
Lesson Plan Overview

Course	Asylum Officer Basic Training
Lesson	<i>Interviewing Part VI: Working with an Interpreter</i>
Field Performance Objective	Given the field situation of interviewing an applicant for asylum (and witnesses, if any), the asylum officer will be able to elicit in a nonadversarial manner all relevant information necessary to adjudicate the asylum request and to issue documents initiating removal proceedings.
Interim (Training) Performance Objectives	<ol style="list-style-type: none">1. Identify who is eligible to serve as interpreter.2. Instruct interpreter on responsibilities.3. Communicate effectively through an interpreter.
Student Materials/References	Regulations, Participant Workbook, Practical Exercises (at end of lesson); 8 C.F.R. §§208.9, 208.10; INA §235(c)
Background Reading	<i>Lawyers Committee for Human Rights. Guidelines for Immigration Lawyers Working with Interpreters: Extending Legal Assistance Across Language Barriers</i> (New York, NY: June 1995), 5 p.

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Presentation**I. INTRODUCTION**

This lesson informs students about who can serve as an interpreter, the role and responsibilities of an interpreter, factors that affect the accuracy of translation, and how to facilitate communication through an interpreter.

II. OVERVIEW**A. Providing Interpreters**

The Service does not provide interpreters at affirmative asylum interviews for applicants who cannot speak English. Interpreters are provided (via telephone) by the Service, however, in the expedited removal process when a credible fear interview is conducted. Interpreters are also provided at asylum hearings before immigration judges.

B. Identity of the Interpreter

The asylum officer has the authority to verify the identity of the interpreter.

8 C.F.R. § 208.9(c)

C. Language Ability of the Applicant

If the applicant cannot speak English well enough to fully understand the questions and express his or her claim, the applicant must provide an interpreter.

8 C.F.R. § 208.9(g)

While some applicants can speak English well enough to be interviewed in English without the use of an interpreter, most applicants need an interpreter during the interview.

Even an applicant who is competent in English may feel more comfortable expressing the claim in his or her native language and therefore may use an interpreter.

D. Interaction with Interpreter

When an interpreter is present, the interview does not just involve an exchange of information between the applicant and asylum officer; rather it is an interaction involving three people, with the interpreter relaying the information.

See lesson, Interviewing Part IV, Cross-Cultural Communication and Other Factors That May Impede Communication at an Asylum Interview.

References**Instructor Note #1****OH #1: FPO; IPOs**

Because of the nature of interpretation and cross-cultural communication, the interpreter does not simply relay information exactly word-for-word; the interpreter is, in many ways, a “filter” through which information is passed.

Instructor Note #2

III. APPLICANTS WITHOUT INTERPRETERS

A. Stopping the Interview

If the applicant has not provided an interpreter and the asylum officer determines that the applicant does not understand the questions and/or cannot express the claim, the asylum officer must stop the interview. There may be times when the applicant wishes to proceed in English even though his or her English is not proficient enough. Due to the potential for misunderstandings, however, the asylum officer must terminate the interview if he or she determines that there are difficulties in communication.

B. Rescheduling the Interview

At the asylum officer's discretion, and in consultation with a supervisor, the asylum officer may reschedule the interview so that the applicant can return with an interpreter, or the asylum officer may refer the case to the Office of the Immigration Judge.

An applicant's failure without good cause to provide a competent interpreter may result in ineligibility for employment authorization. Therefore, all applicants should be given a second chance to provide a competent interpreter. This will usually mean rescheduling an interview at least one time if the applicant does not provide a competent interpreter. In order to discourage solicitation at Asylum Offices, applicants generally should not be permitted to return to the waiting room to seek alternate interpreters.

8 C.F.R. §§ 208.7(a)(4),
208.9(g), 208.10

C. Written Notice

If an applicant does not provide an interpreter, the Asylum Office must give the applicant written notice explaining the consequences of failing to bring a competent interpreter. This must be given to all non-*Mendez* and non-*ABC* asylum applicants who appear without a competent interpreter. (There are certain provisions regarding interpreters for *Mendez* and *ABC* applicants that do not apply with other asylum applicants.)

There is a special notice for *ABC* applicants.

D. The “CLOCK”

For purposes of work authorization, if the asylum application was filed on or after January 4, 1995, the 150-day processing “clock” will be tolled (stopped) between the dates of the first scheduled interview and the rescheduled interview.

IV. WHO CAN SERVE AS AN INTERPRETER

8 C.F.R. § 208.9(g)

A. The Interpreter:**OH #2: Who Can Serve as an Interpreter**

1. Must be fluent in both English and a language in which the applicant is fluent;
2. Must be at least 18 years of age; and
3. Must not be the applicant's attorney or representative, or a witness testifying on behalf of the applicant.

(An employee of the attorney, such as a paralegal, may serve as the interpreter, however.)

4. Must not be a representative or employee of the applicant's country of nationality, or if stateless, country of last habitual residence.

For *ABC* cases, the only requirements are that the interpreter is competent and that he or she cannot be the applicant's representative or a witness.

B. No Other Requirements

There are no other regular requirements regarding who can serve an interpreter. The immigration status of the interpreter is not a bar (the interpreter may be another asylum applicant) nor is the interpreter's relationship to the applicant (may be a family member), so long as the interpreter meets the requirements listed above.

V. COMPETENCY OF THE INTERPRETER**A. Determination of Interpreter's Competency**

At any time during the interview, the asylum officer may determine that the interpreter is not competent to interpret at the interview. Due to time constraints, it is best if the asylum officer can make this determination at the beginning of the interview. **If the applicant and interpreter do not fully understand each other, or if the asylum officer and interpreter do not fully**

understand each other, the asylum officer must stop the interview.

B. Rescheduling the Interview

At the discretion of the asylum officer, and in consultation with a supervisor, the asylum officer may reschedule the interview if:

1. the interpreter is not sufficiently competent in both English and the applicant's language and is not able to accurately interpret during the interview; and/or
2. the asylum officer has good reason to believe that the interpreter is providing answers to the applicant, altering or embellishing the applicant's claim, or changing the asylum officer's questions, and the asylum officer and the interpreter are unable to resolve the issue.

C. Written Notice Provided to Applicants who Fail to Bring a Competent Interpreter

As with applicants who do not bring an interpreter (see B above), the Asylum Office must give the applicant written notice explaining the consequences of failing to provide a competent interpreter. For purposes of employment authorization, the 150-day clock will be tolled until such time as the applicant appears for the rescheduled interview.

Instructor Note #3

As the interview is an interaction involving three people, it is important for the asylum officer to examine how he or she sees the interpreter -- a colleague? an intermediary? an obstacle?

Instructor Note #4

“Verbatim” means “word for word.” Please note that “meaning for meaning” interpretation is appropriate when word for word interpretation is not adequate to accurately convey the

VI. ROLE OF THE INTERPRETER

A. Interpreter’s Role is Crucial

In an interview requiring an interpreter, the role of the interpreter is crucial. Misinterpretations can seriously impede the asylum officer’s ability to elicit accurate information and therefore can lead to incorrect determinations.

B. Advising the Interpreter of his or her Role

The asylum officer must inform the interpreter that he or she:

1. must interpret verbatim as much as possible, using the asylum officer's and applicant's choice of words, rather than using the interpreter's choice of words. The interpreter should advise the asylum officer if certain terminology cannot be interpreted verbatim and therefore needs a lengthy interpretation in order to accurately convey the

meaning of what is being said.

meaning of what is being said. Please see discussion below in Section VII.B. “Difficulties are Inherent in Interpreting From one Language to Another.”

2. must interpret the applicant's responses to the asylum officer's questions even if the responses do not appear to answer the questions
3. must advise the asylum officer if he or she cannot understand what the applicant or asylum officer has said
4. must ask the applicant for clarification at any time the interpreter does not understand the applicant, and must inform the asylum officer that he or she is asking for clarification only
5. must advise the applicant or asylum officer if the length of a question or response would pose difficulties for the interpreter to interpret (the applicant or asylum officer must then give shorter chunks of information to the applicant to interpret)
6. must not engage in conversation with the applicant during the interview
7. must not explain anything to the applicant if the applicant is confused or does not understand, but rather must simply interpret the applicant's questions or responses so the asylum officer can explain
8. must not condense or elaborate upon what the applicant says
9. must not attempt to answer for the applicant or explain the meaning of what the applicant says, but rather provide as an interpretation of what is said that is as verbatim as possible

It is helpful to explain to the interpreter that the reason for these instructions is to avoid misunderstanding. The interpreter may be more likely to follow instructions if he or she understands the rationale for them.

C. Interpreter's Oath

The interpreter must fill out an Interpreter's Oath form (sworn statement) prior to the interview. The asylum officer must

See, Asylum Procedures Manual, for a copy of the interpreter's oath form.

explain the meaning of this document to the interpreter, and have the interpreter explain the meaning of the document to the applicant.

Instructor Note #5

By signing the interpreter's oath form, the interpreter swears to "truthfully, literally, and fully interpret the questions asked by the asylum officer and the answers given by the applicant." Should a concern arise that an interpreter is not fulfilling that oath, the asylum officer should follow procedures set out in the *Asylum Procedures Manual*.

See, Asylum Procedures Manual, section II.J.4.e.iii., Improper Conduct.

VII. FACTORS AFFECTING THE ACCURACY OF INTERPRETATION AT THE ASYLUM INTERVIEW

There are a number of factors that affect the accuracy of interpretation.

Instructor Note #6

A. The Interpreter May not be Sufficiently Competent in English

The interpreter may be the applicant's relative, a friend, someone from the attorney's office, or a "professional" interpreter that the applicant is paying. The English language ability of such persons may vary from poor to excellent.

OH #3: Factors Affecting the Accuracy of Interpretation

Even if an interpreter is competent in English, asylum officers must remember that, in most cases, English is not the native language of the interpreter. Therefore, there are certain subtleties of English, such as idiomatic expressions, that an interpreter may not completely understand. In addition, terms used in an asylum interview such as "threatened," "torture," "organization," etc. are not usually among those words that second language speakers are likely to become familiar with as they are learning a new language.

Instructor Note #7

Furthermore, an interpreter may not be familiar with various accents that asylum officers may have.

B. Difficulties are Inherent in Interpreting From One Language to Another

It is not always possible to interpret verbatim (word for word) from one language to another and retain the meaning of what is being said. Consider the Spanish, "me costó un ojo de la cara" which, is interpreted word for word into English as, "it cost me an eye from the face" rather than the actual meaning, "it cost me an arm and a leg." Many times, rather than interpret word for

word, an interpreter must interpret meaning for meaning in order to accurately convey what is being said. It is up to the interpreter to determine how best to interpret meaning for meaning.

C. The Applicant and Interpreter May be Communicating Through a Second Language

The applicant and interpreter may be communicating through a language that is a second language for one or both of them.

Example:

The native language of many applicants from the People's Republic of China is Fuzhou (“Foo Chow”), and their second language is Mandarin, which they may not speak as well as Fuzhou. Often the interpreter for such cases is competent in Mandarin but does not speak Fuzhou. Similarly, for many indigenous Guatemalan applicants, Spanish is a second language.

It is important to establish this at the outset of the interview by asking the applicant and interpreter, “What language do you understand best?” or “What language did you speak at home?”

D. The Applicant and Interpreter May Speak Different Versions of a Language

Although an applicant and interpreter may speak the same language, they may have learned different versions of that language and speak with different accents. Different versions of a language may be spoken by individuals from different socio-economic groups, from different parts of a country, or from different countries that speak the same language.

There may be minor inconsistencies in terminology and variations of usage between different versions of a language which may lead to subtle differences in interpretation. Compare the use of terminology in English spoken in Ghana, Jamaica, the United Kingdom, and the United States.

Example:

“Ahorita” in the Dominican Republic means “in a little while;” in Mexico it means “right now.”

This is also discussed in lesson, *Interviewing Part IV, Cross-Cultural Communication and Other Factors That May Impede Communication at an Asylum Interview.*

Instructor Note #8

In addition, if the interpreter is unfamiliar with the applicant’s country, the interpreter may be unfamiliar with certain terms.

For example, a Spanish language interpreter who is not from Guatemala may not understand the term for “civil patrol” expressed by a Guatemalan applicant and may interpret it as “military.”

E. Interpreters at Asylum Interviews are Rarely Professional Interpreters

The interpreter may or may not have had experience interpreting or translating. Even if an interpreter has had experience interpreting or translating, he or she may not really understand the role of an interpreter and how to best facilitate interpretation.

“Translation” involves written material.

F. The Applicant May not Know How to Best Communicate Through an Interpreter

Although the applicant may have spoken through an interpreter before, he or she may not be familiar with the best ways to work with an interpreter.

For example, the applicant may not recognize the need to avoid idioms or to pause after saying a few phrases and wait for an interpretation before proceeding.

G. The Interpreter and the Applicant May not Have Met Prior to the Interview

In some cases, the applicant may have met the interpreter for the first time just before the interview. Therefore, the applicant and interpreter may be unfamiliar with one another's accent, pronunciation, mannerisms, etc.

It is important to note that there may be several ways of interpreting a particular word or phrase, some of which may be more appropriate to a particular situation. (Think of a thesaurus which lists numerous synonyms for one word.) An interpreter's choices of words to use when interpreting are made in a “split second.” After the interpreter has chosen the words to use in the interpretation, it may be difficult for him or her to go back and correct his or her choice of words.

If an interpreter is familiar with the applicant and the country and culture the applicant is from, the interpreter will be better able to make these “split second” determinations of how to interpret particular words or phrases.

Conversely, the less time an interpreter has spent with an

Consider the difficulties this

applicant, the more difficult it will be for the interpreter to accurately make these split second interpretations.

also poses for the interpreter when making “split second” interpretations of the asylum officer’s questions and statements.

On the other hand, an interpreter who knows the applicant and the claim well, may think he or she knows what the applicant is going to say and may not listen as intently as an interpreter who does not know the applicant. Such an interpreter may miss some words, or may be caught off guard if the applicant relates something that the interpreter did not know.

H. Cultural Factors Can Influence Interpretation

Applicants and interpreters are usually from a culture that is different than the culture of the asylum officer who is conducting the interview. The exchange of information through an interpreter is not only being interpreted from one language to another but also from one culture to another. When the applicant and the interpreter are also from different cultural backgrounds, there is an additional cultural layer through which the information must pass.

Cross-cultural communication is discussed in depth in lesson, *Interviewing Part IV, Cross-Cultural Communication and Other Factors That May Impede Communication at an Asylum Interview.*

For example, it may be taboo in the applicant's culture to openly discuss rape. Even if the applicant chooses to discuss this issue at the asylum interview, the interpreter may feel uncomfortable and may therefore substitute the word "harm" for "rape."

I. Disposition of the Interpreter Can Influence Interpretation

Interpreters are rarely neutral. In some circumstances, the interpreter may feel disposed toward the asylum officer; in other circumstances, the interpreter may feel more disposed toward the applicant. For example:

1. an interpreter may try to impress the asylum officer with his or her knowledge of English or country conditions and may add editorial comments about a country;
2. an interpreter may want to distance him or herself from the applicant if he or she feels that the applicant is of a lower socio-economic group or if he or she believes the applicant may be fabricating a claim;
3. an interpreter may want to put his or her country and culture in a favorable light;
4. an interpreter may want to help the applicant; or

5. an interpreter may want the asylum officer to know that he or she is acquainted with the applicant and the applicant is a “good person.”

Whatever the reason, the applicant’s testimony may be distorted by the interpreter. For example, an interpreter who wishes to place his country in a positive light may not interpret the abuses the applicant suffered at the hands of the authorities as graphically as the applicant depicts them. The interpreter may not be aware of how his or her bias affects the framing of the discourse interpreted.

VIII. SIGNS THAT THERE MAY BE MISINTERPRETATION

A. Signals

There are a number of signs that indicate that there may be miscommunication or that the interpreter is having difficulty interpreting.

1. The response to the asylum officer’s question does not answer the question or only partially answers the question
2. Words that the asylum officer recognizes without interpretation (e.g., proper names, English words) are not interpreted
3. The interpreter uses many more words to interpret the question than the question appears to have required
4. A lengthy response from the applicant is interpreted from the interpreter as a very brief response
5. There is back and forth dialogue between the interpreter and the applicant.
6. The applicant indicates non-verbally that he or she is confused or doesn’t understand

Instructor Note #9

B. Clarification

Asylum officers need to be continually alert for any signs of miscommunication and clarify with the interpreter as soon as there are any signs of miscommunication.

IX. WAYS TO FACILITATE INTERPRETATION THROUGH AN INTERPRETER

Everyone has a particular way of speaking, in which they incorporate accent, speech patterns, rate of speech, and other personal behavior. Some ways of speaking can be easy for an interpreter to understand while others may be very difficult.

Instructor Note #10

Instructor Note #11

There are a number of ways the asylum officer can facilitate interpretation through an interpreter, including the following:

OH #4A, B, & C:

Facilitating Interpretation

A. Address the Applicant Directly

Note that many of these techniques should be used in all interviews, whether or not interpreters are involved.

The asylum officer should face the applicant when speaking and direct questions and comments to the applicant. The asylum officer should not tell the interpreter to ask the applicant something or refer to the applicant in the third person.

Examples:

Instructor Note #12

Proper:

"What did you do next?" (looking at the applicant)

Not proper:

"Ask her what she did next," (looking at the interpreter)

B. Avoid Conversations with the Interpreter That are Not Interpreted to the Applicant

If it is necessary for the asylum officer to discuss an issue with the interpreter (e.g., manner of interpretation), the asylum officer should explain to the applicant what he or she is discussing with the interpreter. (This procedure should also be followed if it is necessary to discuss something with the representative, or anyone else present at the interview.) This will avoid confusion about what the interpreter should interpret, and will reinforce to the interpreter that the applicant must be aware of all that transpires during the interview. Additionally, this keeps the applicant informed of what is going on in the interview.

C. Be Conscious of Your Speech Patterns

Asylum officers should identify their own particular speech patterns and consider how their speech patterns may or may not facilitate clear interpretation. "Do I speak quickly? Do I speak softly? Do I change thoughts in mid-sentence?" Asylum

officers should also notice the circumstances under which their speech patterns change and how they change (e.g. when upset, irritated, tired). Once asylum officers have identified any speech patterns that may impede effective interpretation, they can work to avoid these patterns during the interview.

D. Choose Words Carefully and Avoid Idioms

Instructor Note #13

Asylum officers should be conscious of the language they use and carefully choose words that have clear meanings and are thus easily understood. Although non-native English speakers may be familiar with some idiomatic expressions, they are often not familiar with many idioms used in the English language.

E. Be Conscious of the Use of Certain Pronouns and Avoid Them if Possible

As noted in lesson, *Interviewing Part III, Eliciting Testimony*, questions such as "What did he do?" or "What did they do?" may seem clear to the asylum officer, but the interpreter or applicant may be using a different referent for "he" and "they." It is better to use words that denote relationships rather than certain pronouns (e.g., "What did your brother do?") or to refer to specific individuals by name or position (e.g., "What did the policeman do then?").

Similarly, when terms such as "he" or "they" are used by the applicant, the asylum officer should be certain to be clear about to whom the applicant is referring.

This issue is of particular concern when working with interpreters, because interpreters often interpret the applicant's statements into the third person, referring to the applicant -- as well as anyone to whom the applicant refers -- as "he" or "she"

Example:

"He reported him, but he escaped before they caught him."

F. Speak Clearly and, When Necessary, Speak Slowly

Asylum officers may find that, especially at the beginning of an interview, they need to adjust their rate of speech until the interpreter is somewhat familiar with the particular characteristics of the asylum officer's speech.

Some words run together in spoken American English. Asylum

officers should be conscious of the difficulty this may pose for non-native English speakers. Asylum officers should therefore enunciate words clearly.

Examples:

1. gonna (going to)
2. wanna (want to)
3. goin' (going)
4. whaddaya (what do you...), whad'ja (what did you...)
5. 'in' (and)

Instructor Note #14

(Note, however, that some non-native English speakers may be familiar with English pronunciation in which the speaker combines words in this manner.)

G. Ask Straightforward Questions and Avoid Making Statements Disguised as Questions

Example:

"So you were never at a rally." (The answer could be, "Yes" (You are right; I was never at a rally); "Yes" (I was at a rally); "No" (You are wrong; I actually was at a rally); "No" (I was never at a rally).

H. Keep Questions Clear and Simple, Asking Specific Questions One at a Time

Avoid asking the applicant several questions at once, such as: "Now I want you to tell me about the threat you received, but before that could you tell me where you were on the street when you were threatened, and why you were out in the street?" Instead ask, "How were you threatened?" "Where on the street were you when you were threatened?" "Why were you on the street?" Allow the applicant to completely respond to each question and ask any necessary follow-up questions before proceeding to the next question.

Multiple questions such as this one are discussed in lesson, *Interviewing Part III, Eliciting Testimony*.

I. Break Down What is to be Said into Reasonable Amounts of Information

If the asylum officer needs to say more than a few short

sentences, he or she should break the question or statement into reasonable segments to be interpreted one part at a time.

J. Ask the Applicant to Break his or her Statements into Short Segments so the Interpreter can Interpret Accurately

It may be necessary for the asylum officer to stop the applicant at what appear to be natural pauses so that the applicant can give shorter statements that the interpreter can interpret more easily.

The asylum officer must assure the applicant that he or she will allow the applicant to finish. The asylum officer must heed this advice as well and not go on to another question before allowing the applicant to finish what he or she wants to say.

K. Repeat the Question/Statement Slowly or Rephrase it if the Interpreter does not Appear to Understand

Repeat the question/statement if the interpreter or applicant does not appear to understand. Rephrase the question if, after repeating the question, the interpreter or applicant still does not understand.

L. Check with the Interpreter to be Sure that he or she Understands What is Being Said, Particularly at the Beginning of the Interview

The asylum officer must ask the interpreter if he or she is having any problems understanding what the asylum officer or the applicant says, or if the asylum officer is speaking too quickly.

Although it is important to ask, the asylum officer should keep in mind that an interpreter may state he or she understands when in fact this is not the case.

The asylum officer must also keep in mind that due to embarrassment, pride, loss of face, etc., the interpreter may be reluctant to admit that he or she cannot understand the asylum officer's English. Therefore the asylum officer must watch for "signs" that the interpreter may be experiencing difficulties understanding and interpreting, and must try to resolve the problems at the beginning of the interview.

Instructor Note #15

The asylum officer may ask the interpreter to repeat back to the asylum officer in English a question asked by the asylum officer to be sure the interpreter understood the question. The asylum officer may also ask the interpreter what the interpreter said to

the applicant.

M. Speak with the Interpreter and Applicant as Soon as it Appears that There is a Problem in Interpretation

If it appears that there is a problem in communication, the asylum officer must speak to the interpreter and the applicant as soon as possible about what the asylum officer perceives to be a problem in interpretation. The asylum officer should ask the applicant if he or she understands the interpreter and must ask the interpreter if he or she understands both the asylum officer and the applicant.

N. Remind the Interpreter of his or her Role When Necessary During the Interview

At times, the interpreter may forget what his or her role is supposed to be during the interview and may begin to condense what the applicant says or engage in a lengthy discussion with the applicant when something does not appear to be clear, etc. At such times, the officer will need to remind the interpreter of his or her responsibilities.

Some interpreters may interpret for many asylum applicants. Such interpreters may therefore believe that they are aware of the general mechanics of asylum interviews and what the interpreter's role is. Individual interviewing styles vary from officer to officer, however, and interpreters should not assume that one interview will be conducted in the same manner as a previous interview. Asylum officers may therefore still need to remind even experienced interpreters of what their role is during the interview.

Sometimes an interpreter may step out of his or her role and attempt to "take over" parts of the interview. For example, the interpreter may tell the applicant not to answer in English even if the applicant feels comfortable answering some questions in English, or the interpreter may influence the applicant's answers. Although the asylum officer may not understand such an exchange if it is not communicated in English, there are still times when the asylum officer may notice that the interpreter is stepping out of bounds. The asylum officer must then remind the interpreter of his or her role.

O. Be Certain That the Representative Remains in the “Communication Loop” During the Interview

There may be times when there is an interpreter and the representative does not understand the applicant’s language but the asylum officer does. The asylum officer may be tempted at times during the interview to dispense with the interpretation of what the applicant says. This should be avoided, however, as the representative must be able to understand all that transpires during the interview in order to best represent the applicant.

This is also discussed in lesson, *Interviewing Part I, Overview of Nonadversarial Asylum Interview*, section V.B.7.b

Instructor Note #16

X. SUMMARY

A. Interpreters at Asylum Interviews

OH #5: Summary A

The Service does not provide interpreters at affirmative asylum interviews. Therefore, applicants who cannot speak English well enough to proceed without an interpreter must provide one.

B. Who Can Serve as an Interpreter

OH #6: Summary B

The interpreter:

1. must be competent in English and a language in which the applicant is fluent;
2. must be at least 18 years old;
3. must not be the applicant's attorney or representative, or a witness testifying on the applicant's behalf; and
4. must not be a representative or employee of the applicant’s country of nationality, or if stateless, country of last habitual residence.

C. Competency of the Interpreter / Failure to Bring an Interpreter

OH #7: Summary C

If an applicant does not bring an interpreter and does not speak English well enough to proceed with the interview, or if there is an interpreter and the asylum officer determines that the interpreter is not competent enough to interpret, the asylum office must stop the interview. At the asylum officer’s discretion and in consultation with a supervisor, the asylum officer may reschedule the interview. The asylum officer must give the applicant written notice explaining the consequences of failing to

provide a competent interpreter.

D. Role of the Interpreter

OH #8: Summary D

The interpreter's role is critical at the asylum interview. The asylum officer must inform the interpreter what his or her role is to be during the interview, and must have the interpreter fill out an Interpreter's Oath form prior to the interview.

E. Factors Affecting the Accuracy of Interpretation

OH #9: Summary E

There are many factors that affect the accuracy of the interpretation, including:

1. language ability
2. difficulties inherent in interpreting from one language to another
3. language of communication may be second language for applicant and/or interpreter
4. unfamiliarity with nuances of the variation of the language as spoken by the applicant
5. lack of experience as interpreter
6. lack of knowledge of how to best facilitate interpretation
7. unfamiliarity of all parties with one another
8. cultural factors
9. disposition of the interpreter

F. Indications That There May be Misinterpretation

OH #10: Summary F

There are a number of signs that may indicate that there is misinterpretation.

1. response does not answer question
2. words the asylum officer can understand are not interpreted
3. very lengthy or very brief interpretation, longer or shorter than what was said

4. back and forth dialogue between applicant and interpreter
5. non-verbal indication that there is a lack of understanding

Asylum officers need to be continually alert to signs that there may be misinterpretation and clarify with the interpreter as soon as there is any indication of misinterpretation.

G. Ways to Facilitate Interpretation Through an Interpreter

**OH #11A, B, C, & D:
Summary G**

To help facilitate accurate interpretation, asylum officers must be conscious of how they speak and must attempt to adjust their speech so that it is easily understood, using the following techniques:

Instructor Note #17

1. Address the applicant directly
2. Avoid conversations with the interpreter that are not interpreted to the applicant
3. Be conscious of your speech patterns
4. Choose words carefully and avoid idioms
5. Be conscious of the use of pronouns such as he, she, they, etc.
6. Speak clearly and slowly
7. Ask straightforward questions
8. Keep questions simple; ask questions one at a time
9. Break down what you say into short segments that are interpreted a few at a time
10. Ask the applicant to break down what he or she says into short segments
11. Repeat or rephrase questions
12. Check with the interpreter to ascertain if he or she understands
13. Speak to the interpreter as soon as there appears to be a problem

14. Explain to the interpreter what is expected and remind him or her of the interpreter's role whenever necessary

15. Be certain all interactions are interpreted to the representative