Institution: University of Essex

Unit of Assessment: 26

Title of case study: Language and Migration: Challenging and improving existing policies and practices affecting asylum seekers and multilingual migrants

Period when the underpinning research was undertaken: 2002-2020

Details of staff conducting the underpinning research from the submitting unit:

Name(s):	**Role(s) (e.g. job title):**	**Period(s) employed by submitting HEI:**
Monika S. Schmid	Professor of Linguistics	2013 - present
Peter L. Patrick	Professor of Linguistics	1998 - present
Enam Al-Wer	Professor of Linguistics	2000 – present

Period when the claimed impact occurred: 2013-2020

Is this case study continued from a case study submitted in 2014? N

1. Summary of the impact

Asylum seekers can face the risk of unjust and erroneous decisions on asylum applications based on formal or informal assessments of their native language in the process known as Language Analysis for the Determination of Origin (LADO) where such analyses are not informed by insights from forensic, variationist and psycholinguistic research. Other professional and personal disadvantages to migrants and refugees can also arise from simplistic perspectives about what constitutes and characterises a 'native speaker'. Essex research has challenged existing policies and practices and has:

1. improved **access to justice** and **equality**
2. improved **existing processes** and **exposed flaws in their application**
3. improved **professional standards** and **guidelines**
4. contributed to **continuing professional development**
5. **shaped and informed public attitudes** towards issues related to the native language of refugees, migrants and bilinguals

Our research has a wide reach, benefiting refugees and migrants, commercial, governmental and academic providers of LADO, lawyers and judiciary, professional and charitable bodies and NGOs and the wider public.

2. Underpinning research

The research underpinning this case study demonstrates the broad range of variation and variability within and across languages, in particular languages with broad geographical distribution and regional variance e.g. Arabic [R1] and across speakers [R2], in particular in multilingual settings and language attrition contexts [R3]. Our research argues that:

- Rigorous sociolinguistic/forensic standards, arising from the theoretical and methodological state of the art, are needed to underpin procedures used for official decision-making, such as LADO, in order to ensure validity and fairness [R4, R2, R5].
- Evaluating whether or not someone speaks a language "natively" requires expert knowledge of linguistics, since non-linguists do not possess the necessary awareness of a range of matters tied to nationality, national origin, citizenship, identity, multidialectism, multilingualism and the way in which a speaker will use their language in a particular context or setting [R2].
- Intrinsically linguistic historical processes and social constraints – in particular those related to (national) identity – interact in complex ways, shaping the overall process of language change and variability in individuals and communities [R1, R6, G3, G5, G6].
- Speech is shaped by context and factors such as inequality of power between interlocutors, ethnic, racial or class conflicts in cross-cultural communication, pressures to assimilate to the standard variety, proficiency in other languages, etc. These factors have to be recognised, understood, and taken into account in LADO analyses [R2, R7, R3].
- Speakers, who use more than one language on a daily basis, in particular after moving to another speech community, do not use their native language in the same way it is spoken in the country of origin. In such cases, LADO may not be feasible or reliable [R7, R3, G2, G4].
- Identity and experiences, particularly traumatic ones, can strongly impact on the way in which

(native) languages are used and may lead to a native speaker no longer being perceived as such, making a determination of a speaker's origin on the basis of their language use unreliable [R7, R3, R5].

- Native language knowledge is subject to change in a foreign-language environment [R7, R3].

3. References to the research [available on request from HEI]

[R1] Al-Wer, Enam et al. (2020). Probing linguistic change in Arabic vernaculars: A sociohistorical perspective. *Language in Society,* 1-22 DOI: https://doi.org/10.1017/S0047404520000706

[R2] Patrick, Peter L. (2016). The impact of sociolinguistics on refugee status determination. In R Lawson & D Sayers (eds.), *Sociolinguistic Research: Application and Impact*, 235-256. Routledge. ISBN:9780415748506

[R3] Schmid, Monika S. & Barbara Köpke (Eds.) (2019). *The Oxford Handbook of Language Attrition*. Oxford University Press. ISBN:9780198793595

[R4] Patrick, Peter L., Monika S. Schmid & Karin Zwaan, eds. (2019). *Language Analysis for the Determination of Origin: Current perspectives and new directions*. Springer. ISBN:9783319790015

[R5] Patrick, et al Language and National Origin Group (2004). Guidelines for the Use of Language Analysis in relation to Questions of National Origin in Refugee Cases. International Journal of Speech, Language and the Law 11(2), 261-266 https://doi.org/10.1558/ijsll.v11i2.261

[R6] Al-Wer, Enam & Uri Horesh (Eds.) (2019). *The Routledge Handbook of Arabic Sociolinguistics*. London/New York: Routledge. ISBN:9781138853966

[R7] Bergmann, C., Nota, A. & Schmid, M. S. (2016). L2 immersion causes non-native-like L1 pronunciation in German attriters. *Journal of Phonetics,* 58, 71-86. http://doi.org/10.1016/j.wocn.2016.07.001

Related funding

[G1] Patrick, P. ESRC (2011-2012) – Language Analysis of Asylum Applicants: Foundations, guidelines, and best practice, £18,300

[G2] Schmid, M. ESRC (2014-2017) - *First Language Attrition Seminar Series*. £30,270

[G3] Al-Wer, E. Leverhulme Trust (2017-2021) - The emerging dialect of Amman: A study in New-Dialect Formation, £172,301

[G4] Schmid, M. Royal Society (2018-2020) – Issues of attrition and transmission in heritage language development, £91,875

[G5] Al-Wer, E. British Academy (2016-2019) - Further sociolinguistic explorations in Palestinian Arabic, £241,538

[G6] Al-Wer, E. British Academy (2016-2019) - Religious affiliation, language variation and national identity in the Middle East, £9,964

4. Details of the impact

1. Improving professional standards, improving existing processes and exposing flaws in their application

Professional guidelines

Essex research has revealed the importance of robust linguistic analysis when applying LADO. In particular, it has shown that where LADO is *"unsupported by demonstrated expertise*" [S1a], for example through employing analysts that are not sufficiently qualified, decision-making is compromised [R4]. The Language and Asylum Research Group (LARG), convened by Patrick and Schmid, also advocates for the LADO practice to be underpinned by robust research on relevant forensic, sociolinguistic, dialectological and psycholinguistic issues in order to ensure access to justice and equality for refugees [R4]. The 2004 *Guidelines for LADO* [R5], developed by LARG, are accepted as the professional standard and have been adopted by governments across Europe, USA, Australia and Canada, as well as by the two main providers of LADO reports, Sprakab and Verified AB [S1]. The Guidelines continue to be routinely cited by LADO companies and in court cases and have resulted in the reconsideration of a number of such cases [S1a]. *Verified*, the primary supplier of LADO reports to the UK Home Office, cites the guidance in every case report. The *Guidelines* have further been endorsed by many learned bodies, most recently the International Language Testing Association in 2018 [S1b]. In these guidelines and in their existing

research, Patrick, Schmid and Al-Wer maintain that LADO reports must be:

   a) informed by expert sociolinguistic and forensic knowledge [R2]
   b) informed by recent research on the actual dialect in question [R4]
   c) based on accepted standards and methodologies for conducting interviews, analysing them and evaluating the outcomes [R4] and
   d) aware of possible changes to the native language due to prolonged absences from the country of origin, in particular where speakers left this country at a young age [R7, R3].

When these principles are not adhered to, it constitutes grounds for decisions that were made on the basis of the LADO report to be challenged. Lingua, the specialised unit for LADO within the Swiss State Secretariat for Migration, attest this is an essential field of work [S2]:

'Used by several (mostly European) state authorities in their asylum procedures, LADO has been a controversial field of work since its beginnings in the mid-1990s…If the situation has somewhat improved over the years, this is largely due to the commitment of the few linguists putting aside their reservations and being willing to discuss LADO objectively, scientifically, and without bias. The 2004 publication of the Guidelines for the Use of Language Analysis [R5] in relation to Questions of National Origin in Refugee cases spurs the beginning of this debate….'

Challenging the LADO practices of companies to ensure robust analysis

Patrick's research exposed the flawed and fraudulent practice underlying many LADO reports of Sprakab, who was the main provider of LADO reports for the UK Home Office (HO) and the Swedish Migration Board (SMB) [S3]. At the same time that these revelations became public knowledge in 2014, Sprakab's practices were heavily criticized in a Supreme Court verdict [S3a]. Patrick's research was drawn upon when he was invited as an expert to provide his critical view of Sprakab's practices to the lawyer representing the appellant in the Supreme Court case.

'*Besides the direct impact of the dismissal of the Home Office's appeal and the success of the two asylum-seeking clients …, it is fair to say that Prof. Patrick's work has had a broader impact … a key "aspect of the Sprakab evidence was unsupported by demonstrated expertise in the relevant field" as Prof. Patrick had long observed, and urged that "The Upper Tribunal ought to give further consideration to how the basis for the geographical attribution of particular dialects or usages can be better explained and not (as it often currently seems to be) left implicit" "* [S1a].

This court case led to significant media attention including a Swedish documentary on Sveriges Television AB, Sweden's national television broadcaster, which also drew on Patrick's research [S3b]. Following the Supreme Court Case both the HO and the SMB moved to a different main provider for LADO reports [S3c pg. 6].

Providing guidance and training

Patrick and Schmid continue to provide the evidence base for LADO professional standards. As crisis regions shift due to global developments, so do migration patterns, making it necessary for agencies to find native speakers and experts able to provide analyses. While it is usually possible to find academic experts and non-expert native speakers possessing the necessary expertise of the language, they are often unfamiliar with rigorous forensic standards required for this analysis. In 2020 Patrick and Schmid led online and in-person discussions to introduce best practice for experts on particular language varieties (e.g. Syrian Arabic) who are novel to LADO reports, providing them with insight into the requirements of such reports in order to improve their quality and guarantee that best practice was applied [S4].

In order to develop more widely available training materials for LADO providers, in 2019 Patrick and Schmid met with government agencies providing LADO services (the UDI (Norway), Lingua (Switzerland)) and private businesses (De Taalstudio (the Netherlands)) as well as academic experts, in order to assess training needs and discuss the development of training resources. The head of the Swiss bureau Lingua, has acknowledged the role played by these activities as bringing "*LADO forward as a topic in the academic context*" and promoting "*further development according to scientific standards*" – activities, which, in his view, are "*essential*" to ensure the quality of LADO practice [S2].

2. Improving access to justice and equality

Patrick, Schmid and Al-Wer have provided over 40 expert opinions between August 2013 and December 2020 to lawyers and organisations in the UK and the Netherlands, challenging existing LADO analyses with negative outcomes based on their research and expertise [R5]. These have "*proved essential in the outcome*" [S5] of many such procedures, often directly leading to the original LADO report being dismissed, or not considered of material importance, and the asylum status that had previously been denied being granted [S5, S6]. Based on Patrick's research [R4, R2] and expert opinion, reports that do not meet the requisite level of linguistic analysis, including shortcomings related to the analyst having insufficient familiarity with the language or dialect in question or the political situation (e.g. confounding dialect and geographical borders) are challenged [S1a, S6]. Schmid's research on changes in the native language of migrants (attrition) demonstrates that perceived native speaker status is not stable [R7], in particular among younger migrants [R3]. Schmid has argued against the validity of decisions based on LADO reports or informal assessments by judges, Social Services or immigration departments rejecting the appellant's account of their origin in cases where they had spent prolonged periods of time outside that country or region. For example an expert consulted in a case from 2019 notes:

> '*I have been informed by the representatives of this young man that your input… [was] essential to the judgment in the case, in which the original rejection of his application for asylum was overthrown and he was granted leave to remain….*' [S5].

Al-Wer has regularly provided LADO reports on the origin of asylum seekers from various Arabic-speaking regions, based on her expertise in the dialectology of Arabic [R1, R6], as evidenced by Lingua who state

> '*Her work has a direct, qualitative impact on asylum decisions. Ensuring that questions regarding the origin of asylum seekers are thoroughly and carefully examined leads to more informed asylum decisions which, in turn enhance the quality of Swiss asylum procedure as a whole'. [S2].*

The findings from Essex research and the expert opinions provided by Essex scholars have been key factors in shaping policy and practice around the use of LADO, and have been used and cited to challenge and overturn a large number of decisions. The broader dissemination of this research has impacted on a range of other factors concerning asylum seekers, migrants, and multilinguals.

3. Shaping and informing public and professional attitudes

Schmid's research [R7, R3] demonstrates that native speakers who live in a second or foreign-language environment and consequently encounter problems in producing and processing their native language (such as word-finding difficulties, a foreign accent, grammatical and lexical errors, [R7, R3]) are often surprised and worried by these developments and frequently experience feelings of shame and guilt [S7]. They are also often confronted with strongly negative reactions from friends, family, (potential) employers and the wider public [S7a]. Schmid's unique and extensive research [R7, R3] on the phenomenon of language attrition is debunking the widely-held myth that native language knowledge is impervious to change and attrition and that, therefore, any sign of attrition must be a ploy for attention or indicate attempts to be deceitful [S8]. Since 2016, Schmid's website, languageattrition.org, provides an introduction to the phenomenon in both children and adults through explanations and examples. She has contributed to the public debate in cases of high-profile attriters widely reviled in the press and Social Media, such as the American soldier Bowe Bergdahl, the Surinamese-Dutch boxer Regilio Tuur and, most recently, actor Hilaria Baldwin [S8]. Her research has been widely referenced in the media by outlets with a very broad reach (eg, the Independent with a readership of over 33.7 million) with articles and interviews cumulatively reaching an audience of millions. A recent TikTok video based on her research attracted over 50k views [S8], her work was used in an art project for the Manchester Jewish Museum [S7a], and her website has attracted more than 1250,000 views since publication [S9]. The significance of Schmid's research to individuals affected by language attrition, is evidenced through personal communications from those experiencing these phenomena [S7], expressing feelings such as " I didn't know that there was a name for this experience I have struggled with for so so long! […] I feel like a stranger in my own home […] finally I know that my experience is not so unusual. Thank you!" [S7b]. Over 50 individuals have similarly reached out for advice and insight and have expressed gratitude for making sense of their own experiences of language loss, which

can negatively affect their personal and professional lives [S7].

4. Preventing professional disadvantaging of multilinguals

In 2019 Schmid was invited to provide an expert analysis of the English language qualification criteria used for professional re-accreditation of the English Nursing and Midwifery Council (NMC). As a result of Schmid's research [R7, R3] and analysis, the Council have changed the criteria, removing some of the barriers to re-accreditation, e.g. a recent English test in those cases where a relevant qualification had been obtained in an English-speaking country more than five years ago [S10, S10a]. In 2020 approximately 16% of nurses, midwives and nursing associates who are on the permanent register and eligible to practise in the UK (a total of 724,516 individuals) are from overseas so these changes potentially benefit over 116,768 professionals [S10b].

In 2020, Schmid taught two webinars to court interpreters and translators in the Netherlands (total attendance ca. 75), explaining how language attrition may impact on professional practice, e.g. after a career break, and what practitioners can do to prevent these effects [S11] – these webinars count towards the CPD requirement such professionals have to regularly demonstrate to maintain their accreditation. A similar talk was given at the Essex Teacher Conference in 2018 to about 25 attendees. Feedback from these events was extremely positive, indicating that attendants found the information useful and intended to use it in their professional practice [S11]. As these examples show, it is important for practitioners and, in particular, language experts such as translators and teachers, to understand to what extent language attrition may affect professional performance and how it can be prevented or minimized.

Simplified views of multilingualism and the concept of 'native speakers' and 'native languages' can lead to multiple disadvantages for migrants and, in particular, refugees and asylum seekers. Our cumulative expertise from the point of view of sociolinguistics, applied linguistics and psycholinguistics aims to expose, address and, where possible, mitigate these disadvantages. The beneficiaries of this impact range from dozens of individual migrants and asylum seekers, for whom our expertise has had a profoundly life-changing effect through professionals and courts up to a broad audience of millions reached by the manifold ways in which our research findings have been disseminated.

5. Sources to corroborate the impact

[S1] Collated media on LADO Guidelines
[S1a] Testimonial from Advocate to the Supreme Court Case [2014] UKSC 30
[S1b] Screenshot of ILTA adopting Guidelines
[S2] Testimonial from Head of LINGUA, Switzerland's specialised unit for linguistic analyses for the determination of origin (LADO) within the State Secretariat for Migration.
[S3] Collated media on Sprakab
[S3a] Supreme Court Judgement (paragraph 51 and 54, ii, b) and Press Summary
[S3b] Screenshot and media coverage of documentary on SVT Nyheter featuring Peter Patrick
[S3c] Home Office Language Analysis guidance 2018 stating Sprakab is no longer main provider
[S4] Testimonial from language academic using the guidelines and training to ensure best practice
[S5] Lawyer statements on Schmid's involvement with asylum cases
[S6] Example linguistic assessments by Patrick
[S7] Collated testimonial emails from individuals about language attrition
[S7a] Correspondence from an individual drawing on the effects of language attrition for art displayed in the Manchester Jewish Museum
[S7b] Correspondence from an individual experiencing attrition
[S8] Collated media on language attrition
[S9] Language Attrition web statistics https://languageattrition.org/
[S10] Nursing and Midwifery Council. Open Council papers 27 November 2019
[S10a] Testimonial from Policy Manager, NMC (email)
[S10b] NMC Permanent Register Mid-year update. 1 April-30 September 2020
[S11] Collated event feedback