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LEGAL AID BOARD

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Information on the reliability of Language Analysis Reports especially as pertains to the Bajuni Islanders in Somalia

The UK Home Office Instruction on Language Analysis states:

“The purpose of language analysis in all cases is to:

- Assist in identifying whether an asylum applicant is from their claimed country of nationality in cases of doubt;
- Deter individuals from making fraudulent claims purely because particular countries give rise to a high grant rate of asylum and humanitarian protection.”
(United Kingdom Home Office (undated) *Language Analysis*, p. 3)

This Instruction also states in relation to SPRAKAB, the UK Border Agency’s Current Language Analysts at the time the document was written:

“Linguists working at Sprakab have the equivalent of a master’s degree in either linguistics or phonetics. Some linguists and phoneticians have doctorates in semantics and forensic phonetics. Sprakab’s phoneticians belong to the International Association for Forensic Phonetics and Acoustics (IAFPA).

Language analysts have linguistics backgrounds and experience in dialectology. They are tested prior to joining Sprakab and routine spot checks are conducted to assure quality.” (Ibid, p.3)

The Language Analysis process is outlined in the remainder of this UK Home Office document.

The Australian House of Representatives in a written answer to a question state:

“The agencies used by the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) for language analysis are amongst a small group of specialised agencies in the world which provide this service to countries conducting refugee status assessments. In Australia, language analysis results are not determinative of nationality and decision makers have to weigh up all available information when reaching their conclusions about the origins of visa applicants. The weight which decision makers give to language analysis results will depend on the circumstances of each individual case.” (Australian House of Representatives (27 February 2006) *Questions in Writing – Asylum Seekers – Question 1246*)

The Independent newspaper in the UK reports of an extension of the use of language analysis:

“Asylum seekers claiming to come from Palestine or Kuwait will face being tested on their own language in a bid to weed out bogus applications under changes announced by ministers today.

Immigration Minister Phil Woolas said a ‘significant proportion’ of Palestinian and Kuwaiti claims were actually from other nationalities.

The change follows a similar effort to tighten up restrictions on Somali asylum applications.

In a written statement to MPs, Mr Woolas said: ‘Language analysis carried out for some Somali asylum applicants demonstrates that significant proportions of those tested have claimed to be of a nationality, or from a region or grouping, that is not their own in order to try to gain residence in this country.

‘We are aware that a significant proportion of Palestinian and Kuwaiti claims also are from other nationalities.

‘This new authorisation will assist the Secretary of State to make decisions in individual Palestinian and Kuwaiti cases, and to ascertain the extent of abuse within these nationalities.’ ” (The Independent UK (16 June 2009) *Languages test for suspect asylum-seekers*)

The linguist, Diane Eades, from the University of New England writes in a paper from 2009:

“Linguists have pointed out a number of problems with the assumptions and practices involved in much LADO [language analysis used for the determination of origin] work. One of the most serious concerns is that LADO reports are often based on judgments of analysts who have no training in linguistics...

The dangers of accepting judgments made by native speakers without linguistic training relate primarily to the likelihood that these judgments will be based in part on folklinguistic belief about how their language ‘should’ be spoken. Such prescriptive views about language, which are frequently at the basis of native speaker discourse about their language, contrast sharply with linguistic expertise, which is based on a descriptive approach to language. A common prescriptive view of native speakers is that ‘true’ or ‘genuine’ or ‘proper’ speakers of a language do not mix words or expressions from other languages, while sociolinguistic research shows that such mixing is widespread in interactions in multilingual societies.” (Eades, Diane, *Testing the Claims of Asylum Seekers: The Role of Language Analysis*, *Language Assessment Quarterly*, 6: 30-40, 2009, pp. 32-33)

This paper compares the recognition of dialects in other studies:

“...research in perceptual dialectology raises doubt over the reliability of native speaker judgments, even where native speakers are educated...For example, in a study of the recognition of the regional origin of Welsh speakers of English, Williams et al. (1999) found that schoolteachers were accurate in only 52% of cases. And in their own study in the United States, Clopper and Pisoni (2004) found that only 31% of ‘naïve listeners’ (i.e., those without linguistic training) were accurate in categorising unfamiliar talkers by dialect. While these studies show that relying on the judgments of educated native speakers can be problematic, we could expect that doing this in LADO cases can be even more problematic, given possible ethnic rivalries and political tensions involved. For example, political tensions between rival groups in a war-torn country may influence the ways in which native speaker analysts assess the authenticity of an asylum seeker’s speech.” (Ibid, pp. 33-34)

This paper notes some of the factors which result in linguistic variety:

“These LADO reports typically ignore the porous nature of language and dialect borders as well as the ways in which languages change and the diffusion of linguistic features, for example of accent or vocabulary. Asylum seekers often experience considerable mobility before they arrive in a safe country, and for some people this can include quite lengthy periods in displaced persons camps in another region of their home country and/or refugee camps in a second country that often neighbours their own. Living in these camps provides ample opportunity for an individual to take into their speech features from another language variety, particularly at the lexical level, a factor seemingly ignored in many of the LADO reports.” (Ibid, p. 34)

This paper also states in relation to the same issue:

“The realities of bilingual use, such as code-mixing, code-switching, and mixed language use, are also ignored in the reports that this author has read. On the contrary, any use of a linguistic item or feature from a neighbouring language or dialect can be taken in these reports as proof that the person does not genuinely speak the language variety that he or she ‘should’ if his or claims of origin are genuine.” (Ibid, p, 34)

This paper quotes research regarding dislocation in time, place and social context:

“...when an asylum seeker in the Netherlands is being interviewed for a language analysis, this person ‘is instructed to demonstrate all his language knowledge (except Dutch) and to speak his own language as he spoke it in the place of origin’ (Cambier – Langeveld, 2007: 5). Apart from assuming a discrete one-to-one connection between an individual’s ‘own language’ and his or her place of origin, such a directive mistakenly assumes that speakers can accurately control and remember their own speech behaviour – an assumption that has been demonstrated by variationist sociolinguistics to be unjustified (e.g. Labov, 1994b). It also assumes that dislocation in time, place, and social context have no effect on an asylum seeker’s way of speaking, an assumption challenged in the work of

Maryns and Blommaert (2001) on 'deterritorialized language use' (see also Blommaert, 2005; Maryns, 2006). " (Ibid, p. 35)

The conclusion of this paper states:

"...it is likely that in many situations, the linguist's contribution may be guidance that either points to shortcomings in particular LADO reports or that explains the reasons why any language analysts would not be helpful or reliable in particular cases. Such cases include those in which

- there is inadequate research on relationships between related language varieties,
- one language variety is spoken by more than one ethnic/regional group, including one or more which could not claim a well-founded fear of persecution,
- the language recordings are of poor quality,
- the asylum seeker was not interviewed in their own language, and
- the interpreter was not speaking the same dialect as the asylum seeker, who may well then engage in speech accommodation, shifting to incorporate some linguistic features of the interpreter's dialect." (Ibid, p. 38)

This paper references some Australian case law on language analysis:

"In Australia, linguists' concern about LADO have been referred to by decision-makers at the level of tribunals and appeal courts, both directly (e.g. RRT, 2004; Federal Magistrates Court of Australia, 2003) and indirectly (e.g. Federal Court of Australia, 2005)" (Ibid, p. 37)

Diane Eades and Jacques Arends in a 2004 paper state:

"The basic assumption underlying such language analysis, one that would not be disputed by linguists, is that the way that a person speaks contains clues about their origin. However, in many different countries around the world, linguists are increasingly raising concerns about over-generalised and erroneous assumptions and practices involved in linguistic identification of asylum seekers. The most problematic is the apparent assumption that during an interview an asylum seeker should consistently speak only one language variety, with no linguistic influence (for example in phonology, lexicon or grammar) from another language variety. Any example of such influence can be taken as proof of the asylum seeker's deception about their country of origin.

This problematic assumption is strongly rooted in what Blommaert and Verschueren (1998) term 'homogenism' – the widespread ideology that sees societies as characterized by a common language, and thus sees an individual as 'normally' monolingual and a member of one culture." (Eades, Diane and Arends, Jacques, *Using Language Analysis in the determination of national origin of asylum seekers: an introduction*, Speech, Language and the Law 11 (2), 2004, p,180)

In another paper from 2005 Diane Eades outlines some of the concerns linguists have regarding linguistic identification:

“Linguistic concerns have also addressed all stages of the linguistic identification process. First, problems can arise simply from the choice of interview language. Where it is the asylum seeker’s first language, there is no guarantee that interviewee and interpreter will be speakers of the same dialect. Thus there is a clear possibility that the interviewee might accommodate to the interpreter’s dialect, which can mean using linguistic forms that are considered by the analyst to be not genuine features of the language variety claimed...

Secondly, linguists have concerns about the qualifications and expertise of the analysts and, related to this, the problematic judgments made in the reports, and the serious consequences for understanding relationships between neighbouring language varieties, an issue central to the linguistic identification process...

A related concern is that there is often secrecy about the identity of the analysts. Singler (2004) points out that while there may be good reasons for confidentiality and security, the result is that it is impossible to properly query the expertise of the analyst providing the report...

An indication of the lack of professional linguistic expertise in these reports is quite striking in terms of two issues: transcription, and reasoning about the language-origin connection. Turning first to transcription, it appears that the analysts used by the Australian and several other governments do not use linguistic conventions, such as the International Phonetic Association (IPA) system...

Moving from transcription issues to the reasoning used in the reports, there are a number of judgments or assertions that are either clearly erroneous or contradicted by widely-known linguistic research. An example of an erroneous assertion is the claim found in a number of Australian cases, including RRT (2000b, 2002) that ‘Urdu is not spoken in Afghanistan’ and thus the use of a few Urdu words is part of the argument that the speaker is not from Afghanistan (see Eades *et al.* 2003)...

The reports often contain linguistically naïve comments which indicate lack of understanding of linguistic processes such as variation within language varieties, as well as diffusion, language change, and bilingual speech practices, such as code-switching. Compounding these problems is the underlying assumption that during an interview an asylum seeker should consistently speak only one language variety, with no linguistic influence (for example in phonology, lexicon, or grammar) from another language variety...

The reports appear to ignore the possible effects on an asylum seeker’s linguistic repertoire of movement of people between countries with porous borders, and of the diffusion of linguistic features during time in refugee camps. They often also ignore language variation and change...

The problematic assumption that an asylum seeker will speak only one language in the interview – ‘uncontaminated’ by words or accent from another language variety – is strongly rooted in what Blommaert and Verschueren (1998) term ‘homogenism’ – the widespread ideology that sees societies as characterised by a common language, and thus sees an individual as ‘normally’ monolingual and a member of one culture (as Eades and Arends (2004) point out). (Eades, Diane, *Applied Linguistics and Language Analysis in Asylum Seeker Cases*, Applied Linguistics, 26/4: 503-526, 2005, pp. 508-511)

The PowerPoint presentation notes of an address given by Professor of Sociolinguistics, Peter Patrick at the Seeking Refuge conference in the School of Oriental and African Studies University of London in 2009 refer to the Somali language and the Reer Hamar dialect a number of times in relation to the use of Language Analysis for the Determination of Origins (LADO) under the heading ‘Who is performing LADO?’:

“Varies widely from one jurisdiction to another
Swiss, Germans use independent academic experts
UK, Australia, Austria, Belgium, Denmark, Ireland, Norway, Sweden have all used commercial analysts
–Eg Skandinavisk Språkanalysis –‘Sprakab’–focus here
Typical UK Somali report by 1-2 ‘analysts’, 1 ‘linguist’
–‘Analysts’ speak target language; do analysis; sign reports
–‘Linguists’ rarely speak TL; check analysis; responsibility for reports unclear -do not sign statements do not sign statements of truth or compliance
–But note UK BA Guidance says “report will be produced by a produced by a linguist working alongside the analyst” –so who’s responsible?” (Patrick, Peter L. (16-17 April 2009) *Sociolinguistic issues in Language Analysis for Determination of Origins*, p. 11)

Referring to Somali asylum cases in the UK this presentation states under the heading ‘Credentials: Sprakab Linguists’:

“BA: Sprakab linguists have equivalent of linguistics MA
Sample: 14 Somali cases in UK, 3 linguists
–L01: BA Nordic Languages, Computational Linguistics
–L02: BA Linguistics, coursework in Arabic/Nordic languages
–L04: MA Linguistics, misc. coursework
–None claims any expertise or ability in Somali languages
–“Attend conferences/workshops”: defend current methods, but no presentation of research or data, no peer review
–Members of international linguistic societies (which have either endorsed the 2004 Guidelines critical of Sprakab practices, or declined motions to endorse some of Sprakab’s key principles)” (ibid, p.12)

Referring to Somali asylum cases in the UK this presentation also states under the same heading:

“14 Somali cases: only 1 Sprakab ‘analyst’ on 1 case had a Linguistics degree – in 13/14 cases, no degree
–Credentials cited in Law, Maths, Chemistry, Computer Apps
–Falsifies Sprakab claim “Analysts typically have background in linguistics”, also UKBA claim that “Language analysts have linguistics backgrounds and experience in dialectology”
In 11 of 14 cases, ‘analyst’ credentials conflated with Linguist’s: unclear who possesses which qualification
Training: Analysts “taught at Sprakab to think critically & analytically regarding language”–no details provided
–Tested before joining Sprakab –periodic spot checks? No info.” (Ibid, p. 13)

Referring again to Somalis this presentation states under the heading ‘Language Analysis in the UK’:

“UKBA: LADO by Sprakab ‘routinely permitted’ for Somalis
Eligible: anyone incl. unaccompanied children > age 12
Besides Somalis/Afghans, anyone ‘strongly suspected’:
–‘Unable to speak primary language’; ‘inconsistent’ language use
–I.e., language judgment is made before language testing is done
Who makes judgment? UKBA officials? Interpreters? On what basis?
Phone interview b/w applicant and Sprakab analyst, “who will speak the language... at mother-tongue level”
–Preliminary result given 15 mins (!) after interview is finished
–Sprakab will analyse data & provide report within 2-4 hrs (!)
–Source: UKBA Language Analysis Guidance (28 Jan 2009)” (Ibid. p. 14)

Referring the Reer Hamar dialect this presentation states under the heading ‘Data for Linguistic Analysis’:

“LADO interviews range 12-25 mins, mean = 17 mins
–UKBA Guidance: “interviews will ordinarily last for 20-30 mins”
–Sociolinguists recommend min. 30 mins, better 1-2 hours
Analysis of phonology, morphology/syntax, lexicon
‘Analysts’ judge likelihood of the language spoken by the applicant being found in the claimed area:
–Found “with certainty, most likely, likely, possibly”
Results in 14/14 cases: “with certainty” the speech is found in S Somalia (once: “...though not Reer Hamar dialect”)
–Academic & forensic linguists find many cases very complex; “have right/responsibility to qualify certainty of assessments” (Ibid, p. 15)

Referring to the Somali Benadiri clan and Af-Reer Hamar dialect this presentation states under the heading ‘What question is posed?’:

“Does applicant speak a language/dialect consistent with the area they claim to originate from?” (inexplicit)
Somalis of persecuted Benadiri clan eligible for asylum
–Clan has a distinctive stigmatized dialect: Af-Reer Hamar
–Most Benadirican speak & understand Standard Somali, so

- Finding that they “speak Somali” is neither here nor there.
- Key Q: does applicant speak Af-Reer Hamar dialect?
- Detailed analysis routinely ignores this issue, instead contrasts Southern Somali with Northern Somali
- No analysis of any Af-Reer Hamar features in any of 14 reports.” (Ibid, p. 16)

Referring to the Af-Reer Hamar dialect this presentation states under the heading ‘What answers are given?’:

- “14/14 cases agree w/the applicant’s claim –
- to speak Somali like someone from Mogadishu/the South
- Typically 1 sentence finds that “the person did not speak Reer Hamar dialect”; no justification is given
- No indication of attempts to elicit speech in RH dialect
- No details of how ability to speak RH has been tested
- Only one ‘analyst’ even claims to speak RH natively
- Only conducted 1 of 14 analyses, “confirmed” 2 others
- How can key Q be answered if the ‘analyst’ neither speaks RH, nor attempts to test applicant’s ability?” (Ibid, p. 17)

Referring to the Somali Benadiri clan and Af-Reer Hamar dialect this presentation states under the heading ‘Issues of language choice’:

- “Most Benadiri clan recognised to be bi-dialectal: speak/understand Standard (S) Somali and also RH
- Sociolinguistic patterns of bilingualism well-known:
 - In-group languages are chosen for kin, clan members
 - Standard/prestige languages for outsiders, those in power
 - Stigmatized dialect speakers may not be able to say which language they have just used, or claim dialect as standard
- In bureaucratic context, choice of Somali is expected
 - Esp. to non-clan member, person in power, non-RH speaker
- Choice not to use RH in interview is what we predict:
 - It cannot prove that the speaker is unable to use RH” (Ibid, p. 18)

Referring to the Af-Reer Hamar dialect this presentation states under the heading ‘Problems with report conclusions’:

- “Person did not speak Reer Hamar” is ambiguous:
 - ? CANnot speak RH? But where is test to determine this?
 - ? DID not choose to use RH? But this proves nothing.
- Reports should contrast S Somali w/RH, but fail to
 - Details of analysis given are thus irrelevant to main issue
- Most fail to address primary issue w/relevant expertise
- ‘Sprakab’s report must be rejected... There is no reasoning to support, what is for me, its central finding, namely that appellant does not speak the Reer Hamar.dialect.
- Determination in FA (AA/08895/2008), 24 March 2009, IJ Malone” (Ibid, p.19)

An article from The Age states:

"Since December, 1999, Eqvator and a smaller Swedish company, Sprakab, have analysed the language patterns of about 2500 asylum seekers for the Australian Government after being sent recorded interviews with the asylum seekers. The analyses have cost the Federal Government about \$2 million, including \$500,000 this year.

With about 70 full-time and part-time linguists and interpreters of varying qualifications on its books, Eqvator uses the same language analysis techniques to determine the ethnicity of asylum seekers as those formerly used by the Swedish Migration Board.

But in Sweden, Eqvator's critics say that in a number of cases, its analysis has been dramatically flawed. Sometimes, it has resulted in Sweden deporting asylum seekers to countries they were later proven not to have come from.

In 1998, an internal Swedish Government evaluation, obtained by The Age, found that of 50 asylum seekers deported from Sweden, largely on the basis of language analysis, nine were sent to the wrong country.

Even Eqvator's managing director, Connie Lantz, admits there are problems. "Like all analyses... ours are not always 100 per cent reliable," she recently told Swedish television.

Professor Kenneth Hyltenstam, a linguist at Stockholm University, told The Age it was difficult for Eqvator and similar companies 'to make accurate assessments with any degree of consistency'. 'They generally claim that their success rate is about 90 per cent or even lower,' he says.

'They claim that represents a successful result. But I maintain that's a very bad, unsuccessful result when you are dealing with peoples' lives.'

Sources told The Age that many of the linguists employed were themselves former asylum seekers. Their academic qualifications, if any, are unknown.

That some analysts are former refugees raises an important question about their credibility: how could they return - as required if they are to have 'currency' in a range of dialects, customs and geo-political intricacies - to some of the ambiguous and dangerous border regions in which they claim expertise, if doing so would endanger their lives?

Michael Williams, a Welsh-born advocate for the Swedish Network of Asylum and Refugee Support Groups, said the facelessness of Eqvator's analysts who helped decide refugee status for countries such as Australia, raised serious legal questions.

'How do you challenge their findings legally? If asylum applications are being partly determined on the basis of the analysis, how can you legally challenge the analyst who drew the conclusions if the company will not name the analysts?' he said.

The Federal Government defends its use of Ekvator and Sprakab, saying language analysis is just one of the tools used to help determine asylum status. “ (The Age (27 July 2002) *How tapes sent to Sweden alter thousands of lives*)

An article from Independent Race and Refugee News Network states:

“As discovered in recent collaborative research conducted by linguist Professor Peter L Patrick of the University of Essex and barrister Nick Oakeshott of the Refugee Legal Centre, many issues have been raised about the practice of language analysis in a number of countries, most notably in relation to the degree to which many language analysts are qualified - or not - to conduct such analyses, and the methods being used to form judgements on an applicant's geographical origin or nationality. And although the practice is not as widespread here as it is in other countries such as Sweden, Switzerland, the Netherlands and Australia, language analysis has been used on a smaller scale in the United Kingdom since at least 2001. Sri Lanka, Afghanistan, Iraq and Somalia are among the countries from where asylum applicants subjected to such scrutiny have claimed to come.

A further concern has been the controversial use of commercial analysis companies in the investigation of United Kingdom asylum claims. One fear is that the analysts being employed - often translators and interpreters without a formal linguistic grounding - are not sufficiently qualified to form a reliable linguistic judgement, which can be at best only tentative even where a linguist is sufficiently qualified and experienced. Furthermore, language analysts' identities have remained anonymous, which raises questions about the accountability of analysts and the transparency of such methods. Barrister Nick Oakeshott states that these issues have 'led to questions being asked as to whether this can be used as expert evidence in immigration courts'.

Although language - a term used here to cover the particular language spoken, as well as such phenomena as accent, grammar and vocabulary - can often be suggestive of a person's geographical origin, this is not always the case and the use of this form of analysis needs to be approached with extreme caution. Professor Patrick warns that such an analysis can only 'suggest where somebody is likely to have been socialised', whereas commercial analysis companies have in the past aimed to establish 'certainty rather than likelihood'; and unlike the usual evidence and counterevidence expected to be employed in linguistic research, language analysts have been criticised for presenting 'evidence that tends to point towards only one conclusion', added Professor Patrick.

In the areas of the world where many United Kingdom asylum claimants come from, the relationship between language and geographical origin is highly complex and difficult to establish. For example, there are probably almost twenty distinctive language varieties spoken in Iraq, many of which, including Arabic dialects and Kurdish, are also spoken in neighbouring countries. Thus, the use of language analysis on applicants claiming to come from Iraq is extremely complicated and fraught with difficulties, especially since many people will be multilingual and may even mix languages quite freely. As for Somalia, Nick

Oakeshott highlights that language analysis has been used in attempts to determine whether asylum applicants are members of at-risk minority clans. Although the practice may also be used to protect applicants who are at risk, the use of what are possibly unqualified analysts, as well as the absence of other evidence to be used alongside linguistic evidence, poses the risk that this could be an unreliable method for judging a person's origin." (Independent Race and Refugee News Network (21 July 2005) *The use and abuse of language analysis in asylum cases*)

An article in Legal Affairs Magazine states:

"Eqvator remains the leader in the field. A 1998 audit by the Swedish government found that the company's reports were accurate in 80 percent of asylum applications. Conny Lantz, the head of Eqvator, cautioned that its reports are not infallible and stressed that immigration officials should weigh Eqvator's reports in light of other evidence.

But some immigration lawyers complain that there is no uniform standard for evaluating the tests as evidence. David Manne, the coordinator of a nonprofit in Melbourne that provides legal services to immigrants, objects to the tests. 'The government has relied on these analyses too much as evidence,' he said. 'But they shouldn't be given any weight because the technique is fundamentally flawed.'

Applicants are not entitled to any information about the analyst and are not given a copy of the tape that is evaluated. They therefore have difficulty rebutting the test results—unless they hire their own language experts. If applicants have the money and wherewithal to wage a war of words, the effort usually pays off. Many applicants who bring their own experts to court are able to win asylum on appeal.

Linguists have also questioned the reliability of the tests. The Australian report quibbled with Eqvator and Sprakab for not using the scientific phonetic alphabet that is preferred by professionals and it characterized the analysts in Sweden as amateurs with a simplistic understanding of how language works. 'The type[s] of information the government is using—a person's pronunciation, the use of one word for another—are given too much weight in the analysis," said Helen Fraser, a report author who teaches linguistics at the University of New England in Armidale, Australia.' (Erard, Michael, Nov/Dec2003, *Should a refugee be judged by what he says or how he says it?*, Legal Affairs Magazine)

In relation to language analysis reports which pertain specifically to the Bajuni islanders a Response to an Information Request from the Immigration and Refugee Board of Canada states:

"All three experts consulted were in agreement that Kibajuni and Bajuni refer to the same languages (SPRAKAB 7 Nov. 2005; Professor of Linguistics 3 Nov. 2005; Research director 4 Nov. 2005), as "'Ki'- means 'language' in many local languages of East Africa" (SPRAKAB 7 Nov. 2005). Kibajuni is also referred to as "(Ki) T'ik'uu" and as "(Ki) Gunya" (Professor of Linguistics 3 Nov. 2005; Research

Director 4 Nov. 2005). In addition, two of the three experts stated that Bajuni is a dialect of standard Swahili (SPRAKAB 7 Nov. 2005; Professor of Linguistics 3 Nov. 2005). However, there are some phonological, syntactical and lexical differences between the two languages (SPRAKAB 7 Nov. 2005). For example, the word "people" is "mtu" in standard Swahili and "mtchu" in Bajuni (ibid.).

According to the professor of Linguistics, Bajuni speakers could consider themselves to be speaking Swahili (Professor of Linguistics 3 Nov. 2005; see also SPRAKAB 7 Nov. 2005), as the latter is more known than Kibajuni (ibid.). However, even if a Bajuni speaking person "can completely understand Swahili, [y]ou can not be sure that a standard Swahili speaking person can understand everything a Bajuni speaking person says, especially if the Swahili speaking person does not have Swahili as his mother tongue" (SPRAKAB 7 Nov. 2005). According to the professor of Linguistics, while "[m]ost Bajunis understand Standard Swahili, but [m]any St[andard] sw[ahili] speakers would have trouble following two or more Bajunis speaking pure Bajuni" (3 Nov. 2005).

The SPRAKAB business manager explained that while an interpreter or translator can refer to Kibajuni as Swahili, for a linguist, Bajuni is a dialect of Swahili and not standard Swahili (7 Nov. 2005). In addition, citing his own experience with two unidentified European immigration agencies, the professor of Linguistics explained that tape recordings suggest that interpreters, translators or linguists "are not always sure of the difference" between Swahili and Kibajuni (3 Nov. 2005). " (Immigration and Refugee Board of Canada (14 November 2005) *Somalia: Information on whether Kibajuni is commonly referred to as Bajuni; whether a Bajuni who speaks Kibajuni is considered to be speaking Kibajuni or Swahili; whether someone who speaks Kibajuni understand Swahili and vice-versa; whether an interpreter, translator or linguist would refer to Kibajuni as Swahili; information on the differences and similarities between Kibajuni and Swahili and where the two languages are spoken in the world (November 2005) SOM100785.E*)

This Information Request also states:

"According to the professor of Linguistics, two varieties of Swahili, including "(Ci) Mwiini" or "(Ci) Miini" and Bajuni are, or were, spoken in Somalia by approximately 15,000 natives of the town of Barawa or Brava (3 Nov. 2005). In the case of Bajuni, it is a "cross-border" language spoken in both Somalia and Kenya (Professor of Linguistics 4 Nov. 2005). He also explained that, in the past, the Bajuni used to live "on the coast and offshore islands of [southeastern] Somalia and [northeastern] Kenya" while today, Somali Bajuni have moved or are moving to northeastern Kenya (ibid. 3 Nov. 2005). According to the SPRAKAB business manager, Kibajuni is spoken "on the islands outside Somalia and on the coast of Southern Somalia" as well as on "the coast of Kenya around the river Tana up to the Somali border...by a small number of people," while Swahili is spoken in many East African countries (7 Nov. 2005).

The Research Director at the Laboratoire des langues et civilisations à tradition orale (LACITO) of the France-based Conseil Centre national de la recherche scientifique (CNRS), who specializes in African ethno-linguistics (CNRS n.d.),

stated that Swahili is spoken in some African countries, including Tanzania, Kenya, Uganda, Rwanda, Burundi, Democratic of Republic of Congo (RDC), Zambia and Malawi by about 80 million people, while Bajuni is spoken only in a zone that extends from Kisimayu in Southern Somalia to the Lamu archipelago in Kenya by a community of which there are estimated to be between 15,000 and 20,000 members (CNRS 4 Nov. 2005)." (Ibid)

The UK Home Office report states under the heading 'Bajuni Language':

"The FCO Analyst's report of May 2008 stated: "There are also a few distinct languages spoken in Somalia that are distinct from the broad Somali language group (e.g. some of the Bantu languages such as the Brawanes language Chimini, or the Bajuni language KiBajuni, etc.)." [60a] (Point 16) The JFFMR 2000 noted that the principal language of the Bajunis is Kibajuni, a dialect of Swahili. Bajuni Elders who met with the delegation of a joint British-Danish-Dutch Fact-Finding Mission on Somali minority groups to Nairobi in September 2000 informed the delegation that most Bajuni also speak Somali. (p26-28) The JFFMR March 2004 went into a further refinement of which language was spoken by Bajunis, stating: "When asked what languages are spoken and understood by the Bajuni in the Lower Juba, Abdalla Bakari stated that the Bajuni in Kismayo and the outlying islands speak their own dialect. He estimated that 50% of these are also able to speak Somali, but noted that the vast majority of those that can understand Somali are from the mainland (the Kismayo coast, rather than the islands). ... When asked what proportion of the younger generation of the mainland-based Bajuni was able to understand Somali, Abdalla Bakari confirmed that all such persons were able to understand and speak Somali." (UK Home Office (21 July 2009) *Country of Origin Information Report – Somalia*, p. 88)

The Sunday Tribune reports:

"Brian Allen, a former missionary in Africa who is fluent in a number of East African dialects, said the 'language analysis' tests in use in Ireland were seriously flawed.

He said: 'I have been working as an expert witness for Bajuni [tribal group in Somalia] asylum seekers since 2002. During that time, I have given face-to-face nationality tests to almost 200 Bajuni asylum seekers.

'During the past year, increasing numbers of Bajuni asylum seekers in both the UK and Ireland are given short telephone 'language tests' on applying for asylum.

'I have now analysed 10 of these tests in detail and have several more pending. I have serious concerns regarding these tests.

Allen said in some cases newly arrived asylum seekers were being forced to go through 'language tests' over the phone when they had never even used a telephone.

He said: 'The voices of the applicants on many of the recordings seem afraid and confused. Many of the recordings indicate that the conversation was disturbed or interrupted, often repeatedly. In one recording, the interviewer gets involved in an argument about a key with someone in the room while the interview is proceeding.'" (Sunday Tribune (8 March 2009) *Immigration officials under fire for phone 'language tests'*)

Brian Allen states in an article in *The Researcher* in relation to some statements in the Joint Danish, Finnish, Norwegian and British Fact-Finding Mission to Nairobi, Kenya, 7-12 January 2004:

"5.2 'Most Bajuni speak some Somali'.

This statement is sometimes used as grounds for dismissing cases where the Somali language is not spoken by the claimant. However, implicit in the statement is that some Bajuni speak no Somali at all. My research has indicated that it may well have been true that most Bajuni spoke some Somali when the 'elders' left Somalia in the early 1990s, but since that time, because of hostile attacks, there has been increasing separation between the Bajuni people and the larger Somali speaking tribes. This meant that a growing number of Bajuni people, especially the younger generation, were not exposed to the Somali language. The result is that some Bajuni know almost nothing of the Somali language. The other flaw in this statement and its interpretation in courts is that it fails to point out that Bajuni women normally lead extremely sheltered lives and would not have been exposed to Somali language. This issue was further investigated in an interview reported by another 'fact-finding mission' in 2004.[1] In this report, Abdalla Bakari, one of the 'elders' (a Kenya resident since the early nineties) suggested that Bajunis from Kismayo would have knowledge of Somali. This statement was not made on the basis of any recent evidence, and runs counter to expert witnesses, academics and other professionals who work regularly with Somalis seeking refuge in UK and Ireland.

5.3 The British-Dutch-Danish report states that 'the main language spoken by the Bajuni is Kibajuni'.

This is certainly not true today, though in the past this was more likely. Kibajuni is a dialect of Kiswahili. Its structure is very similar to Kiswahili but many words are either pronounced differently (eg Mtu 'a man' in Kiswahili is pronounced 'Ntchu' in Kibajuni) or are completely different (eg 'small' is 'Kidogo' in Kiswahili but 'Nkatiti' in Kibajuni). The language now spoken in most Bajuni homes is Swahili. The older generation tend to use and know Kibajuni but young people prefer to use coastal Swahili. This means they are less isolated, and can read newspapers, listen to radio reports and communicate with the many other tribes along the coast of East Africa where Swahili is the main language. The Kibajuni dialect is gradually dying out. The younger generation have no desire or even need to speak it. However, most Bajunis will understand some Bajuni words when they hear them. In 'Ethnologue: Languages of the world', Swahili is listed as the language of the Bajuni people in southern Somalia.[2]

In the light of all the above I believe that the Anglo-Dutch-Danish report is flawed in various areas. In modern East Africa the views of the 'elders' are often out of touch with the realities of modernity, and the life style and world view of the youth

who typically constitute well over 50% of the population. This is particularly true when the elders have lived in another country for some time, and those interviewed had been in Nairobi during the recent time of unrest. In today's society, the men known as the 'elders' are frequently less than representative of the cross-section of society. The elders met by the delegation are recorded as having all 'left the Bajuni islands in the early 1990s'. Only one man had made a brief return visit since that time. Given the turbulent situation, much has changed since the time of their experiences and that of the report. Furthermore, all the elders are recorded as having come from the islands, despite the importance of assessing the situation in Kismayo." (Allen, Brian *The Bajuni People of Southern Somalia and the Asylum Process* in *The Researcher*, Vol. 3, Issue 1, February 2008)

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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