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Contesting language analysis for determination of origin (LADO) in asylum procedures.

Yaron Matras

Aston Institute for Forensic Linguistics, Birmingham
University of Hamburg
<y.matras@aston.ac.uk>

Institut für Afrikanistik, astorch@uni-koeln.de

Linguistic Analysis for the Determination of Origin (LADO) is concerned with using language as a way of identifying people's background and place of socialisation in order to verify entitlement in cases of asylum applications. While some governments have their own language agencies others make use of the services of private contractors. Concerns have been raised about the reliability of methods of analysis in general and in particular those used by private contractors. The procedures are ridden with a series of contradictions that revolve around different views of language, the task involved, the notion of expertise and that of evidence (see for example exchange between Matras 2018, Hoskin et al. 2020, and Matras 2021; also Verrips 2010, Patrick 2012; also Various 2004). In my talk I describe how government decisions to reject asylum based on language assessment have been challenged in the immigration and asylum courts in England. I examine the practice of juxtaposing hypotheses about applicants' backgrounds in the initial language analysis; challenging the conclusions by contesting expertise, method, and data interpretation; and the courts' argumentation when deciding between competing notions of expertise and evidence. In this way I show how views about language and the way they inform judicial procedures are mobilised in support of potentially contradictory and opposing political and social justice agendas (cf. Blommaert 2009).

References:

- Blommaert, J. (2009) Language, asylum and the national order. *Current Anthropology* 50(4): 415–441.
- Craig, S. and Zwaan, K. (2019) Legal aspects of LADO from a European perspective: struggling with the burden of proof? In P. Patrick, M. S. Schmid and K. Zwaan (eds) *Language Analysis for the Determination of Origin: Current Perspectives and New Directions* 213–232. Cham: Springer.
- Gal, S. and Irvine, J. T. (2019) *Signs of Difference: Language and Ideology in Social Life*. Cambridge: Cambridge University Press.
- Hoskin, J., Cambier-Langeveld, T. and Foulkes, P. (2020) Improving objectivity, balance and forensic fitness in LAAP: a response to Matras. *International Journal of Speech, Language and the Law* 26(2), 257–277
- Maryns, K. (2004) Identifying the asylum speaker: reflections on the pitfalls of language analysis in the determination of national origin. *International Journal of Speech, Language and the Law* 11(2): 240–260.
- Matras, Y. (2018) Duly verified? Language analysis in UK asylum applications of Syrian refugees. *International Journal of Speech, Language and the Law* 25(1), 53–78.
- Matras, Y. (2021) Process, tools and agenda in LADO: A rejoinder. *International Journal of Speech, Language and the Law* 28:2, 233–250.
- Patrick, P. (2012) Language analysis for determination of origin: objective evidence for refugee status determination. In Solan, L. M. and Tiersma, P. M. (eds.) *The Oxford Handbook of Language and Law*. Oxford: Oxford University Press. 533–546.
- Various (2004) Guidelines for the use of language analysis in relation to questions of national origin in refugee cases. *International Journal of Speech, Language and the Law* 11(2): 261–266
- Verrips, M. (2010) Language analysis and contra-expertise in the Dutch asylum procedure. *International Journal of Speech, Language and the Law* 17(2): 279–294.