



**Submission to Joint Committee on
Justice, Equality, Defence and Women's
Rights**

from

**Irish Translators' and Interpreters'
Association**

19 Parnell Square, Dublin 1



CUMANN AISTRITHEOIRI agus TEANGAIRI na hEIREANN
IRISH TRANSLATORS' and INTERPRETERS' ASSOCIATION

Joint Committee on Justice, Equality, Defence and Women's Rights
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The Irish Translators' and Interpreters' Association / Cumann Aistritheoirí agus Teangairí na hEireann (ITIA) is made up of over 500 members, including professional, ordinary, student and corporate members. See our website on <http://www.translatorsassociation.ie> for more information. It is the only such association in Ireland and is committed to the professionalisation of translation and interpreting.

The Immigration, Residence and Protection Bill 2008 contains six references to interpreters and the proviso that they be provided 'where necessary and practicable'. Interpreters are to be provided on entry into the State, for consultations with solicitors, at interview stage and at the Tribunal. Basically the Bill would maintain the current provisions regarding interpreters in the asylum process.

It is up to individual members of the Garda National Immigration Bureau (GNIB), the Garda, and the Office of the Refugee Applications Commissioner (ORAC) to make a decision about the need for an interpreter. We are not aware of any guidelines for these individuals on how they should make this decision. We believe that it would be very useful to have some basic guidelines that would inform this important decision. Some District Court judges have refused to sign for interpreters on the grounds that defendants have been living in the country for some time and should have learnt English. Some District Court judges even expect defendants to organise their own interpreter.

Recommendation: Guidelines on when interpreters should be provided should be drawn up for the use of GNIB, Garda, Courts Service, ORAC.

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Our association has a number of concerns about the current provision of interpreters at various stages of the asylum process. We believe that interpreters are not always provided when they should be at Immigration. When they are provided they often have to interpret on a mobile phone with attendant difficulties hearing what is being said and interpreting appropriately. If it is not possible to locate an interpreter in a particular language, people could be sent back at the point of entry. If interpreting is inadequate people could be sent back. The bill provides that a record of the examination should be furnished to the person. We welcome this provision but note that the Bill does not indicate if the record will be in English or in the foreign language or both. If the person cannot read English then the provision of a record in English is not of much help.

Recommendation: a record of the examination should be provided in a language that the person understands.

Interpreters are provided at ORAC, Refugee Legal Services and at the Tribunal but the interpreters are often ‘speakers of other languages’ which means that they may be competent in languages but are not necessarily competent at interpreting. The asylum seeker’s explanation of events is very important and it is crucial that competent interpreting and indeed translation be provided at all stages. Asylum seekers fill in a lengthy questionnaire in their own language which is then translated into English. If mistakes arise in the translation then this can cause difficulties for the asylum seeker at interview stage. Any differences between the account in the questionnaire and the account at interview stage can be used against the applicant. A record of the interview is to be furnished to the person but again it is not clear in the Bill if this will be in English or the other language or both.

Recommendation: Asylum seekers’ responses to the questionnaire should be translated by professional translators.

Recommendation: a record of the interview should be furnished in a language that the person understands.

Recommendation: ORAC interviews should be recorded. This would help resolve disputes where asylum seekers believe that information was interpreted incorrectly. In such cases an independent language expert could transcribe everything said and the interpretation provided.

Recommendation: Spot checks should be carried out by qualified interpreters to ensure that interpreting is accurate and that interpreters are impartial.

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While many interpreters are very competent, we are aware that some interpreters have no training in this field and are very much self taught. Translation agencies assess interpreters on their ability to communicate in English but bilingualism is no guarantee of competent interpreting. Furthermore, it is very important that interpreters abide by a code of ethics that includes confidentiality and impartiality. It is essential to change the system so that the translation agencies which supply interpreters introduce an assessment test for interpreters or prioritise those interpreters who have appropriate qualifications. It will be up to the government service providers to insist that interpreters are trained and qualified.

Recommendation: the addition of the word 'competent' alongside 'interpreter' in the Bill.

Members of the ITIA who have interpreted at the Refugee Appeals Tribunal have found it a daunting experience. Because hearings are *in camera*, interpreters cannot sit in on cases to learn more about how the system works.

Recommendation: Interpreters who are booked in advance to work at the Tribunal and who have no previous experience of working there should be allowed to attend the Tribunal for a half-day so they can learn how it works. This would be on strict condition of respecting confidentiality.
Recommendation: All interpreted Tribunal cases should be recorded.

Regardless of the reasons for or circumstances of arriving to the country, those needing to communicate with an official body should be provided with a competent interpreter. Interpreting in court is particularly difficult because of noise, reluctance of judges and lawyers to use microphones, legal terminology and lack of information for the interpreter about the case. Again, there is an urgent need to improve interpreting standards in the courts.

Please note that we would be happy to discuss these issues with the members of the Joint Committee or with any of the entities mentioned in this submission.

Annette Schiller, Chairperson

Mary Phelan, Public Relations Officer

15th April 2008