

Language Analysis for the Determination of Origin
(LADO): An Investigative Study

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Abstract

Language analysis for the determination of origin (LADO) has been used as part of the asylum process since 1993. A language analysis can be requested when the origin of an asylum claimant is unverified or unknown. In most cases, an analysis of the claimant's speech is conducted in order to determine whether it shows the characteristics expected of a particular place of origin. Today there are five established commercial and government owned agencies based in Sweden, the Netherlands and Switzerland, as well as independent experts, that offer this service. Though it is now 23 years since LADO began, there is minimal research surrounding the use of such language analysis. Detailed information pertaining to the methodologies and practices of agencies who conduct this work remains largely unavailable to the public, direct empirical research on any aspect of the field is scarce, and yet governments throughout the world continue to utilise LADO regularly in problematic asylum cases. Public interest is also growing, with the media questioning the overall validity of the field and the professionalism of practitioners. The aim of this thesis is to take a detailed look at LADO, its history, the research surrounding it, and current issues. It also collates all readily available information on practices adopted by the aforementioned language analysis agencies. Finally, it puts forward suggestions and plans for future research that is desperately needed, both for the field to progress and for LADO to be validated as a worthy contribution to an asylum seeker's case.

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Author's Declaration

The work in this thesis is my own has not been submitted for examination at the University of York or any other institution for another award. Some material within this thesis has been presented previously in the following publications from the author:

Foulkes, P., French, P. & Wilson K. (submitted) LADO as forensic speaker profiling. To appear in P. Patrick, M. Schmid & K. Zwaan (eds.) *Language Analysis for the Determination of Origin*. Springer.

Co-author of chapter discussing LADO as forensic speaker profiling. Contribution made to all LADO sub sections of the paper.

Foulkes, P. & Wilson, K. (2011) Language analysis for the determination of origin: an empirical study. *Proceedings of the 17th International Congress of Phonetic Sciences*, Hong Kong.

Revised results of MSc dissertation, presented by Paul Foulkes (listed as first author solely because the conference required first authors to attend in person) and summarised in the conference proceedings.

Wilson, K. & Foulkes, P. (2014) Borders, variation, and identity: language analysis for the determination of origin (LADO). In Watt, D. & Llamas, C. (eds.) *Language, Borders and Identity*. Edinburgh: Edinburgh University Press, pp. 218-229.

Lead author of chapter discussing the general topic of LADO, with a focus on the Guidelines and native speaker debate.

Wilson, K. (2009) Language Analysis for the Determination of Origin: Native Speakers vs. Trained Linguists. MSc Dissertation. University of York.

MSc dissertation containing empirical research on LADO, submitted September 2009.

1 Overview

The aims of this thesis are threefold. The overarching aim is to take a detailed look at language analysis for the determination of origin (LADO), from its history to its current state, in a manner that has not yet been done. When language analysis was first introduced into the asylum procedure as a means of providing evidence for or against a claimed origin, little was known about the processes behind the analysis itself. Over recent years, discussion of the field has escalated drastically, though the amount of original research in the field is minimal. The discussion has been valuable in identifying problems in LADO practices, mostly brought about due to a lack of empirical research supporting current methodologies, though a high number of contributors to the discussion are or were practitioners/consultants in LADO themselves. Whilst this is beneficial in that those working in LADO are able to offer an inside perspective into the field, their contributions carry an inevitable bias towards a practitioners' own approaches. The second aim of this thesis is therefore to provide a discussion of the contributions to LADO and what is known of current practices from an independent onlooker. The third aim of this thesis was to perform original empirical research, assessing the current practices of LADO and providing a valuable and much needed contribution to the field. This research was, however, unable to go ahead as planned. The design of the study has been included in the thesis in the hopes that the project will be revisited in the future.

The structure of this thesis is outlined below.

The remainder of this thesis is divided into 7 chapters. Chapter 2 provides an introduction of LADO, including what LADO is and where it belongs in the asylum procedure in the UK. This leads directly into Chapter 3, which discusses the history of LADO. The chapter begins with information on why LADO was introduced into the asylum procedure, and goes on to discuss the early criticisms surround its use. Very little was known about LADO procedures at the time, which leads to concerns from both academics (FECL 1998) and the media (Barnett and Brace 2002; Khan

2003). The bulk of Chapter 3 is devoted to the beginning of empirical work and directed discussion of LADO in academic and professional journals – focussing on a special edition of the International Journal of Speech, Language and the Law (IJSLL) published in 2004. The articles comprising this edition include an editorial overview of the practices and problems on LADO (Eades and Arends), and three further papers that look more closely at the LADO practices in the Netherlands (Corcoran), Switzerland (Singler), and Belgium (Maryns).

The final contribution to the 2004 special edition of the ISJLL is the 'Guidelines for the use of language analysis in relation to questions of national origin in refugee cases'. Chapter 4 is a discussion of these Guidelines, beginning with the details behind their creation and a summary of the contents. Chapter 4 goes on to discuss the criticisms of the Guidelines, including a breakdown of the credentials of their signatories at the time of their publication, discussion of the 'interim resolution' put forward by the International Association for Forensic Phonetics and Acoustics (IAFPA) in light of the criticisms the Guidelines received, and finally a discussion of the Minimal Requirements – unpublished proposed requirements for analysts in LADO.

Much of the criticism surrounding the aforementioned Guidelines pertained to what is known as the native speaker debate – whether native speakers who do not hold academic qualifications in linguistics should be used as LADO analysts. Chapter 5 outlines this debate, describes the type of analysts that are currently used in LADO and discusses the criticisms of using linguistically untrained native speakers as analysts. The remainder of Chapter 5 is dedicated to two empirical studies conducted that rose from this native speaker debate (Wilson 2009; Cambier-Langeveld 2010b), and a discussion of how native speakers are used in forensic linguistic casework.

Chapter 6 is dedicated to current LADO practices and the problems that surround the field today. All publically available information on five practicing LADO agencies (LINGUA, IND, De Taalstudio, Verified, and Sprakab) has been collated and discussed, along with the technical specifications for LADO analysis proposed by the Norwegian Immigration Administration. The chapter concludes by highlighting

issues that LADO may encounter regardless of the methodology used by practitioners – authenticity of speech and priming.

In Chapter 7, suggestions for empirical work in LADO are presented. The first of these is an empirical study that was proposed to five LADO agencies as part of this thesis. This study was unable to go ahead due to a lack of cooperation from potential participants. The design of the study has been included so that the project may be completed in future. Chapter 7 also includes suggestions for three smaller empirical studies, which are designed to assess the feasibility of including language tasks in the LADO procedure that allow an asylum claimant to demonstrate their language skills. Finally, suggestions for research put forward by other academics and practitioners in the field are discussed.

Chapter 8 concludes the thesis by restating the main points that have been made and the main issues that experimental work in the field needs to tackle.

2 Introduction

This chapter provides an overview of LADO (§2.1), followed by a description of how the British government currently makes use of it in the asylum procedure (§2.2).

2.1 What is LADO?

Language analysis for the determination of origin (LADO) refers to a specific type of language analysis, comprising a family of similar approaches and methods, which may be conducted as part of an asylum claim case. LADO is recognised as a field of forensic linguistics, whilst also incorporating issues central to the fields of sociolinguistics and phonetics. In the majority of cases, asylum claimants are interviewed and their language(s) are analysed by experts to help determine whether their claimed origin is likely to be genuine. In some cases, where there is not a claim of origin, a language analysis may be used to attempt to identify where the asylum seeker comes from.

LADO has been used since 1993 (see §3.1) and today is carried out for governments all over the world by five agencies based in Sweden, the Netherlands and Switzerland, as well as an unknown number of independent experts. A language report will typically be called for when there are doubts regarding a person's origin. The report does not form the sole basis of an asylum investigation and is only used in conjunction with other evidence (Tax, 2010 pp.227-228).

The analysis can take the form of a *verification* task, and assist in weeding out bogus claims. Alternatively, it can take the form of a *classification* task. It can therefore help to determine where a rejected claimant has been socialized and ultimately needs to be sent back to if their application for asylum has been rejected. Most cases fall into the former category (Moosmüller, 2010a p.43; Cambier-Langeveld 2010a, p.23). The analysis itself is known to be performed by specialized linguists, trained native speakers of the language(s) in question, or a

combination of the two. However, as yet, there are no standardised procedures for conducting LADO, or universally supported guidelines pertaining to the format of language reports or the qualifications of language analysts. Moreover, for several reasons the field lacks transparency with regard to the procedures that are being used. Debates have arisen in the academic community regarding the credentials of LADO experts, training and quality control procedures as well as the general methods adopted by each agency.

2.2 Language analysis in UK asylum procedure

The following subsection discusses where LADO fits into current UK asylum procedure.

In the UK, the UK Border Agency (UKBA) use language analysis as evidence in asylum cases for the following purposes:

1. 'to assist in establishing whether an asylum applicant is from their claimed country of nationality in cases of doubt;
2. to deter individuals from making fraudulent claims purely because particular countries have a perceived advantage – such as a high grant rate for asylum or humanitarian protection.'

(Home Office Science: Migration and Border Analysis 2012, p.5)

Language analysis is conducted when there is doubt regarding an individual's claimed origin, or because an individual with inadequate documentation claims to be from an area that may be targeted under exemption to the Equality Act 2010. The latter cases do not need to involve any doubt regarding the claim of origin, but instead involve claimants with a lack of acceptable evidence for their claim of origin, and are only handled under explicit authorisation by the Minister (Home Office: UK Visas and Immigration 2014, p.4).

Doubt regarding the claim of origin of an asylum applicant can stem from the following:

- Applicant is unable to speak the primary language of their claimed region of origin to an adequate level;
- Applicant's accent/dialect is inconsistent with that of their claimed region of origin;
- Applicant provides unreliable evidence supporting their claim of origin;
- Applicant demonstrates a lack of knowledge of their claimed region of origin that is deemed inconsistent with their education, profession and what they may be reasonably expected to know;
- Applicant presents unreliable documentation for their claimed place of origin, and casts doubt on their entitlement to hold such documentation.

(Home Office: UK Visas and Immigration 2014, p.4)

As for August, 2014 the UK utilises the language analysis services of two Swedish companies – Verified and Sprakab. Verified is the primary provider of language analyses. Sprakab are consulted when a secondary input is needed. Prior to this, Sprakab was the main provider of language analyses (UK Visas and Immigration 2014, p.3).

The following process for obtaining a language analysis in the UK has been summarised from (Home Office: UK Visas and Immigration 2014). Once it has been determined that a language analysis is required for a case, a request is made for a test of the relevant language(s)/dialect(s). If the supplier is able to perform the analyses, an interview is booked between the claimant and the language analyst. Claimants may refuse to participate. If the claimant is an unaccompanied asylum-seeking child, a responsible adult must be present, though they are not permitted to offer advice on any legal matter, including consent to a language analysis. After the interview has taken place, a preliminary assessment regarding linguistic origin will be given. A detailed analysis is then provided within three working days for cases where the claimed linguistic origin is confirmed, and within five working days if the linguistic origin is deemed to be other than what has been claimed. If the

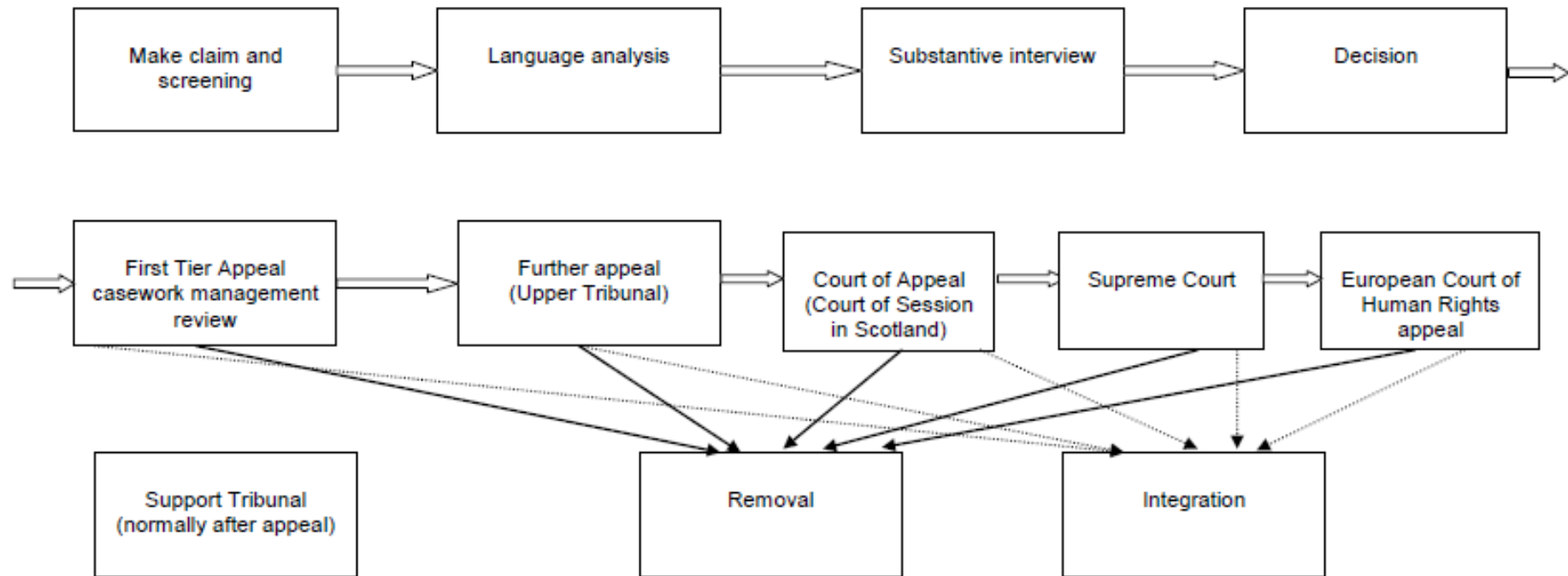
preliminary results of a language analysis point to a linguistic origin different from that claimed, the applicant is informed and invited to provide comments, and the implications of any suggested alternative places of origin are considered.

The below diagram (Fig. 2.1) shows the key elements of the asylum system in the UK, including where language analysis is incorporated.

In the UK, language analysis can be provided as evidence during the formation of the initial decision of an asylum application, though it is only used in approximately 5% of asylum cases (Home Office Science: Migration and Border Analysis 2012, p.3). A language analysis, or refusal by the asylum applicant to take part in a language analysis, will never form the sole basis of any decision. Interview evidence, any written statements submitted (especially relating to a claimant's country knowledge), documentary evidence, and any further expert reports are also taken into consideration alongside the language analysis when assessing an asylum claim (Home Office Science: Migration and Borders Analysis 2012, p.6). In September 2012, the British government reported spending £350 on each language analysis test taken at the initial decision stage, and a further £350 at an appeal stage for transliteration (Home Office Science: Migration and Borders Analysis 2012, p.38).

In their assessment of the impacts and economic costs and benefits of language analysis, Home Office Science: Migration and Borders Analysis determined that it is difficult to provide quantitative evidence of the benefits of using LADO (2012, p.31). In cases where a language analysis assists in speeding up the asylum procedure, this can provide monetary advantages as less money is spent on the overall case as a result. Statistics are not provided on the number of cases where language analysis is deemed to have had a clear effect in speeding up the asylum procedure. Similarly, no clear evidence is provided on whether the use of LADO assists in deterring abusive asylum applicants.

Fig. 2.1 Key elements of the new asylum approach. (Home Office Science: Migration Border Analysis, 2012 p.37)



These elements are illustrated to give an indication of the various steps in the asylum process model (a simplified model). This shows where LA is conducted to provide a piece of evidence in the asylum decision process. The top four boxes indicate the processes that are undertaken in order to arrive at a decision (grant or refusal), the first two appeal processes are taken as the appeal stages while the other appeals beyond this are termed 'onward appeals' where the volumes are much smaller. All cases should end in either removal or integration.

For the three main nationalities submitted for language testing between 2008 and 2009 (Kuwaitis, Eritreans and Somalis), asylum intake was reported to drop 21%, compared with a general decline of 11% in total asylum intake. These three nationalities accounted for one quarter of asylum intake, but contributed to one half of the reduction of asylum intake. However, any effect language analysis has or has not had on deterring fraudulent applicants cannot be easily separated from other factors, such as political, economic and social events within the source countries and the UK (Home Office Science: Migration and Borders Analysis 2012, p.29).

In an article investigating the use of LADO in the UK, Campbell (2011, p.686) states:

‘The language of science operates as an illusion of smoke and mirrors to obfuscate flawed assumptions about language use and capricious bureaucratic practices. The policy raises serious ethical and legal concerns and forces us to ask whether, in securing the UK’s international borders, UKBA has not violated the spirit, if not the letter, of the United Kingdom’s international legal obligations to offer a safe haven to refugees.’

The source of Campbell’s condemnation stems from the view that the UKBA’s selection procedure for LADO is subjective, the procedure is based on flawed assumptions about languages (i.e. linguistic borders do not align with geographical borders), and the procedure is not empirically supported. Campbell is not alone in his opinions and these concerns, along with other issues prominent in the field of LADO, are discussed in the following chapters.

3 History of LADO

The following chapter forms a review of the history of LADO. This begins with information on why LADO was introduced into the asylum procedure (§3.1), and goes on to discuss the early criticisms surrounding its use (§3.2) and the first evaluations of LADO (§3.3). The bulk of the chapter is then devoted to the beginning of empirical work and directed discussion of LADO in academic and professional journals (§3.4) – focussing on a special edition of the *International Journal of Speech, Language and the Law* (IJSLL) published in 2004 (§3.5).

3.1 Why was LADO introduced?

In an online news article for the *Hindustan Times*, Khan (2003) writes: ‘if you want to live in the United Kingdom, pretend to be an Iraqi and apply for asylum’.

Ironically, it is this kind of thinking which led to the introduction of the language tests she then goes on to criticise. She states that 75% (of an unknown number) of Iraqi claimants will be granted asylum, but around 2,500 of these claimants will actually be from India according to the then Indian High Commissioner, Ronen Sen. However, Khan provides no references to the origin of these statistics. Assuming that the above figures are correct, 2,500 Iraqi claimants granted asylum in the UK may have actually originated from India, but that does not mean that they were accepted into the UK on the basis of a bogus claim of origin.

The beginning of LADO history is fraught with scare stories such as these, stemming from a downpour of differing statistics and opinions from a range of sources (extracts in the media, expert linguists specialising in a variety of fields, legal professionals and government officials) alongside a lack of transparency in the field from the LADO practitioners and government agencies themselves. A compounding problem is that for many asylum cases which may require language analysis, the true origin of the claimant can never be established unequivocally, rendering the

task of validating LADO as a useful tool in the asylum process a difficult one. As a result, when LADO entered the asylum process it was a practice completely open to criticism with a distinct lack of directed research or reliable testing to defend its introduction. Each of these issues will be discussed in more detail below.

In the early 1990s the number of applications for asylum was rising in many European countries. For example, in the UK alone, applications (excluding dependents) jumped from just over 4,000 in 1988 to over 44,000 in 1991 (Home Office Statistical Bulletin 1992, p.1). This rise in asylum applicants had much to do with political events at the time. The collapse of the Soviet Union in 1991 prompted an increase in migration to Western Europe (Kopnina 2005) and the United States (Libert 2010). Unrest in Somalia, the former Yugoslavia and Sri Lanka, brought about by the Somali Civil War, Yugoslav Wars and Sri Lankan Civil War respectively, also led to an increase in asylum applications to the UK in the early 1990s (Home Office Statistical Bulletin 1992, p.1 & 1994, p.1). Alongside this rise in asylum claims, there was the assumption that applying for political asylum was being used as a strategy by individuals who did not meet the criteria for asylum as outlined in the 1951 Geneva Convention. Prominent politicians in Germany and Australia labelled these asylum seekers as 'political asylum cheats' (Singler 2004, p.223).

The increase in asylum applications led to the introduction of language testing in 1993 by the 'Language Section' (*Språksektionen*) of the Swedish Immigration Authority (*SIV:Statens Invandrarverk*) (Fortress Europe Circular Letter (FECL) 1998). In cases where the origin of the claimant was in doubt, the Language Section would be asked to analyse a recording of the claimant's speech in order to determine the likelihood of their claims being genuine, basing its decisions on their language use (e.g. pronunciation, grammar, vocabulary) and cultural knowledge (such as descriptions of their claimed home town). This evidence would then be used alongside other non-linguistic evidence by the relevant immigration authorities in the country to which the application was made in order to reach a verdict on whether or not the individual would be granted asylum.

3.2 Early criticisms

From the very beginning, external observers of LADO were making note of the lack of information made publically available regarding this type of testing. The authors of FECL, released in 1998, five years after the birth of LADO, comment that ‘until very recently [...] very little was known about the language tests, as a result of the remarkably low profile kept by the ‘Language Section’, which by this point had evolved and was operating under the company name Eqvator (FECL 1998, no page numbers given). However, despite implying a recent increase in information, the facts the FECL authors do go on to reference are elementary and simply consist of casework figures, basic details of practice, and the countries that were accepting this type of language analysis at the time, as opposed to any meaningful information on the credentials of analysts and methodology behind the language analysis itself. Öhrn, an employee from Eqvator, is quoted as providing the following statistics (FECL 1998):

- Eqvator had approximately 20 permanent staff and 70-80 freelance translators/analysts;
- These staff covered around 2,500 language tests a year between 1993 and 1997;
- Each test consisted of at least 15 minutes of free speech from the applicant;
- Eqvator was also offering their services to immigration authorities in Denmark, Norway, Finland, the Netherlands, Switzerland and Germany.

There are no comments regarding the training or qualifications of the analysts or the content of final reports. Öhrn is later quoted as saying that there were ‘no external quality tests’ unless they appeared to ‘be called for’, though it is not clear whether external tests would be called for internally or by a customer (FECL 1998). Without adequate information to assess the reliability or feasibility of LADO and the seemingly lax usage of quality control by any external, independent body, the authors of FECL turned their attention to criticisms of the procedure from authors outside the LADO profession.

The remainder of the FECL document goes on to list the various criticisms that Eqvator and the newly emerged Swiss agency, LINGUA, had received from immigration lawyers and academic linguists. These concentrated predominantly on the poor quality of reports demonstrated in court and the absence of information regarding staff qualifications and external testing. For example, a case was handled by Eqvator of an asylum seeker claiming to be from Afghanistan, which was later challenged in court. Ruth Schmidt (a linguist at the University of Oslo), argued that the tests used by Eqvator were defective on the grounds that the transcription was inconsistent, unscientific and unreliable (FECL 1998). Schmidt's research at this time was primarily on the languages of Pakistan and India, specifically the study of Urdu, Shina and Kashmiri (Schmidt 2011). Though Schmidt was therefore likely qualified to comment on the scientific nature of reports (i.e. the use of correct linguistic terminology and appropriate transcription methods), she did not have a background in language testing or the languages of Afghanistan. Her comments are only relevant to the single report she has encountered and are not indicative of whether the conclusion of the language report was accurate. More evidence would be needed to assess the overall quality of reports done by Eqvator at this time.

Anders Sundquist (FECL 1998), an immigration lawyer, also showed concern over the fact that there was no single qualification, be it professional or academic, that is required for an individual to conduct this type of language analysis. This lack of academic involvement was supported by that fact that at this time there were no academic papers addressing the topic to offer guidance or empirical backing.

Kenneth Hyltenstam and Tore Janson (professors at Stockholm University and the University of Gothenburg respectively) also argued that it was clear that the analysts of Eqvator did not have sufficient qualifications and went on to advise that the Swedish immigration authorities should stop using this type of analysis (FECL 1998). Their argument was based on language analyses concerning an African family, though no details are given on how many language reports this included, the content of those reports, or what material the analysts were working with. Whilst all of these concerns were valid, no advice or alternatives were offered; there is simply the recommendation that this type of analysis should no longer be used. As

a result, these documents simply assist in perpetuating the problems in LADO by encouraging doubt rather than attempting to tackle the issues constructively.

The source of criticism of LINGUA, on the other hand, originated from their ethically questionable methods. Florentin Lutz, head of LINGUA at this time, stated that as part of the process their language experts would purposefully “emotionalise” the claimant in order to make them to tell the truth, though further details of how this was accomplished and why this method was used have not been given (FECL 1998). It was later argued by employees of LINGUA that Lutz was quoted out of context in this case in order to depict the methods as insensitive and manipulative (Singer 2004, p.229). However, based on Lutz’s comments, the Swiss Society of Ethnologists (*Schweizerische Ethnologische Gesellschaft*) describe LINGUA’s methods as a “violation of personal integrity” and to state that they did not adhere to the ethics of ethnology (FECL 1998). A local Swiss newspaper, *Le Nouveau Quotidien*, also reported on the Swiss asylum process. Michal (1997) reports the Federal Office for Asylum Seekers (*l’Office fédéral des réfugiés (ODR)*) asserted that language testing will benefit honest asylum applicants. But the process was dubbed by critics as a violation of the fundamental right of an asylum seeker to be defended and could carry enormous risks for abuse.

The practice of LADO attracted more undesirable attention from the media over the following years, during which it gained new targets in the form of three newly established agencies, Sprakab, the IND, and De Taalstudio. Sprakab was another Swedish-based company, separate from *Eqvator*, founded in 2000. The *Bureau Taalanalyse* of the *Immigratie- en Naturalisatiedienst* (Language Analysis Bureau of the Department of Immigration and Naturalization, henceforth referred to as the IND) was founded in the Netherlands in 1999, and finally, De Taalstudio was founded by Maaïke Verrips in 2003, also in the Netherlands. The use of LADO was also spreading beyond the borders of these countries with authorities in the UK, Australia, New Zealand, Denmark and Germany enlisting the services of several of the aforementioned companies. Ethical concerns were raised along with scientific considerations such as the general feasibility of language testing in this format given the claimed lack of any independent academic research or external testing.

For example, in several media reports, members of the Refugee Council highlighted the importance of analysing a range of indicators that take into account a claimant's history, knowledge of their country and parents background, rather than language alone (Barnett and Brace 2002, Khan 2003). However, it was never demonstrated in these articles that governments ever relied solely on the language analyses. In 2002-2003, the media focussed their concerns on the results of three reviews of language testing, ordered by the Swedish Migration Board (SMB) and conducted by the team of the Stockholm Region section of the SMB and Eqvator. These are addressed in the next section.

3.3 Swedish Migration Board evaluations

The original documents pertaining to the SMB evaluations of language analysis conducted by Eqvator were no longer available online at the time of writing. All information regarding the methodology and results of the evaluations is taken from Reath (2004, pp.225-227).

The evaluations were based on cases where the claimant was denied asylum and had been returned to their country of origin, as determined by a language analysis. If the asylum seeker was accepted by the country specified, then the test was considered successful. The evaluation did not take into consideration the methodologies adopted by the experts or the content of reports beyond the determined country of origin. It is also worth noting that in LADO today, experts are more commonly asked to determine whether the claimed origin of an asylum seeker is likely to be true based on their language use (speaker verification), rather than to identify a particular place of origin (speaker classification), which is in most cases a much more difficult task (Moosmüller, 2010a p.43). Unfortunately, the exact questions asked in the tests used for this evaluation are not known, nor are the number of experts used, their qualifications or the languages and countries that were assessed.

The first evaluation, carried out in 1996, had a claimed success rate of 87% (78/90 cases), which was then lowered in the following 1998 evaluation to 82% (40/49 cases). The final evaluation in 1999 used African English samples spanning eight African countries, taken from individuals who had received temporary residence in Sweden. In this instance, the success rate was documented at 89% (40/45 cases). The SMB and Eqvator did not comment on the failure rate across the three evaluations, and the overall nature of the evaluations was questionable to say the least. Aside from the obvious lack of objectivity with regard to Eqvator performing an evaluation of their own practices, the tests were flawed in that their 'success' rate was judged solely in terms of the acceptance of the asylum seeker to the relevant country. It is of course possible that the asylum seekers were not in fact nationals of the countries they were returned to, regardless of whether or not they were granted entry, and for those who did enter it is not known whether they were allowed to stay there indefinitely – the assessment simply 'stopped at the border' (Reath 2004, p.225). There are also no details on the processes used in these countries to assess deportations. It may be that the language analyses were 100% accurate, and the errors were from other institutions. We might illustrate the unreliability of the evaluation metric by drawing comparison with forensic phonetics, where the equivalent would be to judge the reliability of speaker comparison based on whether or not suspects are convicted, disregarding any other evidence (provided before or after the initial verdict), the weight of this evidence, the qualifications of the language analyst and the methodology used for the analysis.

Due to the lack of objectivity and general lack of detail regarding the participants and materials used, the SMB and Eqvator evaluations offer very little solid information for the LADO community to comment on, which may be why they have escaped most academic reviews. Unfortunately, to this day no further formal, independent evaluations have been conducted and reported in the public domain. The work by The SMB and Eqvator ultimately served only to damage public opinion of LADO, with the media focusing on the cases in which asylum seekers were returned to the wrong country. For instance, Erard (*Legal Affairs*, 2003) commented

that the 1998 evaluation showed that reports from the 'leader in the field' (*Eqvator*) were accurate in 80% of cases (lower than the 82% stated in Reath (2004) and also the lowest 'success' rate from all three evaluations). Barnett and Brace (*The Observer*, 2002) also highlight the figures of this specific evaluation to back up 'extreme' concerns that LADO is unreliable, given the claimed deportation of some refugees to the wrong countries. Both media reports avoid mentioning the higher 'success' rates of the 1996 and 1999 evaluations.

LADO was off to a very shaky start. Unfortunately, this did not improve with the initial wave of academic papers on the subject.

3.4 The beginning of academic research in LADO

It was several years after the introduction of language testing that academics began to publish LADO-orientated research. Moreover, it is only recently that regular workshops and conferences have been held to promote activity in the field. But despite the call from the beginning for a solid, scientific foundation to support the very establishment of LADO as well as the continuing use of the language tests, most of the contributions to LADO have been case-based commentaries, theoretical positional statements rather than empirically based studies, or simply polemical. In part the dearth of original research appears is due to the secretive nature of the LADO agencies themselves, and their reluctance to reveal information about their analysts, quality control and methodologies.

Bobda, Wolf and Peter (1999) published what they describe as 'probably the first purely scientific contribution to the debate' (p. 300) (published six years after the launch of the Language Section of the Swedish Immigration Authority) in the form of research investigating the identification of asylum seekers from Anglophone Africa. The authors discuss the phonetic/phonological, lexical, sociolinguistic and cultural clues, collated from existing sources, that would in principle assist in identifying the origin of an African English speaker. Of course any conclusions drawn from material from previous research are only as useful as the quality of this

research. It is also taken into account that what an individual does *not* know can be just as informative as what he or she does know. For example, an asylum seeker may lack knowledge of the ‘socio-cultural peculiarities of a given country or region’ that would be expected of them if the claim of origin were genuine (Bobda et al. 1999, p.315).

The paper looks at phonological/phonetic features of Eastern and Southern African English on a more general scale, going into more detail on the “far less homogeneous” West African Englishes (Nigerian, Sierra Leonean, Gambian, Cameroon, Ghanaian and Liberian English). The subsections on lexical, sociolinguistic and socio-cultural clues each state that these features can provide a valuable contribution to a linguistic analysis. Each section then goes on to list a selection of examples from African Englishes, ranging from specific languages to general regions. Whilst the discussion is only directly relevant to the language areas referenced, which are scantily covered in the narrow scope of the paper, the overall conclusion from Bobda et al. (1999) is that the identification of the geographical origin of an individual is plausible (p.300). This is based on the aforementioned combination of various linguistic and socio-cultural clues – the more clues that are used, the higher the reliability.

This conclusion would therefore imply that it would be beneficial to tailor any interviews with asylum seekers in such a manner that analysts have the opportunity to elicit and observe each of the relevant features identified by Bobda et al. This would require opportunities to ask about specific socio-cultural traits and sufficient time to elicit an adequate number of examples of the appropriate linguistic features. Although today asylum interviews are structured and LADO agencies can set their own requirements, in the 1990s it appeared that only LINGUA analysts performed their interviews directly, and therefore would have the opportunity to manipulate the content of discussion. Eqvator and Sprakab, on the other hand, were provided with approximately 15 minutes of free speech of the applicant from immigration officials in the relevant country (FECL 1998, Barnett and Brace 2002). Given the lack of direct control over the materials by the analysts it is clear that content might vary drastically in both quality and quantity from claimant to

claimant. This means that some important linguistic features may not be exemplified in the speech sample, or others may not have enough instances for the analyst to ascertain a confident or accurate conclusion.

The overall tone of Bobda et al. is clearly a positive one; the authors display a great deal of confidence in their final decision, though their conclusions are theoretical as opposed to based on empirical testing. The 'emphatic' conclusion that the determination of geographical origin is possible should be treated with a degree of caution. To begin with, if we take a closer look at the language area they focus on, there are 56 countries and an estimated ~ 2000 languages in Africa (Lewis, 2009). The authors themselves note that 'the phonemic systems of each and every variety of African English have yet to be resolved and documented' (1999 p.316), yet phonetic and phonological cues form the bulk of their argument. Also, although the paper is replete with linguistic examples, they jump between a very wide range of languages and contexts. It is therefore difficult for the reader to comprehend whether it is in fact possible to distinguish between any two given languages, especially when considering this lack of documentation, let alone all African Englishes. However, this level of variety does imply that there is enough diversity for this to be plausible. Eades and Arends (2004) summarise the dangers of blindly accepting their conclusion based on the incomplete information. They state that the general claims from Bobda et al. are not only 'overstated', but the high level of reliability Bobda et al. place on language analysis of African speakers of English could also pose a problem if the study were to be quoted in complex language analysis cases, where a linguist is inversely arguing that it is *not* possible to be certain of an individual's geographical origin based on language testing alone (p.184).

Finally, despite their consideration of a wide range of linguistic and non-linguistic fields, Bobda et al. (1999) fail to address the potential effects on interviews and thus analyses of several issues that are well known to affect patterns of language use under some circumstances. These include accommodation (i.e. between interviewer and interviewee), code-switching, compliant participation of the asylum seeker (both in terms of truthfulness and providing ample speech for analysis), each

of which may influence the speech sample. The context of the asylum interview itself is also important with regard to the level of formality, which may encourage a certain style of speech, and the manner in which interview questions are asked, which may alter the atmosphere of an interview and influence elicitation of material for analysis (see: Channon 2012). Bobda et al. (1999) do, however, emphasise the need to assess more than basic linguistic cues and delve into issues of cultural knowledge and sociolinguistics. This is an area that has become more prominent as the practice of LADO has continued, with academics such as Patrick (2008, 2009) highlighting the centrality of sociolinguistics to LADO, and officials such as the Norwegian Directorate of Immigration (UDI) setting out a standard for language reports that lays out minimal requirements in terms of the range features that must be analysed (2010).

With minimal information given by the LADO agencies in their reports and published documents, it would be difficult to find out whether the elements Bobda et al. identify as useful to a language analysis (phonology, socio-cultural clues etc.) were actually being considered in casework at the time, and, if so, how much weight was placed on them.

A report conducted by five Australian linguists (Eades, Fraser, Siegel, McNamara and Baker 2003) takes a closer look at the inner workings of LADO, assessing the case reports of 58 asylum cases, conducted between August 2000 and August 2002 for the Australian government, in which a language analysis from overseas agencies was called for. The agencies are unspecified in the paper and most of the Refugee Review Tribunal reports. However, in some cases references are made to the Swedish companies *Eqvator* and *Skandinavisk Sprakanalys (Sprakab)* (RRT Case:V00/11643, 9 October 2000 and RRT Case: V01/14088, 22 July 2002 respectively). Their findings suggest that even if a range of linguistic features was being considered in the reports by the relevant analysts, they were not being handled in a professional manner.

Eades et al. (2003) identify four key areas of concern with regard to the use of LADO in the 58 cases. The first of these is the relationship between language and nationality, specifically with regard to vocabulary. If it were as simple as each

country or region of a country having its own unique language, then LADO would no doubt be a much easier task. However, geographical and linguistic boundaries rarely align perfectly, if at all. Muysken (2010), for example, notes that only five countries/territories are reported to have nationals who speak only one language: North Korea, St Helena, the Falkland Islands, the British Indian Ocean Territory (a British/American military base) and the Vatican City (Latin). The misalignment of geographical and linguistic borders is especially significant in countries relevant to LADO, due to the fragmenting of communities under the pressures of conflict common to these places (Language and National Origin Group (LNOG) 2004, p.263, Patrick 2012, pp.536-537), and the essential linguistic differences correlating not with region but with social groups within a given dialect area (e.g. in respect of ethnicity). There are also other factors to be considered, such as multilingualism and the spread of language/accent features beyond their typical borders, even into varieties they have had minimal direct contact with. Professional linguists are usually aware of these issues but for those who are unaware of these intricacies (e.g. analysts or native speakers who lack sufficient linguistic training) 'folk views' can play a misleading role in their linguistic knowledge. Eades et al. (2003) observed that in Australian Refugee Review Tribunal (RRT) cases where language evidence was given, this evidence was primarily based on 'folk knowledge', and determinations of origin could simply be based on a few words:

'Another applicant was deemed to come from Pakistan on the basis of his use of one Urdu word, one Iranian word, and two words ('Afghanistan' and 'dollar') spoken with an Urdu accent. [...] It was obvious in these cases and others that the Agencies' analysts did not take into account fluid language boundaries or language spread and linguistic change.'

(pp.184-185)

The qualifications of the language analysts involved in the 58 cases are not given. Nevertheless, it appears shocking that such a small number of inadequately supported examples should form the basis of any LADO report, especially given the heavy impact on the claimant as well as the reliability of the practice. However, a closer look at this case shows that these words were not the sole basis of the report, though all other highlighted points in the language assessment take the

form of sweeping statements lacking examples from the interview. For example, '[the applicant] uses characteristic Hazaragi words; [the applicant] uses colloquial language, but also some sophisticated words' (RRT Case: N01/36786, 30 March 2001). It is unclear whether the actual report contained more extensive information or examples or whether or not the conclusion was accurate. It is also worth noting that the applicant responded to the initial language report, explaining their use of vocabulary and pronunciation. The language analysis service then provided further information including more detailed information on the language situation in the relevant areas and etymologies in order to justify their initial comments. It is evident that this particular linguistic report goes further than the Eades et al. paper would suggest by their focus on specific potential problems. However, there is still not enough information provided by the case materials to make any firm assessment of the language agency and analyst that produced the report.

The second point of concern expressed by Eades et al. also stems from an apparent reliance on "folk knowledge" in the 58 analysed cases – pronunciation and accent. Eades et al. lay out several criteria that should be fulfilled, based on phonetics and phonology, in order for 'accent evidence of regional identity to be valid' (2003, p.187). These include only analysing languages that have "considerable" phonetic information available in current literature, using detailed and scientific phonetic analysis in reports, and maintaining an awareness of the limitations of such an analysis. Referring to several example cases, the authors demonstrate that these criteria are not always fulfilled and in general a phonetic analysis could not be done thoroughly in many of the cases anyway due to a lack of documented information on the relevant language areas. For example, Eades et al. (2003, p.187) state that the 'border between Afghanistan and Pakistan has had very little linguistic study', therefore making language reports unreliable as they cannot meet the criteria of being based on a sufficient amount of available and up to date phonetic information. This is a point which has also been identified by some members of the RRT:

'The Tribunal is of the view that language analysis is a useful tool and certainly justifies raising the issue of the applicant's country of origin. However in this case the Tribunal is not satisfied that the

analysis is sufficiently reliable to be used as the basis of a determination of the applicant's country of origin. The applicant has given a plausible explanation of how his language may have been influenced. In addition the report does not provide detailed information about the current usage of the language in the region from which the applicant claims to originate.'

(RRT Case: N01/39483, 18 September 2001)

Although in this case the language analysis offered little in terms of evidence, the validity of it as a tool in asylum investigations is recognized and the RRT demonstrate an appropriate degree of caution considering the information they have been provided.

Eades et al. go on to claim that the language analysts involved in the 58 cases were also typically native speakers as opposed to trained linguists – though they do not go on to describe what they would regard as a 'trained' linguist, and nor do they address whether or not the native speakers are likely to have been trained for their role. Arguably, as there is such minimal phonetic information documented and available, it may be beneficial to have a native speaker working on the language(s) of these areas, provided that they have adequate linguistic training to interpret their findings (the native speaker debate is discussed further in Chapter 5). One report cites the requirements of the analyst, as outlined by the unidentified overseas agency:

'[The] agency requires that an analyst has the language in question as his/her mother tongue; has proved capable of listening, making and formulating observations on a linguistic and anthropological level; is able to give logical and credible answers to questions put by it's [sic] linguist in conjunction with the assessment writing; provides assessments which fit with other assessments in the same case during cross-checking exercises, and has passed the language identification test made by that agency, in which they identify different dialects in their mother tongue.[...] In making their assessments, the language agency analysts take into account local or regional language characteristics of a phonological, morphological syntactic and lexical nature (i.e. elements of sound patterns of word formation, the formation of grammatical sentences and vocabulary) and, for some languages, stylistic traits.'

(RRT Case: N00/35523, 23 November 2000)

The above information would certainly demonstrate that native speakers are being used, but clearly indicates that training has been provided to ensure that they are equipped to perform their tasks, and that their work and/or training is overseen by a linguist (however this is defined). This includes providing the analyst with sufficient knowledge in linguistics to allow them to conduct a phonetic/phonological analysis. The overall details of any training are not provided such as the tasks involved, how long it takes, or how adequate competence is evaluated. There are indications that a sufficient level of training is not evident for all analysts who are responsible for the 58 language reports, or, if it is, there is further evidence from Eades et al. that some of these criteria are being ignored in some cases or by some agencies. For example, Eades et al. highlight the lack of scientific evidence displayed in some RRT reports. The transcriptions in some cases are done using capital letters, which do not hold any meaning in the world of narrow linguistic transcription, as opposed to the International Phonetic Alphabet (IPA), a widely used standard tool for transcribing in detail the nuances of speech. Only 2 of the 58 cases are referenced as demonstrating this type of transcription. However, there is the possibility that this lack of scientific transcription may have been for the benefit of a non-linguist reader and it is not a sole reliable indicator of whether the analysis was competent or accurate.

The third and fourth points in Eades et al's discussion are the concerns of the tribunal members involved in the Australian cases, whose job it is to consider all of the evidence including the linguistic analysis, and the concerns of linguists in countries other than Australia. The question that is raised here is that if the authorities (i.e. the non-linguists) who are involved with LADO are finding reasons to be dubious, and if the linguistic community is also finding faults with the process, should LADO continue to be used? An overarching problem with LADO use by the Australian government was that opinions on the usefulness of language testing differed greatly among RRT members. This is aptly demonstrated when looking at the 58 cases in more detail. In 48 of the cases, the language analysis result contradicted the asylum seeker's claim. 35 of these 48 of these were nevertheless granted asylum, indicating that the trier of fact did not accept the language

evidence as holding more weight than other types of evidence. This may have been due to insufficient data in the report or concerns about the quality of the report due to the unknown qualifications of the analysts (Eades et al. 2003, p.193). However, as noted earlier in respect of the SMB evaluations of Eqvator, caution is advised when interpreting the quality of language analysis by judging the success of case outcomes. Much more case information is required to form a complete assessment.

In 14 of the 58 cases, the applicant later brought in their own expert to assess their language, and ten of these then resulted in a successful application. In nine of these ten cases the second language report is specifically cited as having assisted in the court's decision, and in four it was said to have held an important role in the outcome of the case (Eades et al. 2003, p.190). What is also interesting here is that in seven of the cases where the claimant engaged a language expert, the second analyst was a NAATI-accredited interpreter (National Accreditation Authority for Translators and Interpreters). The RRT generally considered these interpreters to have less expertise in language analysis than the overseas agency that provided the original language report (Eades et al. 2003, p.197). Therefore, it may simply be that the presence of a second language report was enough to weaken the value of the initial analyses, or the additional reports could have highlighted quality flaws in either the initial analyses or indeed the whole language testing method.

An Australian media report highlighted the problems of including a second language report. When considering the comments of two language reports submitted for the same applicant, an Australian judge stated that the reports were "almost the equivalent of two experts looking at an object, and one describing it as black and the other as white" (Schwartz 2002). Professor William Maley, chairman of the Refugee Council of Australia in 2002, is also quoted in the article responding to the inconsistencies across language analyses, which results in him asking the question: "how would a tribunal member presented with a report from any of these organisations ever know when it could attach any weight to it?" (Schwartz 2002). LADO is ultimately depicted to be unreliable and based on a shaky foundation given the high level of discrepancies between analysts.

The 58 cases analysed by Eades et al. also reflect a great level of differences in terms of the submitted language analysis reports. There is certainly no evidence of a standardized format for the reports, including no established rules for transcription or conclusion formats. Unfortunately, the RRT reports that the Eades et al. analysis is based on are also inconsistent in terms of the amount of information they provide regarding the linguistic testing. Some merely sum up the report in a sentence, whereas others provide descriptions of the agency, analyst requirements or include examples taken from the analysis itself. Whilst the picture that has been painted is not a good one for LADO at this point in time, at least in Australia, it can only ever be considered as a glimpse of the domain as a whole. As Cambier-Langeveld states: 'It is important to note that whether the conclusions of the reports were actually correct or not has never been determined. It may thus well be the case that they were all perfectly correct. It may also be the case that they were all completely wrong' (2010a, p.28).

The overall message from the Australian linguists was a strong argument for their government to stop using LADO (Eades et al. 2003 p.179). It is unclear, however, whether this conclusion reflected the poor state of the LADO testing procedure at the time, or rather because they considered this type of analysis to be unfeasible in principle in this context. During their discussion, Eades et al. claim that if LADO is to continue, 'it is essential that it should be done by properly qualified analysts and that the methods and details of the analysis be open to scholarly critique and debate' (2003, p.187). This is one of the first calls made for LADO agencies to increase their transparency, and also for the academic world to develop a stronger position in the field by conducting directed, independent research.

3.5 International Journal of Speech, Language and the Law – LADO Edition

The *International Journal of Speech, Language and the Law*, founded in 1994 (as *Forensic Linguistics*), is a forum for academics and professionals in law and forensics to discuss a wide range of topics within the domain of forensic phonetics and

linguistics. In 2004, a special edition was published focusing on LADO, comprising a set of articles written by interested academics and practicing LADO experts. The edition begins with an editorial overview by Eades and Arends (2004) in which they continue their arguments in Eades et al (2003) for the community to strengthen the validity of language testing through directed research, highlighting the lack of such material so far and reviewing what has been made available. The second half of the article takes a closer look at the 'practices and problems' of LADO in the Netherlands (specifically the IND) based on the "direct" experiences of one of the authors (Arends), though it is unclear exactly what sort of involvement the author had with the IND. It focuses on the rising number of asylum applicants claiming to be from Sierra Leone (dating between January 2001 and October 2003).

Eades and Arends describe the creoles often relevant in the Sierra Leonean cases (i.e. Krio and West African Pidgin English), noting that in a 'creole-speaking country such as Sierra Leone, it is the lexifier language – English – rather than the creole which is used in prestigious functions' (p. 192). The argument therefore follows that most speakers will have a knowledge of English that they may feel inclined to use in formal situations such as, presumably, a LADO interview (2004, p.192). If a claimant is in this position and has knowledge of English, the interview could then be conducted (at least in part) in English. The authors go on to note that in some interviews the interpreter would not speak the same language variety as the claimant; this information is based on Arends' experience with 20 taped interviews used by the IND. Sometimes the interpreter may have used varieties spoken in Nigeria, a place that self-declared "Sierra Leonean" claimants may actually originate from, while in other cases officials may have conducted part of the interview themselves in English (Eades and Arends 2004, p.192). As a result of this, the asylum seeker *might* alter their own language use by accommodating to the person they are speaking to. An example of this can be found in Corcoran's (2004) discussion of one IND asylum interview, in which the pronunciation of specific words by the Sierra Leonean claimant is dependent on whether he has presented them of his own accord or has accommodated to a preceding pronunciation of the translator (Corcoran 2004, p.211 – discussed further below). This is an example of

one of the complexities overlooked by Bobda et al. (1999) when they conclude that it is possible to determine the geographical origin of speakers of African Englishes.

Eades and Arends (2004) go on to raise what has become an issue of much debate within the LADO community over recent years – using ‘non-linguists’ as analysts, that is native speakers who do not hold formal qualifications in linguistics or language study. The exact definition of ‘native speaker’, and indeed ‘linguist’, in the context of LADO has featured as a prominent part of the debate within the community (see: Chapter 5). During Arends’ contact with the IND, native speakers were used to analyse asylum recordings on the reasoning that, despite being non-linguists, they would perform better at the task of deciding whether a spoken language variety belongs to the claimed place of origin than professional linguists who were not native speakers of the variety in question (G.H. Hintzen, Head of the *Bureau Taalanalyse* 2003, cited in Eades and Arends 2004, p.194). Note that the question being asked is not the open ended classification of where a claimant originates or was socialised, but the specific question of whether language X is representative of area Y.

Despite being referred to as ‘non-linguists’ by Eades and Arends, the native speaker method adopted by the IND was accepted by the Dutch courts as of 2003 on the basis that these native speakers were appropriately chosen and collaborated with linguists:

‘The method of language analysis as used by the Language Analysis Bureau has now been explicitly accepted by the Council of State as scientifically sound and objective.

Crucial elements referred to in these judgements are (1) the use of a carefully selected, educated native speaker, and (2) supervision by professional linguists.’

(van den Boogert 2004, p.2)

The native speaker analysts were also tested frequently on their abilities to reach accurate and adequately motivated conclusions and their reports would be checked and signed by members of the *IND* before being submitted (Cambier-Langeveld and Samson 2007) (more details of current *IND* practices can be found in §6.2).

Eades and Arends' concerns over the use of non-linguists are summarised below and considered with regard to further research in the field:

1. Non-linguists are unable to interpret linguistic findings.

Eades and Arends claim that '[non-linguists] lack the professional training to interpret [linguistic] findings, to put them in their appropriate context, or to make use of them in a linguistically responsible argumentation' (2004, p.194). Whilst this may be true of a linguistically untrained native speakers, this does not necessarily mean that their findings, in whatever format they take, will be incorrect. There is simply the lack of vocabulary to define what criteria led to their judgments.

Therefore there may be the issue of transparency or replicability in their analysis, but not necessarily evidence of error. This claim also raises a question overlooked by Eades and Arends, whether *linguists* are able to interpret their findings accurately. For example, whilst they may provide an adequate scientific analysis using appropriate terminology and transcription systems, a lack of native knowledge may mean that they do not place the same emphasis on findings that a native speaker may deem as vital markers of authenticity (or fallacy), particularly with regard to less well documented languages.

Evidence in support of Eades' and Arends' argument was clear from my MSc study (Wilson 2009, discussed further in §5.3). Native speakers of Ghanaian English, with no training in linguistics, were asked to determine whether a speaker was also using Ghanaian English in an online listening test (Wilson 2009, pp.10-11). Whilst many of the native speakers demonstrated an awareness of linguistic features, including many that had diagnostic value in the task at hand, not surprisingly they were not able to articulate those observations using standard or accurate linguistic terminology. However, these findings led to the cautious conclusion that 'with either sufficient linguistic training or supervision from a linguist, a native ear could be advantageous in LADO' (Wilson 2009, p.21). This was firstly due to the native speakers abilities to accurately identify alternate origins when they deemed the speaker to not be from Ghana (2009, pp. 20-12). Secondly, their native competence assisted them in overlooking unimportant, ambiguous, or irrelevant features, which linguists sometimes highlighted (these features were also present in the literature

on Ghanaian English), potentially leading them to make inconclusive or incorrect judgments (Wilson 2009, pp.29-30). Therefore, if the IND, or another agency using non-linguist native speakers, were to provide a sufficient level of training and demonstrate its effectiveness, this particular concern could be alleviated.

2. The ethnicity of the analysts is unknown.

Whilst maintaining anonymity is an understandable safety precaution from the IND in order to protect their analysts, Eades and Arends argue that there are some problems due to the conflicts and negative attitudes between ethnicities in Sierra Leonean society, which may have an impact on the validity and objectivity of the reports. The generally high level of education of the native speaker analysts would also mean that they are not representative of the general Krio-speaking community (2004, p.194), though there is nothing to say that they could not be educated from the general Krio community. An awareness of the forensic context is vital here for any analyst in order for them to produce impartial, pertinent work and reach well-grounded conclusions, avoiding over-confidence and emotional responses. Whilst this particular concern of Eades and Arends is valid in principle, the extent of its effect, if any, cannot be determined without knowing more about the selection process of analysts, what training they have been given to prepare them for their role in the asylum procedure, and whether their education and training has an effect on their knowledge of Krio.

Whether or not one's personal attitudes affect their work and language analysis competence in the LADO context cannot be ascertained through level of education alone. In providing expert evidence for any forensic casework, it is a simple principle to expect professionals to be unprejudiced. The implication put forward by Eades and Arends (2004) is that these particular analysts for Sierra Leonean cases may be biased based on their ethnic background and the history of ethnic relationships within Sierra Leonean society. This is an unfair justification to be made with regard to native speakers based on so little evidence. Potential analysts who would be biased due to their ethnic backgrounds would not necessarily make it

through a recruitment process, and even if they did, internal training, supervision and quality control may be offered to ensure such issues do not affect their work.

3. Overall quality of reports.

Eades and Arends (2004) conclude that a common omission in reports is a reference to features that are in favour of the claimed place of origin, both with regard to the applicant's speech and cultural knowledge. In other words, the unstated aim of the language analysis report appears to be finding negative evidence as opposed to offering an objective, full and balanced report that in other branches of forensic analysis is taken as axiomatic. One of the examples the authors describe is that of an asylum seeker's knowledge of their national anthem. They state that in three contra expertise cases handled by Arends, the analyst of the original language report claims that the applicant does not know the national anthem, yet in all three of these cases Arends found the claimant sings the first stanza without any mistakes (2004, p.194). It is not stated what position the national anthem holds in Sierra Leonean culture in terms of how well it is learnt by people and whether this would be common knowledge of most natives. In a later paper produced by a member of the IND, Cambier-Langeveld (2010), several cases are discussed in which the origin of the claimant was discovered after an initial language report (by the IND) and a counter-expert (CE) report had been submitted (see: §5.3). In Case No. 6 Cambier-Langeveld notes that:

‘The INS analyst comments that the applicant sings the Sierra Leonean national anthem but with some mistakes in the text, and takes this as evidence against the claimed origin. CE remarks that the applicant sings the anthem ‘nearly faultlessly’, with ‘just a few aberrations from the official text’, and takes this as evidence supporting the claimed origin.’

(2010b, p.80)

In this particular case, based on the evidence of the documents later provided by the asylum seeker (the applicant was in fact from Nigeria, not Sierra Leone), the CE was incorrect and the IND conclusion was correct. Although the identity of the CE is unknown, the similarity between these two case references from Eades and Arends

(2004) and Cambier-Langeveld (2010b) has been observed. Each involve the same language (Krio) and geographical regions (Sierra Leone and Nigeria), discuss the production of the Sierra Leone national anthem, and Cambier-Langeveld (2010b) confirmed that some counter-expert reports were done by co-signatories of the Guidelines (which includes Arends, see Chapter 4: The Guidelines). Contra analysis cases involving Krio covered by Arends were conducted between January 2001 and October 2003, and the CE report referred to in Cambier-Langeveld (Case 6: 2010b) was submitted in 2003. Though the implication is that Arends himself was the CE, the anonymity in the case reports prevents this from being proven.

Clearly in language analysis that is to be used as evidence it is important to note all relevant factors in order to perform a fair evaluation, whether they support or deny the asylum seeker's claim. This is an important aspect of forensic work and in building an accurate conclusion. However, the only quoted example of an omission of relevant supporting data from a case report by Eades and Arends is that of the national anthem (discussed above). Therefore, further evidence would be needed to assess the validity of their concern that language reports regularly disregard facts supporting the asylum seekers claimed origin.

Whilst the concerns expressed by Eades and Arends (2004), discussed above, are relevant and should be addressed, this paper lacks sufficient evidence to demonstrate each of their influences on the work of the analysts. Research would need to be done to assess the abilities of non-linguists in LADO, the effect of the ethnicity of native-speaker analysts for areas where social factors may cause bias, and the overall quality of language reports submitted as evidence in asylum cases. Eades and Arends (2004) were understandably limited with regard to the information they had access to and the information they were able to publish. The fact remains, though, that without further research, the arguments of Eades and Arends (2004) can only hold a limited amount of weight.

The three subsequent articles for the 2004 special edition of the IJSL look more closely at LADO practices in the Netherlands, Switzerland and Belgium, respectively.

The first two focus on the issues surrounding the asylum interview. A critical overview of the papers and their limitations is provided below.

Corcoran (2004) is a case study of a West African asylum seeker, claiming to be from Sierra Leone and seeking asylum in the Netherlands. Corcoran opens with the argument that LADO should not be used 'whenever the case involves questions of dialect, sociolect, closely related languages or distinguishing between languages which are both used in the applicant's claimed speech community' (p.200) (though arguably this would cover most possible LADO cases). This argument is based on the 'multifunctionality' of language use, and the fact that linguistic boundaries often do not line up with geographical or socio-political boundaries in a way that would make language analysis for asylum seekers a practical or reliable task. Corcoran (2004) analyses two 40-minute recordings of interviews with the claimant, made for language analysis by the IND, and subsequently submitted for contra-analysis by the author, a student of Sierra Leonean languages including Krio. In addition to these materials, Corcoran also had extensive correspondence with the case lawyer regarding further details of the claimant as well as an hour long telephone conversation with the claimant, which the IND did not have access to. For each of the recordings, the IND rejected the applicant's claim of originating from Sierra Leone, though the grounds of this decision are not discussed. Corcoran's analysis was in favour of the asylum seeker's claim. The paper focuses on the analysis of the first interview only, which involved the claimant, an IND official and a translator. The interview was conducted in Dutch and English.

The beginning of the discussion addresses the issue of control within the general environment of interviewing. Corcoran suggests that whilst any interview will inevitably involve a power asymmetry in favour of the interviewer, the asylum interview in question embodied an 'elaborate set of constraints which locate as much control in the interaction as possible with the interviewers' (2004, p.202). In the case of an asylum interview, a great deal of pressure is placed on the claimant as they are responsible for justifying their claims through their language use, which may already be under stress from the formality of the situation and potential accommodation with the interviewer(s). A negative report can provide evidence to

support a rejected claim, which for some can be a case of life and death. The addition of a high power asymmetry as an 'attempt to constrain the interviewee's production' (Corcoran 2004, p.202) could certainly increase the pressure of the situation. These demonstrations of 'control', as described by Corcoran, involve the IND officials being responsible for opening and closing the proceedings, manipulating the topic and topic shifts, utilising the translator as a co-interviewer, outnumbering the claimant and not allowing the claimant to discuss his reasons for seeking asylum. Whilst these factors could alter the atmosphere of an interview, there is no research in LADO to confirm whether they make any difference to language use.

Several of these factors are justifiable given the general context and purpose of the LADO interview. Firstly, the need for a translator to be present in an interview can often be required; therefore the outnumbering of the claimant cannot be helped in some circumstances – any shift of control between interviewer and interviewee because of this is unavoidable. However, Corcoran argues that this effect is worsened by the use of the translator as a secondary interviewer when it becomes apparent in the interview that the *IND* official does understand English. This results in the claimant's speech no longer being translated, unless required for clarification, the turn taking pattern being altered and the translator asking questions of their own. Whilst this could potentially create a more hostile environment for an interviewee, whether or not these factors had an effect on the applicant's speech cannot be determined without access to another recording made in different circumstances (i.e. a monologue or dialogue with one other speaker). Corcoran did have access to such materials in the form of the hour-long telephone interview, however, she does not use any examples from this as a basis of comparison to back up her assertion that this control shift has influenced the asylum seeker's language use. Secondly, the manipulation of content and the request for the applicant to omit personal information, including their reasons for seeking asylum, is not unusual in a LADO interview. It is a method of gaining material that will be useful for analysis not only of language but also cultural knowledge, which can often form a substantial portion of the final LADO report, without sacrificing the anonymity of

the claimant or biasing the analyst (see Verrips 2010, Cambier-Langeveld 2010a, Singler 2004).

The remainder of Corcoran's discussion goes on to describe the claimant's efforts to establish his identity, and thereby support his claim of origin, in an interview which he struggles to understand, interpreting it as a gatekeeping interview as opposed to one for language analysis. Corcoran argues that this results in accommodation with the interpreter with regard to the words 'rice' and 'Freetown' (2004, p.211). The pronunciation of these words is dependent on whether the interviewer has said them immediately beforehand, i.e. in a question, or whether the applicant has included them freely in his own speech. If the interpreter has used them, the applicant's pronunciation is described as being more 'English-like' or more 'standard English'. Whilst accommodation may be problematic in an interview, Corcoran, as a language analyst, has identified its presence and reasons behind its occurrence – attributing it to the claimant's anxiety and the desire to be perceived as a competent English speaker in the country which he seeks asylum (pp.211-212). If this observation is within the abilities of the counter-analyst then it is possible that it was also considered by the original analyst, with notes being included in the initial report, before ultimately reaching their negative conclusion.

Corcoran also refers to the interviewer's and interpreter's attempts to elicit information regarding Western African customs, such as traditional Sierra Leone dress and naming ceremonies, that would be deemed as peculiar to Sierra Leone (2004, pp.208-209), as well as specific Sierra Leonean tokens that the 'language analysts want' (pp. 213-214). Corcoran's concerns regarding these attempts lie in the potential misunderstanding between the interviewer, who is seeking evidence of Sierra Leonean origin, and the interviewee, who may interpret the questions as a search for dated and undesirable cultures (Corcoran 2004, p.209). Again, in these cases it may simply be that the interview embodies a general design put in place to allow the applicant to provide any such culture specific information. Whether the interviewer or interpreter is digging for particular information should be irrelevant in terms of the language analysis outcome, as a suitably trained language analyst

should have sufficient knowledge of the area to be aware of when these 'peculiarities' are irrelevant, inaccurate or unimportant.

Once again, without being able to analyse the full materials of the case, it is difficult to come to any definitive conclusions regarding the reliability of the procedures involved. Furthermore, the outcome of this particular case is unknown. Corcoran has provided a detailed counter-analysis, but the outcome may have been rejected or conclusions may have been made on the basis of non-linguistic evidence. Of course, whether or not the claimant was granted asylum is still not an indisputable confirmation of their actual origin. Corcoran concludes that:

'There is never going to be a list of diagnostic linguistic features that is exhaustive enough for identifying asylum-seeker origins because these features are deployed in creative ways, not simply in context-presupposing ones.'

(2004, p.215)

Whilst her conclusion raises a valid point regarding the lack of documentation for relevant languages, a single case report provides minimal evidence that language analysis cannot be done within the contexts she initially describes. Furthermore, if the author does feel that language analysis is implausible in the aforementioned contexts, it is odd that she would provide a contra-analysis with a positive conclusion given that a conclusion of *any* format would not be reliable in this case, which is also described as 'an example of how an asylum seeker's actively constructed response poses problems for the reliability of linguistic identification' (Corcoran 2004, p.200).

In the following IJSL article, Singler (2004) provides further discussion of the asylum interview, analysing the practices of the Swiss agency LINGUA. Singler's experiences involve carrying out linguistic analyses for the Swiss government in the employment of the Swiss Federal Office for Refugees. Unlike Corcoran (2004), Singler begins his paper by stating that although the practice of LADO is controversial, the 'reliable determination of the linguistic provenance of applicants through such interviews is feasible', though he shares similar concerns to Corcoran

regarding the influence of the formality of the interview process (2004, p.222). Singler begins by briefly discussing the general issues surrounding LADO, the reasons for its introduction and comments on the problems agencies have faced due to their lack of disclosure regarding analyst qualifications – specifically Equator through references to the claims of Eades et al. (2003):

‘The objection to [‘linguistic’ asylum interviews] has arisen primarily because governments have entrusted the linguistic appraisal of candidates for asylum to people who lacked the expertise necessary to construct an informed judgement.’

(Singler 2004, p.223)

In justifying his claim, Singler goes beyond the simple argument that qualifications are not specified. Instead he draws attention to the idea that the ambiguity of the word ‘linguist’ is actually fuelling the debate (2004, p.224). Can someone who knows the relevant languages be deemed a linguist in a LADO context, or must they also hold academic qualifications in the subject? With regard to the latter, there are many fields of linguistics that a person can choose to study and there is no evidence that a particular one will make one more or less qualified to perform LADO.

The main question to be answered is what type of language/linguistic knowledge best equips a person to do this type of language analysis and whether it is attainable for all experts to possess the desired requirements. This question is beyond the scope of Singler’s article, though he does recognise that there is a level of expertise that an academic linguist can offer which makes them stand apart from the non-linguist native speakers described in Eades and Arends (2004, pp.179-199). This level of expertise is predominantly based on knowledge of phonetics, syntax, and an awareness of the limitations of the material (Singler 2004, p.224). However, it is uncertain just how much academic training would be deemed sufficient. This is not to say that a native speaker cannot offer their own expertise as well, but as LINGUA only worked with analysts who had postgraduate training in linguistics, Singler’s arguments stem from his experiences with this methodology.

The data Singler reports on are based predominantly on his own eight ~40 minute interviews with Liberian asylum seekers, conducted over the telephone in the English of Liberia.

Singler's conclusions echo the concerns laid out by Corcoran (2004). The issue of accommodation is raised again as a means by which the asylum seeker can gain approval from the interviewer in what may be construed as a hostile environment, causing a negative effect on the authenticity of the claimant's speech. Alternatively, if a rapport is achieved between the interviewer and interviewee, Singler claims that this can also raise the issue of accommodation as the applicant steers towards the more standardised variety of English delivered by the interviewer (Singler 2004, p.227). In other words, due to the power asymmetry in the interview context, the control is always in the hands of the interviewer. Unfortunately, Singler is unable to provide examples of these issues at play in an asylum interview, and his discussion is largely based on literature addressing the sociolinguistic interview rather than his experiences with the Swiss government. It also does not automatically follow that a hostile atmosphere, a rapport between interviewer and interviewee, or an interviewer being in control will have an effect on language use, and even if they do that the effects will be there from the onset, consistent and neglected by a language analyst.

Despite the factors influencing the level of formality in the asylum interview, some of which Corcoran describes as 'control mechanisms' which 'constrain the asylum seeker's production' (2004, p.214), Singler maintains that 'it is fully possible to do 'linguistic' asylum analyses reliably, at least when using Swiss criteria and in the case of Liberia' (2004, p.231). Singler maintains an awareness of his own limitations as an analyst as well as the limitations of the LADO process in general and the constraints it may place on the asylum seeker. For example, he states that he is aware that claimants may not know all the details of their home country and that he will not specify an alternative origin (if the applicant is not thought to be from Liberia) if he feels that question is beyond his capabilities (2004, pp.234-235). Singler is careful not to over-stretch his conclusions in the same manner as Bobda et al (1999), which was subsequently criticised by Eades and Arends (2004). His

optimistic comments allude only to the Swiss procedure, which does differ from the IND methodologies that have been discussed so far. For example, LINGUA does not use non-linguist native speakers and their interviews are conducted by the language analysts themselves.

The final paper from the ISJLL special edition that will be discussed in this subsection, Maryns (2004), reviews the asylum process in Belgium and discusses the validity and value of language analysis in the asylum procedure. Belgium, like other countries (see §X.2.1), experienced an increase in asylum applications in the 1990s, increasing from 12,000 applications in 1990 to 25,000 in 1993 and a high of over 42,000 in 2000 (Maryns 2004, p.243). Due to this increase, the Belgian government altered the asylum procedure in an effort to deter refugees from seeking asylum in Belgium. This resulted in a drop of applications from 42,000 to 25,000 in 2001 (Maryns 2004, p.243). It was during this period that language testing was introduced as part of the Belgian asylum procedure. Maryns claims that Belgian immigration officials were often presented with 'rehearsed stories' that are 'prepared and 'constructed' in accordance with the convention criteria' (2004, p.244). Therefore, language analysis became part of a method to test the veracity of asylum claims, though the extent to which the language analysis lends itself to this type of decision making requires further investigation (Maryns 2004, pp.244-245).

In order to assess the validity of LADO, Maryns analyses two data sets. The first of these is a translation test taken from a three-hour interview with a Sierra Leonean claimant, who had previously been rejected by the DVZ – *Dienst Vreemdelingenzaken* (Aliens' Office) and so lodged an appeal with the CGVS - *Commissariaat Generaal voor de Vluchtelingen en de Staatlozen* (Commissioner General for Refugees and Stateless Persons). The interview was conducted by the CGVS. The translation test involves the interviewer asking the claimant to translate some English words into Krio, and then Krio words into English. The task itself is flawed before it has even begun as the interviewer does not speak Krio himself, which causes several misunderstandings, reiterations and the interviewer to overlook some spontaneous speech in Krio which may have been of use. Therefore,

the purpose of the test was to elicit material that would fall in line with the following assumptions:

- 'Somebody who comes from Sierra Leone should have a basic understanding of Krio;
- A basic understanding of Krio implies being familiar with words and expressions such as 'how are you', 'money', 'girl', etc.;
- Not being able to explain the meaning of these words casts doubts on a person's Sierra Leonean identity'

(Maryns 2004, p. 248)

Maryns goes on to argue that a bilingual or multilingual speaker does not necessarily have full competence in each one of their language varieties. Furthermore, any findings of the test are rendered unreliable due to them being born from the results of a flawed task (2004, pp248-249). It is unknown whether the rest of the three-hour interview provides more meaningful information for an analyst to base a language analysis on. On the basis of this particular test the methods adopted by the Belgian agency are depicted as somewhat unprofessional and misleading, perhaps even following the aforementioned 'folk views' of language as outlined by Eades et al., in which an origin could be supported or rejected on the basis of a handful of words (2003, see §X.2.2). It has quickly become evident in this edition of the IJSL that the criticisms of LADO are not only similar among linguists who have had access to LADO materials, in whatever format this may take, but that they also span across a range of countries and jurisdictions.

The second data set analysed by Maryns is an example of a linguistic identification of a Kurdish speaker claiming to originate from Turkey but who then fled due to political unrest and spent over 35 years living in Northern Iraq. The analysis was performed in 2002 by the language analysis desk of the research team of CEDOCA - *Centre de Documentation pour les Différentes Instances d'Asile Belge'* (Documentation Centre for the Different Instances of Belgian Asylum). The purpose of the language desk was to analyse language in order to determine the speaker's place of socialisation, and analyses were only done for language varieties that had

an adequate pool of linguists available, such as Arabic, Kurdish, Russian and Armenian (Maryns 2004, p.250). Unlike the previous interview and other aforementioned interviews (see §X.2.3 Corcoran 2004 and Singler 2004), the interview used for the language desk analysis placed an emphasis on conversation, with the asylum seeker given the opportunity to lead the discussion. The analyst who was then employed to assess the recording had to be a native speaker of the language(s) used by the claimant and originate from the same country, they had to be familiar with the sociocultural background of the relevant language(s) and they had to hold a certificate in higher education, ideally with some linguistic training (Maryns 2004, p.251). The analyst in this particular case was also supervised by two qualified linguists – though their levels of education are not specified.

The language analysis report, originally written in Dutch, is translated and included in Maryns' paper. The report includes basic recording information, a list of languages used and additional linguistic subsections with relevant examples – 'phonology', 'lexical', 'syntax' and 'other'. Each of these linguistic subsections contains five examples from the interview at most, with only ten specific examples overall. On the basis of this evidence, the analyst concludes that there is not enough Arabic influence in the claimant's speech to back up his claim of having lived in Northern Iraq for a significant portion of his life (Maryns 2004, pp.254-255). The report contains a lack of examples to support the applicant's claim, in favour of examples that reject it – a problem outlined by Eades and Arends (2004) as one which lets down the quality of reports conducted by non-linguist native speakers.

Maryns summarises that the problem at the heart of LADO lies in language mixing and shifting, which ultimately creates a challenging field to work in even in the best of cases. Maryns argues that this is what causes problems in both of the aforementioned testing methods – the translation task and the CEDOCA language identification:

'While they are communicating, speakers move around in their mixed repertoire of codes, yet without necessarily being competent in any of the single codes in their repertoire, nor having the ability to draw clear boundaries between the different codes used. [...] Code

mixing and shifting seriously complicate the search for competent interpreters and experts for linguistic analysis.'

(2004, pp.255-256)

Even when an analyst originates from almost exactly the same location as the asylum seeker, there is no guarantee that their language use and history will be comparable. An added complexity of the asylum seeker is that they may have spent a considerable amount of time in the country in which they seek asylum prior to a LADO interview taking place – adding yet another potential influence on their speech and language patterns.

3.6 Summary

There is a mixed attitude towards LADO presented in the initial wave of academic papers, as well as the special edition of the IJSL, but the overall tone is a negative one. Whilst it is considered feasible by some in the right contexts (Bobda et al 1999; Singler 2004; Maryns 2004) there are still many concerns among the linguists and others warn against its use entirely (Eades et al 2003; Corcoran 2004). These range from the qualifications of the analysts to the style of the interview and the overall possibility of conducting LADO in many of the countries where it may be useful due to the lack of published literature on these areas. Unfortunately, in each of the papers presented, there is a distinct lack of materials available for the authors to comment on, leaving them to rely on their own limited observations and non-LADO-directed research. In the case of Eades and Arends (2004) and Corcoran (2004), their experiences seem to lie in contra-expertise, which is likely to be conducted in cases where either the initial language report was of poor quality or the case is of a particularly challenging nature.

This initial collective of research addressing LADO directly highlights the many issues in the field. A lack of transparency from practitioners has resulted in criticism from the media, as well as concern from academics, and the only evaluations of LADO that have been conducted are highly flawed. In an effort to assist non-linguist

officials in assessing the general validity of LADO, a group of linguists contributed to a set of recommendations for best practice. This document will be discussed in detail in the following chapter.

4 The Guidelines

The final and most significant contribution to the 2004 special edition of the ISJLL in terms of the influence it has had in the progression of LADO was the 'Guidelines for the use of language analysis in relation to questions of national origin in refugee cases' (LNOG 2004; hereafter referred to as the Guidelines). The Guidelines were created by the Language and National Origin Group (LNOG) – a group of 19 linguists from a range of countries and disciplines (see Table 4.1 for details). The initial idea for the Guidelines arose in 2003 at a conference for the International Society for Pidgin and Creole Linguistics (SPCL), at which Arends, Corcoran and Singler presented their research which was subsequently included in the 2004 LADO edition of the ISJLL (Eades 2010, p.35). Due to the concerns regarding the perceived inadequacies in the LADO process, a total of 20 linguists participated in lengthy email discussions over a ten-month period in 2003/2004. Their goal was 'to produce guidelines about the ways in which linguistic analysis can shed light on questions of speakers' origins, and about limits to the ways in which it can be used' (Eades 2010, p.36).

The stated purpose of the Guidelines was not to set out rules or regulations for the practices of LADO, but to assist governments (i.e. non-linguist officials) 'in assessing the general validity of language analysis in the determination of national origin, nationality or citizenship' (LNOG 2004, p.261). They are intended as a guide for what the signatories deemed to be best practice based on their collective experiences in the field. The 11-point Guidelines attempt to tackle the issues of who is qualified to perform LADO, and the general limitations of a linguistic analysis as well as outlining several of the problems that can occur in LADO, such as multilingualism and the relationship between national and linguistic borders (discussed in further detail below). Overall the Guidelines were well received and gained little criticism in their early years. Since the initial publication of the Guidelines in the ISJLL they have also been published in *Applied Linguistics* (Eades, 2005) and endorsed by 11 professional associations of linguistics, including the

International Association of Forensic Linguists (IAFL) and linguistic associations in Great Britain, America, the Netherlands and Australia (LNOG 2011).

Guidelines 1 and 2 highlight the limitations of LADO and advise caution when interpreting reports. They clarify three key points:

1. a linguistic analysis should never be the sole piece of evidence in a case;
2. linguists should never be asked or expected to make a determination of origin directly (as this is beyond their skills, responsibilities and jurisdiction);
3. a linguistic analysis is an indicator of socialization as opposed to origin, though these two things can align

(LNOG 2004, pp. 261-262).

These are valid and justified restrictions based on the reliability of language testing and speech analysis in general and the complex circumstances in which LADO is relevant. LADO has many complexities to consider, such as the lack of reference samples to assist in analysis, there can be minimal or no information on the language varieties being analysed, and the geographical mobility of applicants can add further complications. Linguistics can provide a valuable contribution to several forensic domains, but it can also be dangerous if those who are responsible for assessing the evidence do not have a full awareness of the fundamental limitations that surround it. The Guidelines fulfil an important role by highlighting these issues.

Guidelines 3, 6 and 7 pertain to the qualifications of the language analysts. They state that LADO must be conducted by a 'qualified linguist', analysts have the right to keep their personal information confidential, and native speaker expertise should not be considered the same as linguistic expertise (LNOG 2004, pp.262-263).

The Guidelines define a "qualified linguist" as follows:

- They have up-to-date knowledge of linguistics and the language(s) in question, including how it differs with neighbouring varieties;
- They should have higher degrees in linguistics, peer-reviewed publications and be a member of professional associations;

- They should use standard technical tools and terms, such as the International Phonetic Alphabet (IPA);
- Their reports should cover background issues, include relevant academic citations and show a high degree of caution in the conclusions.

(Guideline 3: LNOG 2004, p.262)

Evidence of the above should be provided to the court, should they wish to assess the analyst's qualifications. Finally, those who do not have linguistic expertise should not be asked to provide such expertise (LNOG 2004, p.263). Whilst the Guidelines do not directly state that linguistically-untrained native speakers should not perform language analysis, they do advise strongly against their use unless, of course, they embody all of the linguistic expertise outlined above. The Guidelines also do not offer any specific comments regarding the consultation of native speakers by linguists, though presumably if the linguist has an up-to-date knowledge of the relevant language(s), this would not be required.

An overarching problem with these requirements is one that has been brought up several times in this chapter, and by signatories of the Guidelines themselves. The areas in which LADO is relevant often have very complex language situations and the documentation on the languages in question can be very minimal (see for example Eades et al. 2003). Considering this alongside the total number of analysts that will be desired by LADO agencies (who are, in some cases, in direct competition with each other, thus would benefit from offering language experts the other does not have access to, or having the capacity to perform a greater number of analyses) it would be difficult to adhere to the Guidelines on the terms outlined above.

The Guidelines also do not consider the individual's proficiency in language analysis. Sufficient qualifications and peer-reviewed publications are not necessarily an indication of a person's ability to perform a specific task – in this case, a unique task that has likely not been tackled by the linguist in their previous work or studies. For example, a linguist may be an expert in second language acquisition, but that does not mean they have a good ear for phonetic subtleties or much insight into within- and cross- speaker variation of the sort that is relevant to LADO or forensics in

general. The Guidelines do not offer any advice in terms of what training to expect from language analysts. This would ideally include training and supervision in the task at hand as well as regular quality control checks and external testing. Ultimately, the ideal analyst would be a fully trained linguist with a proven competence in LADO and fluency in the relevant language(s). At the time the Guidelines were published, this was not the path that all agencies chose to follow. For example, the *IND* has always utilized the expertise of trained and supervised native speakers alongside the expertise of linguists – essentially spreading the desired requirements over a team of two individuals working collectively. This method is also unclear with regard to what training and supervision is adequate, but it is not acknowledged at all by the Guidelines (possible reasons for this are discussed further below).

Guidelines 4 and 5 refer to the content and materials used for LADO reports. They state that linguists should have the right and responsibility to qualify the certainty of their conclusions but they should not be expected to express this in quantitative terms as they do not lend themselves to language analysis. Linguists should also be allowed to determine what data they use for the analysis, and it is recommended that they either collect their own samples or advise on their collection (LNOG 2004, pp.262-263). This gives the linguist the opportunity to control the interview content in order to promote the elicitation of desired linguistic features and cultural knowledge. The Guidelines do not offer a suggested minimum recording length or a guide to how many linguistic examples are recommended in order to form a reliable conclusion. However, they do state that a linguist should reject a case or request additional data if they feel that what they have been provided is inadequate for analysis (LNOG 2004, p.263).

Guidelines 8, 9, 10 and 11 go on to address more specific problems that can occur within the LADO context, such as multilingualism and difficulties that can occur in the asylum interview. Guidelines 8 and 9 serve to inform the reader about the complexities that can be involved in a linguistic analysis due to variation within single languages, code-switching, external influences on the speaker's repertoire, language change and the misaligned relationship between geographical and

linguistic boundaries. The very concept of LADO itself holds the basic illusion that each language variety will have a specific area associated with it, making this type of analysis possible. This is a highly over-simplified notion due to the complex and continuous evolution and mixing of languages and it is vital that anyone assessing LADO reports are aware of the intricacies and limitations of the field, as outlined in these Guidelines. The Guidelines advise that analysts should be aware of whether or not regional varieties can be reliably distinguished through linguistic analysis. They also state that it is not always possible to expect an asylum seeker to only speak one language in an interview, as speakers may not distinguish between their spoken varieties in the way a linguist would (LNOG 2004, p.264).

Finally, guidelines 10 and 11 draw attention to the language use in the asylum interview itself. They outline the problem of accommodation, and warn against misinterpreting an asylum seeker's proficiency in the language of the interview as an indicator of truthfulness. For example, the language that the interview is conducted in may be one in which the claimant speaks, but not with a great level of fluency. This may result in hesitation, inconsistencies and mistakes in pronunciation, vocabulary and grammar. An analyst must take this into consideration and be cautious not to draw any conclusions concerning the truthfulness of the interview based on factors such as those above (LNOG 2004, p.265). With regard to accommodation, the Guidelines describe the phenomenon but do not offer any advice on how to alleviate or identify its occurrence.

4.1 Criticisms of the Guidelines

Although originally published in 2004, and defined by co-author Patrick as 'a starting point in a new, urgent, and rapidly developing field of linguistic practice' (2012, p.535), twelve years on the Guidelines have not yet been adapted or updated, despite being the recipient of judicial criticism (Eades 2010, p.38), and concerns from practitioners of LADO (Cambier-Langeveld, 2010a, 2010b) and academics (Eriksson 2008, Wilson 2009, Foulkes et al. submitted). Arguably, the

criticism is countered by the multiple endorsements and republications of the Guidelines (outlined above), but these commendations may simply be fostered by a lack of any alternative recommendations. The criticisms of the Guidelines have also sparked heated debates within the LADO and forensic phonetics communities, which have ultimately assisted in progressing research in the field (discussed in further detail below and in Chapter 5).

In a response to the general purpose of the Guidelines as a document designed to assist non-linguist officials, Eriksson states that:

‘there are no instructions as to how these requirements and observations may be used in an evaluation process. Assuming that the reader of the paper is a government official who has received a language analysis report and seeks advice on how to evaluate the report, it is difficult to see how these guidelines could be of much use.’

(2008, p.42)

The Guidelines do not offer any advice regarding how a non-linguist should interpret and assess a language report. Instead they offer an awareness of the linguistic context and its surrounding complexities alongside what to expect in terms of the qualifications of the language analyst and the conclusion format. Whilst guiding a non-linguist through the evaluation of a language report is outside of the purpose of the Guidelines, which is to assist governments in assessing the validity of the process that they are choosing to use in their asylum processes as opposed to assisting in the assessment of individual reports, this is nevertheless a valid point made by Eriksson. Guidance on what to expect in terms of the content of the language reports, such as numbers of linguistic examples, adequate references or descriptions of the language situation and even a standardized conclusion format would indeed be beneficial to non-linguists. It would also encourage practitioners to maintain a consistent high standard across all of their analyses.

The bulk of the criticism regarding the Guidelines has focussed mainly on guidelines 3 and 7, which advise against the use of native speakers in favour of trained

linguists, alongside the implication that the Guidelines lack objectivity and are unrepresentative of the whole field. With regard to Guideline 3 specifically, co-signatory Verrips states that:

‘Until evidence to the contrary is provided – specialized linguists as defined in the Guidelines are best placed to take responsibility for LADO reports.’

(Verrips 2011, p.140)

However, it is important to note here that no evidence was provided to support Guideline 3 itself. The reader of the Guidelines must trust in the expertise of the authors, as Verrips also appears to do. It is vital that we ask the question why evidence must be provided to refute the Guidelines when none in fact has been provided to endorse them in the first place.

Fraser likewise claims that:

‘Guideline 3 does not recommend using ‘linguists’ as analysts. It recommends using analysts with recognised and up to date expertise both in linguistics and in the language in question.’

Fraser (2011, p. 125)

If we look carefully at the wording of Guideline 3, it explicitly states that language analysis should be ‘made only by qualified linguists’, who should ‘hold higher degrees in linguistics’ and have an awareness of phonetics (in order to use the IPA in transcriptions). It is clear from the wording of Guideline 3 that non-linguist, native speakers have not been acknowledged as potential consultants in LADO, though neither have they been explicitly dismissed, and the Guidelines assert that both linguistic and language competence be found in the same individual. The omission of a linguist/native speaker collaboration is problematic due to the fact that several practicing LADO agencies did, and still do, use native speaker consultants in casework under the supervision of linguists. This then brings up the question of why the Guidelines were put together without the inclusion of these practitioners.

In order to assess the notion of bias further, and to explore the general applicability

and validity of the Guidelines, it is of interest to explore in detail the pedigrees of the collective of authors. The following table (4.1, below) lists all of the signatories of the Guidelines, including their positions and LADO experience at the time of their publication. Experience in LADO includes any of the following:

- Direct experience – Signatory has worked as a LADO analyst or contra-analyst (performing a secondary language analysis, typically at the request of the asylum seeker after an undesirable result) for a LADO agency or government or has offered services as a language consultant for LADO cases;
- Indirect experience – Signatory has conducted and published research on LADO in the form of case study analysis or a review of practices using genuine case data;
- Other experience – Signatory has conducted and published research on language and asylum seekers, though not directly related to LADO practices.

The experience in LADO that has been included is based on what has been made available through personal profiles, such as academic webpages and Curriculum Vitae, or information that has been gathered through published papers. This may not, of course, encompass all of the experiences of each signatory, as personal experiences may go beyond what has been documented.

Table 4.1: Breakdown of the signatories of the Guidelines (LNOG 2004)

NAME	POSITION*	EXPERIENCE IN LADO**
J. Arends	Lecturer in Linguistics, Amsterdam University	Discussion on LADO reports accepted by the Australian government (Eades et al 2003 and Eades and Arends 2004). <i>'Experience with over seventy-five cases involving Krio, in which he acted as an intermediary between asylum seekers' representatives on the one hand and contra-analysts on the other'</i> (Eades and Arends 2004, p.191)
J. Blommaert	Professor of African Linguistics and Sociolinguistics, Ghent University	Papers investigating linguistic inequality and asylum speaker narratives, drawing on work with asylum applicants (Blommaert 2001, Maryns and Blommaert 2001, Maryns and Blommaert 2002). No publications on LADO. No referenced direct work in LADO.
C. Corcoran	PhD student, Department of Linguistics, University of Chicago	<i>'Experience includes having produced 15 reports for the German immigration service, Bundesamt für die Anerkennung ausländischen Flüchtlinge, in 1999–2000 and having participated to varying degrees in 23 contra-analyses in cases involving West African asylum seekers in the Netherlands from 2001 to 2003'</i> (Corcoran 2004, p.216)
S. Dikker	Research assistant, <i>De Taalstudio</i>	MA in Linguistics, employee of <i>De Taalstudio</i> between 2004 and 2005. Job included <i>'recruitment & evaluation of linguists, editing language analysis reports and research projects'</i> (Curriculum Vitae: Dikker 2008, p.4)
D. Eades	Associate professor, Department of second language studies, University of Hawai'i	Discussion on LADO reports accepted by the Australian government (Eades et al 2003 and Eades and Arends 2004). No referenced direct work in LADO.
M. A. Finney	Associate Professor, Department of Linguistics, California State University	<i>'Offers expertise as linguist and native Krio speaker by analysing recordings of Krio for evidence of proficiency (or lack of it) in Krio'</i> (Finney, personal webpage)

		– Not stated whether this was prior to the publication of the Guidelines. No publications on LADO.
H. Fraser	Senior Lecturer, School of Languages, Cultures and Linguistics, University of New England	Discussion on LADO reports accepted by the Australian government (Eades et al 2003). No referenced direct work in LADO.
K. Hyltenstam	Professor, Centre for Research on Bilingualism, Stockholm University	Provided criticism of Eqvator’s methods in a letter to the Head of the Swedish Aliens Appeals Board (Janson and Hyltenstam 1998). No referenced direct work in LADO.
M. Jacquemet	Assistant Professor, Communication Studies, University of San Francisco	Paper titled ‘Translating refugees: Kosovar interpreters as linguistic detectives’ (2000) and paper titled ‘Refugee: ethnolinguist identities in the age of transidiomatic practices’, presented at a conference (2003). No referenced direct work in LADO.
S. U. Kamarah	Assistant Professor, Department of Languages and Literature, Virginia State University	<i>‘Consultant on Language Analysis for the Federal Department of Immigration, Switzerland and for De Taalstudio’</i> (The Patriotic Vanguard 2010). Not stated whether this was prior to the publication of the Guidelines. No publications on LADO.
K. Maryns	Research Associate, National Science Foundation Flanders, Department of African Languages and Cultures, Ghent University	Papers investigating asylum seeker’s narratives (Maryns and Blommaert 2001, Maryns and Blommaert 2002, Maryns 2004b). Investigation of Belgian procedures including case examples (Maryns 2004a). No referenced direct work in LADO.
T. McNamara	Professor, Department of Linguistics and Applied Linguistics, University of Melbourne	Discussion on LADO reports accepted by the Australian government (Eades et al 2003). No referenced direct work in LADO.

F. Ngom	Assistant Professor of French and Linguistics, Western Washington University	' <i>Independent Expert and Contra-expert Consultant on Language Analysis in Asylum Cases, 2003 to August 2007</i> ' (Curriculum Vitae: Ngom, date unknown, p.17)
P. L. Patrick	Professor of Linguistics, Department of Language and Linguistics, University of Essex,	No publications on LADO. No referenced direct work in LADO.
I. Piller	Senior Lecturer, Department of Linguistics, University of Sydney	Discussion of LADO practices in Germany (Piller 2001). No referenced direct work in LADO.
V. De Rooij	Assistant Professor, Department of Sociology and Anthropology, University of Amsterdam	No publications on LADO. No referenced direct work in LADO.
J. Siegel	Associate Professor, School of Languages, Cultures and Linguistics, University of New England	Discussion on LADO reports accepted by the Australian government (Eades et al 2003). No referenced direct work in LADO.
J. V. Singler	Professor of Linguistics, Department of Linguistics, New York University	Had carried out linguistic analyses for the Swiss government in the employment of the Swiss Federal Office for Refugees. Minimum of 2 trial analyses and 8 linguistic asylum interviews following <i>LINGUA</i> procedure (Singler 2004, p.225)
M. Verrips	Director, <i>De Taalstudio</i>	Founder and director of <i>De Taalstudio</i> (founded in 2003)

* Position held at the time of publication of the Guidelines, taken from LNOG (2004, p.266).

** Experience in LADO leading up to publication of the Guidelines in 2004. Experience gained after 2004 has not been included. Information gathered from personal/academic webpages and other published articles, all references included.

Based on the information gathered, of the 19 signatories, 11 had not had any direct experience in LADO at the time the Guidelines were published. Two of these had not been involved in any other publication relating to LADO (Patrick and De Rooij), and one had conducted linguistic research with asylum seekers, but it was not specifically related to the LADO procedure (Blommaert). Eight signatories of the Guidelines had indirect experience in LADO, seven of whom had contributed a published review of LADO practices in a specific country (Jacquemet, Maryns and Piller), four of these being co-authors of the Australian study (Eades, Fraser, McNamara and Siegel in Eades et al. 2003, see §3.4), and one was the co-author of a critical letter to the Swedish Aliens Appeal Board (Hyltenstam).

Of the six signatories who did have direct experience in LADO, two were employees of *De Taalstudio* (Dikker and Verrips), founded one year prior to the publication of the Guidelines and specializing in contra-expertise, two had been involved predominantly in contra-analysis for the Netherlands (Arends, Corcoran) and one had 2.54 2.54 conducted their work following LINGUA procedures (Singer). There are no representatives from the IND or any of the Swedish agencies. In two cases it cannot be determined whether the signatory worked as a language consultant or LADO analyst prior to the publication of the Guidelines (Finney and Kamarah), but neither of them had published any prior work on LADO. Corcoran was in the process of studying for her PhD on the Sherbro language (spoken in Sierra Leone) and Dikker held an MA in Linguistics. All other 17 signatories held PhDs, five of these were full professors and seven were assistant or associate professors.

Combined, the signatories of the Guidelines cover a wide array of linguistic fields, have produced dozens of peer-reviewed publications and hold a valuable wealth of experience in linguistic research and fieldwork covering a variety of languages. However, this experience is not specific to LADO, with direct participation in the field starting from less than one year conducting direct work in LADO before assisting in the production of the Guidelines, which commenced in 2003 (Dikker, Ngom and Verrips). Each signatory who had participated in LADO had done so following the methods encouraged by Guidelines 3 and 7 – using qualified linguists and not native speakers. It therefore comes as no surprise that this is the

methodology that the Guidelines promote, as there were no other influences to support the involvement of trained native speakers, despite their documented use by the IND from the signatories (Eades and Arends 2004) or their acceptance by the Dutch courts (van den Boogert 2004, p.2). (The native speaker debate brought about by Guidelines 3 and 7 is discussed in further detail in Chapter 5)

The co-authors and signatories of the Guidelines are certainly qualified to outline the limitations and complexities of linguistic analysis. Though their relative lack of direct experience in the field, especially in terms of only covering one working method, can be regarded as problematic. The recommendations of the co-authors have no LADO-directed, empirical research to support them. Assertions regarding interview technique, socialization versus origin and general restrictions of language testing can be justified through linguistic research that does not specifically relate to LADO, though the authors of the Guidelines do not provide a list of references or recommendations for further reading. However, the preference for one LADO method over another cannot be validated by the signatories at this point in time. The omission of an acknowledgement of any other methodology can only work to discredit alternative processes without first having their value tested. The Guidelines are clearly not an attempt to provide a summary of agreed points or points of dispute within professional LADO agencies, and in that sense they are not objective as they only represent one view of best practice and do not signal these caveats.

At the time the Guidelines were published, there were no reasons to assume that one method would be more reliable than another for language analysis in the asylum procedure. The main evidence to support the preference of the qualified linguist method was the conclusions of the research articles in the 2004 ISJLL (see §3.5). As previously stated, these conclusions were based on limited observations and contra-expertise, and ultimately they do not provide a strong grounding for the rejection of any particular methodology. Rather, they provide justification for the encouragement of well-defined recruitment and training procedures for LADO analysts as well as external testing and general quality control measures, the processes of which should be made available to the public for review. This would

hopefully assist in an overall increase in the quality of LADO as well as providing useful information that can be used by researchers when assessing the validity of the field. The Guidelines do not offer recommendations for any of the aforementioned components of the LADO process, focusing instead on the qualifications of linguists. Whilst it is important to establish a minimum requirement of linguistic expertise in order to perform a professional, scientific language analysis, this is just one of many aspects that need to be taken into consideration.

Although Guideline 3 was ‘uncontroversial among the 19 signatories [of the Guidelines]’ (Eades 2010, p.38), in 2007 members of the International Association for Forensic Phonetics and Acoustics (IAFPA) and a representative of De Taalstudio discussed whether there was reason to state that it should be ‘compulsory to consult a native speaker of the language variety under question’ (Moosmüller 2010a, p.44) The group did not reach a unanimous verdict but determined that the lack of an empirical basis meant that the expertise of native speakers, supervised by linguists, could not be excluded from LADO (Moosmüller 2010a, p.44). This resulted in the following interim resolution:

In cases involving the analysis of language and speech for the determination of national identity IAFPA recognises the contribution to be made by:

1. Linguists and educated native speakers, with the latter working under the guidance and supervision of the former;
2. Linguists with in-depth research knowledge of the language(s) in question.

(Official IAFPA website; Moosmüller 2010a, p.45)

Though only intended as an ‘interim’ resolution, nine years have now passed since it was made and the Guidelines continue to be circulated in their original format.

A working group of four IAFPA members was then set up in order to gather more information on LADO so that the resolution could be finalized. This group was led by Tina Cambier-Langeveld, employee of the IND. Alongside these four linguists, interested parties were invited to be consultants for the working group. The final

list consisted of '17 members (companies and private persons) from 10 different countries, including all companies/organizations working for governments' (Moosmüller 2010a, p.45) – a total of 21 contributors and/or advisors. The level of interest in the creation of this resolution and the further investigation of LADO serves as an indicator that the Guidelines, as they were, were not considered as representative of current practices as would be ideal, or at the very least they required the support of further data, which was to be collected by the working group.

The working group ran a survey of current methods including all of the companies actively practicing LADO. The results of the survey remain confidential. In the 2009 IAFPA annual general meeting, two years after the first interim resolution was proposed, a finalized version was passed with a majority vote of 20 votes in favour, 0 against and 6 abstentions (changes to the original resolution have been highlighted):

In cases involving the analysis of language and speech for the determination of national identity IAFPA recognises the contribution to be made by:

1. Linguists and **trained** native speakers with the latter working under the guidance and supervision of the former;
2. Linguists with in-depth research knowledge of the language(s) in question.

It is not a valid assumption that a native speaker, linguist or specialized linguist is by definition also a qualified analyst, capable of performing the type of analysis referred to here. Language analysis is a form of forensic analysis that requires additional skills and competence. Individual competences and experience affect the quality of the analyses, regardless of the method. Specific training and testing is therefore recommended.

The conclusion expressed should in all cases reflect not only the strengths and weaknesses of the material analysed but also of the personnel involved.

(Official IAFPA Website; Moosmüller 2010a, pp.45-46)

The final resolution also acknowledges the importance of the forensic aspect of LADO casework as one which requires specific skills and competence that do not always accompany linguistic qualifications, and therefore requiring further training.

It is also worth noting that whilst the signatories of the Guidelines were lacking direct experience in LADO at the time the Guidelines were created, some have gone on to expand this experience greatly and have an active presence both in the practicing of LADO and involvement in academic research. Should the Guidelines be re-evaluated and updated, the input of the original signatories would certainly be valued.

4.2 The Minimal Requirements

During the lifespan of the IAFPA working group, a meeting was held in Leiden, the Netherlands on 2-3 April 2008. Members of LADO agencies in Sweden, Switzerland and the Netherlands were present (Moosmüller 2010a, p.45). At this meeting, the attending practitioners drew up two sets of minimal requirements pertaining to the desired qualifications of specialized linguists and the combined native speaker and linguist team working in LADO (hereafter referred to as the Minimal Requirements). The Minimal Requirements were not published and are no longer available online; all references made to them are based on a hard-copy provided to me by the IND.

The requirements contain the proposed minimum qualifications and training for a LADO analyst. For the specialized linguist (i.e. the linguist working alone) the qualifications specified are similar to those in the Guidelines, though they include recommendations on testing, training and cross-checking. Whilst the Minimal Requirements acknowledge that this use of testing may require an external body, they assert that it is still an important factor for the expert in order to assure a high level of quality from their work.

The requirements for the native speaker working under the supervision of a linguist are similar to those of the specialized linguist. Although not including any formal linguistic qualifications, native speakers are expected to hold an up-to-date knowledge and competence in the language in question as well as having on-going contact with the speech community. Linguistic qualifications are expected from the supervising linguist as well as an awareness of the forensic context. The supervision

itself it also given a list of requirements, including thorough testing to ensure the native speaker embodies all of their requirements, regular cross-checking and training regarding the complexities of language testing and, again, the forensic context.

One of the benefits of the Minimal Requirements is that they were created predominantly by practitioners of LADO who have experience with differing methods and hiring processes. The requirements, however, do suffer from one of the same problems as the Guidelines - they are not based on an explicit empirical grounding. However, the requirements do take into account the two broad methods of LADO (specialized linguist & native speaker working under the supervision of a linguist), as well as directed training, which the Guidelines do not. They also serve to assist the practitioners of LADO as opposed to non-linguist officials.

In a literature review addressing the role of native speakers, Fraser claims that:

‘There is scope for useful collaboration between linguists working inside and outside LADO agencies in designing and conducting studies that closely emulate the circumstances under which LADO analyses are conducted, with the aim of making recommendations regarding the best way for native speakers and linguists to work together on LADO reports.’

(Fraser 2009, p.133)

Although the Minimal Requirements were not based on explicit empirical research, combined with the Guidelines they are a starting place for recommendations on how to encourage best practice in LADO by ensuring strict quality control policies. Together, they have had the input of a combination of active practitioners, academics and other interested parties. The sole fact that the Minimal Requirements were created is evidence in showing that the Guidelines themselves are not considered to be wholly inclusive by the practitioners in LADO, and attention needs to be drawn to how the quality of LADO reports can be assessed.

4.3 Summary

Due to the controversial early history of LADO, as outlined in Chapter 3, it is understandable why linguists were keen to produce and endorse guidelines on its underlying issues. As Solan states:

‘[The Guidelines are] an excellent contribution to immigration policy in that they called for the professionalisation of linguistic analysis, which had in the past too often been conducted by untrained immigration officers and their surrogates in parts of the world.’

(Solan 2014, p.386)

This lack of professionalism was certainly evident in the research of Eades et al (2003). It has become apparent in later years that there is space for improvement within the Guidelines and perhaps they would have benefited from further circulation among practitioners and appropriate professional associations prior to their finalization and publication.

Eades (2010, p.38) claims that the strength of the criticism of Guideline 3 is surprising, as this particular Guideline was uncontroversial among the signatories. However, had Guideline 3 advised on the use of native speaker analysts working under the supervision of academically trained linguists, it is highly likely that this would have received similar criticism from practitioners using the specialised linguist method. The Guidelines, or indeed any document offering recommendations for best practice, must attempt to encompass all long-standing methodologies, especially when no single methodology has clear empirical support over another.

5 The native speaker debate

The Guidelines (LNOG 2004) gave rise to the most prominent debate in the field – whether native speakers, who are not trained academically as linguists, should be involved in LADO. At present, there are no standard, agreed, or enforced requirements surrounding the language and educational background of analysts in LADO. As a result, analysts come in a variety of different forms. LADO analysts can work independently, as a part of a specialised government run department or as a member of a commercial agency. Whatever the conditions surrounding their employment, LADO analysts do not have to adhere to any nationally or internationally recognised requirements in order to be employed and LADO agencies are under no obligation to provide specific testing and training. Some agencies may choose to adopt the Guidelines as the requirements for hiring analysts due to their prominent position in the literature of the field and their acceptance by various professional bodies (Patrick, 2012 p.535), but ultimately this is not necessary and many current analysts do not to adhere to these recommendations.

The lack of structure with regard to the professional and linguistic background of LADO analysts has led to a significant debate in the field. Each LADO agency has established and developed its own methodologies and hiring processes, whilst keeping publicly available information about them as minimal as possible. This varied evolution of practices has resulted in a situation where there are differing opinions on best practice. Combined with the understandably competitive nature of commercial companies and original vs contra expertise, this has created a heated and rigid debate. The debate centres on the issue of whether linguistically untrained native speakers should be included in LADO analysis. The Guidelines assert that LADO analysis should be performed by linguists, whereas others argue that the expertise of linguistically untrained native speakers can be vital in situations where the professional linguist is not a native speaker of the language(s) in question. Recently the debate has settled into the accepted notion that we

should not be questioning *whether* to use native speakers, but instead *how* they should be used (Patrick 2012, p.544). In other words, determining the requirements that should be in place to assure that linguistically untrained analysts are able to perform adequately in LADO. However, this goal remains one-sided as no such requirements are in place, or being created, for linguistically trained analysts at this time.

The following chapter discusses the issues outlined above in detail. §5.1 addresses the difficulties in defining the term native speaker. §5.2 describes the types of analyst that are currently prevalent in LADO. §5.3 discusses the criticisms of linguistically untrained native speakers as analysts in LADO. §5.4 takes a critical look at empirical research investigating the abilities of native speakers in linguistic tasks. §5.5 investigates the use of linguistically untrained native speakers in other domains of forensic linguistics, and the requirements that are in place for such analysts. Finally, §5.6 discusses the future of this debate and how it can help further the field of LADO.

5.1 Defining the native speaker

As stated by Beinhoff (2013), the concept of the native speaker is ‘highly idealized’ and there is ‘no straightforward definition of this term’ (p.15). A common belief would be that our native language is the one which we learned as a child – but what about those who learned more than one language, or who have not used their first learned language for a long time and are no longer a part of that language community? Piller (2002 p.180) and Hackert (2012 p.13) claim that the typical native speaker is conceptualised as monolingual, a notion that ignores those who are raised in a bilingual or multilingual household and may not consider themselves to have a single native language.

In the case of multilingualism or multidialectalism, which can be common to the areas in which LADO is relevant (such as Africa and Western Asia), defining a single native language would not only be highly complex, but also implies that one

language holds more importance over another without considering social aspects of language use. If an individual is raised in a multilingual environment, yet has higher skills in one language over another, it could be argued that the one in which they have greater competence is their native language. But this cannot be applied to any who have acquired an equal level of competence in multiple languages. One language may also simply be used more frequently, or in specific settings (i.e. in the home, or for work/education). Calling this a native language would overlook the social or personal importance of a lesser used language (i.e. a language used with particular family members or among peers in a non-formal setting). The ideal LADO native speaker analyst should themselves be multilingual or multidialectal if their analysis is conducted for an area that is multilingual or multidialectal. The analyst must be representative of the area, both with regard to their language competence and language knowledge. If they are not, then this may indicate a substantial gap in their skill set that could be problematic in casework.

Piller (2010) highlights some of the problems with assuming a person's native language is one that they learned in childhood. Firstly, this idea carries with it the notion that it is possible to measure the cut-off point at which someone must have learned a language in order to be considered a native speaker of that language, even if they were to stop using the language shortly after. Anyone who learns a language after this cut-off point would not be considered a native speaker regardless of their level of competency with the language (2010 p.2). If learning a language from childhood is a necessary qualification for a native speaker analyst in LADO, then it must also be vital to stipulate that continued use of the language and contact with the language community are necessary.

Secondly, it is possible for speakers to choose other languages than the first one learned as their native language (Piller, 2010 p.8). Whether a linguist would agree that someone has the freedom to choose their native language is as debatable as the concept of the native speaker itself. Nevertheless, it is entirely possible for an individual to think of a language that is not that which they first learned as their native language if we consider that the 'perception of native speaker status is not (solely) linguistic but mediated by other social relations' (2010 p.8). Membership of

a social group may influence the choice of language or accent used (Beinhoff, 2013 p.12), and this link between language and social identity is highly important to LADO. If an individual's language is heavily influenced by their social identity, then this must be taken into consideration, both with regard to performing a language analysis and when hiring native speaker analysts. Geographical and language borders rarely align, so in cases where a person's nationality is in question being able to determine membership of a particular community through language use is highly beneficial, assuming that this community can then be traced to a geographical region. It would, however, require an analyst to be highly familiar with the relevant social constructs, ideally through significant period of contact. This includes a knowledge of any differences pertaining to social aspects such as race, gender, age, and class. An analyst must also not show any prejudice based on these social aspects, and treat casework with integrity and professionalism.

Davies (2004 pp.435-436) presents an alternative way of defining the native speaker, which includes six key aspects:

1. Childhood acquisition of a language
2. Intuitions about idiolectal grammar
3. Intuitions about the standard language grammar
4. Discourse and pragmatic control – the ability to produce fluent and spontaneous discourse
5. Creative performance – the capacity to write creatively, including jokes and metaphor
6. Interpreting and translating into the language of which he/she is a native speaker

If the above criteria are required to be considered as a native speaker of a language, all of which are based on time of acquisition and linguistic competence, then social identity is no longer a factor. Furthermore, with regard to point 5, the concept of the native speaker is also linked to literacy and assumes that the speaker is able to write, creatively or otherwise. If a person is unable to write in the language they first learned to speak, does this therefore make them less of a native speaker? And if it does then does this still apply if illiteracy is common in a person's community? In LADO, a native speaker analyst would be required not only to write

(in order to document/report their findings) but would also be required to be able to communicate with a language agency or colleagues in a common language.

Therefore, points 5 and 6 are a necessary aspect of the native speaker language analyst, even though they may not be a necessary aspect of a native speaker.

Canagarajah (1999 pp.79) argues that the term native speaker is inappropriate and that new terminology is needed 'to cope with the realities of language diversity, contact, and mixing', and reflect complexities such as multilingualism. In the case of LADO, new terminology may indeed be needed to define a native speaker given that the term is highly subjective. If a LADO analyst is labelled as a native speaker of a particular language, should this be considered as a reflection of their social identity, a representation of their language skills/fluency, an indication of the length of time they have spoken the language, or all of these things? As the concept of a native speaker is so open to interpretation then it is vital that when LADO uses this term for their analysts they accompany it with a definition – a list of features or qualifications that a native speaker analyst must embody, and how this differs from a non-native speaker analyst. The following subsection describes how both the specialised linguist and native speaker have been defined in current LADO practices.

5.2 The LADO analyst

The specialised linguist

The specialised linguist in LADO is an analyst who is an expert in linguistic science, exemplified by relevant credentials such as higher degrees in a field of linguistics. This analyst will work on their own, but they do not necessarily have to work on language(s) of which they are a native speaker or on which they have been specifically or highly educated. A typical LADO analysis will likely require an examination of some or all of the following linguistic levels: phonetics, phonology, lexicon, morphology, syntax, intonation, as well as an assessment of the claimant's cultural knowledge. A typical scholar of linguistics will usually specialise their career on a narrow subset of these topics, or on a specific language/language feature.

Therefore, further training will likely be required to become proficient in all language areas that demand analysis in LADO, as well as training to acquaint the analyst with the forensic context that LADO falls into. It is vital that any analyst in LADO does not allow their emotions or personal opinions to influence their analysis in a given case. The ideal specialised linguist would have both a complete competence of the language(s) they analyse and full training in all the areas of linguistics that are relevant for the language(s) they analyse. Unfortunately, this can be difficult to find for languages that are prevalent in LADO due to a lack of research and published linguistic documents on these languages or simply a lack of highly trained linguists native to the areas in which these languages are spoken.

The Guidelines state that LADO should be performed by 'qualified linguists, defined' as individuals who 'hold higher degrees in linguistics, peer-reviewed publications and membership of professional associations'. They should also have 'an up-to-date expertise in the language(s) in question' (Guideline 3 – LNOG, 2004 p.262).

Although these requirements have been described as 'stringent' (Patrick, 2012 p.524), further information on the types of linguistic expertise that are preferable (if any), the additional training that should be given to LADO employees (if any) and the type of cross-checking or testing they should undergo (if any) are not given.

Whilst it is widely agreed that LADO falls into the field of forensic analysis (Verrips 2011, Cambier-Langeveld 2010b, Foulkes et al. submitted), the qualifications held by those performing language analysis are not necessarily directly related to this field. Taken literally, an analyst could conform to the Guidelines if they have expertise in *any* branch of linguistics. Of course, it is unlikely that a person whose specialism is in morphology or theoretical syntax would have the same skills and analytical approach as one whose expertise is in forensic phonetics (Wilson, 2009 p.6).

The biggest problem with the specialised linguist, as defined by the Guidelines, is the inadequate definition of 'linguist'. Employers that choose to hire LADO analysts according to the Guidelines still leave themselves open to a great deal of variation in terms of the quality of analyst they will recruit. It is therefore vital to also

consider comprehensive training and testing to ensure that the analyst is capable of accurately and efficiently performing language analysis in the LADO context.

The trained native speaker

The Guidelines correctly warn that the expertise of native speakers is not the same as that of linguists, as without training they lack the ability to analyse language at a level of detail and objectivity that would be required in LADO. Even if a native speaker is able to identify linguistically relevant information, they may lack the skills to interpret it or the vocabulary to describe it, and therefore the quality of LADO reports could suffer as a result (LNOG 2004, Eades and Arends 2004, Wilson 2009). However, once again the biggest problem with the native speaker argument is defining the native speaker. Ultimately the goal in LADO is to analyse the language(s) of an individual, and it is widely accepted that the best method of doing this is to have an analyst who has an in-depth knowledge of the relevant language(s). If this in-depth knowledge must be, at least in part, gained from a native speaker, then LADO must define what is meant by native speaker in this context.

Three agencies are currently known to use native speaker analysts as part of their default practice – the IND and the two Swedish agencies Verified and Sprakab – although this does not imply an identical approach by these agencies. A native speaker in this context is defined as a person who does not have a background in linguistics, but has received in-house training and testing in order to equip them for this type of work. Despite claims that the procedures involved in native speaker training have not been made public (Patrick 2012, p.544; Fraser 2011: 124), the IND has published an overview of their recruitment and training methods (Cambier-Langeveld 2010a). For the IND, a native speaker is defined as ‘as a speaker who has first-hand, extensive and continuous experience with the language area and with other speakers of the language and the relevant varieties, starting from an early age’ (Cambier-Langeveld 2010a, p.22). Training, testing and supervision are then provided before and after a candidate is hired to ensure they are capable of

performing their work and that it is consistently at the desired standard (see Cambier-Langeveld 2010a for more detail).

The underlying concept for the LADO native speaker analyst is that their language skills should match those of the claimed place of origin/socialisation of the asylum seeker whose language they are analysing as closely as possible, with the addition of skills in linguistic and forensic analysis that must be taught in order to equip the analysts for a career in LADO. It is a reasonable assumption that being raised in a relevant language community, as well as continuous contact with this community, will give someone a more in-depth knowledge of the language(s) compared with an individual who has partook in distance learning of the language(s) or acquired language knowledge later in life. But only thorough training and testing will ensure that this is the case, and will assist in finding the most desirable language analyst candidates.

5.3 Criticisms of the native speaker analyst

In 2004, Eades et al investigated 58 asylum cases that had been conducted for the Australian government between 2000 and 2002, in which a language analysis was called for (see §3.4 for details and discussion of this study). The researchers observed that in cases where language evidence was given, this was often based on 'folk knowledge'. Closer inspection of reports showed that the language assessments were very generalised and lacking in proper linguistic terminology and supporting examples. In this situation, the original language reports are unavailable for further investigation. Therefore, it may be that the language analysis was much more in-depth than we are led to believe from the information that is publicly available. On the other hand, there is also the possibility that these analysts did not provide much more information than what the case reports describe, in which case the lack of technical and language knowledge would be highly disconcerting.

All three of the agencies using native speakers in LADO conduct their analyses under the supervision of a trained linguist (Patrick 2012, p.544). It is equally

important that these linguists, or indeed any who work independently in LADO, also have adequate training and testing for this unique domain of work. As Fraser (2009, p.114) notes, 'people with insufficient training in the appropriate branch of linguistics can simply give too much credence to confident but inexperienced opinions about language and speech'. Scepticism has also been aired in the legal literature on forensic speech analysis in general, noting that qualifications alone do not indicate level of ability in the relevant analytic tasks (Edmond et al 2011, p.67):

'formal qualifications and experience (in linguistics or phonetics) tell us little about a person's ability to make reliable voice comparisons ... [footnote:] It is not our intention to suggest that formal training as a linguist provides a basis for the admission of opinions based on voice comparison. ...there should be a demonstrably reliable technique. Without evidence of ability (or proficiency), the trappings of academic qualifications and university positions may be merely misleading.'

LADO demands both language and linguistic expertise, but this does not necessarily mean that they must come from the same source, provided that the source they come from works collectively as one. There are few languages in the world that are thoroughly documented, and for which documentation is regularly kept up to date. This is particularly true in respect of the cross-border languages and national languages for which LADO is most frequently undertaken (such as Somali, Madingo, or Pashto). As such it is a significant task to find linguists with adequate academic training who also possess a native competence of the relevant languages. The ideal analyst would indeed be a highly trained native linguist, but in areas where finding such an analyst is particularly problematic it is logical to find and train a native speaker to work alongside a professional linguist, again, providing that each of the individuals is thoroughly vetted.

The question of whether a native speaker is able to interpret their findings accurately can be mirrored by asking to what extent *linguists* are able to interpret their findings accurately. For example, whilst a linguist may deliver a satisfactory scientific analysis using appropriate terminology and transcription systems, if they do not possess a native-like knowledge of the relevant variety then this lack of

native knowledge may mean that they do not place the same emphasis on observations that a native speaker may deem as vital markers of group or community membership, particularly with regard to less well documented languages. As Nolan (2012 p.284) states: 'the performance of the physical speech mechanism is also subject to habits, styles, tendencies, indeed vagaries, which are characteristic of the relevant speaking community [...] Such characteristics tend to lie below the horizon for the traditional linguist'. That is, the linguistic documentation that underpins linguists' analysis is inevitably imbued by a theoretical stance. For example, this may mean a focus on lexically-contrastive phonemes in phonology, or prioritizing standard varieties of the language. This may in turn mean that systematically variable features with indexical value go unreported. Therefore consultation with a native speaker may serve to highlight linguistic features missed in an analysis by a non-native. In fact, although LINGUA openly state that linguistic analysis should be done by a linguist, the native speakers who are hired to perform interviews for LINGUA are permitted to share their own impressions of the interview, which the linguist can then pursue if they contradict or complement their own findings (Baltisberger and Hubbuch 2010, p.18).

It appears in retrospect that the debate over the use of native speaker consultants was misrepresented to some extent by parties on both sides, focusing on 'untrained' native speakers. Clearly, there is cause to doubt the ability of untrained people – caricatured in some circles as members of the public plucked off the street – to perform specialised tasks of any sort, not just those involving language analysis. Nonetheless, competence in a language does permit people to observe and interpret indexical properties of speech, as has been documented in many experiments (reviewed e.g. by Thomas 2002). The problem is assessing the reliability and consistency of observations (Fraser 2009). It is certainly true that individuals (whether or not they are trained in linguistics) vary enormously in their capacity to notice or understand correctly the indexical meanings of linguistic features. Although such concerns may have been valid prior to the production of the Guidelines, when information on the practices of LADO was scarce, it is now clear that no agency employs consultants with no training. Indeed, Patrick (2012,

p.544) refocuses the issue in the following terms: “The real question is not *whether*, but *how*, NENS [non-expert native speaker] knowledge should be used in LADO.”

It is noteworthy in this regard that the use of native speaker consultants is routine in forensic speaker comparison (Foulkes 2011), where analysts bear in mind a point in the IAFPA Code of Practice to ‘exercise particular caution if carrying out forensic analysis of any kind on recordings containing speech in languages of which they are not native speakers’ (IAFPA Official Website: Code of Practice 2004). Further issues for consideration and clarification include how the supervisory role of the linguist can be formalised, and how the inevitably different roles of the supervisor and consultant can be combined (Foulkes 2011, Fraser 2012). Before this can be established, it seems essential that the LADO community first agree on a narrowly defined list of minimum professional qualifications, expertise and experience that is necessary for reliable analysis, along with a definition of what additional training should be required for all practitioners who have not previously conducted this type of work. It will then be possible to determine when a solo linguist is sufficient and when a combined native speaker/linguist method is preferable as a means of encompassing all of the relevant criteria. At present there is not enough empirical evidence to support or reject outright any specific approach.

The following subsection discusses two pieces of empirical work that have been contributed to the native speaker debate.

5.4 Empirical investigation

Wilson (2009)

The first pieces of directed empirical research offered to the field of LADO rose from the native speaker debate outlined above. Wilson (2009) conducted a study investigating performance in an online listening test consisting of seven voices speaking English, five from Ghana and two from Nigeria. Listeners were asked to identify whether the seven speech samples were produced by native speakers of Ghanaian English (GhE). GhE was chosen for this study not for its importance in

LADO, but because it was relatively well documented, and native speaker participants for both the production of speech samples and involvement in the listening test could be recruited without much difficulty.

Four groups of listeners were recruited (42 in total):

1. native speakers of GhE with no linguistics training;
2. British undergraduate linguistics students;
3. phoneticians (academics and PhD students, all with training in or experience of forensic phonetics);
4. practicing LADO analysts.

All linguist groups were provided with a three-page reference document, based on published descriptions of the phonetics and phonology of Ghanaian English (Bobda 2000; Bobda 2003; Huber 2008). The level of detail of the reference materials was designed to be accessible to those with only elementary training in English phonetics. An example is shown below (Fig. 5.1).

Fig. 5.1: Sample of phonetic information included in Ghanaian training materials for Wilson (2009): Vowel realisations.

Vowels	
KIT	i > ɪ
DRESS	ɛ
TRAP	ɑ
LOT	ɔ
STRUT	ɑ, ɔ > ɛ

Each of the four listener groups were asked to listen to each of the seven speech samples in turn, and for each one answer the question: Do you believe this person is speaking Ghanaian English? They were provided with five possible responses, designed to capture the listeners' degree of confidence: highly probably, probable, unsure, unlikely, highly unlikely. Listeners were also provided with a blank text box in which they could write the reasons for their decision.

The results of the Wilson (2009) study were revised and published in Foulkes and Wilson (2011). The revised results are summarised below.

Results showed that the linguistically untrained native Ghanaians performed with the highest level of accuracy (86% correct), whilst LADO professionals scored at chance level, 50%. Once 'unsure' results were excluded, there was no significant difference in accuracy between the Ghanaians (86%) and phoneticians (81%), and both groups gave significantly more correct responses than LADO professionals (55%). Undergraduate students also performed better than LADO professionals (68% correct responses).

Two types of error were possible in this study: misses (where a genuine GhE speaker was rejected) and false hits (where a Nigerian speaker was identified as Ghanaian). For all listener groups, the false hit rate was higher than the miss rate. This was most prominent in the LADO professional group. With regard to the confidence of listeners when selecting whether or not a speaker was Ghanaian, no significant correlation was found between confidence and accuracy of response. The native speaker listeners were much more likely than any other group to display the highest level of confidence in their decisions, whereas undergraduate students and phoneticians were the most likely to exercise caution and choose the 'unsure' response.

While the performance of the LADO professionals in this task appears disturbing, there are several caveats which must be taken into consideration. The LADO professionals were not working in their typical environment. They were using short, fixed samples and were not following their typical methodology for a language analysis, as they would do in legitimate casework. This means that some analysts were unable to consult with a native speaker and none had expertise in the language varieties in question. The LADO professionals may also not have held enough experience in phonetics to take full advantage of the reference materials provided – as evidenced by the fact that at least one listener chose to comment on intonation in each sample as opposed to any segmental phonetic features (Wilson 2009, p.33).

Although the academics did not consult with a native speaker or have the relevant language expertise either, they did have an extensive and well-practiced knowledge of phonetics, which provided them with an advantage when working with only

phonetic reference materials. A positive conclusion to draw from this study is that some academics could reach the same level of accuracy as native speakers of Ghanaian English when provided with only phonetic information. Unfortunately, this level of phonetic information is not always available for areas in which LADO is relevant.

Further analysis of the responses showed that Ghanaians and linguists faced occasional problems with different speakers. One sample yielded a 44% error rate for Ghanaians, with only 10% for the academics, whereas another sample gave an 11% error rate for the native speakers and 40% for academics. This is interpreted as a sign that the listener groups used different cues to dialect identification in these cases. If this finding can be generalised in further research it suggests that a team approach to LADO might be advantageous. The difficulties faced by non-native, expert linguists can be offset by the skills of native speakers, and vice versa.

Though the results of Wilson (2009) cannot be taken at face value due to the caveats listed above, it is nevertheless an insightful contribution to the field of LADO. The study serves as a pilot for future research, with a focus on the importance of phonetics in language analysis, as well as the contributions that can be made by even linguistically-untrained native speakers.

Cambier-Langeveld (2010b)

A second contribution to the empirical research pool stems from a unique situation in the Netherlands. In 2007 the Dutch Parliament granted amnesty to a well-known group of asylum seekers who had originally been denied asylum. Some of these asylum seekers were then given the opportunity to present their real identities to the immigration services, even if they were different from their original claim at the time asylum was granted. As a result of this, a number of claimants chose to reveal their origin and claim their status under their real identity (Cambier-Langeveld, 2010 p. 74). These events meant that the nationality of some asylum claimants became known after the original casework was done, thus giving the practice who

took on the language analyses (the IND) the chance to assess their conclusions as well as the conclusions of any contra-expert reports that had been conducted.

The cases outlined above provide a unique opportunity to assess the outcome of a language analysis in the forensic context. It would be highly difficult to re-create the environment of an asylum interview for empirical research. Though it would be possible to use other, genuine case recordings in empirical research, the actual origin of the claimant is unlikely to have been revealed beyond reasonable doubt following the language analysis interview. Of course, the origins ultimately provided to the Dutch immigration services in 2007 may have been false, but it would be highly difficult to ever wholly confirm a person's place of origin without legitimate documentation. It is unclear whether any further investigation went into assessing the legitimacy of the newly-given claims of origin, though Cambier-Langeveld states that the outcome of these asylum cases was 'clear beyond reasonable doubt' (2010b, p.75).

The IND were able to assess the conclusions of 124 cases in total. Cambier-Langeveld (2010b) takes a closer look at eight cases in which one of six counter-experts also provided a report. The original IND case reports were done by a trained native speaker working under the supervision of a linguist. Five of the counter-experts were linguists and non-native speakers, while one was both a linguist and native speaker. This pool of counter-experts also included signatories of the Guidelines (LNOG, 2004). Fraser (2011) argues that despite this, some counter-experts did not adhere to the Guidelines requirements, citing one example whereby the counter-expert is described as a 'Professor of Armenian Studies', with no further information given to prove an adequate level of linguistic competence (Case 3, Cambier-Langeveld 2010b, p. 77). Without additional details of the counter-experts, including their names, qualifications and experience in the relevant language(s), it is impossible to ascertain how close to the Guidelines recommendations each one adhered. Cambier-Langeveld later confirmed that each counter-expert was trained in linguistics (2012, p.98). She also points out that at least one of the counter-experts, who submitted two of the counter-reports, was a

linguist who had a 'key role' among the group of authors that created the Guidelines (2012, p.98, see §3.4 for more details).

In each of the eight cases, the conclusion of the original report conducted by the IND was correct. Only one of the counter-reports agreed with the original report, thereby rendering seven of them incorrect. The counter-report containing the correct conclusion was the one conducted by the native speaker/linguist analyst. A summary of the eight cases is provided below:

Table 5.1: Results of eight LADO cases summarised from Cambier-Langeveld (2010b, pp. 75-83)

CASE NO.	CLAIMED ORIGIN	ESTABLISHED ORIGIN	FINDINGS OF IND	FINDINGS OF COUNTER EXPERT
Case 1	South Sudan	Nigeria	Applicant cannot be traced to the speech community of South Sudan. Applicant can be traced to the speech community of Nigeria.	Plausible that the applicant grew up in Sudan.
Case 2*	Sierra Leone	Ghana	Applicant cannot be traced to speech community of Sierra Leone.	Applicant exhibits features of Nigerian Pidgin. (Language background not that of Sierra Leone.)
Case 3	Azerbaijan (Karabagh)	Republic of Armenia	Applicant can be traced to the speech community of the Republic of Armenia.	Applicant's speech contains no clear facts to contradict his story [...] It is impossible to determine where he is from.
Case 4	Azerbaijan (Karabagh area)	Republic of Armenia	Applicant can be traced to the speech community of the Republic of Armenia.	It is not possible to determine where the applicant is from.
Case 5	Sierra Leone	Nigeria	Applicant cannot be traced to the speech community of Sierra Leone. Applicant can be traced to the speech community of Nigeria.	Applicant is likely to originate from Sierra Leone.
Case 6	Sierra Leone	Nigeria	Applicant cannot be traced to the speech community of Sierra Leone. Applicant can possibly be traced to the speech community of Nigeria.	Applicant is likely to originate from Sierra Leone.

Case 7	Saudi Arabia	Jordan	Applicant can definitely not be traced to the speech community of Saudi Arabia. Applicant can definitely be traced to the speech community of Iraq.	It is possible and defensible that the applicant is from Saudi Arabia.
Case 8	Azerbaijan (area close to Karabagh)	Republic of Armenia	The applicant can definitely be traced to the Republic of Armenia. Applicant cannot be traced to the speech community of Azerbaijan.	There can hardly be any doubt that the applicant originates from Karabagh or its surrounding area (in Azerbaijan).

*Counter-expert was a native speaker of the language being analysed

In all eight cases (summarised in Table 5.1), the IND were able to identify the legitimacy of the claimed origin through their language analysis. In six of the eight cases, a correct alternative place of origin is provided – though it is not clear whether the IND were originally asked to offer an alternative (if appropriate), or if one had been provided as part of their standard casework procedure. The IND offered an inaccurate alternative in one case (Case 7). Conversely, the counter-expert reports were correct in only one case (Case 2), though in two cases it is stated that the counter-expert cannot reliably ascertain the origin of the claimant. Case 2 is the only case in which the IND were not able to offer an alternative place of origin. The implication of these results is that native knowledge is required to perform LADO to the highest levels, regardless of whether this comes from a linguist with native competence or from a consultant native speaker.

Verrips criticises the study as it is deemed unrepresentative of the entire LADO process:

‘These cases involve asylum seekers whose claimed identity did not correspond to their restored identity and whose language analysis did not confirm their origin. In other words, this dataset contains only false claimants who were correctly identified by BLT as such. An independent reliability study would involve a representative subset of all cases, which would certainly also include cases where the asylum seeker DID originate from the claimed region of origin.’

(2011, p.133)

Any independent examination of LADO practices should aim to include as many types of cases as possible, not only to address the field as a whole but also to ensure participating language analysts do not conduct the study with any preconceptions of the materials they are working with. The original casework conducted by the IND consisted of 124 cases, these included cases where the claimed origin or ethnicity was later established to be correct as well as cases where claims were established to be fraudulent. The eight cases submitted for counter-analysis only contained the latter. Therefore, the dataset of Cambier-Langeveld (2010b) was not representative of all LADO casework, though this was certainly not an intended bias. It does not affect the fact that the casework was

genuine and a high rate of accuracy should be expected from all analysts involved, and should not diminish the issues raised by this research. Cambier-Langeveld's study is a valuable contribution to LADO as it not only identifies the reliability of the INDs methods at the time, it also raises valid concerns on the quality and context of counter-expert reports, as well as language analyst qualifications in general. These concerns are discussed below.

A notable problem in some of the counter-expert reports is lack of objectivity. For example, there are regular displays of sympathy with the claimant, using phrases such as 'I regret to say' and 'unfortunately' (Case 2, Cambier-Langeveld 2010b, p. 77). Both Cambier-Langeveld and Fraser (2011, p.123) note that similar problems continue in counter-expert reports today, despite the inappropriateness of such phrasing in the LADO context. Fraser (2011) goes on to suggest that such issues may be addressed by clarifying and strengthening the Guidelines, or offering a separate set of Guidelines for the use of linguists who may have a lack of understanding of the forensic context.

Fraser also argues that due to these identified cases where a lack of linguistic competence or knowledge of the forensic context is evident, it is not possible to surmise from the study whether the overall failings of the counter-experts are due mostly to a lack of native language competence. It may be that the specialised, non-native linguist methodology adopted by 7 of the counter-experts is adequate for the task at hand, but the experts in question were not suitably qualified for the work. This consideration is even more alarming when we consider that some of these experts were co-signatories of the Guidelines, and their contribution to the Guidelines may have been based on flawed experiences and incompetence in the task at hand.

'The authors of the 'Guidelines', all of them linguists, clearly (if tacitly) worked on the assumption that, in cases where a counter expert disagreed with the native-speaker analyst working for the INS, the counter expert (a linguist) was right. Given the evidence we now have, this assumption underlying the 'Guidelines' must be called into question.'

(Cambier-Langeveld 2012, p.99)

Cambier-Langeveld notes in her study that the counter-experts may have been at a disadvantage due to the fact that they are often hired to raise questions regarding the validity of initial language reports, or their position as a counter-expert may mean they already harbour negativity towards the general asylum policy (2010b, p.83). However, it would be reasonable for one to expect that any analyst involved in LADO should keep their analysis unbiased, ideally following the principles outlined in the IAFPA code of practice (2004), which state that 'members [of IAFPA] should act in all circumstances with integrity, fairness and impartiality'. It would be highly unfair and unprofessional for an expert to let a language analysis be influenced by personal opinions, vendettas or incentives, and any that do so should lose a great deal of credibility in official proceedings. The responsibility of an expert should 'to the court and not the person/firm who instructs the expert' (Campbell 2011, p.681).

Cambier-Langeveld goes on to state that counter-experts are also faced with the problem that they are only ever exposed to cases whereby the application for asylum has been turned down, thereby not encountering those where the claimants are extremely likely to be telling the truth about their origin (2010b, p.83). Whilst this is certainly the case, if counter-experts can be shown to be consistently producing incorrect conclusions (such as those presented in Table 5.1), it can be argued that any counter-expert should be one whose expertise is not wholly in contra-analysis. In other words, LADO should only be performed by those who have experience with a range of cases, so as to avoid building a bias which may impact the quality of their analysis.

Cambier-Langeveld (2010b) provides only a small number of cases for analysis and, as stated above, it cannot be proven that the nationality that was ultimately provided by each claimant was correct – although at this stage in the process they would have little reason to lie beyond a distrust of the Dutch government. Of course, if deportation could lead to persecution or death then this would be reason enough. The cases are also only representative of the situation in the Netherlands at the time in which the language analyses and counter-analyses were originally

produced. Nevertheless, even if we are to disregard the findings on that basis, the study still backs the desperate call for more independent assessments of current LADO procedures.

Criticisms of this study focus on the implication by Cambier-Langeveld (2010b) that native speaker competence is a requirement for a reliable LADO analysis, and that such a declaration cannot be justified based on the results of such a small number of out-dated cases (Verrips 2011, Fraser 2011). However, the conclusion reached by Cambier-Langeveld does not cite a requirement for the use of native speakers. Rather, it investigates the problems that can occur when non-native experts are the sole analysts in a LADO report, highlights the potential advantages to using a native speaker consultant, as well as emphasising the lack of empirical evidence in support of any particular approach. In turn this suggests that the question of who should perform LADO should not be presented as settled in high profile documents such as the Guidelines (LNOG 2004). If the purpose of the Guidelines was to help officials assess the validity of a language analyses, then they are failing to do so by not taking into consideration all of the issues that lead to an inaccurate analysis (Cambier-Langeveld 2012, p.100).

Given the level of debate surrounding the use of native speakers in LADO, it is worthwhile to consider how native speakers are used in other areas of linguistic analysis. The following subsection discusses experiences of working with native speakers in forensic speaker profiling.

5.5 Working with native speakers in forensic linguistics

The following subsection discusses experiences and casework of JP French Associates (JPFA). All such information has been provided by Peter French, chairman of JPFA, and Paul Foulkes, consultant for JPFA.

Forensic speaker profiling is a form of speech analysis that is used to derive information about a speaker from a recording of his/her voice. This type of analysis is typically called for in criminal cases where a suspect has not yet been identified.

Recordings provided for speaker profiling can be audio only, but are often video recordings, such as CCTV footage. These videos are often submitted for speech analysis as no visual information is available to assist in suspect identification due to disguise or the criminal being positioned outside the field of vision of the recording device. Speaker profiling can also assist in cases where an individual claims to have amnesia and has lost knowledge of their identity as a result, though this is less common.

As with LADO, speaker profiling can either assist to refute or support a claim made about a speaker's background (verification task), or to provide information about a speaker (classification task) (see §2.1). Whilst the main purpose of LADO is to elicit information pertaining to an individual's place of socialisation, French and Harrison (2006) list ten indexical dimensions that can, in principle, be derived from an individual's speech:

1. Sex/gender
2. Regional background
3. Social and educational background
4. Influence of an additional language
5. Ethnic group characteristics
6. Age
7. Speech/voice/language pathology
8. Whether the speaker is reading or speaking spontaneously
9. Intoxication
10. Presence of disguise

Not all of the above dimensions will be analysable in every case of speaker profiling. As in LADO, the quality and quantity of speech submitted for speaker profiling will greatly influence the level of detail of analysis and the degree of confidence that can be attached to any observations. JP French Associates (JPFA), an independent UK forensic speech and acoustics laboratory, has conducted between five and 20 speaker profile cases per year since the 1980s. This is significantly less than the number of language analyses conducted by practitioners of LADO each year. For example, Sprakab alone were reported to have conducted 40,000 reports within

the first ten years of its existence (Home Office Science: Migration and Borders Analysis 2012, p.6). This amounts to an average of 4,000 reports per year, or 11 reports per day. Speaker profiling also suffers the same problem as LADO in that few publications address this form of language analysis directly in any detail (exceptions include Ellis 1994, French and Harrison 2006, Jessen 2008, French and Stevens 2013).

Standard practice at JFPA involves engaging with consultants when a case involves a language other than English. Wherever possible, consultants are recruited who hold both academic training (minimally to Masters level in phonetics/linguistics) and native competence in the relevant language(s). When such an expert cannot be found, native speakers educated to Masters level in an alternative subject are sought. The latter are interviewed in order to assess their potential as a language analyst. If asked to assist in casework, they will be provided with any needed training (i.e. in software used for analysis).

In order to illustrate the role of a consultant in speaker profiling, a case study has been summarised below.

The Ghana Case

In 2006, JFPA were approached by the then Attorney General of Ghana to undertake analysis of a one-hour recording involving the speech of five men. These men were allegedly discussing a major drugs importation. JFPA were tasked with speaker attribution, establishing which speaker said what. However, the case proved to be much more complex than anticipated, and the case also required speaker profiling, speaker comparison, transcription and technical analysis to determine whether the recording had been edited.

The original transcription provided by the legal team was quickly deemed to be an inaccurate representation of the recorded events and therefore unsuitable for analysis. Parts of the recording had been omitted from the transcription entirely, and other were written in standard English despite the conversation clearly

switching between Ghanaian English, and languages later identified as Twi and Hausa.

The Attorney General had already assigned a Ghanaian linguist to assist with the case, Dr Kofi Agyekum (henceforth KA) of the University of Ghana. KA is an academic linguist with expertise in Twi and Akan, and extensive publications focusing on macro-level sociolinguistics, discourse analysis, and linguistic anthropology. KA did not have any expertise in phonetic analysis, and so was given training in software used for analysis by JPFA. As a consultant, KA was responsible for advising on all matters pertaining to the languages of Ghana, leading the first draft of the full transcription of the recording, and assisting in identifying phonemic units for auditory and acoustic analysis.

The JPFA UK team compiled information on Ghanaian English from published sources, focussing on aspects of segmental phonetics and phonology, with KA providing parallel materials for Twi. This information was used to devise a protocol for acoustic analysis. KA was asked to identify clear tokens of all contrastive vowels, in prosodically stressed positions. These were then extracted for formant analysis by the JPFA UK team. Profiling of the five voices also involved analysis of voice quality, and general information about usage of different languages and regional and ethnic dialects. KA provided the information for the latter based on his academic expertise and native speaker capacities.

With regard to transcription, KA was responsible for the transcription of all Twi sections. The UK team were responsible for examining KA's transcription and ensuring that the same material was heard, at the level of phonetic syllables. Any discrepancies were then discussed among KA and the UK team. KA's input as a native speaker proved to be vital due to the extreme syllable reduction that is characteristic of fast speech in Twi. The final product was agreed upon by all parties and comprised 124 pages, 1,174 turns, and approximately 200 hours of work.

In the above case from Ghana, the JPFA UK team of experts explicitly defer to KA on all issues regarding Ghanaian English and Twi. Similarly in LADO, a native speaker

analyst may be deferred to when a supervising linguist is not a native speaker of the relevant language(s). JPFAs use of frequent cross checking between analysts ensured material was not omitted or inaccurate. KAs work was constantly monitored and checked by the UK experts who had far more experience with such forensic casework, and knowledge of its limitations. Whilst KA assisted in identifying points of the data for auditory and acoustic analysis, he was not expected to perform this himself given his lack of expertise both with regard to phonetics and the forensic context. In LADO it could likewise be expected that if any native speaker analyst does not have a linguistic background, a supervising linguist would need to take responsibility for monitoring the work of the analyst and address any inconsistencies or points of ambiguity in the analysis, ideally via discussion with the native speaker.

Based on their experiences with forensic analysis, French and Foulkes reject the view that any linguist is qualified for such work, and expect any potential analyst to undergo an extensive training period, regardless of their academic background. This apprentice period can last up to two years for someone entering the profession as a career, as opposed to assisting on occasional casework. Successful recruits must demonstrate accurate, thorough and objective analysis with a strong attention to detail. When dealing with cases that involve a foreign language, working with a native speaker of the language is deemed essential.

At JPFA, a typical speaker profiling case will be much shorter than the Ghana case outlined above, and will require approximately 1-2 day's work. Linguistic features analysed will vary depending on the case, and may include phonetics (segmental and suprasegmental), phonology, lexis, morphology, syntax, and pragmatics. With regard to language analyses submitted to the UK government for the purposes of LADO, Verified are reported to require three working days for cases where the claimed linguistic origin is confirmed, and within five working days is the linguistic origin is deemed to be other than what has been claimed (Home Office: UK Visas and Immigration, p.10). This of course does not mean that this entire time is devoted to analysis. At present, practitioners of LADO have not published statistics on exactly how much time on average is spent per analysis.

JPFA processes and reports adhere to the standard practices required of the legal systems in which the case is heard. In the UK, this means that work adheres to the Criminal Procedure Rules put forward by the Ministry of Justice. According to the Criminal Procedure Rules, an expert's report must:

- give details of their qualifications, experience and accreditation;
- give details of literature or other information which they have relied on in making the report;
- make clear which of the facts in the report are within their own knowledge;
- state who carried out any analysis used for the report, and whether or not such work was carried out under the expert's supervision;
- if there is a range of opinion on the issues in the report, summarise the range of opinion, and explain the expert's own opinion;
- include such information as the court may need to decide whether the expert's opinion is sufficiently reliable to be admissible as evidence.

(Ministry of Justice 2014, p.3)

Additionally, members of IAFPA must also adhere to the IAFPA code of practice, which states that experts must:

1. act in all circumstances with integrity, fairness and impartiality;
2. maintain awareness of the limits of their knowledge and competencies;
3. make clear, both in their reports and in giving evidence in court, the limitations of analysis;
4. make clear their level of certainty and give an indication of where their conclusion lies in relation to the range of judgements they are prepared to give;
5. exercise particular caution if carrying out analysis of languages of which they are not native speakers, and exercise particular caution if the samples include different languages.;
6. should not attempt to assess the sincerity of speakers;
7. should not include or exclude any material which has been suggested by others (in particular by those instructing them) unless they have formed an independent view.

(IAFPA Official Website: Code of Practice 2004)

It is unclear whether LADO analysts also conform to these requirements, however it would not be unreasonable for practitioners of LADO to develop a standard procedure that would follow the principles of IAFPA, and the Criminal Procedure Rules. Key aspects of this would be ensuring that all steps in the language analysis are well documented, and the limitations of the analysis are not only included in the report, but are also explicit. Given the quantity of language analyses produced by LADO practitioners compared to the amount of speaker profiling cases handled by JPFA, it is surprising that only the latter currently conforms to standard practices, especially when considering that LADO is essentially a form of forensic speaker profiling. Whilst LADO practitioners may have their own principles, there are no documented standards that are shared or enforced among the community.

If all of the principles outlined above applied to LADO practice, all analysts would be open to equal scrutiny. In cases where a linguist is supervising a native speaker, the contributions of each expert would be explicitly outlined in all language reports. The Criminal Procedure Rules also provide guidance for a supervising linguist on how to oversee the work done by a native speaker analyst, by ensuring that all literature and information that has been relied upon is listed, and all opinions are summarised and explained. This promotes both a professional working ethic and discussion amongst the linguist and native speaker to ensure that all discrepancies in a language report are addressed.

If the question is now *how* and not *whether* native speakers should be used Patrick (2012, p.544), a standardised practice is certainly crucial. By adhering to strict principles, JPFA are able to ensure a consistent degree of quality in their work, regardless of the background of the analysts involved. Adequate, directed training, careful guidance, and strict monitoring of a native speakers work means that JPFA are able to use a native speaker's expertise to their full advantage.

5.6 Summary

The native-speaker debate has dominated LADO since the production of the Guidelines, and the reasons why are both clear and justified. By omitting any acknowledgement of non-linguist, native speaker experts the Guidelines have served to discredit methodologies that utilise such experts. Whilst a common ground has now been agreed upon in that native speaker competence has been recognised by many LADO experts and academics, including signatories of the Guidelines, the Guidelines remain in their original state. No concerted attempt has been made to update the widely circulated document, and it is entirely unreasonable to expect the intended audience of the Guidelines to have kept themselves up-to-date with the academic discussion of the document.

The need to readdress and update the Guidelines is now both urgent and necessary. This is not just so that they can be more representative of the current practices in LADO, but also so that an end can be put to the long-drawn out native speaker debate that has ultimately acted as a smoke screen, taking attention away from other flaws in LADO. Ultimately the Guidelines were made based on the opinions and experiences of the co-signatories. The co-signatories are no longer, and arguably never were, representative of all practices and analysts in LADO. The native-speaker debate has confirmed this, and has offered valuable contributions to the scarce research pool of LADO. However, it has also been fruitless with regard to actually enforcing any changes to LADO.

Attention must now be drawn instead to the empirical work that is desperately needed.

‘we should put aside our personal opinions and preferences, we should let empirical evidence take precedence over polemical arguments, and we should collaborate to stop misapplication of LADO and to promote and sustain good practice.’

(Cambier-Langeveld 2014, p.379)

In order for any research or discussion to benefit LADO, including that which has already been done, the problem of establishing a way of enforcing higher standards

must also be addressed (Fraser 2011, p.123). It is also vital that when the Guidelines do finally receive their much needed update, or indeed a new document is created in its place to enforce standard practice, the signatory pool should also be widened to ideally include representatives from all practicing LADO agencies, and academics who have contributed to LADO research and the discussion of LADO practices.

6 LADO in the present day

Since LADO was first established, agencies have been very cautious about publishing the details of their methods and employees. Needless to say, this has helped to feed the doubts regarding the reliability of LADO in general. It is only recently that this has begun to change. Representatives from government and private agencies have become increasingly active in academic circles and have started to give an insight into the inner workings of their practices.

Though few statistics have been published on the amount of work done by LADO agencies, information that is available implies that thousands are conducted each year. For example, in the UK an average of 34,938 asylum applicants is estimated per annum between 2001 and 2011 (Home Office Science: Migration and Borders Analysis 2012, p.36). Language analysis is then requested in approximately 5% of cases (Home Office Science: Migration and Border Analysis 2012, p.3). This amounts to 1,747 language analyses requested per annum by the UK alone. These are predominantly provided by one primary supplier, which, as of August 2014 was reported to be Swedish company Verified (Home Office: UK Visas and Immigration, p.3). Additionally, Sprakab were reported to have conducted 40,000 reports within the first ten years of its existence (Home Office Science: Migration and Borders Analysis 2012, p.6). This amounts to an average of 4,000 reports per year, or 11 reports per day.

Typically, LADO agencies will have a small, full-time team of academically trained linguists overseeing the work of language experts (see §6.1-6.6 for detailed information on current practices). There is only a limited amount of time that each linguist can devote to each language analysis. As such it is vital that the experts they oversee receive adequate training and that the methodologies adopted by practitioners are subjected to regular quality control procedures.

The following subsections take a look at the available information from currently practicing LADO agencies in respect of the following five areas: analysts,

recruitment, quality testing, interviews and language reports. Information has been gathered from publically available sources and personal communication with the agencies. The final subsection discusses the problems that are relevant to current language analysis practices.

All information gathered is considered to be representative of current practices at the time of writing. All discussion relates only to the information that has been gathered and it should be noted that an agencies practices may not be wholly represented due to a lack of sufficient documentation publically available at the time of writing. A lack of complete information is also not indicative of poor practice and anyone with queries pertaining an agencies current working methods should contact the relevant agency.

6.1 LINGUA

Founded in May 1997 within the Federal Office for Migration (FOM), LINGUA is a specialized unit which conducts analyses of origin in Switzerland.

Information on LINGUA is drawn from Baltisberger and Hubbuch 2010, the Federal Office for Migration Official Website, LINGUA Official Website, Behrend 2008, and Singler 2004.

LINGUA - Analysts

LINGUA use language experts and supervising linguists, who recruit and oversee the work of the language experts. Supervising linguists are responsible for specific geographic regions. LINGUA language experts may be hired from anywhere in the world and may work externally (i.e. not at the LINGUA office in Switzerland). They must have an academic background in linguistics as well as an 'active competence' in the relevant language(s); each report will include an anonymised curriculum vitae of the analyst as evidence of their skills. Information regarding specific academic qualifications expected is not given. LINGUA also state that their experts should have acquired 'on-the-spot knowledge' of the relevant regions and their culture as

well as embodying personal requirements such as ‘neutrality, trustworthiness and independence from the country of origin’s government as well as from any kind of politically involved group in the respective country’ (Baltisberger and Hubbuch, 2010 p12).

LINGUA employ over 80 experts for approximately 70 linguistic and geographical regions, with more than one expert per region where possible for cross-checking (FOM). LINGUA’s language experts, as outlined above, are mostly native speakers. In the cases where an expert is not able to conduct an interview with a claimant themselves, LINGUA also has a pool of native speakers who can conduct the interviews, but who do not analyse them, though they may serve as informants for the language analysts if they feel they have any impressions or opinions of the interview that they wish to share (Baltisberger & Hubbuch 2010), pp.17-18).

LINGUA - Recruitment

The experts are recruited by academically trained supervising linguists. Experts are tested before being put under contract with LINGUA. They will be asked to analyse recordings previously done by experts at LINGUA. Their analysis is assessed both on the conclusion reached and on the contents of the report that lead to the conclusion. LINGUA also insist on meeting potential experts face-to-face prior to any contract being offered. This may be done by candidates visiting the LINGUA office, or in some cases experts may travel abroad for the meeting. (Baltisberger and Hubbuch, 2010 pp.15-16).

Each supervising linguist is responsible for specific linguistic and geographical regions. Once an expert has proven to reach the necessary requirements, supervising linguists will continue to collaborate with them – ‘LINGUA linguists scrutinize the augmentation of every report, and discuss with the experts the points that seem unclear or likely to raise questions by a case officer or the appeal court’ (Baltisberger and Hubbuch, 2010 p16). John Singler, a linguist who worked as a language expert for the Swiss Government circa 2004, also briefly alludes to the ‘rigour with which LINGUA officials examine and edit analyses’ prior to submission

when illustrating the differences between the Swiss procedure and that carried out in Sweden, Belgium and the Netherlands at the time (Singler 2004, p225).

LINGUA – Quality Testing

It is the responsibility of the supervising linguist to ensure that LINGUA reports reach a required standard. In order to achieve this, they will discuss each report in detail with the relevant language expert. FOM also offers opportunities to apply for research funds, which allow LINGUA to improve the quality of their work.

(Baltisberger and Hubbuch, 2010 pp.16-17)

LINGUA retains interview recordings from casework for testing and quality checks (FOM). These cross-checks are performed by other native speakers of the relevant language(s) and, where possible, reports will also be submitted to academic linguists for further evaluation (Baltisberger and Hubbuch, 2010 p13). Details of the frequency of these tests are not disclosed.

LINGUA - Interviews

In 2004, Singler published an article detailing two parts of the LINGUA process – the ‘linguistic’ asylum interview and the role of the analyst. During Singler’s time at LINGUA, the linguist would perform the asylum interview and would be kept anonymous to the claimant. The interviews themselves lasted approximately 40 minutes and were conducted via the telephone for safety reasons. However, in 1999 a ruling by the Swiss Asylum Appeal Commission altered LINGUA’s policy and curriculum vitae were made available for each linguist detailing their qualifications, whilst still protecting their identities where possible (Singler, 2004 p.231). Interview content was controlled by a suggested list of ten domains which the interviewer may ask questions about. These include geography and clothing, but a full list is not provided (Singler 2004, p. 229). This was to prevent interviewers asking anything highly emotive or manipulative.

According to the FOM website, this interview method is largely the same today. LINGUA experts are trained in interview techniques in order to elicit a suitable amount of relevant information, adapting their questioning to relate to the level of education and social background of the claimant. At least five aspects of everyday life are discussed in the interview (e.g. eating habits, clothing, religion). Interviews last between 45-60 minutes and, as they are done over the telephone, multiple interviews can be conducted in a single day if necessary. Interviews are conducted as naturally as possible in order to elicit an adequate quality of data.

In 2006/2007, LINGUA had access to internal research funds, which were used to conduct research on the LINGUA interviews. The purpose of the research was to develop 'a better understanding of the interview procedure and conduct', offer 'better training for interviewers' and 'enhance the quality of the interview', which would in turn enhance the quality of the data for analysis (Behrend & Meyer, 2008). The rules for eliciting best possible data and a new interview model, created as a result of this research, were presented to LINGUA in a handbook. These include:

- 1 rule of trust: „everything the subject says should be taken as true“
- 2 rule of authenticity: „everything said by the subject should be taken as new and interesting“
- 3 rule of opacity: „conduct the interview in a way, that the aim of the expertise (check, ascertain, convict) is not going to influence the interview“

(Behrend 2008, punctuated as in the original)

LINGUA – Language Reports

On the subject of report format and structure, the FOM website states the following. Language reports submitted by LINGUA analysts must follow a set standard. This standard encompasses the format of the reports as well as the content. Reports must comment on any discrepancies in the subject's speech, and all language varieties the subject speaks should be analysed. Experts are given several result categories to choose from with regard to the conclusion of the language report. A sample report, or further details of the language reports and the result categories, are not provided.

6.2 IND

Language analysis in the Netherlands is carried out by a part of the Dutch Immigration and Naturalization Service, which comes under the Ministry of Justice. The Language Analysis Bureau was set up in 1999 and by 2003 had been reported to have produced as many as 1,500 reports, which amounted to approximately 10% of total asylum cases in the Netherlands (van den Boogert 2004, p.1).

Information for the IND has been drawn from Cambier-Langeveld 2010b, Cambier and van den Boogert 2008, and van den Boogert 2004.

IND – Analysts

In 2010, the IND reported that it employed four academically trained linguists (Cambier-Langeveld 2010b, p.23). The requirements for a linguist working at the IND are as follows: an academic degree in linguistics, practical analysis skills, an awareness of the forensic context, and an ability to gather relevant linguistic information (Cambier and van den Boogert 2008, p.11).

The linguist is responsible for assessing whether a language situation in a given area is such that a language analysis can be performed and of use in an asylum case pertaining to that area. The linguist is then responsible for recruitment of native speaker analysts for specific language areas. Native speaker analysts are tested, trained and supervised by the linguists. All native speaker analysts must provide an account of their life history and language skills, and demonstrate that they can communicate effectively in a common language with the linguist (Cambier-Langeveld 2010b, p24). The native speaker must also have experience in the relevant language(s) from an early age, and their contact with the speech community should be ongoing (Cambier and van den Boogert 2008, p.11).

Native speaker analysts work on a free-lance basis and are responsible for conducting the language analysis. Their supervising linguist will be responsible for ensuring the conclusion of the language report is consistent with the data, assessing the quality of the report, and carrying out any additional research

required to verify the validity and correctness of the language report. Each language analysis must be thoroughly discussed. Through their work with the IND, linguists will amass hundreds of hours of face-to-face contact with native speakers of various languages. All analysts are required by the IND to sign a code of conduct and submit to a police records check. Failure to do so, or to abide by the code, will result in termination of the consultant's contract (van den Boogert 2004, p.4; Cambier-Langeveld 2010b, pp.23-27).

IND – Recruitment

Two linguists and a 'country of origin specialist' will be involved in the initial phase of recruiting a native speaker. This phase involves assessing the language skills, knowledge of the country in question, level of education and professional attitude of the prospective native speaker analyst (Cambier-Langeveld 2010b, p.24).

The second phase of recruitment involves further assessment of a candidate's language abilities through various language tasks. Candidates must demonstrate the ability to cite 'relevant and verifiable linguistic distinctions' in test cases. Any who are unable to perform the language tasks to an acceptable level will not be eligible to become analysts. The second phase of testing also allows the linguists to identify any areas where the native speaker may need further coaching. Additional training can be suggested and undertaken at any time during a native speaker analyst's term with the IND.

Successful candidates will be able to cite contrasting examples from relevant language varieties (including features of pronunciation, grammar and lexis), and be consistent in their analysis and features which they cite as relevant (Cambier-Langeveld 2010b, pp.24-25).

IND - Quality Testing

A supervising linguist is responsible for assessing each report a native speaker analyst submits, both the native speaker analyst and the linguist will sign the report upon completion. Linguists are also responsible for random cross-checking in order

to safeguard the quality and objectivity of analyses, as well as assessing the native speaker analyst's competence. If any gaps in the native speaker's skill or knowledge are observed, they will undergo further training (Cambier-Langeveld 2010, p.26).

Quality of reports submitted by native speaker analysts is also safeguarded by the additional data gathering conducted by supervising linguists. Linguists will consult sources including *'Ethnologue'* (www.ethnologue.com), and similar sources, country reports, information from other native speakers, information gained directly from experts working in the field, and information provided by those who are genuine' (Cambier-Langeveld 2010b, p.27).

IND – Interviews

Interviews with the asylum claimant are conducted by a specially trained civil servant, assisted by an interpreter. The interviewer and interpreter are not involved with the language analysis itself. Native speaker analysts working for the IND are forbidden to work as interpreters for the Immigration and Naturalization Service, in order to prevent them from analysing recordings of interviews in which they acted as interpreters. Interviews are approximately 45 minutes in length (van den Boogert 2004, p.4; Cambier-Langeveld 2010b, pp.23-27).

The interview itself consists of the following components (van den Boogert 2004, p.5):

- Introduction spoken by the interviewer. This includes legal issues such as the reason for the interview, the role of the interviewer/interpreter and anonymity of the claimant.
- The interview itself. The claimant will be asked to discuss their place(s) of socialisation, their ethnic background, their language skills and language situation, events of their daily life and general knowledge of the area(s) they claim to originate.

- Conclusion. The claimant is given an opportunity to discuss other subjects that have not yet arisen in the interview, and will be asked to confirm that the content of the interview and the interpreter were understood clearly.

IND - Language Reports

IND language reports adhere to a standardised format. This includes a front page, including case file details and the conclusion of the report. The conclusion follows a standardised scale of possibilities (definitely, definitely not, probably, either/or). The further contents of the report include the following subsections (Cambier & van den Boogert 2008, pp.21-25):

- Language(s)/dialect(s) of the persons involved [the asylum applicant]
- Data supplied by the applicant
- Applicant's knowledge of the country and its culture
- Description of the applicant's speech (General, Phonology, Lexicon, Morphology/Syntax)
- Result
- Additional remarks
- Background of the analyst

Reports are also accompanied by an instruction leaflet, targeted at non-linguist officials, containing information on the methods of the IND and how results can be interpreted. (Cambier & van den Boogert 2008, p.10)

6.3 De Taalstudio

De Taalstudio is an independent organization in the Netherlands and was founded in 2003. They are the largest provider of counter-expertise in the Netherlands (Verrips 2011, p. 280)

Information from De Taalstudio is drawn from Verrips (2010).

De Taalstudio – Analysts

De Taalstudio consists of a small team of linguists, who must hold a minimum of a masters degree in linguistics. Each of these linguists is responsible for a specific linguistic or geographical region, the recruitment of language experts for that region and proofreading of language reports. A further advisory board of three academic linguists and two immigration lawyers assist De Taalstudio, though it is unclear on the type of matters they typically assist with and names of the advisory board members are not given. (Verrips 2010, p.284)

De Taalstudio's language experts work as freelance consultants and can be hired from all over the world. Many of them have high academic qualifications, such as a PhD based on the study of the relevant language, some will work in linguistic departments of academic institutions, and many have a record of peer-reviewed publications. As of 2011, De Taalstudio employed approximately 70 language experts, covering approximately 40 regions (Verrips 2010, p.281).

De Taalstudio – Recruitment

Language experts are recruited by a team of linguists working at De Taalstudio on the basis of assignments. Further details on the recruitment process are unavailable.

De Taalstudio - Quality Testing

In order to safeguard the quality of their work, De Taalstudio compares the results of similar cases by different experts, as well as the results of different experts on a single case (Verrips 2010, p.288). Linguists at Da Taalstudio check each report to ensure that quality standards are met. They are also responsible for assessing whether or not a case should first be submitted for a language analysis, and ensuring that each case gets assigned to the most suitable expert (Verrips 2010, p. 284).

De Taalstudio – Interviews

As De Taalstudio specialises in counter-expertise, the majority of interviews handled will not be conducted by De Taalstudio themselves. A great deal of their casework comes from the IND. Many of the recordings used in De Taalstudio casework will be those made by the IND, and as such follow the IND interview format (see above). Interview recordings can be listened to as many times as necessary. If not enough material is deemed present for a suitable language analysis to take place, a supplementary recording of approximately 15 minutes in length may be produced by the asylum applicant. It is not stated whether De Taalstudio have any involvement with the creation of the recording. Evidence provided through this recording will be accepted as evidence by the Dutch courts under certain conditions, though these conditions are not described (Verrips 2010, p. 282).

De Taalstudio - Language Reports

Language experts working for De Taalstudio follow a standardised format for their reports. Reports begin with a summarising page consisting of case details, the origin stated by the applicant, the origin according to the language expert and the degree of certainty of the language expert regarding this origin. The report also includes the name of the language expert who conducted the analysis, unless they request to remain anonymous. The remainder of the report contains the following sections (Verrips 2010, p. 283):

- Credentials of the language expert
- Language profile according to the asylum applicant
- Description of the language use of the applicant (including: sociolinguistic situation in the region, phonology, lexicon, morphology, syntax, proficiency in language(s)/dialect(s) used)
- Cultural and geographical knowledge of the applicant
- Data that was available for analysis (including: duration of recording, participants, language(s)/dialect(s) spoken, recording quality)

- Conclusion
- Previous language analysis report(s), including an evaluation of the language report(s)

The conclusion of language reports does not adhere to a standardised format, though language experts are not allowed to express their certainty in any quantitative terms. Language experts are permitted to phrase conclusions in any way they see fit provided their work is clear and supported by the contents of the language report. No example conclusions have been provided.

6.4 Verified

Verified has conducted language analyses work since 2004, and offer a range of services other than language analyses for asylum seeker cases.

Verified have not yet provided any published work on their practices and methodologies in peer-reviewed journals or texts. As such, all information for Verified is drawn from an online document created by Verified discussing LADO and Verified's working methods (Verified 2012), information provided on their official website, and a document outlining the services provided by Verified to the UK government.

Verified – Analysts

Verified uses both native speakers and linguists. Native speakers must have been raised with the relevant language in their home and will undergo testing before doing language analyses. This testing identifies those who have an aptitude for abstract reasoning and have a phonetic awareness. Linguists have academic training in linguistics as well as practical training under the supervision of senior analysts. Linguists are responsible for carrying out literature research and experiments or surveys regarding relevant linguistic varieties when necessary. (Verified 2012, p.3)

On their website, Verified state that they employ a dozen linguists with special training in areas such as creole languages, dialectology, interview technique and forensic phonetics. Verified also make use of native speakers, and state they have a network of approximately 240 native speakers with training in auditory analysis to cover approximately 100 linguistic varieties and regions. Potential language analysts are expected to meet the following criteria: be able to identify different dialects of his/her native language, have good knowledge of the social, political and cultural life within their home country, and have good communication skills in a common language (verified.se).

Verified – Recruitment

During selection, native speakers will undergo extensive testing to determine the requirements of further training. Candidates are sought who show the following qualities: the ability ‘to discriminate one’s own dialect and instances of particular features of it, aptitude for abstract reasoning, integrity and phonetic awareness’. (Verified 2012, p.3). Linguists must also undergo internal testing, which comprises ‘theoretical aspects, including dialectology, as well as extensive practical training and completion of analyses under senior supervision’ (Verified 2012, p.3). Further details on the recruitment process of Verified are unavailable.

Verified - Quality Testing

Details on the quality control procedures of Verified are unavailable.

Verified – Interviews

Verified state that language samples should be in a digital format, recorded in an environment that does not negatively affect the speech, and include at least 15 minutes of speech (2012).

When conducting interviews for the UK government, applicants are told not to mention their name during the interview to ensure anonymity and the interview itself will last 20-30 minutes. (Home Office: UK Visas and Immigration 2014, p.9)

Further details on the interview procedures of Verified are unavailable.

Verified - Language Reports

Verified use a standardised format for their language reports, with the credentials of the native speaker and linguist included alongside the analyses. Reports 'annotate use of at least eight different traits at at least two distinct levels (phonological, morphological, syntactical and lexical)' (Verified 2012, p.3). The conclusion of reports, typically formulated by the linguist working on each case (as opposed to the native speaker analyst), is accompanied by a gradation of confidence (Verified 2012, p.4).

When producing language reports for the UK government, a preliminary report will be provided typically within 30 minutes after the interview has taken place. A detailed analysis of the interview is then provided within five working days. Asylum decisions are never based on the preliminary analysis and this is considered only to be an indication of the full language analysis outcome. Full language reports address the hypothesis of the linguistic background being as claimed. If the linguistic background is not as claimed a second hypothesis will be tested, proposing an alternative background for the speaker. Conclusions are then presented on a seven point scale, from +3 (language analysis shows with certainty that results are consistent with the claimed linguistic community), to -3 (language analysis shows with certainty that results are not consistent with the claimed linguistic community) (Home Office: UK Visas and Immigration 2014, p.12).

Further details on the content of Verified's language reports are not provided.

6.5 Sprakab

Sprakab have not yet provided any published work on their practices and methodologies in peer-reviewed journals or texts. As such, all information regarding the agency has been taken from their website, sprakab.se (last accessed on the 24th January 2016), and comments made by Sprakab's CEO in a media article regarding services provided to the UK government (Green 2015).

Sprakab – Analysts

Language analysis is conducted by a team of linguists and analysts. Details of analyst qualifications, or the way in which linguists and language analysts work together, are unavailable.

Sprakab – Recruitment

Potential analysts must have been exposed to several linguistic variants within their native region and must be able to distinguish phonemes. Analysts are trained in-house and training takes a minimum of several months. Training is adapted to individual potential analysts.

Sprakab - Quality Testing

In order to safeguard the quality of reports, several professionals contribute to the final analysis. Staff members are also 'blind tested', and will check the work of fellow analysts. Additional analysts may be consulted for a language report when deemed necessary and the final report submitted will be validated by a second linguist. Random reports are also regularly validated by the Immigration and Naturalisation Service in the Netherlands (IND; see above).

Sprakab – Interviews

Details of Sprakab interviews are unavailable.

Sprakab - Language Reports

Sprakab claim to have four people involved in the production of each language report (Green 2015). Details of Sprakab language reports are unavailable.

6.6 Norwegian Immigration Administration

As a customer of LADO, the Norwegian Immigration Administration (NIA) proposed technical specifications for language analysis submitted to the NIA (The Norwegian Directorate of Immigration 2010). The document outlines requirements for the asylum interview recording, the language analysts, and the language analysis itself. Though these specifications are not part of an established LADO agency, they have been included here in order to provide an example of what a customer may require of current LADO practices.

NIA – Analysts

Analysis should be conducted by qualified linguists in cooperation with a native speaker analyst. The linguist is responsible for the quality of the language report and is to be the only signatory of the report. A qualified linguist is defined as one who holds a master's degree (or equivalent), and who has a relevant academic or professional specialization or work experience. Proof of the professional qualifications must be provided.

Native speaker analysts should have the relevant language/dialect as their first language, have up-to-date knowledge of the relevant linguistic community and be able to demonstrate the necessary analytical skills for work in LADO. If such a native

speaker cannot be found, the language report must contain an explanation for why this is so.

NIA – Quality Testing

Each language analysis should be subject to internal quality control and final approval from the supplier. The quality control should ensure that all reports adhere to the technical specifications (The Norwegian Directorate of Immigration 2010).

NIA – Interviews

The interview should consist of a monologue from the asylum applicant, in the form of a free narrative. The interview recording should be 15-20 minutes in length, per language analysed.

NIA – Language Reports

Language reports contain three stages of analysis: linguistic community, geographical representation and alternative linguistic community. Linguistic community analysis should adhere to the following requirements:

- Contain an account of the linguistic characteristics which separate the relevant linguistic community from adjoining communities;
- Have a focus on phonetics, syntax and morphology, complemented with samples of vocabulary;
- Have a minimum of five phonological traits, three syntactical traits and three morphological traits – each illustrated with a minimum of three samples from the recording;
- A focus on prosodic and allophonic traits where they are indicators of dialectal/sociolectal differences in the relevant language community;
- All transcriptions should be done using the IPA;

- A partial conclusion should specify whether there is any evidence in the recording that the language spoken by the applicant is not their first language;
- A partial conclusion should specify whether there is any evidence of linguistic manipulation by the applicant;
- Limitations related to the materials, analyst's familiarity with the relevant linguistic community and the available verified knowledge about the relevant linguistic community.

Geographical representation analysis should geographically determine the core area of the specified linguistic community. It shall then be concluded to what extent the linguistic community to which the applicant belongs (as concluded in the linguistic community analysis) is represented on the geographical locations where the applicant claims to have resided.

Alternative linguistic community is only relevant in cases where the analyst concludes that the claim of origin differs from the results of analysis.

Conclusions for each three sections should follow a standardised conclusion scale, with ratings ranging from -3 (results are inconsistent with claim of origin) to +3 (results are consistent with claim of origin).

6.7 Discussion

Despite the fact that a standard methodology has not yet been established for work in LADO, there are similarities across the practicing agencies. LINGUA, IND and De Taalstudio each employ a small team of academically trained linguists, whose responsibility it is to recruit and supervise language analysts. The desired background and credentials of the language analysts differs across agencies. LINGUA and De Taalstudio aim to hire analysts who are academically trained in linguistics and who are ideally native speakers of the relevant language(s) (LINGUA) or who have studied the relevant language(s) (De Taalstudio). The IND, however, seek native speakers and do not demand academic training in linguistics. Instead

their native speaker analysts are offered training in language analysis and a linguistic academic background is provided by the supervising linguists. Verified's analyst team also consists of a linguist and a native speaker working in tandem, though it is not specified whether the linguist is responsible for the hiring of native speaker analysts.

Whilst a native speaker with a rich background in linguistics would be an ideal candidate for work in LADO, such an expert may not always be found for the language communities in which LADO is needed, and if one is available there is no guarantee that a hiring linguist would deem them suitable for the necessary work. The IND and Verified avoid such issues by sharing the desired knowledge pool between two employees, which can be advantageous in comparison with LINGUA and De Taalstudio, who may need to turn down work when a suitable analyst cannot be found. Ultimately, regardless of the requirements for language analysts, each of the four agencies seeks to cover both linguistic and (ideally native) language competence. These are requirements that are necessary in LADO according to the Guidelines, Minimal Requirements, IAFPA and the technical specifications proposed by the NIA, though the Guidelines do not allow for the expertise to be divided among two analysts by default. Sprakab do not offer enough publically available information of their language analysts in order to determine whether they also conform to these specifications.

Sprakab highlight the fact that there are currently no educational programs that can equip an individual for work in LADO. This is certainly the case, but if such a program were to ever be designed, it would first need to be determined what does actually equip a person for work in LADO. Or, equally as useful, what qualifications and training can be provided to give a non-native speaking linguist comparable competence to a native speaker of a given language. At present, with no direct research to support any particular qualifications or set of qualifications, it is not possible to know what type(s) of education and training are the most optimal. Extensive quality control is therefore vital to any LADO practice.

LINGUA, De Taalstudio and the IND all safeguard the quality of their language analyses by having each report cross-checked by a supervising linguist. The

supervising linguist is required to have academic training in linguistics and as such they are able to ensure that reports are of an adequate standard. De Taalstudio is the only agency confirmed to include the identity of their analysts by default (though others will include the analyst's credentials), and not use a standardised conclusion scale in their reports. Explicit discussion pertaining the use of conclusion scales has eluded the field of LADO.

The IND are the only agency confirmed to provide accompanying documentation for the interpretation of results in the language reports, though the Guidelines may be considered as sufficient documentation to any agency following their recommendations. Providing additional documentation can serve to better educate non-linguist officials who are involved in the asylum case who need to interpret the findings of a language analyses. Without a unified agreement on practices in LADO, ranging from the format of reports and conclusion scales to the recommended analysts, providing unique documentation does seem beneficial. However, its content should not indirectly diminish the credibility of other practices with differing methodologies who may be hired by the customer on other cases or for counter-expertise.

With regard to the language reports, agencies aim to cover similar materials in the main body of their report – phonetics, morphology, lexis, and syntax. This implies that, for the majority of cases, each of these categories will hold some significance to the case, though the weight of each will likely vary depending on the language being analysed. With this in mind it can be extrapolated that any analyst (or team of analysts) would have training on each of these elements.

Although research has been done to suggest that training in phonetics can be beneficial to LADO (Wilson 2009), there has not yet been any to ascertain whether in-depth training in any other linguistic area (e.g. post-graduate research in syntax) would be equally, more, or less valuable to LADO. Of course training in all aspects of linguistics is beneficial, but anyone climbing the academic ladder must narrow their field of study, and thus their knowledge will be much more extensive in the field they have chosen to pursue. It is not enough to simply demand an academic background in linguistics, when such a thing means something very different from

one academic to another. It may be the case that phonetic samples, for example, are the most common and valuable in a lot of LADO casework, thus it would be pertinent to recommend that practitioners in LADO hold higher degrees in phonetics (as opposed to linguistics in general) and then receive additional training in other linguistic areas.

None of the agencies are confirmed to include an explicit limitations section in their report, though this of course does not mean that such information is not included. This information is vital for ensuring that anyone interpreting the results is aware of the context they are given, including the language situation in the relevant communities/geographical area(s), the limitations of the analyst(s) and the materials that have been provided for analysis. Each case will differ in terms of the background of the claimant and the quality/content of interview recordings. Any factors that have influenced the conclusion of the language analysis must be taken into consideration, and this includes the lack of or limitation of knowledge.

Verified are the only agency confirmed to have a minimal requirement of samples included in their language reports. Of course this does not mean that other agencies do not have their own recommendations. The academic background and training of supervised linguists, who oversee and assess the final language report, should ensure that no conclusions are made through a lack of appropriate samples, and that the correct weight has been placed on those that are cited. If a supervising linguist is incapable of offering such input, training in the forensic context would be vital. Without assessing language reports from genuine case materials it is impossible to know whether adequate detail and appropriate caution has been taken in analysis. Random external quality control, either by other practitioners or an independent body, would assist in identifying analysts whose work does not reach a satisfactory standard.

6.8 Problems faced by LADO today

Regardless of the methodology adopted by any LADO practitioner, the LADO procedure is subject to complex and unique problems. Some of the more prominent issues that are yet to receive attention in LADO are discussed in detail below.

Authenticity of Speech

It is not known whether the issue of disguising speech is frequent in LADO casework, and if so how much training analysts have with regard to identifying authentic speech. The whole purpose of LADO, however, is to reveal whether or not an asylum applicant's speech is representative of their claimed place of origin, and a language analysis is often done in cases where claims are doubted (see §2.2). If an applicant has claimed a false place of origin, it logically follows that they would adapt or otherwise misrepresent their backstory – including their speech – to strengthen their false claim, particularly in official interviews that are recorded for the explicit purpose of a language analysis.

Regardless of the frequency of fraudulent claimants who attempt to alter their speech, it would be beneficial for LADO practitioners to be adept at identifying disguises, particularly for cases in which they are directly asked to specify a place of origin.

‘Using a language or a variety other than one’s own requires a high degree of attention. The speaker will focus on salient features (rules before processes) in strong prosodic positions. The speaker will have difficulties in maintaining consistent application of these rules and processes. With decreasing attention, the application of rules and phonological processes belonging to the speaker’s own variety will increase.’

(Moosmüller 2011, p.185)

Clark and Foulkes (2007, pp.198-199) also note that ‘it is rare that the adopted accent is totally authentic, the speaker may shift back towards his normal accent from time to time, and certain features of the speaker’s voice may not be modified

at all.' Being able to identify consistency in linguistic features is vital in a language analysis, and in order to do so a high competence in the language being analysed is critical.

Analysts must be able to identify and assess as many linguistic features as possible, particularly the less salient but still distinct features that may be overlooked or inadequately replicated in an accent imitation. Training would be highly recommended for such a task, as many less salient features could be unnoticed by analysts. Labov (2001, pp.196-197) discusses three linguistic variables (indicators, markers and stereotypes) that can be found within languages. These range from forms that are prominently labeled in society (stereotypes) to those that have very little, if any, social awareness and are therefore difficult to detect both by native speakers and linguists alike (indicators). Language analysts must be adept at identifying all three levels of linguistic variables. This is made difficult by the potential lack of published research on language varieties that are relevant to LADO. The situation is one in which knowledge of linguistic indicators is desired, yet not necessarily attainable through a native competence or an academic background in linguistics.

There are methodologies that can assist analysts in recognizing a disguise. Moosmüller (2010b, p.52) notes that the success of a disguise lessens over time. Therefore, the longer an interview takes, the more observable discrepancies may be evident in the sample as habitual processes take over in the claimant's speech. However, caution must still be taken here. In a study assessing the ability of Swedish speakers to imitate the accent of native British English speakers speaking Swedish, Torstensson et al (2004, p.276) observed that exposing the Swedish speakers to the target accent affected their accent production on all analysed linguistic levels, including prosodic features and vowel/consonantal features. This is an example of the accommodation that could potentially occur in an asylum interview context and it does pose problems for cases where a claimant may be feigning their speech. If an asylum claimant were attempting to mimic the accent of a linguistic community they were not actually from but claimed to be from, and the

interviewer was a native speaker of this linguistic community, the interviewer's native speech could inadvertently encourage the claimants disguise.

In current LADO practices, the language analyst is responsible for refuting or confirming a claim of origin through the assessment of whatever speech the claimant is willing to provide in an interview. There may be a benefit to giving the applicant additional tasks designed to reveal a native vernacular. In other words, an applicant would not simply be asked to partake in an interview, they would be given further opportunities to demonstrate and prove their knowledge of their claimed native languages through participation in tasks that would also help language analysts assess the authenticity of an applicant's speech. Before such tasks could ever be incorporated into LADO practice, their feasibility and value would first need to be determined through research. Suggestions for such research can be found in Chapter 7.

Priming

The phenomenon of priming is one that has so far eluded direct discussion in the field of LADO. In LADO, given that language analyses are often called for when claims are doubted, the assumption is that the claim of origin is likely to be incorrect. Therefore, this may result in language analysts treating the claim as false before they have begun to investigate the evidence. This is also applicable in counter-expertise, where an expert may be expecting an original language report to be incorrect simply because they have been hired to refute it.

The dangers of priming in the context of a jury perceiving a disputed utterance from a poor quality recording are discussed in Fraser et. al (2011). The researchers asked participants to listen to a recording, with a transcript to help them locate an untranscribed utterance of interest. Participants were asked to note what they had heard when listening to the utterance of interest. Following this, they were given pieces of information about the criminal case that the recording has been taken from in a series of 'evidence points'. During this, participants were free to listen to the recording as often as they liked. The first group of participants heard a story

suggesting that the caller in the recording was guilty, and were given a transcript of the utterance of interest in the form of an alleged confession. The second group heard a story and suggesting that the caller's father was guilty, and were given a transcript of the utterance of interest that was poorly supported by the audio. At the end of the experiment, participants were given the 'full story' of the case, and asked to determine whether they believed the caller, the caller's father or someone else to be guilty.

The results of Fraser et al. (2011, p.282) showed that virtually none of the participants heard the alleged confession before it was suggested to them. Once it was suggested to the first group of participants, 30% of them were confident that they could hear the confession, with half of these participants continuing to hear the alleged confession even after being presented with evidence to refute it. The second participant group were only presented with the alleged confession at the end of the experiment, at which point 12% claimed to hear the suggested phrase. A strong correlation was found between participants who had claimed to hear the alleged confession, and those who found the caller guilty, despite the 'full story' stating that the caller was ultimately found not guilty in this case. Finally, Fraser et al (2011, p.283) also found a strong correlation between participants stating that they did not trust the caller at the beginning of the experiment and ultimately finding him guilty at the end of the experiment.

The participants of the Fraser et al. study encompassed a variety of backgrounds. There were 190 participants in total, with 45 having introductory training in phonetics, and 30 having advanced training. The remaining 115 participants did not have a phonetics background that may have assisted them with auditory analysis. Fraser et al (2011, p. 280) note that the phonetic background of participants did not have a clear effect on their final verdict of guilt, though those with training were more likely to deem the speech 'uninterpretable' at the end of the experiment.

The study conducted by Fraser et al. (2011) may not relate directly to LADO, but the issues it encompasses are certainly relevant to the field. The finding that a phonetics background did not influence overall verdicts of guilt demonstrates that linguistic training alone is not sufficient in preparing an individual for work in a

forensic context. Analysts must be taught how to weigh their findings with the limitations of the materials they are analysing and their own skills. It would be better for a LADO analyst to conclude that they cannot confirm nor deny a claimed origin than to come to an incorrect conclusion through a lack of forensic awareness.

The finding in Fraser et al. (2011) that participants will hold on to their initial perceptions of guilt, even in the face of contradictory evidence, is concerning. If this were to occur in the LADO context, then analysts may show bias in cases based on their initial feelings towards the claimant. These feelings could be those felt when listening to the claimant's interview (such as distrust or sympathy), or feelings brought about through the request for counter-expertise (such as the motivation to dispute any previous language analysis). Such examples of priming were discussed in Cambier-Langeveld (2010b), see: §5.3.

The biggest problem with regard to priming in LADO, is that even if it were proven to exist, some of it would be extremely difficult to avoid. For example, it is accepted that the overarching question to be asked in LADO is essentially the following: 'do the asylum seekers language skills support their claim of origin?' Given the lack of a standardised methodology in LADO and the complexities that may arise from case to case, the exact wording of this question will undoubtedly vary from practice to practice, but ultimately the task at hand remains the same. Analysts are aware of the claimed origin of an asylum seeker, whether this is explicitly provided or inferred through the use of a language variety that can be associated with a specific geographical region or linguistic community. It is then the analyst's responsibility to confirm or refute the claim.

Presenting an analyst with a claim of origin then primes the analyst. There may be less evidence of bias in cases where language analysts are not given a claimed origin and instead are asked the more general question of where is this person from?' But this question is extremely open-ended and in many asylum cases it is simply not necessary to perform a full speaker profile when the only evidence that is needed is whether or not a claimant is from a specific area/community or not. Priming could, however, be avoided in counter-expertise by not providing a language analyst with

the original language report. This would work to eliminate any sense of duty a counter-analyst may feel to refute the original conclusion.

Priming will also be relevant elsewhere in the asylum process. Officials responsible for interpreting a language analysis and then subsequently a counter-analysis also need to be taken into consideration. Eades et al. (2003, p.197) demonstrated that a counter-expertise report can alter a court's decision, not necessarily because of the content as the counter-analysts in these cases were considered to have less expertise than the original analysts, but simply because one was submitted (see §3.4). Alternatively, it could also be the case that a language report was submitted, followed by a counter-expertise report, and the court may favour the results of the first report simply because it was the first piece of linguistic evidence provided. A standardised language report format and minimal requirements for linguistic samples cited may assist in preventing priming by making reports more easily comparable. Ultimately, priming is an unpredictable phenomenon and one of the best ways to combat it is through guidance and training focussing on better educating both language analysts and officials who need to interpret LADO evidence.

6.9 Summary

There is a need for more transparency from practitioners in LADO. Having published articles in peer-reviewed journals and texts, such as those provided by LINGUA (Baltisberger & Hubbuch 2010), the IND (Cambier-Langeveld 2010b) and De Taalstudio (Verrips 2011), are highly beneficial for discussion of LADO. At the time the Guidelines were produced, no such articles existed. Now that agencies are discussing their methodologies in more detail, it is possible to determine what processes are in place and where research needs to be conducted. In order for the pool of knowledge and research to be as well balanced as possible, Sprakab and Verified are encouraged to publish details of their working methods in the same manner as those listed above.

In addition, further research is needed to address both the issues outlined above, and to assist in determining best practice. The following chapter puts forward suggestions for such research.

7 Empirical Work

The following chapter outlines the research that was originally intended to be conducted as part of this thesis. Five agencies (Verified, Sprakab, IND, De Taalstudio, and LINGUA) were approached in 2010 and offered the opportunity to participate in empirical work designed to investigate current LADO practices. All approached agencies signalled a willingness to engage in such research.

An empirical study was designed to assess current methods in LADO by analysing language analysis reports. Genuine asylum case recordings were acquired from the IND (see details below) for use in the study. The claimed and established origin of the claimant in each recording is known. Participants would be provided with these recordings, the claimed origin of each speaker, and asked to submit a language report for each recording that they are able to analyse. The overall accuracy of analysis would be taken into consideration; however, the focus would be on the content of language reports (see below for further details). Potential participants were promised anonymity.

An ethical review by the Humanities and Social Science Ethics Committee, University of York was conducted and agencies were contacted with details of the study in April 2012 (information sheet sent to participants can be found in Appendix C). Due to a lack of co-operation from potential participants, the study was unable to go ahead in the manner in which it had been planned. One agency failed to respond to any communication, and one deemed the project to not be in line with their own research interests. Only one agency agreed to participate in the study as it had been proposed. One participant was decided to be inadequate for the investigation. Language reports would have no basis for comparison, and therefore would provide no benefit over simply asking the participant to submit sample reports of cases already handled. Multiple participants would have allowed for language reports for the same recording to be compared in all of the aspects

discussed further below. The length of time taken for potential participants to respond to communication also left little time for the empirical work to be done.

The methodology of the proposed study has been included below so that the project may be completed in future. The chapter then goes on to outline further ideas for future research addressing wider issues in LADO, and specific areas of the LADO process.

7.1 Investigation of current practices

The following subsection discusses the materials provided by the IND for empirical work investigating current LADO practices, a proposed design for this research, and suggestions for analysis of the results.

Speech Materials

122 recordings in total that have been provided by the IND for empirical research. The quality of these recordings varies greatly in technical quality, especially with regard to speaker volume and level of background noise/distortion. The variation in quality is probably in a large part due to the age of the recordings. The recordings were made over several years, the latest date being 2002. They were made using now out-dated equipment (recordable cassette). The recordings have been digitised by the IND. The IND has also edited each recording to remove all identifiable information of the speakers. The recordings are between 6m 8s and 53m 26s in length (average length 31m).

The interviews that have been recorded to produce these samples were conducted before the IND began to provide a manual to interviewers. This manual would detail the types of questions that should be asked to elicit relevant information for analysis. Therefore, some of the content of the interviews may not be deemed useful for language analysis, and certainly may not be what language analysts would expect from their casework today.

Nine of the recordings have an established origin that confirms the claimed origin of the claimant. 113 of the recordings have an established origin that differs from the claimed origin of the claimant. In her discussion of the original cases from which these recordings have been gathered, Cambier-Langeveld (2010b) has cited the number of cases where the established origin differed from the claimed origin. Therefore, it is highly likely that anyone participating in research using these recordings will be aware of the fact that the majority of the cases have false claims of origin.

Caveats

Some recordings are not suitable for analysis for the following reasons. Five cases were cross-checked by the agency Verified. It is therefore advised that these cases are not presented to this agency again should they agree to participate in empirical research using these recordings (PT031, PT037, PT044, PT047 and PT084). Eight of the cases were discussed in Cambier-Langeveld (2010). It is advised that these are removed from any empirical research due to the possibility that they will be recognised as the cases cited in Cambier-Langeveld's research (PT021, PT031, PT035, PT046, PT091, PT101, PT106 and PT113).

The IND should not be asked to participate in any research involving accuracy of language analysis of the speakers in the recordings, unless it can be confirmed that all participating staff were not involved in any with the original casework from which the recordings have been taken. Although the IND may have recruited new native language consultants since the time these cases were done, there may be supervising linguists still employed at the agency who are familiar with the case outcomes and established origins. If the purpose of any future research is not to assess the accuracy of a language analysis, and instead is designed to assess the content/format of language reports, then the involvement of the IND may still be beneficial.

The IND have advised that some languages listed as claimed language(s) spoken by the asylum seeker may not be recognised by name by potential language analysts.

The claimed languages are not guaranteed to be those spoken by the claimants in their relevant recordings. For example, an asylum seeker may claim to speak English and Rou, whereas they may actually be speaking English and Igbo. The claimed language(s) should be presented to potential participants in the same manner in which they would have originally been presented to the IND. In other words, it is not necessary to decipher which languages are actually being spoken in each recording. It is the responsibility of the language analyst assessing the recording to identify bogus or misguided claims.

Breakdown of Recordings

The following table lists the details of each recording, including the claimed origins, claimed language(s) spoken by the asylum seeker, and duration of the recording. Established origins have been removed to prevent revealing the key to these cases that could still form empirical work in the future.

This table may be used as a guide when assigning cases to participants in empirical research. In cases where there are a great deal of samples for particular criteria (e.g. there are 44 cases with the claimed origin of South Sudan and English as a primary claimed language spoken), preference can be given to cases with a longer duration. Those with a longer duration have a higher likelihood of containing more samples for analysis.

CLAIMED ORIGIN	CLAIMED LANGUAGE(S) SPOKEN BY ASYLUM SEEKER	RECORDING NUMBER	DURATION OF RECORDING (M:S)
Afghanistan	Pashtu, Dari	PT049	28:14
Algeria	Arabic	PT006	18:42
	Arabic	PT017	22:14
Algeria	Arabic	PT070	33:53
Azerbaijan	Armenian	PT007	18:57
	Armenian, Russian	PT010	19:52
	Armenian, Russian	PT014	20:38
	Armenian	PT021	22:46
	Armenian	PT034	25:40
	Armenian	PT082	37:37
	Armenian	PT089	38:36
	Armenian, Russian	PT101	40:59
Azerbaijan	Russian	PT106	42:07
Azerbaijan	Russian	PT116	46:07
	Russian	PT116	46:07
Iraq	Kurdish, Arabic, Armenian	PT097	40:14
	Kurdish, Armenian	PT121	52:30
Iraq	Kurdish	PT104	41:47
Iraq	Arabic	PT005	18:27
Liberia	English	PT001	06:08
Liberia	English	PT119	50:29
Libya	Arabic	PT004	15:48
Libya	Arabic	PT028	24:16
Russia	Russian, Armenian	PT122	53:26
Rwanda	English	PT055	29:56
Rwanda	French	PT076	35:20
Saudi Arabia	Arabic	PT031	25:00
Sierra Leone	Krio, Pidgin English	PT047	27:52
Sierra Leone	Madingo, English	PT096	39:56
Sierra Leone	English, Hausa	PT063	32:02
	Krio, Susu	PT113	44:54
Sierra Leone	Susu, Madingo, Fula	PT008	19:01
	Fula	PT012	20:00
	Fula	PT022	23:13
	Fula	PT025	23:46
	Susu	PT036	25:44
	Madingo	PT048	28:13
Sierra Leone	English, Krio	PT083	37:46
Sierra Leone	Krio	PT016	21:42
	Krio, English	PT029	24:23
	Krio	PT035	25:40
	Krio, English	PT046	27:42
	Krio	PT051	28:47
	English	PT057	30:03

	Krio, English	PT059	30:09
	Krio	PT067	32:27
	Krio	PT071	34:14
	English, Krio	PT074	34:35
	English, Krio	PT079	36:52
	English, Krio	PT084	37:48
	Krio, English	PT087	38:21
	Krio, English	PT088	38:32
	English, Krio	PT093	39:32
	English	PT098	40:14
	Krio, English, Susu	PT099	40:34
	Krio, English	PT100	40:45
	Krio, English	PT103	41:33
	English	PT110	43:40
	English	PT115	46:03
	Krio, English	PT118	49:15
Sierra Leone	Krio	PT037	25:49
	Fula	PT044	26:51
	English	PT081	37:08
	Krio, Temne	PT090	38:52
	Krio, Fula	PT092	39:18
Somalia	Arabic	PT026	23:47
South Somalia	Somali	PT002	12:14
South Sudan	English, Hausa	PT054	29:23
South Sudan	English	PT009	19:52
	English, Latuka	PT011	19:57
	English, Kerkeshi	PT018	22:25
	English, Kpoma	PT019	22:28
	English, Konki	PT024	23:28
	English	PT027	24:13
	English	PT030	24:35
	English, Azande	PT032	25:16
	English	PT038	25:51
	English	PT039	26:06
	English, Duma	PT041	26:33
	English	PT042	26:36
	English	PT043	26:40
	English, Dinka	PT050	28:20
	English, Yulu	PT053	29:13
	English, Dinka	PT056	29:56
	English, Dinka	PT058	30:07
	English, Kuku	PT061	31:30
	English	PT062	31:30
	English, Ije	PT064	32:05
	English	PT065	32:12
	English	PT066	32:12

	English, Bari	PT068	32:54
	English	PT069	32:56
	English, Arabic	PT072	34:25
	Englis, Dinka	PT073	34:30
	English, Rou	PT075	35:00
	English	PT077	35:25
	English	PT078	36:07
	English	PT085	37:54
	English, Latutu	PT086	38:06
	English	PT091	38:56
	English, Dinka	PT094	39:33
	English, Oraze	PT095	39:41
	English, Mandari	PT102	41:24
	English, Dinka	PT105	41:50
	English	PT107	42:19
	English, Rou	PT108	42:32
	English, Zande	PT109	43:25
	English	PT111	43:51
	English	PT112	44:00
	English	PT114	45:03
	English, Bari	PT117	46:47
	English	PT120	50:59
South Sudan	Arabic	PT020	22:35
South Sudan	English, Luo	PT023	23:19
	English, Toposa	PT060	30:49
	English, Gang	PT080	37:03
Sudan	Arabic	PT003	12:37
Sudan	Arabic	PT045	27:26
Sudan	Arabic	PT052	28:56
Sudan (Nuba)	Arabic, Miri	PT033	25:34
Sudan (Nuba)	Arabic	PT015	21:00
	Arabic	PT040	26:26
Syria	Kurdish, Arabic	PT013	20:15

In order for the participants to conduct language analyses of the recordings, they need to be made available either online or via a hard copy. Two methods have been suggested below to achieve this.

Accessing Speech Materials - Method One: Website

The design of this website is based on the one used in Wilson (2009). Participants would be provided with a web address to access the website, a unique username/password and a recording code. The usernames and passwords will allow the participants to login when they visit the website. The recording codes will consist of one unique code for each recording that is being used in the empirical study. They will serve to identify which recording is being analysed and to cross-check that the participant is analysing the correct audio file. The recording codes could be the recording numbers displayed in Table 7.1, however as this is the convention that has been used by the IND when working with the files, it is recommended that a new code, only decipherable by the researcher(s), be created and used for the purposes of this research.

The website itself would firstly consist of a login page. Participants would be provided with a username box and password box, and a CAPTCHA (Completely Automated Public Turing test to tell Computers and Humans Apart) to complete in order to login. The username and password entered will determine what the participant is presented with next. The CAPTCHA is used to prevent unwanted internet bots (software applications that run automated tasks) from accessing the website.

Once logged in, the user will be presented with a recording code and an audio player. The recording code will match the code that will have previously been given to the participant. If a code is displayed that does not match the one originally given to the participant, then they should not continue with a language analysis as the wrong recording has been provided. The audio player will play the recording associated with the recording code. The audio files will only be played using this

system, they will not be readily available for download. This is to prevent copies being made and retained by participants after the research has concluded.

An additional feature that may be included in this website design is a login monitor. This would keep a history of the times a user has logged in and logged out of the website, so that the researcher can assess the total time a participant has spent listening to a recording. In order for this to be as accurate as possible, the user must be forcibly logged out after several minutes of no activity (i.e. several minutes without interaction with the audio player).

The number of user accounts required to achieve this would be dependent on whether the above monitoring feature is being utilized. If login times are not monitored, then only one user account needs to be created per recording. If login times are to be monitored then separate user accounts will be needed per participant, per recording. For example, if agency A and agency B need to access recording 1, and their login times are being monitored, then they each need unique user credentials so it is known which agency is logged in at what times. If login times are not being recorded agency A and agency B can share login credentials, as it is no longer necessary to distinguish between the two.

In order to use this method, the website, as outlined above, must be made by a suitably qualified person. The website and recordings will also need to be hosted on a secure environment, accessible for the duration of the research. If this method is to be used then, until the recordings are required to be accessed, it is advised that the website not be made live and the recordings not be uploaded to the internet or made available online. This is because even the most stringent security measures are not guaranteed to be completely effective. The longer the audio files are online, the more time they are at risk of a cyber-attack.

Accessing Speech Materials - Method Two: Couriered Hard Copy

This method eliminates the possibility of online hosted files being accessed by unwanted individuals. Copies of the recordings would be made and sent directly to

the participating language agencies. From there the agencies can then distribute the recordings among their relevant analysts. The copies would be made by copying the recordings onto either a flash drive or CD-ROM. CD-ROM is the preferable format as CD-ROMs are both cheaper and there is less chance of the data being corrupted or destroyed in the transfer. The hard copies would be made on a one recording per disc basis. This is so that individual recordings can easily be given to relevant analysts, as opposed to one disc holding multiple recordings that multiple analysts will need to access. The recordings would be sent via an approved courier. With regard to sourcing a suitable courier, this can be done by consulting with LADO agencies and finding out what methods they use when they must transfer case materials (e.g. to their own analysts, between agencies for counter-analysis/cross-checking).

The advantage of providing the participants with a hard copy is that they are able to treat it as they would treat a current case recording. They may open the file in any software that they use in their everyday casework, and make any changes that they feel are necessary to improve the quality of the recording. A disadvantage of providing hard copies is that it is not possible to ascertain exactly how long a participant has spent analysing the materials they have been given.

Confidentiality Agreement

The recordings are all taken from genuine asylum seeker cases. It is important that they be treated with adequate care. Part of this care involves all participants signing agreements pertaining to the treatment of the data. The agreement must cover the following points:

- Non-participants must not be allowed access to the materials;
- No unauthorised copies to be made of any materials provided;
- Any data that is provided must either returned to the researcher (if hard copies) or confirmed as destroyed (if digital copies) when the participant's involvement in the research is concluded.

Whether this agreement is signed by the head of the participating LADO agency (and thereby encompassing all employees hired by this agency), or by each analyst that is given access to a recording for analysis, is at the discretion of the researcher.

Analysing the results

Regardless of which method is chosen to distribute the recordings, the method of obtaining and analysing the results remains the same. Participants would be required to submit a language analysis report to the researcher for each recording that they have analysed. This report should resemble that of their typical casework as closely as possible – following as many agency standards/formats as the materials allow. The quality and content of the recordings may differ drastically from what a language analyst is used to, and therefore it is not expected that a language analysis will be able to adhere fully to an agency's archetypal methodologies.

The following features can then be analysed on a per-participant and/or across participant basis as necessary:

- Is there a standardised format used among reports from the same agency?
- Is the analyst anonymous? What are the credentials of the analyst(s) (if provided)?
- Overall accuracy levels. Was the conclusion of the report correct, incorrect or inconclusive?
- What was the conclusion of the report based on? How many samples have been presented before reaching a conclusion, or how many samples are deemed as not enough to reach an adequate conclusion? And was the basis for the conclusion comparable across participants (i.e. did some identify the same evidence but reach different conclusions)?
- What linguistic features do reports encompass, or aim to encompass (phonetics, syntax etc.)? Do any participants cover features that others don't?
- Does the analyst make reference to any literature consulted during analysis?

- Does the analyst acknowledge the limitations of their own expertise, the language data or the linguistic resources available on the relevant language(s)?
- Does the analyst provide any context on the language(s) being analysed or the relevant geographical areas?
- Does the analyst assess cultural knowledge as well as linguistic features? If so, what topics does this cultural knowledge encompass and what portion of the report is given to discussing this knowledge?
- What similarities/differences are found between reports submitted for the same recording by different participants? Did practitioners identify the same or different samples? Were some recordings deemed inadequate for analysis by some practitioners, but were analysed by others? Are there any major differences in the content and conclusions of reports that are done by analysts with differing credentials?

Due to the caveats previously outlined above, the overall accuracy of the conclusion in any submitted report can only hold a very limited weight. The content of the reports, and the similarities/differences between reports submitted for the same recording will provide much more valuable results. If any standards in LADO are ever to be made and enforced, we must be able to ascertain exactly what content should be minimally required in all cases. This also includes assessing what linguistic training is necessary for a LADO analyst. If we were to insist that reports contain a minimum of 10 phonetic samples, for example, then any LADO analyst would require training in phonetics.

7.2 Further suggestions for future research

The following information covers three suggested empirical studies:

- A. Listening task
- B. Deconstruction task

C. Repetition task

The aims of these studies would be to ascertain the feasibility of incorporating tasks in to the LADO process that would provide an alternative way of assessing language skills. This alternative method would accompany the traditional language analysis, and involves the claimant giving evidence of their language background in specific tests that are designed to reveal an individual's native vernacular. This is particularly relevant to those who are considered to be denying their knowledge of a language entirely or attempting to present a lesser-known language as their native variety. Each task is designed to be simple enough that it can be easily replicated, i.e. in a LADO context, provided that there is sufficient linguistic information on the languages in question. Tasks B and C in particular require a knowledge of a language's grammar, connected speech processes, sociolinguistic features and phonetics/phonology. Task A could be performed without this detailed information, as the materials simply require authentic speakers of the target language. However, it would be inadvisable to perform a LADO analysis in general without having a sufficient level of linguistic information of the language in question.

Task A is a basic listening task, similar to that in Wilson (2009) and Foulkes and Wilson (2011). The claimant is presented with a short recording of speech. This speech is either spoken by an authentic native speaker of the area that the listener claims they are also from, or from a non-native speaker imitating the claimed native language. The hypothesis is that if the claimant is genuinely from the language area that they claim they should be significantly more accurate in identifying fellow native speakers and rejecting non-authentic speakers than listeners who are not from this language area. In the LADO context, this process could be useful in providing the claimants an opportunity to demonstrate their language knowledge, or equally to highlight those with bogus claims. However, it must be strongly noted that individuals' skills in any language task can differ. Two people with identical linguistic backgrounds may have drastically different results when performing the same test. Therefore, it is important that any results gathered from such testing are

not solely considered in isolation and are used as an accompaniment to additional language analysis.

Tasks B and C are designed based on the tasks used in five case studies involving cooperative and partly cooperative speakers presented in Moosmüller (2011). Task B is a deconstruction test designed to highlight a person's knowledge, or lack of knowledge, of the structures and processes involved in the production of the target language. When we speak a language fluently the words are not phonetically detached in the way they would be written on the page or spoken in very careful citation form, and they are not necessarily pronounced as they would be if they were spoken in isolation. The production of each word can be affected by factors such as coarticulation (effects from its surrounding sounds) and connected speech processes (e.g. assimilation, elision, undershoot). In Task B a listener is asked to listen to some recordings of rapid speech, spoken by an authentic speaker of a chosen native language (in the LADO context, this language would be the claimed native variety of the asylum applicant). The hypothesis is that if a listener shares the same native variety as the speaker then they should be significantly more accurate at breaking down the speech and repeating it in slow, standard speech than a non-native listener. The native listener will be able to reverse relevant speech processes and identify each component (i.e. word) of the utterance, whereas a non-native speaker would not have this level of native competence and will not be effective at performing, or even able to perform, this task.

Task C is a repetition task that is designed to elicit evidence of a person's native language. A listener is asked to listen to a recording of a list of words, spoken by a native of a chosen language that is not the listener's native language (in a LADO context, this language could be the claimed variety of the asylum applicant or the suspected native language of the claimant). They are then asked to repeat each word as they heard. This is repeated a number of times in succession and recorded by the investigator so that multiple instances of the same word are recorded. The investigator then analyses these recordings and notes whether there is any difference in pronunciation across each word. If the listener is claiming a second or foreign language as their native variety then this may be evident in this repetitive

task due to them slipping back to their native habits due to a decrease in attention or only using stereotypical features of the language they are claiming/imitating, lacking “backgrounding processes” of the target language (Moosmüller 2011, p.186). In a LADO context, the results of this repetition task would also be compared to the recorded speech from the asylum interview that is currently (often solely) used in this type of language analysis so that any further discrepancies between the two contexts can be noted.

7.3 Call for research from the wider LADO community

Calls for further research are present in a large number of recent papers discussing LADO (including Fraser 2009; Eades 2010; Patrick 2012), though not all go beyond highlighting the copious areas in LADO that could benefit from investigation.

McNamara et al. (2010) take their suggestions for research further, by putting forward a research agenda designed to assist in validating LADO procedures. Four research steps are identified:

1. Exploration of the impact of variables involved in the elicitation of the language sample to be analysed. This includes:
 - a. speech genre (interview, monologue, dialogue);
 - b. other participants (case officer, interpreter);
 - c. channel (face-to-face, telephone, combination);
 - d. code (claimant’s first language, claimant’s second language, variety related to asylum seeker’s first language, combination);
 - e. length.
2. Exploration of the qualifications of an analyst in a study comparing the process of analysis and the outcomes of the analysis.
3. Generalizability studies assessing consistency within judges (do experts reach the same conclusions on the same data after some time has elapsed) and across judges (do the same experts reach the same conclusions).

4. Define the minimum criteria that should be available for a language analysis to be feasible in a given context.

(McNamara et al. 2010, pp.65-70)

The empirical research outlined in §7.1 would assist in exploring steps 2, 3 and 4, but the value of such research is entirely dependent on the participation of as many LADO practitioners as possible. If, for example, only agencies who use specialised linguists (and not native speakers under the supervision of a linguist) participated in such research, it would not be possible to fully ascertain the effects of analyst qualifications (as outlined in step 2). Alternatively, if only one agency were to agree to participate, regardless of their methodology, it would still be possible to perform a generalizability study and assess minimum criteria for a language analysis (steps 3 and 4, respectively), but the results would only ever be applicable to the participating agency. It would not be appropriate to extrapolate any conclusions to the practices of other agencies.

It would be possible to address some of the research suggestions made by McNamara et al. (2010) without requiring the cooperation of LADO practitioners. Interview techniques (as outlined in step 1) could certainly be addressed, though the context of the asylum interview would be difficult to replicate. Minimum criteria that should be available for language analysis (step 4) can also be addressed through assessment of other forms of forensic language analysis (such as speaker profiling, as discussed in §5.4).

It is understandable why practitioners of LADO may not wish to participate in any empirical research that may work to discredit their analysts or procedures, but equally it is important that any methodologies used in LADO that are demonstrated to unreliable are removed from current practice. It is impossible to properly assess the validity and reliability of current practices without either knowing more about them, or gaining the direct cooperation of practitioners for research. In order for current practitioners to be involved in such research, a suitable amount of pressure must be placed on them. This could either be through the demand of customers, seeking to gain an independent assessment of the services they are paying for, or through pressure in the community.

LARG

In January 2011, Professor Peter Patrick, University of Essex, received a research grant from the Economic and Social Research Council (ESRC) and the Language & Asylum Research Group (LARG) was formed. The grant was used to hold a research seminar series designed to stimulate research in LADO, develop recommendations for methodology and advance consensus on best practice in analytical processes (Patrick 2014, RES-451-26-0911). LARG was comprised of three conveners and 17 panel members. One convener (P. Patrick) and eight advisory panel members (J. Blommert, D. Eades, H. Fraser, K. Maryns, T. McNamara, F. Ngom, J. Singler and M. Verrips) were also signatories of the Guidelines. One convener (P. Patrick) and six panel members had direct experience in LADO (E. Al-Wer, E. Baltisberger, T. McNamara, F. Ngom, J. Singler and M. Verrips). The membership of LARG expanded during the seminar series to include further academics, practitioners, and those with legal or governments backgrounds (LARG Official Website 2011). Whilst membership was open to application, the conveners and advisory panel members did not include any practitioners from the IND, Verified or Sprakab – the three language analysis agencies reported to use native speaker analysts under the supervision of academically trained linguists.

The LARG seminars took place between 1 January 2011 and 31 December 2012. The impacts of LARG are given in an impact report submitted in February 2014. The LARG seminars incorporated discussion of many issues prevalent in LADO, including interview technique, the user of native speaker analysts, and ideas for future research. The summary of impacts encompasses the following:

- 'Existing controversy over the abilities, training and responsibilities of native speakers language analysts (not academically-trained linguists) employed by some agencies were partially clarified, and areas for resolution targeted via identification of research pathways in the highly specific context of LADO.
- Current elicitation techniques for sampling in LADO contexts - standardized or unstructured interview protocols versus facilitated narratives and

monologues - were examined; their strengths and weaknesses, and the skills required for improving elicitation performance, were identified.

- Factors (linguistic, social & psychological) which complicate diagnosis of a speaker's native language, and his competence in it, were identified; methods of assessing or avoiding their effects, or recognising when they invalidate the use of LADO, were discussed.'

(Patrick 2014, RES-451-26-0911)

Discussion of native speaker analysts resulted in the overall finding from LARG that further research into the validation of native speaker analysts is required to improve practice. Whilst this is certainly true, the same can be applied to the specialised linguist analysts. It remains true that no independent, empirical research has been conducted to assess any LADO methodology. Research conducted to validate the native speaker method will do only that, and the specialised linguist method would remain unsupported.

As of yet, the series of seminars conducted by LARG have not resulted in the publication of original, empirical research, though they have certainly promoted wider discussion of the field. An anthology of contributions (edited by the three conveners of LARG P. Patrick, M. Schmid, and K. Zwann, and advisory panel member M. Verrips) is currently being prepared (Patrick 2014, RES-451-26-0911). However, Patrick also notes that participants in the project were unable to form a consensus on the drafting of best practice recommendations. This is unsurprising given the open membership of LARG, allowing the involvement of an array of practitioners as well as others whose background was in refugee status determination, but not LADO itself. A consensus would involve the agreement of the practitioners of various methodologies, as well as the agreement of those who are less familiar with LADO, do not practice LADO, and may not wish to produce such recommendations without empirical research to support them. Regardless of the reasons for a lack of recommendations being drafted, it is surprising that, at a minimum, an update to the Guidelines was not proposed given both the criticisms they have received and the acknowledgement of Guidelines signatory, LADO

practitioner and LARG convener Patrick that linguistically untrained native speaker knowledge can be valuable in LADO (Patrick 2012, p.544, see Chapters 4 and 5).

7.4 Summary

It is widely known that research in LADO *must* be done in order to further the field, and several avenues for research are now clearly identified, as well as an unknown number of others that will have undoubtedly been discussed during the course of the aforementioned ESRC funded seminar series. Yet, as previously stated, the participation of LADO practitioners in this research is vital. If language analysis agencies explicitly avoid participation in such research, the validity of their methods should certainly be called into question. Whilst it is undesirable for current methodologies to be discredited, this does certainly not need to be the goal of any research. Focus needs to be placed on identifying best practice, not in highlighting poor practice, and from this supported recommendations for LADO can be produced. It would then be the responsibility of practitioners to conform to these recommendations or, if they choose not to, state their reasons for adopting an alternative methodology. It is also unlikely that any research addressing LADO will be able to encompass all areas identified as needing validation. Therefore, any recommendations that are created as a result of research should be regularly updated and open to review.

8 Conclusion

The first aim of this thesis was to take a detailed look at LADO. This has been achieved via an in-depth investigation into the history of LADO (Chapter 3); an analysis of the Guidelines and the criticisms surrounding their contribution to LADO (Chapter 4); and a discussion of the native speaker debate, including empirical research relating to the debate and an overview of the use of native speakers in forensic analysis (Chapter 5).

Initial published papers directly addressing LADO were justifiably concerned with its use in asylum cases (Eades et al. 2003; Eades and Arends 2004; Corcoran 2004). A lack of transparency from practitioners, poor quality in language reports, and a lack of empirical research in the field made LADO a difficult procedure to endorse. Whilst some considered it feasible in the correct context (Bobda et al. 1999; Singler 2004; Maryns 2004), there were no recommendations for best practice and no external body to evaluate current procedures, leaving practitioners to develop their own methodologies.

When the Guidelines were published in 2004, finally offering much-needed recommendations for best practice, they received both a great number of endorsements and a large amount of criticism. Investigation of the signatories of the Guidelines show that, whilst they are a great source of linguistic knowledge, they held very little direct experience in LADO at the time the Guidelines were formulated. Subsequently, the methodologies recognised in the Guidelines were not inclusive of all LADO methodologies adopted at the time of writing, and showed explicit preference to a specialised linguist analyst, as opposed to also acknowledging the methodology of a native speaker working under the supervision of an academically trained linguist.

This omission in the Guidelines gave rise to the native speaker debate, which in turn gave rise to two pieces of empirical work (Wilson 2009; Cambier-Langeveld 2010b) highlighting the potential of the native speaker analyst. As of yet, no empirical work directly concerning to the field of LADO has been conducted assessing the reliability of the specialised linguist method. Since the original document was published, the Guidelines have not yet been subjected to review or update. It is strongly recommended that the Guidelines be reevaluated, with the input of practitioners and academics that have contributed to the discussion of their debated content. Such reevaluation is significantly overdue.

The second aim of the thesis was to provide a discussion of current practices in LADO. This has been achieved in Chapter 6, which collates publically available information on five practicing LADO agencies (LINGUA, IND, De Taalstudio, Verified and Sprakab), as well as the technical specifications for LADO proposed by the Norwegian Immigration Administration. Information available varied greatly among practices, with the Swedish agencies Verified and Sprakab currently abstaining from distributing details of their methodologies to peer reviewed publications. Several similarities were demonstrated across the three agencies that have offered publications containing details of their methodologies, despite different types of analysts being used. This implies that although best practice cannot yet be determined, a basic outline of standard practice can be formed. This would encompass the use of an academically trained linguist being responsible for the recruitment and supervision of language experts, interview requirements, and linguistic variables to be included in language reports. Further details from practitioners regarding the content of their language reports would then contribute to formulating a standardised conclusion format.

The third aim of the thesis was to provide empirical research assessing current practices. Although this research project was unable to go ahead, the design has been included in the thesis in the hopes that it may be

revisited in the future. The proposed study includes the use of 122 asylum recordings provided by the IND, in which the established origin of the claimant was discovered after language analysis had taken place. These recordings provide a unique research opportunity as they include languages that are relevant to LADO, and are genuine recordings done in the asylum context. The goal of the proposed study was to submit these recordings for analysis by participating LADO practitioners. The resulting language reports would then be assessed. Only one agency agreed to the study as it had been planned.

In addition to the above study, Chapter 7 included additional suggestions for future research designed to ascertain the feasibility of incorporating tasks in to the LADO process that would provide an alternative way of assessing the language skills of an asylum claimant.

Though it is now seven years since the submission of my Masters dissertation (Wilson 2009), I end this thesis with the same call. In order for the field of LADO to progress and gain the validation it so desperately needs, practitioners *must* agree to participate in collaborative research that seeks to determine best practice, even if such research would undermine current practices in the short-term.

Appendices

Appendix A

Language and National Origin Group (2004) 'Guidelines for the use of language analysis in relation to questions of national origin in refugee cases', International Journal of Speech, Language and the Law. 11(2): 261-266

Guidelines for the use of language analysis in relation to questions of national origin in refugee cases

*Language and National Origin Group
(an international group of linguists whose names appear below)*

Language analysis is used by a number of governments around the world as part of the process of determining whether asylum seekers' cases are genuine. Such analysis usually involves consideration of a recording of the asylum seeker's speech in order to judge their country of origin. Use of language analysis has been criticized on a number of grounds, and some uncertainty has arisen as to its validity. This paper responds to calls for qualified linguists to provide guidelines for use by governments and others in deciding whether and to what degree language analysis is reliable in particular cases.

We, the undersigned linguists, recognize that there is often a connection between the way that people speak and their national origin. We also recognize the difficulties faced by governments in deciding eligibility for refugee status of increasing numbers of asylum seekers who arrive without documents. The following guidelines are therefore intended to assist governments in assessing the general validity of language analysis in the determination of national origin, nationality or citizenship. We have attempted to avoid linguistic terminology. Where technical terms are required, they are explained (e.g. 'socialization' in Guideline 2, and 'codeswitching' in Guideline 9c). The term 'language variety' which is used in several guidelines, refers generally to a language or a dialect.

GENERAL GUIDELINES

1 Linguists advise, governments make nationality determinations

Linguistic advice can be sought to assist governments in making determinations about national origin, nationality or citizenship. Linguists should not be asked to make such determinations directly. Rather, they should be asked to provide evidence which can be considered along with other evidence in the case.

2 Socialization rather than origin

Language analysis can not be used reliably to *determine* national origin, nationality or citizenship. This is because national origin, nationality and citizenship are all political or bureaucratic characteristics, which have no necessary connection to language.

In some cases, language analysis CAN be used to draw reasonable conclusions about the country of socialization of the speaker. (This refers to the place(s) where the speaker has learned, implicitly and/or explicitly, how to be a member of a local society, or of local societies.) The way that people speak has a strong connection with how and where they were socialized: that is, the languages and dialects spoken in the communities in which people grow up and live have a great influence on how they speak.

It is true that the country of a person's socialization is often the country of their origin. Therefore linguistic conclusions about a speaker's country of socialization may, in conjunction with other (non-linguistic) evidence, be able to assist immigration officials in making a determination about national origin in some cases. However, linguistic expertise cannot directly determine national origin, nationality or citizenship, which are not inherently linked to language, in the way that socialization is.

3 Language analysis must be done by qualified linguists

Judgements about the relationship between language and regional identity should be made only by qualified linguists with recognized and up-to-date expertise, both in linguistics and in the language in question, including how this language differs from neighboring language varieties. This expertise can be evidenced by holding of higher degrees in linguistics, peer reviewed publications, and membership of professional associations. Expertise is also evident from reports, which should use professional linguistic analysis, such as IPA (International Phonetic Association) transcription and other standard technical tools and terms, and which should provide broad coverage of background issues, citation of relevant academic publications, and appropriate caution with respect to conclusions reached.

4 Linguists' degree of certainty

Linguists should have the right and responsibility to qualify the certainty of their assessments, even about the country of socialization. It should be noted that it is rarely possible to be 100 per cent certain of conclusions based on linguistic evidence alone (as opposed to fingerprint or DNA evidence), so linguistic evidence should always be used in conjunction with other (non-linguistic) evidence. Further, linguists should not be asked to, and should not be willing to, express their certainty in quantitative terms (e.g. '95per cent certain that person X was socialized in country Y'), but rather in qualitative terms, such as 'based on the linguistic evidence, it is possible, likely, highly likely, highly unlikely' that person X was socialized in country Y'. This is because this kind of language analysis does not lend itself to quantitative statistics such as are often found in some others kinds of scientific evidence.

5 Language analysis requires useful and reliable data

Linguists should be allowed to decide what kind of data they need for their language analysis. If the linguist considers the data provided for analysis to be insufficiently useful or reliable, he or she should either request better data or state that a language analysis can not be carried out in this case. Some relevant examples include a

recording of poor audio quality, a recording of insufficient duration, or an interview carried out with an interpreter who is not speaking the language of the interviewee.

To avoid such problems, it is preferable for linguists to collect the language sample(s) for analysis, or to advise on their collection.

6 Linguists should provide specific evidence of professional training and expertise, with the right to require that this information remain confidential

Linguists should provide specific evidence of their professional training and expertise, for example in a curriculum vitae, so that a court may have the opportunity to assess these matters. But linguists should have the right to require that this information is kept confidential, and not revealed to either the asylum seeker, or the country from which they are fleeing.

7 The expertise of native speakers is not the same as the expertise of linguists

There are a number of reasons why people without training and expertise in linguistic analysis should not be asked for such expertise, even if they are native speakers of the language, with expertise in translation and interpreting. Just as a person may be a highly accomplished tennis player without being able to analyze the particular muscle and joint movements involved, so too, skill in speaking a language is not the same as the ability to analyze a language and compare it to neighboring language varieties.

MORE SPECIFIC GUIDELINES

8 Where related varieties of the speaker's language are spoken in more than one country

In many regions throughout the world, national borders are not the same as linguistic borders, and the same language, or closely related varieties of the same language, is/are spoken in more than one country (e.g. ethnic Armenians living in both Armenia and Azerbaijan speak what is known as 'Standard East-Armenian', and ethnic Hazaras living in both Afghanistan and Pakistan speak Hazargi Dari).

In such situations, while linguistic analysis may often be able to determine the *region* in which the speaker's socialization took place, it cannot be used to determine in which *nation* the speaker's socialization took place. In such situations, an analyst should:

- (a) be able to specify in advance whether there exist linguistic features which can reliably distinguish regional varieties, and what they are,
- (b) be able to devise reliable procedures, similar to linguistic field methods, for eliciting these features from the speaker without distortion or bias,
- (c) be prepared to conclude, in the event that such features do not exist or do not occur in the data, that in this case linguistic evidence simply cannot help answer the question of language socialization.

9 Language mixing

It is unreasonable in many situations to expect a person to speak only one language variety in an interview or other recording, for the following reasons:

- (a) Sociolinguistic research shows that multilingualism is the norm in many societies throughout the world.
- (b) In many multilingual societies, it is common for two or more language varieties to be used on a daily basis within a single family. In such families, it is also

common for the speech of individuals in one language variety to show some influences from other varieties spoken in the family.

- (c) Many bilingual or multilingual speakers use more than one language variety in a single interaction: this use of ‘code-switching’ or ‘style shifting’ is very complex, and often subconscious.
- (d) Further, there is variation in all language varieties, that is, more than one way of saying the same thing.
- (e) It can often be hard for linguists to determine the difference between variation within a single language variety, and code-switching between related varieties. For example, when analyzing the speech of a person from Sierra Leone, it may be very difficult to know for some particular utterances whether they are in Krio, the Creole language, or Sierra Leonean English. It is also important to note that while linguists distinguish these as separate varieties, their speakers often do not.
- (f) Another factor which complicates this issue is that language varieties are always in the process of change, and one of the most influential sources of change is the vocabulary and pronunciation of related language varieties.
- (g) A further complicating factor is that interviews may be done several years after an asylum seeker has left their home country, and their language variety/varieties may have undergone change in the interim.
- (h) While linguists are devoting a great deal of research to language mixing, they have been unable to determine the extent to which an individual can consciously control the choice of language variety or of variables.

10 Where the language of the interview is not the speaker’s first language

In addition to the use of language to assess national origin, issues of professional concern to linguists also arise during the interview in relation to the assessment of the truthfulness of the applicant’s story. We note that in some countries, such as Germany, an international lingua franca (e.g. English) is the language of asylum seeker interviews, used either for language analysis in the determination of national origin, and/or in the assessment of the applicant’s truthfulness. These cases call for particular care.

An interviewee with limited proficiency in the language of the interview may – simply because of language difficulties – appear to be incoherent or inconsistent, thereby leading the interviewer to a mistaken conclusion concerning the truthfulness of the interviewee.

In many post-colonial countries there are a number of language varieties related to the former colonial language, such as English or Portuguese. These varieties may include pidgin and/or creole languages. There are frequently not clear-cut boundaries between these different varieties (see point 9 above). Asking a person to speak only English or only Krio (the creole language of Sierra Leone), for example, may well be a linguistically impossible demand.

11 Where the dialect of the interviewer or interpreter is different from the dialect of the interviewee

In some situations interviewees who are speakers of a local dialect are interviewed by an interpreter speaking the standard dialect of the language. In such situations it is common for people to accommodate to the interviewer’s way of speaking, whether consciously or subconsciously. This means that interviewees will attempt to speak the standard dialect, in which they may not necessarily have good proficiency. This

accommodation, brought about by dialect or language difference, may make it difficult for interviewees to participate fully in the interview.

CONCLUSION

For all of the reasons outlined in these guidelines we advise that language analysis should be used with considerable caution in addressing questions of national origin, nationality or citizenship.

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Appendix B

Minimal requirements for the specialized linguist and the native speaker working under the supervision of a linguist. Provided by Tina Cambier-Langeveld, IND.

Created in 2008.

Minimal requirements for the specialized linguist

The specialized linguist and potential analyst should:

1. have an academic education in linguistics, and be specialized in the language¹, preferably with specific attention to its dialectology and/or its varieties, and
2. have near-native competence in the language, and
3. have first hand, extensive experience with the language area and with native speakers of the language and the relevant varieties; this experience should preferably be recent and regular, and
4. have knowledge of the sociolinguistic environment, and
5. have an area of competence, within or around the language area meant under 1., which is outlined and defined.

None of these requirements are a guarantee that the specialized linguist is able to perform language analysis in a correct and proper way. To assume that a specialized linguist is a good analyst *by definition* is an invalid assumption.

Measures that may be taken to ensure that an analysis is able to perform analyses objectively, fairly and correctly are:

6. testing of the linguist's ability to differentiate between relevant language varieties on the basis of recorded speech materials
7. testing aimed at outlining the area of competence as meant under 5. above
8. regular discussion of the analyses with another expert (a linguist or a trained native speaker)
9. training or coaching by a person with specific knowledge of language analysis in the context of the asylum procedure, including training aimed at making the linguist aware of the specific forensic context
10. cross-checking, i.e. randomly picking cases to be analyzed by two experts, without them knowing it, and comparing the outcome

Most of these latter measures require a third party which is responsible for quality control. Such a third party may not always be feasible, but this does not make these measures less recommendable.

¹ The concept and definition of 'the language' is not unproblematic in this context. Under the circumstances, since we are defining a prerequisite and not a guarantee for an analyst, it may be interpreted here in a wide sense. See also criterion 5, which is intended to make sure that the 'language' for which the linguist may be regarded as an expert is defined for each person individually.

Minimal requirements for the native speaker working under the supervision of a linguist

The native speaker (working under the supervision of a linguist) and potential analyst should:

1. have native competence in the language², and as such have first hand, extensive experience with the language area and with native speakers of the language and the relevant varieties, starting from an early age, and
2. have ongoing contact with the speech community, and
3. have knowledge of the sociolinguistic environment, and
4. have an area of competence, within or around the language area meant under 1., which is outlined and defined by the supervising linguist, and
5. be literate in a language, and
6. be able to communicate in another language with the supervising linguist.

None of these requirements are a guarantee that the native speaker is able to perform language analysis in a correct and proper way. To assume that a native speaker is a good analyst *by definition* is an invalid assumption. Furthermore, it is compulsory that linguistic expertise is involved in this type of analysis. Therefore it is obligatory that the native speaker works under the supervision of a linguist.

This supervision should entail:

7. initial testing of the native speaker's ability to differentiate between relevant language varieties on the basis of recorded speech materials, and
8. testing of the native speaker's ability to communicate with the linguist about his language and to provide relevant linguistic examples, and
9. testing aimed at outlining the area of competence as meant under 4. above, and
10. regular discussion of the analyses
11. training aimed at making the native speaker aware of the complexity of language and language analyses
12. training aimed at making the native speaker aware of the specific forensic context
13. cross-checking, i.e. randomly picking cases to be analyzed by two experts, without them knowing it, and comparing the outcome

Finally, the supervising linguist should:

14. have an academic degree in linguistics, and
15. have practical analysis skills (e.g. transcription skills), and
16. be aware of, and fully understand the specific forensic context, and
17. be able to gather and assess relevant linguistic information, both from written sources (publications) and from native speakers, and
18. be able to present and explain the report to non-linguists.

² Again, the concept and definition of 'the language' is not unproblematic, but may be interpreted here in a wide sense, since we are defining a prerequisite and not a guarantee for an analyst. See also criterion 4, which is intended to make sure that the 'language' for which the native speaker may be regarded as an expert informant is defined for each person individually.

Appendix C

Information sheet provided to potential participants of the empirical study outlined in §7.1

Language Analysis for the Determination of Origin: A Study of Current Practices

Kim Wilson, University of York

Information Sheet for Participants

Language analysis for the determination of origin (LADO) has been used as part of the asylum seeker process for over a decade. However, even with the development of the 'Guidelines' in 2004 (LNOG) and the recent number of discussions and published articles taking a more in depth look at individual processes, there are still great differences in the ways LADO agencies handle this type of work. To date there has been no empirical testing of the various methods.

In 2007 the Netherlands handled a number of asylum cases in which the Dutch Parliament granted amnesty to the group, whilst also offering some the opportunity to present their real identities to the immigration service. They were therefore able to receive their status under their real identities even if they were different from the origin they had originally claimed. This presents us with a unique offering of genuine asylum recordings, in which the claimed and actual origins are known, that could be used in research today.

The following proposal outlines the intention of using these recordings in an empirical study, planned to begin in the spring of 2012. The study will be conducted as part of my PhD thesis to be submitted to the University of York. The research has also undergone ethical review by the Humanities and Social Science Ethics Committee, University of York.

Participation and Confidentiality

All parties will be asked to give formal consent of their participation in the study (consent forms will be provided). All participants will remain anonymous – real names will not be used in any publications or on any files accessible to anyone other than myself. All electronic data (e.g. language analyses/reports) submitted by participants will be encrypted and password protected to ensure it is stored securely. Due to participants remaining anonymous and the materials used being from genuine cases, and thus similar to work that is typically handled by potential participants; I foresee no risk to contributing to the research. However, I will be contactable at all points during the study to answer any queries and participants are under no obligation to complete the study should any problems occur.

Because of the sensitive nature of the materials used, all participants will also be required to adhere to an agreement regarding the storage, usage and distribution of the recordings. Once this is done, they will be given instructions on how to access the relevant materials. If any participants wish to withdraw from the study they should inform me as soon as possible so that their access to the research materials can be removed. Any data that has already been collected will not be used without the withdrawing participant's consent.

Participating agencies will be given access (via the web) to the recordings in languages they are able to analyse. They will be told where the speaker in each recording claims to be from and will then be asked to conduct a language analysis. This should be done by a relevant expert who is currently employed by the participating agency and can be completed from the location the expert typically works from. The format of the language report should be as close to typical casework as possible and no more time should be spent on the analysis than would be spent on actual casework. The final document should then be sent to me for analysis, which will be done at the University of York.

As this study has been created for practicing government and commercial language analysis agencies, it is understandable that not all participants will be able to complete a full language analysis for every possible recording due to their varying workloads. The recordings will therefore be given in priority groupings. Participants are only asked to complete as much as they are able to, in agreement with their line managers. The study will be open for language analysis submissions for a minimum of 12 months. Participants will not be paid for their contributions, but any amount of work you can provide would be highly appreciated.

This study gives a unique chance to observe the current processes in LADO and will hopefully give some insight into how effective these are and if there are any areas that could be improved in the future. Supporting and strengthening these processes is vital in improving the reliability and validity of LADO. Your participation would provide a very valuable contribution.

If there are any questions or comments regarding anything about the study which you would like to be answered prior to giving your consent then I can be contacted at the following address: k.wilson541@gmail.com

My supervisor (Prof. Paul Foulkes) is also available at the following address: paul.foulkes@york.ac.uk

Thank you.

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