

ADJUDICATOR GUIDANCE NOTE

PRE HEARING INTRODUCTION

1. This guide provides a suggested form of words for the introduction of interpreters and appellants at the beginning of hearings. It also gives guidance on other interpreter issues that arise periodically.
2. Interpreters are booked by the IAA and they do not usually meet the appellant until they attend in court at the beginning of the hearing day. It is vital that the Adjudicator ensures that the appellant and the interpreter understand each other. The Adjudicator must do this in open court.
3. In the absence of any guidance several practices have developed. The most common is for an Adjudicator to say to an interpreter something like "Do you understand each other". The interpreter turns to the witness and says presumably, "Do you understand me". The appellant says something in reply and the interpreter confirms there is an understanding. Something rather more formal is likely to be more effective. It is bad practice to have no form of introduction of the appellant and the interpreter as has happened on occasions.
4. The following example, introducing an asylum appeal, is suggested as a guide to Adjudicators. The purpose is for the Adjudicator to take an early and immediate control of the proceedings so that the Adjudicator establishes with the help of the interpreter that the appellant and the interpreter understand each other rather than leaving that to the interpreter. In addition and of equal importance, the introduction may help to ensure that Appellants understand that they are at the centre of proceedings, and that they know they have your undivided attention.

Adjudicators Pre Hearing Introduction

I am now going to hear your appeal. It will take the form of you being asked questions, first by your representative and then by Mr/Mrs... for the Home Office.

The important thing for you is to listen to the question carefully and just answer the question asked. If you have to give a long answer, please do so in small parts so that it can be interpreted properly. Please do not interrupt the interpreter when your answer is being interpreted.

Although the interpreter is sitting next to you, speak loudly and clearly to them. I would also like you to speak loudly enough for me to hear what you are saying. The interpreter will speak loudly and clearly to you.

If you do not understand anything please say so.

You will not be asked to give a full account of what happened to you in your country. This is detailed on the papers before me. I have to decide what is likely to happen to you if you went back. Don't feel too upset that you have not been asked to give a full account.

After the evidence has been given, the Presenting Officer and your representative will make their final submissions to me. The interpreter will do his/her best to interpret those as well.

Do you understand the interpreter?

Now to ensure that the interpreter understands you, I would like you tell the interpreter how you arrived at court this morning. Tell the interpreter what time you left and some details of your journey here.

(To the Interpreter): Do you understand the witness?

This process should not take more than a couple of minutes.

5. It is not good practice to ask an interpreter to explain the procedure in the court to the appellant. Nor should interpreters be used as experts or be asked to give advice.
6. There is no objection to appellant's representatives bringing in their own interpreter. Interpreting is a difficult job particularly when being done under pressure. An appellant's interpreter however must only communicate through the appellant's representative. If there is any disagreement with the court interpreter the appellant's interpreter can bring that to the representative's attention promptly. It may be appropriate to have the appellant's interpreter sit relatively close to the appellant's representative.
7. There are occasions when representatives ask for the assistance of the court interpreter to help communication with the client outside the court. So long as this does not involve anything contentious and does not entail the interpreter interpreting detailed instructions then this should not be regarded as objectionable. Occasionally, the court interpreter may also be asked to translate documents which have been produced untranslated at the hearing, provided these are short and, in particular, provided the interpreter is content to do this. Translation of documents is not part of the interpreters' job description.

8. Interpreters are the only people during hearings who speak all the time. They do need regular breaks, especially if they are interpreting in more than one appeal, and it is not best practice to leave it to the interpreter to ask for a break.

**HH J Henry Hodge OBE
Chief Adjudicator**