar to one another. What the applicant remembers, selects and tells is affected by the context of the applicant and the decision-maker; thus, *life as told* is always situational (Ibid.). Life as told does not necessarily coincide with the life that is actually lived. Therefore, the 'metanarratives of truth and credibility of the judicial system' are erroneous since the narratives are never the expression of reality, but are a partial, selective and distorted version (Ibid., p. 260). Eastmond goes on to demonstrate four different truths in the context of the refugee determination process, yet her narrative analysis lacks the importance and effect of interpretation on truth. Most of the asylum interviews are mediated by interpreters, which brings in yet another layer of mediation, i.e. an added interpretive layer between *life as*

told and *life as text*. Consequently, according to Eastmond, it is hard to say that *life as lived* is reflected directly and wholly in *life as text*.

Moreover, and taking a more substantive perspective, Noll and Beard (2009) argue that credibility assessment is *not about the truth of the discourse, but the discourse of the truth*; it is the process of trying to fit applicants into the system's framework of constructed truth. They also probe the relationship between authority, truth and law on the system of truth production in a credibility assessment (Beard & Noll, 2009). By exercising discretion towards a credible asylum seeker and thus on the truth, the process constructs discursive legal subjects who can reaffirm the sovereign relations and the practices of international law. Sovereign authority, not truth, makes laws that govern the reasoning that determines who is a truly credible person (Beard & Noll, 2009).

Similarly, Sorgoni (2019 a) points out the ambiguity of a credibility assessment by highlighting the concept of truth. She states that the manuals under the EU's CREDO project aiming at reducing ambiguity by switching from the credibility of the applicant to that of the applicant's account, obscure the main aspect of the process which is a truthful discourse within the refugee determination process. Accordingly, decision-makers have their own personal theories of truth which are dictated upon the asylum-seekers and, at times of "refugee crises," credibility and truthful discourse become a ready-made device to promote faster and easier rejection decisions (Sorgoni 2019 a,b). Furthermore, Magalhaes (2016) reveals that the decision-maker's account and asylum-seeker's narrative have different truth-values within the refugee determination process. By examining a rejected application, he explores how the contestable nature of credibility assessments is downplayed so the decision to reject the application appears objectively dictated by law. He reveals discursive devices that are used by decision-makers that provide a case with an aura of legality. The rejection decision is written *as if* the potential controversial matters -for example, what counts as an inconsistency- had been settled during the determination process. According to his study, this aura of legality and silencing asylum-seekers is made possible by the power asymmetry between the truth-values of the decision-maker's statement and the truth-value of the asylum-seeker's narrative (Magalhaes 2016).

In addition to the practical difficulties mentioned in previous sections, the section reveals the discussion of truth at the very center of a credibility assessment and claims the impossibility of credibility assessment.

2.2.4. Language

Language is treated by researchers as another challenge within the credibility assessment and its complications are discussed from varying angles. In this study, I analyze and thematically group this literature in the following order: cultural concerns, stylistic matter, interpretation and interpreter, and intersubjectivity.

A number of scholars look at the language within the refugee determination process from a cross-cultural aspect (Kalin 1986; Barsky 1996; Good 2007; Angelelli 2004). Kalin (1986), in his oft-quoted article, investigates the cross-cultural misunderstandings that are obstacles to undistorted communication between asylum-seeker and decision-maker in Swiss refugee processes. He states that the cultural relativity of notion -not only abstract notions such as me or myself, but also the seemingly unproblematic words of everyday language, such as brother or cousin- may lead to the rejection of an applicant's case. For example, in one case the applicant asserts that he hides in the mountains; this applicant was found to be untruthful since the Swiss make a sharp distinction between mountain and hill, and according to the Swiss decision-maker, there are hills at this particular place, not mountains. Kalin also points out that the credibility of an applicant depends not only on content but also on how the applicant presents and expresses herself (Kalin 1986); grammatically correct sentences and polite speaking has a positive effect on a credibility assessment (Ibid.). However, asylum-seekers may be suffering from culture shock that might make their sentences confused, nervous, fragmented and unconvincing (Ibid.). Lastly, Kalin considers interpreters as an obstacle in communication. He believes that since language and culture have a close relationship, interpreters fulfill their task if only they translate the cultural context of words and concepts. In the same vein, Barsky (1996) unpacks the misunderstandings that result from intercultural communication within conventional refugee hearings in Canada. Similar to Kalin, Barsky believes that interpreters within the refugee determination process should be agents of culture, rather than transmitters of words, and should be particularly trained for this role (Barsky 1996). Good (2007) disagrees with Barsky and points out that interpreters find the proposal of becoming an agent of culture as dangerous and an ethical violation of their role as an interpreter (see also Angelelli 2004). He cites misunderstandings stemming from intercultural contexts in the asylum system in the UK and mentions the usage of different calendars to illustrate how easily interpreters may produce inconsistencies in the asylum narrative and call the asylum-seeker's credibility into question. In one case, the applicant came from a country that uses a luni-solar calendar. The

interpreter at the asylum interview translated the same month as August while the interpreter at the court translated it as September. This made the applicant's narrative inconsistent and untruthful in the eyes of decision-makers (Good 2007).

Another study by Fooladi and Dietrichson (2012) addresses the effect of communicative style on the credibility of defendants in Norway. They give two statements to participants being asked to act as a jury; the first statement involves speech and grammatical patterns common to the Norwegian language, and the second statement includes speech and grammatical patterns common to Arabic language (Fooladi & Dietrichson, 2012). They conclude that defendants of a non-Norwegian background are likely to be perceived as more credible when they conform to Norwegian language norms (Ibid.).

Some studies make a point of the role of interpreters within the refugee determination process and their effect on an applicant's credibility assessment (Gibb & Good, 2014; Sorgoni 2019, a, b; Anker 1990). Anker (1990) states that the interpreter's translated story is a *new story* which may be less consistent than the original and thus damages the applicant's credibility. A recurring problem that makes applicants uncredible is the interpretation by rephasing, diluting, summarizing, and selecting 'important' parts of the applicant's narrative (Anker 1990); the interpretation may make an applicant's narrative seem unsubstantiated. Lastly, interpreters may cause the applicant's narrative to appear segmented and disorganized by damaging the coherence of the applicant's narrative (Ibid.). Gibb and Good (2014) explore the role of language and intercultural communication within asylum seeker's appeal hearings in the UK and France by interviewing court interpreters. They investigate three pitfalls of the interpreter's task within the hearings: first, the institutions' expectation of 'appropriate communication' can differ; sometimes the expectations rely on a verbatim/literal translation, or sometimes a less literal transmission is expected from interpreters. Second, decision-makers' expectations from interpreters differ regarding sharing their opinion about the applicant. Lastly, regardless of an interpreter's competence, the mediation of interpreters impedes communication since the applicant has to give short answers to ensure effective communication (Gibb & Good, 2014). Again, in an appeals context, Sorgoni (2019 b) states that a literal translation allows the decision-maker to decide on the un-credibility of the applicant. Citing a rejected application, Sorgoni posits that while a non-literal translation would recognize the technique used by the applicant- such as recourse to preterition, ie. emphasizing something by omitting it- the decision-maker adopted a literal translation and concluded that the applicant was not credible

(Sorgoni 2019 b). Although the studies unearth significant pitfalls regarding interpretation within the refugee status determination process in the UK, France and Italy, they lack asylum-seekers' and lawyers' view on the issue. Their views and experiences are also important for a study looking at the role of language since they are parties of the language exchange. Also, the studies are focused on appeal hearings and don't include asylum interviews, which is the first and foremost stage for applicants.

Other researchers pay attention to the intersubjective nature of asylum-seekers' narratives (Danstrom & Whyte, 2019; Spotti & Gibb, 2019; Sbriccoli & Jacoviello, 2011; Sorgoni 2019 a; Blommaert 2001). Sorgoni (2019 a) states that asylum-seeker narratives are produced with the active participation of many actors beside the asylum-seeker herself. At the end of the detailed entextualisation process, the narratives are only attributed to asylum seekers as their own words; indeed, it is a stratified texture woven by different actors (Sorgoni 2019 a). Blommaert (2001) points out this stratified texture in the application of African asylum seekers in Belgium. He states that the applicant's oral narrative is the input of a long series of replications and fragments such as written summaries, translations, questions and replies by lawyers and/or welfare workers. However, it is assumed that the difference between the original narrative of the applicant and its replications is negligible and thus neglected. According to Blommaert, every interpretation, translation, summary and quotation produced according to procedure are treated as correct and accurate. Thus, the procedure obscures the circulation of discourses due to the presence of inequalities in the technique of discourse representation. The procedure treats the story as a singular text whose responsibility is attributed only to the applicant (Blommaert 2001) (for circulation of the applicant's discourse see also Danstrom & Whyte 2019; Spotti 2019; Sbriccoli & Jacoviello, 2011).

In the Swedish context, there exists a study that focuses on the personnel of the Swedish Migration Board. Granhag, Strömwall and Hartwig (2005) investigate the potentially dubious beliefs held by Swedish Migration Board personnel who decide on asylum-seekers' cases in Sweden. One of the important questions asked by researchers was whether or not it is difficult to make a credibility assessment when the interview is conducted with the help of interpreters (Granhag, Strömwall & Hartwig, 2005). Answers revealed that nine out of ten decision-makers think that the use of interpreters is problematic due to a loss of information, misinterpretations and misunderstandings (Ibid.). Drawing upon this study, it's clear that there exists a high degree

of awareness among the decision-makers at the Swedish Migration Board regarding interpreters who distort communication and affect the credibility of an applicant.

3. METHODOLOGY

The following section will explain the methodology used in the study. This study is a socio-legal study which concerns how the law interacts with society (Banakar 2019), rather than examining the law within the law. The study examines this legal-social interaction by investigating the experiences of those who are exposed to the law. The first section will clarify the data collection and analysis method used, while the second and third sections will be on methodological reflections and ethical considerations, respectively.

3.1. DESIGN

The research of this study is based on qualitative research methodology. The focal point of qualitative research is the respondents' own perceptions and experiences, and the way they make sense of these (Creswell 2014); the role of the researcher is to hermeneutically understand the other's view (O'Reilly 2009). In qualitative research, the researcher aims to present an in-depth analysis of peoples' perceptions, rather than aiming to generalize the population as in quantitative approach (Creswell 2014).

Before starting the data collection, I prepared a semi-structured interview guide (See Appendix). A semi-structured interview contains elements from both a structured interview, which consists of predetermined questions, and an unstructured interview, which is formless and free-flowing (O'Reilly 2009). Drawing on semi-structured interviews, I used interview questions as a framework. By doing this, I avoided imposing pre-determined questions that reflect my own perspective towards the issue. Therefore, I had an opportunity to provide respondents with flexibility and a wider space to explain their own perspective which would not be achievable by only employing structured questions.

Utilizing qualitative methodology, I collected empirical data through in-depth interviews. The data was collected in three sets: interviews with lawyers, interpreters and applicants. Collecting

data via a three-set approach enriches the research and provides a wider perspective towards the topic of focus.

The respondents were sampled through snowball sampling. For snowball sampling, the researcher begins with a group of initial contacts; then, these initial contacts provide the researcher with additional samples who the initial contacts know and introduce the researcher to (O'Reilly 2009). My initial contact was an asylum-seeker, Asya, who then introduced me to another asylum-seeker, Afife; the interpreter, Itır; and the lawyer, Lykke. Itır was an eighty-year-old man who worked as an interpreter at asylum interviews for almost twenty years. Lykke was a fifty-two-year-old woman who has practiced migration law for seven years. Lykke introduced me to a legal associate, Lu, and the interpreter Ilgaz. Lu was a thirty-five-year-old legal associate (*biträdande jurist*) who practices migration law. She also worked as a law clerk (*notarie*) for almost a year at the Migration Court in Malmö. Ilgaz was a fifty-year-old interpreter who is the administrator of an interpretation company, and also an interpreter. When I asked if he knew an interpreter who specifically works at asylum interviews, Ilgaz introduced me to one of the interpreters, Ilgın, who works at his company. Ilgın was a fifty-five-year-old interpreter who worked for nine years as an interpreter in an asylum setting. In total, I interviewed two asylum-seekers, one advocate, one legal associate, and three interpreters. Throughout the analysis and discussion sections, I imply both Lykke and Lu when I use the word lawyers.

All of the initial interviews were conducted through recorded video-calls. Due to ethical and security concerns, the interviews with asylum-seekers were only audio recordings; all others were video recordings. I preferred video calls since non-verbal communication enhances my ability to capture the meaning of interviewees' statements. Each interview took approximately forty minutes to one hour. When I share the same native language with the interviewee -as was the case with Ilgın, Itır, Afife and Asya- the interviews were conducted in Turkish; otherwise, the interviews were conducted in English.

I conducted a second interview with Ilgın, Itır, Afife and Asya. My second interview with Ilgın took place in the form of an email exchange; it lasted ten emails and proceeded in the form of question and answer. According to Burns (2010), an email interview enriches the investigatory tools for qualitative research. My second interviews with Itır, Afife and Asya were telephone interviews. The interviews with Afife and Asya took approximately fifteen minutes each; the

interview with Itır took approximately ten minutes. Except the second interview with Itır, all interviews were recorded.

For the sake of convenience for the reader, I chose pseudonyms that signal the respondent's job/position: I anonymized the names of applicants starting with A (Asya, Afife), interpreters with I (Ilgın, Ilgaz, Itır) and lawyers with L (Lykke, Lu):

Pseudonym	Role	Time of Interview	
Ilgın	Interpreter	1st	46:50
		2nd	Emails
Itır	Interpreter	1st	38:45
		2nd	8:17
Ilgaz	Interpreter		41:51
Afife	Applicant	1st	1:12:00
		2nd	14:13
Asya	Applicant	1st	47:34
		2nd	17:26
Lykke	Lawyer		46:09
Lu	Lawyer		1:09:46

Before starting the analysis, I watched the video call interviews, listened to the telephone interviews, and read the email interview. Next, I transcribed all of the relevant parts by excluding repetition and digression. Then, I read through the data and organized it for analysis (Creswell 2014). I found four overarching themes –the meaning of credibility, culture, language

and the performativity of truth- then categorized several sub-themes beneath them. At this stage, I also translated the relevant data, which is in Turkish, into English. In the last stage, I analyzed and interpreted the meaning of these themes.

3.2. METHODOLOGICAL REFLECTIONS

Qualitative research is criticized for being subjective, difficult to replicate and problematic due to its lack of generalization (Bryman 2012). It is true that complete objectivity is not achievable (Ibid.), and this notion coincides with the ontological and epistemological position that I take as a researcher. I adopt a mind-world monist ontology: I, as a researcher, am part of the world that I intend to investigate; and as a researcher, I cannot separate myself from the investigated world (Jackson 2016). Thus, the knowledge that I investigate is always somewhat situational, relational, historical and subjective rather than pure neutral, value-free, and objective as exemplified by a positivist illusion. However, this does not mean that my research is exempt from any attempts to assess its validity and reliability.

According to Denscombe (2003), one way to validate data for qualitative research is to verify the transcript with the respondent. I follow this method of validation in my interviews with asylum-seekers by sending them the transcript of the completed interview to proofread and verify. Furthermore, during the interviews with asylum-seekers, lawyers and interpreters, I frequently sought verification from the interviewed parties regarding the meaning that I attributed to their responses. For example, I frequently asked "I understand what you said in this way; are we on the same page?". By adding this metacommentary to the interview, I tried to ensure *as much as possible* that what I heard as a researcher is not what I wanted to hear, but it is what the interviewee actually said.

In addition to questions of validity, reliability is another important criterion that researchers should account for in their research. Reliability, according to Bryman (2012), concerns the question of whether the results of a study are replicable. It is challenging to fulfill this criterion of replicability in qualitative research because it is unfeasible to 'freeze' the social settings of an earlier study to make it replicable (Ibid.). Also, I, as a researcher, come from a particular educational, social, cultural and ethnic background which have an inescapable impact on how I interpret social settings and problematize the objects of this study. Also, I shared the same native language with the interviewed asylum-seekers, which begs the question if someone else

performed this research would she have achieved the same results. However, to fulfill the reliability of the research as much as possible, I was transparent about how I collected and processed data. Furthermore, I included interview guides in the appendix and presented empirical data by employing authentic citations from the interviews. Consequently, despite the fluidity of social encounters and the background and viewpoints of me and the interviewees, I believe that the research has a high level of reliability. Thanks to the study's transparent methodology, if other researchers follow an identical procedure they will achieve similar results.

3.3. ETHICAL CONSIDERATIONS

When it comes to ethics, the essential ethical concern of the research is to ensure that the respondents of the research are protected from any harm that may stem from their participation in the study (Hugman, Pittaway & Bartolomei 2011). To this end, I ensure the privacy of the participants involving this study and confidentiality of data they provide. I received respondents' consent for recordings, and before asking for their consent, I briefly informed my respondents about the topic and method of research. I stated that my research focuses on the role of interpretation at the asylum interviews and looks to their experiences to provide me with a clearer understanding of the process. I also expressed that they have the right to refuse and withdraw from the interviews at any time (Code of Conduct for Social Sciences Research 2019).

I was also aware of the fact that research ethics becomes even more important if the research is about asylum-seekers, since it may cause serious adverse effects. 'Doing no harm' in the research involving asylum-seekers is notably challenging to anticipate or control (Jacobsen & Landau 2003). The data collected from the interview with asylum-seekers may be used against them either in a receiving state or their country of origin (Ibid). In a similar vein, Birman expresses that the effect of data they share can be devastating since some research may cause their asylum claims to be denied and force them to return to their countries (Birman 2005). For these reasons, the research employs strict privacy and confidentiality. I did not reveal some relevant part that I believe makes asylum-seekers recognizable. And also, I do not only anonymize the names of asylum-seekers but also avoid expressing personal details about them, such as their age. For other respondents, namely the lawyers and the interpreters, I mention

their approximate ages. By doing so, I was able to both provide the reader with more information about the respondents and prevent their identities from becoming compromised.

4. THEORETICAL FRAMEWORK

This thesis discusses the role of interpretation in the formation of truth within a credibility assessment. As explained in previous sections, credibility assessment refers to the process in which a decision-maker tries to find out whether or not an applicant's statement is truthful. Therefore, truth is a central concept within the refugee determination process. As Bohmer and Shuman point out: 'Asylum hearings are dominated by a search for the "truth" as perceived by the official hearing the case' (Bohmer & Shuman 20008, p.115). In this section, I will explore the notion of truth on a theoretical level by drawing on Foucault's understanding of truth. I also make use of Beard and Noll's study for the application of Foucault's concepts within a refugee determination context.

By drawing on Foucault, I intend to shed light on truth-telling practices within the refugee determination process. Foucault begins his investigation by asking which discourses about the subject constitute the Western concept of 'subject' or, in other words, 'how the human subject enter[s] into games of truth' (Foucault 1984, p.112). Foucault regards 'truth' not as a transcendental phenomenon; his study is not to investigate whether what is regarded as truth is true or false. Rather, for him, truth is always production (Heikkinen, Silvonen & Simola). Thus, his question concerns how truth is constructed and what are the techniques or procedures for deciding on 'truth'

According to Foucault, truth is constructed within a relational process (Foucault 2007). He points out the repeated practices as the self-technologies for the construction of truth; self-technologies refer to the techniques that constitute the subject. I will approach repeated practices as concepts and I will make use of some of his concepts such as confession (the applicant's narrative), salvation (being granted refugee status), renunciation/transformation and transfiguration (transitioning from asylum-seeker to refugee).

Foucault states that in order to have access to the truth, the subject must perform a required transformation and renunciation in her very being (Foucault 2005); the act of knowing is itself not enough to access truth; the transformation on the part of the subject is the price paid for accessing the truth (Ibid.). The subject is not capable of truth unless she carries out modifications and changes which make her capable of carrying the truth within the truth-game (Ibid.). In other words, the attainability of the truth requires the obligation of renunciation and self-sacrifice (Foucault 2007). This in part can reflect the refugee determination process: 'Recognition of a refugee is not given by right on factual grounds but demands the applicant undergo a form of … transformation' (Beard & Noll 2009, p.471). The applicant needs to renounce her own truth and reformulate it so as to be compatible with decision makers' truth. This is because: 'Truth-value of the decision makers' statements is considered far greater than those subject to the asylum and detention system, allowing the former to insist on particular versions of the truth' (Griffith 2012, p.12). Thus, the applicant's recognition as a credible refugee depends on the applicant's ability to adopt this particular truth-telling in the eyes of decision-makers (Beard & Noll 2009).

Foucault also posits that the act of telling the truth takes place through confession (Foucault 2007). Foucault put confession against free speech. Confession is the technique of the truth-game that aims not to discover the reality about the subject but make the subject a place where truth can appear and perform as a force (Ibid.). In the truth-game, the self is not discovered, but constructed or superimposed by the force of truth, confession (Ibid.). Within the refugee determination context, the self who is constructed is the applicant, and the applicant is constructed through confession:

> The refugee's truth must be converted from an original act of free speech into the demand for confession […] The applicant is not a witness to her own history but rather gives an account of the truth about herself in a way similar to a confessional subject. (Beard & Noll 2009, p.470-71)

Furthermore, Foucault introduces the concept of salvation. Foucault mentions two elements of salvation: 'binarism' and the 'dramatic force of an event' (Foucault 2005). Salvation is possible when the dramatic force of an event makes someone in need of being saved; salvation works in a binary system, such as life and death (Ibid.): there is someone who needs to cross the bridge, and there is someone who makes someone cross the bridge (Ibid.). Salvation is then an interplay between one who is granted salvation and the one who grants; the 'master' is always

required (Foucault 2005). Regarding salvation, he also points out the universality of appeal and rarity of salvation. There is no *a priori* exclusion of an individual in terms of race, ethnicity, age, or sex; the salvation of the self is open to all. However, since few are able to meet the necessary requirements of transfiguration, few can be saved. The appeal is made universal, but salvation is only reserved for some (Foucault 2005). Salvation, in this context, corresponds to the international protection system. International protection based on the binary system implies taking the applicant from a place where the applicant is exposed to persecution, to a secure place; it also hinges on a dramatic event such as persecution in one's home country. Also, in order to obtain international protection, one in a superior position, the 'master', has to grant the protection. Also, in order to obtain international protection, one in a superior position, the 'master', has to grant the protection. Even though international protection is seemingly open to everyone carrying the criteria for its reception, in actuality it is reserved for those who can accord their truth with the decision-maker's truth through the process of transformation. As Conlon expresses by referring to Foucault, the asylum-seeker must prove herself she is worthy of salvation:

> For individuals who hope to be granted refugee status, […] practices of subjectivation are enacted through a range of mechanisms including myriad discourses and ongoing micropractices in which asylum seekers must 'reveal' themselves repeatedly in hopes that the circumstances they have endured will confirm that they are worthy of *salvation* […] -being granted refugee status. (Conlon 2013, p.195)

In conclusion, Foucault regards truth not as a matter of discovering what is on the outside. Rather, truth is constructed through a game that decides what truth is. In the truth-game, there is an obligation to tell the truth through confession. Telling the truth requires the modification, transformation and subsequent renunciation within the subject and her own truth in order for her to become a truth-teller. Becoming a truth-teller is rewarded by salvation which transfigures her into a refugee. This setting of a truth-game also takes place in asylum interviews as well. The applicant in an asylum interview should tell the truth (UNHCR 2011); however, in order to tell the truth, the applicant must modify her authentic self and her truth regarding her experience according to the self and experiences that are sought by the decision-maker. The asylum-seeker has to partially sacrifice herself and tell a particular truth in a particular way to achieve salvation, or the legal definition of refugee.

She must showcase experiences that make her become what the decision-maker wants her to be (Barsky 1994). Therefore, in light of Foucault's concepts, it can be said that the credibility

assessment is not about the assessment of the truthfulness of the applicant's narrative, but more about the discourse of truth. The concept of a 'truthful asylum-seeker' is constructed and the credibility assessment tests whether or not the applicant fits this construction.

5. PRESENTATION OF FINDINGS

This section presents the relevant findings I obtained during the interviews. I structured this section under four overarching themes: credibility, culture, language and truth. Then, I subdivided the language section, which is my main focus, according to the actors involved: language of interpreter, language of interviewer and language of asylum-seeker.

5.1. THE MEANING OF CREDIBILITY

In this section, I reflect the lawyers' understanding of the credibility assessment. My opening question for the lawyers (Lykke and Lu) was about the meaning of credibility: what the credibility assessment is; how they perceive credibility within the refugee determination process. It was a common response by the lawyers to take a deep breath and not answer the question of what the credibility assessment is. Rather, their answers insisted on the elusiveness of credibility. For example, they began by answering 'Of course, it is important that there is some kind of credibility' (Lykke) or 'It depends' (Lu).

Both of them continued by pointing out the effort expected from the applicant mostly varies according to the country of origin. Lu stated that:

> I think it varies quite a lot depending on what country people are coming from, so it depends on what is the situation and the conflict. You really need to prove that there is danger against you. And I think that in some countries the stakes are quite higher than for people, like, from Afghanistan. Where there is quite a high level of violence, still you need to really prove you run the risk of ill treatment against you. A lot of people from Syria do not have to prove as much as someone from Afghanistan, even the level of violence might be high in Afghanistan. (Lu)

What Lu mentions is what Foucault calls 'salvation' which has a universal appeal but is accessible to very few. In practice it may be more difficult for an Afghani to prove she is in

danger in Afghanistan than for a Syrian applicant to prove she is in danger in Syria, even if the level of violence is higher in Afghanistan.

Lykke also expressed that credibility assessment varies according to country. When I asked, 'You used the words 'be credible in a Swedish way;' What does it mean by 'Swedish way?' she answered as follows:

> Swedes tend to think that facts, hard facts, like which year, which place, with whom, are the best facts. And we usually prefer to ground credibility with the answers to these questions. (Lykke)

This statement implies that credibility depends also on the decision-maker's background or culture. This corresponds to the concept of transformation or renunciation within Foucault's studies. Lykke clearly states that there is a way to be credible, and this way is the decision-maker's way (the Swedish way). Applicants have to adapt their truth to 'the Swedish way' in order to be regarded as credible and transfigure from asylum-seeker to refugee.

Consequently, when the lawyers were asked the question about the meaning of credibility, they revealed the elusiveness of the concept, rather than expressing its true meaning. They disclosed how it changes according to factors such as country of origin and the decision-maker's background or culture.

5.2. CULTURE

Another theme that this thesis explores is culture. Although the main focus of the thesis is language within the refugee determination process, culture is one of the themes I explore, since language and culture are intertwined. This connective relationship is also expressed by Lykke:

> If you live in a country, if you are born in that country, if you are born in that culture, it is really difficult to change and to start explaining things in another way. When you come to another country, you really can't do that, especially in such a stressful situation like an interview. (Lykke)

This quote shows that the respondent approached language at a structural level. She explained how culture penetrates the way our thoughts are expressed and believes that coming from a different culture may negatively affect an applicant's credibility assessment. This account demonstrates not only the difficulty of transformation due to cultural differences, but also the implicit importance of the transformation itself; the applicant has to adapt her truth to the decision-maker's truth.

Furthermore, both lawyers cite examples of cultural elements that have a negative effect on the credibility of the applicant. For example, Lykke gives the example of different viewpoints towards time:

> So, if you come from a culture where time is not an essence, it is difficult. Because in many cultures, people do not know the year when they are born. They are born in the spring, or fall, and that is it. And, maybe the *mukhtar* [the head of a village] tells them: 'Now you are ten years old.' But otherwise it does not matter. (Lykke)

In another instance:

> Of course, time is important, but not in the same way as it is for you [for Swedish]. You think so much about how old you were when this happened. I argue when the story [of the applicant] is credible even though my client can't record it as 'this year this happened that year that happened.' I argue but the Migration Agency does not want to listen to that. They said this is *a lack of credibility in the story because they can't talk in that way*. (Lu)

The testimonies illustrate how the culture of the applicant can lead to the rejection of her application. These lawyers state that different understandings of time might cause the applicant to express her story in a different way than a Swedish citizen. However, the Agency does not take these differences into consideration and expects the applicant to '*talk in that way.'* The conclusion that can be drawn from this information is that the way an applicant expresses a personal narrative in the refugee determination process is extremely significant. Transfiguration from asylum-seeker to refugee is only possible if one is regarded as a truth-teller. Becoming a truth-teller requires a transformation on the part of the asylum-seeker and to converse in a way the decision-maker expects.

Besides the various cultural understandings of time, the respondent gave examples of words as an obstacle for the applicant. These are words that refer to cultural elements and are at the core of the applicant's narrative. The lawyer mentioned that in some interviews, the applicants use culture-specific words:

> This is a word we do not have in Swedish, this is hard to explain […] This is something in Afghan culture. An Afghan woman [applicant] was talking about one notion and how it affected her. To really understand it, you need to go much much deeper, and it can be hard. If you do not really try to understand it, it would not make sense: how this affects the society and how it would have affected her if she returned to Afghanistan. Since this is something that does not exist in our society, it is really hard to understand. Okay [you

can say] this is kind of this word [in Swedish], but really understanding it is so much harder. (Lu)

Thus, the informant reveals that the interpretation of certain cultural-specific words cannot make the decision-maker fully understand what would happen if the applicant returned to her country of origin. This is because the interpretation of these words into a foreign tongue does not provide the same level of meaning as the words in their native context. The lawyers are aware that culture adds another layer to the challenges of credibility assessment. Here, we might also mention Foucault's concept of 'confession'. The Afghani woman that Lu mentioned is unable to tell her truth due to words that are specific to her culture. The applicant's narrative is not free speech but, to some extent, a confession; she can only narrate what the other side of the communication can understand and expects to hear.

5.3. LANGUAGE

In this section, which is the main focus of the study, I will explore different aspects of credibility and interpretation within the refugee determination process. This section is organized according to the different actors involved in the credibility process.

5.3.1. Language of the Asylum Seeker

This section concentrates on the asylum seeker's narrative and is divided into three subsections: style of expression, coherence and consistency. Each section reflects one important aspect of a 'truthful' narrative.

Style of Expression

The importance of asylum-seeker's style of expression came up repeatedly in my interviews. The lawyers point out that the asylum-seeker's style of expression can be used as a credibility determinant by decision-makers.

The expectation of interviewers towards the applicant's manner of expression can vary. For example, the applicant may get unexpected and curious questions from the interviewer, but he has to answer as if it's not an unexpected question. In Lu's words:

> If they [the interviewers] believe that you [the applicant] have the right to go to another country where you have double citizenship in a third country. And, they decide that we try your case against this country as well. If they say this, it is hard to say, 'I do not have citizenship in that country.' It is a kind of credibility assessment. It is really hard to say,

'no I don't.' Sometimes you do not really expect to get those questions, and you do not answer *in a way that is straight enough, fast enough or good enough* in the Migration Agency's opinion. And, based on that they can decide that your answer is vague; *we do not believe it.* It is hard to change this opinion later. (Lu)

The case that the lawyer mentioned is unique in that the Agency tries the applicant's credibility based on the claim the Agency itself posits. The Agency expects from the applicant to refute the claim in the way that they demand: 'straight, fast, and good enough' so they can decide on the credibility of the applicant.

Furthermore, the lawyers believe that the applicants who are extraverted, talkative and not shy about sensitive topics are desirable in terms of credibility. This is the case especially for the conversion and gender application:

 It is easier for someone who is talkative [… If] you are not used to talking about sexuality […] you have to speak first at the Migration Agency to at least three other people. But it is really hard for you because you are not used to this and that makes your story noncredible for the Migration Agency. Sometimes I think that *it is really hard to pass the level of credibility.* (Lu)

The significance of one's style of expression is also affirmed by the interpreters. Ilgın, who is the interpreter at asylum interviews, discloses that for applicants to be credible 'It is very important that the applicants can speak in a fluent and persuasive way' (Ilgın). However, he does not only mention fluency and persuasiveness as credibility factors, but he also claims that it is significant for the applicant to form sentences in a way that highlight their importance:

 Sometimes the applicant speaks about important things. But he forms the sentences in a way that do not show its importance. And, I cannot say to the interviewer that he [the applicant] tries to say this. (Ilgın)

The respondents reveal that there are various expectations regarding the style of speech that an applicant should follow to be found credible.

Again, the transfiguration from asylum-seeker to refugee requires the transformation of the applicant's free speech. An applicant must adopt the particular style of expression that the interviewer expects, and this expectation might vary among interviewers. Excerpts show that the transformation from applicant to refugee is significantly easier for a talkative applicant who is able to adequately confess, i.e. compose or relay a truthful narrative. Salvation becomes

reachable only for those who can transform and renounce their truths to make them compatible with the decision-makers'.

Coherence

According to the lawyers and interpreters, coherence is one of the foremost features expected of asylum-seekers during the asylum interviews. Lykke advises her clients to provide a coherent narrative during the asylum interview; however, she accepts that providing coherent narrative is difficult for the applicants:

> I try to make them understand, in order to be credible in the Swedish way, they have to go from A to Z. And that is very difficult for the asylum seekers because they usually jump from one thing to another. (Lykke)

I asked why most of the applicants cannot posit their story in a coherent way. The common answer among the lawyers was a lack of education:

> I believe that it is quite hard for many people to have any possible way to show what happened: Many of them are illiterate […] It is hard for someone who is illiterate to prepare their story in a coherent and consistent way. I would have needed these if I was going to tell the story about my life: Prepare, first, what are the important things, what do I need to underline. Of course, I could do a mind map or timeline. But for someone who is illiterate [...] it is much harder to start from the beginning to the end, and to know what points are important. (Lu)

Similarly, Lykke confirms that coherence has a direct relationship with one's level of education: '…credibility depends on where you come from. You can come from countries with almost no education' (Lykke).

The case of Asya verified what Lykke expressed as an applicant who is educated and knows how to provide coherence to her story,

> Before the interview, I sat down and created a mind map: when this happened, this, when that happened. I called back the dates to my mind, and created the timeline, and memorized it […] Before you go to the interview, you have psychological tension because you have to prove yourself, so I did these things. At the interview, I tried to tell my story according to my preparations. (Asya)

Besides education, another factor that can affect the coherence of a story is the applicant's way of thinking about time. The applicant's way of thinking about her story or her life not as a timeline, but as a whole, may have a negative effect on the coherency of her narrative:

> They are not able to do it in the way I would have done it because I would have been 'when I was that age, this year.' But, they are jumping back and forth. Many of *my clients can't do that,* b*ecause most of them are not thinking about it in that way*. But, the Migration Agency often says that this makes the story uncredible. They think that something is lacking. (Lu)

As another reason for an incoherent narrative is the applicant's psychology. The applicants may not be able to present themselves as credible due to their psychological situation: 'Quite a few applicants get distressed, sad; they get angry, some of them. And when you do, you do not really think about how you answer' (Lykke). Similarly, Ilgın said

> Sometimes I believe that the applicant's story is true, but he is anxious. Because of this excitement, he confuses the chronology of his story. Then, the decision-maker reads the protocol, which is confusing. It gives the impression that he does not speak truthfully. (Ilgın)

Drawing on these responses, we can list at least three reasons why an applicant cannot provide a coherent narrative: lack of education, psychological issues, or perception of time. However, the important point is that the responses show how significant it is for an applicant to produce a coherent narrative. The applicant has to transform her narrative and make it coherent according to the expectations of the decision-maker.

Interpretation supplies another layer of difficulty to the truth performance. Contrary to the lawyers' interviews, the applicants believe that incoherency in their narrative stems from the consecutive interpretations that frequently interrupt their narrative. Afife said that the interpretation not only causes incoherency within the story but also makes the applicant shorten her story:

> You can speak 2-3 sentences at once because you need to wait for it to be interpreted. Then, the interviewer says something, which is also interpreted. You have to stop and continue, stop-continue, stop-continue and so on. It makes you confused, and your story fragmented. (Afife)

Lu answered similarly when I asked if she believed that applicants must speak briefly to be credible: 'It is better because interpreters find time to interpret everything. But, it can also be hard to tell a story: you have to stop and then you continue. It is hard to speak that way.' Afife confirms that this stop-continue procedure causes her to shorten what she wants to tell:'You want to abbreviate what you intend to tell because of this procedure'.

On the other hand, Lu claimed that it is crucial to tell the story with its details for being credible: 'The Migration Agency wants them to be credible and explain in detail what has happened to them'. This shows the applicant's dilemma: she needs to tell her story in detail, but at the same time she should not speak in long sentences, thus she must shorten what she wants to say.

Another applicant points out another result of interruptions on the interview. Asya stated that interpretation damages her rhetorical skills:

> When I am speaking, my speaking is interrupted, then interpreted. And then, I am asked by the interviewer to continue. Okay but, where were we? There was something important to tell, but after the interruption, I cannot express it right now in a way that you can understand its importance. (Asya)

Asya believes that the flow of the narrative can show the importance of certain parts of the narrative as a whole.

On the other hand, all interpreters believe that interruption is a requirement for the sake of accurate interpretation. A long speech may lead the interpreter to guess the part that he cannot remember. Ilgaz, who is the interpreter and the administrator of the interpreter company, later noted that 'they are not allowed to guess'.

As demonstrated above, coherence is a very elusive concept that depends on and affected by various factors. One of the factors the respondents revealed is the interpretation at the asylum interviews. The respondents are aware that the process of interpretation affects the coherency of an applicant's narrative which makes it harder for them to perform truth-telling practices.

Consistency

Consistency was another theme that emerged in my interviews with lawyers. Consistency refers to the discrepancies within the asylum-seeker's narratives. The lawyers believe that the consistency of the story is another factor for determining the credibility of the asylum seekers.

Lu said that inconsistency in minor details is not significant; however, for the important parts the story must be same:

> It is important to make sure that you tell the same kind of story all the time. Some details can be changed because of how the human mind works. But, as a whole, it has to be the same. Otherwise, that could really be a problem. (Lu)

Furthermore, she remarks that late disclosure is regarded as an inconsistency and used as a non-credibility indicator by the Migration Agency. Late disclosure happens in the cases in which the applicant tells something new in a second interview. It is vital that the applicant tell the whole narrative at the first interview to be found credible:

> In the first interview, you [applicant] try to make sure that you get to say everything. Because sometimes if you say a lot of stuff not in the first interview, but in the second, then the Migration Agency says, "Why did you not tell this in the first interview? Because now you are just filling [making up] the story to make it better. (Lu)

Similarly, the applicant, Afife, said that she received a negative reaction by her interviewer when she explained one aspect of her story in her second interview that she did not tell in her first interview:

> The interviewer started to ask many questions. And, she asked why I did not tell this in the first interview? I just could not remember it at that time. And, I did not know that it could make me a liar if I said it in the second interview. (Afife)

Consistency in asylum narratives is an ambiguous concept in the refugee determination process. What is regarded as a consistency is susceptible to change and depends on how and when the applicant speaks. It is never made clear what will be evaluated as a discrepancy within the story. One of these inconsistency indicators which is unspoken in legal texts is late disclosure. Late disclosure is regarded as an almost automatic inconsistency in an applicant's narrative, so lawyers advise their clients to express the entirety of their experience in the first interview; failure to do so means they will be regarded as non-credible applicants. Applicants must express their relevant experiences in the first interview and undertake the role of a 'confessional subject'.

5.3.2. Language of the Interpreter

This section allocates data regarding the work of interpreters, such as what kind of interpretation style they use, and do they explain cultural contexts or share the sociological situation of the applicant's country of origin with the interviewer.

First, I asked which type of interpretation interpreters used at the asylum interviews and whether or not they use word-for-word interpretation. Lykke, the lawyer, said that interpreters do not interpret word-for-word: 'Well, it is a short version [of the narrative]. They do not really interpret word by word what the applicant said.' In the same vein, Lu, the lawyer, also said:

> They are not interpreting everything. Selective interpretation happens especially with asylum-seekers who talk a lot because it is hard for the interpreter to remember everything. But, of course, it is not an excuse because they need to talk. (Lu)

On the other hand, interpreters see their job differently than the way lawyers see the interpreter's job: their job is to translate statements word-for-word. The interpreters stated that they mostly do word-for-word translation; omitting, adding and changing details is forbidden. Ilgaz, the head of interpretation company, believes,

> Interpreters are not allowed to give any kind of summary or conclusion. We tell our interpreters all the time that you have to do your job a hundred percent. There are no words less important than other words. Everything is important. (Ilgaz)

Itır, the interpreter, similarly said that 'our mission is to interpret without changing anything.' I asked what you do when the applicant speaks for an extended period of time 'Well, I take notes. But, they generally tell the same 'tale'. I call it a tale. I know what he will tell mostly'

These comments show that although the interpreter sees his job as a word-for-word interpretation, he profiles the applicants, and allegedly knows what an applicant will say. In this way, he can interpret even if the applicant speaks for a long time. This means that he does not interpret all words, but only a portion of them.

In a similar case, another interviewee who is the head of the interpretation company, claims that interpreters must be like telephones: what one speaks is the exactly what the other hears:

> Interpreters must interpret word by word […] As an interpreter, you are not allowed to make some kind of explanation in order to make people understand […] The interpreter must be like a telephone, if you say something, the other part will hear the same thing. (Ilgaz)

After he implies that interpretation transmits the same meaning into the target language, I asked about idioms that are used only in certain languages: 'You have to find and interpret the kind of similar idiom in the other language and explain it.' However, Ilgın, the interpreter, states that even a high level of language competence can sometimes not be enough for interpretation:

> The interpretation of idioms is hard. You need to find the idioms in other languages which have similar meanings. It requires a high level of competence. But sometimes,

even if you have a high degree of competence, there is no similar idiom in that language. (Ilgın)

As an additional complication, Ilgın pointed out they can also give explanations of the words regarding the culture of the country that the applicant came from 'If there is a word about the culture of the applicant's country, we can explain it.' Lu, the lawyer, confirms that the interpreter can add an explanation to their interpretation: 'They can say this is something that does not exist in Swedish culture, and they can explain it.'

To take this observation further, Itır, the interpreter, stated that sometimes they can express their opinion if the interviewer allows,

As an interpreter, if you get permission from the interviewer to speak -some of them okay with that-, you can say this is how it is in that country. For example, in one case, the applicant said, 'he beat my child, threatened me and so on." And, I said 'We frequently talk about these kinds of things, like beating, threatening or even killing. But, these are all rumors, not reality. (Itır)

This assertion shows that the job of interpreters varies according to the interviewer. Lu, the lawyer, says that sometimes the lines are blurred regarding their job: 'It is really hard to weigh how much space they should take, because [normally] their job is mostly just to translate.'

I also asked a question regarding the style of interpretation. Ilgın said that they do consecutive interpretations and the length of consecutive interpretation depends on the interviewer's instructions. He said

The interviewer decides, but mostly they decide that the applicant can speak only 2-3 sentences, then the interpreter interprets those three sentences. Because they do not want to get into trouble with missing interpretation and missing protocol. But some interviewers say, 'I leave it to you'. Those times, I allow the applicant to speak for 4-5 minutes, then I interrupt and start to interpret. (Ilgın)

This reveals that there is a broad range of interpretive styles. Sometimes the interpretation can occur every two to three sentences, sometimes once every five minutes.

As an example of two-three sentences interpretation, the applicant, Afife, said 'you can only speak 2-3 sentences at once because you need to wait for them to be interpreted. Then, the interviewer says something, which is also interpreted.' In another example, sometimes the interviewer may expect an interpretation even for less than one sentence. Itır, the interpreter, said 'For example, applicants say that 'I would do this if I could' and the interviewer says to me 'tell me what she is saying,' [I said] wait, let's see what she will say next.'

After asking these detailed questions, I moved onto my overarching question: whether or not they believe that some meanings are lost during interpretation, and if so, does it affect the credibility assessment of the applicant. The lawyers gave affirmative answers to both of the questions. Ilgın, the interpreter, noted that

> Sometimes, there is no one-to-one correspondence. At those times, I tell the interviewer that 'The applicant used this word, but there is no equivalent word in Swedish.' And, the interviewer says, 'try to find a way to explain somehow. (Ilgın)

The applicants also do not believe that interpretation works on a one-to-one basis. Afife stated:

> Considering the differences between languages, the interpretation does not sometimes transmit the exact same meaning […] There is no one-to-one correspondence. The interpretation of the words can be crude […] The interpreter may interpret the possible meaning of the word that I used, but not the meaning that I wanted to refer to. Or, for example, in Swedish, one word can carry a lot of meanings. However, in our language, generally, there are separate words corresponding to each emotion, each thought, each incident. (Afife)

Furthermore, the interpreter discloses that sometimes even finding the equivalent word in the target language cannot be enough to transmit meaning:

> Sometimes, you [the interpreter] cannot give the meaning although you find the words. You find the proper words, you make proper sentences; but the interviewer does not react in a way that if he could speak that language as his native language and could hear that sentence in that [native] language […] And then the applicants say 'I said a very important thing, he [the interviewer] does not care at all. (Ilgın)

Similarly, Itır, the other interpreter, thinks that word-for-word translation may not be sufficient enough to transmit meaning; however, this does not mean that they are incompetent interpreters. He adds that they are also not legally responsible:

> There are times that the sentence is meaningful in Turkish, but when you interpret, it does not make sense in Swedish. It sounds bizarre […] However, we are not legally responsible because the applicant approves the protocol. And, he accepts it, he concedes. (Itır)

As the result of another interview the applicant, Asya, gave the account of a loss of meaning during her interpretation. As far as the reason for this loss, she mentioned the stratified process demanded by interpretation:

> I believe that meaning is lost during interpretation. First, you worry about whether or not the interpreter understands you correctly. You worry about the accuracy of his [the

interpreter's] understanding of you. And, then he interprets you to others in the room. You worry about his interpretation of you to the others. I cannot directly communicate with the interviewer; there are phases or processes between our communication […] Some meaning must be lost between these phases. (Asya)

Other responses show a loss of meaning within this stratified communication. The lawyer and the interviewer understand different meanings from the interpretation of the interpreter. Lu stated that she often realizes that there are different understandings between her and the interviewer: 'Usually, I see when I read a protocol that it is quite evident that I hear this and now you [the interpreter] ask this question. We have a misunderstanding here because we are talking about different things.'

T

he above data shows that the style of interpretation greatly varies in asylum interviews. Sometimes interpreters interpret two to three sentences at once, sometimes they interpret the speech after four or five minutes. In some cases, the word-for-word interpretation is preferred, and sometimes the interviewer allows an explanation of the meaning of a word. Additional data shows that after the interpretation the original narrative of the applicant becomes shorter or longer as a result. Regardless of the techniques used for interpretation, all the respondents believe meaning is lost during interpretation. It is clear that interpretation is not a natural, neutral and invisible activity, and those involved in the process are aware that interpretation is an active task that affects the interview. As a result, the salvation of applicants is made more difficult since they do not have control over their truth performance or narratives.

5.3.3. Language of the Interviewer

The section will present the viewpoint of lawyers, interpreters and applicants on the interviewer's formulation of questions and attitude towards applicants.

The lawyer, Lu, thinks that interviewers have a different understanding of their job than lawyers, and these differences, in turn, affect how the interviewers formulate their questions. In her words:

Some [interviewers] question everything in a way which makes it harder for asylum-seekers to explain, to talk freely and to feel confident in their stories; others make asylum seekers feel secure and understand that interviewers actually help asylum seekers tell their story. (Lu)

The interpreter, Ilgın, also mentioned this culture of cornering among the interviewers when I asked how the interviewer knows when an applicant is telling the truth:

> He tries to understand the applicant with cross-examination. He asked the question at 10.30 a.m. and he asked the same question by reformulating it at 13.00 p.m. If the answers are different, he decides that the applicant is not credible. (Ilgın)

I asked Ilgın to give an example:

> For example, he asked first which city [the applicant] lived in right before fleeing the country; then after some time, he asked another question regarding another topic but referring to another city in the question as a place that the applicant lived and waits for his reaction to refute this part of the question. (Ilgın)

As the main actors of the asylum interviews, the interviewed applicants describe affirmatory experiences regarding the responses of lawyers and interpreters. Many applicants reveal that the interviewer might ask questions whose answer is impossible to remember in such a heavy atmosphere: 'She asked for the home address of where I lived 15 years ago or the name of my husband's elementary school […] What you cannot remember and tell is regarded as your fault' (Afife). According to Afife, the flow of the applicant's story is the interviewer's hands, and she had little control over her own narrative:

> The interviewer is operating on you. You cannot talk about whatever you find important. For example, when you try to explain something, the interviewer interrupts you, and raises a question as if she catches something. And, she expects that you have to answer the question right away. But, you had a target to tell; however, she does not allow you to follow the way and reach this target. And, she angles you in another direction and expects an answer. You answer, then; she doesn't care about that way as well. Then she expects you to continue your unfinished way. However, you forget what you were explaining. (Afife)

The applicant was clear about the interruptions by interviewers and how they impede the expression of her own story. Afife also added that the interviewer interrupts the applicant by not only asking off-topic questions: 'Sometimes, you want to explain more, you have something to tell, but she says 'Okay, stop. You do not need to explain that, we already know that'.

The data clearly and obviously shows that the applicant's narrative is not a free narrative regarding persecution. Rather, it is a fragmented and directed narrative by the interviewer, similar to the process of confession. The decision-maker decides on the truthfulness of the

applicant based on this fragmented and directed narrative which shows a high degree of arbitrariness within the credibility assessment.

5.3.4. Direct Communication

Another interview question was about a hypothetical situation where the applicant could communicate directly with the interviewer without an interpreter. My aim in asking this question is to reach a clearer understanding of the problems stemming from the interpretation and the effects of interpretation on the asylum's credibility assessment.

The lawyers think that if the applicant could express her own story in her native language, her credibility assessment would be easier. Lu said: 'Of course, I think it is so much easier if you [the applicant] could talk in your mother tongue.' Moreover, I asked the same question regarding her relationship with the applicant: if the applicant could express herself in Swedish, do you think that you would defend her more effectively? The lawyer again answered in the affirmative: 'Of course, you'd get the reactions straight away. It makes a lot easier.' Although the lawyer did not detail what is the importance of getting the reaction straight away, she was clear that communication would be healthier without an interpreter. Lu stated that when there is interpreter in the room, it means that she cannot entirely control the communication of the applicant:

> The interpreter is always someone else. I can control part of the communication, but there is a part of the communication that I cannot control at all. And, I just hope that works; if there is a problem, I hope my client sees the problem. (Lu)

This data again demonstrates a degree of arbitrariness within the process. Neither the applicant nor the lawyer knows whether the interpretation is as accurate as possible; yet, the lawyer expects the applicant to realize somehow if it is not accurate.

Compared to the lawyers' statements, the applicants reacted in a more obvious way about their thoughts regarding imaginary direct communication. They believe that the interpretation affects their narrative negatively. For example, Afife explained:

> In my opinion, the problem of interpretation is one *the most obvious and troublesome* problems within the process. I oppose communication through an interpreter. At least for the asylum process, there must be another way. This is not the right thing for the asylum process, for asylum-seekers […] You must communicate directly. Otherwise, your story is missing. (Afife)

The other applicant, Asya, touched on one of the reasons why the interpretation impedes communication within the process. She stated:

> Interpretation eliminates the emotion within what we say. However, most of what we experienced that makes us come to Sweden, the persecution, has to do with emotions. I do not know how, but the interpretation is something that should not exist in the process of application. (Asya)

Furthermore, the interpreters and the lawyers point out another reason regarding interpretation that damages the applicant's ability to tell her story. They claim that communication is damaged since the applicant is not used to speaking through an interpreter. For example, applicants may produce long speeches (Lu, Lykke); applicants can regard the interpreter as their main interlocutor (Ilgaz). For instance, Ilgaz pointed out that,

> The applicants are not aware of what the interpreter's role is. Many times, they speak directly to the interpreter, instead of speaking towards the lawyer or interviewer. It creates confusion for them and for their account. (Ilgaz)

In a similar vein, the lawyer, Lykke, also pointed out that speaking the same language may minimize cultural barriers between the applicant and the recipients and also ease passing on their feelings to the recipient. I asked about her experience with the applicant who expressed his narrative in Swedish. She answered:

> This person had been in Sweden and had been hidden for four years. During these years, he learnt Swedish and learnt a lot of things [about] Swedish society […] In that specific situation, because he could explain himself in Swedish about his feelings, that really made a difference, and he was granted asylum. (Lykke)

Another point that the lawyers and the interpreter discuss is the issue regarding trust. Accordingly, not having an interpreter in the room would eliminate the trust problems of the applicant which affects the way that the applicant expresses herself. For instance, Lu stated that:

> Sometimes it is hard for the Migration Agency to understand as well; the interpreter always says that everything is between these walls. As a Swede, you have a quiet confidence in the authorities […] but if you come from certain countries, you do not have trust in authorities as a Swede, which affects both how they [the applicants] are, what they can tell the Migration Agency but also they can tell the interpreter. (Lu)

The lawyer is aware that an applicant's lack of trust towards an authority figure may impede what she can tell the interpreter. In a similar discussion, Ilgaz expressed that

> In an applicant's eyes, the interpreters represent the government. This creates a very insecure situation. They are not very sure if they are allowed to ask about everything or say everything. They are very afraid to open themselves because they do not know if there is a risk of [information] leaking out. (Ilgaz)

The applicant, Afife, gave an affirmative answer regarding her trust issues towards the interpreter: 'At the beginning of the interview, the interpreter says that 'everything is between these walls, I took an oath.' However, to what extent can we trust [this statement]?' Ultimately, the lawyers, the interpreters and the applicants think that mistrust between the applicant and the interpreter is one of the factors that makes applicants alter their narratives.

However, there are cases in which the applicant can understand the interviewer, the interpreter and the lawyer. At the applicants' second interview, the applicants mentioned that they could somewhat understand Swedish. One to two years after the first interview, they are called in for a second interview. During this process, the applicant learnt Swedish enough for them to understand some parts of the interpretation during the second interview. As Afife stated:

> At the second interview, I knew Swedish to some extent. I corrected the interpreter so many times. But for the people who do not know Swedish at all, you have to leave everything to the interpreter. (Afife)

Also, on the opposite side, there are some cases in which the interviewer can somewhat understand the applicant's language. Lu stated that she had cases in which the interviewer somewhat understood the language that an applicant spoke even though there is an interpreter in the room. She said that in those cases even the interviewer corrected the interpreter.

The above data indicates that for some lucky cases, credibility assessments are made based directly on what the applicant says; for others the outcome is based on what the interpreter says. All of the respondents agree that indirect communication between the interviewer and the applicant has a negative effect on the applicant's narrative. It also shows the difficulty of assessing the credibility of a narrative mediated by an interpreter. On a theoretical level, the interpreter plays a role in truth production and changes the content of the asylum seeker's narrative during the truth-telling practice.

5.3.5. Text Trajectory: From Speaking to Writing

The protocol, which is the transcript of the interview, adds another layer of difficulty to the credibility assessment. After the asylum interview is concluded, the protocol is given to the applicant and lawyer. These parties then go through the protocol with the help of another interpreter who works with the lawyer. Lu, the lawyer, stated that: 'I always ask the interpreter to do a word by word translation; I know that different lawyers do it in different ways.' Ilgın, the interpreter, also affirms that this style of back-translation of the protocol is decided by the lawyer.

Applicants do have the right to correct the protocol. I asked how frequently the lawyers correct the transcript of the interview. Lykke, the lawyer, stated 'Many times. Transcripts are usually crap […] When I write my arguing document to the Migration Agency, I would say that at least two or three pages are corrections from the transcript.' Lu also said 'The protocol is a much shorter version [of the interview…] The interviewer does not write every sentence. It lacks [details]. One reason can be they do not have time to write everything down'.

The lawyers think that protocols do not reflect the interview exactly and correctly. Rather, it reflects inaccurately, to an extent. To address this situation, the lawyers stated that they take their own notes at the interviews, then they compare their notes with the protocol and correct the protocol according to their notes. After these corrections, they approve the protocol. Lastly, the decision-maker reads the protocol and decides on the application. The lawyers think the fact that the decision-maker can only read the protocol and do not witness the oral narrative of the applicant may have a negative effect on the applicant's credibility. As Lu noted:

> I think people lose their credibility a lot when decisions are made based on written documents, especially for the people who talk a lot since so much writing is hard to do. To show credibility, you need to have oral hearings. That is the reason why you can have oral [hearing] when you are in court. Of course, they [the decision-makers] miss something. (Lu)

Consequently, there is a legal procedure that gives the applicant the right to correct the protocol, but it depends on the back-translation style that the lawyer selects and their skills as a note-taker. Again, interpretation becomes an obstacle for asylum-seekers to obtain salvation. Even if the applicant effectively uses her right to review the protocol, the written protocol is no substitute for the actual oral interview, as stated by the respondent. Another characteristic of the interview process is that the person who grants salvation does not actually witness the scene

where confession takes place. This also makes it harder for asylum-seekers to present themselves as credible and to transfigure from doubtful asylum-seeker to truthful refugee.

5.4. TRUTH PERFORMANCE

Both the lawyers and the interpreters interviewed expressed on several occasions that how one tells her story in a refugee process plays a significant role in establishing the credibility of the applicant. It appears that they know which kind of storytelling will be regarded as credible: 'I know from the start [if an] applicant will not be granted [refugee status] Some people are not very good at expressing themselves.' (Lykke) Lu expressed the idea that 'It is so different [from] how I would explain. Many of my clients can't explain themselves well.' (Lu) Furthermore, the interpreters mentioned that they can identify when an applicant lies. As Itır points out, 'We understand when the asylum-seeker lies.' On the same issue, applicants seemingly know that truthfulness is connected to their performance, yet they did not know how to perform it. As Afife mentioned:

> Before going to the interview, my friends who got refugee status warned me that the interviewer will pay attention to how you tell your experience, how you react to what he asks; even your facial expression and body language will be important. So, I know that they will pay attention to how I speak as much as they will pay attention to what I speak. But I do not know how they want me to speak. (Afife)

The lawyers and the interpreters reveal that credibility assessment is about truth performance or the performativity of truth. They know which performances will be found credible. In other words, they possess the know-how of being credible. On the other hand, applicants know that they will be evaluated regarding their performance of the truth, but they do not know how to act 'credible' in order to obtain salvation from a decision-maker.

6. DISCUSSION

In the following chapter, I will discuss the empirical findings and link them with the legal documentation and scholarly representation of the credibility assessment and the interpretation. While doing this, I will rely on the already presented theoretical framework regarding the concept of 'truth'.

The data collected from lawyers, interpreters, and asylum-seekers shows that there is no clear-cut legal procedure for deciding on the truthfulness of an applicant's narrative in asylum interviews. In the absence of insufficient instructions regarding the procedure, credibility assessment is based on criteria such as consistency, coherence and the applicant's style of speaking. Data shows that these concepts are elusive and affected by countless external factors. For example, if the applicant grows up in a culture in which time is not an essential component of everyday life, she cannot present her narrative chronologically. This inability to relay her experience in an 'credible' way damages the coherency of the narrative and she will likely be judged a noncredible applicant. As another example, if the applicant tells part of her story not in the first interview, but in the second, she becomes a doubtful applicant. The results of this study helped me locate several factors that result in an applicant being labelled "noncredible," from not being able to speak persuasively, to speaking with a lack of fluency. It is difficult for asylum-seekers to pass the level of credibility assessment when the level is unknown or ever-changing.

The existence of various factors to become a truthful applicant illustrates Foucault's idea of confession. The applicant narrative is not free speech; she has to narrate in a way that the decision-maker expects from a truthful narrative. For example, if the applicant comes from a country where the conception of time is different, and she is unable to transform her narrative, she might be regarded as an applicant non-deserving of salvation. On the other hand, salvation is within reach if the applicant's concept of time matches that of the interviewer since her truth is transformable and compatible with the decision-maker's expectations. This shows 'truth' isn't about actual occurrences; rather, it is how compatible the applicant's narrative is with a decision-maker's expectation. Truth is constructed in the interview room.

Most of the scholarly discussion reiterates this elusiveness by revealing the questionable technologies and inconsistency indicators used during the process. In this regard, my data corresponds to the literature that unveils the difficulty, arbitrariness and elusiveness of the credibility assessment. The elusiveness of this process also is obvious in the law presented in the literature of this thesis: the directives do not clearly provide details regarding how to decide on the truthfulness of an applicant.

Alongside the exploration and demonstration of the elusiveness of credibility assessments, this thesis has a narrower aim which is to explore the role of interpretation within this elusiveness.

As the literature shows, the legal documentation which involves the interpretation at the asylum interviews is scant. The EU Directives circumvent or dodge the issue of interpretation by charging the receiving states with the selection of an interpreter who is able to ensure 'appropriate communication' between the applicant and the interviewer. There is no instruction in the law as to what appropriate communication is, how it must be provided, what is the procedure to achieve it and what or who controls the mechanisms of appropriate communication. These questions are left unanswered or even unquestioned. By not addressing these questions, the Directives obscure the effectiveness of interpreters on the applicant's narrative. Rather, they simulate the interpretation as a neutral activity; the interpreters as invisible actors at the asylum interviews. Contrary to this representation of an interpreter, this research shows that interpretation has an unignorable influence on communication between applicant and interviewer. Interpretation has the power to change the actual narrative and acts as an obstacle to the applicant's transfiguration into a refugee by altering her truth-telling practice.

The data demonstrates the impossibility of invisible interpretation, first by the intertwinement of culture and language. The respondents explained how culture penetrates language and this might work against the credibility assessment of the applicant. The same concepts can be regarded as different across cultures. For example, as in the Swiss case in the literature, the geologic feature called a 'mountain' in one culture is referred to as a 'hill' in the other. The interpretation of the word mountain as a 'mountain,' not as 'hill' can make the applicant appear untruthful.

To take this idea a step further, the data shows that the applicant can use a word that does not correspond to any word in the target language. In these cases, the interpretation can, at best, give the closest meaning of the word. However, as one interviewee (lawyer) expressed, to understand how this word would affect the applicant if she returned to her country of origin requires much more effort; it needs an understanding of the word beyond a close or approximate interpretation.

Furthermore, the presence of an interpreter at the interview directly or indirectly affects the applicant's narrative. Their presence can directly affect the coherence and details of the narrative, which are both used as (non)credibility indicators in practice. As a repeating theme among asylum-seekers, the applicants find it difficult to resume their narrative after frequent

interruptions by an interpreter. This inarguably affects the coherency of the narrative and their truthfulness in a negative way. This point confirms previous research that views interpretation as a disruptive force that renders a narrative less consistent and coherent. Any act of omission creates another problem for asylum-seekers, notably an insufficient level of detail in the narrative which is also used as a non-credibility indicator. This shows how asylum-seekers can be caught in a Catch-22 stemming from the interpretation.

Having an interpreter in the room also indirectly affects the applicant's narrative. Asylum-seekers may not trust an interpreter who shares the same nationality and might think the interpreter would leak her narrative to her home country. Corroborating previous research, evidence shows that this fear leads applicants to refrain from sharing parts of their story with the Agency. Also, asylum-seekers are highly worried about the accuracy of the interpretation when they tell their story. These worries might make them appear insecure or anxious, and this can be also used as an indicator of an untruthful narrative.

As another point, the level of freedom the interviewer allows the interpreter to provide cultural and sociological explanations are also relevant for credibility assessment. This research supports previous studies regarding indefiniteness of 'appropriate communication' and the amount of leeway allowed to interpreters to voice their personal opinions. The data shows that the interpreter may give cultural and sociological explanations according to the discretion of the interviewer. Interviewer can also decide the length of the interpretation. As data presents while some interpreters are expected to interpret sentence by sentence, others interpret after the applicant speaks for significantly longer time, e.g. five minutes. For the first option, the interpreter mostly interprets word-by-word; for the second they can add or omit content within the narrative. However, the results show that even the first method, word-for-word interpretation, might change the applicant's narrative. Word-for-word interpretations may cause a loss of meaning; the sentence could be meaningful in the source language but is rendered meaningless in the target one.

Contrary to most EU directives, a few UNHCR handbooks discuss some of these problems. Yet, the publication of every new handbook adds an attempted layer of clarity and confusion to the process; in worst-case scenarios, these new iterations provide contradictory advice to readers. For example, there is inconsistent advice from different handbooks on whether the interpreter can provide cultural explanations to the applicant, and to what extent. As another

example, whether or not interpreters should provide a word-for-word interpretation or 'a complete and accurate reproduction' of what asylum-seekers express varies between handbooks. Such confusing directives also occur within the same handbook, e.g. the handbook states that an interpreter is a cultural mediator yet acknowledges that there are often no equivalents in the target language for cultural terms or words in the asylum-seeker's language. Furthermore, the UNHCR *Handbook for Interpreters in Asylum Procedures* (2017) notes that asylum-seeker comments might not be understood by the interviewer due to untranslatable statements and that such statements do not make them inadequate for the job. Yet, the effect of untranslatable passages on the asylum narrative, i.e. its credibility assessment, is left unquestioned. The Handbook also, contrary to other handbooks, accepts that every interpretation is a new edition of a narrative and carries new meanings (UNHCR 2017). This recognition protects interpreters and ignores the asylum-seeker's side of the exchange, namely an asylum narrative's credibility is based on the 'new edition' of the narrative with new meanings, not the original edition containing what the asylum-seeker actually said.

These difficulties are confirmed by empirical data: interpreters, lawyers and asylum-seekers express that the interpretation of the narrative is not the narrative itself, and interpretation can distort the form and content of a narrative. However, these difficulties of interpretation are obfuscated by the oral confirmation of the protocol by asylum-seekers. Asylum-seekers only hear a 'back-translation' of the protocol to confirm, and this oral confirmation also carries the aforementioned problems stemming from interpretation. The UNHCR Handbook accepts that returning the same words and same meanings via back-translation is impossible since there is no interpretation that is absolute, single and all-encompassing. As such, the back-translation presents one meaning among many. The data collected in this research shows that there are various applications regarding modes of back-translation since the process depends on the preference of a lawyer. Regardless of which mode a lawyer prefers, it is impossible to 'return' to the exact meaning of every word spoken at the time of interview.

The oral confirmation to the protocol also obfuscates the intersubjectivity of an asylum narrative. During the interview, the narrative is produced by the interplay between an asylum-seeker, interpreter, lawyer and interviewer. However, the protocol is regarded as a 'recording' of what 'only' the applicant says and is only attributed to the applicant. In opposition to this idea of sole ownership, data shows the intersubjective nature of the interview: the protocol is produced by the involvement and interplay between different actors. In this regard, it confirms

what previous literature calls a 'stratified texture' woven by different actors. The UNHCR accepts that there are multiple contributors to a protocol's content, however the confirmation of the protocol makes the applicant its sole author. As mentioned in the previous paragraph, the confirmation of the protocol has the same problems stemming from interpretation.

Another point regarding the protocol is its inadequacy of information. It is a known fact that there is not a recording device in the interview room, yet the protocol is regarded as a verbatim transcript of everything spoken by an applicant. As the data shows, the protocol contains omissions and sometimes misrepresents the applicant. Any attempts to correct the protocol depend almost entirely on how well the lawyer can take notes during the session.

Needless to say, this system of corrections is inadequate when human lives are at stake. All of the aforementioned difficulties demonstrate the challenges of interpretation within the refugee determination process and display a part of the international protection system that is, to some extent, arbitrary and requires amendments to be considered as fair and just as possible for those who are in need of protection.

Besides the elusiveness of concepts and the impossibility of interpretation, I would like to remark that credibility indicators, to a larger degree, are formalistic. Consistency, coherence and style of speaking have nothing do with content. To decide on the truthfulness of narrative, these indicators advise the decision-maker to look at the form of the narrative, or how the story is presented. The collected data and legal documentation leave no room for argument against the claim that decision-makers utilize a formalistic approach towards their pursuit of truth. As one of the interviewees expressed, this formalistic approach generates *a lack of credibility if the applicant cannot talk in a certain way.* The scholarly discussion around this issue paints a similar picture: the credibility of an applicant largely depends on how she presents her narrative as much as what she presents. Thus, credibility is based on how the truth is presented or performed and is what Foucault calls a 'truth-telling' practice. To *become* a truth-teller, the applicant must tell a certain truth in a certain way in order to benefit from the resulting salvation, or transfigure from a doubtful applicant to a truthful refugee. A truth-teller is not an applicant who talks freely about her truth; rather she is caught in a state of confession. Being granted asylum, or 'salvation,' might mean adopting a certain narrative, such as 'hills' in the Swiss case, or the receiving state's epistemologies of what is 'mountain' and what is 'hill'. In any case, the applicant must *become* a refugee worthy of protection in the process. By revealing

'truth' as a construction, this research corroborates the studies that criticize the metanarrative of truth in the refugee procedure. Within this truth production, the interpreter plays a visible and significant role to remould, reconstruct and renarrate an applicant's truth-telling practice. Lastly, the data gives rise to the idea that credibility is a technique that can be learnt with repetition, which is the added value of this research to the field of sociology of law. Both lawyers and interpreters hold the keys to credibility since they are exposed to countless asylum interviews. They know how an applicant should tell her story in order to be credible, what interviewers look for and how the interviewer decides on untruthfulness. As one of the interviewees (lawyer) indicated that if she were the applicant, she would present her story much more differently than how most applicants present their narratives. Thanks to their know-how, they can also understand whether the applicant will be found credible before a legal decision is made. It is a matter of mastering the techniques they develop over years of experience. On the other hand, the asylum-seeker is also aware that how they tell their story is significant within the refugee determination process. Their lawyers and refugee acquaintances warn that how they present their story is of significance. However, asylum-seekers do not know how to adequately perform their narrative because it's their first exposure to this setting or scenario, although they are aware of its importance.

In other words, practical knowledge on how to perform, or a know-how of what it means to be credible, are not legal elements; these are learnt by experience, practice and repetition. Foucault would say that what is learnt by repetition are the rules of truth-game. In this setting, the asylum-seeker has a chance to play the truth-game only once and cannot hope to master its rules in the interview room.

7. CONCLUSION

This thesis investigates the role of language in construction of the truth in the credibility assessment of asylum claims in Sweden. To this end, I collect empirical data through qualitative interviews with asylum-seekers, lawyers and interpreters.

One of the claims of this thesis is that credibility assessment is a vague process. Credibility assessment lacks clear procedure in the legal texts. The texts posit few themes as credibility indicators, such as the coherence and consistency of the applicant's narrative. These concepts are elusive and vary according to many other factors. Interpretation is one of the factors that affect credibility indicators, and thus, the credibility assessment of an applicant's narrative. It is shown that interpretation is an active task; when the narrative is retold in a different language, it means it is reconstructed and remolded. Thus, the original narrative is no longer the same narrative. As stated previously, the applicant's credibility is decided on a new edition of the narrative rather than applicant's original narrative. Consequently, there is an international protection system which is largely based on the interpretation of an asylum narrative. The difficulties of interpretation are admitted by very few legal texts which state that interpreters will not be charged for difficulties stemming from the nature of their task. However, what is unspoken is that these difficulties can bear heavy consequences for asylum-seekers, and the results of any difficulties stemming from interpretation are placed solely on their shoulders.

Furthermore, this thesis emphasizes that credibility indicators used in practice are formalistic and do not investigate the truth of a narrative. Rather, they are occupied with the presentation of truth. By drawing on Foucault's concept of truth, this study concludes that credibility assessment is a discourse of truth, instead of the truth of one's discourse. Truth is constructed rather than investigated. The applicant must *become* a refugee by following the rules of the truth-game and the interpreter plays a significant role in this setting, as mentioned above. To obtain salvation, an applicant has to make her truth compatible with the decision-maker's via confession. Her transfiguration from doubtful asylum-seeker to truthful refugee is only possible if she renounces and transforms her truth to follow the path of the decision-maker's truth.

This research confirms previous studies on the vagueness of credibility assessment, the construction of a truthful refugee, and the visibleness of interpretation. The thesis also furthers the research in this field by disclosing how difficult it is for asylum-seekers to follow the path of a decision-maker's truth. This research finds out that there is a certain know-how behind what it means to be truthful. The lawyers and interpreters who are exposed to asylum interviews many times obtain the knowledge of how one must perform to be labelled credible. On the other hand, asylum-seekers do not know how to perform the truth and likely do not have access to any sort of information regarding truth performance. Consequently, it is a dramatically sad game for asylum-seekers to play a game whose rules are learned with repetition, considering she has a chance to play this game only once, and she is judged based on this one chance.

Recommendation for Further Research

To conduct further research that investigates interpretation within the refugee determination process, it would be helpful to work with more than one theoretical framework. Alongside the theory on 'truth', one could make use of linguistic theories to illuminate further information regarding interpretation. Another option would be to benefit from the conceptualization of narrative. For example, Eastmond's work can be used to explain why reaching the truth *post factum* is impossible.

Moreover, future research can expand the investigated new knowledge obtained in this research, the points on the know-how of being truthful. Additional research could collect more data from asylum interviewers and decision-makers and investigate their techniques of asking questions to construct the truth.

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9. APPENDIX

<u>INTERVIEW GUIDE FOR LAWYERS</u>

1- How old are you? How many years have you been practicing migration law?

2- What do you think about credibility assessment in the refugee process? What is the credibility assessment?

3- What are its difficulties? What kind of pitfalls does credibility assessment have according to your experience? Are there factors that may affect one's ability to tell the truth?

4- Do you believe that credibility is understood in the same way by different interviewers?

5- Are there any specific guidelines for credibility assessment in Swedish law?

6- What do you think, in general, about the interpreter and interpretation within the refugee determination process?

7- Have you experienced difficulty in understanding the culture and customs, places, foods, and/or political situation of the applicant's home country?

8- What do you do when you think or feel that the interpreter does not translate in a correct way or does incomplete or selective interpretation?

9- Have you ever corrected the transcript of the interview? How frequently?

10- Have you ever realized that the transcript of the interview does not include all information that the applicant gave, but a selection of it, or includes content that the applicant did not say?

11- Have you ever had an applicant who expresses herself/himself in Swedish?

<u>INTERVIEW GUIDE FOR INTERPRETERS</u>

1- How old are you? What is your mother tongue? In which languages do you translate?

2- What kind of training do you have for this job?

3- Do you warn the interviewer of potential cross-cultural misunderstandings?

4- Have you ever encountered a sentence/word/expression of the asylum-seeker which is significantly difficult to translate to the target language? How did you deal with those situations?

5- Have you ever experienced the situation in which a semantic translation and a literal translation of the asylum-seekers sentence(s) would give a significantly different meaning to the decision-makers? What do you do in this situation?

6- Do you think that meaning, content or nuance is lost in translation?

7- Do you believe that all the things the applicant says are of equal importance? Do you omit unimportant and irrelevant parts of an applicant's story?

8- What do you do when the applicant speaks in long sentences and make it harder to translate for you?

9- Have you ever experienced the situation where the interviewer and the lawyer understand different meanings from your translation?

10- Have you ever been asked by the interviewer to translate the important part or summary of what the applicant said?

INTERVIEW GUIDE FOR ASYLUM-SEEKERS

1- Did you worry about adjusting your story to make it understandable for the interviewer?

2- Did you worry about adjusting your story to make it easier/understandable for the interpreter?

3- Did you select parts from your story to explain your motivation to apply for international protection?

4- Do you think that if you could speak in your native language, would anything be different? Would your credibility be better in the eyes of the interviewer?

5- How do you feel when the interpreter interprets your narrative? Do you trust the interpretation?

6- During interpretation, were you worried about the coherency of your narrative?