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**INTERPRETING IN ASYLUM INTERVIEWS: A COMPARATIVE  
STUDY OF HANDBOOKS, INFORMATION SHEETS AND  
TRAINING MATERIALS PROVIDED IN ITALY, THE UNITED  
KINGDOM AND THE UNHCR**

Relatrice: Prof.ssa Ilaria Rizzato

Correlatrice: Prof.ssa Nora Gattiglia

Candidato: Jean K. Sossou



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## **Abstract**

This dissertation investigates the pivotal role of interpreters in asylum procedures, focusing particularly on their involvement in refugee hearings. The study delves into the complexities of interpreters' roles and their potential influence on asylum proceedings. Interpreters often face high expectations, with asylum officers expecting strict impartiality while claimants hope for advocacy. By analysing literature governing interpreters' ethical and professional conduct, this study aims to understand these expectations and challenges. Materials from Italy, the UK, and the UNHCR are examined to explore differing reception models and their impacts on interpreter roles. Specifically, the study analyses manuals for asylum seekers, asylum officers, and interpreters to gain insights into the role expectations placed on interpreters from various perspectives. The dissertation is structured into chapters covering the state of the art, access to services, methodology, analysis of collected data, and findings and conclusions. Through this research, a deeper understanding of interpreters' contributions and limitations in asylum procedures is sought.

## **Abstract**

Questa tesi investiga il ruolo cruciale degli interpreti nelle procedure di asilo, concentrandosi in particolare sul loro coinvolgimento nelle audizioni. Lo studio approfondisce le complessità dei ruoli degli interpreti e la loro potenziale influenza sulle procedure di asilo. Gli interpreti si trovano frequentemente ad affrontare aspettative elevate da entrambe le parti coinvolte nel processo di asilo. Da un lato, i commissari per l'asilo si attendono una rigorosa imparzialità da parte degli interpreti, mentre dall'altro, i richiedenti asilo sperano di ricevere un sostegno dagli interpreti durante le loro interazioni. Attraverso l'analisi della letteratura che regola il comportamento etico e professionale degli interpreti, questo studio mira a comprendere queste aspettative e sfide. Sono esaminati materiali provenienti dall'Italia, dal Regno Unito e dall'UNHCR per esplorare modelli di accoglienza diversi e il loro impatto sui ruoli degli interpreti. In particolare, lo studio analizza testi per richiedenti asilo, ufficiali dell'asilo e interpreti al fine di ottenere una comprensione delle aspettative di ruolo poste sugli interpreti da diverse prospettive. La tesi è strutturata in capitoli che coprono lo stato dell'arte, l'accesso ai servizi per i richiedenti, la metodologia, l'analisi dei dati raccolti e la conclusione. Attraverso questa ricerca, si cerca di ottenere una comprensione più approfondita dei contributi e delle limitazioni degli interpreti nelle procedure di asilo.

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## Introduction

This dissertation explores the pivotal role of interpreters in asylum procedures, with a particular focus on their involvement in refugee and humanitarian contexts.

My interest in this topic stems from a personal experience I had as a public service interpreter at the *Commissione Territoriale per il riconoscimento della protezione internazionale* (Territorial Commission for the granting of international protection), in Genoa. During this short period, I observed and experienced firsthand the complexities of the interpreter's role and the influence they (might) exercise in the asylum procedure and eventually in the outcome of asylum claims.

The awareness of this crucial role often raises expectations that might exceed the capacities of interpreters: asylum officers<sup>1</sup> expect strict impartiality and neutrality from interpreters while claimants often hope interpreters will 'advocate' for their cases. With the awareness of the critical importance of interpreters in asylum procedures and the demands that are often placed on their roles, this study aims to analyse the literature that has been made available to govern their ethical and professional conducts. By understanding the expectations placed on interpreters and the challenges they face, we can better appreciate their contributions and address any limitations they may encounter. To achieve this objective, the study focusses on descriptions found in materials provided by Italy and the UK, as well as from the supranational organization: UNHCR. The selection of these countries is deliberate, as they offer differing models of reception, providing valuable insights into how these models may impact the role of interpreters.

The dissertation is structured into several chapters to comprehensively explore the research topic. Chapter 1 provides the state of the art, defining international protection and outlining the procedures for its recognition in the countries and institutions under analysis. Chapter 2 delves into access to services, particularly linguistic rights for asylum seekers, and examines the role of interpreters within this context, along with the ethical and professional codes guiding their practice. Chapter 3 describes the methodology adopted, emphasizing qualitative analysis techniques. Chapter 4 conducts an in-depth

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<sup>1</sup> In this dissertation different names will be used to define asylum seekers such as commissioner, refugee officer.

analysis of the collected corpus, while the final chapter presents the findings and conclusions drawn from this study.

# 1. State of the art

In this chapter, a contextual overview of the asylum process will be provided, beginning with the definition of asylum seekers<sup>2</sup> and extending to the various processes of international protection grant in Italy and the UK. The aim is to present a comprehensive understanding of the asylum process, including the roles and responsibilities of key stakeholders such as asylum seekers, interpreters, asylum officers, and legal representatives. By examining these processes, we will identify key trends, similarities, and differences, contributing to discussions surrounding the improvement of asylum systems worldwide.

## 1.1 Who is a refugee?

According to the 2022 report from the International Organization for Migration (IOM)<sup>3</sup>, the global estimate for international migrants (individuals living in countries other than their own) was 281 million in 2020, constituting 3.60% of the world's population. People leave their home countries for various reasons, some to improve their living conditions while others to escape insecurity caused by war, persecution, crisis, or violence. The UNHCR's Refugee Population Statistics Database<sup>4</sup> reports that, by mid-2023, 110 million individuals were forcibly displaced globally due to violent conflicts and human rights violations. Among them, 35.4 million are refugees, 6.1 million are asylum seekers, and another 5.3 million are labelled as "other people in need of international protection"<sup>5</sup>. It

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<sup>2</sup> In this dissertation different names will be used to define asylum seekers such as asylum claimants and applicants.

<sup>3</sup> IOM is an intergovernmental organisation in the field of migration with the aim of promoting international cooperation on migration issues. <https://www.iom.int/who-we-are> [last access: 17<sup>th</sup> November 2023].

<sup>4</sup> This database has been covering the statistical activities of displaced populations for more than 70 years. It is based on three data sources: the UNHCR annual statistical activities (since 1951), the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and the data provided by the Internal Displacement Monitoring Centre (IDMC) <https://www.unhcr.org/refugee-statistics/> [last access: 17<sup>th</sup> November 2023].

<sup>5</sup> This label was first introduced in the mid-2022 report. It refers to "people who are outside their Country or territory of origin, typically because they have been forcibly displaced across international borders, who have not been reported under other categories (asylum-seekers, refugees, people in refugee-like situations) but who likely need international protection, including protection against forced return, as well as access to

is crucial to define “international protection”, and to differentiate between “migrants”, “refugees”, and “asylum seekers”, three nouns that are often used interchangeably but require a clear distinction. “International protection” is a general concept that refers to an “action by the international community on the basis of international law, aimed at protecting the fundamental rights of a specific category of persons outside their countries of origin, who lack the national protection of their own countries”<sup>6</sup>. Based on this statement, it can be asserted that this term covers a variety of measures with the aim of protecting individuals forced out of their home countries or who are not safe therein (McAdam & Wood, 2021). Another umbrella word that encompasses many meanings is “migrant”. Even though it is not defined by international law, this word reflects “the common lay understanding of a person who moves away from his or her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons”<sup>7</sup>. Article 1 of the 1951 Refugee Convention<sup>8</sup> defines a refugee as someone who:

owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of [their] nationality and is unable or, owing to such fear, is unwilling to avail [themselves] of the protection of that country; or who, not having a nationality and being outside the country of [their] former habitual residence, is unable or, owing to such fear, is unwilling to return to it.<sup>9</sup>

The impact of human activities on the climate has prompted an expansion of the UNHCR’s definition to include “climate refugees”, individuals forced to flee due to the impossibility of staying in their homes.

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basic services on a temporary or longer-term basis”. <https://www.unhcr.org/refugee-statistics/methodology/> [last access: 21<sup>st</sup> November 2023].

<sup>6</sup> <https://rb.gy/zv91j9> [last access: 21<sup>st</sup> November 2023].

<sup>7</sup> <https://www.iom.int/who-migrant-0> [last access: 21<sup>st</sup> November 2023].

<sup>8</sup> The 1951 Refugee Convention and its 1967 Protocol are the key legal documents that form the basis of UNHCR’s work. They define the term “refugee” and outline their rights and the international standards of treatment for their protection. <https://www.unhcr.org/about-unhcr/who-we-are/1951-refugee-convention> [last access: 20<sup>th</sup> December 2023].

<sup>9</sup> <https://www.unhcr.org/about-unhcr/who-we-are/1951-refugee-convention> [last access: 21<sup>st</sup> November 2023].

Those granted the status of refugees are entitled to specific rights, including non-refoulement<sup>10</sup>, housing, employment, and education. In return, refugees must adhere to the laws and regulations of the host country. The term “asylum seeker” refers to an individual claiming refugee status but whose case is still pending in the host country. Not every asylum seeker will be granted refugee status, but every refugee was initially an asylum seeker. To avoid exclusions, this dissertation uses the term “asylum seeker” to refer to individuals seeking refuge outside of their countries due to different circumstances precluding safety in their home countries.

The distinction between a refugee and an asylum seeker lies in the process through which the host state determines the conditions necessary to confer refugee status. The Refugee Status Determination (RSD) is the legal or administrative process conducted primarily by states that are parties to the 1951 Refugee Convention. It aims to “determine whether a person seeking international protection is considered as a refugee under international, regional, or national law”<sup>11</sup>. The UNHCR provides some guidance (the *Procedural Standards for Refugees Status Determination under UNHCR’s Mandate*) which defines minimum procedural criteria for RSD. If a country is not a party to the 1951 Convention or lacks the necessary measures for RSD, the UNHCR can intervene in the procedure under its mandate. The RSD process<sup>12</sup> begins with the applicant completing an Individual Registration Form<sup>13</sup>. Following the application registration stage, interviews with applicants are conducted within three months. In exceptional cases, when there are security reasons or when the UNHCR is not present in the host country, interviews are conducted remotely via telephone or conference call. This is the time when the applicant presents all the available documents to support their claim. The credibility assessment phase follows, where a decision is made based on the principles of the 1951 Convention,

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<sup>10</sup> The non-refoulement principle is core to the 1951 Convention and states that a refugee should not be returned to their original country if they might face threats to life or freedom. <https://www.unhcr.org/about-unhcr/who-we-are/1951-refugee-convention> [last access: 28<sup>th</sup> November 2023].

<sup>11</sup> <https://www.unhcr.org/what-we-do/protect-human-rights/protection/refugee-status-determination> [last access: 17<sup>th</sup> December 2023].

<sup>12</sup> <https://www.refworld.org/docid/5e870b254.html> [last access: 17<sup>th</sup> November 2023].

<sup>13</sup> In the case of multiple members of the same family, and unless each member decides to complete a form independently (at least 18 years of age), these applications are processed as “applicants for derivative refugee status”, that is, as applicants to “the right of family unity”. <https://www.refworld.org/docid/5e870b254.html> [last access: 28<sup>th</sup> November 2023].

the documents provided by claimants with reference to his Country-of-Origin Information (COI), identifying the risks that the claimant might face in case of return (UNHCR, 2020).

However, the credibility assessment process can be challenging, especially if the primary, and often the only, source the applicant can provide is their history. The sociolinguist Laura Smith-Khan (2019), who works on the discursive notion of “credibility” in international protection procedures in Australia, states:

RSD is undoubtedly a challenging exercise, with many asylum-seekers having little more than their story and feelings to share with the government officials tasked with assessing their claims and thus determining whether each asylum-seeker has a well-founded fear of persecution, as required to meet the refugee definition under international law (Smith-Khan, 2019: 406).

Thus, it can be asserted that the lack of further material to assess if a claimant is eligible for refugee status might become a liability as the institutions conducting the interview might question the honesty of the claimant. Following the RSD interview, a decision is issued within three months and applicants will be notified in writing, in the language understood by the claimants, as indicated on the RSD registration form. There might be different scenarios resulting from the outcome of the interview. Not all the reasons stated by the asylum claimants as the driver for their displacement will be deemed to be in conformity with the criteria regulating the entitlement to a refugee status. Before granting the claimants the opportunity to cross borders and move into another country, the officers first would examine the possibility of an internal flight or relocation alternative<sup>14</sup>. This alternative is adopted after considerations of whether the area of relocation is practically, safely, and legally accessible to the individual and if the claimant might be exposed to a risk of persecution upon relocation. The outcome of the application might be negative, as the applicant might not meet the necessary requirements. In such circumstances, the applicant might consider appealing a negative RSD decision. This should be done in writing and the applicant may provide new information that might be relevant for their application.

In extreme cases, asylum seekers or individuals having been granted a refugee status will automatically be excluded from refugee protection when:

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<sup>14</sup> <https://www.refworld.org/docid/3f2791a44.html> [last access: 17<sup>th</sup> November 2023].

- (a) he<sup>15</sup> has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;
- (b) he has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee; or
- (c) he has been guilty of acts contrary to the purposes and principles of the United Nations.<sup>16</sup>

This means that the individual can no longer be under the protection of or receive assistance from a UNHCR office, but this does not preclude them from enjoying protection according to other international instruments<sup>17</sup>. Furthermore, host states might decide, after the revocation of refugee status, to grant individuals stay based on other reasons except in cases where international laws require criminal prosecution and extradition (UNHCR, 2003).

## 1.2 UNHCR: Story, mandate and operation

The United Nations High Commissioner for Refugees, the UN Refugee Agency, is an intergovernmental organization dedicated to protecting the rights of stateless individuals and those forcibly displaced from their homes. Established in 1950, to replace the International Refugee Organisation (IRO)<sup>18</sup>, UNHCR is the most important organisation addressing refugee-related issues.

The office was established in December 1950 and became operational on 1<sup>st</sup> January 1951 through the legal document known as the 1951 Refugee Convention and its 1967

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<sup>15</sup> The original text maintains the use of the generic masculine, and this strategy will be carried out in the whole dissertation.

<sup>16</sup> <https://www.refworld.org/docid/3f5857684.html> [last access: 21<sup>st</sup> November 2023].

<sup>17</sup> “For example, the 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment absolutely prohibits the return of an individual to a country where there is a risk that he or she will be subjected to torture such as and might be prosecuted and extradited from the hosting country” (*ibidem*).

<sup>18</sup> The International Refugee Organisation was a predecessor of the UNHCR. Established in 1946, this specialised agency was aimed at assisting refugees and displaced persons in Europe and Asia. <https://www.britannica.com/topic/International-Refugee-Organization-historical-UN-agency> [last access: 20<sup>th</sup> December 2023].

protocol<sup>19</sup>. Initially, UNHCR was created with a mandate of only three years and the task of finding solutions to the aftermath of World War II, as millions of Europeans had been forced to flee their homes. The founding statute stated only two primary functions: “to protect refugees and to promote durable solutions to their problems” (UNHCR, 2003: 4). However, from the late 1950s onward, a series of emergent circumstances unfolded beyond the European borders. The process decolonization that took place primarily in Africa, in the 1960s, and the Balkan tumults in the 1980s and 1990s ushered in a new refugee scenario at international scale. In response to such events, the responsibilities of UNHCR were extended to operate outside Europe and include those in refugee-like situations but who were not covered in the 1951 Convention. As the refugee crises has become a global issue in constant mutation, in 2003, the General Assembly of the UN has decided to make UNHCR a permanent agency. Today, the core responsibilities of the UNHCR remain protection, assistance, durable solutions<sup>20</sup> to the refugees’ crises and preventing Refugee Crises with a widened scope of its mandate to cover people in refugee-like circumstances such as stateless persons, asylum claimants and returnees<sup>21</sup>. The UNHCR’s headquarters is situated in Geneva, Switzerland where only 10% of its workforce is based. Most of its personnel are deployed in the field, in the 137 countries where the UNHCR operates with the aim of protecting and assisting people who forcibly left their homes.

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<sup>19</sup> *Ibidem*.

<sup>20</sup> “Durable solutions” are measures adopted by UNHCR “to help restore self-respect and provide opportunities to make a new start”. There are three types of durable solutions identified by UNHCR: Voluntary repatriation (RP), local settlement (LS), and resettlement (RE). <http://refugeestudies.org/UNHCR/UNHCR.%20Mandate%20and%20the%20Organization.pdf> [last access: 20<sup>th</sup> December 2023].

<sup>21</sup> “These are former refugees who have returned to their country of origin spontaneously or in an organised fashion but have not yet been fully (re)integrated”. <https://emergency.unhcr.org/protection/legal-framework/unhcrs-mandate-refugees-stateless-persons-and-idps> [last accessed: 20<sup>th</sup> December 2023].



### 1.3 The asylum procedure in Italy

Italy's strategic geographical position in the Mediterranean Sea has made it a significant country for migration. Historically recognized for its emigration, Italy experienced a shift in the 1970s, becoming a destination for migrants<sup>22</sup>.

As of January 1, 2022, Istat<sup>23</sup> data indicate the presence of 3.5 million foreigners legally residing in Italy<sup>24</sup>. The largest community registered comes from Morocco (408,000; 11.5%), followed by Albania (397,000; 11.1%) and China (291,000; 8.2%), primarily residing in Northern Italy (83.3%)<sup>25</sup>. The geographical location has made the country susceptible to migratory phenomena, often defined as illegal, such as sea disembarkations. In 2022, there was a notable rise in rubber boats landing along the coasts of Sicily and Calabria, with approximately 105,000 refugees arriving, an increase of 55% compared to the previous year (67,477 in 2021). The majority of these migratory flows originate in North Africa, particularly in Libya (53,310), notably as a country of transit, and Tunisia (32,371)<sup>26</sup>. Faced with this situation, Italy, despite lacking a well-established tradition of welcoming migrants and refugees, is working to implement policies to protect eligible asylum seekers while seeking to manage landings on its territory. In Italy, the right to asylum is guaranteed by the international and European law, and it is mentioned by Article 10 of the Italian Constitution which states:

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<sup>22</sup><https://www.internazionale.it/bloc-notes/annalisa-camilli/2018/10/10/storia-immigrazione-italia> [last access: 3<sup>rd</sup> January 2024].

<sup>23</sup> An independent, public research organization that provides official national statistics in Italy. <https://www.istat.it/en/organisation-and-activity> [last access: 3<sup>rd</sup> January 2024].

<sup>24</sup><https://noiitalia.istat.it/pagina.php?L=0&categoria=4&dove=ITA#:~:text=In%20Italia%2C%20al%201%20C%20B0,si%20concentra%20nel%20Centro%2DNord> [last accessed: 3<sup>rd</sup> January 2024].

<sup>25</sup> <http://bit.ly/48J1ky9> [last access: 3<sup>rd</sup> January 2024].

<sup>26</sup> This phenomenon is not limited to Italy but involves other European countries. In 2022, Germany recorded the highest number of asylum applications with 217,700 first-time applications, followed by France (137,500), Spain (116,100), and Austria (109,800). Italy ranked fifth with approximately 77,200 requests. [https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/promoting-our-european-way-life/statistics-migration-europe\\_en](https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/promoting-our-european-way-life/statistics-migration-europe_en) [last access: 3<sup>rd</sup> January 2024].

A foreign national, who is denied – in his or her country – the enjoyment of the democratic freedoms established by this Constitution, shall be entitled to the right of asylum in the Republic under such conditions as shall be established by law<sup>27</sup>.

However, no national law has yet been provided to enforce Article 10 of the Constitution. The term “refugee” (see §1.1 *supra*) was incorporated in the Italian regulation upon the country becoming a State Party to the 1951 Convention. Additionally, the European Union law introduced a secondary type of protection for those ineligible for asylum, granted to third-country nationals or stateless persons who “would face a real risk of suffering serious harm”<sup>28</sup> in case of return to their country of origin. Furthermore, humanitarian protection, (regulated by Legislative Decree n. 286/1998) has been made available to those who do not qualify for asylum protection or subsidiary protection, on serious humanitarian grounds. An amendment, Decree Law n. 113/2018, introduced the “special protection”<sup>29</sup> status for individuals who do not qualify for the humanitarian protection status but might be in danger of refoulement in case of return to the country of origin. The special protection status is valid for one year and can be used to find employment but is not convertible to a working permit. A further amendment was made through Law no. 238/2021<sup>30</sup> to adequate to EU obligation – European Law.

The asylum procedure in Italy initiates with individuals expressing their intention to claim international protection upon arrival. This typically occurs at the Border Police Station, especially for those arriving by sea, or at the Immigration Office of a police station known as “questura”. As Italy is a participant in the Dublin Regulation, the claimants request undergoes analysis to determine whether it falls under Italy’s jurisdiction. Generally, “[t]he competent country for assessing your [the claimant’s] request for international protection is the first European country [the claimant] entered”<sup>31</sup>. After expressing the desire to seek international protection, claimants undergo an identification process where

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<sup>27</sup> [https://www.senato.it/sites/default/files/repository/Costituzione\\_INGLESE\\_2023.pdf](https://www.senato.it/sites/default/files/repository/Costituzione_INGLESE_2023.pdf) [last access: 3<sup>rd</sup> January 2024].

<sup>28</sup> [https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/subsidiary-protection\\_en](https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/subsidiary-protection_en) [last access: 3<sup>rd</sup> January 2024].

<sup>29</sup> <https://www.gazzettaufficiale.it/eli/id/2017/04/18/17A02767/sg> [last access: 3<sup>rd</sup> January 2024].

<sup>30</sup> <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2021;238> [last access: 3<sup>rd</sup> January 2024].

<sup>31</sup> [https://www.interno.gov.it/sites/default/files/allegati/la\\_guida\\_in\\_inglese.pdf](https://www.interno.gov.it/sites/default/files/allegati/la_guida_in_inglese.pdf) [last access: 17<sup>th</sup> January 2024].

personal information (name, nationality, date and place of birth) and biometrics (photo and fingerprint) are collected. The formalisation of the application is completed by filling up the C3<sup>32</sup> form (Modello C3). In order to complete the form, applicants are questioned by a police officer about their origin, background, journey, and the reasons for seeking protection. This process is conducted with the assistance of an interpreter if required. It is also an opportunity for claimants to disclose any special conditions (health issues, psychological or physical abuse, etc.) that might be relevant for their case. Claimants, whose requests are under consideration, have the right to stay in Italy during the pending period. They are entitled to free healthcare for emergency conditions or chronic diseases, accommodation in reception centres, access to education, and permission to work. The examination of the asylum requests is conducted by one of the twenty Territorial Commissions, the Italian competent authority for claims assessment, composed of a Chair of the Commission, a person appointed by UNHCR and two Ministry of Interior caseworkers, one of whom conducts the interview. During the interview, claimants may request an interviewer of a specific gender and are provided with an interpreter for a language they know (note necessarily their native language). They are further questioned about their request and allowed to present evidence orally or in writing. The interview is documented in minutes, and claimants receive a copy. Following the interview, claimants are notified of the Territorial Commission's decision either by post or through a reception centre operator. Positive outcomes result in the grant of refugee status, subsidiary protection, or special protection, depending on the circumstances. On the other hand, applications may be rejected if there are no grounds for protection or if the application is deemed unfounded. In case of rejection, applicants have the right to appeal the decision within 15 or 30 days, depending on the case, with the assistance of a lawyer, provided free of charge if they are short of financial resources. Beneficiaries of refugee status and subsidiary protection receive a Residence permit valid for 5 years. The permit allows beneficiaries to work, access education, healthcare, and facilitates family reunions. After a period of residence in Italy (5 years for refugees and 10 years for beneficiaries of subsidiary protection), beneficiaries can request citizenship. Residence permits are granted for further reasons, such as special protection (one year), medical treatment (one

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<sup>32</sup> <https://help.unhcr.org/italy/asylum-italy/asylum/> [last access: 19<sup>th</sup> January 2024].

year), natural disasters in the country of origin (6 months), and in specific cases such as domestic abuse, victims of labour exploitation, and deeds of outstanding civic value.

#### **1.4 The asylum procedure in the UK**

The tradition of extending a welcoming hand to those in search of refuge often referred to as “humanitarianism” has emerged as a defining feature of British history during the middle and late nineteenth century. Rooted in the Judeo-Christian tradition, the concept of humanitarianism embodies the idea of empathy for humanity. This ideology, combined with Enlightenment ideals and the anti-slavery discussions that marked the Victorian era, gave rise to a British moral imperative, the commitment to serve as a “sanctuary” (Ibrahim & Howarth, 2018: 357) for refugees. Although the religious ideals behind the concept of humanitarianism have faded over the years, the collective narrative of Britain as a shelter nation has persisted within the British tradition. However, many global changes, including terrorism phenomena, have changed the narratives around hospitality and immigration, making it hard for asylum seekers to obtain refugee status in the UK (*ibidem*) One of the pivotal acts that reformed the UK immigration and asylum system is the Immigration and Asylum Act 1999<sup>33</sup>. Enacted for a faster and more efficient administration of the asylum application process, it introduced a support service to asylum claimants including accommodation and financial support, which was coordinated by the National Asylum Support Service (NASS), founded in the year 2000. Following legislations, such as the Nationality, Immigration and Asylum Act 2002<sup>34</sup>, further contributed to the UK asylum system. The act enshrined the concept of “safe country of origin” and “safe third country”<sup>35</sup>.

After Brexit in 2020, the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020<sup>36</sup> was a critical component of the immigration system in UK. It granted the Secretary of State the power to make regulations regarding the criteria for

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<sup>33</sup> <http://tinyurl.com/35w23wa2> [last access: 28<sup>th</sup> December 2023].

<sup>34</sup> <https://www.legislation.gov.uk/ukpga/2020/20/part/1/enacted> [last access: 28<sup>th</sup> December 2023].

<sup>35</sup> The definition of “safe state” or “safe country” provided by the Home Office refers to a country where there is “no serious risk of persecution of its nationals”. <https://rb.gy/ygoi6y> [last access: 28<sup>th</sup> December 2023].

<sup>36</sup> <https://www.legislation.gov.uk/ukpga/2020/20/part/1/enacted> [last access: 28<sup>th</sup> December 2023].

entry, stay and residence in the UK, thus reshaping the immigration procedure. In recent years, according to Home Office (HO)<sup>37</sup> National Statistics, there has been a continuous increase in asylum applications. The only decrease was recorded in 2020, during the Covid-19 pandemic and global confinement measures. Following the end of the pandemic crisis, the upward trend resumed.

In response to the escalating immigration phenomenon, the HO implemented stricter measures to limit entry. In January 2021, the UK government introduced new rules through which an asylum claimant might be declared inadmissible<sup>38</sup>. These new rules stemmed from the impact of Brexit, which led to the termination of the UK's participation in the Dublin Regulation, an agreement that allowed the UK government to return migrants to the EU. In April 2022, The Nationality and Borders Act (NABA), received the Royal Assent and introduced changes to the UK asylum system. It granted the Secretary of State powers to alter the asylum policy without parliamentary agreement. Some elements of the act came into force few months later. For example, Section 12 of the NABA differentiates refugees based on the Home Office's definition of "direct arrival" to the UK:

Those deemed to have come directly, or to have a reasonable excuse for not claiming asylum in a safe country through which they passed, as well as those brought to the UK with prior authorisation (e.g. resettlement) are to be 'group 1 refugees' and others are referred to as 'group 2 refugees' with differential treatment lawful under the NABA<sup>39</sup>.

This difference in treatments determines the length of the stay that will be granted through the refugee status. Section 14 of the same Act specifies that an asylum claim must be made at a "designated place"<sup>40</sup> and the prohibition of making an asylum claim in territorial waters. In case a claim is "certified as clearly unfounded"<sup>41</sup>, section 28 excludes the right

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<sup>37</sup> The Home Office is the lead government department for immigration and passports, drugs policy, crime, fire, counter-terrorism and police. <https://www.gov.uk/government/organisations/home-office/about> [last access: 27<sup>th</sup> December 2023].

<sup>38</sup> <https://righttoremain.org.uk/toolkit/the-inadmissibility-rules/> [last access: 30<sup>th</sup> December 2023].

<sup>39</sup> <https://asylumineurope.org/reports/country/united-kingdom/overview-main-changes-previous-report-update/> [last access: 27<sup>th</sup> December 2023].

<sup>40</sup> *Ibidem*.

<sup>41</sup> *Ibidem*.

to appeal. Finally, section 32 scrutinises a person's claim of a well-founded fear through a two-stage process and two different standards of assessment.

Recently, to reduce illegal crossings to the UK on small boats via the Channel, on the 20<sup>th</sup> of July 2023, the Illegal Migration Bill<sup>42</sup> became an Act resulting in immediate inadmissibility of the claimants, meaning their claims will not be processed by the UK. This provision undermines UK's commitments to refugees as a state party to the 1951 Convention. Indeed, the Convention grants everyone the opportunity to seek asylum in any country and recognises that those fleeing conflicts might have to employ irregular means:

The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of Article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence (Art. 31 of the 1951 Convention)<sup>43</sup>

Despite various measures to restrain asylum claims, the situation has not improved but rather worsened, with a backlog increase due to deterring in the asylum process. The waiting time between registration and screening has increased from 20 days (Quarter 1 2021) to 121 days (Quarter 3 of 2022), although subsequently decreasing to 90 days in Quarter 4 2022<sup>44</sup>.

According to the guidelines of the Home Office, individuals can claim asylum as soon as they arrive at the border by informing immigration officials at the border of their intention. Those who do not make an immediate asylum claim must register their request by scheduling an appointment by phone with the Asylum Intake Unit, formerly known as the Asylum Screening Unit. The government agency responsible for processing asylum requests at ports and in the UK is the Immigration and Protection Directorate, a division

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<sup>42</sup> <https://www.gov.uk/government/collections/illegal-migration-bill> [last access: 27<sup>th</sup> December 2023].

<sup>43</sup> Cited in <https://www.unhcr.org/sites/default/files/legacy-pdf/3bcfd164.pdf> [last access: 27<sup>th</sup> December 2023].

<sup>44</sup> <https://asylumineurope.org/reports/country/united-kingdom/overview-main-changes-previous-report-update/> [last access 30<sup>th</sup> December 2023].

within the UK Visa and Immigration directorate (UKVI)<sup>45</sup>. During the claim registration, a screening process (initial interview) takes place where applicants' data, including photos, fingerprints, and medical conditions are collected. An initial interview about their origin, family, and reasons for seeking asylum, is conducted with the assistance of an interpreter if necessary. At this stage, the applicant may also request housing and financial support. Upon completion of the screening, applicants whose claims are not denied receive an Application Registration Card (ARC). This card certifies claimants' status and allows them to stay in the UK while their request is pending<sup>46</sup>. In cases where an asylum request cannot be considered due to inadmissibility, the applicants are sent to a safe country<sup>47</sup> where their claims will be processed. Following the screening process, applicants receive a letter summoning them for a second interview (substantive interview) conducted by a caseworker. The letter also provides details on how the interview will be conducted, whether in-person or remotely; in both cases, applicants are required to appear at a Home Office interviewing centre. During the interview, applicants can explain the reasons for seeking asylum and present any supporting evidence. The caseworker may ask additional questions, including sensitive ones, to ensure the necessary conditions for granting refugee status are present. During the interview, applicants have the right to request a caseworker of a specific gender and an interpreter if necessary. Moreover, in the case of audio or video recording, applicants have the right to receive a copy and the transcription of the interview to verify the information and make corrections if necessary. Following the interview, applicants' case are examined, and a decision is made regarding the request. In the first scenario, if the asylum claim is successful, applicants are granted refugee status, resulting in a permit to stay in the UK for at least five years. After this period, applicants can apply for settlement, a permanent residence permit in the UK, which allows them to apply for British citizenship after one year. If applicants do not qualify for refugee status but remain at risk upon return to their home country due to wars or internal conflicts, they are granted humanitarian protection, valid for five years, with nearly the same benefits as refugee status. Finally, other permits to remain are granted to

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<sup>45</sup><https://asylumineurope.org/reports/country/united-kingdom/asylum-procedure/procedures/regular-procedure/> [last access: 17<sup>th</sup> January 2024].

<sup>46</sup><https://www.gov.uk/government/publications/application-registration-card-arc/application-registration-card-arc> [last access: 17<sup>th</sup> January 2024].

<sup>47</sup> See footnote 34.

unaccompanied minors in countries without organized reception facilities and victims of modern slavery and human trafficking<sup>48</sup>. In the case of a denied asylum request, if permitted, applicants have the right to appeal. This right is exercised at the Immigration and Asylum Chamber of the First-tier Tribunal (FTT(IAC)) within a maximum of 14 days from the decision, subject to a fixed fee of £140. Applicants receiving asylum support or beneficiaries of public funds are exempted from paying the fee<sup>49</sup>.

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<sup>48</sup> <https://righttoremain.org.uk/toolkit/decision/> [last access: 17<sup>th</sup> January 2024].

<sup>49</sup> <https://asylumineurope.org/reports/country/united-kingdom/asylum-procedure/procedures/regular-procedure/> [last access: 17<sup>th</sup> January 2024].



## **2. Interpreting in the asylum procedure**

The first part of this section delves into language rights, focusing on the legal frameworks and measures implemented by Italy and the United Kingdom to ensure asylum claimants can access vital information and support services in a language they understand. It underscores the importance of interpretation and translation services in facilitating effective communication during asylum procedures. The second part of this section explores interpreting in diverse contexts, emphasizing its peculiarities, and subsequently introduces the ethical principles and deontology governing interpreters' conduct.

### **2.1 Language rights and services in the asylum procedures**

Language proficiency is crucial for asylum claimants who need to receive vital information on legal procedures, how to express their claims effectively and access necessary support services. However, due to the different linguistic backgrounds of migrants, it cannot be assumed that all applicants are proficient in the language of the host country. In this context, the information provided by the institution must be in a language that the applicants understand. This should imply the provision of interpretation and translation services, which are essential to ensure thorough understanding and effective communication during the procedures. Conversely, a lack of such services “leads them [claimants] to make high-risk choices, including dropping out of the formal reception system, out of ignorance of their rights and options” (Translators Without Borders, 2017: 3). This section aims to investigate the legal frameworks and measures implemented by Italy and the United Kingdom to ensure language rights in the asylum procedure. Firstly, the European Union legal framework concerning language rights in criminal courts and in International Protection will be briefly presented, as this legal framework is relevant at least for one of the countries at the core of the analysis and was relevant for the other one until very recently; then, a focus on the two national contexts will follow. Prior to that, a brief overview will be provided regarding the reception system of the countries, specifically, the legal frameworks, integration policies, access to services, and potential challenges. This understanding is crucial to fully grasp the unique aspects of each country's context pertaining to language rights.

### *2.1.1 The European Union and language rights in International Protection*

Access to asylum procedures in the European Union is regulated by the Asylum Procedures Directive 2013/32/EU. This directive ensures the right to information, aiming to facilitate a fair and transparent procedure for asylum claimants:

they shall be informed in a language which they understand or are reasonably supposed to understand of the procedure to be followed and of their rights and obligations during the procedure and the possible consequences of not complying with their obligations and not cooperating with the authorities. They shall be informed of the time-frame, the means at their disposal for fulfilling the obligation to submit the elements as referred to in Article 4 of Directive 2011/95/EU, as well as of the consequences of an explicit or implicit withdrawal of the application. That information shall be given in time to enable them to exercise the rights guaranteed in this Directive and to comply with the obligations described in Article 13<sup>50</sup>.

In the directive, the European Union underscores the importance of timely and precise information provision to migrants. Claimants are to be well-informed about their rights, the process of seeking international protection, reception benefits available to them, as well as their obligations, including the submission of necessary documents to prove their claim within specified deadlines. This emphasis on access to accurate information is crucial in correcting any misinformation that migrants may have received. Access to such information for migrants should be free as stated by Article 19 (1) APD:

In the procedures at first instance provided for in Chapter III, Member States shall ensure that, on request, applicants are provided with legal and procedural information free of charge, including, at least, information on the procedure in the light of the applicant's particular circumstances.<sup>51</sup>

Concerning language rights in criminal courts within the European Union (EU), the key directive that governs this area is Directive 2010/64/EU. This directive specifically focuses on the provision of interpretation and translation services in legal contexts, with

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<sup>50</sup> Asylum Policy Directive 2013/32/EU, Article 12(1)(a) <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32013L0032> [last access: 5th January 2024].

<sup>51</sup> Asylum Policy Directive 2013/32/EU, Article 19(1) <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32013L0032> [last access: 5th January 2024].

a particular emphasis on criminal proceedings. The origins of this directive can be traced back to Article 6(3) of the European Convention on Human Rights (ECHR), which states:

Everyone charged with a criminal offence has the following minimum rights:

- (a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him<sup>52</sup>

Moreover, the directive stipulates that language services must be both “free and adequate”<sup>53</sup> and accessible throughout the legal procedure. This specifically applies to interpretation services and translation of essential documents. The directive includes measures to ensure the effectiveness of these language services, including the establishment of a registry of qualified independent translators and interpreters (Article 5). In the context of asylum procedures, the most important provision put in place, in terms of language rights, for the asylum context is found in Article 15(1)(c) of the Asylum Procedures Directive 2013/32/EU. This article highlights the possibility of applicants to choose the language in which they will receive information and emphasizes the importance of an interpreter “ensuring appropriate communication between the applicant and the person who conducts the interview”<sup>54</sup>.

### *2.1.2 Italy and language rights in International Protection*

In 2001, the *Programma Nazionale Asilo* (National Asylum Programme) emerged as a collaborative initiative involving the Ministry of Interior, the Associazione Nazionale Comuni Italiani (National Association of Italian Municipalities or ANCI), and the United Nations High Commissioner for Refugees (UNHCR). This pioneering program aimed to

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<sup>52</sup><https://fra.europa.eu/en/law-reference/european-convention-human-rights-article-6#:~:text=1%20In%20the%20determination%20of,impartial%20tribunal%20established%20by%20law> [last access: 19<sup>th</sup> January 2024].

<sup>53</sup> <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A32010L0064> [last access: 19<sup>th</sup> January 2024].

<sup>54</sup> <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32013L0032> [last access: 19<sup>th</sup> January 2024].

address the absence of an efficient reception system, focusing on providing comprehensive assistance and fostering integration for migrants at both national and local levels. The formal adoption of these provisions took place through Law n.189/2002, leading to the creation of the *sistema di protezione per richiedenti asilo e rifugiati* (Protection System for Asylum Seekers and Refugees or SPRAR). SPRAR operated as a network of local authorities collaborating to design and manage reception projects for migrants; it goes

well beyond the mere provision of board and lodging, but includes orientation measures, legal and social assistance as well as the development of personalised programmes for the social-economic integration of individuals<sup>55</sup>

In 2018, the Italian reception system underwent significant changes with the amendment of SPRAR through Decree Law 113/2018, subsequently converted into Law 132/2018. The new changes to the system, named *sistema di protezione per i titolari di protezione internazionale e per minori stranieri non accompagnati* (Protection System for Beneficiaries of International Protection and Unaccompanied Foreign Minors or SIPROIMI), restricted access to reception services, exclusively to owners of international protection, individuals with a residence permit for special reasons, and unaccompanied asylum-seeking children (UASC). A further amendment unfolded with Decree Law 130, enacted as Law 173 in December 2020, renaming SIPROIMI as *Sistema di Accoglienza e Integrazione* (Reception and Integration System or SAI)<sup>56</sup>. This transformation expanded services to a wider spectrum, now encompassing asylum seekers (previously excluded by Decree Law 113/2018), refugees, UASCs, foreign citizens under social services care upon reaching adulthood, and holders of special residence permits. The enhanced SAI reception system operates on two levels. The first level is directed to international protection claimants, while the second level extends services to protection status holders, focusing on facilitating their integration into society. The reception service is organized into three distinct phases: an initial contact phase where migrants undergo identification and health screening; asylum claimants then transition to temporary reception centres before moving to second reception centres. Here, individuals can access a range of SAI services, including language rights (language mediation and language

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<sup>55</sup> <https://www.retesai.it/english/> [last access: 10<sup>th</sup> January 2024].

<sup>56</sup> *Ibidem*.

courses) and professional development programs<sup>57</sup>. In the sphere of language rights, Italy complies with the European Directive 2010/64, covered in the previous section, which protects the right to access information in a language claimants understand. Further provisions on the right to an interpreter within the European context include Directive 2013/33/EU, transposed into Italian law through Legislative Decree 142/2015; This Decree mandates the presence of an interpreter or mediator as needed during the asylum application procedure<sup>58</sup>. On a national scale, Decree 173/2020 encompasses language rights, establishing linguistic and cultural mediation as an obligatory element in reception services. In practical terms, the provision of these services is not consistently efficient. For instance, at border locations, there is no guarantee that these services will be available depending on the language spoken by applicants. Furthermore, sea landings frequently occur outside of official border crossing points, where interpreting services are readily accessible, at least for some languages<sup>59</sup>. Moreover, a comprehensive monitoring initiative conducted in 2021 revealed systematic negligence of the abovementioned decree. Several reports have consistently highlighted the absence of mediators in numerous *questure*<sup>60</sup>. In a wider attempt to discourage applications, authorities at *Questura* have been observed pressuring reception service operators to function as intermediaries in their communication with applicants. This not only constitutes an illegal practice but also infringes upon established legal standards, thereby depriving applicants of their rightful access to a just asylum application process<sup>61</sup>. Limited information is accessible regarding language rights, particularly regarding the service distribution on a national level as it is still an unexplored field.

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<sup>57</sup> <https://www.openpolis.it/parole/che-cosa-sono-i-cas-lo-sprar-e-gli-hotspot/> [last access: 10<sup>th</sup> January 2024].

<sup>58</sup> <https://www.gazzettaufficiale.it/eli/id/2015/09/15/15G00158/sg> [last access: 22<sup>nd</sup> January 2024].

<sup>59</sup> [https://asylumineurope.org/reports/country/italy/asylum-procedure/procedures/regular-procedure/#\\_ftn36](https://asylumineurope.org/reports/country/italy/asylum-procedure/procedures/regular-procedure/#_ftn36) [last access: 22<sup>nd</sup> January 2024].

<sup>60</sup> *Questura* is a kind of police station in Italy.

<sup>61</sup> CSD Diaconia Valdese (2021). *Monitoraggio prassi illegittime*. <https://www.asgi.it/ultima-ora-aggiornamenti/la-diaconia-valdese-denuncia-le-prassi-illegittime-delle-questure/> [last access: 22<sup>nd</sup> January 2024].

### 2.1.3 *The United Kingdom and language right in International Protection*<sup>62</sup>

The reception system implemented by the UK offers various types of provisions and support depending on the circumstances. The primary form of support, known as Section 95 support, encompasses both accommodation and subsistence payments for claimants who have demonstrated destitution and submitted their applications as soon as they arrive in the UK (conditions permitting). During the evaluation of eligibility for Section 95 support, claimants may also receive non-cash assistance support, referred to as Section 98, which could include temporary accommodation. Furthermore, additional supports are available under Section 96(2) for applicants facing (so-called) unique circumstances, such as medical needs or loss of personal belongings. In cases where claims have been refused, some individuals qualify for non-cash and accommodation support, Section 4 accounts for this alternative option<sup>63</sup>. To facilitate access to the measures designed for applicants, the UK government has implemented regulations concerning language rights and services (Part 11 of the UK Immigration Rules). Paragraph 339ND states that:

The Secretary of State shall provide at public expense an interpreter for the purpose of allowing the applicant to submit their case, wherever necessary. The Secretary of State shall select an interpreter who can ensure appropriate communication between the applicant and the representative of the Secretary of State who conducts the interview<sup>64</sup>

The regulation emphasizes two primary factors: the entitlement to an interpreter throughout the entire process, starting from the initial screening to the substantive interview, and the significance of choosing a skilled interpreter, a “person carrying out the work in a professional capacity”<sup>65</sup> The Home Office Interpreters & Language Service Unit (ILSU) is entrusted with the task of ensuring the provision of language services. In addition to this, ILSU is accountable for the recruitment process and the establishment of essential qualifications for individuals seeking to work as freelance interpreters for the

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<sup>62</sup> For in-depth knowledge about the procedure see §1.4 (*supra*).

<sup>63</sup> <https://asylumineurope.org/reports/country/united-kingdom/reception-conditions/access-and-forms-reception-conditions/criteria-and-restrictions-access-reception-conditions/> [last access: 11<sup>th</sup> January 2024].

<sup>64</sup> <https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-11-asylum> [last access: 19<sup>th</sup> January 2024].

<sup>65</sup> Home office (2021). *Interpreters Code of Conduct*. [https://assets.publishing.service.gov.uk/media/62b41f35e90e0765d34880fa/Code\\_of\\_conduct\\_for\\_UK\\_visas\\_and\\_immigration\\_registered\\_interpreters\\_v4.pdf](https://assets.publishing.service.gov.uk/media/62b41f35e90e0765d34880fa/Code_of_conduct_for_UK_visas_and_immigration_registered_interpreters_v4.pdf) [last access: 19<sup>th</sup> January 2024].

Home Office. Furthermore, ILSU collaborates with various language company providers (thebigword, National Register of Public Service Interpreters) to fulfil its language service requirements<sup>66</sup>.

## **2.2 Interpreting in the asylum procedure**

When talking about interpreting, a distinction must be made between conference interpreting, perhaps the most represented type of interpreting in popular culture, and dialogue interpreting. Within this second category fall business interpreting and public service interpreting (PSI), also called “community interpreting”. Public service interpreting plays a crucial role in ensuring that individuals can access essential services and resources, regardless of their language proficiency. This form of interpretation has emerged because of economic, social, and political changes brought about by globalization and increased mobility of people. Public service interpreting is specifically designed to facilitate communication between individuals or groups who do not speak the official or dominant language of the services provided by central or local government (Rudvin & Tomassini, 2011). This type of interpreting allows them to access these services and effectively communicate with the service providers (Hertog, 2010). It is an “intrasocial” (Garzone, 2009: 3) language service aimed at linguistic minorities (Pointurier, 2016: 30) which operates in various fields such as medical, legal, school (the three main domains in PSI) and other institutional contexts.

### *2.2.1 The humanitarian setting for interpreting services*

This interpreting setting focuses on the work of interpreters and mediators in complex humanitarian situations, such as wars, violence, and health crises. A definition of humanitarian interpreters and mediators could be that of individuals who work with organizations that have humanitarian mandates in conflict or post-conflict contexts, operating within the legal framework of International Humanitarian Law (IHL) and International Refugee Law<sup>67</sup>. The emergence of humanitarian interpreting in conflict and

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<sup>66</sup> <https://questions-statements.parliament.uk/written-questions/detail/2021-12-02/86151> [last access: 19<sup>th</sup> January 2024].

<sup>67</sup> <https://www.unige.ch/inzone/what-we-do/research/research-areas/humanitarian/humanitarian-interpreting/> [last access: 2<sup>nd</sup> February 2024].

post-conflict zones has created interest in a new setting that, while having some points in common, differs from legal and police interpreting. Interpreters (and mediators)<sup>68</sup> do not only facilitate communication but also actively participate in humanitarian endeavours. Their responsibilities are governed by the principles of International Humanitarian Law (IHL), encompassing humanity, impartiality, neutrality, and independence (Rosendo & Radicioni, 2023). However, their primary task is to provide interpreting services, enabling beneficiaries such as detainees, conflict victims, and asylum seekers to access their rights. The context in which they work might expose them to the suffering of those they assist (Delgado Luchner and Kherbiche, 2018).

By assisting beneficiaries in accessing their rights, humanitarian interpreters are considered “aid workers”, carrying out a form of cultural mediation, as it allows migrants to benefit from their rights in a humanitarian context (Radicioni 2019).

Despite the research that have been conducted on the ethical, psychological, and organizational implications of the interpreters’ work, particularly in war-related contexts, there is a lack of studies focusing on the training of humanitarian interpreters. To address this gap, the Faculté de traduction et d’interprétation (FTI), the interpreting department at the University of Geneva, has taken the initiative to develop a training program specifically tailored for humanitarian interpreters<sup>69</sup>. This program aims to equip interpreters with the necessary knowledge and skills to effectively carry out their profession in the field; a formal training also defines the formal competences, including ethical and deontological, of the profession. The training course utilizes a combination of online and on-field training methods to provide interpreters with essential elements for their practice. In 2017, a similar project has also been established in Italy through a collaboration between the Dipartimento Interpretazione e Traduzione (DIT), the Department of Interpretation and Translation at the University of Bologna, and the University of Geneva. The project was the first pilot course on humanitarian interpreting in Italy, targeting language professionals already working with the Territorial

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<sup>68</sup> For a discussion of these two professions and of their differences, see §2.2.2, *infra*.

<sup>69</sup> <https://www.unige.ch/inzone/what-we-do/research/research-areas/humanitarian/humanitarian-interpreting/> (last access: 26<sup>th</sup> January 2024).



Commission. This course was offered free of charge and aimed to provide mediators with fundamental skills in consecutive interpretation and professional ethics<sup>70</sup>.

### 2.2.2 *A word of caution: Interpreters or mediators?*

Until now, the terms “mediator” and “interpreter” have both appeared in the different settings, based on the country in which the role is found, highlighting their shared focus on facilitating effective communication in different linguistic and cultural contexts. This leads to ask whether they are two distinct roles and in what they differ. An interpreter is a professional who has “developed communication and translation techniques” (Niemants & Bernardi, 2022: 402) and verbally translates from one language to another to achieve accuracy and impartiality in conveying the message. On the other hand, mediators, who are not globally recognised as a profession, have a role that extends beyond linguistic boundaries (Niemants & Bernardi, 2022). As mentioned earlier, the term “mediator” is specific to certain countries such as Italy, Spain, and Belgium. In the majority of countries, the function typically associated with a mediator is rather known with the title of Public Service Interpreter or Community Interpreter (Niemants & Bernardi 2022). This is the case in the UK, one of the two countries examined in this dissertation.

Concerning Italy, it is interesting to examine the complex situation in the terminology used to define what is otherwise internationally known as a Public Service Interpreter. As previously mentioned, the most well-known figure in Italy is that of the mediator. According to Mette Rudvin (2022), in Italy, the role of the interpreter is clearly distinct from that of the mediator and is often associated with domains such as business, media, and tourism. On the other hand, the mediator is a professional figure primarily designated for foreigners. This perception stems from the socio-cultural context of the 1970s and 1980s, a period marked by the emergence of migration, during which foreign individuals were employed to assist “Italians understand the migrant and to help the migrant integrate into Italian culture, social and institutional life” (Rudvin, 2022: 64). Alessia Cianflone (2020) examines the perceptions of interpreters, particularly highlighting the distinction between traditional interpreters and mediators. The differences between the two roles are reflected in their training paths and experiences. On the one hand, interpreters receive

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<sup>70</sup> <https://magazine.unibo.it/archivio/2017/06/28/parte-il-primo-corso-pilota-in-interpretazione-umanitaria> (last access: 26<sup>th</sup> January 2024).

academic training focused on translation and communication techniques, but it does not adequately address the actual demands, as the languages studied often revolve around European combinations, neglecting the languages required by public institutions (Rudvin, 2022). Additionally, interdisciplinary aspects such as cultural, psychological, sociological, or anthropological dimensions are not adequately addressed, despite their fundamental importance in fulfilling this role (Cianflone 2020).

Conversely, mediators, who often lack formal qualifications, receive intermittent training through regional courses or courses funded by NGOs. However, there is no uniformity in these training programs which primarily focus on cultural and institutional aspects, neglecting the crucial linguistic and technical components (Garzone, 2009). Consequently, this results in a dichotomy where “the two profiles are, then, essentially opposite: the first one has a global perspective on the healthcare system<sup>71</sup>, but [mediators are] not trained in some specific techniques that could allow them to manage mediated communication; the second one has developed communication and translation techniques, but [interpreters] know nothing, or very little, about the healthcare environment where they will be working” (Niemants & Bernardi in Gattiglia & Morelli, 2022: 50-51). To address this issue within the socio-health field, Niemants and Bernardi (*ibidem*) proposed a joined training for interpreters and mediators. This approach acknowledges the distinctions between the two roles while emphasizing their shared objective of foreign language interpretation. The training program commences with the fundamentals of communication in both Italian and the foreign language, encompassing the necessary skills and strategies for effective interpretation. Subsequently, a range of activities are implemented, including role-playing exercises to simulate real-life scenarios, analysis of case studies, and terminology exercises. These activities serve a dual purpose: equipping interpreters to navigate practical situations across various domains and enabling mediators to develop linguistic proficiency. On this note, Gattiglia & Morelli (2022) suggested a reconciliation between the two roles towards a potential merging by coining the term “interpreter-mediator” (22).

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<sup>71</sup> The authors are specifically dealing with the medical field but it is also valid for the public service.

### *2.2.3 The “role” of interpreter-mediators*

The concept of role, as defined by sociologists, is “a set of more or less normative behavioural expectations associated with a ‘social position’” (Pochhacker, 2004 in Errico & Morelli, 2015:48). Traditionally, the role of interpreters has been undervalued and seen as a “mere linguistic conduit” (Angelelli, 2016: 8). The main idea was that interpreters perform best their role when they are not noticed (Venuti, 2017). This perception aligns with conference interpreting, especially in the simultaneous mode where the interpreter is often physically far from the speaker and only their voice is heard from a remote location, such as a booth. However, this limited view of the interpreter’s role does not consider the unique aspects of non-conference, dialogue interpreting, where interaction occurs in both directions. If communication is seen as a cooperative process involving “negotiation among all participants that are involved” (Errico & Morelli 2015: 49, my translation), it implies that interpreters must actively participate in the co-construction of interaction to achieve their goal in communication, as highlighted by the fundamental text by Wadensjö (1998). Interpreters play a crucial role in facilitating interaction, also introducing and coordinating speaking turns and eliciting responses from the parties involved, especially in situations where the relationship between parties is asymmetrical (Roy, 2000). Nevertheless, there are uncertainties about the conduct or specific role interpreters should assume in different settings (Kalina, 2015). In legal settings, there is still an emphasis on providing a verbatim rendition, while in medical contexts, interpreters often take on a more mediating role to facilitate understanding between healthcare professionals and patients.

### *2.2.4 Ethics and deontology of interpreters*

Ethics and deontology play crucial roles in guiding the behaviour and decisions of professionals across various fields. Across disciplines such as medicine, law, and interpretation, these frameworks serve as essential guides for upholding integrity, accountability, and respect for individuals’ rights. By adhering to ethical principles and deontological standards, professionals ensure fairness, transparency, and trustworthiness in their interactions and practices. Recognizing the importance of ethics and deontology is critical for maintaining public trust, promoting professionalism, and safeguarding the welfare of all involved parties.

Ethic refers to an individual decision-making based on personal moral reflections regarding what is morally right in a specific situation (Pointurier, 2016). On the other hand, deontology refers to guidelines developed by organizations or professions. These guidelines are “enshrined in codes of ethical/or professional conduct and are established” (Kalina, 2015: 66). Several interpreting associations, both at the national level (such as AITI, ANITI, ITI, AIT) and international level (including AIIC, AITC, EULITA, etc.), have implemented codes of conduct. This dissertation aims to analyse the key components of one specific ethical code that be considered to be sufficiently representative, that of the European Legal Interpreters and Translators Association (EULITA)<sup>72</sup>. The key ethical principles considered are confidentiality, accuracy or fidelity, and impartiality.

The principle of confidentiality as outlined in the EULITA code states that:

Legal interpreters and legal translators shall be bound by the strictest secrecy. Any information acquired in the course of an interpreting or translation assignment for judicial purposes or its preparation shall not be disclosed.

Legal interpreters and legal translators shall refrain from deriving any personal or financial benefit from information they have acquired in the course of an interpreting or translation assignment for judicial purposes, or its preparation (EULITA, 2013).

In the context of International Protection, confidentiality is particularly crucial, especially during interviews with individuals who may have experienced physical or psychological traumas in their refugee journey. Assuring claimants that interpreters are bound by confidentiality principles creates a conducive environment for providing accurate information (UNHCR, 2017).

The principle of accuracy is described as such:

The source-language message shall be faithfully rendered in the target language by conserving all elements of the original message while accommodating the syntactic and semantic patterns of the target language. The register, style and tone of the source language shall be conserved.

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<sup>72</sup> The European Legal Interpreter and Translators Association that “Its mission is to promote, in the interest of justice, the fundamental principles of human rights and fundamental freedoms; to advance the quality of legal translation and legal interpreting in both spoken and signed languages” [last access: 4<sup>th</sup> February 2024].

Errors, hesitations and repetitions should be conveyed. (EULITA, 2013)

Nevertheless, in dialogue interpreting, where individuals do not often share the same cultural values, strict adherence to “faithful” interpretation “evacuates the cultural data” (Barsky, 1994: 49). Finally, the principle of impartiality refers to the neutral role that the interpreters ought to adopt and the necessity to notify any contact or interaction that could impinge their profession:

Legal interpreters and legal translators shall remain neutral and also maintain the appearance of impartiality, avoiding any undue contacts with either witnesses, defendants and their families or members of the legal professions.

Any potential conflict of interest shall be immediately disclosed to the court\*).  
(EULITA, 2013: 3)

This last ethic is peculiar to the interpreting profession as it is not present in the ethical codes of other professions.

Some of the abovementioned codes are inclined towards conference interpreting and do not consider practical aspects of non-conference interpreting. As a matter of fact, in real-life situations, there are many violations of these codes. In medical settings, in the interaction between a doctor and a patient, an interpreter who is sensitive to the communicative situation might violate the principles of impartiality and fidelity by adding information they deem necessary for the patient’s understanding. In other contexts, healthcare professionals expect the interpreters to go beyond linguistic aspects and overcome cultural barriers to facilitate mutual comprehension. However, this approach may be perceived as intrusive by certain doctors (Kalina, 2015). In legal contexts, the interpreter’s linguistic choices are limited due to the strong emphasis on neutrality peculiar to this particular setting, where the law requires that a testimony is given by the speaker with no external intervention whatsoever. As such, interpreting as a translation process involving another individual poses a problem and a threat to the whole proceedings. This can explain the emphasis on verbatim translation, and a possible distrust towards legal interpreters, as they possess the unique ability to comprehend both languages and potentially influence the content of the communication (Chessa, 2012). To

maintain the interpreter's necessary invisibility, then, it is requested that speeches be rendered in the first person (just as in conference interpreting).

However, several kinds of violations from the general principles enshrined in deontological codes can occur when institutions acknowledge the presence of interpreters and assign them an explanatory role, requiring that information be adapted to the recipient's language proficiency. A common violation in legal settings occurs when interpreters try to get accurate information from one of the parties, usually the vulnerable party, by asking further questions (a violation of the principle of faithfulness and impartiality) and presenting to the dominant party the information that is deemed useful. Lastly, interpreters might adopt a communication strategy involving the use of third-person pronouns (violation of neutrality), in case of verdict, for example, to preserve their negative face (Chessa, 2012).

The examples clearly demonstrate that deontological codes lack a practical approach, or at the very least, fail to consider the practical experiences encountered in non-conference interpretation. As suggested by Kalina (2015), it would be advantageous to develop specific ethical codes, for each setting, that consider the peculiarities and unique characteristics of such situations, all with an approach that is based on good practices.



### **3. Methodology**

This dissertation aims to conduct a comparative study on a specific genre of text: the guides and recommendations produced by governments (Italy and the United Kingdom) and supranational institutions (UNHCR). These documents are directed towards individuals involved in the asylum-seeking process, including applicants, interpreters/mediators, and immigration officers. The objective is to examine how the roles of interpreters/mediators are portrayed in these texts, considering the differing models of reception in the two countries.

#### **3.1 The corpus**

To fulfil the objectives of this study, a corpus of relevant textual materials has been collected. The term “corpus” here refers to a substantial quantity of text, encompassing guidelines, handbooks, training materials and information sheets provided by governments and supranational institutions regarding the role of interpreters in the context of international protection. The corpus includes a diverse range of materials. The focus was on materials directed towards asylum claimants, immigration officers, and interpreters allowing a better understanding of the different perspectives and expectations associated with the role of the interpreter. Documents were meticulously selected, based on their relevance to each stakeholder group, from governmental sources (Italy and the United Kingdom) and supranational institutions (UNHCR). These materials provide insights into the specific conduct, responsibilities, and ethical considerations expected from interpreters engaged in the asylum process. Others within the corpus offer comprehensive training materials, including self-assessment modules and role-playing exercises based on real-life scenarios; they exceed mere descriptions of the interpreter’s role, providing practical tools for training and self-evaluation as well as “basic information about how interpreters can take care of themselves since interpreting in a refugee-interview context can be demanding and possibly dangerous” (UNHCR 2009: 9).



Target reader / Source	Handbook	Guideline	Training module	Code of conduct
<b>Asylum seekers</b>				
<i>UNHCR</i>	0	0	0	0
<i>UK</i>	0	1	0	0
<i>IT</i>	1	1	0	0
<b>Court commissioners</b>				
<i>UNHCR</i>	0	2	0	0
<i>UK</i>	0	2	0	0
<i>IT</i>	2	0	0	0
<b>Interpreters</b>				
<i>UNHCR</i>	1	1	1	0
<i>UK</i>	0	0	0	1
<i>IT</i>	1	0	0	0

Table 1: data that was available for the dissertation aim.

### 3.2 Methodology and data collection

This dissertation employs a qualitative research approach based on comparative textual analysis. The methodology adopted here is a combination of bottom-up and top-down approaches. In the inductive phase, a bottom-up approach is employed to discern and construct the role of interpreters. This involves an exploration of various materials provided by states and institutions, allowing for an in-depth understanding of the diverse perspectives and practices surrounding interpreter roles. In addition to the inductive approach, the research employs a deductive strategy to bring organization and direction to the study. The deductive phase involves the identification of three fundamental principles (accuracy/fidelity, confidentiality, impartiality) that are commonly present in the ethic and deontology of interpreters. This phase acts as a framework to analyse the constructs identified during the inductive phase. The initial phase of data collection involved mainly a desktop search of resources concerning the different countries and institutions under examination. This collaborative effort between myself and the co-supervisor aimed at identifying and accessing materials pertinent to the research focus. The exploration encompassed various channels to gather a sufficient number of useful documents. Special attention was given to the investigation of data for the UK, as an

Erasmus traineeship program facilitated by the University of Genoa, represented an opportunity to acquire materials specifically related to that setting. A pivotal aspect of the data collection process involved engaging with the librarians at the University of Liverpool, the hosting institution, who were useful in navigating the resources available at the University of Liverpool. This interaction played a crucial role in identifying relevant materials for the dissertation.

### **3.3 Data analysis and challenges**

After the collection of data, these were organized systematically ensuring that the relevant documents were readily accessible for the analysis. The analytical process involved a thematic coding approach<sup>73</sup>, the identification and analysis of key words, concepts, and constructs related to the representation of the interpreter in various contexts, resulting in the identification of common patterns or variations in the representations of the interpreter's role. The findings of each context were then discussed culminating in the construct of the interpreter's ideal role and compared with the constructs that are already established in many ethical codes. In order to maintain clarity, the research was systematically structured, with each setting i.e. asylum seeker, presented in a way that captures the different perspectives of the countries and supranational institutions examined. Throughout the analysis, challenges were encountered, particularly related to the scarcity of materials in certain settings. The scarcity of the of data that have been analysed is a data itself, an indication that much research and investigations are to be carried out in this field.

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<sup>73</sup> Lieblich A., Tuval-Mashiach R., Zilber T. (1998). *Narrative research: Reading, analysis, and interpretation*. Thousand Oaks: SAGE.



## **4. Analysis and discussion**

This chapter undertakes an analytical examination of the corpus extracted from materials originating the various countries and supranational institutions (Italy, UK and the UNHCR), each targeting different stakeholders (asylum claimants, asylum officers and interpreters) involved in asylum procedures. The analysis is structured around three fundamental ethical principles: confidentiality, impartiality, and accuracy. Furthermore, the analysis extends beyond ethical considerations to encompass linguistic elements inherent in the texts. Nominalisation will be scrutinized to observe whether the ethical principles are explicitly named and emphasized within the materials. Additionally, modality will be explored to understand how the texts delineate professional conduct from an ethical standpoint, both linguistically and non-linguistically. Finally, the agency expressed in the role of the interpreter will be investigated, shedding light on the extent to which interpreters are portrayed as active participants in the asylum process. By examining diverse materials and linguistic elements, this analysis aims to illuminate the challenges, nuances, and opportunities inherent in interpreter practice within this complex and crucial domain.

### **4.1 Materials available for asylum seekers**

The description of the role of interpreters in materials for asylum seekers is of paramount importance in ensuring the accessibility, fairness, and effectiveness of the asylum process. Interpreters are vital for effective communication, as they facilitate understanding between asylum seekers and authorities who may speak different languages or come from diverse cultural backgrounds. By clearly delineating the roles and responsibilities of interpreters, materials for asylum claimants can help alleviate language barriers, empower asylum seekers to actively participate in their asylum proceedings, and ensure that their rights are fully understood and upheld. On the other hand, it is important that asylum seekers understand the role of interpreters to avoid raising expectations that are far from reality. By clearly outlining the responsibilities and limitations of interpreters in materials for asylum claimants, individuals can have realistic expectations about the assistance they will receive during their asylum proceedings.

#### *4.1.1 Absence of data in the United Kingdom and UNHCR*

The absence of data regarding interpreter roles in the materials from the United Kingdom (UK) and the UNHCR is striking and raises significant concerns regarding the accessibility and comprehensiveness of information provided to asylum seekers. In the UK's *Information booklet about your asylum application* (2023, IB) there is a notable absence of any mention of interpreters and their roles, as only the provision of linguistic service is mentioned:

We will interview you in your first language or a language that you are reasonably able to understand. (IB: 6)

Similarly, the absence of ethical considerations for interpreters in materials for asylum seekers from the UNHCR suggests a gap in information provision that needs to be addressed. Given the pivotal role interpreters play in facilitating communication for asylum seekers, it is imperative to define their roles precisely. This clarity is essential to ensure that asylum seekers understand the support available to them and the limitations of interpreter services.

#### *4.1.2 Materials for asylum seekers in Italy*

In the Italian corpus, while there are some references to interpreters in materials intended for asylum seekers, the amount of detailed information provided is still limited. However, this situation represents a slight improvement when compared to the complete absence of data found in materials from the UK and UNHCR. In this context, two texts have been considered to evaluate the depiction of interpreter roles in materials for asylum seekers, namely *Practical guide for asylum seekers in Italy*<sup>74</sup> (2020, PGAS) and *Vademecum per richiedenti protezione internazionale* (guideline for international protection claimants, VRPI, 2007). In both texts, the claimants are addressed by using second-person pronoun “you”, a sign of an informal register in Italian. Furthermore, the register adopted in the texts is simple and accessible, reflecting the intended audience of asylum seekers. References to ethical principles are predominantly found in the first text, while the second

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<sup>74</sup> The text is also available in English.

text primarily emphasizes the linguistic provision made available to asylum seekers. The *Vademcum* cites:

In this regard, you will be provided with a date for an appointment at the Police Office. During this meeting, a police officer will be present, and if necessary, an interpreter who speaks your language or a language that allows you to express yourself will also be present. (VRPI: 10, my own translation<sup>75</sup>)

All communications related to the asylum application (such as summonses before the Police or before the Commission, requests for documentation, transfers to another country, and decisions of the Commission) will be conducted in your language. If this is not possible, communications will be conducted in English, French, Spanish, or Arabic, according to the preference you have indicated. (my own translation: 12<sup>76</sup>)

At the hearing, an interpreter who speaks your language will participate and translate what is said. (my own translation: 12<sup>77</sup>)

Overall, the text reflects a proactive approach to addressing language barriers and ensuring that asylum seekers have access to essential services and information in a language they understand, but not much is said about the role interpreters in this process. On the other hand, the first text (PGAS) contains more information on ethical principles and they align with the principles provided by the EULITA's code and cite:

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<sup>75</sup> “A tal proposito ti verrà indicata la data per un appuntamento all'interno dell'ufficio di Polizia. Durante tale incontro sarà presente un funzionario della Polizia e – se necessario – un interprete che parla la tua lingua oppure una lingua che permetta di esprimerti”.

<sup>76</sup> “Tutte le comunicazioni che riguardano la domanda d'asilo (ad esempio, le convocazioni davanti alla Polizia o davanti alla Commissione, la richiesta di documentazione, il trasferimento in un altro Paese, la decisione della Commissione) verranno fatte nella tua lingua se non è possibile, in lingua inglese, francese, spagnola o araba, secondo la preferenza che tu hai indicato”.

<sup>77</sup> “All'audizione parteciperà un interprete che parla la tua lingua e che traduce quello che viene detto”.

The interpreter is an independent and impartial professional who provides a literal translation of questions and answers. They are sworn to confidentiality and are not involved in assessing your case. (VRPI, 2007)

While mentioning the principles is important for raising awareness and setting expectations, the lack of definitions and explanations may limit understanding, especially for asylum seekers who may be unfamiliar with legal or ethical concepts.

The citation is indeed vague, particularly regarding the term “literal translation”, and it fails to address the potential challenges arising from cultural differences or nuances in language. Without clarification or elaboration, it is unclear whether the text acknowledges the complexities of translation, including the potential lack of direct equivalences between languages or cultural differences that may affect interpretation. Moreover, the term “literal translation” may not adequately convey the nuances of meaning or cultural context inherent in certain languages or expressions.

Generally, the text presents a notable deficiency in the clarity and explanation of critical principles such as interpreter roles within materials designed for asylum seekers. As previously discussed, there is a critical need for a deeper understanding of the role of interpreters and increased awareness among asylum seekers about the limitations of interpreter services. Providing asylum seekers with comprehensive information about interpreter roles, including their responsibilities, boundaries, and ethical considerations, is essential to ensure informed participation in the asylum process. Additionally, raising awareness about the potential challenges and limitations of interpreter services, such as language barriers, cultural differences, and the inability to convey certain nuances accurately, can help manage expectations and facilitate better communication between asylum seekers and interpreters.

#### **4.2 Materials available for asylum officers**

This section presents an analysis of the perspectives on the interpreters’ role as outlined in the materials provided for asylum officers. In contrast to the previously examined scenario, there is a greater amount of information that will be useful to the reconstruction of ethical and deontological framework of the profession of interpreters in humanitarian

setting. In the collected documents, information concerning the interpreters is relatively sparse: this might lead to a lack of substantial understanding and awareness of commissioners regarding the role of interpreters. Materials specifically designed for asylum officers regarding the role of interpreters is of extreme importance as they provide guidance and information to the asylum officers, enabling them to effectively communicate with individuals seeking asylum who may have limited language proficiency. By understanding the role of interpreters, asylum officers can balance their expectations on the interpreters with the actual capacities and limits of interpreters. An equally crucial point is that asylum officers can understand how to conduct effective communication, adapting their discourse to the needs of interpreter-mediated communication.

#### *4.2.1 Materials for asylum officers in the United Kingdom*

The analysed materials, collected through a desktop search, are two guidelines: the first is called “Asylum Interview” (2022; AI in what follows), and the second is “Assessing credibility and refugee status in asylum claims lodged on or after 28 June 2022” (2023; AC). These guidelines were made available by the Home Office; while the first guideline provided substantial material for analysis, the second guideline offered comparatively fewer information. While the texts offer intriguing perspectives on the principles of impartiality and accuracy for caseworkers in the UK, it is worth noting that the issue of confidentiality is less prominent in them. Now, we will proceed to analyse the text to identify and examine various constructs that allude to the principles of confidentiality, impartiality, and accuracy. We aim to scrutinize how these principles are manifested in the guidelines provided by the Home Office for caseworkers in the UK.

These guidelines present crucial aspects regarding how it communicates with its intended audience, the commissioners themselves. By adopting a second-person perspective and employing a conversational tone, the text creates an accessible and informal style. This proves effective in explaining key concepts and offering practical examples, as demonstrated in the following passages:

“In these circumstances, *you may wish to explain* [emphasis added] to the claimant that the interpreter will not allow their personal religious or other beliefs to influence their professional attitude, so they should feel free to say what they want to say without worrying about upsetting the interpreter” (AI: 49).



“*You must* [emphasis added] approach apparent inconsistencies with care when evidence has been obtained through an interpreter” (AC:49).

Another intriguing element worth noting is the employment of deontic modality, which vividly illustrates the sense of duty vested in commissioners whose role is pivotal in overseeing the interpreter’s conduct and ensuring the proper execution of the asylum procedure.

### *Confidentiality*

The analysis of confidentiality within the provided guidelines reveals a limited but crucial emphasis on the interpreter’s role in maintaining confidentiality. While the guidelines lack explicit details or examples defining confidentiality, a significant reference is made in connection with the other two principles, specifically in the context of briefing the interpreter before sensitive interviews:

If possible, it is good practice to brief the interpreter on the case before the interview, especially in situations where particular sensitivity may be required, for example where torture, sexual violence or other kinds of abuse are likely to be discussed. The interviewer should affirm the role of the interpreter at the outset of the interview emphasising their impartiality, professionalism and the confidentiality of the process (AI: 66)

Examining this context, parallels can be drawn with EULITA’s description of confidentiality, which emphasizes the strict obligation to maintain secrecy:

Legal interpreters and legal translators shall be bound by the strictest secrecy. Any information acquired in the course of an interpreting or translation assignment for judicial purposes or its preparation shall not be disclosed (EULITA: 3)

The mention of the “strictest secrecy” corresponds with the emphasized importance of confidentiality in the guidelines but also intensifies the commitment to maintaining confidentiality in the interpreter’s role. This linguistic choice, in the EULITA text, signifies a stronger modality.

## *Impartiality*

One of the texts highlight an intriguing ethical case involving the interpreter's role within a specific context: potential conflict that may arise between the interpreter's professional duty and their personal moral or belief system, specifically in a religious context. While the guideline does mention the term "impartiality", the subsequent concepts further reinforce and elaborate on the principle of impartiality in the Code of Conduct. One notable scenario cites:

It is important to note that, sometimes, a claimant raises issues of blasphemy or apostasy, and they may not want to speak the words deemed to be 'blasphemous' in front of an interpreter perceived to be of a particular faith, out of deference to their feelings. In these circumstances you may wish to explain to the claimant that the interpreter will not allow their personal religious or other beliefs to influence their professional attitude, so they should feel free to say what they want to say without worrying about upsetting the interpreter (or, indeed, the interviewing officer) (AI: 49).

This concept is further emphasized in a subsequent section of the text, where a list is presented to delineate the boundaries of the interpreter's role. Interpreters must not:

allow their personal political, religious, philosophical, or other beliefs to influence their professional attitude or the quality provision of translation (AI: 67).

Interpreters who do not comply are subtly reminded of their obligation to remain impartial if they refuse to translate certain words:

Conversely, the interpreter might be reluctant to interpret particular words, out of fear that they might be committing blasphemy themselves. In these circumstances, you should remind the interpreter that they are required to interpret everything the claimant says, and, if they refuse, you should try to suspend the interview and find a new interpreter. (AI: 49).

Moreover, the analysed guideline introduces elements that align with common practices in conference interpreting, liaison and legal interpreting: the use of the first person and not displaying any emotional expression (Chessa, 2012). These measures potentially serve to enhance the perception of the interpreter's objectivity and neutrality:

Use direct speech when interpreting, for example, the interpreter must say, "I attended a demonstration...", not, "he said he attended a demonstration ..." (AI:67)

interpreters must not show emotions - the only reactions they must express are those of the customer (AI: 67).

As said earlier, what primarily characterizes the text is the ethical issue and the role of the interpreter in this context. An example presented in the text is that of a possible scenario that might raise ethical dilemmas for the interpreter, particularly concerning blasphemy or apostasy. It is crucial to note that, in the citation dealing with this issue, the term “blasphemous” is enclosed in brackets, indicating a potential distancing of the text (aligning with the commissioner’s perspective) from the concept of blasphemy:

*It is important to note that, sometimes, a claimant raises issues of blasphemy or apostasy, and they may not want to speak the words deemed to be ‘blasphemous’ in front of an interpreter perceived to be of a particular faith, out of deference to their feelings. In these circumstances you may wish to explain to the claimant that the interpreter will not allow their personal religious or other beliefs to influence their professional attitude, so they should feel free to say what they want to say without worrying about upsetting the interpreter (or, indeed, the interviewing officer) (AI: 49, emphasis added).*

Conversely, the interpreter might be reluctant to interpret particular words, out of fear that they might be committing blasphemy themselves. In these circumstances, you should remind the interpreter that they are required to interpret everything the claimant says, and, if they refuse, you should try to suspend the interview and find a new interpreter (AI: 49).

This scenario tells us that:

- The claimant thinks that an expression or an event could be perceived as blasphemous by the interpreter;
- presumably, the interpreter also considers the same expression or event as blasphemous;
- the commissioner does not view the expression or event as blasphemous but acknowledges that it is considered as such, as the text specifies.

This overview highlights a cultural distance between the commissioner, and the other two parties (the claimant and the interpreter), presumed to share the same cultural background and opinions (Chessa 2012). However, as stated in the guide, this should not in any way restrict the claimant from expressing themselves, as the interpreter is expected to adhere

to a “professional attitude”. However, the guide does not provide a specific definition for “professional attitude”. This lack of clarity suggests that the commissioner may be referencing or expecting the interpreter to adhere to the professional behaviour they themselves are required to maintain. Therefore, based on that conception of “professional attitude”, claimants:

... should feel free to say what they want to say without worrying about upsetting the interpreter (AI: 49).

Finally, it is crucial to acknowledge that the guideline explicitly outlines the linguistic behaviours that are considered professional of the interpreter:

[Interpreters must] use direct speech when interpreting, for example, the interpreter must say, ‘I attended a demonstration...’, not, ‘he said he attended a demonstration’ (AI: 67).

This instruction contributes to the construction of the professional role interpreters ought to adopt, partially dispelling the ambiguity surrounding the term. While the document is apparently based on the current doxa and ethical codes for legal interpreting, prescribing a first-person rendition that is consistent with the verbatim imperative (Chessa, 2012: 44-45), AI reinforces the institutional role of the legal institution by indicating the legitimate linguistic and translation behaviours to be held by the interpreter.

### *Accuracy*

The Asylum Interview guide provides explicit references that outline specific scenarios where interpreters are required to ensure accuracy in their translations. For example:

confirm that the interpreter is translating questions regarding nationality correctly, and ensure that they do *not paraphrase* [emphasis added] in a way that will lead to incorrect attribution of nationality where none exists or where nationality is uncertain (AI: 39).

In the example, it is very interesting to notice that the emphasis placed on the interpreter accurately rendering what is said is placed on nationality. This is because nationality is an essential element to assess the credibility of claimants as it determines whether an applicant is from a safe country of origin or not and thus, defining the outcome of the asylum application<sup>78</sup>. This example is not elaborated further as it falls within the specialised field of asylum processes and therefore, commissioners are expected to understand. Furthermore, the fact that the text urging commissioners to “ensure that they [interpreters] do not paraphrase” highlights the potential agency and the active role the interpreter has or might gain in the construction of meaning; for this cause their behaviours are to be limited as it represents a breach of professional norms that have been considered earlier.

The next reference provided by the guideline about accuracy cites:

retain every element of information that was contained in the original message and interpret in *as close to verbatim as English allows* [emphasis added] – they cannot attempt to summarise what has been said and you must challenge them if they try to do this (AI: 66)

Then, among the factors that can affect the objective of gaining information from the claimant we find:

You must be aware of the factors which can affect the task of obtaining information at interview and the subsequent assessment of credibility. This applies irrespective of whether the asylum interview is carried out remotely or face-to-face, and may include, but is not limited to:

[...]

the ability of the interpreter to present an *accurate* [emphasis added] representation of the claimant’s responses (AI: 40)

The Asylum Interview guide shares a similar perspective with EULITA regarding the crucial nature of precise rendition. However, a particular aspect of the definition proposed by EULITA, emphasizing the rendition of a “faithful” (EULITA, 2013) message, is not evident in the analysed guidelines. In this context, the guideline primarily employs the

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<sup>78</sup> For further information on the asylum procedure in the UK see §1.4 *supra*

term “accurate”, along with synonymous expressions such as “not paraphrase” and, in a following passage, “as close to verbatim”. This choice of terminology is notably illustrated in the second citation, emphasizing the interpreter’s ability to:

retain every element of information that was contained in the original message and interpret in *as close to verbatim as English allows* (AI: 66, emphasis added).

The linguistic choice adopted in the text contrasts with that made by EULITA, which leans towards a *verbatim* approach; it represents another point that impinges on what stands for a professional interpreting behaviour and, most of all, on the characteristics of an appropriate rendition. While it is comprehensible that paraphrasing may lead to significant repercussions, such as impacting the asylum procedure, the guideline acknowledges the linguistic norms and challenges associated with translating certain cultural specificities. Instead of strictly mandating *verbatim* translation, it requests an “accurate” rendition, emphasizing being “close to verbatim as English allows”. The same perspective is also reflected in the AC guideline, as we have the idea of “tolerance” towards interpreters in situations where linguistic and cultural aspects do not permit a “faithful” translation:

*You must approach apparent inconsistencies* [emphasis added] with care when evidence has been obtained through an interpreter. The same name or word could be translated in different ways. For example, not all armed groups have formal ranks and the word for commander might be translated as ‘sergeant’, ‘captain’, or ‘leader’. Similarly for claims involving LGBT+ issues, terminology *may not exist in the claimant’s first language to the same extent that it does in English* [emphasis added] which may *cause difficulty for interpreters* [emphasis added] and lead to use of derogatory or imprecise descriptions. What matters is *the level of responsibility* [emphasis added] exercised by the person.

Interpreters may give slightly different spellings of a person’s name or a place if there is no agreed way to translate words into the Latin alphabet, for example from Arabic or Mandarin. Apparent inconsistencies in dates may also occur and dates in countries like Afghanistan or Iran may not correspond with the Gregorian calendar. It is important to take such factors into account when considering apparent discrepancies (AC: 49).

It is interesting that the text acknowledges the possibilities of “inconsistencies”, particularly when a terminology in a culture lacks an equivalent in another culture. In this context, the text advises commissioners to approach such situation with sensitivity and prioritise understanding of the general concept rather than focusing precise linguistic correspondence. In this case, it is interesting that some specific groups are selected as they are prototypical examples in the asylum context:

- groups of people (armed groups and LGBT+) that are likely to claim asylum for well-founded fear (persecution);
- linguistic groups, and specifically Arabs and Chinese, which might represent the major languages of claimants;
- national groups, Afghanistan and Iran, which happen to be among the top 10 countries of provenience of claimants in the UK<sup>79</sup>.

The examples drawn from the guidelines depict a situation that clearly deviates from the traditional concept of the interpreter’s role in court and legal interpreting settings.

#### 4.2.2 *Materials for asylum officers in Italy*

The absence of significant data regarding the role of interpreters in materials for asylum officers in the Italian context, particularly within the desktop search conducted, suggests a potential gap or lack of comprehensive documentation on this topic. The texts found, primarily produced by UNHCR Italy, may provide some insights into interpreter roles within the specific context of asylum procedures in Italy, but the overall scarcity of information indicates a limited understanding or visibility of interpreter practices within the broader Italian asylum system.

The materials consist of a guideline outlining the legal procedures of asylum for asylum operators named *La tutela dei richiedenti asilo: Manuale giuridico per l’operatore* (2007, TRA), as well as a guideline aimed at assisting commissioners in identifying victims of human trafficking: *L’identificazione delle vittime di tratta tra i richiedenti protezione internazionale e procedure di referral* (2017, IVT).

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<sup>79</sup> <https://www.refugeecouncil.org.uk/information/refugee-asylum-facts/top-10-facts-about-refugees-and-people-seeking-asylum/#:~:text=In%20the%20year%20ending%20September%202023%2C%20the%20top%20five%20countries,ranks%20th%20highest%20in%20Europe> [last access: 5<sup>th</sup> February 2024].

In the first text, the reference to interpreters is scarce as the emphasis is rather placed on the language service provider than the interpreter:

The applicant is promptly informed of the decision. All communications regarding the procedure for the recognition of international protection are provided to the applicant in the first language indicated by him, or, if this is not possible, in English, French, Spanish, or Arabic, according to the preference indicated by the interested party. At all stages of the procedure related to the submission and examination of the application, the applicant is guaranteed, if necessary, the assistance of an interpreter in his language or in another language understandable to him (TRA: 73 my own translation<sup>80</sup>)

Additionally, it is noteworthy that the text uses “him” to refer to asylum claimants predominantly as men. However, it should be noted that this is not always the case.

In the second text (IVT), the role of the interpreter is indeed portrayed as highly significant and requiring specific qualifications due to the delicate nature of the interpretation context. However, there appears to be a limited emphasis on the ethical principles guiding interpreters conduct within the document. Concerning the importance of the role of interpreters the text states:

The interpreter plays a particularly crucial role in the interview with a potential trafficking victim because, *being typically of the same nationality as the interviewee*, they can help *facilitate* discussions on delicate matters and better interpret the emotional needs of the person. (IVT: 69, my own translation<sup>81</sup>)

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<sup>80</sup> “Il richiedente è tempestivamente informato della decisione. Tutte le comunicazioni concernenti il procedimento per il riconoscimento della protezione internazionale sono rese al richiedente nella prima lingua da lui indicata, o, se ciò non è possibile, in lingua inglese, francese, spagnola o araba, secondo la preferenza indicata dall’interessato. In tutte le fasi del procedimento connesse alla presentazione ed all’esame della domanda, al richiedente è garantita, se necessario, l’assistenza di un interprete della sua lingua o di altra lingua a lui comprensibile”.

<sup>81</sup> “L’interprete ha un ruolo particolarmente importante nell’intervista con la persona richiedente potenziale vittima di tratta poiché, appartenendo di norma alla stessa nazionalità dell’intervistato/a, può contribuire a facilitare il colloquio su aspetti delicati e può interpretare meglio le necessità emotive della persona.”



From the description provided, it is crucial to note that interpreters in this context are presumed to share the same nationality as the claimants, suggesting a bias. This inference implies that interpreters may be regarded more as cultural mediators than impartial language facilitators. Additionally, the text underscores their role in facilitating communication, which aligns closely with the responsibilities typically attributed to cultural mediators within the asylum context. Thus, the portrayal of interpreters as primarily responsible for bridging linguistic and cultural gaps and accurately conveying the needs of claimants suggests a more prominent and dynamic role akin to that of cultural mediators in asylum proceedings.

The only reference that might be ascribed to the ethical principles might be confidentiality in terms of same sex of claimants to foster trust during the interview:

It is important that interpreters attending interviews with potential victims of trafficking:

[are] of the same sex as the claimant, taking into account the specific circumstances of the case, especially when the interview is directed at women who are victims of sexual exploitation or individuals who have experienced abuse even in transit countries; in some cases, a different assessment may be necessary, based on the request of the individual or other particular circumstances (IVT: 69 my own translation<sup>82</sup>).

Further references on ethical codes concerns conflicts of interest and the text states:

[interpreters] must not have any relationship with the individuals claiming asylum; (IVT: 70, my own translation<sup>83</sup>)

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<sup>82</sup> “È importante che gli interpreti che assistono a colloqui con potenziali vittime di tratta: siano dello stesso sesso della persona richiedente, avuto riguardo alle specifiche circostanze del caso e soprattutto quando l’intervista si rivolga a donne vittime di sfruttamento sessuale o comunque a persone che abbiano subito abusi anche nei paesi di transito; in alcuni casi potrà essere fatta una valutazione diversa, anche in base alla richiesta della persona o a altre circostanze particolari;”

<sup>83</sup> “non abbiano alcun rapporto con le persone richiedenti”;

[interpreters] must not be acquainted with the individuals involved in the trafficking incident. (IVT: 70, my own translation<sup>84</sup>).

The principle highlighted is the only one that aligns with the EULITA's code. The modality is accentuated, representing one of the few instances in the text where there is a delineation of professional behaviours that are accepted or not.

#### *4.2.3 Materials for asylum officers in the UNHCR*

In the context of UNHCR, three materials are particularly relevant for describing the interpreter's role: *Interviewing applicants for refugee Status Determination* (1995, IARSD); *UNHCR Procedural standards for RSD* (2020, PSRSD); *Remote interviewing: practical considerations for states in Europe* (RI 2020). These texts share similar characteristics in terms of their relationship with the officer, particularly in terms of modality. This is evident in the IARSD, where commissioners are directly addressed using "you", highlighting their oversight role in the asylum procedure:

It is important to brief the interpreter in advance of the interview to make sure that he or she understands what to do. *You should explain* [emphasis added] how you intend to conduct the interview and what types of questions you will ask the applicant. (IARSD: 5)

Having introduced the interpreter and having explained his or her role, *you should check* [emphasis added] that the applicant and the interpreter understand one other. To do this invite the applicant to talk informally for a few moments with the interpreter, then ask if he or she is satisfied that they understand each other. (IARSD: 9)

The phrases "you should explain" and "you should check" are indicators of strong modality and convey the perception of the role of the commissioner as the authoritative figure. This language emphasizes the directives given to the commissioner, highlighting their responsibility and authority within the asylum procedure. Moving onto the analysis

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<sup>84</sup> "non conoscano le persone coinvolte nella vicenda di tratta."

of the constructs of the role of the interpreters in texts, this will be done through the three principles that are guiding this dissertation.

### *Confidentiality*


UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES		NATIONS UNIES HAUT COMMISSARIAT POUR LES RÉFUGIÉS
<b>UNHCR INTERPRETER UNDERTAKING OF CONFIDENTIALITY AND IMPARTIALITY</b>		
<b>Name of Interpreter:</b> .....		
In addition to my agreement to abide by the principles set out in the UNHCR <i>Code of conduct</i> , I make the following undertakings in respect of performance of my role as UNHCR interpreter:		
<b>Obligation of Confidentiality</b>		
I undertake not to disclose or discuss any information about asylum seekers, refugees, internally displaced persons, returnees, stateless persons, (all these categories are hereinafter referred to as persons of concern to UNHCR), colleagues or other work related matters that come to my knowledge as a result of my role as an interpreter with UNHCR. I understand and accept that my obligation to maintain the confidentiality of information I have received in UNHCR continues beyond the termination of my assignment with UNHCR.		

Figure 1 (PSRSD: 57)

The principle of confidentiality, mentioned repeatedly and across various texts, emerges as one of the most pivotal aspects within this context. Its significance is underscored through the use of repeated and strong accentuation modality.:

*It is particularly important to insist on the confidentiality [emphasis added] of all information that concerns the applicant (IARSD: 5)*

*You should reassure the applicant [emphasis added] that both you and the interpreter will respect the confidentiality of the interview and are under oath to do so. (IARSD: 10)*

*Interpreters need to strictly maintain confidentiality* [emphasis added] regarding the information they receive when carrying out their responsibilities for UNHCR and should not comment on or reveal this information to persons other than UNHCR staff who are involved in RSD.

This obligation to maintain the confidentiality of information received during the course of their work with UNHCR extends beyond the length of their actual contract with UNHCR. (PSRSD: 54)

The emphatic and repeated prohibition against disclosing sensitive information about what is discussed in the asylum process marks a strong behavioural attitude in the construct of the role of interpreters as it clearly defines what is not acceptable and in line with an interpreter's ethical principle. A clear similarity is drawn with the EULITA's code of conduct as similar levels of modality are adopted. The emphasis on confidentiality within the text may indeed reflect the characteristics of the individuals involved in this context, specifically the "persons of concern to UNHCR", as elucidated in Figure 5.

### *Impartiality*

As the text deals with the principle of impartiality, the theme of the modality is recurrent. The term is presented in the text with different nuances even:

*You should also ensure* [emphasis added] that the interpreter understands that he or she must remain *neutral and objective* [emphasis added] during the interview process. (IARSD: 5)

The idea of neutrality and objectivity, though not defined, are elements that sustain impartiality. Furthermore, the text cites:

Similarly, in a situation where refugee interpreters are employed, an interpreter should not be engaged if he or she is closely related to the applicant through family ties or other connections such as political party affiliation. It is important to recall that the relation between the applicant and the interpreter will have an impact on their ability and willingness to communicate. (IARSD: 5)

The citation coincides with the principles outlined in the EULITA's code of conduct, which emphasizes the importance of avoiding close relationships with claimants to prevent potential conflicts of interest. However, in situations of emergencies, this particular definition might not be applied:

Exceptionally, where no qualified UNHCR Interpreter is available and it is necessary to conduct the interview, Applicants may be permitted to use the services of their own interpreter. However, given the reluctance some Applicants may have to disclose facts that are relevant to their claim in the presence of another family member, and the difficulty of assessing whether the Applicant truly consents to the attendance of family members in RSD procedures, every effort needs to be made to find alternatives to interpretation by family members of an Applicant in UNHCR RSD procedures. (PSRSD: 49)

Despite the UNHCR's efforts to minimize such occurrences, there remains a probability that situations involving potential conflicts of interest may arise. These situations can be particularly challenging for claimants, as they may feel uncomfortable sharing sensitive information that could be crucial to their claims, especially if the interpreter has a close personal relationship with them. For instance, a mother who has experienced sexual abuse may find it difficult to narrate her experiences if the interpreter is her daughter. Continuing on the topic of nuances of impartiality, the text further elaborates:

Interpreters should *never* engage in *advocacy* [emphasis added] or intervene with UNHCR on behalf of Applicants nor should they seek to undermine Applicants' claims. (PSRSD: 53)

The texts acknowledge the possibility for interpreters to play an active role in refugee contexts, which could significantly influence the outcome of the claim process. As a result, clear limits are set on interpreters' behaviours to ensure adherence to ethical principles and appropriate behavioural norms. This includes prohibiting interpreters from advocating for or assisting claimants, as well as from undermining their claims. These principles are outlined in the impartiality agreement of interpreters found below.

### Obligation of Impartiality

I undertake to carry out my responsibilities and to conduct myself at all times, both in and outside of UNHCR premises, in a manner that is fully consistent with my obligation of impartiality as a UNHCR interpreter. In particular:

- ▶ I will, to the best of my abilities, provide accurate and complete interpretation;
- ▶ I will provide interpretation services in a neutral and non-judgemental manner;
- ▶ I will refrain from engaging in advocacy on behalf of persons of concern to UNHCR;

Figure 2 (PSRSD: 57)

- ▶ I will not accept payment or favour from or on behalf of persons of concern to UNHCR;
- ▶ I will not engage in contact or exchanges with persons of concern to UNHCR or other third parties that could undermine, or be perceived to undermine, either my impartiality as an interpreter or the fairness and integrity of UNHCR procedures;
- ▶ I will carry out my responsibilities in a manner that is consistent with UNHCR standards for cultural, gender and age sensitivity in UNHCR procedures.

Figure 3 (PSRSD: 58)

### Accuracy

The term “accuracy” is mentioned in the text and the definition states:

Interpreters should understand that everything the interviewer and applicant say must be interpreted. It is not sufficient to summarize or embellish what is being said through filling in missing information. Nor should the interpreter try to improve on the words or phrases of the applicant in order to make him or her sound more coherent, credible or educated. (IARSD: 5)

Interpreters should interpret verbatim, fully and accurately all communications between the Eligibility Officer and the Applicant, and promptly inform the Eligibility Officer and Applicant *where precise interpretation is not possible* [emphasis added] (PSRSD: 53)

The principle stated are in line with the definition of accuracy provided by the EULITA’s code of conduct. Interpreters are not permitted to function as paraphraser to improve what

applicants say, instead, they are limited to render a word-for-word translation. The fear of interpreters trying to advocate for claimants, a situation that might occur mostly in humanitarian contexts, seems to prevail over the understanding of what claimants might be saying. The role of interpreters, as portrayed in the text, appears to be confined primarily to that of linguistic conduit rather than that of a mediator. This is evident in cases where accurate interpretation proves challenging, as the text does not offer tangible solutions beyond the interpreter's acknowledgment of the impossibility of literal translation. This emphasis on linguistic accuracy without providing alternative mediation strategies may accentuate the perceived dominant role of commissioners within the asylum procedure.

### 4.3 Materials available for interpreters

The concluding section of this analysis focuses on the examination of materials made available for interpreters. This segment stands out as the most prolific in terms of the volume of materials uncovered compared to those targeted at other stakeholders analysed thus far. By concentrating on the materials designated for interpreters, we seek to elucidate the roles, responsibilities, and ethical considerations inherent in interpreter practice within asylum procedures. Through this analysis, we endeavour to contribute to a better understanding of the expectations placed on interpreters, in terms of ethical principles and the challenges they might entail.

#### 4.3.1 Materials for interpreters in the United Kingdom

In this context of analysis, no specific material has been found for interpreters' roles in the Asylum procedure. However, it is interesting to analyse a text that the Home Office has provided for caseworkers concerning the conduct of interpreters in the Visas and Immigration context. This examination is predicated on the assumption that the mode of interpreting employed in this setting mirrors that utilized in non-conference contexts, thereby implying a degree of interpreter agency. In particular, the text is titled *Interpreters Code of Conduct* (2021, ICC) and adopts a mixed approach in terms of modality. In the introductory part it addresses caseworkers informally but then it switches to the formal approach.

In the introductory section directed towards caseworkers, the text explicitly acknowledges the indispensable role interpreters play in the services they provide:

Interpreters are considered part of the *wider Home Office team* [emphasis added] and are entitled to be treated with respect when representing the Home Office (ICC: 4)

The citation highlights the significance of treating interpreters as integral members of the Home Office staff. This aspect raises important considerations regarding the principle of impartiality in the context of interpreting. The inclusivity of interpreters within the Home Office framework may potentially raise expectations from caseworkers regarding their



involvement in the decision-making process. Consequently, this dynamic could potentially compromise the impartiality role of interpreters, as their close association with the Home Office may influence their interpretation in a manner that aligns with the department's objectives or preferences. Therefore, it is crucial to analyse how this inclusion of interpreters within the Home Office might impact their ability to maintain impartiality and uphold the integrity of the interpreting process. In addition to that, the text cites:

Interpreters provide an essential service on behalf of the Home Office and support the decision-making process for some of the most *vulnerable people* [emphasis added] in our society. (ICC: 4)

The text identifies that interpreters' role is pivotal to the decision-making process of the Home Office, particularly in contexts involving "vulnerable people". Although the text does not provide an explicit definition of this category, whether it encompasses migrants seeking visas or individuals from other groups, it implies that interpreters within the Home Office may operate within contexts characterized by asymmetrical power relations.

### *Confidentiality*

The frequent mention of the term "confidentiality" within the text aligns with the principles outlined in the EULITA's code:

Interpreters *must not distribute* [personal emphasis] any personal material relating to the customers or themselves. This includes, but is not exhaustive of, photographic images and personal information including telephone numbers or any other personal details. This also includes sharing any information on social media. (ICC: 7)

Interpreters must not disclose such information to a third party unless instructed by the Home Office to do so, and only provided that such disclosure would not be unlawful or infringe the rights of any of the parties concerned. The duty of confidentiality shall not apply where disclosure is required by law. (ICC: 7)

There is a noticeable emphasis on the modality of behaviours deemed as violations of the interpreter's professional conduct. Specifically, the theme of non-disclosure of private information is strongly underscored, aligning with the principles outlined in the EULITA

code of conduct. The first citation provides an interesting perspective regarding the sharing of private information, encompassing not only that of clients but also of interpreters themselves.

### *Impartiality*

Impartiality is mentioned in this context and some aspects are noteworthy:

A freelance interpreter engaged by the Home Office has a duty to be *impartial* [emphasis added] and to be seen by others to be impartial at all times. Even though they may not feel that they have bias or are not *impartial* [emphasis added], if other people perceive that they are biased or not *impartial* [emphasis added] their role as an interpreter may be compromised. Interpreters must act with integrity in all their professional and business activities. This means acting with honesty, fairness and *impartiality* [emphasis added] at all times and not allowing themselves to be improperly influenced either by self-interest or the interests of others. (ICC: 12)

According to the text, interpreters maintain impartiality when they are not “influenced” by external factors. Additionally, the text emphasizes the importance of how interpreters’ impartiality is perceived by other parties, suggesting that there may be certain attitudes or behaviours that could influence the perception of impartiality. This could potentially refer to the emotional involvement of interpreters in their interactions with clients or stakeholders. As the text further elucidates:

interpreters must not show emotions - the only reactions they must express are those of the customer (ICC: 14)

This concept harmonises with the notion of “appearance of impartiality” expressed in the EULITA’s code:

Legal interpreters and legal translators shall remain neutral and also maintain the *appearance of impartiality* [emphasis added], avoiding any undue contacts with either witnesses, defendants and their families or members of the legal professions. (EULITA: 3)

Despite the fact that no definition is given on behaviours that do violate the principle of impartiality, the text exhibits a strong modality on interpreters' obligation to maintain impartiality. Furthermore, it delves into the perception of impartiality by other parties involved. The expectation placed on interpreters in terms of impartiality may indeed be influenced by their perceived status as part of the Home Office staff: since interpreters are considered part of the Home Office staff, the concepts behind impartiality might stem from the caseworkers point of view which they impose on interpreters, forgetting that interpreters serve a dual role not only as conveyors of linguistic elements but also as mediators within the conversational dynamics. Further concepts representing the principle of impartiality are defined under the category of "Conflicts of interest":

#### Conflicts of interest

Interpreters must *disclose any potential or occurring conflicts of interest* [emphasis added] or any other factor which may make it inappropriate for them to accept work on a particular case.

Interpreters must not accept gifts or hospitality offered to them, nor offer such incentives to others, which may be viewed as activity contrary to their professional obligations.

Interpreters *must not offer any personal opinions, comments or personal observations* [emphasis added] on the credibility of a customer even if requested to do so. Such requests must be declined, and it must be stated that it is outside the remit of a professional interpreter.

Interpreters must not be acquainted with or related to the customer or anyone associated with the case. If after an interpreter has accepted an assignment, they become aware of a conflict of interest they must immediately inform the Interviewing Officer of the circumstances.

At the start of the interview interpreters must make it clear to a Home Office official if they have previously interpreted on the customer's case for the legal representative, or other supporting organisations. (ICC: 12)

The cited texts reveal certain notions of impartiality that are found in the EULITA's code. Aspects such as no contact with customers of any kind, refraining from expressing personal opinions during the interpretation process and notifying possible situations that might compromise the principle of impartiality, are equally emphasized as part of the interpreter's professional behaviours to follow.

### *Accuracy*

The code does not specifically include the principle of accuracy among others, however, it mentions the importance of accuracy on certain occasions:

it is important to remember that the Interviewing Officer will be relying entirely on the interpreted version of the account given by the customer and may draw conclusions about the customer's credibility - accurate interpretation is essential to enable fair and accurate decisions. (ICC: 14)

There is no direct definition provided for the principle of accuracy, yet the concepts are implicitly addressed:

Interpreters must properly and fully interpret what is being said, as close as English allows (ICC: 7)

interpreters must retain every element of information that was contained in the original message and interpret in as close to verbatim as English allows (ICC: 14)

interpreters must interpret language which may be offensive - for cultural reasons, obscenities may be difficult to translate - in this case they must look for the closest equivalent (ICC: 14).

The concepts described contribute to an understanding of accuracy that extends beyond strict adherence to word-for-word translation, diverging from the emphasis on "translation" highlighted in the EULITA's code. Thus, the need of equivalences to render the communication meaningful is therefore inherent in the search for accuracy.

### 4.3.2 *Materials for interpreters in Italy*

In the Italian context, a single text targeting interpreters<sup>85</sup> was found, recently published by the Italian Home Office, or Ministry of the Interior. This handbook, titled *L'interpretariato nella procedura di protezione internazionale in Commissione Territoriale* (Interpreting in the International Protection Procedure at the Territorial Commission, IPPICT in what follows), was developed in collaboration with the European Union Agency for Asylum (EASO) and UNHCR. Notably, this text guides interpreters throughout the interview process and provides examples to aid understanding. A peculiarity of the text consist of its twofold approach in addressing interpreters: throughout the text, interpreters are addressed formally, in the third person. In the last chapter, the text adopts a more informal approach addressing interpreters directly with “you”.

#### *Confidentiality*

Confidentiality is a significant theme in the text, which emphasizes how interpreters must not disclose or repeat information obtained during the interview. On this merit, the text refers to UNHCR and EASO<sup>86</sup>, without directly quoting them:

The principle of confidentiality states *that under no circumstances whatsoever shall the interpreter disclose or repeat information obtained in the course of the interview*<sup>87</sup> (IPPICT: 35, emphasis within the text, my own translation)

This imperative is reinforced in the Italian translation and shows by a similar emphasis found within the EULITA code. A further explanation of the confidentiality principle states that:

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<sup>85</sup> For a discussion of this term in the Italian context, see chap. III, *supra*.

<sup>86</sup> Some of the Italian definitions of “confidentiality”, “impartiality” and “accuracy” are quotes from the UNHCR’s *Handbook for Interpreters in Asylum Procedures* (2017) and *Interpreting in a Refugee Context: Self-study module* (2009).

<sup>87</sup> “Il principio di confidenzialità prevede che *in nessuna circostanza e per nessuna ragione l’interprete possa rendere note ad altre persone o ripetere le informazioni ottenute durante il colloquio personale*” (corsivo nell’originale).

[Interpreters] do not share statements of claimants neither with country-of-origin authorities (including embassies and consulates), nor with relatives or the *community* in the host country where the claimant might be recognised (IPPICT: 35, emphasis added, my own translation<sup>88</sup>).

It is interesting that the text mentions “community”. Very often, interpreters or cultural mediators that work in asylum context are themselves foreigners and therefore part of a community made of their co-nationals in the host country. A “community” might also be referred to as a gathering of people for religious purposes, people that share the same faith, e.g., Christianity, or Islam, which can reinforce a strong sense of family and belonging. In this context, the interpreter’s functions seem to be those of a professional who is bound to confidentiality not only within the working context but also beyond it. Thus, the interpreter is portrayed as a professional who respects and safeguards the confidentiality of sensitive information even beyond the immediate working environment.

### *Impartiality*

The definition of “impartiality” in the text quotes UNHCR, translated into Italian. The original quote states that:

Interpreters do not take the side of any participant in the interview and their interpretations are not influenced by personal opinions, value judgements or other preconceptions. (IPPICT: 33)

The definition primarily emphasizes the interpreter’s duty to remain impartial throughout the asylum-seeking process, refraining from taking sides or showing bias. This acknowledges the potential influence interpreters may have on the procedure, prompting the text to establish boundaries for their professional conduct. Such attitude of the text is not reflected in the EULITA code. We rather find a strong emphasis on the duties of the interpreter. The definition of impartiality and the role of interpreters is further expanded through the use of certain terminologies:

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<sup>88</sup> “[L’interprete] *non condivide le dichiarazioni della persona richiedente né con le autorità del Paese di origine (comprese ambasciate e consolati) della stessa, né con i suoi familiari, né con le comunità di persone presenti nel Paese di accoglienza che potrebbero conoscere la persona richiedente asilo*”.

By the virtue of the principle of impartiality, the interpreter: [...]

Must always adopt the role of a *neutral agent*. The claimant must be informed about the role of the interpreter at the beginning of the interview; (IPPICT: 34, emphasis in the text, my own translation<sup>89</sup>)

As the text outlines, impartiality involves the interpreter being a “neutral agent”, but no specific definitions are given about this term. Moreover, the text clarifies the necessity for claimants to comprehend the interpreter’s role to avoid harbouring unrealistic expectations. Initially, it remains uncertain whether informing claimants falls within the responsibilities and capabilities of interpreters. However, this ambiguity is resolved later in the text where the interpreters are directly addressed in a box containing a list of dos and don’ts, that is here reproduced only partially (translation follows):



<b>Fare</b> 	<b>Non fare</b> 
<ul style="list-style-type: none"><li>• Prima dell’inizio del colloquio personale, effettua un’<b>informativa preliminare alla persona richiedente</b>, sulla base delle indicazioni della Commissione Territoriale.</li><li>• Durante questa informativa preliminare, spiega alla persona richiedente <b>come avverrà la comunicazione durante l’intervista tra le parti e le modalità di traduzione.</b></li></ul>	<ul style="list-style-type: none"><li>• <b>Non fornire</b> alla persona richiedente <b>indicazioni o suggerimenti</b>, che vanno oltre i tuoi compiti. Per esempio, non dare indicazioni o suggerimenti alla persona richiedente su cosa dire o non dire durante il colloquio personale.</li></ul>

Figure 4 (IPPICT: 40).

The table can be translated as such:

Before the commencement of the personal interview, you [the interpreter] should conduct a preliminary briefing with the claimant based on the guidelines provided by the Territorial Commission;

During this preliminary briefing, the interpreter explains to the applicant how communication will occur during the interview between the parties and the translation techniques.

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<sup>89</sup> “L’interprete, in virtù del principio di imparzialità: [...] deve sempre e comunque essere un *attore neutrale*. Questa informazione va sempre comunicata al richiedente all’inizio del colloquio”.

Don't provide the applicant with instructions or suggestions that extend beyond your duties. For example, refrain from giving the applicant guidance or suggestions on what to say or not to say during the personal interview (IPPICT: 40, my own translation).

The description of the interpreter's role, then, suggests that it extends beyond mere interpreting practice (conceived as transposition of a linguistic code), granting interpreters a certain degree of autonomy in the asylum procedure. Furthermore, despite the absence of a precise definition about the neutrality of interpreters, the text provides illustrative examples of behaviours that constitute non-neutrality:

The interpreter may be perceived as a non-neutral figure if, for example:

- They *collaborate or have personal/familial contacts* with the personnel of the embassy of the applicant's country of origin whom they are going to interview.
- They work in *the same reception center* as the applicant whom they are going to interview, or work for the organization managing the reception facility and had contact with the applicant. It is therefore *important that the interpreter inform the caseworker of such a condition* at the beginning of the procedure.
- They have provided their services at the *Questura* for the registration of the international protection application of the same asylum seeker they are interviewing before the Territorial Commission (IPPICT: 34, emphasis in the text, my own translation<sup>90</sup>)

According to the text, such situations could lead to the perception of the interpreter as bias and might compromise the principle of neutrality. It is interesting to consider the different contexts in which interpreters work, which include reception centres, a context

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<sup>90</sup> “L'interprete può essere percepito come una figura non neutrale se, ad esempio: *collabora o ha contatti di natura familiare/personale* con il personale dell'ambasciata del Paese di origine della persona richiedente da intervistare; *lavora nello stesso centro di accoglienza* della persona richiedente da intervistare ovvero lavora per l'ente che gestisce la struttura di accoglienza e ha avuto modo di incontrare la persona richiedente. In tal caso, è *importante che l'interprete comunichi al funzionario tale situazione all'inizio dell'audizione*; ha prestato il suo servizio in *Questura* per la registrazione della domanda di protezione internazionale della stessa persona richiedente asilo che ha davanti per il colloquio in Commissione Territoriale”.



which is normally ascribed to cultural mediators. It would seem that the text treats “interpreters” and “mediators” as the same figure; in fact, in the early pages of the text, a clear distinction was made between the two roles:

The role of the cultural mediator within the reception system differs from that of the interpreter during the personal interview phase in the Territorial Commission, as *they serve different purposes*. During the Commission interview, *the interpreter’s role is primarily to provide a more literal translation*, [emphasis added] representing both the “voice of the interviewer”, who asks questions, and the “voice of the asylum seeker”, who responds. (IPPICT: 34, emphasis added, my own translation<sup>91</sup>)

The text sets a clear difference between the role of interpreters and the role of cultural mediators and apparently ascribes the role of the first to the Territorial Commission – thus posing a difference in terms of setting and setting’s purposes in dealing with the migrant – and to a literary rendering of what is said. In this ambiguous framework, the agency of the interpreter seems again to be totally obscured, reduced to the voices of the clients in the interaction process.

### *Accuracy*

In the Italian text, accuracy’s definition states that:

Interpreters provide an accurate interpretation of the message, without omissions, additions, or distortions or any other change from the original message (my own translation: 20).

The definition is quite similar to the one provided by the EULITA code and as the text expounds the definitions, more alignments with the EULITA code emerge. In fact, in the explanation provided for the definition of accuracy, the text cites that interpreters:

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<sup>91</sup> “Il ruolo del mediatore culturale nel sistema di accoglienza è diverso rispetto dal ruolo dell’interprete durante la fase del colloquio personale in Commissione Territoriale, trattandosi di due ambiti di lavoro che rispondono ad esigenze diverse. Durante il colloquio in Commissione l’interprete si limiterà ad una traduzione più letterale rappresentando ‘la voce dell’intervistatore’, che pone le domande, e ‘la voce del richiedente asilo’, che risponde”.

Interpret everything:

- In a *faithful* and *complete* manner
- Even what might seem confused or of no relevance
- If claimants use hand and head gestures, changes the tone of voice on certain words or expressions, or with other verbal and non-verbal signals, the interpreter must render a *possible meaning* [emphasis added] of the gestures, allowing commissioners to gain a better understanding of what the claimant might be saying. (IPPICT: 34, emphasis added, my own translation<sup>92</sup>)

The text outlines the interpreter's responsibility to faithfully convey every detail expressed by the claimant, whether verbally or non-verbally. This aligns with the principle of accuracy emphasized in the EULITA code. While the text mentions the need for the rendition to be "faithful", it does not provide a direct definition of this term or clarify its relation to the next adjective, "complete". What can be inferred from the definition is that interpreters are expected to translate even elements that may seem confused or irrelevant, although examples would have provided clarity in this regard. Additionally, the text highlights that interpreters must interpret non-verbal expressions to enhance understanding. This must be done by inferring a "possible meaning" of what claimants are saying, possibly, by drawing from personal knowledge and understanding to interpret gestures, changes in tone, and other non-verbal cues. In this sense, the interpreters do actively participate in the communicative situation as they contribute with their own knowledge in the construction of the interaction (Pointurier, 2016). Therefore, according to the text, a certain degree of form of agency of the interpreters in such situations is considered as an acceptable professional behaviour and part of their role.

This idea is further accentuated in contexts where word-for-word translations are not always suitable as described in the following examples:

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<sup>92</sup> "[L'interprete] *deve interpretare tutto*: o traduce in modo fedele e completo tutto quello che viene detto; o traduce anche ciò che può sembrare confuso e/o poco rilevante; o se la persona richiedente asilo usa gesti delle mani, della testa, sottolinea con il tono della voce certe parole o espressioni o con altri segnali non-verbali e para-verbali, l'interprete deve riferire il possibile significato di questi gesti, dando la possibilità al funzionario di capire meglio ciò che il richiedente sta comunicando".

In the Igbo language spoken in southeastern Nigeria, the phrase “genital mutilation” is expressed as “*wu aru*”, which literally means “taking a bath”.

Another example in Pidgin English, widely spoken in Nigeria, to say “I need to use the restroom” is the expression “I need to ease myself”, which, if translated literally, would mean “I need to make myself comfortable”.

Tip: For this reason, the interpreter *strives to provide a complete and accurate translation that reproduces the content of the statements*, preserving the meaning, style, and original register (for example, whether the person is speaking formally or informally) (IPPICT: 34, emphasis in the text, my own translation<sup>93</sup>)

Another example is the word “*kelè*”, which in the Bambara language spoken in various African countries, including Mali, can have a different meaning depending on the context in which it is used. Indeed, it can mean “argument” or “conflict” (my own translation<sup>94</sup>: 27).

The text presents exemplary scenarios that identify linguistic groups considered prototypical within the Italian asylum context. These linguistic groups include nationalities such as Nigeria, Mali, Senegal, and others, which hold particular relevance within this context. These examples illustrate that achieving a “complete” translation, as demanded of the interpreter, involves more than just linguistic fidelity; the interpreter resorting to their personal cultural knowledge to accurately convey the intended meaning of the claimant’s statements, ensuring comprehension by the commissioner. However, the lack of a clear definition for the term “faithful” in the text could lead to confusion and ambiguity on the interpreter’s exact role and responsibilities. This ambiguity might cause interpreters to have different interpretations of their role, which could affect how effectively they carry out their duties in asylum cases.

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<sup>93</sup> “Per esempio, nella lingua Igbo, parlata nel sud-est della Nigeria, l’espressione ‘mutilazione genitale’ si dice ‘*wu aru*’, che letteralmente vuol dire ‘farsi un bagno’. Altro esempio in lingua pidgin English, diffusa in Nigeria, per dire ‘ho bisogno di andare al bagno’, si usa l’espressione ‘I need to ease myself’ che, se tradotto letteralmente, significherebbe ‘ho bisogno di mettermi a mio agio’. *Suggerimento*: Per questo motivo, l’interprete si sforza di *fornire una traduzione che riproduca in modo completo e accurato il contenuto delle dichiarazioni*, conservando il significato, lo stile e il registro originale (ad esempio, se la persona sta parlando in maniera formale o informale).”

<sup>94</sup> “Altro esempio è la parola ‘*kelè*’, che in lingua bambara – parlata in vari Paesi africani, tra i quali il Mali - assume un significato diverso in base al contesto in cui viene usata. Infatti, può significare ‘litigio’ oppure ‘conflitto’”.

### 4.3.3 *Materials for interpreters of the UNHCR*

The last corpus that is going to be analysed in this dissertation is the material provided by the UNHCR regarding the role of interpreters in the asylum context. The materials that were analysed consist of: *Interpretation in UNHCR RSD*<sup>95</sup> (2020; IRSD in what follows); *Handbook for interpreters in Asylum Procedures* (2017; HIAP in what follows); *Interpreting in a Refugee Context: Self-study module* (2009; IRC in what follows). In the first two texts, interpreters are addressed in third person and in a highly formal style. On the other hand, the third text offers an interesting perspective. Even though the second text, as a handbook, had an explanatory and guiding purpose, the IRC is designed as a training module. As such, it often addresses them with the pronoun “you”, a colloquial tone, and performs the function of a teacher. In fact, it presents different graphic scenarios and examples, asks them questions, suggests appropriate remedial measures and provides advice for learners. As in previous texts, the main ethical principles are presented; they offer a particular perspective on interpreting situations, with some examples that are directly drawn from humanitarian contexts.

#### *Confidentiality*

The term “confidentiality” is mentioned by all the texts, and the different aspects of its definition will be analysed:

Interpreters need to *strictly maintain* confidentiality regarding the information they receive when carrying out their responsibilities for UNHCR, and should not comment on or reveal this information to persons other than UNHCR staff who are involved in RSD. This obligation to maintain the confidentiality of information received during the course of their work with UNHCR extends beyond the length of their actual contract with UNHCR (IRSD: 10).

The principle of confidentiality has a number of implications as shown by two different texts:

- Interpreters are not permitted to pass on to others details, either of a personal or general nature, which they learn of in the course of a communicative interaction.

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<sup>95</sup> Refugee Status Determination.

- Interpreters are not permitted to pass on to interviewers any confidential or personal information about applicants that they may have acquired (either during interpreted interactions or through other means).
- Interpreters are not permitted to pass on to applicants any confidential or personal information about interviewers that they may have acquired (either during interpreted interactions or through other means). (HIAP: 72)

Should the interpreter be asked to speak about her/his job as part of any counselling or psychiatric therapy she/he might go through, she/he is required to omit any specific reference to people and/or cases she/he came across as part of her/his job at UNHCR. (IRC106).

Based on the citations, it appears that there is a consensus regarding the definition of confidentiality as it should be enacted by interpreters and this is comparable to the EULITA guideline. In the corpus' sources, there is a notable emphasis on the term as expressed by the adverb "strictly"; the very same emphasis is also adopted by the EULITA:

Legal interpreters and legal translators shall be bound by the *strictest secrecy* [emphasis added]. Any information acquired in the course of an interpreting or translation assignment for judicial purposes or its preparation shall not be disclosed (EULITA: 3).

A repeating theme is the importance of interpreters not sharing private information with a third party and outside professional duties. This is also graphically presented within the IRC:

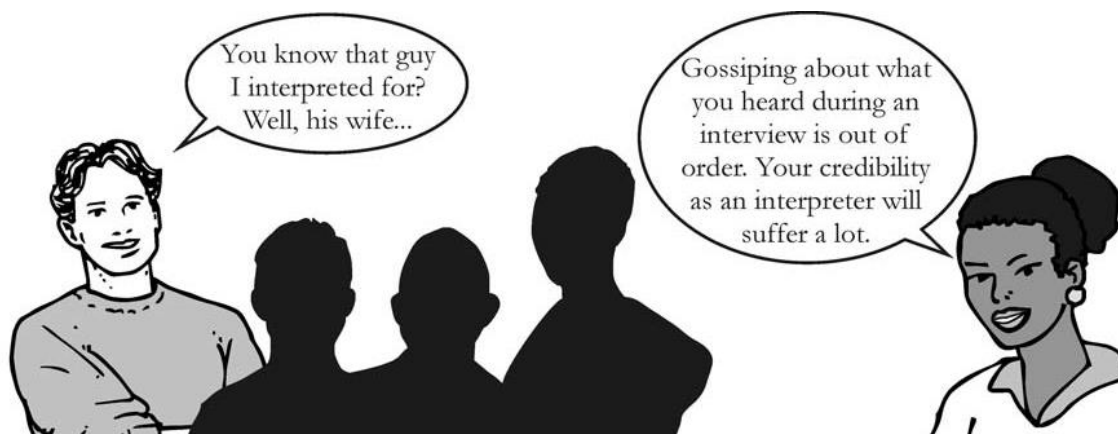


Figure 5 (IRC: 26).

This scenario could potentially arise when the interpreter is an immigrant or a member of a small community, and they are required to provide interpretation services for another member from the same community as illustrated in this didactic example:

An interpreter, who himself is a migrant, is called upon to interpret for an applicant who is from the same country. After the interview, the interpreter by chance meets a person who is also from the same country. The interpreter mentions to this person that he has just interpreted for a newly arrived applicant who, in the opinion of the interpreter, appears to be encountering great difficulties.

Note. In this example, the interpreter has contravened the principle of confidentiality by mentioning details of an interview to an outsider (HIAP: 72).

This instance suggests that the interpreter may have well-intentioned motives for sharing information about the claimant. Migrants often have a strong sense of community and feel compelled to assist a fellow national. However, the handbook explicitly states that such actions contradict the professional ethics of interpreters. Moreover, sharing this information undermines the trust of applicants in the process, as they perceive their personal information as being disclosed publicly. The interpreter's actions touch upon the concept of unprofessional behaviour, particularly in terms of maintaining confidentiality. The interpreter's inclination to sympathize with a fellow community member should not override the imperative to uphold strict confidentiality standards.

Among the scenarios wherein interpreters are bound to uphold the principle of confidentiality, the mental healthcare setting is specifically highlighted:

Should the interpreter be asked to speak about her/his job as part of any counselling or psychiatric therapy she/he might go through, she/he is required to omit any specific reference to people and/or cases she/he came across as part of her/his job at UNHCR. (IRC106).

Indeed, this consideration is significant as it acknowledges the potential psychological impact on interpreters who may experience various traumas in the course of their work, particularly those operating within humanitarian contexts where exposure to violence and conflict is prevalent.<sup>96</sup> Most of all, it insists on the principle of confidentiality at all costs.

### *Impartiality*

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<sup>96</sup> For more information about humanitarian interpreting, see § 2.2.1, *supra*.

In all the texts, the term “impartiality” is consistently mentioned, and the definitions provided align closely with the principle of “neutrality” as described in the EULITA code:

*Interpreters should never engage in advocacy or intervene with UNHCR on behalf of applicants nor should they seek to undermine Applicants’ claims wherever possible, Interpreters should be assigned to different Eligibility Officers and repeated involvement by an Interpreter in a particular case should be avoided when scheduling Interviews (IRSD: 9, emphasis added).*

Interpreters do not *take the side* of any participant in an interaction. The quality and accuracy of interpreters’ interpretations are not influenced by personal opinions, attitudes, value judgements or other preconceptions (HIAP: 72, emphasis added).

Whether the interpreter agrees or disagrees with what is being said during the meeting, she/he shall *suspend judgement* and strive to interpret accurately. She/he shall *not speak on behalf of, advocate for, or try to influence either party* (IRC: 105, emphasis added).

The idea of neutrality mentioned earlier is here presented with terms such as “never engage in advocacy”, “not take the side”, “not speak on behalf” and “suspend judgement”. These formulations are noteworthy as they reflect the fact that the interpreter may exercise an active and influential role in the asylum process. Considering that the asylum process is a communicative context characterised by an asymmetrical power relation, the UNHCR is aware that “[i]n settings where power relations are asymmetrical, an interpreter may tend to regard his/her role as that of a helper of the weaker side” (Kalina, 2015: 79). Therefore, UNHCR intervenes to limit the agency of interpreters. On the same note, the text also refers that a personal judgment of the interpreter regarding a claimant’s narration could significantly impact the outcome of the applicants’ claims as illustrated by the IRC:

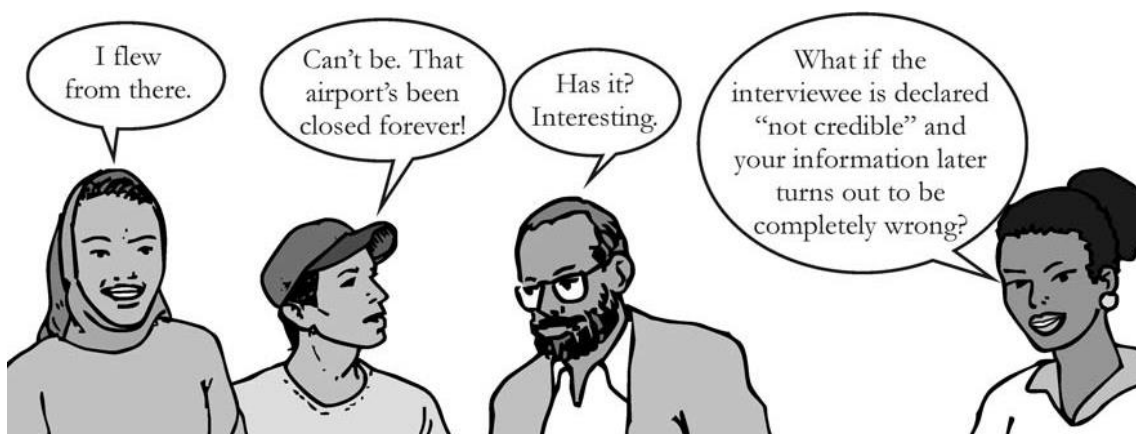


Figure 6 (IRC: 25).

However, the text also illustrates some scenarios where the interpreter's adherence to professional ethics, particularly neutrality, is not necessarily given precedence. The HIAP presents a dilemma of this type, followed by a guiding explanation:

In the course of the interview, the applicant breaks down in tears. She had suffered physical violence in her country of origin and is now in a state of despair. The interpreter feels great empathy for the applicant and spontaneously reaches out and holds her hand to comfort her. On the basis of her knowledge of cultural norms, the interpreter strongly feels that the applicant will not be able to compose herself if either she, the interpreter, or the interviewer simply sit there impassively, doing nothing. At the same time, the interviewer reminds the interpreter that she should behave in a neutral way.

In this case, the universal virtues (or duties) of readiness to help others, assisting the victim of a crime, and empathy are in conflict with professional ethical principles. What also needs to be considered here is *the interpreter's knowledge of culturally-specific forms of behaviour that may positively influence* the course of the interaction, but which stand in potential conflict with the principle of impartiality.

Occupational-specific principles usually take precedence over personal values in work-place settings. However, in cases such as this, it is important to consider whether principles such as confidentiality need to be adhered to, when the well-being or even the life of a person is potentially threatened. (HIAP: 78, emphasis added)

The scenario described presents a complex ethical dilemma for interpreters, as it involves a clash between universal virtues and professional ethical principles. On the one hand, the interpreter feels a strong sense of empathy and a natural inclination to offer comfort and assistance to the claimant, who has suffered significant trauma. However, the interpreter's actions also conflict with established professional ethics, particularly the principle of impartiality (or neutrality). The interpreter's gesture represents a clear breach of this principle. This stands in contrast with the EULITA code, which emphasizes the importance of "maintaining the appearance of impartiality" (EULITA: 3). Moreover, it sharply contrasts from the definition of "impartiality" as found in the UK's *Interpreters code of conduct*, which forbids interpreters to:

"show emotions – the only reactions they must express are those of the customer" (ICC14).



The HIAP justifies the interpreter's role as a mediator in such scenarios. By actively engaging and intervening in response to the applicant's distress, the interpreter effectively guides the interaction in a constructive manner, leveraging on cultural knowledge necessary in the context. This involvement enables the interpreter to address the immediate needs of the applicant, providing comfort and reassurance, while also facilitating the progression of the communication process.

### *Accuracy*

All the texts mention the term "accuracy", and, to some extent, their definitions align with the one provided by the EULITA code, particularly concerning the concept of a "faithful" translation, but with some specifics:

Interpreters should interpret verbatim, fully and accurately all communications between the Eligibility Officer and the Applicant, and promptly inform the Eligibility Officer and Applicant where precise interpretation is not possible (IRSD: 9).

Interpreters provide accurate and complete interpretations of spoken and signed language into the other language. The work of interpreters includes explanation of culturally-specific background information and conveying the affective meaning of interlocutors' speech or signing, where this aids comprehension (HIAP: 52).

The interpreter is to use the same grammatical person as the speaker, unless it is not readily understandable and culturally appropriate to any of the parties. She/he uses the third person when speaking for herself/himself (IRC:103).

Interpreters do not translate de-contextualised words but they mediate between different cultures; they are also cultural mediators (HIAP: 52).

In the text, the modality is not as strong as in the EULITA code. Rather, the texts seem to acknowledge the possibility that, apart from language structure, certain cultural elements may hinder a word-for-word rendition. It is also noteworthy that an interpretation is considered accurate when it is "complete" or "fully" rendered emphasizing both meaning and content. In contrast, the EULITA's code focusses on expressing "Errors, hesitations, and repetitions", which may not always guarantee a complete and meaningful rendition. In this context, seeking strategies to ensure understanding is considered part of the professional role of interpreters and is not a violation of the principle of accuracy:

Interpreting word-for-word, or literally or verbatim, may be an appropriate strategy for certain terms, culture-specific idiomatic expressions or proper names, or for very short utterances. Normally, however, languages have very different syntactic structures, so that word-for-word translation is not possible or does not produce meaningful sentences. For this reason, interpreters do not give a verbatim translation but strive to produce a translation which completely and accurately reproduces the content of the source language utterance and also preserves the style and register of the original. (HIAP: 52)

The interpreter is to use the same grammatical person as the speaker, unless it is not readily understandable and culturally appropriate to any of the parties (IRC: 103).

Idiomatic or culturally/historically/sociologically/anthropologically-related language must be handled with care. The interpreter should tentatively paraphrase the language and signal that confirmation of its meaning is needed. Should any of the parties be unable to explain cultural beliefs and/or practices expressed by such language, the interpreter may tentatively provide basic *to-the-best-of-my-knowledge* information (IRC 104).

A graphic example of the strategy the interpreter might adopt to interpret those meanings that are cultural-specific is provided by the IRC:

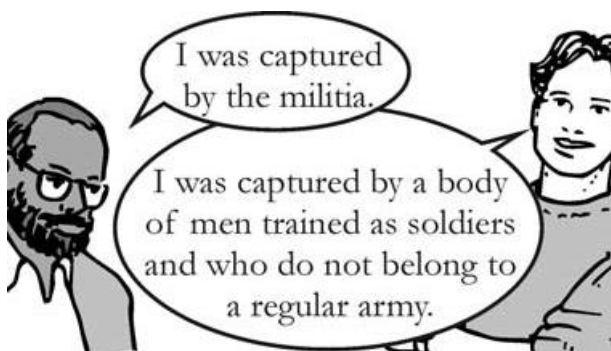


Figure 7 (IRC: 25).

In the depicted scenario, the extended explanation provided by the interpreter does not contravene the principle of accuracy; instead, it arises from the interpreter's effort to convey information "to the best of their knowledge". The interpreter's agency becomes essential in ensuring effective communication between the parties involved. However, the text restricts interpreters' agency to the fundamental duty of facilitating communication between parties, emphasizing that it should not serve

as an opportunity for interpreters to express their opinions or even their knowledge on a topic, since their expertise lies elsewhere:

The interpreter shall not provide any kind of sociological, anthropological or historical information based on the case she/he is involved in as an interpreter. She/he shall not act as an expert in any of these disciplines while interpreting but will encourage the interviewer to obtain such information through the interviewee (IRC: 104).

From the analysis conducted, it becomes evident that there are instances where the interpreter's agency is permitted, particularly in the role of a mediator to facilitate communication. Therefore, while adherence to professional standards such as accuracy, impartiality and confidentiality remains paramount, there is recognition of the interpreter's pivotal role during interactions. From the description of the texts, the function of interpreters can be characterized as keeping a delicate balance between ensuring effective communication as a mediator and upholding professional ethics.

## 5. Conclusion

Throughout the course of this dissertation, it became evident that the accessibility of materials relevant to asylum procedures varied significantly across different stakeholders. While some resources were available, the overall quantity remained limited, raising concerns about the comprehensiveness and adequacy of guidance and support materials. Interestingly, there was a progression in the materials uncovered, starting from a dearth of resources targeting asylum seekers to more substantial results in materials addressing interpreters. However, it is important to note that accessibility does not solely depend on the availability of materials but also on the ease of access to these resources. The present research has its limitations: it was based on a desktop search, and we cannot know whether materials are physically present in police headquarters, shelters, or embassies. Yet, efforts must be intensified to ensure that a broader range of materials are not only available but also easily accessible, particularly for asylum seekers who may benefit greatly from increased awareness and guidance during asylum procedures. Enhancing accessibility can also help alleviate challenges that interpreters may face by providing clearer expectations and guidelines for their role. At a country level, the scarcity of available materials easily available on-line underscores the need for further development and dissemination of resources to better support stakeholders involved in asylum procedures.

In examining materials from different countries, notable differences in tone, emphasis, and approach were observed. In the United Kingdom (UK), materials tended to adopt a more informal tone, with a primary focus on the role of asylum officers. Interpreters were often portrayed as linguistic conduits, with an emphasis on literal translation and adherence to strict modality. The emphasis on confidentiality and accuracy was pronounced, highlighting the paramount importance of these principles in interpreters practice within the UK asylum context.

In Italy, the approach to interpreter practice within asylum procedures appeared to be less rigid compared to the UK. This difference could be attributed, in part, to the country's cultural and linguistic context, as well as its historical association with the mediator role in various settings, including legal proceedings. While fewer materials specific to

interpreter practice were identified in Italy, there was a notable emphasis on the importance of cultural sensitivity and understanding in interpreting.

Within the UNHCR context, the emphasis on impartiality and confidentiality is heightened due to the unique challenges posed by communal contexts. People seeking asylum often come from backgrounds marked by experiences of war, persecution, or statelessness, which can engender deep-seated fears and apprehensions. In such environments, trust becomes paramount, and individuals rely on the asylum process to provide a safe and secure space for seeking protection and refuge. Interpreters, therefore, play a crucial role in fostering trust and confidence among asylum seekers by upholding strict confidentiality standards. Given the sensitive nature of the information shared during asylum interviews, confidentiality is not just a professional obligation but a vital component of creating a safe and supportive environment for individuals who may have experienced trauma or persecution. Similarly, impartiality is rigorously enforced within the UNHCR context, primarily due to the diverse backgrounds and potential biases of interpreters themselves. Many interpreters within this context are migrants or refugees themselves, which may predispose them to emotional involvement or advocacy for claimants from similar backgrounds.

As emphasized earlier, there is a pressing need to raise awareness among all stakeholders involved in asylum procedures, including asylum seekers and other key parties, regarding the crucial role played by interpreters. This increased awareness is essential not only to foster a better understanding of the interpreter's responsibilities but also to promote sustainable practices within the asylum process. Enhancing awareness among asylum seekers means claimants can better appreciate the importance of effective communication facilitated by interpreters and have clearer expectations of the interpreter's role. Similarly, stakeholders such as asylum officers and legal representatives need to understand the significance of interpreters in ensuring fair and accurate communication during asylum proceedings. This awareness can lead to more effective collaboration with interpreters and contribute to a smoother asylum process overall. Moreover, it is imperative to focus on raising awareness specifically among interpreters themselves. Providing interpreters with comprehensive training programs that are grounded in real-world experiences and adopt a bottom-up approach is essential. These training initiatives should draw inspiration from successful models such as those offered by the University of Geneva and the University of Bologna. By incorporating practical insights and skills based on field

experience, interpreters can enhance their effectiveness and adaptability in navigating the complexities of asylum procedures. In summary, fostering awareness among all stakeholders and investing in targeted training programs for interpreters are essential steps toward improving the asylum process. By promoting a deeper understanding of the interpreter's role and providing interpreters with the necessary skills and support, we can work towards a more efficient, equitable, and inclusive asylum system that upholds the rights and dignity of all involved parties.

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