

**Interpreting services among the French-speaking asylum seekers
at the Pretoria Home Affairs Refugee Centre and its aftermath**

by

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Dedication

My sincere gratitude first goes to my heavenly Father, my Helper and the Lord Jesus Christ for giving me life and strength to fulfil my academic dream. EBEN EZER.

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Abstract

This research was encouraged by the growing trend of migration that not only South Africa is facing but the world in general. French-speaking asylum seekers who require interpretation services constitute the subject of interest in this study. The high number of rejected asylum applications raised the question whether the quality of the interpreting service could be among the contributing factors, since a correct understanding of the applicant's statement is crucial to enable the official at the Department of Home Affairs (DHA) to make a decision. This research has demonstrated that the role of the interpreter(s) at the DHA in the asylum-seeking process, which includes registration, interviews, and refugee status determination, is pivotal and can influence the outcome.

This study argues that the lack of training among the interpreters who provide services at the DHA and failure to implement the interpreter's Code of Ethics have failed many asylum seekers. The rights of asylum seekers would often be violated due to poor communication and interaction between the asylum seeker and the DHA official. This research led to the conclusion that many of the interpreters who provide a service at the Pretoria Refugee Reception Office do not carry out their functions in a professional manner, hence many asylum applications are unsatisfactory.

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1. INTRODUCTION

1.1 Background

Globalisation has shrunk the world, turning it into a small village. With people travelling, and the phenomenon of migration escalated to the point that a great number of displaced people and refugees have moved to many countries where languages other than their home languages are spoken. South Africa is not the least among the countries that have received a big number of migrants coming to seek asylum. These asylum seekers are faced with numerous challenges, including communication problems. Many asylum seekers are dependent on interpretation services, which are sometimes lacking in certain respects at the time of applying for asylum.

In recent decades, South Africa has seen an increase in the number of people from both African countries and other parts of the world seeking asylum. Upon arrival in South Africa, they are directed to the various refugee reception offices ('centres') of the Department of Home Affairs (DHA) in the country to set the asylum application process in motion. At the refugee reception offices, they complete application forms and, later on, are interviewed by DHA officials. The information gathered during the interviews will determine whether or not the applicant qualifies for the asylum-seeker document and, at a later stage, for refugee status.

Some of the asylum seekers speak languages other than those spoken in South Africa, and therefore need interpretation services to prove their cases. In a 2012 survey, it was indicated that almost 48% of asylum seekers needed an interpreter and the Department of Home Affairs' (DHA's) provision of interpreters rose from

20 percent to 60 percent of cases (ACMS, 2012, p.49). Asylum-seeker application forms are written in English and interviews are likewise conducted in English. Although the DHA provides interpreters, research has shown that it provided interpreters in only a fifth of the cases (FMSP, 2009, p.37) and severe problems with the quality of the service provided were noted (ACMS, 2012, p.49). In fact, in the study done by Ncube (2013, p.26), it is reported that some applicants had to bring their own interpreters or ask fellow applicants to interpret for them as a result of not finding interpreters when they went to apply for permits. These research reports confirm that language barriers are among the many challenges faced by asylum seekers during the asylum application process.

According to the Department of Home Affairs, as cited in Cortina and Ochoa-Reza (2013, n.p.) in 2011, 81,708 people applied for asylum in South Africa but only 5,556 people were granted status and another 28,641 were rejected, leaving about 50,000 in the asylum-seeker population. There has been immense frustration among asylum seekers regarding the negative outcome of their applications, and interpretation services could be among the hindrances that led to their applications being rejected. This is the problem that underpins the realisation of this study.

The study was designed following the theory of community interpreting, with emphasis on Interpreting in the Asylum Process based on the United Nations High Commission for Refugees' (UNHCR) Interpreter's Code of Ethics. The UNHCR is the only international agency with a general mandate, derived principally from General Assembly resolutions, to help stateless persons (UNHCR 2009, p.16). Since South Africa aligned its laws to the 1951 United Nations Refugee Convention and the

Protocol, the DHA has the mandate to receive asylum seekers and process their applications following the UNHCR model.

According to UNHCR (2009, p.19), community interpreters' function is twofold: first, they are often perceived as social workers, in that they assist people who are part of a minority group in overcoming a language barrier that may prevent them from fully enjoying their rights; secondly, they act as cultural mediators who bridge the gap created by cultural differences between two people who would not be able to understand each other if what they say were literally translated. Interpreters providing service at the DHA play a major role in the dynamics of interviews and can have a negative or positive impact on the outcome of an asylum application. This study assessed the views of French-speaking asylum seekers on the interpretation services at the Pretoria Refugee Reception Office in order to find out if interpreters do justice to their profession.

The use of a qualitative method in this study is justified by the assumption that "Qualitative data sets typically are drawn from fewer sources (e.g. participants) than quantitative studies, but include rich, detailed, and heavily contextualized descriptions from each source" (Levitt et al. 2018, p.26). The researcher took the responsibility to interview asylum seekers using a questionnaire. The data were collected from twenty asylum seekers, including nineteen from the Democratic Republic of Congo and one from Burundi. A condensed thematic approach was used to analyse the views of respondents. Tables were used for the analysis and presentation of data. The findings of this research were compiled based on the interviews, the UNHCR's Code of Ethics as well as the DHA policies and relevant documented information that could provide

answers to the problem.

1.2 Research problem

Interpretation services are imperative when asylum seekers cannot communicate with Home Affairs officials in the languages spoken in South Africa. The fate of the applicants as to the granting of refugee status depends a great deal on the way the information is conveyed by the interpreter in both directions. Since 12 per cent of applicants are unable to secure an interpreter, they are unlikely to understand what is happening in the asylum process (FMSP, 2009, p.37). Although the DHA makes available interpreting services, many issues, such as the shortage of interpreters, the use of untrained interpreters, inaccurate communication, the matter of ethics of interpreting, and the translation of the notification rights, bring dissatisfaction to asylum seekers and this dissatisfaction is likely to increase. All of these issues may possibly affect the chances of success and deny applicants an administratively fair decision-making process (FMSP, 2009, p.38).

In order to assess the views of asylum seekers on the effectiveness of the interpreting services, the following questions should be asked: Do asylum seekers know their language rights in the interpreting process, and do they benefit from those rights? Is the asylum application processed in a communicative environment that would be conducive to good decision-making? Do interpreters observe the code of ethics in interpreting in the process? Do asylum seekers believe that interpreting services are one of the reasons why their applications are denied at the Pretoria Refugee Reception Office? While these questions require answers, the aim of the study is equally crucial.

1.3 Aim of study

In the light of the importance of rendering high-quality interpreting services as a means of affording the asylum seeker an opportunity of a fair and informed decision regarding his/her application, this research intended to assess the view of asylum seekers with regard to the code of ethics in interpreting among the interpreters providing services at the Pretoria Refugee Reception Office. Considering the language rights of asylum seekers who enter South Africa, the views of asylum seekers help determine whether the quality of interpretation services rendered at the Pretoria Refugee Reception Office take into account the observation of basic human rights that everyone should enjoy as prescribed by the South African Bill of Rights enshrined in the Constitution.

Since the future of some asylum seekers is determined by the quality of the communication during interviews with the DHA officials, this study will reveal whether interpreting services are among the reasons why some peoples' asylum applications in South Africa are turned down. It is worth noticing that this issue is not of relevance in South Africa only, because in recent decades Europe and North America have seen an invasion of migrants from African and Asian countries. Pöllabauer (2006, p.151) claims that

research on interpreting in asylum hearings has been neglected in Translation Studies. However, the steadily increasing number of asylum-seekers suggests that interpreting in such settings is by no means peripheral.

This claim supports the relevance of this study.

To achieve the above goal, interviews will be conducted with asylum seekers. There will be a thorough examination of existing conditions of asylum seeking in Pretoria to find out whether asylum seekers face linguistic challenges at the DHA. Existing literature will be consulted and considered in the analysis of the data. The findings of this study will be followed by some recommendations regarding the rendering of interpretation services at the DHA Refugee Reception Offices. There are some important terms in this research that need to be defined.

1.4 Definition of key terms

1.4.1 Asylum seeker

According to the South Africa Refugee Act 130 of 1998 an asylum seeker is “a person who is seeking recognition as a refugee in the Republic”. The Department of Home Affairs defines an asylum seeker as “a person who has fled his or her country of origin and is seeking recognition and protection as a refugee in the Republic of South Africa, and whose application is still under consideration. In case of a negative decision on his application, he has to leave the country voluntarily or will be deported.” An asylum seeker is an individual who says he/she is a refugee but whose claim has not yet been finally decided on by the country in which he/she has submitted it or by the UNHCR (UNHCR 2009, p.14).

1.4.2 Refugee

The UNHCR (2009) defines a refugee as follows:

According to the 1951 Convention relating to the Status of Refugees, a refugee is someone who, owing to a well-

founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his nationality or habitual residence, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country. People fleeing conflicts or generalized violence are also generally considered as refugees, although sometimes under legal mechanisms other than the 1951 Convention.

According to the South African Refugee Act 130 of 1998 a refugee is “any person who has been granted asylum in terms of this Act”. Furthermore, Act 130 of 1998 reiterates the twofold definition of the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (1969) in that, the term "refugee" means someone who:

- (a) Owing to a well-founded fear of being persecuted by reason of his or her race, tribe, religion, nationality, political opinion or membership of a particular social group, is outside the country of his or her nationality and is unable or unwilling to avail himself or herself of the protection of that country, or, not having a nationality and being outside the country of his or her former habitual residence is unable or, owing to such fear, unwilling to return to it; or
- (b) Owing to external aggression, occupation, foreign domination or events seriously disturbing or disrupting public order in either a part or the whole of his or her country of origin or nationality, is compelled to leave his or her place of habitual residence in order to seek refuge

elsewhere: or

(c) Is a dependent of a person contemplated in paragraph (a) or (b).

For the Department of Home Affairs, a refugee is a person who has been granted asylum status and protection in terms of the section 24 of Refugee Act No. 130 of 1998.

1.4.3 Refugee Reception Office

According to the Refugee Act, a “Refugee Reception Office” means a Refugee Reception Office established under section 8(1); (xx) (Refugee Act:1998, chap.1 (xvi)). It is a place where all asylum seekers officially apply for asylum and it is also where asylum seekers as well as refugees report for extension of their documents.

These terms will be clarified in the next section, which helps to establish a common understanding of the migration situation.

2 UNDERSTANDING MIGRATION IN SOUTH AFRICA

2.1 Migration in post-apartheid South Africa

The emergence of democracy in South Africa has contributed a great deal to the movement of many people from other African countries coming to South Africa to make it their new home. South Africa began to serve as a destination to point for asylum seekers from Africa and Asia (MRMP, p.11). The influx of migrants in South Africa is justified by a number of reasons. For some decades, there has been an increase in wars and political unrests in many countries in Africa as well as other parts of the world, which has contributed to the escalation of the number of migrants in South Africa. Some of them left their countries because of war and conflicts to find refuge in South Africa post 1994. Others came to South Africa because of economic instability in their countries or simply for business purposes.

The presence of migrants has become very visible in the country and mainly in big cities. For many African refugees, Gauteng Province – which includes Pretoria and Johannesburg – is a primary destination (Landau 2003, p.3). In fact, the following seven central Johannesburg neighbourhoods – Berea, Bertrams, Bezuidenhout Valley, Fordsburg, Mayfair, Rosettenville, and Yeoville - are said to have a high density of African migrants (Landau 2006, p.3). The country quickly had to put in place legislation to regulate the influx of foreigners. The ANC government boosted domestic legislation aligning it to its international obligations including “the 1951 United Nations Refugee Convention and the Protocol, the African Union (1967) Refugee Convention, the Convention of the Rights of the Child, and the International Convention of Civil and Political Rights (ICCPR)” (Landau 2004, p.4). In joining regional bodies like the “New Economic Partnership for African Development

(NEPAD, the African Union (AU), and the Southern Africa Development Community (SADC), South Africa at once extends the country's remarkable commitment to universal prosperity, rights, and the rule of law across Africa while situating South Africa at the heart of continental networks of ideas, trade, and travel" (Landau 2004, p.4). For this cause, asylum seekers deserve a fair treatment when they arrive at the refugee reception office in order to apply for refugee status. The next aspect that will be discussed concerns the South Africa policy on migration.

2.2 South African policy on migration

The South African policy on international migration is set out in the 1999 White Paper on International Migration and implemented through the Immigration Act, 2002 (Act No.13 of 2002) and partly through the Refugees Act, 1998 (Act No.130 of 1998) (DHA 2017, p.3). The Department of Home Affairs (DHA) reports that the objective of the Immigration Act, 2003 (Act No.13 of 2002) is to set in place a system of immigration control which ensures that visas are issued as expeditiously as possible, on the basis of simplified procedures and objectives, predictable and reasonable requirements and criteria and without consuming excessive administrative capacity.

In addition, this objective is in line with human rights because "international migration in general is beneficial if it is managed in a way that is efficient, secure and respectful of human rights" (DHA 2017, p.5). Furthermore, among the purposes of policy intervention introduced in this newly amended White Paper of 2017, it serves to "enable South Africa to provide refugee protection and basic services to asylum-seekers and refugees in a humane and secure manner." (DHA 2017, P.6) This study will demonstrate whether there is a real implementation of such legislation when it comes to interpreting services at the DHA.

However, the migration phenomenon has yielded a controversial response in the South African context. Landau (2003, p.3) indicates that the response has been decidedly mixed: on the one hand, the new Refugee Act (1998) demonstrates a strong and progressive commitment to refugee protection in line with international standards; on the other, refugees continue to be subject to discrimination, police harassment, and anti-foreigner violence. This underlines the fact that, no matter how excellent the policies are, when the implementation does not follow, the situation of the people concerned will continue to remain the same. Landau (2006, p.7) claims that one of the obstacles to acquiring documentation is the Department of Home Affairs, the government branch responsible for registering residents and issuing documents to both citizens and non-nationals. This assertion points out the pertinence of this study. The national government's department as well as the United Nations' agency dealing with the asylum-seeking phenomenon need to consider this issue seriously as discussed in the following chapter.

3 THE ASYLUM-SEEKING CONTEXT

In order to perform his/her role efficiently and ethically, the interpreter at the Refugee Reception Office should know the context within which he/she is working. The interpreter is required to be aware of the purpose and the content of his work, particularly in relation to the institution for which he/she will be working, its mandate, scope of action, and objectives (UNHCR 2009, p.13). We cannot talk about refugees without referring to the United Nations High Commission for Refugees.

3.1 Role of the United Nations High Commission for Refugees (UNHCR)

The UNHCR was born in the aftermath of World War I when millions of people fled their homelands in search of refuge in countries where they could live in peace. The Convention Refugee Protocol (UNHCR 2011, p.3) points to the fact that governments responded by drawing up a set of international agreements to provide travel documents for these people who were, effectively, the first refugees of the 20th century. It was a time when the issue of human rights was on the agenda of the international community (UNHCR 2009, p.12).

The International Refugee Organization (IRO) was the predecessor of the UNHCR. It had the role of repatriating and resettling people displaced by the war, and reached the end of its mandate in 1950. The Office of the United Nations High Commission for Refugees was established on December 14, 1950 by the United Nations General Assembly (UNHCR 2009, p.12). Its mandate is twofold: to provide international protection for refugees and to seek lasting solutions to their problems (UNHCR 2009, p.12). However, for the UNHCR (2009, p.14), the governments bear the primary responsibility for protecting refugees on their territory and often do so together with

local non-governmental organisations. This will happen following a process determined by the UNHCR or, as it is the case in this study, by the DHA.

Some principles and standards exist in order for one to be granted refugee status. The UNHRC (2009, p.14-15) lists five criteria to be met for a person to qualify as a refugee following the 1951 Convention and UNHCR's Statute:

- well-founded fear,
- persecution
- reasons: race, religion, membership of a particular social group, or political opinion
- Outside country of nationality/former habitual residence
- Unable or unwilling for fear, for fear of persecution, to seek that country's protection or to return there.

These criteria are the base line for the interviewers and they serve to determine the validity of the applicant's account. The UNHCR's direct involvement in the determination of refugee status varies from country to country. The Department of Home Affairs in South Africa has the control and management of the asylum process in their various Refugee Reception Offices.

3.2 Role of the DHA Refugee Reception Office

Act No. 130 of 1998 provided for the establishment of Refugee Reception Offices. It allows the Director-General to establish as many Refugee Reception Offices in the Republic as he or she, after consultation with the Standing Committee, regards as necessary for the purpose of the Act (Refugee Act 130 of 1998, p.10). This Refugee Act stipulates that each Reception Office must consist of at least one Refugee

Reception Officer and one Refugee Status Determination Officer who must

- (a) be officers of the Department, designated by the Director-General for a term of office determined by the Director-General; and
- (b) have such qualifications, experience and knowledge of refugee matters as makes them capable of performing their functions (Refugee Act 130 of 1998, p.10).

In addition to the Refugee Reception Officers, the Act provides for the establishment of a Standing Committee for Refugee Affairs which, besides the duty of formulating and implementing procedures for the granting of asylum, regulates and supervises the work of the Refugee Reception Officers among other duties (Refugee Act 130 of 1998, p.10). The Act also makes available an Appeal Board which among other duties, hears and determines any appeal lodged, and advises the Minister or the Standing Committee regarding any matter which the Minister or the Standing Committee refers to the Appeal Board (Refugee Act 130 of 1998, p.10). These are the organs that are involved in the asylum process in South Africa.

When individuals want to apply for asylum, they are allowed in terms of the Act procedures to apply individually at the Refugee Reception Office. The Refugee Reception Officer concerned

- (a) Must accept the application form from the applicant;
- (b) Must see to it that the application form is properly completed, and, where necessary must assist the applicant in this regard;
- (c) Must conduct such enquiry as he or she deems necessary in order to verify the information furnished in the application; and
- (d) Must submit any application received by him or her, together

with any information relating to the applicant which he or she may have obtained, to a Refugee Status Determination Officer, to deal with it in terms of section 24.

These procedures need to be amplified especially when dealing with an asylum seeker who is not a user of the language used on the application forms because they will need to be assisted by an interpreter. This lack of clarity is supported by the FMSP (2009, p.44) report which states that, “the lack of procedural clarity jeopardises the fairness of the process, and deserves careful attention”.

Subsequently, when the Refugee Determination Officer is not satisfied, the matter can proceed to the Standing Committee until it reaches the final decision at the Appeal Board. This, of course happens when the applicant is not satisfied with any decision taken at the two first levels. However, the Refugee Determination Officer must, pending the outcome of an application in terms of section 21 (1), issue to the applicant an asylum-seeker permit in the prescribed form allowing the applicant to sojourn in the Republic temporarily, subject to any conditions determined by the Standing Committee which are not in conflict with the Constitution or international law and are endorsed by the Refugee Reception Officer on the permit.

In South Africa, the legislation stipulates that people can qualify for refugee status if they can prove that their lives have been in danger in their own countries as a result of any of the following: race, tribe, religion, nationality, political opinion, membership of a particular social group (people persecuted on the basis of their sexual orientation, or gender – such as female circumcision – fall into this category). People can also be granted refugee status if there is war in their birth country (Western

Cape Government 2013, p.2-3). However, research conducted by the Forced Migration Studies Programme (FMSP) (2009, p.7) from Wits University provides the following findings:

- Reception officers did not adequately communicate the details of the asylum application process or inform applicants of their rights, effectively denying administrative justice to asylum applicants.
- Interviews were often short and cursory, denying applicants an opportunity to fully explain their asylum claim.
- Respondents recounted a number of inappropriate questions asked and statements made during their status determination interviews, demonstrating anti-immigrant prejudice and a lack of professionalism among status determination officers.

One can argue that these findings by large support the essence of this research and may help to get a glimpse of the implication of the fundamental human rights.

3.3 Legal rights

The devastation of the world that unfolded after the First World War pushed the Great Powers to found the League of Nations which had as role to mediate between countries in terms of human rights. This was enforced after the Second World War with the creation the United Nations Organisation. Article 27 of the Universal Declaration of Human Rights (UDHR) proclaims that “everyone has the right to freely participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits. By 1966, the UN member states wrote and opened for signature two new human rights covenants. The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic,

Social and Cultural Rights (ICESCR) 18 supplemented the Universal Declaration on Human Rights with greater specificity (Perry 2012, p.32)” Art. 26 of the ICCPR (International Covenant on Civil and Political Rights) states that “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

In Africa, the African Union (AU), former Organisation of African Unity (OAU) which is the regional inter-governmental organisation, covers human rights issues under the following human rights treaties and bodies:

- The African Charter on Human and Peoples’ Rights (ACHPR), which was adopted by the OAU on 26 June 1981 and entered into force on 21 October 1986.
- The Protocol to the Africa Charter on Human and Peoples’ Rights on the Rights of Women in Africa, which was adopted by the AU on 11 July 2003 and entered into force on 25 November 2005.
- The African Charter on the Rights and Welfare of the Child, which was adopted in July 1990 by the OAU Assembly and entered into force on 29 November 1999.
- The African Commission on Human and Peoples’ Rights (hereafter: African Commission), which was incorporated into the AU framework at the Durban Summit held in July 2002 and is based in Banjul, The Gambia.

- The African Court of Human and Peoples Rights (ACHPR), which came into force on 25 January 2004.
- African Committee of Experts on the Rights and Welfare of the Child, which was established in 1999 under the African Charter on the Rights and Welfare of the Child (UNHCR 2006:86-92).

These international laws have been domesticated in South African laws as well as in the Constitution. The Bill of Rights in the South African Constitution in section 35 stipulates that everyone has the right to use the language and to participate in the cultural life of their choice, but no one exercising these rights may do so in a manner inconsistent with any provision of the Bill of Rights. Additionally, the Bill of Rights in the South African Constitution in section 35 (3k) grants the right to every person “to be tried in a language that the accused person understands or, if that is not practicable, to have the proceedings interpreted in that language”. Even though the DHA is not a court of law, the setting of the asylum process is very similar to that of a court proceeding in that the asylum seeker has to prove his case before the DHA officer, who will examine if the arguments are well founded and make a decision. In this regard, the DHA has an obligation to ensure that every asylum seeker who does not speak any of the South African official languages is assisted by a qualified interpreter for the prevalence of good communication in the application process. Regarding the right to apply for asylum, as previously mentioned, people can apply and qualify following the provisions contained in the Refugee Act of 1998.

However, these rights tend to be violated by the same organ that is meant to implement them. Research has found that the attitude and behaviour of reception

and status determination staff are focussed on controlling migration rather than protecting refugees (FMSP 2009, p.6). In addition, the refugee reception system often fails to fulfil its mandate to asylum seekers through, amongst others, under-provision of interpreters and failure to provide notice of applicant interviews (FMSP 2009, p.6).

The Refugee Ministry Centre (RMC), while monitoring the service delivery at different refugee reception offices and at the Lindela Deportation Centre, found that there was a communication barrier between the DHA officials and people applying for refugee and asylum-seeker permits, mostly those who come from francophone countries because of their poor English language proficiency (Ncube 2013, p.16). This kind of situation is a result of an obstructive attitude that directly or indirectly denies many legitimate asylum seekers the protection to which they are entitled (FMSP 2009, p.6). And if language barrier is one of the challenges that asylum-seekers have to face, it is indeed an unfortunate situation that affects the domain of their language rights.

3.4 Language rights

Language rights are enshrined in the international laws of human rights. Language is a powerful cultural tool that should not be under-estimated because it is able to unite or divide people. This is one of the reasons why politicians and legislators acknowledged and granted rights to language. Language rights, according to Ricento (2006, p. 273), are those “that, first, are necessary to fulfil peoples’ basic needs and for them to live a dignified life, and, second, that therefore are so basic, fundamental, that no state (or individual or group) is supposed to violate them”.

Phillipson and Skutnabb-Kangas (in Wee, 2005, p.48) add that linguistic rights are one type of human rights and as such one intricately interlocking element in a set of inalienable, universal norms for just enjoyment of one's civil political, economic, social, and cultural rights. When a human being's fundamental need is not satisfied because of language interference, it becomes a language right violation. In order to avoid this kind of violation, there is a need to provide interpreting services – and to ensure that these services are of a high standard.

The rise of globalisation gave clear prominence to linguistic rights in many countries including “in the South African scene” (Perry 2012, p.54) where many migrants from all over the world have come to find refuge. The UNHCR (2015) stated that there were 23000 asylum seekers awaiting decisions in South Africa at the end of 2013 and they were projecting a total of 331,500 by the end of 2015. Many of these asylum seekers have fled conflicts in the Democratic Republic of Congo, security issues in Somalia and individual persecution in countries like Burundi, Zimbabwe, Ethiopia and Rwanda.

All of these asylum seekers need an identification document to live in South Africa. This document is issued by the DHA after an interaction with each asylum seeker. This is where the role of an interpreter is vital, considering the fact that many of the asylum seekers do not speak languages spoken in South Africa.

Language should not be a barrier that prevents people from applying for asylum or voicing their concerns. Speaking through an interpreter is considered a human right for asylum seekers. It is the responsibility of the country of asylum to “provide all necessary facilities to asylum-seekers to ensure that they are able to comply with all formalities, including free-of-charge services of qualified and neutral interpreters”

(UNHCR 2010, p.124). In fact, the UNHCR (2010, p.124) recommends that “asylum-seekers should receive legal counselling and information in a language they understand, on the procedures to be followed, and on their rights and obligations during the process”. Moreover, Article 1(3) of the Charter of the United Nations and Statute of the International Court of Justice promotes and encourages “respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion”. South Africa is a beacon for democracy and is part of the 1951 UN Convention as well as the African Union Convention which manages, among other things, refugee issues. South Africa should therefore endeavour to uphold human rights and in particular refugees’ rights. All these laws give a mandate to the DHA to issue permits to asylum seekers and refugees so that they may enjoy their rights including protection, education and work. However, one of the crucial rights asylum seekers require is to express in their own languages when they have to submit their stories before the DHA officials; hence the need for an interpreter.

3.5 The need for an interpreter in the asylum-seeking process

Everyone who feels that his life is threatened in his country can seek asylum in another country. Unlike other southern African countries like Zambia and Zimbabwe, South Africa is one of the few countries in southern Africa to accept the integration of asylum seekers instead of confining them to refugee camps. One of the challenges asylum seekers face is the language barrier, hence the need for interpreters.

Interpreting for an asylum seeker is a crucial job. The interpreter has to ensure that asylum seekers who do not speak the language spoken in the country of refuge, are “interpreted into another language comprehensibly and accurately so that the authority can reach a fair decision in the matter of a person seeking international

protection” (Finnish Immigration Service, 2010, p. 9). Poor interpreting can damage the quality of communication. A trained interpreter can be trusted to render a better service than the one who is not trained. Gile (1995, p.9) argues that, for maximum efficiency, formal training should be streamlined into “line” programmes. Such programmes include academic studies in interpreting and special interpreting programmes such as short-term training programmes and in-house-on-the-job training.

The UNHCR specifies the following encounters in which UNHCR officials may need an interpreter:

- Registration procedures: when the personal information of refugees, internally displaced persons or returnees are recorded
- Refugee status determination: when an interview is conducted with an asylum seeker to determine whether she/he meets the criteria of the refugee definition
- Resettlement interviews: when an interview is conducted with a refugee for determining his/her needs to be resettled to a third country
- Monitoring: when UNHCR collects information relating to the protection, rights and well-being of refugees, returnees and internally displaced persons through interviews
- Participatory Assessment: when a structured dialogue is conducted with women, girls, boys and men of concern to UNHCR, in order to gather accurate information on the specific protection risks they face and underlying causes, to understand their capacities, and to hear their proposed solutions

- Counselling sessions and/or medical interviews: when informed and professional advice on private and/or illness-related matters is made available to refugees and other persons of concern to UNHCR
- Screening survivors of violence or torture: when more information on psychological and/or physical consequences of torture is sought

The interpreter will therefore help in bridging the language barrier existing between him and the DHA official. His efficiency or inefficiency may affect the outcome of an asylum application. S/he has a crucial role to play.

3.6 The role of the interpreter

In the UNHCR paradigm, interpreters are essential in fulfilling its mandate functions including registration, refugee status determination, resettlement, and counselling, which, in many cases, also involves sensitive issues related to sexual and gender-based violence (UNHCR 2009, P.17). Effective communication between interpreters and the DHA officers is imperative while conducting the interviews. The interpreter then assumes the role of a communication facilitator. He becomes the intermediary between the DHA officer and the asylum seeker. Since most of the interpreters at the DHA Refugee Office are contracted from various service providers, this means, among other things, developing a good relationship and “building up working relationships with local interpreting agencies in order to gain a better knowledge and understanding of each other’s work” (Newbigging and Thomas, 2010, p. 26).

Unfortunately, many of these service providers are less aware of the delicate and difficult situation in which these untrained volunteers are placed to work with asylum seekers.

Some asylum seekers are not informed of the content of the documents they sign after the interview because they are written in English. In a judgment by the High Court of South Africa opposing the denial of a Congolese citizen's refugee application, the judge states among other reasons why the applicant could not give accurate information to prove his case at the DHA, that "no translation of notice or interpreter service were provided or offered" (Western Cape High Court case number 19726/2010). A study by Bögner, Brewin and Herlihy (2009) confirms that in England, many non-English-speaking asylum seekers reported that they had to sign the statement, which is in English, without knowing what they were signing. In communication ethics, the role of the interpreter is to make sure that the asylum seeker's narrative is not only accurate, but also that both parties (the immigration officer and the asylum seeker) involved in the process are on the same level of understanding. Interpreters need an accurate interpretation of asylum seekers' statements in order to enable the DHA official to understand their concerns and make appropriate decisions. Gile (2001, p. 23) adds that interpreters can "consider their task to have been successfully performed if they provide a satisfactory communication service according to the criteria of the sender, the receiver, or the client". It is therefore important that the interpreter should fulfil his/her role with integrity to the full satisfaction of the parties involved.

Modelling the field of community interpreting engages some approaches in translation studies but this study will use a list of Ethics of Interpreting principles recognised by the UNHCR and other groups of experts in the field of community interpreting from many countries. These principles will be the yardstick for assessing

the effectiveness of interpreting services at the DHA.

Research shows that the role of the asylum seeker's interpreter can be quite controversial. At times, female asylum seekers find it difficult to communicate through a male interpreter or a male officer. This happens "particularly if some aspects of their asylum claims involve sexual violence or questions of family honour" (UNHCR 2006, p. 18). It is worth mentioning that females who have been raped are ashamed to disclose to male interpreters about their ordeal because this issue is still a taboo or a stigma in many societies. Amit (2012, p.93) confirms the idea that female survivors of rape are often forced to rely on non-professional interpreters chosen randomly from the crowd of asylum seekers at the office on any given day, which places them in the position of having to disclose the rape to another stranger – often male – with whom they have no relationship or basis for trust. That is why the UNHCR recommends to the country of asylum that "female interpreters should be made available for female asylum-seekers to reduce the obstacles posed by gender-related cultural barriers" (UNHCR 2006, p. 124). Pöllabauer (2007, p.39) contributes to the debate in arguing that interpreters

very openly intervene (with the officer's permission), abbreviate, paraphrase and filter the participants' (mainly the asylum-seekers') utterances and, sometimes even tend to judge the relevance and usefulness of statements voiced by the asylum-seekers.

Thus, it is crucial for the interpreter to be acquainted with the domain in which he is providing his/her services as in this case the asylum-seeking process.

3.7 Interpreting in the asylum process

Globally it has been noted that the issue of interpretation is marred by many controversies, with asylum seekers believing that their applications were not successful due to poor interpretation services. Stanners (2012, n.p.) argues that a lack of compulsory education for interpreters in Denmark could lead to errors “translating interviews with asylum-seekers with potentially fatal consequences.” At the same time interpreters are in a position of significant influence and power over persons of concern (UNHCR 2009, p.17). That is why interpreters should possess a good knowledge of matters related to the field in which they are working. Marin and Valero-Garcés (2008, p.2-3) argue that interpreting is a complete cognitive cross-cultural activity requiring a distinct professional profile. Asylum seekers always face logistic hardships that are difficult to resolve.

When a person wants to lodge a complaint regarding unavailability or inefficiency of solutions, factors “such as language barriers, ignorance of the judicial system of the host State, and the temporary status of asylum-seekers and refugees, make it even more difficult for these persons of concern to use these mechanisms” (UNHCR 2006, p. 78). It is difficult to process information with which you are not technically acquainted. That is why “interpreters and translators must have enough knowledge of the subjects of the texts or speeches they process” (Gile 1995, p. 5). Issues related to migrations comprise specialized subjects, including community values, with which the interpreter should be familiarised in order to be interpreted faithfully.

3.8 Community interpreting

The type of interpreting service happening between the DHA officers and asylum

seekers is a form of dialogue where the interpreter plays the role of a mediator or an intermediate. For Mason (2014, n.p), “dialogue interpreting includes what is variously referred to in English as Community, Public service, Liaison, Ad-Hoc or Bilateral interpreting – the defining characteristic being interpreter-mediator communication in spontaneous face-to-face interaction”. The UNHCR (2009, p.20) argues that community interpreters may also be described as culture-oriented, as they may be expected to act as cultural mediators who bridge the gap created by cultural differences between two people who would not be able to understand each other if what they say were literally translated. It is therefore the kind of interpreting done to assist immigrants who are not native speakers of the language to gain access to viable services.

Community interpreting differs from conference interpreting in that those interpreters are responsible for enabling professionals and clients from different backgrounds to communicate in an unequal relation of power and knowledge (Shackman in Lee & Buzo 2009, p.3-4). The interpreter becomes the agent playing a major role of a go-between and Hale (2008, p.102) lists some these roles as follows:

- To help the minority language speaker present his/her case in the best possible way
- To help the service provider/institution to serve as an institutional assistant
- To be an active third participant in the interaction and decide on what should and should not be uttered
- To ensure effective communication between the participants

- To remove the language barrier and place the minority language speaker in as similar a position as possible as someone who speaks the mainstream language.

These roles are confirmed by the UNHCR definition of a community interpreter stipulated as follows:

“You may be defined as a community interpreter if you are a member of a language community; you offer your services as an oral translator to its members; its members do not speak or have a good command of an official language; such language is spoken at the institution whose services they wish to access” (UNHCR 2009, p.18).

Just like in any profession, there are some codes of conduct that the community interpreter is required to observe.

3.9 The interpreters' code of ethics

The code of conduct in the professional body of community interpreters is necessary because of the many pressures in the workplace that the community interpreter faces in his line of duty. In addition, the context of interpreting itself is not easy because of the many issues that arise while interpreting and the interpreter should be aware of the boundaries and how to behave in a professional manner. These codes of ethics exert considerable influence on the outcome of asylum hearings (Pöllabauer 2006 p.161.) This idea is supported by the Australian National Accreditation Authority for Translators and Interpreters (NAATI) (2016, p.3) in their argument that “Ethical behaviour and the maintenance of high ethical standards are essential to good practice, in developing the profession and in maintaining positive

opinions and perceptions.”

The “Code of Ethics for Community Interpreters” of Finland, the UNHRC (2009) “Ethics of Interpreting”, The National Register of Public Interpreters (2016) “Code of Professional Conduct” of the United Kingdom, the “Code of Ethics for Individual Members of South African Translators’ Institute” (SATI), the “Code of Ethics” of the Australian Institute of Translators (AUSIT), all accept the following concepts as Code of Ethics for Interpreters: impartiality, confidentiality, accuracy, competence, transparency, boundary drawing, professional development, professional solidarity, maintaining professional relationship.

3.9.1 Impartiality and neutrality

The UNHCR (2009, p.105) provides the following description of impartiality:

- The interpreter shall inform the UNHCR official of any involvement with the assignment and interviewee(s) prior to the beginning of the meeting.
- The interpreter shall not interpret for close relations and/or personal friends, except in emergency situations, namely when no interpreter is available, and if all parties agree.
- Whether the interpreter agrees or disagrees with what is being said during the meeting, she/he shall suspend judgement and strive to interpret accurately. She/he shall not speak on behalf of, advocate for, or try to influence either party.

- Under no circumstances shall the interpreter give legal advice to UNHCR's clients and/or influence their own decisions in any conceivable way.
- The interpreter shall not interpret for anyone in whose case- or testimony-writing she/he is directly involved.

The AUSIT Code of Ethics and Code of Conduct (2012, p.4) adds that interpreters remain unbiased throughout the communication exchanged between the participants in any interpreted encounter. This principle allows interpreters to remain neutral and not interfere in the matter with their own opinion. They must make sure that they disclose any conflict of interest, for example when they deal with issues involving people they are closely related with.

This code is also known as Clarity of Role Boundaries, which stipulates that "interpreters and translators maintain clear boundaries between their task as facilitators of communication through message transfer and any tasks that may be undertaken by other parties involved in the assignment (AUSIT 2012, p.5). It can be inferred that interpreters should solely concentrate on message transfer. They do not, in the course of their interpretation or translation duties, engage in other tasks such as advocacy, guidance or advice.

3.9.2 Confidentiality

Confidentiality can be observed in the following way:

- Under no circumstances shall the interpreter disclose or repeat oral and/or written information obtained in the course of her/his work at UNHCR for any reason, unless this is required by law enforcement. In particular, the interpreter shall not seek to derive any form of financial

reward, profit, or advantage by disclosing the oral and/or written information she/he acquires in the course of her/his work at UNHCR.

- Should the interpreter be asked to speak about her/his job as part of any counselling or psychiatric therapy she/he might go through, she/he is required to omit any specific reference to people and /or cases she/he came across as part of her/his job at UNHCR.
- Under no circumstances shall the interpreter disclose any knowledge she/he might have of the interviewee, her/his case, background, position, status, etc., at the request of a UNHCR official.
- The interpreter shall not have access to individual files and/or the file storage area, unless strictly unavoidable. In this case, her/his access to individual files and/or the file storage area should be strictly limited to what is necessary to carry out authorized responsibilities, and should be closely supervised (UNHCR 2009, p.106).

Confidentiality is very crucial in the profession of interpreters in that they are exposed to private information. Therefore, practitioners should not “take advantage of information received during or as a result of their work. Disclosure of information may be permissible with clients’ agreement or when disclosure is mandated by law.” (AUSIT 2012, p.8)

3.9.3 Demeanour

Demeanour is understood in the sense that:

- The interpreter who is rendering services at UNHCR is bound to the standards and protocol of the office in which she/he is working, unless such standards and protocol are in conflict with this Code of

Conduct. In any respect, she/he is always punctual, prepared, and appropriately dressed.

- The interpreter shall show respect towards the participants to the meeting and avoid any kind of judgmental attitude towards them and/or what they say.
- The interpreter shall neither accept any additional compensation, money, or favours for services reimbursed by UNHCR, nor make use of her/his position to secure privileges, private gain, exemptions, and use of UNHCR facilities or equipment. In particular, the interpreter shall not seek to derive any form of financial reward, profit, or advantage by disclosing the oral and/or written information she/he acquires in the course of her/his work at UNHCR.
- The interpreter shall not take on tasks that are unrelated to her/his role, unless strictly unavoidable. In this case, her/his task should be strictly limited to what is necessary to carry out authorized responsibilities, and this should be closely supervised (UNHCR 2009, p.106).

This code is related to the principle of Professional Conduct in the Australian Institute of Translators' code of conduct, which states that "Interpreters and translators take responsibility for their work and conduct; they are committed to providing quality service in a respectful and culturally sensitive manner, dealing honestly and fairly with other parties and colleagues, and dealing honestly in all business practices" (AUSSIT 2012, p.4).

3.9.4 Applicability

Applicability means that

- The interpreter who is rendering services at UNHCR must have read, signed, and is bound to comply with this Code of Conduct. She/he understands that she/he shall withdraw immediately from encounters that threaten her/his capacity to apply this Code of Conduct.
- She/he also understands that violation of this Code of Conduct may result in her/his withdrawal from the UNHCR list of approved interpreters (UNHCR 2009, p.106).

The AUSIT codes of conduct contain the following ethical behaviour that are worth mentioning though they are cross-cutting:

3.9.5 Competence

This code is related to the level of expertise of the interpreter or their credentials.

According to the AUSIT (2012, p.5), interpreters and translators only undertake work they are competent to perform in the languages for which they are professionally qualified through training and credentials. This idea is confirmed in the UK “National Register of Public Service Interpreters” (2016, n.p.), in their code of professional conduct in which it is stated that practitioners who are carrying out work as interpreters shall only carry out work which they believe is within their linguistic and relevant specialist competence.

3.9.6 Accuracy

Interpreters and translators use their best professional judgement in remaining faithful at all times to the meaning of texts and messages (AUSIT 2012, p.5). This means “optimal and complete message transfer into the target language preserving the content and intent of the source message or text without omission or distortion” (AUSIT 2012, p.5). One of the codes of professional conduct of the UK “National Register of Public Service Interpreters” (2016, n.p.) amplifies this ethical behaviour in asserting that practitioners shall interpret truly and faithfully what is uttered, without adding, omitting or changing anything; in exceptional circumstances a summary may be given if requested. In case the practitioner finds himself limited, the UK “National Register of Public Service Interpreters” (2016, n.p.) suggests that practitioners shall disclose any difficulties encountered with dialects or technical terms and, if these cannot be satisfactorily remedied, withdraw from the commission of work.

3.9.7 Professional development

Both the AUSIT and SATI recommend interpreters to upgrade their skills in undergoing more training in order to maintain the good quality service. Practitioners commit themselves to lifelong learning, recognising that individuals, services and practices evolve and change over time (AUSIT 2012, p.6). Interpreters should “Constantly pursue self-improvement in order to improve the quality of their work” (SATI n.p.)

In conclusion, these codes are well summarised by the NATI (2016, p.3) as follows:

- a) Respect their clients’ right to privacy and confidentiality
- b) Disclose any real or perceived conflicts of interest

- c) Decline to undertake work beyond their competence or accreditation levels
- d) Relay information accurately and impartially between parties
- e) Maintain professional detachment and refrain from inappropriate self-promotion
- f) Guard against misuse of inside information for personal gain

These principles will be the baseline in the analysis of data collected by the interviewers. The UNHCR being the prominent organ in the asylum process, their codes of conduct will be the most considered as reference though most of these codes from the different above-mentioned organisations are interrelated. The next chapter will discuss the method and design applied in this research.

4 METHOD AND DESIGN

In conducting this study, the researcher used the case study method. This method is relevant when “questions require an extensive and in-depth description of some social phenomenon” (Yin R: 2013, n.p.). The purpose of the researcher was to collect the views of French asylum seekers on the work of interpreting in order to determine the efficiency of French interpreting services at the DHA with respect to the codes of ethics in interpreting. However, in the purpose of facilitating the communication with respondents who were not quite fluent in French, the researcher had to resort to other Congolese national languages during the interviews. The process of the service concerns the involvement of three categories of people – the asylum seeker, the DHA official and the interpreter who plays the role of an intermediary. The research choice focused on the qualitative method. Qualitative studies are, according to Locke, Spirduso, and Silverman (2014, p. 96), a means for describing and attempting to understand the observed regularities in what people do, say, and report as their experience.

Data was collected successively at the Jesuits Refugee Services (JRS) and the African Diaspora Forum (ADF). JRS is an international Catholic organisation with a mandate to serve refugees and forcibly displaced persons in assisting refugees to access education, healthcare, and in offering small business support (JRS, n.p.). The ADF is a non-profit organisation open to all willing individuals and organisations in South Africa sharing the objectives of the Forum; it is a platform for African migrants to voice their concerns and work for an integrated society (ADF, n.p.). On the one hand, the JRS welcomed the researcher and gave him an office where interviews were conducted with some of the asylum seekers who were coming to seek social

assistance. It was announced that only those who were in possession of asylum-seeker documents were allowed to participate in the interviews. On the other hand, the ADF offered the same facilities to the researcher and gave him liberty to invite asylum seekers who were coming to their premises for any reason to volunteer for interviews.

The data-collection method consisted of scheduled interviews (see Appendix A) “where the interviewer had to collect the information personally from the individuals concerned. As suggested by Khotari (2004, p. 97) the interviewer has to be on the spot and has to meet people on whom data has to be collected”. The aim of the interviews was to obtain information on the interpreting services provided to French-speaking asylum seekers in South Africa, and in particular in Pretoria at the Refugee Reception Office, with the emphasis on the challenges and language barriers encountered in dealing with Home Affairs as an institution. The interviews were arranged so that the researcher would receive one respondent at a time.

The structured interviews in Appendix A contain a series of yes or no questions, as well as open-ended questions. Schuman & Presser (1996, p. 9) refers to open-ended questions as those that do not limit respondents to alternatives within the investigator’s frame of reference, and that also avoid suggesting or imposing answers the respondent may not have considered.

These interviews were conducted with twenty asylum seekers. All respondents were citizens of the Democratic Republic of Congo (DRC), except one who was Burundian. DRC asylum seekers were interviewed in French, Swahili, Lingala and

Tshiluba; while the Burundi respondent was interviewed in French. Swahili, Lingala and Tshiluba are among the three DRC national languages, while French is the DRC official language. Questions were in written format, but the interviews were recorded and transcribed at a later stage. The advantage of being present to read the questionnaire is, firstly, that the respondent would not need reading abilities and, secondly, that the interviewer can assist in the event of comprehension difficulties (Saris and Gallhofer, 2007, pp.158-159). Furthermore, respondents were told in advance that pseudonyms instead of real names would be used to protect their identities. Respondents were also told that the researcher would adhere to strict rules of confidentiality. Only those respondents who signed the statement of informed consent were interviewed. It is worth mentioning that the Ethics Committee granted permission for the realisation of this study in their letter dated 16 August 2018.

Collecting the views of interpreters would have been ideal for benchmarking purposes but unfortunately all interpreters operating at the Pretoria Refugee Office have signed a confidentiality notice which does not allow them to disclose any information to a third party. This is the reason why they could not be included in the study. This could serve as a matter of future studies that the more fortunate researcher can dare to undertake.

The literature review shows that there is much literature on issues related to asylum seekers and interpreting services as the world has seen a large number of people displaced from their own countries, who are trying to build a new life elsewhere. Hardy and Bryman (2004, p.5) remark that with qualitative data analysis, the existing literature may help with, or at least act as a background to the analysis. A more condensed version of the thematic approach was used in the analysis of data. But

the more explorative thematic network approach is a step by step process which may be summarised as follows:

Step 1: Code Material: in this step, codes are applied to the textual data to dissect into text segments.

Step 2: Identify Themes: here, themes are abstracted from coded text segments and then refined.

Step 3: Constructing the Network: after identifying themes, they are clustered into higher order or “organizing theme” and then in “global themes”.

Step 4: Describe and explore the thematic network. This is part of the analysis stage (Attride-Stirling, 2001).

All these steps are better used in studies that involve more than twenty respondents, but have proven to be useful in the present study as well. In addition, tables were introduced in the analysis for evidentiary and visual purposes. Tabulation is used to analyse data because “in conversation, analysis intuition – no matter how plausible it might seem – simply is not reliable” (Clayman and Gill, 2004, p.591). Tabulations constitute a way of translating the findings into measurable data that will yield a logical conclusion. This approach is preferable in the sense that “the coding of transcripts or field notes will be partly informed by the literature” (Hardy and Bryman, 2004, p.5). Furthermore, tabulations also constitute statistical procedures which are needed, as Duncan (1975 cited in Hardy and Bryman 2004, p.3) notes, to contrive optimal estimators and proper tests of hypothesis, and indicate the degree of precision in our results, or the size of the risk we are taking in drawing a particular conclusion from them. The pertinence of the following chapter is justified by the fact that when data are analysed, they can produce great outputs for the tabled issue.

5 DATA ANALYSIS

This section of data analysis is subdivided in the following five different thematic parts deriving from the answers to the questions - personal identification, language of communication, availability of interpreters at the Refugee Reception Office, language rights, code of ethics. The latter are also divided into the following codes - impartiality, confidentiality, demeanour, competence, accuracy, which in turn are segmented into identified themes which are seen in the tables.

5.1 Personal identification

As shown in Table 1, all the respondents are citizens of the Democratic Republic of Congo with the exception of one who came from Burundi. They arrived in South Africa between 2001 and 2017. Most of the respondents who were interviewed at the JRS belong to the older generation, with the oldest being 76. They were visiting the JRC because they were in need of medical assistance. The ADF, however, attracts younger asylum seekers due to the nature of the organisation, which strives for equal rights for all who live in South Africa. Some of these people approach the ADF because they need legal assistance from pro-bono lawyers who can represent them in their cases with the DHA related to the unexpected outcome in the refugee status application process. The youngest respondent was 29 years old.

The context of DRC asylum seekers is consistent with two migration waves of Congolese to South Africa. The first migration wave involves Congolese immigrants who came to South Africa in the early 1990s when their country started going through some economic pressure and civil war. Steinberg (2005, n.p) reports that

In broadest terms, migration from Zaire in the early 1990s can perhaps be characterised as middle-class flight, partly from economic uncertainty, but also from political instability and violence. A mutiny in the armed forces in 1993 saw outbreaks of violence in several parts of Zaire, and civil war in Katanga and Shaba provinces resulted in the displacement of more than a million people.⁶¹ It appears that an entire stratum of Kasai businesspeople and professionals who managed and owned the region's mining industry were forced to leave, and that many came to South Africa.

What may be called the second migration wave occurred in the late 1990s and early 2000s, when the DRC started experiencing war on the eastern side of Congo.

Rwanda, Burundi and Uganda's armies were involved in the conflict that Turner (2007, p.8) classifies as the wars of 1996-97 and 1998-2002. These wars brought many instabilities to the country at political, social as well as economical level. All the DRC respondents came to South Africa following these events.

Burundi, on the other hand, has seen ethnic violence and civil wars that caused a number of displaced populations since its independence in 1962. In their 2017 world report, Human Right Watch alleges that security forces and intelligence services – often in collaboration with members of the ruling party's youth league, known as *Imbonerakure* – were responsible for numerous killings, disappearances, abductions, torture, rape, and arbitrary arrests. Armed opposition groups also carried out attacks and killed ruling party members. The recent political crisis caused by the controversial third term of President Nkurunziza has also contributed to the wave of migration of Burundians to the neighbouring countries and South Africa.

Table 1 In-depth interviews: Profile of interviewees at the time of the study

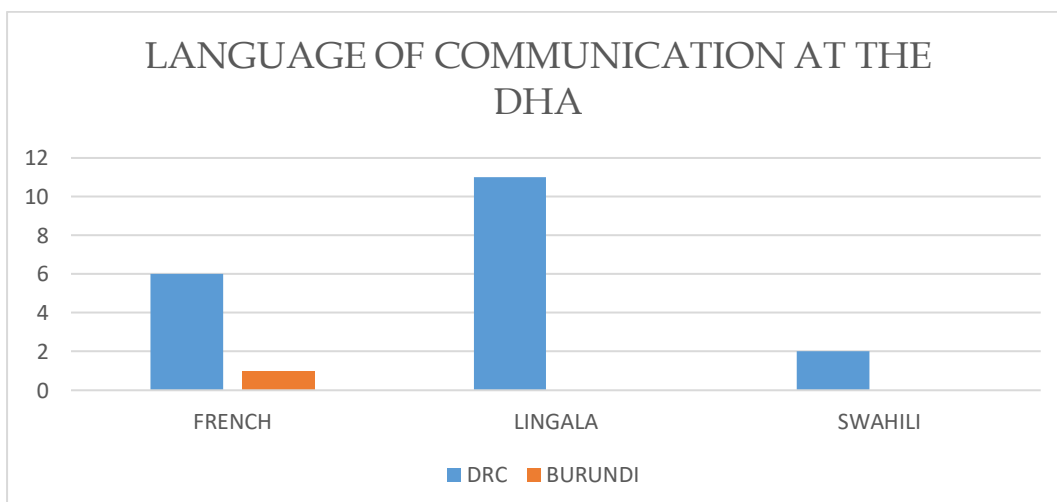
Number of interviewees	Country of origin	Age	Arrival in South Africa
1	DR CONGO	31	2017
2	DR CONGO	50	2008
3	DR CONGO	70	2008
4	DR CONGO	27	2016
5	DR CONGO	29	2010
6	BURUNDI	30	2007
7	DR CONGO	54	2007
8	DR CONGO	51	2003
9	DR CONGO	39	2011
10	DR CONGO	53	2001
11	DR CONGO	60	2014
12	DR CONGO	48	2014
13	DR CONGO	33	2010
14	DR CONGO	71	2014
15	DR CONGO	74	2010
16	DR CONGO	71	2009
17	DR CONGO	76	2013
18	DR CONGO	32	2001
19	DR CONGO	42	2014
20	DR CONGO	58	2015

5.2 Languages spoken by respondents at the DHA

The majority of DRC respondents spoke Lingala and French. Others spoke Swahili and some indigenous languages. Ethnologue.com (2011) signals 216 languages spoken in Congo, with Congo Swahili, Lingala, Luba-Kasia, and Koongo as national languages; and French as the official language. The Congolese respondents spoke one or two of the four national languages as their home languages, with French as another primary language. Since they have been living in South Africa for some years, they now speak some English on a daily basis to communicate with people outside their homes, and also with their children at home. The respondent from Burundi spoke French and Swahili. Kitundi, French and English are the three official languages in Burundi, while Kiswahili is mentioned as the fourth spoken language (Wikipedia).

Accordingly, they had to use their home languages at the Department of Home Affairs in the asylum-seeker application process while being assisted by interpreters. Table 2 below is a reflection of the languages the respondents spoke at the time of interviews at the Pretoria Refugee Reception Office.

Table 2. Languages

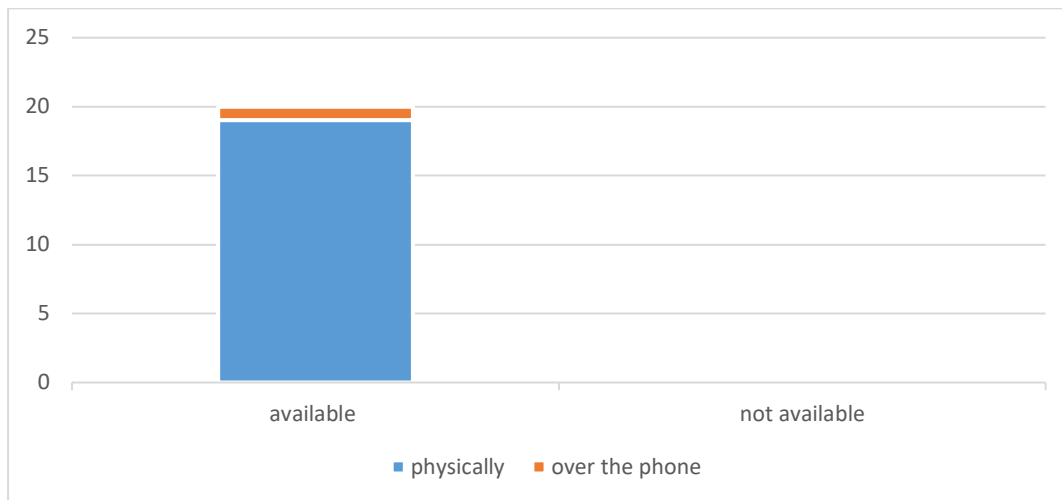


5.3 Availability of interpreters at the Pretoria Refugee Reception Office

Interpreting services at the Pretoria Refugee Office are crucial because of the different nationalities that are crossing South Africa's borders; and equally, this is a worldwide phenomenon with an influx of migrants seeking refuge in many countries across the globe. According to Ncube (2013 p.18) in 2011, the RMC was providing "Interpretation Services to all Immigration Services" in eighteen languages including Amharic, Arabic, Bengali, Chichewa, Chinese, French, Gujarat, Hindi, Igbo, Lingala, Oromo, Portuguese, Shona, Somali, Swahili, Tigrena, Twi and Urdu.

When answering the question whether they spoke to a DHA official through an interpreter, all respondents confirmed that the DHA provided interpreting services to them. All the interpreters are sourced from outside the DHA. Some are physically present during the interview but at least one respondent attested having had to deal with telephone interpreting service. The study shows that there was no gender consideration as far as the interpreters were concerned, both men and women were used interchangeably as occasion demanded.

Table 3. Availability of interpreters



5.4 Language rights

It is the right of asylum seekers to use the language they are comfortable in when they communicate with the interviewer. Refugees and asylum seekers have internationally and nationally prescribed rights to basic services (Landau and Jacobsen 2003:7). This right must be not only recognized but granted to all the parties involved in the asylum application process. At the time of the interviews all but one respondent had some knowledge of English, but they all made use of interpreting services. This study found that all respondents were allowed to use their home languages.

However, at the question whether they were free to express themselves, only half of the respondents reacted positively. Two respondents were not happy with their interpreters' attitude, which did not permit them to speak freely. When trying to clarify her story, Oso from the Congo related that the interpreter said to her, "Don't force me to say what I have already said". Fela from the Congo stated that the interpreter told

him, “Speak fast because I have many other things to do,” but he was happy with the DHA official. Andrea from the Congo really wanted to speak in Tshiluba but unfortunately there was no one to interpret in the language of his choice. He then spoke in Lingala where he tried to explain his story, though without being able to express himself accurately. The following section provides a detailed examination of the DHA interpreters with regard to the code of ethics in interpreting.

5.5 Code of ethics

5.5.1 Impartiality

Following the interviews, it was reported that in most cases the DHA officials would distribute the application forms to asylum seekers and disappear into their offices. Interpreters would then interact with asylum seekers and help them fill in the forms after listening to their stories. It is mainly at this level that impartiality is observed. The outcome of the interviews displayed in Table 4 shows that two asylum seekers reported that they could not assess the level of impartiality because they could not understand English. They represent the “I don’t know” code in Table 4A. Three believed that their interpreters did their job without any interference, but ten claimed that the interpreters were very biased. Discrepancies were found because interpreters had to fill in the application forms on behalf of asylum seekers. This process was confirmed by twelve respondents. However, it is worth mentioning that among the twelve respondents, one alleges that he filled in his own application using the little English he knew from home. One respondent attests that he only copied what the interpreter was writing on the application form of the person sitting next to him. Another one claimed that the person sitting next to him filled in his application

form.

In some other cases, the DHA officials filled in the application forms while interviewing the asylum seekers, which supposedly is according to the prescribed procedure. In this process, it was not easy for the interpreter to interfere but if they did interfere, it was difficult for the DHA official to know about it because the communication was in a language he could not understand. This procedure was confirmed by eight respondents as shown in Table 4B.

Some reported that interpreters added their own stories to make the story more captivating. Mbo states that the interpreter added the following sentence, “They came with guns to kill me”. But Mbo told him, “I am a Christian and I pray to God, so I cannot lie”. Fabo indicated that “when you tell your story he adds more things and the story changes”. Cladi claims that “he wrote his own story instead of my story”. For Mamak, the interpreter wanted to impose on him what to say. DIKA reports, “I told him to write my story but he asked me to write the name ‘Tshisekedi’ (the greatest opposition party leader) but I refused and we started arguing in front of the Home Affairs official”.

Table 4A. Impartiality

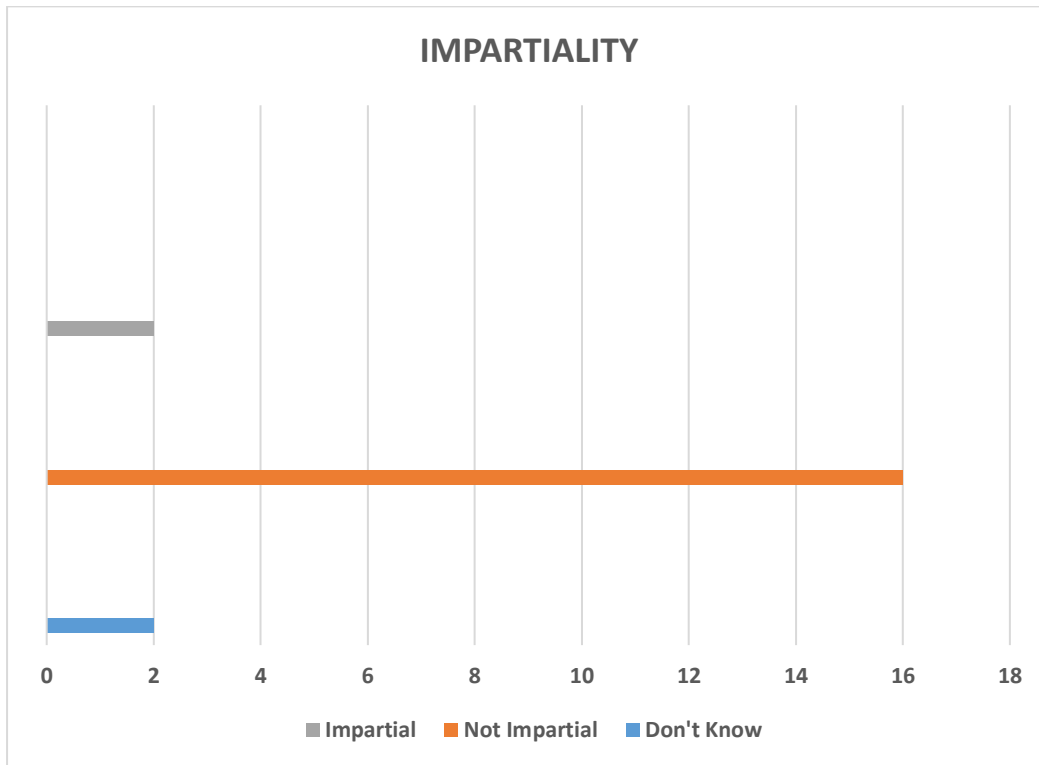
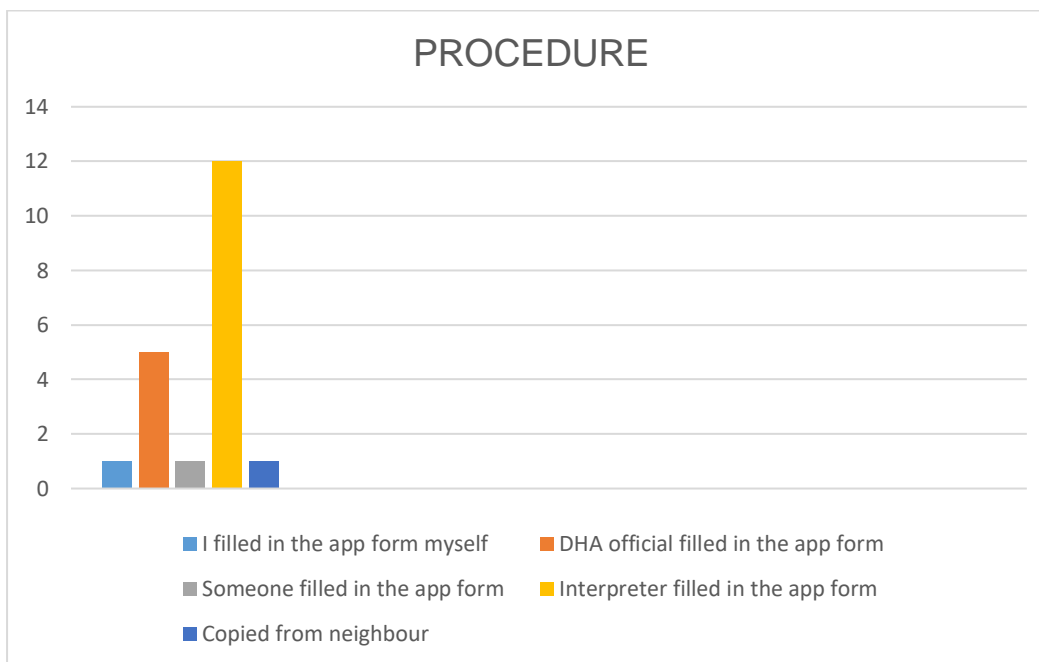


Table 4B. Procedure



5.5.2 Confidentiality

The report on the disclosure or non-disclosure of information deriving from this study is shown in Table 5. This report shows that at least two respondents claimed that interpreters failed to keep the information secret. Nzimu explains that “that same day when she (the interpreter) wrote my story, she called another person and wrote the same story on their application form because she needed money”. According to him interpreters can use the same story for up to ten people. Two respondents abstained to comment because they could not confirm or deny that interpreters respected the confidentiality code because they simply found it difficult to do the evaluation.

However, a large majority of sixteen respondents confirmed that interpreters do treat all the information they hear from asylum seekers in a confidential manner. It is worth mentioning that though Onso’s interpreter has never divulged her story, she claims the following, “One day he saw me and said, ‘I know that you are single, I am going to marry you’. But I told him that I did not come here to get married”. This preceding argument concerns the testimonies of respondents themselves on confidentiality as shown in Table 5. In addition, respondents were also asked to evaluate the views of other asylum seekers on the same code. And the report shown in Table 6 shows a combined summary of both views. As far as reporting the views of third parties on confidentiality, sixteen respondents confirmed that they had never heard other people say that interpreters breached the confidentiality code. Two, however, confirmed to have heard other people criticising interpreters for not being confidential. The last two respondents renounced to comment because they do not socialise with people.

Table 5. Personal view on confidentiality

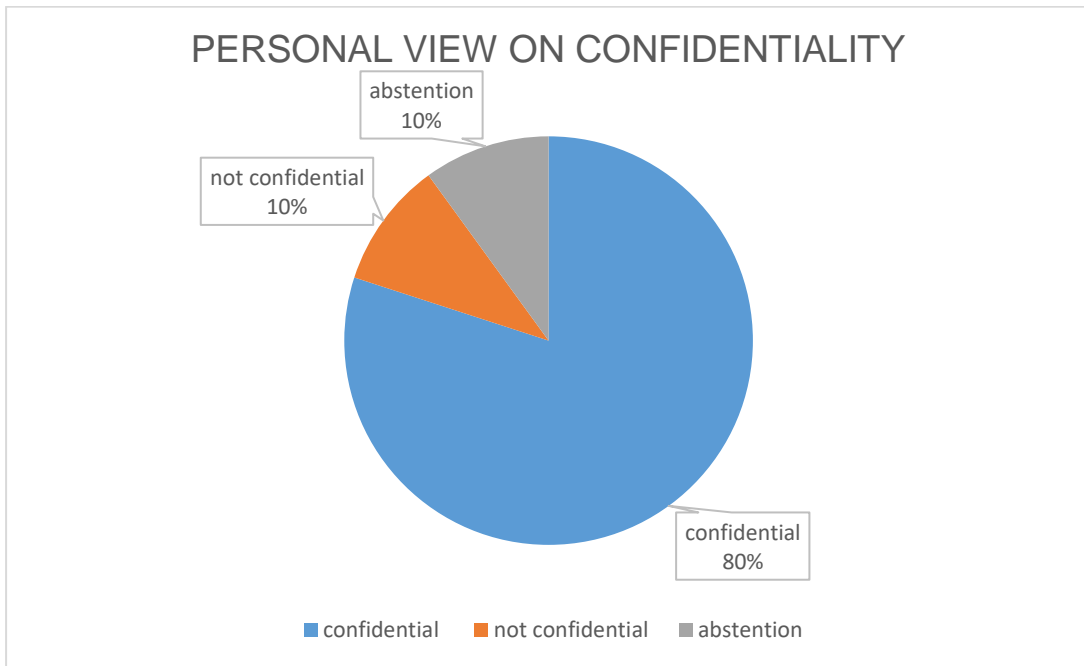
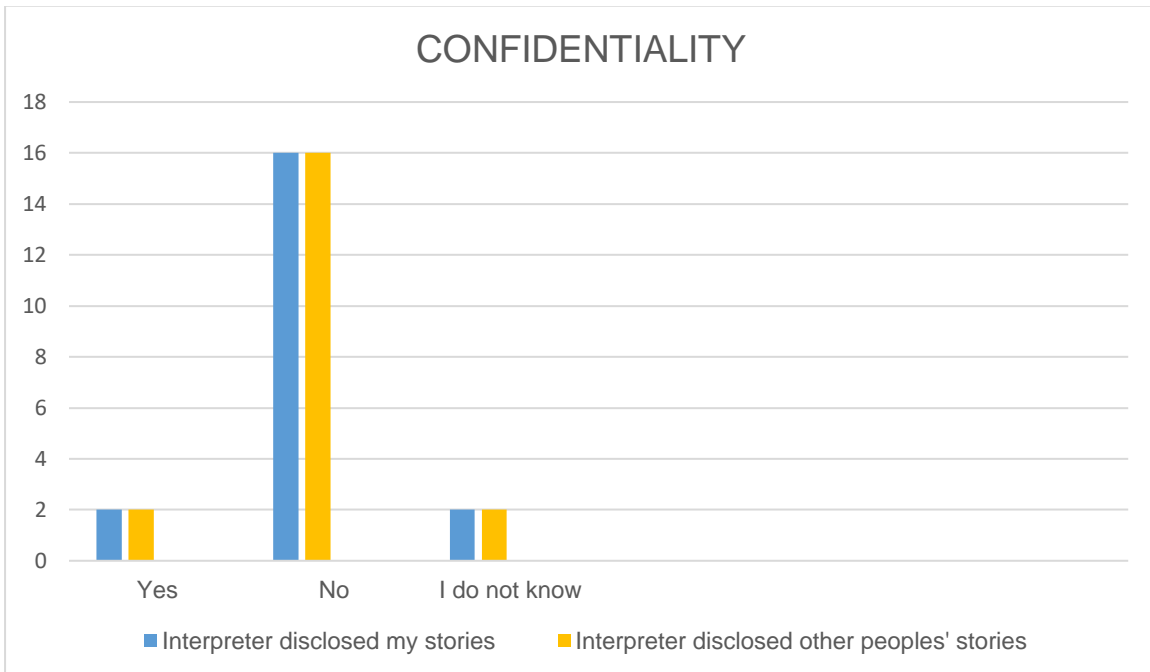


Table 6. Combined views on confidentiality: person and third party



5.5.3 Demeanour

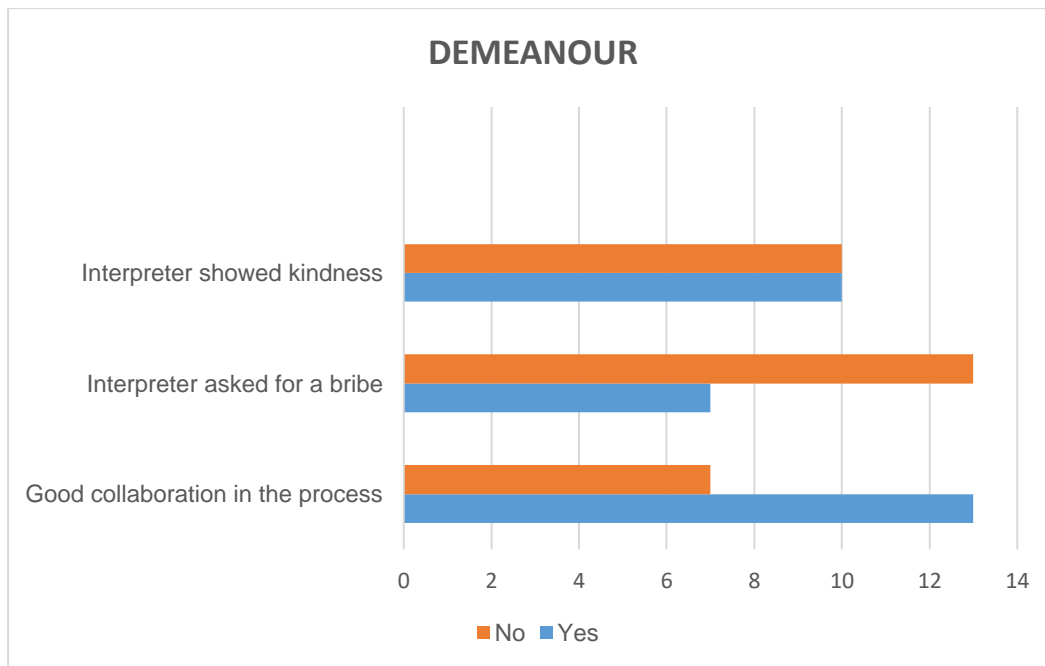
Under this code, the interview sought to establish whether interpreters showed some inappropriate attitudes towards asylum seekers while performing their duty. It further surveyed whether the interpreter was kind to asylum seekers. Furthermore, the study wanted to find out whether the interpreter demanded monetary favours from the asylum seekers for the service, and finally whether the interpreter collaborated with the DHA official to help the asylum seeker undergo a fair process before, during or after the interview. The interviews revealed that only half of the respondents believed that interpreters conducted themselves in a proper manner, showing kindness to them. Seven respondents reported incidents of bribery perpetuated by interpreters. Thirteen of them declared to have been interviewed in an atmosphere of good collaboration along the process as shown by Table 7 below.

Macha alleges that the interpreter “did not show any interest in their job because he had an angry attitude”. Nzimu reported that “the interpreter asked me for R150 telling me that he was going to fill in the application form for me”. Maka related that “he was complicating me when I was giving him the answers.” Feke testified that “when he was asking me to speak fast, I panicked and lost control. Instead of speaking French I started speaking Lingala and the interpreter could not understand what I was saying because he only spoke French. I then told the Home Affairs official that I needed to speak in Lingala in order to communicate what I had to say”. Feke added the following statement, “He told me to be fast because he had other things to do despite the fact that I told him that I needed time to think”.

Nselwa, on her part, never faced a challenge of this kind because she was never

interviewed by a DHA official. Everything happened between her and the interpreter. She alleges that the DHA official sent the interpreter to ask her for money and later took a decision on the basis of what was written on the application form. Therefore, in her case, the interpreter was the interviewer.

Table 7. Demeanour



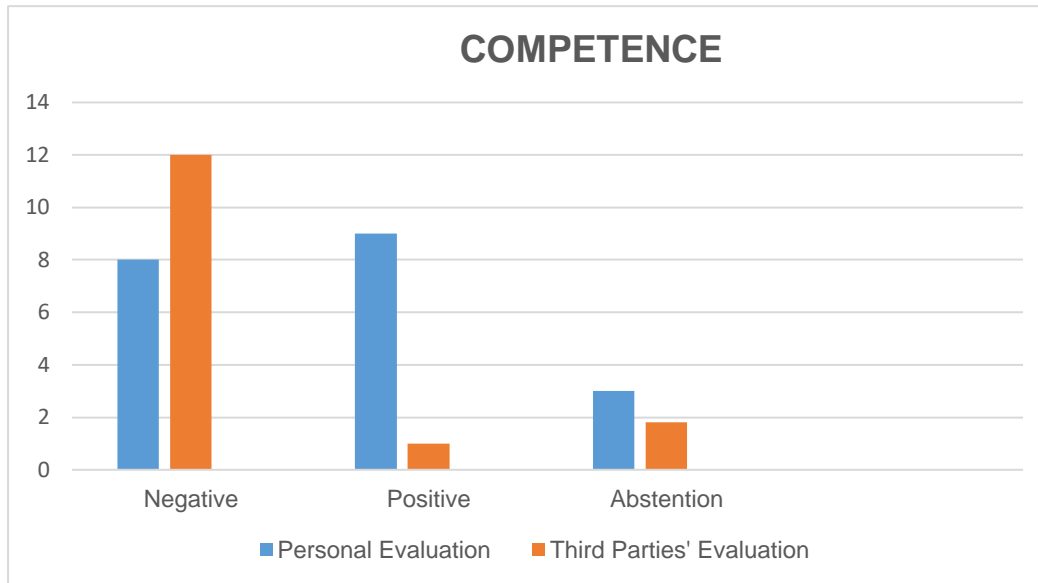
5.5.4 Competence

Interviewees were asked to rate the performance of their interpreters on a scale of 1 to 10 with 1 being very bad and 10 being excellent. It was understood that 5 was considered to be the average when rating the performance of the interpreter. Their views were based firstly on how well they perceived the work of the interpreter and secondly on their assumption on other asylum seekers' assessments of the interpreters' performance at the Pretoria Refugee Reception Office.

The results shown in Table 8 portray eight respondents who attested that the level of competence of interpreters was below the average, nine respondents rated them

above the average while three respondents abstained. Nonetheless, regarding their evaluation of the views of the third parties, it shows that twelve gave a negative view on competence, one gave a positive view and seven abstained. It should be noted that those who abstained indicated that they were unable to do the evaluation.

Table 8. Competence



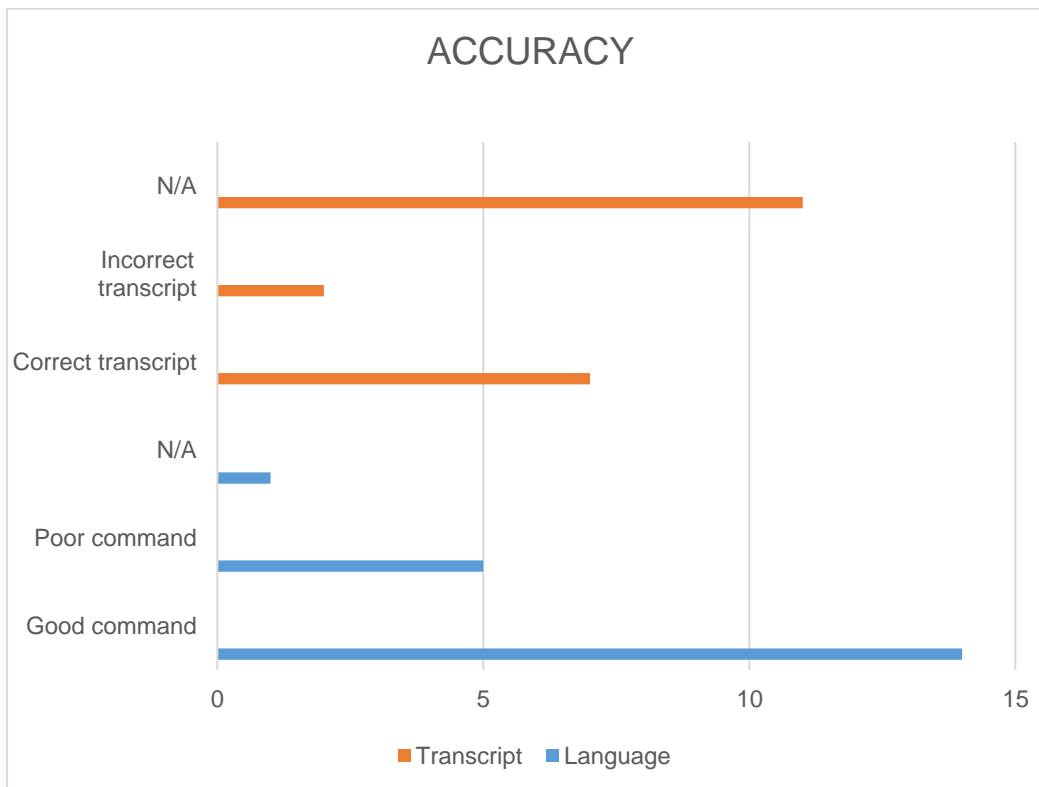
5.5.5 Accuracy

Following the questionnaire, accuracy could be identified if the respondent was satisfied with the transcription of their own words as written on the application form. These transcripts were supposed to be read back to them by the DHA officer or by the interpreter in the case where the interpreter filled in the application form, though it is not the recommended option pursuant to the asylum application procedures.

Apart from assessing the correctness of the transcription, respondents were asked to evaluate the good command of the language of communication between them and the interpreters in order to assess the accuracy of the interpreters' job. Table 9 below shows that only seven respondents agreed that what was written on the application

form was truly their declaration. Two respondents could not agree with what was written. However, for eleven respondents, this question was not applicable because no one read back to them, hence the procedure was flawed. Furthermore, fourteen respondents attested that interpreters had a good command of the language, whereas only five declared that their interpreters did not speak their language well. One respondent, however, abstained from giving her comment, assuming that the interpreter spoke in Cameroonian French, which made it difficult for her to say if the language was correct or not.

Table 9. Accuracy



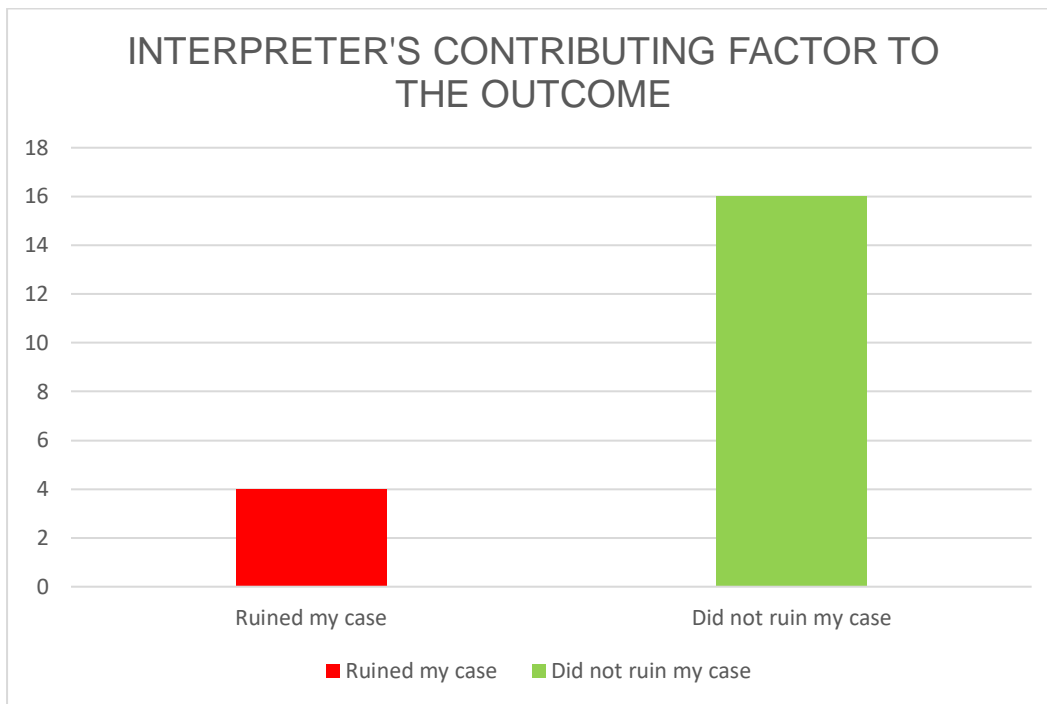
5.6 General observations

5.6.1 Interpreter's contributing factor in the unexpected outcome

One pertinent question that was asked to the respondents was to find out whether, in their view, the interpreter's role in the asylum process was one of the contributing

factors to the denial of the refugee status. Only four respondents believed that the interpreter had nothing to do with the rejection of their cases, while the large majority of respondents were sure that the poor quality of the interpreter's job contributed a great deal to the 'negative outcome' decision as shown in Table 10.

Table 10. Interpreter's contributing factor to the outcome



5.6.2 Challenges faced by asylum seekers

Apart from six respondents who testified not to have encountered any challenge with their interpreters, the rest faced challenges of different kinds. Some found it difficult to communicate with their interpreters because they spoke a language variety different from that of the respondent. This is the case of one respondent from the Congo who stated that she had some difficulties with her interpreter because, though he was also from Congo, the Swahili version spoken in the Katanga province where she came from was quite different from the Bukavu province Swahili that the interpreter used. Other challenges were related to the lack of cooperation between

them and the interpreters. Other respondents stated that the interpreters requested money before they would do their work. Their challenges included the fact that the interpreters chose to invent their own stories or chose to add or subtract from the respondents' stories. The findings made on the basis of this research are described in the next chapter.

6 CONCLUSION

6.1. Findings

This study presents the views of French-speaking asylum seekers on the interpreting services rendered at the Pretoria Home Affairs Refugees Reception Office. It assesses these views benchmarking the codes of ethics of the interpreter in the asylum-seeking process. This assessment evaluated whether interpreting services are among the reasons why many asylum seekers' applications are turned down.

Contrary to the outcomes of previous surveys, this study reveals that there has been a substantial improvement in the provision of interpreters at the Pretoria Refugee Reception Office as all respondents benefited from interpreting services during their application process. Unfortunately, not much has been done to allow asylum seekers to benefit from their human rights, including the right to use the language of their choice in the asylum process. Furthermore, many asylum seekers are left to fill in the forms with assistance from interpreters and some interpreters do not allow the asylum seekers to freely express what they want to say. In addition, in some cases language varieties constitute a linguistic barrier to some asylum seekers. The study shows that they were not treated with dignity when they were applying for asylum. When people are denied their rights, there is a big chance that whatever they are seeking may not be granted to them.

The fact that asylum seekers were left alone with interpreters during the process of completing the application forms before the interviews exposed interpreters to the temptation of improper conduct. But in the cases where DHA officials filled in the application forms with the help of the interpreter, neutrality was better observed by the interpreters. This is the correct procedure to follow. Failure to follow the correct

procedure resulted in jeopardising the outcome of the asylum application.

The majority of respondents claimed that their interpreters were not impartial. The study reveals that interpreters do interfere with the applicants' reports. Since many of them fill in the application forms in the absence of the DHA officials, the interpreters either propose what to say or impose their stories. Some applicants did not even know exactly what was going on in the whole process simply because of the language barrier, which in fact should not have been a problem given the presence of interpreters, but the asylum seekers were simply ignored in the communication process. This led some respondents to simply copying from their neighbours' application forms. One can argue that it is not the interpreter's fault that he or she ends up in a position of completing the application form, which is of course true, as it is the duty of the DHA officials to do so. Nevertheless, interpreters should play their role without any interference. Impartiality is crucial for the result of the outcome. The findings of this study reveal that the majority of interpreters were not impartial, therefore one can conclude that the outcome will be tainted.

On the level of confidentiality, the study reveals that the majority of interpreters do not disclose information that they hear in the application process – only a few do disclose. This is a positive result, since they are strictly forbidden to divulge any story told by asylum seekers when they are communicating with the DHA officials.

As far as demeanour is concerned, the study demonstrates that only half of the respondents approved of the behaviour of the interpreters. Though about 65 per cent attested to have been in a conducive environment during the interview, the study reveals that many interpreters portray inappropriate attitudes towards asylum seekers. It further confirms what previous studies had found regarding bribery

perpetrated by either interpreters or Home Affairs officials. 35% of respondents confirmed to have been told to pay a bribe. This percentage is significant in view of the fact that the country has committed itself to combat corruption, and this is a serious issue that can cause asylum seekers' applications to fail.

When referring to the level of competence, the study reveals that only 40% of asylum seekers had a positive view. However, about 60% of them believed that other people did not believe that interpreters were competent in their job. If the majority believes that interpreters are incompetent, one can argue that interpreters at the Pretoria Reception Office are not qualified to do their work as interpreters, and obviously employing unqualified people leads to a reduction in the level of productivity.

Accuracy involved assessing the verbal participation in the asylum process, as well as the written participation. The study reveals that the verbal participation of the majority of interpreters was accurate; this means that the majority was able to communicate with their interpreters. Among the respondents who had a chance to listen to the interpretation of their transcript, the majority of respondents were satisfied with the transcript – only a small number showed dissatisfaction. About 55% of respondents unfortunately were not given the opportunity to listen to their transcribed declarations. This means that about half of asylum applicants are not given an opportunity to confirm whether what they said was properly recorded. We may argue that many denials may derive from human error in the transcription.

6.2 Conclusion

Considering the foregoing, this study therefore concludes that the views of asylum seekers prove that due to the failure to implement the code of ethics, interpreters providing services at the Pretoria Refugee Office are partially responsible for the denial to confer refugee status on asylum seekers. One of the objectives of this study was to provide recommendations as part of the researcher's contribution to the solution of the issues of interpretation service at the Pretoria Refugee Reception Office.

6.3 Recommendations

First, we firmly recommend the implementation of the procedure whereby a DHA official completes the application form with the help of the interpreter because it is written in English. If the application forms are to be completed by the asylum seekers, then application forms should be provided in the language of the asylum seeker to help him or her write his or her story accurately.

Secondly, interpreters need to be trained in matters concerning the strict observance of the code of ethics in the asylum-seeking process. They need to be told not to interfere with the stories of asylum seekers, but to faithfully render what they are hearing; they need to learn to demonstrate appropriate behaviour and stop asking for bribes.

Finally, the UNHCR (2009) Code of Ethics is an excellent manual to be used in the training of interpreters who are rendering their services at the Pretoria Refugee Reception Office.

The limitations of this study are related to data collection. The researcher did not have permission to interview certain role players in the entire asylum-seeking process. If permission was granted, more clarity on the research subject matter was going to be provided. It is therefore recommended that this study needs to be expanded in future researches that will entail interviewing all parties involved in the process, including DHA officials as well as interpreters who provide service at the facilities.

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APPENDIX**Scheduled Interview for asylum seekers**

Name:

Age:

Gender:

Country of origin:

Place of birth:

Nationality:

1. When did you come to South Africa?
2. What permit are you holding?
3. What is your mother tongue, i.e. the language you know best and grew up with?
4. What is your home language (the one you use at home almost all the time)?
5. What other languages do you use at home?
6. Do/did you use an interpreter when talking to Home Affairs officials?
7. What language did you use with your interpreter?
8. What is/was your interpreter's gender?
9. Is/was your interpreter kind to you?
10. Do they allow you at Home Affairs to speak in your language freely?
11. Did your interpreter complete your application form for you?
12. Did your interpreter read back to you everything he wrote on the application?
13. Did the interpreter ask for a bribe to fill your application form?
14. Have you gone for an interview?

15. Did the Home Affairs officer read back to you what you told him through the interpreter?
16. Were you satisfied with what was written?
17. Did the interpreter collaborate with the Home Affairs officials to make things understandable to you?
18. Do you think your interpreter has/had a good knowledge of your home language?
19. Have you heard someone else complain about interpretation at Home Affairs?
20. On a scale of 1 to 10, with 1 being extremely poor and 10 being excellent how do you rate your interpreter?
21. On a scale of 1 to 10, with 1 being extremely poor and 10 being excellent, how do you rate the interpretation services on the basis of what you heard from other people?
22. Do you think the interpreter was impartial?
23. What are the challenges you faced with the interpreter?
24. Were you denied asylum status?
25. Do you think interpretation was part of that denial?
26. What are the challenges you faced with the Home Affairs officer?
27. Have you ever heard that the interpreter told your story to other people?
28. Have you heard other people say that interpreters divulge the stories of people outside their working place?