

Chapter 4

The Asylum Interview as a Magnifying Glass for Key Issues: Conflicting Norms, Power Struggles, and Actors' Strategies



To better understand what exactly is going on in the asylum interview, it is essential to have a feel for the complexity of the legal framework (briefly outlined in Chap. 2) and knowledge of the organizational aims (presented in Chap. 3). The juxtaposition of these different normative frames of reference highlights some structural tensions due to contrasting objectives and logics, which will be explained in greater detail in Part III.

This chapter discusses the asylum interview as the third phase of the ideal-typical workflow. Understanding the interview as a magnifying glass for key issues, the chapter continues with the exploration of the circumstances under which decision makers work, how they deal with these circumstances, and what the consequences of their practices are. The interview, in which the caseworker and claimant meet face to face, represents a cornerstone of the asylum procedure. In contrast to relations between individual actors or between organizations, the relation between an institution and an individual is always asymmetric (Coleman 1982), especially in the context of street-level bureaucracies (Demazière 1996). The individual experiences the state only through officials as intermediaries, particularly through the practical experience and the physical contact in the interview (Dubois 2010). For caseworkers, this is “front line work” (Lipsky 2010). An official describes direct contact with the claimants as being “at the front” (Sabine) – a metaphor that alludes to a battle situation with two sides fighting against each other. In fact, it is a situation in which different logics and worldviews clash and aims and strategies are staged against each other. The analysis of asylum interviews as a bureaucratic encounter (Lipsky 2010) is thus instructive since conflicting norms, power struggles, and actors’ strategies characterize the entire procedure, but they become particularly visible in the interview. The analysis of this interaction is particularly relevant in the context of procedural justice, which is

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concerned with interpersonal interaction and the treatment of claimants in legal procedures; this topic is explored in more detail in the concluding chapter.

The interview is a structured interaction with several participants in fixed roles: the official as a state representative, the asylum claimant as an applying individual, and the interpreter as a mediator. In addition to these three actors, who are always part of the interaction, other possible participants are, for example, a legal representative, a trusted person of the claimant, or a police officer. The interviews usually take place in separate interviewing rooms or sometimes in an official's office, for reasons such as a lack of space, and the participants are typically seated around a rectangular table.

As a social interaction, the asylum interview is not only structured but also structuring; it is a formal setting in which the interaction follows a strict question-and-answer scheme. To some extent, it is a situation of forced communication with predefined roles and power relations (Scheffer 2001; Pöllabauer 2005). Similar to a police interrogation, it is inherent in the interaction that the caseworker mainly asks the questions while the claimant is mainly expected to answer them. Although there are standard questions concerning, for example, personal details and reasons for flight, caseworkers also possess some leeway in asking questions. Stephan explains that he is "used to ticking off question after question," but further lines of inquiry can still be followed on the basis of the provided responses. Following structuration theory in the organizational context, every interaction – including the asylum interview – implies (re)production and institutionalization on the side of social structures and socialization and internalization on the side of the individual (Ortmann et al. 2000).

The interview follows a ritualistic order. First, the asylum claimant is brought from the waiting room to the interview room, which is usually a small office. After the greeting, the interview usually starts immediately with a confirmation of personal details. Normally, the caseworker then provides the claimant with some legal information regarding the procedure before beginning the questioning concerning the claimant's reasons for flight as well as her current life in Austria. During the interview, the caseworker types the transcript on a PC while simultaneously formulating questions and often searching for information in the existing paper file or even online. The assistant is not present at the interview. After the interview, the transcript is printed and translated back to the claimant, who then has the opportunity to intervene and correct or clarify misunderstandings – an opportunity that was not often used in the observed interviews. Eventually, the asylum claimant confirms the transcript's correctness by signing every page of the German transcript. Although the asylum interview should ideally be free from interruptions and distractions, some of the observed interviews were interrupted, for example, by phone calls to the interviewer or the interpreter as well as by colleagues of the official opening the door and asking questions.

In the following, two observed asylum interviews (or passages thereof) are examined in detail, taking us closer to answering the main puzzle. The analysis first focuses on the normative character of the interview, structured by legal and administrative norms (as sketched in the preceding chapters). The interviews are deconstructed and reconstructed to explore the structuring role of the law in the interaction. Since situations and roles are negotiated in interactions despite the formalized setting, the social

practices and strategies of the involved actors are analyzed on the basis of observation protocols. Following symbolic interactionism, actors enter situations with certain expectations and define the situation for themselves and the others accordingly. However, the type of meaning these expectations have for the joint action is negotiated in the situation. The way in which actors – asylum claimants, officials and interpreters – through their reciprocal interpretations define themselves, their actions and the objective conditions of these actions is thus analyzed. A section is also dedicated to the role of the interpreters and their active interventions in the interaction. Finally, the importance of the written word in the asylum procedure is explored through the interview transcript and an investigation of its constructed character.

The two examples were chosen from the total of twelve observed asylum interviews to represent one typical and one atypical interview scene. The aspects that are atypical about the first interview and those that make the second example more typical will be explained. Nonetheless, the observed and analyzed interviews share certain characteristics regarding the content of the communication as well as the particularities of this institutional interaction, the participants' roles and aims.

4.1 An Atypical Interview

This interview with a young asylum claimant from Tunisia took place in the office of the interviewing caseworker. The analysis of the interview is instructive because it allows us to clearly follow and understand the course and structure of an asylum interview, the standard key questions and the official's strategy. It illustrates how the interviewing official determines whether the claimant puts forward reasons, which make him eligible for asylum or subsidiary protection.

The interview is atypical in that the asylum claimant mentions only financial reasons as reasons for fleeing. This assertion leads to a very clear and structured interview compared to a more "typical" interview, which is often characterized by uncertainty and greater complexity. Another consequence of the assertion is that in contrast to a typical interview, this interview does not focus on credibility. Any reasons for flight a claimant could invoke other than "economic reasons" would lead to an intense test of credibility and plausibility, which would again involve a search for (and construction of) "objective" facts. A bad financial situation seems to be the only reason for flight and is instantly regarded as credible and not further questioned. Facilitating the bureaucrat's work, this development of the interview represents a direct "invitation" to not grant asylum. The interview is also atypical because the caseworker not only informs the claimant of his decision but also explains to him the reasons for that decision in the scope of the interview. In addition, he gives the claimant the opportunity to respond to each of the arguments. This opportunity did not occur in the other observed interviews. The official would sometimes let the claimant know her intended decision, but the reasons for the decision were usually not explained in detail. Here, the caseworker seems to double-check his decision with the claimant to ensure that the case can be written off and an appeal would not hold. At the end of the interview, the caseworker tells me that this case "should actually

have stayed at the IRC” because claimants whose reasons for flight are classified as “economic” are normally not admitted to the procedure and the content-related examination. “Sometimes, something else [other reasons] is added after one to two months, but he stayed with his initial assertion,” the official explains. The fact that interviews such as this one are usually not conducted at the FAO but are in the IRC’s area of responsibility also confirms the atypicality of the interview at the FAO.

Fragmentary Example of an Atypical Asylum Interview

Official (O): Good morning.

The official asks the interpreter (I) to check the data [name, date of birth, etc.]

...

The official makes an internal call: I’d need a card for my Tunisian.

...

The official introduces everyone (including me) and begins with the legal instructions (*Belehrung*), which he says he will go through “point by point.”

O: If you leave basic care, you have to register within three days; if you register as a homeless person, you have to report to the police station every four days ... How is that called?...

O: When your application is admitted, you gain the right of residence ... There will presumably be a content-related examination ... there is no rejecting decision, no Dublin examination, except if it turns out today ...

O: We will examine whether you need protection or not ... Presumably, there will be no further interview, so please mention everything today ...

...

The official brings water for everybody

O: Otherwise I don’t have this service.

He makes a joke about serving wine.

O: But today, it [the heat] is inhuman.

[That is why he offers water today.]

...

The claimant says that he wants to obtain some documents and asks whether that will be a problem.

O: No, that’s the first thing that will help you with the authorities in Austria.

...

O: In case you’ve had enough of Austria for any reason, there is always the possibility of return counseling.

...

O: Please state your assertion as concretely, in as much detail and as true-to-life as possible ... so that we as non-participants can see the situation through your eyes.

[Subsequently, he mentions “credibility”]

...

O: You had an interview at the IRC on 13.7.* Did you tell the truth there?

A/I: Everything is correct; it was back translated.

O: skims the claimant's file.

There was an inquiry asking whether he had already applied for asylum in Italy, but no data appeared

...

O: How did you leave? Illegally, legally? With or without a plan?

A: Illegally.

O: Did you possess a passport?

A: Yes.

O: When was it issued? Or how old were you? That may be easier.

...

The interpreter already knows how the official will continue to question the claimant. He interprets thoroughly.

...

The phone rings: the call is internal and concerns the return ticket (public transport) for the claimant.

...

O: Have you ever been abroad with your passport?

A: Yes.

O: For what reason?

A: For work.

O: What kind of work?

A: In the restaurant.

O: Always in the same restaurant? In which city?

...

O: Do you have relatives here?

A: No.

O: Do you know someone from your home country?

A: No.

O: Do you have a life partnership?

A: No.

O: [not to A]: Is it called that? Life partnership! In my day, that didn't exist; it was marriage or not. [jesting]

I: And in *my* day!

...

O: Do you work in Austria?

A: No.

O: Do you participate in associations?

A: No.

The official asks the claimant about his reasons for flight.

A: I left the country because of poverty.

O: Go on...

A: What more should I say?

O: For example, "I didn't find a job"; something like that is what I'm expecting with this question.

I: Family ...

A: When I was eleven years old, my parents divorced.

A: Life is steadily getting more expensive ... I thought I'd come to Austria.

O: In order to?

A: Seek asylum, then work and build my family.

O: So, with the anticipated income.

...

O: Anything else?

A: That's all.

O: What was your job in Tunisia?

A: I worked at construction sites, restaurants ...

O: So, odd jobs.

The asylum claimant notes that he was supported by his father after the divorce.

...

O: is contemplating

O: On what does your family live currently?

...

O: To go to school and earn the family's income – how was that possible?

A: It didn't go well.

O: So you couldn't manage. Was that the reason why you stopped going to school?

A: Yes.

...

O: What would your life situation be in the case of a return?

A: It will be difficult for me.

O: Aside from the financial situation, would anything else threaten you?

A: There are no other problems.

O: Have you ever had problems with the authorities?

A: No.

O: Were you politically active?

A: No.

O: What is your religion? Part of the Islamic group?

...

O: The decision is made on the basis of your assertions and the situation in the country. I will let you know how we decide. You can respond to every argument.

- You asserted economic reasons, but no persecution, no Convention reason. Humanely, it is understandable to us all but
- In this argumentation, no fear is identifiable.
- The economic situation in the home country is not bright, but in comparison to other North African countries, it is the second best; at least, it is not unreasonable.
- What is also to be noted: the siblings are of an age [17–21] where they can contribute to the family, i.e., you don't have to care for the family by yourself.

...

A: That's right, but they are still studying [school, university].

O: That's understandable, makes sense. But as the head of the family, he has to say that not everyone can study if there is not enough money. In any case, it is not a reason under the asylum procedure. Also, it is not possible to grant subsidiary protection on the basis of this argumentation. The lack of connection to Austria, the existing connection to the home country

...

The official therefore decides on expulsion and non-approval of the claim. He tells the claimant that he will either be deported or he can return home on his own.

...

O: Do you want to add anything?

A: I told you the truth.

O: I thank you for that.

...

The interpreter makes the back translation.

At the end, there is a short general instruction.

The official tells the claimant that inquiries by telephone are not possible but that the inspection of files is possible, also in written form.

O: If you don't register anywhere, you have to inform yourself whether there is anything [any document] there [here] for you.

...

The official's cell phone rings twice; once he tells the person that he will call her back, and once he takes the call.

Then, the telephone [landline] rings.

O: What's going on today?

...

The interpreter explains the procedure to the claimant, including that the decision notification will be delivered by mail.

4.1.1 Interview Structure and Content: Implementing Administrative Norms and Human Rights Standards

The interview structure is clearly visible; it is framed by a beginning and an end, and it follows the question-answer scheme quite strictly. The interview begins with an introduction and an instruction. Before starting with the actual interview, the caseworker expresses a general greeting and makes various arrangements. In fact, however, the interview starts with a role transfer since the official asks the interpreter to check the claimant's personal data. Instead of asking the relevant questions himself, the caseworker charges the interpreter, who already seems to be acquainted with this routine, with this task. The caseworker then makes an internal call, asking a colleague to issue a card for the asylum claimant whom he calls "my Tunisian," leaving out the indication "asylum claimant." After having introduced all the participants to

the asylum claimant – including me as the researcher – he begins with the legal instruction, and he provides water for everyone. When providing water, the official makes an interesting remark. Whereas other officials regard it as natural to provide water during the interview, this caseworker explains that he usually does not “provide this service” and that he is only offering water on that day because of the “inhuman” hot weather. This is an irritating remark since there are definitely factors other than the weather that make the asylum procedure inhuman, such as an official’s interviewing style or incredibly long waiting times in the procedure.

The omnipresent – but often still invisible – role of the law comes to the fore when the official begins to explain the legal instructions (*Belehrung*), that is, the claimant’s rights and duties during the asylum procedure. He does this once at the beginning of the interview and again at the end. The instructions provided during the interview concern not only the interview itself but also the framework conditions of the asylum procedure, particularly the duty of cooperation and the duty of registration. This instruction also has the function of committing the claimant to the “rules of the game” and making him legally responsible for incomplete or incorrect assertions (Scheffer 1998). At the beginning of the interview, the official briefly explains how the procedure and the interview are organized and informs the claimant about the possibility of return counseling in case he wishes to return voluntarily, adding an ironic remark, “in case you’ve had enough of Austria for any reason.” At the end of the interview, the official again addresses the issue of registration and informs the claimant about his right to inspect his file. Both of these instruction blocks, which usually frame the interview, and the questions that the caseworker asks illustrate how the whole interview is structured by administrative provisions and relevant laws.

Concerning content, the overall aim of an asylum interview is the determination of a legal status. The official’s task consists of identifying whether the claimant can be granted asylum, subsidiary protection, or neither of the two. If an expulsion is envisaged, the caseworker also has to determine whether it is admissible. The specific questions the official asks indicate which international, legal and human rights standards he is referencing.

As a complement to the formal work instructions guided by administrative as well as human rights laws and other norms, caseworkers have some leeway both in the decision-making process and in conducting the interview. In this interview, the official begins by determining whether an expulsion would be admissible. The caseworker asks the claimant questions regarding his private life and his personal connection to Austria. The caseworker asks about the claimant’s family situation, whether he has relatives or a partner in Austria, and whether he is working or participating in any associations. The normative framework of the asylum procedure prescribes that the caseworker asks questions such as these to determine whether the right to respect for private and family life – as defined in article 8 ECHR – might be violated in case of an expulsion. Since the claimant does not mention any private

involvement in Austria, the official infers that an expulsion is admissible, which he proclaims at the end of the interview.

Having addressed this point rather quickly, the caseworker turns next to the question of the claimant's reasons for flight. The official tries to identify whether the claimant can be granted asylum by investigating whether – according to the Geneva Convention – the asserted reasons for flight are due to “a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.” Since the asylum claimant in this particular interview does not mention any reasons for flight other than his family's financial situation, the official asks additional questions to ensure that there are no other reasons for flight that might be relevant for granting asylum. To exclude possible persecution, the official asks the claimant whether he has had problems with authorities or was politically active and to which religion he belongs. The official thereby receives the claimant's confirmation that he has not been persecuted for political or religious reasons.

By asking the claimant about his life situation if he were to return and by asking whether anything other than the financial situation would threaten him if he returned, the caseworker examines whether *refoulement* (expulsion or deportation) is admissible since the preconditions for granting asylum are not given. The official thus determines whether an expulsion would represent a violation of the right to life (article 2 ECHR) or the right not to be tortured, including inhuman or degrading treatment or punishment (article 3 ECHR). In such cases, the claimant would have to be granted subsidiary protection.

After having asked a series of questions about the claimant's past (reasons for flight), present (situation in Austria) and future (in case of return), the caseworker reaches a decision, which he presents at the end of the interview. He argues that the claimant did not assert any reasons for flight relating to the Geneva Convention, that is, no fear of persecution (referring to asylum). The official further argues that the situation in the claimant's home country is stable enough that a return is acceptable (referring to subsidiary protection) and that the claimant has no private connection to Austria and can thus be expelled. The official informs the claimant that his application has not been approved and that he will be deported if he does not leave the country on his own.

Although the interview itself is atypical, the basic structure of an asylum interview can be clearly traced. This structure allows us to observe the types of questions officials ask, the reasons they are asked and what their underlying intentions are. Key human rights standards are implemented in the asylum interview without explicit mention. Knowledge of the legal normative framework enables us to see the structure behind the content of the asylum interview; human rights are only referenced indirectly. However, the official acknowledges that irrespective of the legal situation, from a human perspective, leaving one's country for “economic reasons” is understandable, but the legal asylum framework does not address this problem.

4.1.2 Playing Roles in a Clash of Logics: Actors' Intentions and Expectations

This clash of logics between organizational NPM-oriented goals and the individual life world and human rights-oriented aim of the claimant characterizes the entire asylum procedure and becomes visible in both the atypical and the more typical interviews.

In this interview, the claimant formulates his aims very clearly: "seek asylum, then work and build my family." During the interview, he also seems to have another intention, which he makes explicit toward the end: to be honest. At the end of the interview, the claimant – who had been answering the official's questions mostly monosyllabically – emphasizes vis-à-vis the caseworker that he told the truth. In return, the official expresses his gratitude, which may be serious in the sense that the claimant's honesty spares him additional work and effort he might otherwise have to invest. In this case, it is another quickly concluded case, an additional "number" for the official and the institution. Thinking in managerial terms, the official explains that although the case should have stayed with the IRC, it is not bad for the FAO to "have some [additional] visible output." This remark makes the different intentions of the participating actors very clear. Whereas the asylum claimant aims to secure his personal future, the official focuses, at least to some degree, on benefits to the organization.

In the second, more typical interview (see following excerpt), this clash of logics is also evident. The fact that the claimant, who was given a choice in the interview, decided to restart the procedure from scratch is not appreciated by the official. She had hoped that the claimant would decide for the less cumbersome option, subsidiary protection instead of asylum. Several times during the interview, she indicates that the claimant's decision means more work for her. For example, she says to herself that it would have been better to have left the claimant or the case to a colleague, and as quoted in the excerpt, she refers to the caseworker who made the first, overruled decision: "What do you think, how much work I have because of this official!" While the official complains about the additional work she now has because one of her colleagues did not act correctly, the claimant regretfully notes that he "lost six years" because of this caseworker and because he did not get into "this wave," referring to a period when almost all refugees from Chechnya were granted asylum in Austria. Here, the actors' differing aims and expectations as well as the competing logics of administrative norms and human rights again become visible. The pressure, as well as perhaps the desire to settle cases quickly, is omnipresent. Therefore, the official suggests granting the claimant and his family subsidiary protection and leaving the final decision to the court, assuming that the claimant would file a complaint. However, her intentions collide with the claimant's interest in starting a new asylum procedure and never returning to Chechnya.

The way in which actors deal with this clash of logics when interacting in an asylum interview can partly be understood from the perspective of role theory. This theory suggests that being able to manage interactions in which mutual interpretations

of the situation and of the other's actions are performed requires the involved actors to have certain capabilities: role distance, identity representation, empathy, and ambiguity tolerance. Role distance refers to the ability to act flexibly regarding expectations of others, whereas identity representation implies being able to symbolically demonstrate one's own expectations and needs. Empathy allows actors to understand and consider others' thoughts and emotions. Finally, ambiguity tolerance is necessary to identify and cope with role conflicts as well as with unclear or contradictory situations. We have seen how these abilities can play a role for actors involved in an asylum interview. Focusing on certain expectations and ignoring others, for example, is another important ability in conducting an interview. Due to the framework conditions of the bureaucratic organization, officials are likely to place more emphasis on the expectations of a superior than on those of the client. Although the official says that he needs to be able to see the situation through the claimant's eyes, this should not be mistaken for empathy since the caseworker only aims for as much detail as possible to (re)construct the "case." However, empathy and ambiguity tolerance are called for in the following example interview in which the claimant would like to ask the official something "from human to human" rather than from individual to government agent. Since asylum claimants' emotional expressions are often considered stagings or borrowed stories, this type of action by a claimant, provoking a role conflict for the official, can be regarded as an attempt to redefine the situation (Rousseau and Foxen 2006). Using this phrase, the claimant speaks directly to the clash of logics and thereby dismantles it.

In examining actors' intentions and expectations concerning the course of the interview, the atypical example includes several instructive situations. First, before the asylum claimant has a chance to speak, the official instructs him not only on legal issues but also on the course of the interview. He tries to prepare the claimant and to inform him about his expectations regarding the interview. The caseworker tells the claimant how he wants him to act in the interview by prescribing *how* the claimant is supposed to tell his "story:" as concrete, detailed and true-to-life as possible. As an explanation for why this approach is necessary, he positions himself as an unknowing non-participant who needs to learn every detail in order to understand and be able to relate to what the claimant asserts. Although the caseworker tells the claimant that he needs to see the situation through the claimant's eyes to understand, whether the caseworker really can and wants to empathize with the claimant to this extent might be questioned. In this particular interview, however, it turns out not to be necessary since the claimant does not mention any "asylum relevant" reasons for flight. Additionally, the official does not plan another interview with the claimant, as he mentions at the beginning of the interview; he uses this as an argument for the claimant to mention everything that could be of importance right away.

Although the official already has certain fixed ideas regarding the interview, there are still some instances that illustrate his leeway; these are instances in which the caseworker still has to decide during the interview. When the official contemplates or skims the file, it implies that he is thinking about the "case" and which information he needs to be able to solve it. Presumably, the caseworker considers different possibilities and reflects on the "direction" in which he wants the interview

to go and which questions to ask. When the asylum claimant does not understand the aim of the official's request to "go on" about his reasons for flight, the interviewer explains his expectation: "For example, 'I didn't find a job,' something like this I'm expecting with this question."

In another instance, the official reformulates his question because he knows from experience that (also) claimants sometimes have difficulties remembering exact dates or years. Therefore, he asks the claimant how old he was when his passport was issued instead of the issuing date, assuming that this would be easier to remember for the claimant. Since dates of certain events in the life of the claimant are often given importance in the procedure, caseworkers have expectations regarding claimants' knowledge of such dates. As one of the superiors explains, "Some colleagues know the exact date of their school leaving examination, driver's license and so on, and they also expect that from the asylum applicants," she concludes. Measurement using personal standards represents a common practice; the caseworker explains that he does not require this specific knowledge from claimants because he himself is "not good at it either." This statement highlights the common practice of officials to measure using their own standards, usually based on Western socialization. Later in the interview, the caseworker utters another expectation, this time relating to a general attitude. When the claimant argues that his siblings are not able to financially contribute to the family because they are studying, the official imposes his opinion that he would expect the claimant, as the head of family, to exercise authority, determining that not every child can study if the family does not have enough money.

Asking caseworkers about their expectations regarding asylum claimants reveals some more general attitudes. Officials tend to emphasize asylum claimants' duty to cooperate and their obligation "to make an effort" (Veronika), as one official says, asserting that she also confronts claimants with these expectations in the interview. She expects asylum claimants to provide "sensible answers" and adds that she encounters claimants who are not willing to provide the details she is requesting. The caseworker says she can even "freak out" if claimants do not cooperate during the interview. Gabi also finds it "the most terrible thing when you ask a question, and he starts with Adam and Eve and talks about something completely different; but these questions are banal." Like her colleague, this official says that after a few questions, "you throw away your nerves" if the person starts talking about her reasons for flight when she was only asked a yes-or-no question.

Whereas Roland insists that an asylum claimant has to make an effort, another official claims that he does not care about the claimant's behavior. He states that a claimant "can lie to me, can do a headstand, that all doesn't bother me ... he can do what he wants." While first claiming that he cannot be bothered by a person who lies or acts conspicuously, the caseworker then describes his behavior as being similar to his colleagues. If the claimant does not properly answer his question, "that makes me [the official] crazy." Making an absurd comparison, he says, "The only thing that I don't like is if I ask him what color this coffee mug is and he tells me what he had for dinner last night." Veronika explains that she will act if the asylum claimant does not show the expected effort, "then I do often ask more rigorously whether he is

aware of where he is, what this place is actually about and that he has a duty to cooperate and that he does have to make an effort.” If the claimant’s performance does not meet the official’s expectations, she explicitly demonstrates her authority and instructs the claimant how to behave. This bureaucratic practice of “teaching the client role” (Lipsky 2010) affirms the power relations in this situation.

In the interview situation, caseworkers have clear expectations regarding claimants’ behavior and answers. Claimants are expected to demonstrate that they take the procedure seriously and “make an effort” in advancing the procedure. Their answers must correspond to the question, should be as brief as possible but as detailed as necessary, and should follow the chronology predefined by the official. Again, these requirements clearly mirror the agency’s efficiency and efficacy-driven approach and highlight that the interview is not to be understood as a “quasi-normal” conversation; instead, the interview follows a strict question-answer structure with a clear power imbalance.

4.2 Situations in a More “Typical” Interview

This interview is more typical than the previous example in the sense that it is much more characterized by ambiguity and uncertainties. There is more negotiation and a livelier exchange between the participants than in the previous interview, which was very clear and structured. The selected passages of the chosen interview continue to illustrate the main issues of the book: power relations, intentions, aims and expectations, processes of communication and understanding, the importance of legal and administrative norms (and a clash of logics), the “human aspect” and intersubjective comprehensibility, and the issue of fact-finding. Since these are recurring themes, similar examples can be found in other observed interviews.

Some context might help to understand the following interview situation. The asylum claimant is a man from Chechnya who has been in Austria for several years and who has a family there with his Chechen wife (who is then also interviewed). This is not his first interview; rather, the first decision of the FAO, which was made several years ago, has been overruled by the Asylum Court and the case thus must be reopened by the FAO. An additional note concerns the claimant’s action in this example. Not all claimants play such an active role in the interaction as the one in this interview; their activity in this situation is likely to depend on different factors. These factors can include, for example, the interviewing style of the official, the atmosphere during the interview, and the claimant’s personality and previous experiences.

Fragmentary Example of a More Typical Asylum Interview

...

O: Subsidiary protection would always have to be prolonged. After five years, one can apply for a residence permit and then one can strive for citizenship ... The appeal, of course, remains as legal remedy.

...

I: I think now he's got it.

...

O: Is the child still in medical treatment?

A: Yes.

O: Then the reasons for subsidiary protection are still valid ... He shall not get excited. You don't have to go back. I think he doesn't get it!

...

O: The procedures of the brothers are irrelevant to your procedure!

...

O: I'm nowhere near finished. I think he doesn't want to get it. What's the problem with the protection from deportation? Another would be glad! He puffs himself up. I'll tell you something: I will give the whole family subsidiary protection and you can file a complaint. The Asylum Court will then decide whether subsidiary protection is legally correct or if you're entitled to asylum.

...

O: I'm telling you once again: You will not be deported!

A: You don't have to tell me that I won't be deported. I guarantee it to myself that I don't have to return anymore. At the most as a corpse.

O: But as one could see some time ago, you're not safe in Austria either. [A man from Chechnya was murdered.]

A: One still can't compare that. I want to ask you something from human to human: Have you ever lived through a war?

O: I'd be terribly afraid of a war. But I've also been asked by a refugee counselor whether I've ever been raped.

...

A: If there wasn't the child with health problems, I wouldn't get any protection?

O: Well, after all these years ... *I* do ask how the integration is and so on, but ...

A: A friend from Switzerland gave this letter and these pictures to me [as a proof of the friendship].

O: So, you do socialize and learn German. ... I will copy the letter and the pictures.

...

A: If I appeal, will I keep the subsidiary protection?

O: You're not supposed to appeal against subsidiary protection but against decision point 3! We will have a look at that. I wanted to please you.

A: I don't understand that because I am politically persecuted! And I get subsidiary protection just because of my child?

O: The last word has not yet been spoken.

A: That's as if I have to let myself be killed before my wife can apply for asylum.

...

A: Because of this official [who decided in the first place] I have now lost six years! Because I didn't get into this "wave."

O: What do you think—how much work I have because of this official!

...

A: Chechens are often not treated like humans. Actually, they would all have to see a psychologist. [The claimant reports from the war.] One doesn’t see the real war on TV. You can’t even know that!

O: I hear this misery every day. I also have a family at home. We who are not on the spot also have to cope with this psychologically. We don’t have psychological care; we have to pay the psychologist ourselves.

...

O: If something is wrong, you have to announce it immediately, not just 6 years later. I will see what I can do for you. The worst thing that can happen to you – one shouldn’t say that – is subsidiary protection. Maybe I will have to discuss this with the boss.

4.2.1 *Power Relations in the Interaction*

While both interviews reveal details about the asymmetric power relations between the official, the asylum claimant and the interpreter, the second interview more clearly reveals the contested character of these relations and the negotiation process involved in defining them. The power relations are primarily defined by the participants’ roles, which are accompanied by their level of knowledge relevant to the asylum procedure, thereby reinforcing the a priori asymmetry. The caseworker is a veteran who knows the legal and administrative details of the procedure from everyday work, whereas the claimant lacks most of this knowledge; this difference maintains the inequality in their already asymmetric relationship (Dubois 2010). Nonetheless, the claimant also has an understanding of the asylum procedure because he has been in the procedure for several years and knows other people who have gone through the procedure. In the interview, he refers to other peoples’ procedures (first his brother’s and later those of Chechens in general), and he is aware of the fact that written evidence might substantiate his claim. To prove his integration, the claimant produces a letter by a friend as well as pictures, and he shows the official a document that proves his child’s illness.

In the interview, the official demonstrates her room for maneuver and legal discretionary power several times. First, she makes statements implying that the decision is not yet final and that there is always room for maneuver: “We will have a look at that” and “The last word is not yet spoken.” She also mentions a few times that she is trying to accommodate the claimant (“I wanted to please you”), implying that another caseworker might not act in the same way. At one point, she says explicitly that another caseworker might decide differently and not in the claimant’s favor. She tells the interpreter, “For example, if he comes to another official, he takes away article 15 for the girl [the claimant’s daughter]. I just want to show him that I want to help him!” Additionally, when she notes, “I do ask how the integration is and so on,” she implies that it is within her discretion to ask certain questions during the interview and that other caseworkers do not necessarily do so.

At the beginning of the interview (not part of the excerpt), the official tells the claimant that there are two ways to deal with the new situation, that is, the reopened case. She offers him different suggestions – either subsidiary protection for the whole family or beginning the procedure anew – and the claimant has to choose one of these options for the procedure. At the same time, addressing the claimant through the interpreter (instead of the claimant directly), she notes, “He doesn’t have to decide” and “I don’t put him under pressure.” However, she clearly does push the claimant to a decision, placing him under pressure and delegating responsibility to the claimant. He decides to claim asylum instead of acquiescing to subsidiary protection. Although the official maintains several times that she wants to help the claimant and accommodate him, the claimant seems not to want this kind of help and is not convinced that her help is good for him and his family. The caseworker acts surprised and almost annoyed that the claimant does not accept her good intentions. She compares him with other asylum claimants who, according to her, would appreciate her approach, “another [claimant] would be glad!” Instead, “he puffs himself up,” as she says, indirectly positioning the claimant as a strong participant in the interaction who does not acquiesce.

At the end of the interview, the official leaves the outcome of the procedure open, explaining to claimant what could happen in the worst case. However, the fact that the official’s discretionary power is limited also comes to the fore when she mentions that she might have to discuss her decision with her superior. Hence, the final decision is not hers alone because the superior might have a different opinion on the case. Later in the interview, the claimant places himself in a strong position, saying that regardless of the official’s decision, he will not go back to Chechnya – “at the most, as a corpse.” By participating in the negotiation of power, he shows the caseworker that her power will not reach as far as she might think. Despite the asymmetric relationship, “strategies are also at work on the weaker end” (Dubois 2010:138).

In the interview situation, power can be related to roles as well as to the provision of information, such as when the official explains the legal framework to the claimant. Prottas (1979) distinguishes the “downward flow” of information from the “upward flow,” which the actors can both control. Street-level bureaucrats control the “downward flow” in positive and negative ways: through suppressing information and by distributing either supportive or inadequate information. By controlling the downward flow of information, officials affect the content of the “upward flow” from the client and thereby gain “de facto control over the categorization of clients while appearing to adhere to the agency’s formal rules” (Prottas 1979:137). An official’s power is thus based on her simultaneous possession of information about the relevant rules and the client. However, “clients who share this simultaneity share that power ... because they can alter information about themselves in light of what they know about the agency’s categories” (ibid:141).

Claimants can thus control the “upward flow” of information. The claimants’ actions differ widely in the two analyzed interviews; whereas one is more reticent, the other is rather keen to debate. No interview can be said to be more typical than the other; rather, different contexts, situations and personalities produce different

interactions. Thus, the way the interview unfolds also depends on the interviewing officials’ practices and the extent to which they enable or restrict exchange and debate. Conversely, Prottas (1979) notes, the personality and knowledge of clients affects the work of street-level bureaucrats. Knowledgeable clients can be perceived as threats: “A client who is familiar with the rules and categories of an agency is in a position to insist on ‘correct,’ hence time-consuming, treatment” (Prottas 1979:115). In this interview, we see that the claimant insists on proper treatment; he is knowledgeable, partly because he has previously experienced improper treatment through the authority. Such active clients may represent a threat to officials’ autonomy by potentially influencing the official’s ordering of priorities. However, the official in this case deliberately passed responsibility to the claimant. Nevertheless, she remained the powerful actor in the situation by pushing him into a specific direction (that of subsidiary protection).

4.2.2 Communicating and Understanding: Handling Conflicting Logics

The above analysis highlighted the structuring force of the legal framework and its administrative implementation in the interaction between asylum claimant and official through methods such as a standardizing “catalog of questions” (a set of basic questions). The second interview shows that a translation process is necessary to translate problems experienced in the life world into the legal and administrative world and, conversely, to translate legal and administrative concepts into terms and concepts relevant to the claimant’s life world. The example reveals how the complexity and technical nature of the procedure reinforce the opposition “between the ordinary man and the expert” (Dubois 2010:54). There is a lack of mutual understanding since the two parties have different knowledge and different frames of reference. In addition, communication is difficult because they do not speak the same language in two ways; they need an interpreter in order to communicate, and the caseworker speaks a bureaucratic jargon employing administrative and legal terms, which the claimant is not able to classify. At one point, for example, the official describes subsidiary protection as “small asylum” – a commonly used description at the FAO – aiming to relate to the claimant’s reference system. Habermas (1996:150) understands law as the medium for transforming communicative power into administrative power. Administrative power must thus be linked to communicative power if law is to be a normative source of legitimation and not just a means of organizing domination.

In the observed interview, the asylum claimant expresses a desire to understand the (legal) system and the logic governing the asylum procedure. He explicitly mentions this learning process, referring to the fact that he did not know his rights and was not able to assess the consequences of his action at the start of the asylum procedure. Referring to his first asylum interview, he says, “At that time I didn’t know

that one can decline the official. Otherwise, I'd have done that. And that you can change the interpreter. I felt humiliated. I didn't know what the consequences would be when I said something" (o.i. 6, not part of the excerpt).¹ His legal knowledge has developed throughout the procedure, and now, several years later, he knows his rights in the asylum procedure. Nonetheless, there is still much he does not understand about how the asylum procedure is executed. In particular, the official's (legal-administrative) way of thinking and acting does not correspond to the claimant's understanding of protection. He makes it clear that the logic of the law as applied by the authority is not compatible with his own understanding of his situation. He claims asylum because he is politically persecuted but would receive subsidiary protection because of his daughter's health problems. "That's like if I have to let myself be killed before my wife can apply for asylum," he comments on the logic of this asylum system.

Despite his experience, the claimant does not seem very familiar with the legal framework; however, he asks questions that imply that he is eager to understand the system. Throughout the interview, the caseworker (as well as the interpreter) makes an effort to explain different things to the asylum claimant, mostly various details of Austrian asylum law. The official explains, for example, what is implied if he is granted subsidiary protection and that a reason for protection can lose its "validity." When the claimant confirms that his child is still in medical treatment, the caseworker concludes that "the reasons for subsidiary protection are still valid." While she first only mentions that there is the possibility of appealing, she later takes it for granted that the claimant will file a complaint with the Asylum Court. The official then tells him what exactly he is supposed to appeal against, namely, a certain provision of the decision. She also mentions that there are difference legal consequences depending on the point in the procedure when a child is born.

However, the official's attempts to explain often fail in this interview. At several points, both the official and the interpreter state that the claimant does not understand what the caseworker is trying to explain to him. "I think he doesn't get it!" the official says; later, the interpreter states, "I think now he's got it." According to the official, the claimant does not understand that she wants to help him; however, she does not understand why the claimant does not appreciate her good will. While the caseworker first only states that the claimant does not understand what she is trying to explain, she later implies a lack of willingness. "I think he doesn't want to get it," she concludes. At the beginning of the interview, when the claimant expresses that he wants the procedure to start over, the official also makes a casual remark about the claimant being stubborn. "I'm telling you once again: you will not be deported!" With this sentence, the caseworker again tries to make the claimant, who is afraid of more malice from the system, understand the logics of the legal procedure. The examples demonstrate that explaining and understanding the legal and administrative norms play an important role in this interview. Since the claimant wants to

¹ O.i. stands for observed (asylum) interview.

understand the system he is a part of as an asylum claimant, the official and the interpreter try to explain these norms. These attempts at clarification pave the claimant’s way toward becoming an informed participant in the procedure, but even his knowledge of the rules and regulations will not make the claimant and the official communication partners who are on equal footing. Dubois’s (2010) findings in the French welfare bureaucracy also illustrate that explanations are usually necessary but are often not accessible to clients. Few claimants understand the logic of the procedure, which includes not only knowing their rights but also knowing what exactly the official implicitly wants to know.

Another aspect emphasizes the inequality of the interaction partners and the challenges of mutual understanding. In many of the observed interviews, there were situations in which an asylum claimant appealed to the official’s ability and willingness to understand and take her situation and her experiences seriously. The example of the above interview excerpt directly addresses this issue. The claimant wants to ask the caseworker something “from human to human.” Instead of addressing the official in her role as an organ of the authority, the claimant relates to a human, universal component of the interaction, asking the official a personal question. The claimant asks the caseworker whether she has ever personally experienced a war, thereby inverting, for a moment, the strict, formal question-answer scheme. The official accepts the claimant’s unusual attempt to start a “normal” conversation by indirectly answering the claimant’s question, “I’d be terribly afraid of a war.”

The claimant’s question highlights the importance of intersubjectivity in the asylum interview. He reaches the conclusion that the official cannot understand his situation because she only knows war from TV: “You can’t even know that!” However, the official counters that they do share something: they both have a family, and they have both experienced psychologically difficult situations (without explaining what exactly her experience refers to). Thus, she tries to clarify that there is a certain foundation that enables her to understand his situation. The caseworker also notes that it is not necessary to have lived the same experience to be able to show understanding for someone else’s situation. She recalls an interview situation in which she was asked by a refugee counselor whether she had ever been raped. This (rhetorical) question implies that, according to the counselor, the official did not show the necessary understanding for the asylum claimant who had been raped. However, the official found the counselor’s comparison inappropriate. Intersubjectivity, which enables access to shared knowledge and practices and makes comparisons of different individuals’ experiences possible, is key for successful communication (Habermas 1992; Scheff 2006). However, ensuring intersubjectivity can be problematic when members of different social groups (or cultures) have different background experiences, leading them to ascribe different meanings to certain phenomena. These differing perspectives are thus another factor explaining why communication and understanding can be difficult in the asylum interview.

4.3 Working with Interpreters: Observations and Officials' Perceptions

One issue that has not yet been considered in detail in the analysis is the crucial role of interpreters in the asylum interview, which has been receiving increasing attention from scholars of diverse disciplines in recent decades (Rycroft 2005; Gibb and Good 2014). Without an interpreter, most asylum interviews could not take place; it is particularly the interpreter's task to ensure that both parties clearly understand each other. In the following, I will first explore caseworkers' perceptions of and relations to the interpreters. I will then analyze interpreters' behavior with regard to issues of un/professionalism in the asylum interview. This chapter continues to explore the conditions under which officials work, how they handle these conditions and what the consequences of their action are. One key finding that recurs throughout the book is that to some degree, caseworkers develop individual strategies of dealing with the circumstances they find in everyday work. These strategies include how they deal or cooperate with interpreters in the asylum interview. In addition, the analysis shows how interpreters, due to their key role in managing the interaction situation, are involved in the abovementioned power struggles.

How do public officials perceive and relate to interpreters in the context of the asylum procedure? Interpreters are not members of the government institution; they are usually commissioned freelance workers. The fact that the caseworkers themselves are the ones who commission the interpreters illustrates that decision makers have not only discretionary power in a legal sense but also room for maneuver with regard to social practices more generally. Although they are supposed to vary the interpreters they commission (possibly to prevent a strong collaboration effect), Sabine, one of the officials, explains that meeting this requirement is unrealistic or unworkable. Classifying the instruction as "ridiculous," she says, "That's just difficult, right, because if you now work well together with one [interpreter], are satisfied with him, he knows how you work, I have the feeling he's neutral, why should I then appoint another one?" Based on her experience – good and bad – with various interpreters, she reaches the conclusion that it is more useful to reappoint an interpreter with whom she has good experience instead of appointing a new interpreter whom she does not know. The example shows that work instructions, just as any other norms, are subject to interpretation, are not unalterable and may thus produce diverging social practices. The commissioning of interpreters is only one area in which caseworkers' individual approaches, attitudes and strategies – including the circumvention or expansion of norms – in dealing with asylum claims become visible. The above quotation identifies some key issues in the relation between the official and the interpreter, such as working well together, being satisfied, and being neutral, which will be discussed in the following.

One main issue concerning the cooperation between officials and interpreters that emerged from the interviews with officials is the quality of interpreters' work and hence their degree of professionalism and their capability of doing a good job. Because court-approved interpreters are only available for certain languages,

uncertified interpreters must be commissioned for other languages. Although they are not court approved, the latter may still possess a university degree or other training in interpreting. Another aspect to be considered is the fact that for some languages, there is a large pool of (trained and untrained) interpreters from which to choose, whereas for less common languages, it can often be difficult to find an "appropriate" interpreter, as caseworkers explain. Hence, there is not only an official, publicly available list of certified interpreters but also an internal list produced by the institution including the other uncertified available interpreters, which illustrates how formal and informal norms coexist and mutually complement each other in the FAO's institutional life.

As some caseworkers note, uncertified or untrained interpreters can have particular difficulties with the interpreting situation and can create problems for other participants in the communication situation due to their lack of specific competences. Some interpreters are simply "stopgap solutions who you don't take [commission] anymore," Gabi, an official, explains. However, highlighting that often there is no viable alternative when commissioning an interpreter, she adds that "for some countries [that is, languages], there are no good interpreters, but you still have to turn to them time and again."² Uncertified interpreters can turn out to be stopgap solutions, for example, if they do not speak German well. This solution is regarded as problematic "because you don't know, does he now translate it correctly? Or also when writing it down, you have to turn the sentence around three times, and then for sure, it's not as the asylum claimant said it," the caseworker explains. It is evident that the consequences of officials having to "translate her [the interpreter's] German into my German," as another official puts it, can be profound. The caseworker Gabi remembers a "catastrophic" interview "with a desperate asylum claimant, all in tears, and an interpreter, in quotation marks, who doesn't speak German, who can't express herself." In these crucial communication situations in which decisions are made about the futures of persons who are potentially in danger, it is clear that commissioning unqualified interpreters can have dreadful consequences. If the interpreter does not possess even the most basic interpreting skills, let alone any training, the communication between two parties who do not understand each other is bound to fail.

Another issue relevant to the cooperation between an official and an interpreter is the relation between the interpreter and the asylum claimant. Bias on the side of the interpreter is perceived as a problem by caseworkers since it deviates from the idea of the neutral interpreter. Officials tend to believe that a good interpreter is neutral and that a bad interpreter is prejudiced either for or against the asylum claimant. This standpoint can also be found in the literature on community interpreting (Gile 2009). Especially when recognized refugees, or, as officials tend to refer to them, "former asylum claimants," are commissioned for interpreting – which is often the case for languages with no certified interpreters available – "you don't know on which side they are," Veronika, an official, notes. Although case-

²The quotation also highlights the problem that countries tend to be equated with one specific language, indicating a certain (deliberate) ignorance of complex realities such as language varieties (Angermeyer 2013; Maryns 2015).

workers are aware that this can be a problem, there is often no alternative. Interpreters taking sides is often said to be related to ethnic conflicts; some officials mention that it can be particularly problematic when the claimant and the interpreter belong to conflicting ethnic groups. By contrast, when the claimant and interpreter share experiences from the same country of origin, officials find that asylum claimants hope to get support from the interpreters, especially if the latter have also been asylum claimants before.

Cooperation between a caseworker and an interpreter can be understood as a game of power in which the interpreter possesses useful resources. The idea and image of the neutral interpreter is compromised by the fact that some interpreters seem to act as the officials' colleague instead of an independent third party. The claimant is generally not involved in the decision regarding which interpreter is commissioned (except concerning the interpreter's gender) and the official will usually choose an interpreter with whom she knows that she can "work well together" (Gabi). Ideally, Gabi understands her relation to the interpreter as a good team, which implies that they each know what they can expect from the other person. Caseworkers typically recommission interpreters with whose services they are satisfied instead of risking a debacle with an unknown interpreter (this commissioning process can also be observed with regard to experts). However, if an official and an interpreter work closely together, this image is also conveyed to the asylum claimant, who may consequently have less trust in the interpreter than if she acted as an independent third party. This impression is reinforced by the fact that in the interview, the interpreter often sits on the side of the caseworker although, ideally, for exactly that reason, the claimant and the official should sit opposite each other with the interpreter between them in a triangle (UNHCR Österreich 2015). This practice facilitates cooperation between the official and the interpreter, particularly with regard to the production of the interview transcript; sitting next to the caseworker makes it easier for the interpreter to intervene when the official makes a mistake or misunderstands something. However, this seating pattern is bound to imply partiality on the part of the interpreter rather than neutrality. The claimant may easily gain the impression that the interpreter is not independent but belongs to the institution. The question of the interpreter's neutrality or bias arises since the interpreter might not only be seen as a member of the institution but might also act as one, especially if she is not professionally trained.

Earlier studies have shown that cooperation between officials and interpreters often includes more than just a translation service (Angelelli 2004; Llewellyn-Jones and Lee 2014; Gill et al. 2016). Roland, for example, first argues that interpreters "are there to translate and nothing else;" however, he later adds that in reality, he will also consult the interpreter for expertise, especially when countries of origin are concerned "where [he is] not really sure." According to the official, he sometimes refers to the interpreter's knowledge to check whether the information given by the claimant is "true" or credible. Although interpreters' knowledge is not systematically consulted, the information they provide can influence the assessment of an asylum claim. Even if the influence might be minor, it illustrates that an interpreter's power surpasses language mediation. Due to their specific knowledge, interpreters

can represent a valuable resource for caseworkers and thus act as important partners. Since decision makers in the asylum procedure largely depend on information from “outside” the institution (such as expert opinions), interpreters represent one such resource and support for the assessment. Interpreters often have personal experience in the region in question and are consequently perceived as knowledgeable concerning the local circumstances. As Sabine notes, “Some things you don’t think of as an official because you’re not from that cultural area ... sometimes there have been really good ideas or hints that I’d never have thought of. I just think in a Western way and how it is here.” Because of their knowledge, interpreters can, for example, offer caseworkers new perspectives, often explaining differences from Europe, as the following passage from an observed interview illustrates.

Official: Street names? House numbers? Do they exist there?

Interpreter: They don’t exist.

Sabine is aware of her own measures and standards and therefore sometimes takes the opportunity to ask the interpreter for her judgment, expressing a certain degree of trust in the interpreter’s expertise. However, the caseworker explains that she does not trust every interpreter: “Someday, you have a feeling for which interpreter you can take seriously and you can trust and which you cannot. Of course, there are some [interpreters] I wouldn’t ask because I know what they would say,” she adds. Her conscious decision to ask or not to ask an interpreter for background information thus relies on a “feeling” that she developed through experience. This finding also illustrates the significance of implicit, practical knowledge in the asylum administration.

To communicate with the claimant, the caseworker depends on the interpreter; the interpreter is also powerful because of her expert knowledge. Officials often have to make an effort not to lose control of the situation. Veronika, for example, notes that even if she asks the interpreter for information, she still has the power to decide how to use this information: “the decision is ultimately mine.” At the same time, the interpreter has the power to decide which information she wants to provide. Roland mentions an interview in which the asylum claimants’ children started to cry. After the interview, the interpreter explained that the mother had instructed the children to cry. To some extent, the interpreter is thus always one step ahead; this is part of her powerful position in relation to the other participants. The interview situations analyzed in the following will illustrate these processes in more detail.

4.3.1 Active Interventions in the Interaction

Just as the structure and the content of the interview represent constant elements of every asylum interview, the interaction among the involved actors also reveals recurring patterns of action strategies. The two sample interviews along with the findings discussed below show that interpreters do not “only” translate what other interaction participants say but often act in a proactive way. How interpreters act is

related both to their experience in interpreting asylum interviews and to their professionalism.

In the first (atypical) interview situation, the interpreter seems to be acquainted with the interview procedure. He seems to anticipate how the caseworker will proceed and which questions he will ask, and the interpreter takes the official's task of checking the claimant's personal details. This familiarity implies that the interpreter is experienced at interpreting in asylum interviews. The interpreter and the official may have already worked together and know each other since the interpreter seems to be familiar with the official's approach. The relation between the two seems relaxed when they joke about their age and the changing conventions of marriage. Situations such as this, in which the claimant is excluded from conversations between the official and the interpreter, can regularly be observed in other interviews. Interpreters often perform additional tasks besides interpreting the involved actors' utterances. In this interview, the interpreter supports the communication by providing a stimulus when the claimant does not know what to say. When the claimant asks, "What more should I say?," the interpreter gives him a hint with the key word "family," implying that he might talk about his family situation. At the end of the interview, the interpreter also provides the claimant with additional information regarding the procedure, such as that he will receive the decision notification by mail.

The following scenes from observed asylum interviews illustrate how interpreters actively intervene and structure the interaction, thereby taking control of the situation, at least for an instant. Three main aspects will be discussed: (i) situations in which the interpreter aims at managing and clarifying the communication, (ii), situations in which the interpreter acts as an assistant to the official, and (iii), situations in which the interpreter does not seem to take her job seriously. The first part focuses on situations in which the interpreter exhibits professional behavior, whereas the remaining two sections consider problematic situations in which the interpreter acts unprofessionally. Such types of unprofessional behavior usually affect the power relation to the detriment of the claimant.

(i) *Professional attitudes: Managing the communication situation*

There are situations in which the interpreter feels the urge to clarify the communication situation because something is misunderstood or unclear. In one situation, for instance, during the back-translation of the interview transcript at the end of the interview, the interpreter calls the official's attention to a mistake. "I think we didn't ask this either," the interpreter says to the official, referring to a text passage in the transcript that was not part of the actual interview (ob.0401). The fact the interpreter uses the pronoun "we" instead of "you" could be interpreted as her working together with the caseworker as a team. However, technically speaking, they both ask a question if the official asks it since the interpreter asks the same question in a different language. The interpreter's statement illustrates that she verifies that the interview transcript accurately reproduces the content of the interview and that nothing has been added or omitted. Most importantly, the statement implies that the official reused a template from a previous interview and forgot to delete this passage (and another one) from the text document when transcribing the interview. On the one

hand, it is understandable that a caseworker may be overburdened by simultaneously strategizing, asking questions, receiving answers and recording both during the interview (since there is no extra typist) and thus overlook something. On the other hand, the inattentive use of templates can be problematic and have serious consequences for the asylum claimant and her application if mistakes remain unidentified. The interpreter's service to the official when calling attention to typing errors in the transcript is usually less decisive but still important (ob.0422).

In another situation, the interpreter feels the urge to untangle the communication and prevent any misunderstanding. In the following example from an observed interview, the interpreter is unable to follow the asylum claimant and keeps asking the claimant for clarification. This is what happens:

Interpreter to claimant: I don't know the story, so tell me in a way that I understand it.

Interpreter to official: I can only translate something when I understand him; otherwise, you'll be confused too.

Official: Please just translate anyway.

Interpreter: Okay, I'll tell you what he says, but it won't make any sense. (o.i.3)

In this situation, the interpreter does not understand the meaning of claimant's statement; the interpreter therefore draws the claimant's attention to the fact that he does not know the background of the claimant's story. The interpreter obviously thinks that he needs additional details to be able to make a sound translation. He also immediately informs the official about the reasons for his intervention and thereby demonstrates awareness that he is acting beyond his official mandate. Anticipating a misunderstanding, the interpreter takes the initiative to ask the claimant for clarification. However, the caseworker does not appreciate the interpreter's active steering of the communication and asks him to translate the claimant's account without further clarification. This scene illustrates how the interpreter and the official negotiate power through their interaction. Whereas the interpreter tries to ensure clear communication by intervening, the caseworker fears losing control of the situation. Eventually, the interpreter accepts the official's demand but makes a comment to save face and preserve his authority as a professional interpreter by adding that the translation will not be of much use since, according to him, important information is missing but necessary for the claimant's account to make sense. However, the caseworker seems to want to make his own judgment regarding this claim.

In the following situation, the interpreter manages the communication situation by reacting to an odd, unexpected situation. The interpreter is back-translating the interview transcript so that the claimant can note mistakes in the transcript, which can also include translation mistakes. Here, however, it appears as though the claimant has fallen asleep during the back-translation.

Interpreter to official: She [the claimant] is sleeping. Do you want me to continue to read?

The official does not react to his question.

Interpreter to claimant: Do you hear me?

Claimant: Yes. (o.i.2)

In this situation, the interpreter stops the back-translation because the claimant sits with closed eyes and does not seem to participate in the communication by listening and making sure that the transcript is correct. He asks the official how to proceed; however, she does not react either, perhaps because she does not expect to be addressed in the scope of the back-translation. Since the interpreter does not receive any reaction through the official procedure, he takes the initiative himself and asks the claimant whether she is listening. The interpreter continues back-translating after the claimant's confirmation that she is actively listening.

(ii) *Unprofessional attitudes: the interpreter as an assistant*

Interpreters not only establish clarity and prevent misunderstandings; in some observed interview situations, they seem to act as assistant officials. This is a well-known phenomenon among interpreter-mediated interviews in bureaucratic settings (Donk 2016[1994]; Scheffer 2001; Pöllabauer 2005). In the following, a number of scenes will illustrate how the interpreter seizes the power of definition with regard to the course of the interview.

The claimant says something.

Interpreter to official: That's completely off-topic. (o.i.6)

The claimant explains something.

Interpreter to official: She now continues to talk about her sisters. Do you want to...?

Official: How does it relate to the departure? (o.i.7, same interpreter)

These two situations with the same interpreter illustrate that interpreters sometimes make a comment to the official instead of translating what the claimant says. In the first situation, the interpreter seizes power by judging what is relevant to the procedure and what is not; presumably, his action is based on previous experience with asylum interviews and officials' opinions on relevance. The interpreter presents his own conclusion – that the claimant's statement is off-topic – instead of leaving that judgment to the official. Only after making that decision does he ask the caseworker whether she wants to hear the translation. In the second situation, the interpreter again takes control by providing a summary instead of a translation. Instead of simply translating the claimant's statement, he first asks the caseworker whether he should continue with the translation, once more anticipating the irrelevance of what the claimant is saying. The official's reaction is a question: he only wants to know what the claimant has to say if it is related to the flight and thus deemed relevant to the procedure. These scenes show how the claimant's account is cut and tailored to the requirements of the bureaucratic procedure.

In another observed scene, the interpreter comments on the claimant's account and its in/credibility. In the interview, the claimant explains that a man bit her and shows a large scar on her arm as proof.

Official: Why do you think he [the perpetrator] bit you?

Claimant (Interpreter): Because I cried and maybe people heard it.

Interpreter to official: If someone bites me, I'll cry even more. (o.i. 1)

Here, the interpreter adds his own opinion regarding the claimant's account after translating it. Taking the role of the official, the interpreter questions the account's credibility by comparing the claimant's actual behavior with his own potential behavior in the mentioned situation. Contrary to his mandate, the interpreter utters a personal opinion by measuring the claimant's assertion using his personal standards. Although officials tend to act similarly when judging credibility, as mentioned above, the official in this situation decided to ignore the interpreter's comment. The interpreter's interference in this situation not only demonstrates unprofessional behavior but also calls into question the interpreter's alleged neutrality.

(iii) *Unprofessional attitudes: Not taking the job and the asylum claimant seriously*

The third aspect to be discussed in the context of interpreters' practices concerns their general attitude toward the job, which can also be regarded from the perspective of professionalism. In one observed interview, for example, the interpreter asks the official to interview the claimant without the children present to create an atmosphere that supports the interpreter's ability to concentrate (o.i.7). She demonstrates professionalism by arranging for a working environment that allows her to provide high-quality work. By contrast, other interpreters display a certain careless attitude toward their job through inappropriate behavior. The following scene, for example, shows an interpreter who behaves disrespectfully vis-à-vis the claimant.

The interpreter is leaning backwards with stretched legs. The claimant keeps leaning forward when the interpreter translates what the official says.

During the interview, the interpreter's mobile phone rings; he picks it up.

The official excuses the interpreter in front of the claimants.

Interpreter: It was only concerning my car.

Official: Can we continue?

The interpreter agrees by humming ("mhm").

...

Official: How far is it to the Indian border?

Interpreter: Not so far.

Official: Ask the asylum claimant, please!

...

Official: Where are you living? Basic care, right, a guesthouse.

Interpreter: He says he's living completely privately now.

Official: I'll check what's registered in the computer.

The interpreter does not interpret the official's comment.

Official to interpreter: Would you be so kind as to tell it to him? (o.i.5)

First, the interpreter's posture, leaning backward with stretched legs, indicates some extent of disinterest and superiority. It also requires the claimant to lean forward to understand the interpreter; he does so every time the interpreter translates the caseworker's questions. Furthermore, the interpreter answering and talking on his mobile phone during the interview appears rude and disrespectful toward the other participants, especially the asylum claimant, who is already in an unpleasant situation.³ The interpreter simply interrupts the interview without a comment to the claimant or the official. Although the caseworker condemns this behavior, he does not sanction the interpreter, for example, by rebuking him. Instead, the caseworker excuses the interpreter in front of the claimant. After finishing his call, the interpreter explains that it was only about his car; the official then asks him whether they can continue with the interview. As the interview proceeds, the interpreter continues to disregard the asylum claimant by not translating some of his statements. At one point, the interpreter even answers a question from the caseworker instead of translating it for the claimant. The official then needs to explicitly ask him to translate the question to the claimant. Later in the interview, the same situation occurs once more when the interpreter does not find it necessary to translate the official's comment to the claimant. Furthermore, a professional interpreter would not talk about the claimant in the third person but would address him in the first person. This is one of the first lessons of interpreter training.

Similar situations in which the interpreter and the caseworker exclude the claimant from the conversation can be observed in many interviews, such as the second (more typical) interview analyzed above. These cases demonstrate the interpreter's powerful role as a "filter" with the power to decide what content to pass on to the claimant and what to withhold. If the caseworker were not so persistent in the present scene (possibly due to my presence), the claimant, who is in the focus of this whole procedure, would be even less included in the interaction. Overall, the observed situation is far from representing a fair asylum interview. The same is true for the following example.

The claimant says something, but the interpreter does not translate it.

Official: What was that now?

Interpreter: I didn't pay attention because it wasn't a question from you.

The interpreter asks the claimant what he just said.

...

³ Similar observations were made in other asylum interviews, such as the first (atypical) interview discussed above. The interaction is interrupted several times by telephone calls (landline and mobile phone); once, the claimant also makes a call. It is obvious that two of the landline calls are internal and that they concern the case of the asylum claimant. Instead of arranging these issues – a certain card for the claimant and his public transport return ticket – before or after the interview, the caseworker organizes them during the interview. Since the various phone calls interrupt the ongoing interaction, they can be perceived as disturbing, especially by the claimant, who is not familiar with the procedure. However, accepting such interruptions or disturbances does not convey the impression that the caseworker pays full attention to the interview and the asylum claimant.

Interpreter to official: I didn't pay attention because he's just talking to himself, off-topic. (o.i.5)

The interpreter decides not to translate what the claimant says in this situation as well. Whereas in the previous example the interpreter did not inform the asylum claimant of the official's statements, here, the claimant's assertion remains untranslated. More seriously, the interpreter did not even listen to what the claimant said in this situation. While claiming to be working according to the rules, he turned out to be working toward the wrong rule. The interpreter justifies his action – or rather non-action – by referring to the rules of the situation: he is supposed to translate the official's questions and the claimant's answers. He argues that it is not his job to translate what the claimant says if the official has not asked about it. However, this improper work attitude does not seem to be in the interest of the caseworker, who would be interested in what the claimant says. In the first situation, the interpreter then asks the claimant to repeat what she just said. In the second situation in this scene, the interpreter makes an a priori judgment, concluding that what the claimant said is not relevant to the procedure. Instead of translating what the claimant said, the interpreter makes a comment to the official, justifying his reason for not translating it. By deciding in advance not to translate or not to listen, the interpreter impedes rather than facilitates the communication.

The data illustrate that interpreters do more than “just translate.” While they provide the official with “expert” knowledge in some cases, in other situations, they influence or manipulate the communication between asylum claimants and officials. The analysis reveals that instead of being neutral mediators, some interpreters even work to the detriment of a fair asylum procedure. In the first section, the interpreters acted professionally by drawing the caseworkers' attention to important issues, such as real and potential misunderstandings or mistakes in the transcript, or by explaining their own behavior to the caseworker to prevent misunderstandings. The second section highlighted cases of problematic and unprofessional behavior by the interpreters, such as summarizing instead of translating, making judgments in lieu of the official or commenting on the credibility of a claimant's account. The consequences of disrespectful, disinterested or lazy behavior, which seems to be related to some interpreters' work attitude, are discussed in third section.

These examples highlight that asylum claimants are typically at the very low end of the power distribution with respect to the power relations in the asylum procedure. At the same time, the power of officials is partly relativized since they depend on the interpreter's service. The fact that the power of unprofessional interpreters can have problematic consequences underscores the relevance of the interpreters' ability to handle their power responsibly. The findings suggest that the professionalism of the interpreter has a strong potential to influence the quality of the asylum procedure or, at least, the interview as a cornerstone of the procedure. Instead of being neutral mediators, some interpreters seem to work to the detriment of a fair asylum procedure. This kind of non-professional behavior is very likely to be connected to a lack of professional training and might be otherwise preventable. Hence, the importance of at least basic training becomes evident for interpreters in

the asylum procedure, where far-reaching decisions are made on the basis of such interviews.⁴ As the agency employing the interpreters, the FAO will also need to deal with these problems in the future.

4.4 The Interview Transcript: The Importance of the Written Word

The importance of the interview transcript has already been mentioned in different contexts. The production of the interview transcript as the outcome of the interview is closely related to the processes of communicating and understanding. As the above analysis has shown, under such difficult conditions that include power struggles and a lack of mutual understanding, it is easy to comprehend the complexity and the associated challenges of co-producing a legally crucial document. An asylum claimant's account represents the core of the asylum application and is supposed to be the most important source for deciding the claim. Although written sources of evidence often weigh more in the decision-making process in practice, the interview still represents a key element. Consequently, interview transcripts are a fundamental source for decision making not only for the FAO but also for the appellate instances. The focus on the transcript also illustrates the key role of texts and artifacts (materiality) in officials' everyday work. In the context of the bureaucratic organization, the production of and reliance on the written word is also related to the production and reproduction of formality (as opposed to seemingly powerless informality). This recurring topic will also be discussed in the context of expert reports, which are key sources in the decision-making process.

The relevance of the transcript is illustrated by the fact that interpreters are sometimes used as excuses or scapegoats. When confronted with contradictions of previous interviews, claimants sometimes argue that they "didn't understand or didn't say that at all," Roland, an official, explains. According to another official, a claimant once "alleged [in retrospect] that the interpreter had translated it incorrectly and that he had said already in the beginning that he didn't understand him, but the interpreter forced him to continue to talk." In the context of this incident, the case-

⁴In Austria, a voluntary qualification measure for interpreting in the asylum procedure (QUADA) provided by adult education centers in cooperation with the UNHCR was introduced in 2015 and is a first important step in the right direction (<http://www.vhs.or.at/594>). The curriculum includes, among others, classes on the basics of interpreting as well as its techniques and ethical principles. Because the importance of professionalism in interpreting, which includes knowledge of the techniques and ethics of interpreting, cannot be underestimated, especially in the delicate context of asylum applications, I would argue that such training should be compulsory and subsidized by the state, which is legally responsible for providing a fair hearing. Asylum claimants have a right to professional interpretation.

worker expressed her disbelief regarding the truthfulness of the claimant's account regarding the interpreter's behavior in the previous interview. This example also illustrates that in case of doubt, caseworkers tend to believe the written word, the transcript of a former interview in this case, rather than the claimant's word (Zimmerman 1976; Dery 1998). In doing so, they are assuming that the interpreter did her job as expected and that the claimant wants to benefit from the situation that it cannot be proven in retrospect.

In line with existing research, the analysis demonstrates that the process of transforming a spoken discourse into a written one is complex, especially if translation is involved. The "process of rendering a given instance of discourse as text, detachable from its local context" (Silverstein and Urban 1996:21) can be referred to as entextualization, involving "a refocalization of the narrative towards new deictic centers" (Blommaert 2001:442). In the process of "(re)structuring talk into institutionally sanctioned text" (ibid:415), a routine task in the legal procedure, caseworkers deconstruct asylum claimants' assertions in order to eventually reconstruct them. A claimant's account is always decontextualized when she explains her reasons for flight in front of a public official and consequently recontextualized authoritatively and far beyond the claimant's control in the course of the procedure (Blommaert 2001). This process of entextualization involves rephrasing at two levels, a phenomenon that I have described as "one-way filters" (Dahlvik 2010). The claimant's statement goes through the interpreter to the official who finally writes it down – a process that typically includes (partly extensive) reformulation. In other words, "the flight motives of an applicant are always the product of choices made by people involved in getting them down on paper – the applicant, the translator, the interview official" (Spijkerboer 2000:46).

Although officials have assistants, the latter are not involved in producing the transcripts. In contrast to a court situation, every caseworker has to type the transcript herself during the interview while asking questions and listening. Due to the given circumstances, it is not surprising that inconsistencies and contradictions in a claimant's account that were not present in the oral communication can be found in the interview transcripts (Kolb 2010). The above analysis of several interactions suggests that discrepancies between the spoken word and the written transcript are not rare. Such discrepancies are not only based on misunderstandings and reformulations; an official's statement that "what's not conducive" (Wolfgang) to the substance of the procedure is not included in the transcript illustrates the selectivity of the process. Audio-recording the interview could be useful for comparing the original communication with the final product, especially in cases of doubt or when interpreters are blamed for contradictions in claimants' accounts, including investigations at the appellate instance. Although this would require almost no additional resources, only a few countries use audio- or video-recordings (European Commission 2014). In the Austrian asylum procedure, this is also not a common practice.

The transcript provides an excellent example of the fact that “text is created when instances of discourse, by being rendered detachable from their immediate context of emission, are made available for repetition or recreation in other contexts” (Barber 2008:22). The achieved detachment allows for reproduction and transmission over time and space. In the asylum procedure, as in any legal procedure, it must be possible for any person to reconstruct the actions that have been taken, the reasons for those actions, and the information on which they were based. Documentation is thus a means for ensuring the transparency of institutional action (Krems 2013). Moreover, texts are not only social facts but also forms of action; they are “commentaries upon, and interpretations of, social facts” (Barber 2008:4). While being part of social reality, “they also take up an attitude to social reality” (ibid). This perspective is important to bear in mind when looking at interview transcripts and expert reports as well as the entire file.

The principle of the written form was defined as a key element of bureaucracy by Weber (1978[1925]), and it still represents a major principle of modern administration; in other words, the asylum bureaucracy is “a paper heavy system” (Thomas 2011:105) or based on “papereality” (Dery 1998). Officials’ work is mainly text-based; for example, protocols are produced, prints of diverse registers are requested, and written evidence is brought forward. Practice theory makes sense of this by understanding materiality as a key element of social practice. The perspective of institutional ethnography pays tribute to this fact by understanding documents as key actors in structuring the “ruling relations” within institutions (Smith 2002).

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