

TRANSLATIONS

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Introduction

These instructions outline the UK Border Agency policy regarding foreign-language documents submitted in support of an Asylum application, and the processes for obtaining a translation. These instructions are only concerned with the translation of documents submitted by an applicant, and are not intended as guidance on obtaining translations of other foreign language material. If translations of other documents are required, asylum officers should consult either: the Asylum Resources Directorate (New Asylum Model) or their regional Business Support Team/Unit.

Key Messages

All documents that the applicant wishes to rely upon should be provided in English, or accompanied by an English translation. The translator's credentials should be provided, along with their affirmation that the translation is accurate.

Article 4 of the European Council Qualification Directive has been incorporated into UK legislation by inclusion in the Immigration Rules at paragraph 339I which states:

“When the Secretary of State considers a person's asylum claim, eligibility for a grant of humanitarian protection or human rights claim it is the duty of the person to submit to the Secretary of State as soon as possible all material factors needed to substantiate the asylum claim or establish that he is a person eligible for humanitarian protection or substantiate the human rights claim, which the Secretary of State shall assess in co-operation with the person.”

“[A]ll material factors needed to substantiate the asylum claim or establish that he is a person eligible for humanitarian protection or substantiate the human rights claim” includes not only any documents relied upon, but also, if the documents are not in English, an English translation.

The following principles should be applied by asylum officers in the handling of foreign-language documents:

- applicants should be informed that any documents relied upon should be provided in English or accompanied by an English translation, no matter when they are submitted
- any foreign-language document on which the applicant or the asylum officer wishes to rely must be accompanied by an English translation of reliable quality
- no reliance can be placed on an untranslated document
- asylum officers should allow reasonable time for translations to be submitted, but a decision should not be unduly delayed by the applicant's failure to submit a translation
- asylum officers have the discretion to arrange for an untranslated document to be translated at UK Border Agency expense where this is justifiable in the circumstances of the case

Policy When Foreign-Language Documents are Submitted without a Translation

Where the document is clearly central to the claim, asylum officers may grant an extension of time for the applicant to obtain a translation prior to an initial decision being made.

Similarly, although it is the duty of the applicant to provide all foreign-language documents accompanied by an English translation, it may on occasion be appropriate for an asylum officer to commission the translation of a foreign-language document at UK Border Agency's expense.

An extension of time should only be given, or a UK Border Agency translation should only be commissioned, where it is justifiable in the circumstances of the case, and where the document is clearly central to the claim (e.g. documentary evidence upon which the claim hinges). The asylum officer should take into account:

- what stage in the process the claim has reached, and whether the applicant could reasonably be expected to have obtained a translation previously;
- whether or not the applicant has what is considered a reasonable excuse for failing to get the document translated up to that stage; and
- whether waiting for the translation is likely to assist earlier case conclusion and improved quality of decision-making.

If in doubt over whether to grant an extension in order for the applicant to obtain a translation, or whether UK Border Agency should commission a translation itself, advice should be sought from a Senior Caseworker and Team Leader.

Representations Requiring Translation

It is the responsibility of the applicant to submit any documents in support of their application in English or to submit foreign-language documents accompanied by English translations which should be certified as being authentic translations of the originals. This is clearly explained in the invitation to asylum interview letter and, if applicable, in the accompanying information with the Statement of Evidence form issued to applicants. However, representations which have not been translated are sometimes submitted in support of applications. In such cases, asylum officers should only request a translation when it is **absolutely necessary**, and only after consultation with a Senior Caseworker and their Team Leader.

If an applicant being processed in the Asylum Legacy Directorate completes a Statement of Evidence Form in a language other than English it should **not** be translated, and the asylum application should be refused on grounds of non-compliance. In such cases, the applicant's file should be sent directly to the appropriate Asylum Co-ordination Unit. New Asylum Model applicants are not issued with a Statement of Evidence Form.

Representations Submitted Before Interview

Should an applicant/representative submit documents that have not been translated into English prior to the substantive asylum interview, the asylum officer should photocopy the original document and return it by hand (if appropriate), or 1st class recorded post, along with a copy of ACD.2397 'Request to applicant/representative to translate representations' to the applicant/representative asking for a translation to be submitted at interview. If it is not possible to contact the applicant/representative in good time in advance of the interview, officers should request the translation at interview. All actions taken should be clearly minuted on the left-hand side of the applicant's file (for further guidance, see Asylum Instruction on Minute Writing.)

Representations Submitted at Interview

Any documents submitted at the time of the interview should be either written in English or accompanied by an English translation. If a translation is not provided the asylum officer should photocopy the original and return the original informing the applicant/representative that they should submit translations of the documents as soon as possible after interview, but that consideration of the application will not be suspended pending the arrival of the documents.

If, following the interview, the asylum officer feels that the foreign-language representations submitted at or prior to interview may be integral to the decision, then they may deem it necessary to obtain a translation of the representations internally. Asylum officers should refer to Representations Requiring Translation if they feel that the foreign-language representations are integral to the decision. A letter should be posted to the applicant and/or representative informing them of this decision.

Representations Submitted After Interview

When foreign-language documents are submitted without a translation after the interview, they should be returned to the applicant/representative, after being photocopied, by recorded delivery with covering letter ACD.2397, stating that any documents submitted in support of an application should be either written in English or accompanied by an English translation. The covering letter should also state that if they wish to submit foreign-language documents they should obtain an English translation and submit the document and the translation by post as soon as possible. It should be stressed in the covering letter that consideration of the application will not be suspended pending arrival of the documents.

If foreign-language representations are submitted at a NAM reporting event then the asylum officer should take the opportunity to ask the applicant sufficient questions to establish exactly what the document submitted is and to establish its relevance to the asylum application. The questions submitted to the applicant and the subsequent responses, **must** be minuted in direct speech, in question and answer format, and **must** be recorded verbatim and attached to the right-hand side of the case file.

If, following the submission of foreign-language representations at a NAM reporting event, the Case Owner feels that the documents may be integral to the decision, then they may deem it necessary to obtain a translation of the representations. Asylum Officers should refer to Representations Requiring Translation if they feel that the foreign-language representations are integral to the decision. A letter should be posted to the applicant and/or representative informing them of this decision.

Role of the Home Office Interpreter

Home Office interpreters are **not** permitted to translate documents submitted by the applicant/representative during the asylum interview. Interviewing officers should however ask the applicant sufficient questions to establish exactly what the document submitted is and to establish its relevance to the asylum application.

Obtaining Approval to Commission a Translation

Where the asylum officer considers that it is necessary to obtain a Home Office translation, they should seek the agreement of a Senior Caseworker and their Team Leader. Such cases should be uncommon. If the document is a leaflet, a report or a newspaper article, asylum officers should initially contact the Country of Origin Information Service (COIS) through a Senior Caseworker to check whether a translation of the document is already available.

Procedure for Commissioning a Translation

The process

The Asylum Resources Directorate (ARD) process all requests for translations. Operational staff should submit requests for translations by following the procedure outlined below:

- Complete a Translation Request Form
- Take a copy of the document(s) to be translated and clearly highlight the words/sections that require translation on the photocopy.
- Attach the photocopy of the document(s) requiring a translation to a completed Translation Request Form.
- Place the original document in a document pouch and attach it to the right-hand side of the applicant's file.

New Asylum Model Case Owners should then:

- Send the photocopy and completed Translation Request Form in a clearly addressed internal transit envelope to the Asylum Resources Directorate (ARD), addressed as per the Translation Request Form.

Asylum Legacy Directorate caseworkers should then:

- Send the photocopy and completed translation request to the Business Support Team (BST) in a clearly addressed internal transit envelope.

Translation Turnaround Times

Translation requests usually take 10 days to process. Asylum officers should note that the service begins on the day the agency receives the work, and in practice translated documents are therefore unlikely to be returned until 10 days after the request is sent to ARD/BST, unless a faster service has been agreed.

Urgent translations

Urgent translations can be obtained in 24 hours* or 5 days. However, the shorter services are more expensive and therefore should only be used in exceptional circumstances when a decision is **urgently** required (e.g. a detained case). If an urgent translation is needed within 24 hours or 5 days, the officer should follow the procedure set out below.

- Complete a Translation Request Form
- Take a copy of the document(s) to be translated and clearly highlight the words/sections that require translation on the photocopy.
- Complete a fax cover sheet ICD.0964 clearly printing 'PRIORITY' in an appropriate place.
- Place the original document in a document pouch and attach it to the right-hand side of the applicant's file.
- Fax the cover sheet, Translation Request Form and a copy of the document(s) to be translated direct to the Asylum Resources Directorate on the Fax number supplied on the Translation Request Form (New Asylum Model) or your Business Support Team (ACD). If the translation is urgent you may wish to deliver it by hand.

(*Please note that a 24 hour request means that the external contractors undertake to provide a fax copy translation to The Asylum Resources Directorate within 24 hours. Whilst the Translation Officer will make every effort to forward any such request as quickly as possible, the total time taken before the translated document is returned to the asylum officer including internal administration may exceed 24 hours. When making a 24 hour request the document to be translated must be faxed to the Translation Officer before 11:00.)

Doubtful Translation Accuracy

Where Asylum officers have doubts regarding the accuracy of a translation, in the first instance they should contact a Senior Caseworker.

Action on Completion of the Translation

Upon receipt of the document and translation from the applicant, their representative or through internal UK Border Agency commissioning, the asylum officer should follow the procedure set out below.

- Minute the file. (For further guidance, see Asylum Instruction on Minute Writing.)
- Place the document and the translation on the right-hand side of the file ready for consideration when the decision is made.
- Send copies of documents and their translations to the Country of Origin Information Service (COIS) through a Senior Caseworker, when they are of general interest and may be submitted in regard to other applications.

Annexing Translations on the PF1

Both the original document and translation should always be annexed as enclosures. For more detailed instructions on annexing see Preparing the PF1 and annexing documents.

NOTE: Documents that have **not** been translated and therefore have **not** been considered when an initial decision was made on the applicant's asylum application should **not** be annexed.

Glossary

Term	Meaning
ACD.2397	Letter submitted to applicant/representatives requiring translation of non-English documents submitted.
ICD.0964	Blank Fax Template to be used when submitting a translation request.

Document Control

Change Record

Version	Authors	Date	Change Reference
1.0	RB	07/02/2007	New web style implemented
2.0	GL	05/11/08	Re-branding Only