

Language analysis

Version 24.0

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About this guidance

This guidance informs officers and decision makers involved in the immigration system about the language analysis (LA) process used by the Home Office, how it is accessed and when it should be used.

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email the Asylum Policy team.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Review, Atlas and Forms team.

Publication

Below is information on when this version of the guidance was published:

- version **24.0**
- published for Home Office staff on 17 April 2025

Changes from the last version of this guidance

This guidance updates the previous 1 November 2019 instruction throughout and this version includes:

• changes to the consent wording transcript

the purchase order reference number for language analysis bookings **Related content**

Contents

Language analysis introduction

Audience

This instruction is for all officers involved in asylum screening, asylum casework and appeals, and other immigration casework where someone's true place of origin needs to be established.

For the purpose of this guidance the term 'officers' applies to asylum interviewers and decision-makers.

Purpose of instruction

Language analysis (LA) is used by the Home Office to help establish an individual's true place of origin, where that origin is in doubt.

The LA process involves language experts talking and listening to individuals speak in their own language and dialect, analysing significant features of speech, and producing written, reasoned conclusions as to their place of linguistic origin. LA reports primarily assist with considering nationality origin but can also help indicate regional origin within a country.

These conclusions are valuable in helping to confirm an individual's place of origin and to detect fraud. LA is therefore important in helping to maintain a firm but fair system that grants asylum or leave to those who qualify for it, and which tackles abuse and protects public funds by quickly rejecting unfounded claims.

This instruction sets out:

- which cases may be appropriate for LA
- how to obtain mandatory authority for LA
- how LA must be arranged and documented
- how to handle LA issues in asylum interviews, refusal letters and appeals

Background

The Home Office's LA capability is provided by a private supplier, The Big Word, referred to as 'the supplier' in this guidance.

LA testing carries a cost. It is therefore only used in cases where the benefit is the greatest. Not every case where nationality is disputed will require or receive LA, and the fact of not testing does not signify a weaker argument in that case.

Additional reading

Caseworkers must apply all other relevant guidance, including (but not limited to):

• Assessing credibility and refugee status

- Asylum interviews
- Nationality: disputed, unknown and other cases
- Section 55 of the Nationality, Immigration and Asylum Act 2009

Application of this instruction in respect of children and those with children

Section 55 of the Borders, Citizenship and Immigration Act 2009 requires the Home Office to carry out its existing functions in a way that considers the need to safeguard and promote the welfare of children in the UK. It does not impose any new functions or override them.

Officers must not apply the actions set out in this instruction either to children or to those with children without having due regard to the <u>statutory guidance of Section</u> <u>55</u>. This sets out the key principles to consider in all Home Office activities involving children.

Our statutory duty to children includes the need to demonstrate:

- fair treatment, which meets the same standard a British child would receive
- the child's interests being made a primary, although not the only, consideration
- no discrimination of any kind
- that asylum claims are dealt with in a timely fashion
- identification of those that might be at risk from harm

The language analysis team

The language analysis team centrally stores LA reports and data including test results. They assist with obtaining LA transliterations from the supplier and relaying officers concerns about quality. If further statements from the supplier analyst or linguist who completed the LA report are considered necessary to support the case at appeal, the team will contact the supplier on behalf of the officer. See also <u>Contacts</u>.

Related content

Contents

Suitability criteria for language analysis

Language analysis (LA) must be conducted on a case-by-case basis where there are specific reasons to suspect the claimant has provided false place of origin information. The reason for doubting nationality must be documented when seeking <u>authorisation to test</u>.

Examples of when a claimant's claimed nationality or national origin are in doubt are:

- where the claimant is unable to speak to an adequate level the primary language expected of their claimed country or region of origin
- where there is a strong indication that the claimant's dialect or accent is inconsistent with their claimed country or region of origin
- where the claimant discloses contradictory statements or other unreliable evidence regarding their country or region of origin
- where the claimant lacks knowledge about their claimed place of origin and is inconsistent with their education level, profession, and what they might reasonably be expected to know (for example, unable to name landmarks or villages near their home)
- where the claimant presents unreliable documentation to demonstrate their country or region of origin

This list is not exhaustive - other basis for doubting claimed place of origin may apply.

Testing must not proceed if:

- there is sufficient evidence to accept claimed nationality or national origin (for example, credible interview responses to questions relating to origin, or reliable and accepted documentary proof)
- inadmissibility action is pending (see the instruction Inadmissibility: safe third country cases
- informed consent has not been obtained
- a Senior Case Worker (SCW) or equivalent has not given explicit authorisation to test
- the claimant is under 12 years old

LA testing should not ordinarily be necessary if an alternative nationality or place of origin can be clearly attributed to the individual through other means (for instance, a properly explored biometric match, or visa application). Officers may raise the issue with an SCW for further advice.

Children

Testing is presently restricted to those aged 12 or over and after explicit authority to test from an SCW.

It is important that officers take all reasonable measures to ensure that all children to whom LA applies understand the process when asking for consent. The Centralised Interview Booking Team (CIBT) will organise <u>LA bookings</u> for minors, including safeguarding measures.

When asking for consent, the officer must ensure that a responsible adult is present. The responsible adult can help assist with the child's understanding of the process and to monitor their welfare but must not advise whether to consent to the LA process. The officer must record on Atlas as a contact the name and claimed relationship of the responsible adult present at each encounter throughout the end-to-end process. These details should also be included in the <u>booking request</u> to CIBT.

In all cases, the immediate welfare of the child must be considered, and safeguarded. Any urgent welfare concerns must be dealt with as a matter of priority involving senior managers and other agencies, such as local authority children services or the police. If immediate safeguarding concerns are identified, the local safeguarding officer must be advised and <u>safeguarding guidance</u> followed. If the local safeguarding officer is unavailable, a senior manager (no lower than SCW) must be contacted. If further advice is needed, staff must consult the safeguarding team.

Further information on the use of responsible adults and other child safeguarding measures is available at Children's asylum claims.

Authorisation to test

Preliminary considerations

Initial checks

Before considering language analysis (LA), officers must ensure that key actions and checks have been undertaken. Officers must:

- ensure that standard actions have been taken in respect of recording identity, taking fingerprints, conducting security checks, Atlas actions, screening, and record creation
- take relevant action if evidence demonstrates other action is appropriate to conclude or advance the claim (i.e. evidence that inadmissibility action may be possible, or of multiple claims where another identity is verified)
- check Atlas to ensure that LA has not already been conducted by reviewing the Service Delivery View tab

Timing of LA interviews

LA should be arranged at the earliest point that the <u>testing criteria</u> is met. This will usually be during a substantive asylum interview but it may be considered at other times if there are substantial reasons to doubt a claimant's origin.

The LA interview will usually take place within 5 working days of a booking request, lasting around 15-20 minutes. For unaccompanied children, Centralised Interview Booking Team (CIBT) will aim to book the LA within 5 working days subject to the availability of child and

local authority / guardian.

See also:

- Consent
- <u>Reasonable adjustments</u>

Authorisation for LA

LA testing may be undertaken only when clear and explicit email authorisation is given by an SCW. To obtain authorisation, officers must:

- ensure that the suitability criteria for LA is met
- fully complete <u>LA Form 2 (SCW authorisation request)</u> most information should be available from the screening or substantive interview - officers must ensure that in all LA transactions, the same unique reference number (UAN) is used throughout
- the SCW must note on the email or form whether authorisation has been granted or reasons for being declined
- once completed, link authorisation to HOPS

Language analysis consent and compliance

There is no power in law to require an individual to undertake language analysis (LA) and the process is reliant on consent. However, if an individual refuses or otherwise fails to cooperate with the LA process and does not have a reasonable explanation for this, it may, depending upon the circumstances, be construed as 'behaviour which is designed or likely to conceal information or obstruct the handling or resolution of the claim', under section 8(1) of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004.

Before asking the claimant to consent for the LA process, the officer must ensure that the <u>suitability criteria</u> for LA is met. Consent for LA should be followed by SCW or equivalent authorisation to make a booking.

Claimant consent must be informed and recorded. The LA process must be explained to them, and all claimants must be asked if they wish to discuss giving consent privately with a legal representative.

When asking children for consent, the officer must also ensure that a responsible adult is present. The responsible adult can help assist with the child's understanding of the process and to monitor their welfare but, unlike a legal representative, must not advise whether to consent to the LA process. See also <u>children</u>.

Claimants may change their mind about giving LA consent. For example, they may decline when asked during a substantive asylum interview but agree later.

See also booking the interview.

Obtaining consent during a substantive asylum interview

Whether or not an LA interview or report is available or expected, officers must prepare questions to investigate the evidence of nationality or national origin thoroughly at an asylum interview, as well as preparing questions relating to the basis of claim. Officers must follow the policy for interviewing as set out in Asylum interviews.

The substantive asylum interview transcript includes an option for LA consent to be asked during a substantive asylum interview if it becomes apparent that an individual's origin is in doubt. It is important that the officer records the consent outcome.

The officer must ask for LA consent by reading the following transcript and checking for understanding with the claimant, using an interpreter if required:

Language Analysis consent transcript

You may have a language analysis interview with an analyst from a specialist linguistic company, The Big Word. This will involve you talking in your own language

Language Analysis consent transcript

with an analyst who is an expert in your language, for around 15-20 minutes. This will give you the opportunity to demonstrate that you speak your language in a way that is consistent with your claimed place of origin and where you have lived.

During language analysis, you will not be asked your name, your reasons for seeking asylum, or the names of your friends and family, and you should not talk about these things. You may however be asked to confirm your age, and you should do so.

The interview will be recorded and listened to by language experts. They will provide the Home Office with copies of the recording and a written report, detailing their opinion on your linguistic origin, which may be used to help decide your asylum claim. This information may be shared with other parts of the Home Office, or if you are a child, with the local authority responsible for your care (social services).

You are entitled to discuss consent privately with a legal representative before making your decision and you will be given this opportunity should you wish to do so. You do not have to consent to language analysis, but if you decline and cannot provide a reasonable explanation, it may be taken into account when considering whether you have assisted in establishing the facts of your claim.

Do you understand?

Do you consent to undertake a language analysis test? Yes/no [record, including approved consent or if declined, any reasons for consent not being given]

The officer must also record if the claimant:

- asked any questions
- had the opportunity to mention any needs or requirements that need to be considered when booking LA, for example circumstances which might influence speech or effect LA participation
- has been given the opportunity to discuss with a legal representative and the name of their representative if they wish to
- if under 18 at the time of their claim, had the opportunity to discuss the process with a responsible adult
- if applicable, the responsible adult's name and relationship to the child

If consent has been given, the officer must complete <u>LA form 2 (SCW authorisation</u> request), and email this to an SCW to obtain authority.

If authority has been given, the officer must complete <u>LA form 3 (booking request)</u> and email this to either Decision Enablement Services Interview Booking Team (DES IBT), or Centralised Interview Booking Team (CIBT) who can then book LA with the supplier. The supplier will notify the officer within 2 hours of the booking time. The booking date will usually be within 5 working days of the request. See also <u>booking</u> the interview.

If the claimant wishes to privately discuss consent with a legal representative, and this would cause a delay, LA may be asked at a separate event.

Obtaining consent outside of a substantive asylum interview

The officer may establish consent outside of a substantive asylum interview, either verbally, or in writing to the applicant or legal representative if applicable. Officers must:

- read, or send by post or email (to the claimant or legal representative if applicable) <u>LA form 1 (ASL.3384): Written LA consent request</u>, which explains the LA process and requests consent
- invite the claimant to give signed or verbal consent for LA testing if verbally given, this response must be recorded in an interview transcript and on Form 1, including if a standalone question
- upload a copy of the form to HOPS
- if the claimant signs in person give them a copy of the form and send to their legal representative if applicable a copy must be given regardless of whether they have consented to LA testing

If consent has been given, the officer must complete <u>LA form 2 (SCW authorisation</u> request), and email this to an SCW to obtain authority.

If authority has been given, the officer must complete <u>LA form 3 (booking request)</u> and email this to Decision Enablement Services Interview Booking Team (DES IBT) or CIBT who can then book LA with the supplier, as explained in <u>booking the</u> <u>interview</u>. The supplier will notify the officer within 2 hours of the booking time. The booking date will usually be within 5 working days of the request.

Medical or disability grounds for not completing LA

Medical or disability grounds will only be regarded as a valid reason for failing to participate in LA if they impinge on the claimant's ability to attend an interview.

If a claimant raises medical or disability grounds for being unable to participate, the decision on how to proceed must be taken by an SCW.

In the case of medical or disability issues, the following considerations and actions apply:

- if the SCW decides that the circumstances do not warrant the cancellation of the LA interview, this must be explained to the claimant. If the claimant does not wish to proceed, their reasons must be recorded and saved to HOPS
- if the SCW accepts the explanation for the claimant's failure or inability to participate, this must be recorded and saved to HOPS

See also reasonable adjustments.

Language analysis interview

Booking the interview

After an SCW has given permission to test, and claimant consent is given, the officer must ask Decision Enablement Services Interview Booking Team (DES IBT) or Centralised Interview Booking Team (CIBT) to organise a language analysis (LA) booking with the supplier, as follows:

Once consent and authorisation are given, the officer must complete <u>LA form 3</u> (booking request) and email as follows, either:

- to DES IBT if the claimant is over 18 at the time of their asylum claim and consent is asked during a substantive asylum interview
- to CIBT if the claimant was under 18 at the point of claim or if it is a claim being progressed by the Secondary Asylum Casework Unit

The supplier will respond by email to DES IBT or CIBT, and the officer, usually within 2 hours, either agreeing the proposed date and time, suggesting an alternative, or acknowledging the request and promising a prompt substantive response. They will copy the language analysis team into this response.

The interview booking date will usually be within 5 working days of the request. DES IBT or CIBT will notify the claimant of the interview details, including time, date and location. In the event of a child LA interview, CIBT will organise child safeguarding requirements.

The following actions must be completed:

- the officer completes <u>LA form 3 (booking request)</u> and emails to DES IBT or CIBT AFCC - this form states the preferred date and time of LA, the linguistic origin to be analysed and specific information to assist LA - the name and date of birth of the claimant must not be stated on the form
- DES IBT or CIBT will book LA with the supplier between 8am and 4pm on working days, by copying the form information to the Big Word booking portal
- the officer must save the supplier confirmation to HOPS
- officers must ensure that the same unique reference number is used in all LA transactions

See <u>Contacts</u> list for the DES IBT, CIBT, The Big Word and the language analysis team email addresses.

Interpreters and reasonable adjustments

The requirement for considering reasonable adjustments is detailed in the asylum interview guidance. This explains possible special considerations and reasonable adjustment scenarios.

Before referring the booking, the officer must consider whether DES IBT or CIBT are required to book an interpreter for the LA event and ask individuals to declare any reasons why attending or participating in LA would be difficult for them. They must also ask about any special needs or requirements so that these can be factored into the LA process. Where adjustments can reasonably be made to enable an individual to participate in the LA process, they should be.

Officers must also consider any factors, including relevant medical history, which may influence the person's speech leading to LA not being valuable or appropriate. The <u>LA booking</u> form includes a section which enables the officer to highlight to the supplier any individual circumstances which might influence the claimant's speech or effect their participation in LA.

Wherever possible and reasonable, LA interviews should be arranged to coincide with other immigration events requiring the claimant's attendance, to minimise travel time, cost and inconvenience to all individuals, but in particular to those who may find attendance more challenging. Circumstances must also be considered to ensure that days are not overly lengthened, which may be arduous to some claimants.

Some circumstances may make attendance at separate events more convenient. Health, for instance, may lead claimants to prefer to undertake a shorter event on 2 occasions rather than consecutive events on one day.

Interpreters

If an interpreter is required to attend to assist with LA, the DES IBT or CIBT team must be informed on the <u>LA form 3 (booking request)</u> so they can arrange an interpreter.

The asylum interview guidance explains how to work effectively with Home Office interpreters and summarises the Interpreters Code of Conduct.

Conducting the LA interview

Once a booking has been made, DES IBT or CIBT will organise for the LA interview to take place with the supplier and notify the claimant, but they will not attend the interview. The interview will ordinarily last 20 to 30 minutes.

The officer should:

- contact the supplier by Microsoft Teams using the details provided in the booking confirmation, at the agreed LA interview time
- introduce the claimant to the analyst by quoting the unique reference number without stating the claimant's identity, using an interpreter if appropriate
- allow the claimant to speak directly to the supplier analyst. The officer must not
 participate in the analysis but can observe the analyst will explain to the
 claimant that the purpose of the conversation is only to analyse their language
 and that they should not share their identity

The officer may ask the claimant to remain in the interview booth after LA has ended, to inform them of the preliminary results, normally received after 30 minutes, and to enable further clarification or questions arising from this report. If it is not convenient for the claimant to wait for the results (for example a delay in the preliminary report), this may be done at another stage. The supplier will record the interview, but Home Office systems must be used for any supplementary questions following LA. See also preliminary report.

Cancelling interviews

On occasion it may be necessary to cancel an interview; for instance, if the claimant fails to attend their interview at the appointed time, or if a test is no longer required.

The Home Office is charged for late and non-notified LA interview cancellations. It is also potentially disruptive to the supplier. If possible, the supplier must be informed of cancellation by the officer less than 4 hours before the LA booking time. To cancel a LA interview, the officer must:

- complete and send <u>LA Form 4: LA cancellation</u> to The Big Word and the language analysis team
- update Atlas to confirm the time and reason for the cancellation
- save the cancellation form to HOPS

If a planned LA interview is cancelled or not completed on 2 occasions, officers must not attempt to rebook a third LA test without obtaining further explicit authorisation from an SCW. This further authorisation does not require a formal application, but it does require the situation and the reason for the earlier cancellations to be clearly explained to an SCW and what actions will be taken to minimise the risk of further cancellations.

Related content

Contents

Language analysis (LA): preliminary report

The supplier will provide a preliminary report regarding linguistic origin, normally within 30 minutes of the interview. This will be sent to the email provided by the referring officer in their order form. The supplier will also send a copy to the language analysis team.

Officers may <u>contact</u> the supplier but no sooner than 30 minutes after the interview. In such cases, the supplier will relay the information provided by email to the officer and the language analysis team. Officers must not ask the supplier to explain or expand upon their preliminary assessment.

After providing the preliminary assessment, the supplier will undertake a more detailed analysis of the speech recording. They will deliver the full written report within 3 working days if the linguistic origin is assessed to be as stated, or within 5 working days if the linguistic origin is assessed to be other than stated.

The supplier LA preliminary report is only indicative and needs to be treated as such. Asylum decisions must not mention the preliminary report, and officers must await the full report. LA results primarily assist with nationality origin but can also indicate regional origin within the same country.

The supplier preliminary report must be linked to HOPS.

Preliminary report: outcomes

The preliminary assessment from the supplier will be in the following form:

Preliminary report

The following assessment is made without prejudice to the outcome of any subsequent analysis. The assessment is holistic in nature and is not based on the same foundation as a full and properly reasoned LA report and must therefore not be treated as such.

Case: XXXXX

- 1. The language use is **consistent** with the stated linguistic community, *or:*
- 2. The language use is **inconsistent** with the stated linguistic community, *or:*
- 3. I can **neither confirm nor refute** the language use is consistent with the claimed language or dialect and linguistic community

The language use is associated with (if inconsistent as above): (Alternative linguistic origin): *or*:

Preliminary report

I am **unable to confirm an alternative language** or dialect and linguistic community

Preliminary report actions

If the preliminary report clearly indicates that the claimant does not have the linguistic origin claimed (particularly if indicating different nationality origin) officers must consider the following action:

- inform the claimant about the LA preliminary findings and invite their comments, providing them an opportunity to explain any potential discrepancies or inconsistencies
- ask questions tailored to the LA findings, for example attempting to ascertain true place of origin if still doubted
- record and read to the claimant the appropriate standard wording according to the findings of the LA, or if applicable, the wording relevant to refusing to undertake LA - see <u>Standard wording for the substantive interview</u>
- if taking place during a substantive asylum interview, proceed ensuring that the claimant's basis of claim is fully and robustly explored, including issues relating to their claimed nationality or national origin.

Language analysis: full report

Full report, administration and obtaining copies

Officers must note the following points:

- the supplier will send full reports by email to the named officer and the language analysis team
- full reports are delivered within 3 working days if the linguistic origin is as claimed, or 5 working days if it is other than claimed.
- the received report must be linked to HOPS
- if officers receive the report or any associated language analysis (LA) materials but are no longer responsible for the case, they must check Atlas to identify the new officer once the new officer is confirmed, the report must be forwarded to them and Atlas recorded
- if an officer is responsible for the case but did not request LA, they can obtain the report and other LA materials by contacting the language analysis team

Full report outcomes

Each full report will express the analysis and results according to at least one and possibly 2 hypotheses. Every report will address the first hypothesis, which is that the speaker has the linguistic community as claimed. If the linguistic community is analysed by the supplier to be not as claimed, a second hypothesis proposing an alternative community is analysed.

LA results primarily assist with nationality origin, and they can also indicate regional origin within a country. There are 5 possible outcomes to the first hypothesis in the supplier report, analysed to have the following degrees of likelihood:

Full report possible outcomes

For the **first hypothesis**, the results of the language analysis align with the interviewee's claimed language or dialect and linguistics community as follows:

- 1. Highly likely aligns, or:
- 2. Likely aligns, or:
- 3. Can neither confirm nor refute, or:
- 4. Unlikely aligns, or:
- 5. Highly unlikely aligns

For the **second hypothesis**, the speaker's **proposed alternative linguistic** background will be assessed on a scale of **highly likely**, **likely** or **unable to suggest** an alternative language or dialect and linguistic community.

The report's results may be relevant evidence in the consideration of the claimant's place of origin and nationality. However, the consideration and decision must not rely solely on the LA report (or failure to comply with or complete LA), to the exclusion of other evidence. See also <u>decisions and appeals in language analysis cases</u>.

Quality of language analysis reports

If officers have questions relating to the findings and quality of the report, they should explain these to the language analysis team who will seek clarification with the supplier.

Audio recordings and translated transliterations

Audio recordings

The final LA report advises claimants that the audio recording of the LA may be obtained from the Home Office by emailing the Asylum Central Communications hub. Home Office staff can obtain the audio recording by emailing the language analysis team.

Translated transliterations

Translated transliterations are word-for-word translated written records of the LA interview. They will not explain the analysis or detail the nuances of language, dialect or accent that may be determinative to the main points of contention in appeals.

Since translated transliterations have a cost to the public purse, consideration must always be given to their helpfulness in clarifying a point at dispute that cannot be resolved by reference to the test report and audio recording. If a legal representative requests a translated transliteration, they must be asked to explain why it is needed, to inform such consideration.

Requests for a translated transliteration must be reasoned by email to an SCW. The authorisation reply must be saved by the officer to HOPS and sent to the language analysis team to contact the supplier. They will usually provide the report within 10 days.

Language analysis: decisions and appeals

General considerations

An asylum decision must not rely solely on the language analysis (LA) report (or a failure to comply with or complete LA), to the exclusion of other evidence. As with all decisions, the totality of evidence available in the case must be fully and properly considered, including the claimant's interview evidence and any relevant country of origin information. The decision maker must assess the weight to be given to the final LA report in each case. This will vary according to the conclusion it records, and the reasoning it provides (see <u>Full report outcomes</u>).

The nationality or national origin of a claimant must be assessed by considering all the available evidence, including their interview evidence and any written statement submitted including country knowledge appropriate to their background, documentary evidence, any expert reports and the LA report.

If the LA report provides strong evidence that the claimant is of the nationality or national origin claimed, and if the claimant establishes a well-founded fear of persecution in their country of origin, protection must be granted accordingly, with the grant consideration minute properly recording the weight given to the LA evidence.

For further guidance refer to the instructions, Nationality: disputed, unknown and other cases, Drafting, implementing and serving asylum decisions, Assessing credibility and refugee status and Country policy and information.

Refusing the claim

Reason for refusal letters (RFRLs) referring to LA must contain relevant consideration of nationality. (See also Assessing credibility and refugee status).

Where nationality or national origin is doubted or disputed, the RFRL must properly address this. (See the instruction Nationality: disputed, unknown and other cases) If officers are unsure of how to address the nationality issue in the RFRL they must seek advice from an SCW. The Country Policy Information Team (CPIT) may also be contacted with any country specific queries (after reading the appropriate country reports). See Country policy and information for further information.

Serving asylum refusals

Officers must serve any refusals according to standard practice as per the instruction Drafting, implementing and serving asylum decisions). The final LA report must be linked to HOPS, with a copy served to the claimant and to the legal representative if applicable.

Post-refusal and appeal actions

The documents listed on <u>serving asylum refusals</u> must be included in the appeals bundle, as well as any other relevant documents. If a court requests the LA audio recording, this must be requested from the language analysis team and provided.

If further statements from the supplier analyst or linguist who completed the report are necessary to support the case at appeal, officers must email a request to an SCW. If authorised, officers must contact the language analysis team, explaining the request, and they will consult the supplier.

If an Immigration Judge considers a translated transliteration to be necessary, officers must email the language analysis team to contact the supplier to provide this. See <u>Translated transliterations</u>.

Language analysis: process summary

The following information is a summary only. Officers must read the full instruction.

- 1. The suitability criteria is met and LA is considered appropriate.
- 2. The officer informs the claimant that LA is proposed and asks for consent to participate by reading the <u>consent transcript</u>. Written consent may be asked using the <u>written LA consent request form</u>.
- 3. Once consent is received, the officer completes <u>LA form 2 (SCW authorisation</u> request), emailing this to a SCW.
- If authorisation is given, the officer completes <u>LA form 3 (booking request)</u>, emailing to Decision Enablement Services Interview Booking Team (DES IBT) or Centralised Interview Booking Team (CIBT) as instructed in <u>booking the</u> <u>interview</u>.
- 5. DES IBT or CIBT complete the booking on the supplier's website portal using the information supplied on LA Form 2.
- 6. The supplier confirms the booking time to DES IBT or CIBT, and the officer.
- 7. DES IBT or CIBT send booking details to the claimant.
- 8. The claimant, officer and analyst attend the <u>LA interview</u>. The officer observes the interview which forms the basis of LA.
- 9. The <u>preliminary report</u> is received. This report is only indicative. The officer may interview the claimant about the preliminary findings.
- 10. The <u>full LA report</u> is received and considered by the officer. Asylum decisions must not rely solely on this, but must consider the wider evidence.
- 11. Any refusal decision referring to LA must be served with the full report.
- 12. If the LA interview cannot be undertaken, it must be cancelled, if possible, at least 4 hours before, by completing <u>LA form 4: LA cancellation</u>.

Stage	Timescale
Supplier confirms	Within 2 hours of the DES IBT or CIBT request
booking time	
LA interview date	Within 5 working days of the DES IBT or CIBT request
LA interview duration	20-30 minutes
Preliminary report received	30 minutes after the LA interview
Final report received	If the linguistic origin is as claimed, within 3 working days, or if other than as claimed, within 5 working days

Language analysis timescales

Language analysis (LA): standard interview wordings

The following lines are suggested wordings for exploring LA issues in asylum interviews. They must be carefully tailored according to the particular facts of the case, with questions to ascertain the claimant's response to the issues raised. Country knowledge must always be properly explored in the asylum interview, regardless of the LA results. See also Nationality: disputed, unknown and other cases, Assessing credibility and refugee status and Country policy and information.

The full LA report provides strong evidence of the nationality or national origin claimed

You took part in a language analysis interview on [date] to ascertain your linguistic origin. You claimed to come from [place or group] and to be of [nationality]. The language analysis considered the hypothesis [state the hypothesis of the claimed origin]. The language analysis conclusion to this was that [state the conclusion].

The full LA report provides strong evidence not of the nationality or national origin claimed

You took part in a language analysis interview on [date] to ascertain your linguistic origin. You claimed to come from [place or group] and to be of [nationality]. The language analysis considered the hypothesis [state the hypothesis of the claimed origin]. The language analysis conclusion to this was that [state the conclusion]. Language analysis also considered the hypothesis [state the second hypothesis]. The language analysis conclusion to this was that [state the second hypothesis].

Claimant did not attend the LA interview

On [date], you were asked to attend a language analysis interview on [date and time] to help ascertain your linguistic origin. You did not attend that interview. We asked you to explain your non-attendance [in a letter dated [date]/in an interview on [date]]. You explained your behaviour as [outline explanation, if any].

Claimant did not complete the LA interview

On [date], you were asked to take part in a language analysis interview to ascertain your linguistic origin. It is noted that although you initially agreed to take part, [outline circumstances of non-completion, for example, stopped partway through]. You sought to explain your behaviour as being due to [outline explanation].

Claimant refused to participate in the LA interview

You did not agree to take part in the language analysis interview. You have not provided a satisfactory explanation for this (for example, disability or medical reason).

Only the preliminary report is held

You took part in a language analysis interview on [date] to ascertain your linguistic origin. You claimed to come from [place or group] and to be of [nationality].

The final language analysis report is not yet available to us. We will not make a decision based on language analysis without receiving the final report. However, we have received a preliminary report assessment of your linguistic origin. This will not of itself be part of the evidence used to decide your claim. It states [outline preliminary report].

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