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39. Interpreters

Guidelines for interviews conducted with people unable to speak English are set out in chapter 38.9.2 and 39 covers fully the role of interpreters.

You must always use an interpreter who is recognised by the Home Office whenever there is doubt about a person's ability to understand English – see chapter 38.9.2.

When an interpreter is used where the interview is not taped, the interpreter must complete a record of the interview on form ISCP4 in the appropriate language while you complete the same record in English. At the conclusion of the interview, invite the person to read through the record in his own language and confirm it as correct by signing his initials at the end of each reply and signing his name in full on the line immediately below the last line of writing.

Where the person considers the record to be inaccurate, note any corrections in the margin of the ISCP4. The interpreter should certify that the English version is a true record of the interview at the end of the form ISCP4 (see also chapter 37.4). For procedures when a person declines to read through the interview, see chapter 37.5.

Where an interpreter is provided by the interviewee or his representative, he may only be required to leave an interview if his conduct is such that the interviewing officer is unable to properly put questions to a person or his behaviour is considered disruptive to the proper conduct of the interview. The interview should be suspended until another interpreter can be found or the existing interpreter agrees to stop being disruptive.

39.1 Casual interpreters

Most immigration interviews are conducted with the assistance of self-employed interpreters. Enforcement offices have access to the national database of casual interpreters maintained by the Central Interpreters Unit (CIU).

39.2 Other interpreters

When a suspected offender is located by the police, the custody officer should arrange for an interpreter to attend if necessary. You should only use unofficial, unpaid interpreters nominated by the interviewee, e.g. a friend or relative, when there is no access to an official interpreter. Do not hesitate to postpone the interview if you are not satisfied with the interpreter.

Be aware that in criminal cases only those interpreters listed on the Police National Register and holding the DPSI in Law can be used. Those obtained through CIU may not be suitably qualified.

A linguistically qualified IO may conduct an interview or act as an interpreter only if the detainee's written consent is obtained in advance and the interview is tape recorded in accordance with the PACE Codes of Practice. An IO may not interpret privileged communication between a detainee and his legal adviser.

39.3. The role of the interpreter at interview

The role of all interpreters employed by the IS is to provide an accurate and impartial translation from English into the foreign language and vice versa. You should tell the interpreter not to add to, assist or edit what is said on either side, nor offer information, opinion or comment of his own. You should not permit any conversation that is not translated between the interpreter and the interviewee or any other parties present.

If you believe that the interpreter is not interpreting accurately, or is stepping beyond his role, warn him and then, if necessary, postpone the interview following reference to a CIO.

39.4. Disputes over interpretation

(See also chapter 39). Before the interview starts, establish that the interviewee and the interpreter understand each other. If there are problems in communication, halt the interview immediately and try to ascertain the nature of the problem, e.g. if the person is speaking a

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different language/dialect. If the person states that he has difficulty in understanding the interpreter, refer to a CIO (or Custody Sergeant if in a police station).

If a dispute over interpretation arises during the interview, try to resolve the difference at the time. If that fails, ask the interpreter to record the disputed words or phrases together with their English translation. If the interviewee also has an interpreter present, such as in an asylum interview, they should be requested to do the same. Note the incident on the interview record and attach both translations and bring the incident to the attention of the CIO.

If a representative alleges that an official interpreter is inadequate, try to resolve the dispute immediately. If that fails, ask the representative to put his complaint in writing. Refer the allegation to the duty CIO and thereafter to the HMI at the Customer Relations Unit at Status Park.

39.5. Rare languages/dialects

In the event that an interviewee speaks a rare language or dialect, you should first look to satisfy yourself that he does not speak a more commonly used language. The CIU may be able to offer advice. If you have reason to believe that the person does speak another language, advise him that failure to make a prompt and full disclosure of material facts may delay a decision in his case and therefore prolong detention (if appropriate), and that a decision will be made on the information available.

You should make exhaustive enquiries to locate an interpreter from the Border and Immigration Agency CIU, the London School of African and Oriental Languages, the BBC, a Department of Linguistics at any College or University or the Police List. If you cannot find an interpreter, consult the CIO with a view to deferring the interview until an interpreter can be found (in which case a friend or relative of the person may be required).

NB. In asylum cases, do not approach his High Commission or Embassy for assistance.