



AD HOC QUERY ON 2020.47 Part 1: Procedures for language identification by asylum authorities

Requested by EMN NCP Belgium on 30 June 2020

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden plus Norway (24 in Total)

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1. Background information

Background:

There exists a great diversity of languages spoken, written, and understood among applicants for international protection in Europe. This ad-hoc query enquires into Member States' knowledge about this linguistic heterogeneity. More specifically, it asks for the identification procedures of applicants' language(s) by asylum authorities. By a language identification procedure, we mean a set of official and standardized actions implemented to identify every applicants' language(s).

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Because of the diversity of languages, it can be difficult to recognise someone's language. Nationality is sometimes used as a proxy for a person's mother tongue, but doubts have been raised about the reliability of this indicator because multiple languages are used in most countries. A significant share of applicants have limited literacy skills and cannot read or write in their mother tongue, or they are unaccustomed to the alphabet used in the host country. Again, assessing literacy skills is not a straightforward task and might require specific testing. Some applicants for international protection understand and speak other languages apart from their mother tongue, especially international/European contact languages (such as English) or languages of neighbouring countries. It is unclear to what extent Member States register an applicant's broad linguistic abilities.

Knowing which language(s) an applicant for international protection is able to understand, either in writing or in speech, is crucial. For instance, language determination plays a very important role during the assessment of applications for international protection. According to the European Procedure Directive (2013/32/EU) Member States have to guarantee that the personal interview "shall take place in the language preferred by the applicant unless there is another language which he or she understands and in which he or she is able to communicate clearly." Therefore it is necessary to identify the languages spoken and understood by applicants for international protection. Also, in its discussion of the reasons for persecution, article 10 of the Qualification Directive (2011/95/EU) clarifies that the concept of nationality shall include, amongst others, linguistic identity. Identifying an applicants' language(s) can therefore play an important role in assessing the veracity of his/her origins.

NOTE: This AHQ is part of a two part query.

Depending on the situation in your Member State you will have to respond to this AHQ Part 1 on identification by asylum authorities on questions 1 to 6 OR to questions 1, 7 and 8 AND to the AHQ Part 2 on identification by the reception authorities to questions 1 to 6 OR to questions 1, 7 and 8

2. Questions

1. Do the asylum authorities in your Member State have a procedure to identify each applicant for international protection's language(s) ?

If you answered YES, please answer questions 2 to 6. If you answered NO, please answer questions 7 and 8.

Available choices: Yes, No

2. Who is responsible for the language identification procedure ?

3. At what moment and where does the language identification take place ?

4. What does the procedure for language identification consist of, (including what kind of information about an applicant's language(s) is identified)?

5. How is the information about language(s) registered and who has access to this information?

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6. What are the challenges in identifying applicants' languages ?

7. In the absence of language identification procedures, how do the asylum authorities in your Member State determine in which language(s) to communicate with applicants ?

8. In the absence of language identification procedures, what are the challenges in communicating with applicants?

We would very much appreciate your responses by **30 July 2020**.

3. Responses

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		Wider Dissemination ²	
	EMN NCP Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.

¹ If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

² A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."

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	EMN NCP Belgium	Yes	<p>1. Yes</p> <p>2. In Belgium, the Immigration Office is responsible for the language identification procedure of all applicants for international protection.</p> <p>3. The language identification procedure by the Immigration Office is divided into several steps. All (subsequent) applicants for international protection need to register their application in the Arrival Centre. Upon entry, applicants are asked about the languages they speak in order to identify the language which will be used during the registration process. As part of the registration of their application, applicants are subsequently asked in which language they want to conduct the asylum interview. When applicants formally lodge their application at the Immigration Office, they will be provided with a document, an annex 26 (for a first application for international protection) or an annex 26quinquies (for a subsequent application). This document proves that an application for international protection has been lodged and it contains information on the language choice of the applicant for conducting the asylum interview. Once an application is lodged, applicants also have a preparatory interview at the Immigration Office. If possible, this interview will take place in the language that the applicant has chosen for the asylum interview. Otherwise, a different language which the applicant is assumed to speak and understand, will be used. During this interview additional questions about spoken languages are posed.</p> <p>4. When applicants for international protection arrive the Arrival Centre, they are met by an official of the Immigration Office who will ask which languages they speak. The official puts the question in different languages, depending on his/her linguistic knowledge. In case the applicant does not understand the question about language mastery, the official of the Immigration Office can ask the support of an interpreter. The Immigration Office has freelance interpreters on-site for what they consider to be the most common current languages. It is the Immigration Office which appoints the number of interpreters and the languages. However, it is the Translation Service of the Office of the Commissioner General for Refugees and Stateless Persons (CGRS), the authority responsible for the actual assessment of the application for international protection, which draws up the selection of interpreters who are allowed to work for the Immigration Office.</p>
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		<p>The initial information obtained about which languages a person speaks is used to cluster applicants into groups in order to further direct them to an official who speaks a language they understand (mother tongue or contact language) or who is assisted by an interpreter. Applicants await their turn to register their application and during the registration, the Immigration Office official will ask in which language an applicant wants to conduct the asylum interview and whether s/he will need the help of an interpreter. People who don't speak Dutch or French are strongly recommended to ask for an interpreter during the asylum interview. The Immigration Office can however decide that the interview cannot take place in the language of choice of the applicant, for instance when no (appropriate) interpreters are available for a certain language. The asylum interview will still need to be conducted in a language an applicant can be reasonably assumed to understand. The official of the Immigration Office will register the answer about the language for the interview on a personal registration file.</p> <p>In the context of the Covid-19 epidemic, it was decided that people willing to make an application for international protection could no longer present themselves during the opening hours of the Arrival Centre. This decision was made to avoid large gatherings of applicants at the entry door of the Arrival Centre or in the waiting rooms. Instead, applicants would first need to ask for an appointment online, before being invited to start the application process. The actual online appointment procedure is in Dutch and French, but translations have been provided in 15 languages (English, Turkish, Portuguese, Somali, Spanish, Russian, Arabic, Armenian, Pashtu, Dari, Georgian, Serbo-Croatian, Albanese, Farsi, Tigrinya) in order for the applicant to understand the content of the appointment procedure and to help them fill in the Dutch or French form. One of the questions concerns the language(s) which an applicant speaks. Applicants have the option to provide four different languages. This language information is used to invite applicants according to their language to facilitate the registration of applications. It replaces the initial question about spoken languages asked at entry of the Arrival Centre and the subsequent clustering into language groups. During the Covid-19 epidemic, applicants are invited on the basis of language and the interpreters are appointed accordingly. This way, a more efficient organisation was possible which limited the number of transportations for interpreters and the number of interpreters present in the Arrival Centre at any given time.</p> <p>The next step in the language identification procedure of the Immigration Office takes place when an applicant lodges the application for international protection. By law, an application should be lodged within 30 days. In practice, lodging an application takes place during the five-day stay in the Arrival Centre. Applicants need to present themselves at the Immigration Office to obtain an annex 26 (for a</p>
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		<p>first application for international protection) or an annex 26quinquies (for a subsequent application) This document mentions the language chosen by the applicant in the Arrival Centre for conducting the asylum interview. The Immigration Office will draw on the language information obtained through the registration procedure and will not verify the language information during the lodging of an application. The Immigration Office will also conduct a preparatory interview with the applicant. Exceptionally this interview takes place on the same day as the lodging of an application. Most often it takes place on a later date. The interview takes place in the language chosen by the applicant to conduct the asylum interview. When this language differs from French or Dutch (or from a different language spoken by the immigration official, such as English or Spanish), a translator will be provided. At the beginning of the interview, the official of the Immigration Office will repeat the question whether an applicant needs an interpreter. In case the applicant answers no, indicating s/he either speaks Dutch or French (or another language spoken by the immigration official), the official will ask whether the language of choice is her/his mother tongue. In case the applicant confirms s/he needs the help of an interpreter, the official will ask whether s/he is sufficiently proficient in the language chosen previously as the interview language. If that applicant indicates that s/he is insufficient in this language, the Immigration Office can decide to stop the interview, arrange for a new interpreter at a later stage, and change the language information on the annex 26(quinquies). It might be however that the person is sufficiently proficient in his language of choice for the preparatory interview, but not for the actual asylum interview. If so, than the Immigration Office can draft a note for the Office of the Commissioner General for Refugees and Stateless Persons (CGRS) in which it mentions the linguistic difficulties. The Immigration Office repeats the question about the language choice for the asylum interview with the CGRS during the preparatory interview to avoid possible future discussions about linguistic preferences. Apart from the interview language, the Immigration Office official will also ask the applicant if s/he speaks additional languages, including her/his proficiency in them. This question is asked in order for the Immigration Office to know in which other language(s) an interview might take place if no suitable interpreter is found for the language of first choice.</p> <p>At entry of the Arrival Centre, the Immigration Office obtains information about the language in which the registration will take place. Under the current Covid-situation, information about up to four spoken languages is asked. This information is only used for practical reasons and will not be formally registered. The main information about language identified by the Immigration Office is the language in which an applicant prefers to conduct the asylum interview. The Immigration Office will only ask whether this</p>
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		<p>language is the applicant's mother tongue in case of Dutch or French. In the case Dutch or French are not the applicant's mother tongue, the applicant will need to explain where (s)he has mastered the language, since when, and how often the language is practiced. The applicant will also explicitly be asked whether the mastery of Dutch or French is sufficient to conduct the asylum interview. As the language of choice for the asylum interview will also be used in the preparatory interview, this provides an opportunity to assess if someone actually speaks and understand the language of choice. The Immigration Office will also ask for other languages and their level of proficiency, but the proficiency will normally not be assessed in practice. Neither does the Immigration Office assess which language(s) an applicant considers to be his/her mother tongue (when different from Dutch or French). The Immigration Office also does not explicitly ask for the level of literacy in any language, although it does ask questions about level of schooling.</p> <p>5. The Immigration Office informs about which languages an applicant speaks at entry of the Arrival Centre (or about up to four spoken languages through the current online appointment procedure), but this information is not stored and will only be used for practical reasons during registration. Most importantly, the Immigration Office obtains information about the language in which an applicant wants to conduct the asylum interview. It is the latter choice which will initially be registered on a personal registration file. The Immigration Office will hand over a hard copy of the personal registration file to reception staff working in the Arrival Centre. Subsequently, the language information from the personal registration file will be registered on an applicant's annex26(quinquies) when s/he lodges an application. The Immigration Office also obtains information about additional language knowledge during the preparatory interview, as well as the proficiency. Apart for Dublin-cases, the language information will be communicated to the CGRS through a hard copy of the annex 26(quinquies) and a report on the preparatory interview. The CGRS makes use of the language information registered by the Immigration Office to appoint, if necessary, an interpreter. In 2019, an interpreter was appointed in approximately 90 percent of all asylum interviews. More than 200 hundred interpreters work on a freelance basis, providing together more than 100 different languages or dialects. The CGRS does not repeat the language identification procedure. Furthermore, the CGVS, as decisional Belgian asylum authority, rarely or never uses language analysis procedures by linguistic experts to verify the origins of applicants as part of the assessment of an asylum claim.</p>
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			<p>6. Applicants for international protection sometimes do not understand the initial question on the languages they speak, asked by an official of the Immigration Office at entry of the Arrival Centre. Therefore, officials can ask the support of interpreters on-site. The Immigration Office is however sometimes confronted with applicants who speak a language which neither the officials nor any of the interpreters on-site is able to recognise, e.g. a specific sign language or a relatively rare language. In this case, Immigration Office officials sometimes attempt to identify the language using telephone interpreters. It only rarely happens that the inability to identify someone's spoken language(s) prevents the registration of an application for international protection.</p> <p>In some cases, lawyers, guardians or reception facility staff have asked to change an applicant's language preference for conducting the asylum interview, as registered by the Immigration Office. If proof can be provided that a change of language is necessary and feasible, the CGRS will change the language information about the applicant and an interpreter in a different language will be appointed. If an applicant asked for an interpreter, the Translation Service of the CGRS should provide one in the language of choice. However, if no interpreter can be found or is available, on very rare occasions the applicant can be asked to arrange for an interpreter. When the applicant is unable or unwilling to provide for interpretation, the CGRS can ask to provide a written statement instead of an asylum interview.</p> <p>One of the challenges the CGRS encounters is that language identification by the Immigration Office does not reveal the actual linguistic level of speakers. For example, applicants who indicate that they speak English can have very different levels of English proficiency, which might prevent them to adequately express feelings, emotions, technical facts, ... Therefore, if during an asylum hearing it becomes clear that the applicant has insufficient mastery of a language, it is possible to suspend the hearing and appoint an(other) interpreter. At the start and during an asylum interview, an applicant can in principle also refuse an interpreter. When the CGRS contends that the reasons for the refusal are valid, a new interpreter will be appointed, either on the day itself or on a later date.</p> <p>7. /</p> <p>8. /</p>
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	EMN NCP Bulgaria	Yes	<p>1. No</p> <p>2.</p> <p>3.</p> <p>4.</p> <p>5.</p> <p>6.</p> <p>7. The application for international protection may be submitted in a language that the foreigner understands. The State Agency for Refugees organizes the selection and registration of translators, as well as their training on the specific requirements for translation. The interview is conducted in a language requested by the foreigner. When this is not possible, the interview is conducted in a language he understands. The director of the territorial division or an employee appointed by him is responsible to ensure the presence of an interpreter at each stage of the proceedings under the Law on Asylum and Refugees, when the foreigner does not speak Bulgarian.</p> <p>8. The State Agency for Refugees has translators from the languages of the main countries of origin of asylum seekers (Arabic, Kurdish, English, Dari / Farsi, Pashto). For some rare languages (eg from / to Tamil, Bengali) it is difficult to provide an interpreter. The European Asylum Support Office has provided translators for translation from these languages.</p>
	EMN NCP Croatia	Yes	<p>1. No</p> <p>2.</p>

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			<p>3.</p> <p>4.</p> <p>5.</p> <p>6.</p> <p>7. By the time the asylum authorities are ready to examine the asylum seeker's application, the language of communication is already established by the illegal migration police officers and/or reception officers, as it is a necessary step to successfully make an application. However, in every interview conducted by the asylum authorities the applicant is asked if there are any troubles in communication with interpreter. So far, we have not recorded misidentification of languages spoken by the applicant. Challenges in communication with the applicant are usually due to the quality of the interpreter.</p> <p>8. The main challenge is finding interpreters with adequate level of knowledge of both Croatian language and the language the applicant speaks.</p>
	EMN NCP Cyprus	Yes	<p>1. No</p> <p>2. N/A</p> <p>3. N/A</p> <p>4.</p> <p>5. N/A</p>

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			<p>6. N/A</p> <p>7. The interview takes place in the language of the applicant's country of origin or in a language that reasonably is expected that (s)he understands.</p> <p>8. In this case the interview is postponed until further notice</p>
	EMN NCP Czech Republic	Yes	<p>1. No</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. N/A</p> <p>7. It depends on personal choice of the asylum applicant. Furthermore, it is possible to choose a language in which he/she is able to communicate as it is stated in section 10 par. 2, letter m) and section 22 of the Act on Asylum.</p> <p>8. Availability of interpreters.</p>
	EMN NCP Estonia	Yes	1. Yes

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			<p>2. The responsible authority for asylum procedures and the language identification procedure is the Police and Border Guard Board and they identify each applicant mother tongue or the language person speaks and understands sufficiently to participate in the proceedings in that language. Our experience with i.e. exotic languages is very limited.</p> <p>3. At the earliest opportunity, it will be carried out together with other primary procedural acts. In the case of a very rare language, the language identification may take some time.</p> <p>4. The language identification will be performed by using the language identification tool (different language names are in a row from which the applicant indicates what he understands). If this method does not allow to identify the persons language, the assistance of other country partner organization the will be used.</p> <p>5. The information will be entered into the national database - the register of international protection (RAKS). The Police and Border Guard Board has an access to database.</p> <p>6. Our experiences and expertise with rare languages is very limited.</p> <p>7. N/A</p> <p>8. N/A</p>
	EMN NCP Finland	Yes	<p>1. No</p> <p>2.</p> <p>3.</p> <p>4.</p>

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			<p>5.</p> <p>6.</p> <p>7. The language spoken with the applicant is determined in practice by Police/Border Guard upon receiving the asylum application and communicating with the applicant directly. Usually finding out about the nationality of the applicant itself gives some insight already what languages would the applicant be speaking potentially. The authorities who have first contact with asylum applicants (i.e. Police and border guard) have experienced staff who are in 99% of the cases able to recognize the language spoken by the applicant. In some cases there might be a need for a linguistic analysis to verify the persons' mother tongue and through that gain further information about the applicants' identity and nationality. The linguistic analyses are done by a third party specialist and the analysis is always ordered by the Finnish Immigration Service.</p> <p>8. According to the Finnish Police, determining the applicants' mother tongue has been relatively easy and no major challenges have been encountered. Before booking the interpreter, the applicant's mother tongue is confirmed from the applicant himself. There have been very rare instances where the interpretation language had to be changed.</p>
	EMN NCP France	Yes	<p>1. Yes</p> <p>2. The language identified beforehand by the reception authorities (the prefecture and the French office for Immigration and Integration - OFII) during the registration step with the one-stop shop is the language chosen by default by the asylum authorities (the French Office for the Protection of Refugees and Stateless Persons, OFPRA).</p>

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		<p>3. The identification of the language of the interview takes place at the registration step through the one-stop shop.</p> <p>On receipt of the asylum application file, at the lodging step of the application the OFPRA checks the consistency of the language indicated at the registration step and modifies it if necessary. In addition, the asylum seeker may, in the asylum application form to be sent to the OFPRA, indicate another language in which they prefer to communicate. They must explain the reasons why they wish to be heard in that language. If the OFPRA considers the elements indicated by the applicant to be relevant, they will be summoned in that language. The applicant may at any time request to be heard in French. If the applicant does not declare a language in their asylum application file, the OFPRA will communicate with them in a language which they can reasonably be expected to speak and will inform them, during the individual interview, of the reasons why this language has been chosen.</p> <p>4. see Q3</p> <p>5.</p> <p>Information on the language recorded by the reception authorities is sent to the OFPRA via an information system (TELEMOFPRA). The OFPRA then enters the file from these elements into its own database (INEREC).</p> <p>6. A good understanding of asylum seekers is important in order to best assess their situation. That is why the OFPRA has listed 126 languages for which it has interpreters. In 2019, 109 of these 126 languages were used. In addition, 78,900 interviews have been organised with the presence of an interpreter out of 90,727 for applicants summoned in 2019. These figures highlight the need for language assistance for asylum-seekers during the examination of their case.</p> <p>If the applicant refuses to express themselves in the language chosen by the reception authorities during the registration stage or by the OFPRA, this refusal shall be recorded in their file and shall not prevent a decision from being taken on their application. The choice of language of the procedure may only be contested in an appeal before the National Court for Right of Asylum (CNDA). The CNDA may refer the file back to OFPRA for re-examination in another language if it deems it necessary.</p>
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			<p>7. /</p> <p>8. /</p>
	EMN NCP Germany	Yes	<p>1. Yes</p> <p>2. All asylum-seekers arriving in Germany must report to a state organization directly on arrival or immediately thereafter. The authority then sends asylum-seekers on to the closest initial reception centre, which is in responsibility of the federal states. This is where asylum seekers' personal data are captured electronically, such as name, date of birth, country of origin, fingerprints, picture etc. During the registration, the applicants also state the language/s they speak. This information is captured in an electronic case file. Reception centres usually have language professionals, interpreters or employees available, who speak the most common or needed languages for the registration process. Thus, the applicants can be guided through the initial process, until they are forwarded to the Federal Office for Migration and Refugees.</p> <p>Once registered at the reception centre, asylum seekers can submit their application to a branch office of the Federal Office for Migration and Refugees. The electronic case file with basic data of the asylum seeker, generated at the reception centres, is automatically transmitted to the Federal Office.</p> <p>In order to determine an applicant's language or dialect, the Federal Office either refers to the information provided in the electronic file or by the applicant him-/herself, or uses the computer-assisted system DIAS (Dialect Identification Assistance System), which suggests the probable country of origin, based on the language or dialect spoken. At present, the system can automatically determine five Arabic dialect groups: Levantine, Maghrebian, Egyptian, Gulf and Iraqi. Consequently, the system is only used for Arabic speaking applicants, when they have no valid ID-documents or if there are doubts about their claimed identity or origin.</p>

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		<p>3. Language identification should ideally be part of the initial registration. Some branch offices of the Federal Office are located right next to the reception centres, in so-called arrival centres. These branch offices have the possibility to conduct language identification with the help of DIAS in the very beginning, i.e. the day of the initial registration.</p> <p>If language identification is not possible or has not been completed during the initial registration, this must be done when the application is submitted to the respective branch office of the Federal Office. The case worker registering the asylum seeker's application at the Federal Office then also deploys DIAS for Arabic speaking applicants during the application process, if the conditions are met (no valid ID-document and/or doubts about identity or origin).</p> <p>4. If Arabic speaking applicants do not show valid ID-documents or if there are doubts about their claimed origin or identity, they are asked to provide a speech sample via telephone with the help of DIAS. At the moment, DIAS cannot be utilized with applicants speaking languages other than Arabic. In these cases, the Federal Office refers to the language information provided by the applicant in the electronic case file, and verifies this with the help of the interpreter during the application procedure.</p> <p>DIAS is used as follows: The case worker informs the applicant about the speech sample process. In order to clearly identify the applicant and to correctly route the final DIAS report, the case worker enters the applicant's personal number and the department number using the telephone keypad. Applicant are asked to describe a given picture or a freely chosen topic for a few minutes into the telephone. The DIAS language biometrics software analyses the speech sample and delivers a probability calculation for a certain language or dialect.</p> <p>5. The result of DIAS is compiled in a report, which is transmitted to the applicant's electronic case file. Case workers can use the reports in preparation for the main hearing. The result is only used as an indication and does not serve as evidence, neither for the decision, nor in court.</p>
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			<p>The results of the report can be seen by case workers at the Federal Office. If an asylum seeker submits a complaint regarding his/her asylum procedure, the report will also be made available to the court, along with all other documents of the file.</p> <p>6. Currently, only applicants who speak or pretend to speak one of the five Arabic dialect groups (Levantine, Maghrebian, Egyptian, Gulf, Iraqi) are eligible for the use of DIAS. The Federal Office is working on developing further language models to be able to determine also other languages or dialects. In order to set up new language models, several hundred or thousands of speech samples have to be collected to train and create a reliable model. However, the purchase of new voice recordings is quite expensive.</p> <p>The success rate for correct determination of a language or dialect is currently at about 87.5%. Further improvement can be achieved by integrating more voice recordings from specific languages/dialects into the system.</p> <p>Background noise significantly affects the quality of the results and can lead to unusable reports. An almost noiseless environment is required for a reliable analysis of voice recordings. The analysis results are distorted in particular by radio noise or when interpreters or other people interrupt the recording.</p> <p>7. n/a</p> <p>8. n/a</p>
	EMN NCP Hungary	Yes	<p>1. No</p> <p>No, Hungary does not have a specifically laid down procedure, but there are multiple formal and informal ways to identify one's mother tongue and/or other languages that the applicant might speak or at least understand to a proper degree, which has been sufficient enough in practice. In addition the asylum authorities are examining the possibility of a digital dialect recognition system. Preliminary</p>

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			<p>studies have already been completed on the subject and the implementation of such technique is among the agency's clear medium-term goals.</p> <p>2. N/A</p> <p>3. In most cases, language identification has already taken place from the part of the police or the aliens policing office well before an applicant is handed over to the asylum authorities, but in every instance the clarifying of the languages spoken by the alleged asylum seeker is the first step, since no asylum procedure can officially begin without a clear confirmation of the previously submitted intent for protection.</p> <p>4.</p> <p>In the procedure of the aliens policing authorities, the personal data of the future asylum seeker is recorded - including any spoken or understood languages - and a hearing is conducted with the participation of an interpreter, where the third country national is specifically asked about his/her native and additional languages, so when an asylum claim reaches the competent department, the asylum officer receiving and registering the application already has information, and a general idea about the matter in question.</p> <p>Naturally the asylum authority also tries to make sure, that every third country national seeking international protection could exercise their right to use a language they fully understand. During registration, the competent case officer will make an attempt to ask the applicants about the languages they know, based - in no small degree – on the considerable experience the asylum authorities already have with foreign nationals, which allows the officer to recognize the language based on sound and vocabulary. If this is not possible, and there is no common language between the officer and the asylum seeker – e.g. English, French, German etc. – the authorities will call an interpreter speaking languages associated with the applicant region of origin. Although Hungary dose not have a large diaspora originated from the typical countries from which most applicants arrive, the asylum office has multiple tried and tested, reliable interpreters, who are trusted and is legally obliged to identify the language spoken by any given foreign national, and or to draw attention to any suspicious circumstance (e.g. if the asylum seeker's speech indicates that he/she is not a native speaker) The personal hearing conducted</p>
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			<p>during the procedure is another opportunity to specify the mother tongue and every other known languages of a third country national.</p> <p>5. The native language, and all other spoken languages of an applicant is registered in the official digital information system (MIR) of The National Directorate-General for Aliens Policing, which is accessible only by the competent authorities, and by the Constitution Protection Office and Counter Terrorism Centre. UNHCR also has rights of access to this information, with the consent of the asylum seeker.</p> <p>6. Illiteracy and a general undereducation of most people applying for international protection can be a huge obstacle to the clarification of their native languages. Also some foreign nationals will try to misguide the authorities in ill faith.</p> <p>7. As mentioned above, experienced case officers with the most common languages among asylum seekers filing their claim in Hungary (overwhelmingly afghani and persian people speaking dari, farsi, or pashtu) prior information provided by other authorities, available help from native speaker interpreters are the primary methods of identifying the languages spoken by any applicant.</p> <p>8. In many cases, pre-formed notions, and prejudice of the applicants about the procedure (based heavily on previous encounters with authorities of other non European(!) countries) can be a source of mistrust, and reluctance to communicate at all. Low education can be a great obstacle in providing and receiving comprehensible information about almost anything. In some rare cases, the rarity of the language spoken by the applicant (e.g. a tribal African dialect spoken by only a few – if any – individual in Hungary) can make communication impossible.</p>
	EMN NCP Ireland	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.

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	EMN NCP Italy	Yes	<p>1. No</p> <p>2.</p> <p>3.</p> <p>4.</p> <p>5.</p> <p>6.</p> <p>7. Even if there is no a standardized procedure to identify applicants' language, the competent authority (the Police) supported by non-governmental organizations, proceeds to identification <u>with the help of translators since the landing</u>. Sometimes, along great number of arrivals, the language identification is carried out in the first reception centers (Hotspots), with the collaboration of translators and of UNHCR. If the person expresses the wish to apply for international protection, a specific form must be filled. The applicant is asked to provide information on the spoken languages, the nationality and the ethnic groups. During the filling of the form, the applicant is assisted by a cultural mediator and/or a translator. All communications concerning the procedure for granting international protection shall be made to the applicant in the first language indicated by the applicant, or, if this is not possible, in English, French, Spanish or Arabic, according to the preference indicated by the person concerned. At all stages of the procedure connected with the lodging and examination of the application, the applicant shall be guaranteed, if necessary, the assistance of an interpreter of his language or of another language he understands. Where necessary, the documentation produced by the applicant shall be translated at every stage of the procedure. A Practical Guide for applicants for international protection in Italy is available in 12 languages: Italian, English, French, Spanish, Arabic, Persian, Amharic, Bengali, Kurdish, Somali, Tigrinya and Urdu.</p>
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			8. The variety of languages used. The National Commission for Asylum published a Practical Guide for applicants for international protection in the languages most used by migrants arriving in Italy. The Guide is available in 12 languages: Italian, English, French, Spanish, Arabic, Persian, Amharic, Bengali, Kurdish, Somali, Tigrinya and Urdu.
=	EMN NCP Latvia	Yes	<p>1. No</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. N/A</p> <p>7. The official of the State Border Guard has the right to assign the expertise of the person's language . Analysis of the language is carried out by translation companies providing such services.</p> <p>8. The main challenges are lack of interpreters of rare languages. In some cases State Border Guard was trying to find interpreters in neighbour countries, for instance Lithuania.</p>
	EMN NCP Lithuania	Yes	<p>1. No</p> <p>2. n/a</p>

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			<p>3. n/a</p> <p>4. n/a</p> <p>5. n/a</p> <p>6. n/a</p> <p>7. From the recent experience, asylum authority did not report the identification of the asylum seeker's mother tongue (or language best understood by the applicant and in which he or she can communicate clearly) as a particular challenge. When necessary, assistance from service providers providing translation services could be made available.</p> <p>8. See Q7.</p>
	EMN NCP Luxembourg	Yes	<p>1. Yes</p> <p>2. The Grand Ducal Police and the Asylum Department of the Directorate of Immigration.</p> <p>3. The first language identification takes place during the filing of the application at the Directorate of Immigration. The responsible agent will ask the applicant which language(s) s/he speaks in order to inform in a language that the applicant understands or it is reasonable to suppose that s/he will understand about the procedure and about her/his rights and obligations during the procedure as well as the consequences that the applicant can suffer for not respecting her/his obligations of presenting the evidence and if s/he withdraws explicitly or implicitly her/his application. This information is provided as soon as possible in order that s/he can exercise the rights and fulfil the obligations derived of the status as an applicant for international protection (article 11 (1)).</p>

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		<p>In order to implement this part of the procedure, and pursuant to article 11 (2) of the Asylum Law, the applicant can benefit, if needed, the services of an interpreter free of charge in order to present her/his arguments during the entire international protection procedure. The caseworker/agent of the Directorate of Immigration will provide the appropriate interpreter for the personal interview of the applicant. Furthermore, in accordance with article 6 (3) paragraph 2 of the law of 18 December 2015 on international protection and temporary protection (Asylum Law), agents of the Grand Ducal Police have the first interview with the applicant in order to determine the identity and the travel route used by the applicant. In this moment, the Police also does the determination of the language, which can be used to communicate with the applicant. Article 12 (2) paragraph 2 allows the Refugee Unit of the Directorate of Immigration to submit the applicant to a language test should there be any doubt about the applicant's origins.</p> <p>4. When arriving at the Directorate of immigration to file his/her application, the applicant fills out a questionnaire in which he indicates his/her spoken languages. Interpreters of the most common spoken languages are on-site. For less common languages, an appropriate interpreter will be summoned. The Directorate of Immigration disposes a pool of free-lance interpreters. During the personal interview, if the caseworkers notices that the applicant has difficulties to speak the language he indicated, it is possible to switch to another language the applicant is supposed to speak.</p> <p>5. The information is registered in the personal file of the applicant and the information can be accessed by the Refugee Unit of the Directorate of Immigration and by the Return Unit in case a negative decision is taken and an order to leave the country is issued. Furthermore, the National Reception Office (ONA) receives a copy of this information.</p> <p>6. As in Belgium, applicants for international protection sometimes do not understand the initial question on the languages they speak, asked by an agent of the Refugee Unit, so there is a need from the beginning of the procedure to be assisted by interpreters in order to communicate with the applicants. In other cases, the Refugee Unit is confronted with languages/dialects that no interpreter in the pool of free-lance interpreters masters, so the Directorate of immigration has to rely on interpreters of one of the neighbouring countries (Belgium, France or Germany).</p>
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			<p>One of the challenges that the authorities are confronted with is that the determination of the language of the applicant does not provide enough information of the linguistic level of the applicant.</p> <p>7. N/A.</p> <p>8. N/A.</p>
	EMN NCP Netherlands	Yes	<p>1. No</p> <p>2. Not Applicable</p> <p>3. Not Applicable</p> <p>4. Not Applicable</p> <p>5. Not Applicable</p> <p>6. Not Applicable</p> <p>7. There are no extensive procedures in The Netherlands to identify the language in which the hearing must take place. When the applicant comes in contact with the Aliens Police Department, Identification and Human Trafficking (AVIM) unit, this unit will determine the language of an applicant first and they will communicate this information to the relevant authorities. The moment the applicant comes in contact with the asylum authorities he/she is asked in what language they want the procedure to take place. After that they fill in the intake form and an interpreter in the requested language is arranged to translate during the interview. At the beginning of the interviews the official checks if the applicant understands the interpreter properly. Moreover, the official pays attention to any communication problems during the interviews.</p>

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			<p>8. Communication problems may occur during interviews. In this case the language stated by the applicant on the intake form will be brought up during the interview with the Immigration and Naturalization Service (IND) and is discussed further. This may lead to arranging an interpreter in a different language and the initial language registered being changed by the asylum authorities.</p>
	EMN NCP Poland	Yes	<p>1. No Border Guard: No Office for Foreigners: No</p> <p>2.</p> <p>3.</p> <p>4.</p> <p>5.</p> <p>6.</p> <p>7. Border Guard: The foreigner declares in which language s/he will communicate for asylum proceedings. We also use translators' support for these activities. Office for Foreigners: Dedicated employees of the Office for Foreigners rely primarily on the decisions of the Border Guard, which in the Polish asylum system is the authority responsible for receiving and registering applications for international protection, as well as for determining the identity of the foreigner (including determining the language of the foreigner). In a situation where problems arise at a later stage (e.g. it turns out that the knowledge of a specific language was sufficient for the Border Guard to complete the application form for international protection, but it is not sufficient to conduct a status interview at the Office for Foreigners), actions taken by the Office for Foreigners depend on a given case and aim at receiving testimony from the foreigner regarding the justification of his refugee application as soon as possible and explaining any discrepancies.</p>

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			<p>8. Border Guard: Due to a specific profile of applicants seeking the international protection in Poland, we have no special challenges in this area. This profile mainly includes citizens of the Russian Federation and the countries of the former Soviet Union (84% all applications for international protections). In 2019 (top 10), 63% of all applications for international protection were loged by citizens of the Russian Federation, 10.6% - by citizens of Ukraine, 3% - Turkey, 2.8% -Tajikistan, 2.1 %. - Georgia, 1,5 % - Afghanistan, 1,3 % - Iran, 1,1 % - Armenia, 1,1 % - Kyrgyzstan, 0,9 % - Belarus and others 12,6 % .</p> <p>Office for Foreigners:</p> <ul style="list-style-type: none">- insufficient number of translators of rare languages / dialects;- insufficient number of female interpreters.
	EMN NCP Portugal	Yes	<p>1. No</p> <p>2. NA</p> <p>3. NA</p> <p>4. NA</p> <p>5. NA</p> <p>6. NA</p> <p>7. Just questioning the applicant about the communication language.</p> <p>8. In general terms there are no problems, however it considering some more specific dialects it may be difficult to find a suitable translator.</p>

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	EMN NCP Slovakia	Yes	<p>1. No</p> <p>No, currently there is no such formal procedure in Slovakia. However, in accordance with the Asylum Procedures Directive, which was transposed into the Slovak Asylum Act, if an applicant does not understand Slovak language, the authorities are obliged to use the services of an interpreter. Such obligation applies from the very beginning of the asylum procedure and throughout the different stages. It is duly applied by the Office of the Border and Alien Police, responsible for the lodging of applications, the Migration Office, responsible for examining applications and making decisions, or Slovak judicial authorities in case of appeals before the courts.</p> <p>be_ahq_on_procedures_for_language_indeification_part1_sk_response.docx</p> <p>2. Each authority is responsible for ensuring that the communication with the applicant takes place in the language he or she understands and in which he or she is able to communicate clearly. This applies at every single stage of the asylum procedure.</p> <p>3. From the very beginning of the asylum procedure – in order for the applicants to lodge their application, the Office of the Border and Alien Police (responsible for the lodging of applications) together with the applicant identify a language that he or she understands. A suitable interpret is called in and the Office confirms whether the applicant and interpreter understand each other and can therefore proceed with the lodging of the application.</p> <p>Based on the language identified in the applicant's file, all the other authorities use the services of suitable interpreters. Nevertheless, at the beginning of every procedure, the authorities would always get a confirmation from the applicant and the interpreter that they understand each other.</p> <p>4. As mentioned, in Slovakia there is no formal procedure as such, but through active communication with the applicant and based on information about their country of origin, a language that the applicant understands can be identified. Once an interpreter is called in, the responsible authority would always get a confirmation from the applicant and the interpreter that they understand each other.</p> <p>In general, just the applicant's language is identified, but in case he or she encounters difficulties with understanding the interpreter or understand only certain dialect, this information will also be noted in the file.</p>
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			<p>5. The information is marked in the applicant's physical file, which is managed by the responsible Case Officer. Access to the file can be granted to the applicant's legal representative and in case of unaccompanied minors to their guardian. However, the information on the language of the applicant can be shared among relevant actors as necessary.</p> <p>6. One of the main challenges arises in case of rare languages and/or special dialects when there is generally a lack of available interpreters on the territory of Slovakia. In such cases the procedure is interrupted and can only resume once a suitable interpreter is identified. If necessary, double interpretation could also be an option.</p> <p>7. As mentioned, through active communication with the applicant and based on information about his or her country of origin, a language that the applicant understands will be identified. The responsible asylum authority would also always get a confirmation from the applicant and the interpreter that they understand each other before starting any procedure. Such understanding would also be checked at the end of the interview when the interpreter orally translates the written record of the interview to the applicant.</p> <p>8. See above.</p>
	EMN NCP Slovenia	Yes	<p>1. No</p> <p>2.</p> <p>3.</p> <p>4.</p>

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			<p>5.</p> <p>6.</p> <p>7. The language is usually already determined beforehand by the Police, since an interpreter is already present in the preliminary procedure. Other than that, we can simply ask the applicant.</p> <p>8. The biggest challenge is to find interpreters for specific languages. In such cases we face trouble in communicating with applicants.</p>
	EMN NCP Spain	Yes	<p>1. No</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. N/A</p> <p>7. Language determination is based on the applicant's allegations upon arrival at a border post.</p> <p>8. When it comes to communicating with applicants, the identification of their native language is not a challenge itself, but rather the difficulty in finding an interpreter for minority languages. In such cases where no interpreter is available, the interviews are conducted in lingua franca, mainly French or English.</p>

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	EMN NCP Sweden	Yes	<ol style="list-style-type: none"> 1. Yes 2. Swedish Migration Agency 3. When the applicant applies for asylum. 4. The applicant is asked to state which language(s) he/she would like to have interpretation to/from. If necessary language analysis can be used as part of the asylum procedure at a later stage. 5. It is registered in the person's file and accessible for everyone in contact with the person during the asylum/reception procedure. 6. No information available. 7. NA 8. NA
	EMN NCP Norway	Yes	<ol style="list-style-type: none"> 1. Yes 2. The National Immigration Police services and The Norwegian Directorate of Immigration share the responsibility to obtain information about the applicant's identity, including information about language. 3. Before the initial registration interview done by the National Immigration Police, the applicant is asked for information about <ul style="list-style-type: none"> • native language, • what other languages the applicant speaks/writes, and

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			<ul style="list-style-type: none">• what language the applicant would prefer to use during the registration and the personal interview. <p>Additional information about language is obtained both during the initial registration and the personal interview, with an interpreter present.</p> <p>In the opening of an interview the applicant is always asked if s/he has any comments regarding the use of the interpreter and if s/he understands the interpreter well.</p> <p>4. See information under question 2.</p> <ol style="list-style-type: none">1. Before the initial registration, the applicant is asked to fill out a written form, answering questions about mother tongue and other spoken or written language(s).1. During the initial registration, the applicant will be asked to repeat and/or expand information about his/her mother tongue and other spoken or written languages, with an interpreter present.1. During the personal interview information about languages is confirmed and additional questions are asked if necessary.1. Both during the initial registration and the personal interview, the case officer can decide to request a linguistic analysis of recorded speech, if there is any doubt about the applicant's identity. A language analysis provides the applicant with an opportunity to contribute towards substantiating an undocumented claim of a national, ethnic or regional identity, through establishing an affiliation to a particular language community. <p>The audio recording on which the analysis is based, should ideally consist of a 15-20 minutes free narrative. The analysis is conducted by a qualified linguist in cooperation with a native speaker analyst.</p>
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		<p>When ordering a language analysis, the following information about the applicant (based on his/her own information) is included: gender, age, level of education, mother tongue (language and dialect), language of education, nationality; ethnicity; last permanent place of residence prior to departure from the applicant's native country; any previous place(s) of residence, with information regarding what period(s) of time the applicant lived there.</p> <p>5.</p> <ol style="list-style-type: none">1. The written form (filled in by the applicant), is scanned and stored electronically in the applicant's electronic casefile (DUF).1. Information obtained during the initial registration and the personal interview, including the audio recording and the result from the language analysis, are also registered electronically in the applicant's casefile.1. The information can be accessed by the immigration police and employees in the Norwegian Directorate of Immigration. Information should be accessed only when it is necessary for handing the case. <p>6. Common challenges in identifying applicant's languages;</p> <ul style="list-style-type: none">• Language barriers in the initial registration, if the applicant does not speak English.• Difficulties in obtaining an interpreter in the applicant's language• The applicant doesn't provide correct information about identity (language). <p>7. N/A</p> <p>8. N/A</p>
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