

1. Introduction

The analysis of asylum determination procedures, its many stakeholders and technical complexities, occupies a prominent position within the domain of migration studies. Given that narratives and other forms of discursive input, such as testimonies and declarations, are the core decisive elements in answering the legal dilemma of whether someone is eligible for international protection, issues of discourse and communication have been thoroughly investigated in language and asylum research (Barsky 1994; Maryns 2006; Gill & Good 2019, Smith-Khan 2020). However, no matter how well established these insights are in academic circles, the critical role of language in the construction of evidence and identities has not yet been fully acknowledged in contemporary institutional processes of legal decision-making. This article aims to strengthen the empirical component of narrative-discursive and multilingual research by offering a micro-sociolinguistic analysis of interactional and textual data from diverse legal encounters with applicants for international protection (AIPs). First, our research can be situated within the growing body of language research in the field of asylum law that analyses the role of language in asylum determination interviews between AIP and immigration officers. These studies have demonstrated how the asylum procedure heavily relies on the disclosure of oral accounts and the textual (re)production of these accounts in official reports (Barsky 1994; Blommaert 2010; Maryns 2006; Pöllabauer 2004; Tipton 2016). Second, our research aligns with more recent studies on legal advice meetings between AIPs and asylum lawyers (Jacobs & Maryns 2021; Reynolds 2020; Smith-Khan 2020). Both fields of study draw on research that establishes how asylum narratives have a mediated character by showing how AIPs' experiences are co-constructed by the participants in the asylum process (Bohmer & Shuman 2007; Maryns 2006). Note that this tendency appears incompatible with the procedure's premise that AIPs produce their narratives in isolation and that they, as the creators of their own, individual testimony are the sole persons responsible for its content, structure and consistency (Smith-Khan 2020). It therefore raises important questions about the value of the government's authenticity and credibility assessments. Integrating this language research with a sociological lens helps to put the evaluation of narratives in the wider context of organizational cultures of disbelief and sheds light on how the asylum authorities' skepticism and their quest for managerial efficiency disadvantages AIPs (Hambly & Gill 2020; Jubany 2011).

The aim of this article is to develop this critique in more detail by further exploring, developing and refining the concept of *discursive mediation* in institutional asylum settings. Drawing on Fairclough's (1992) concept of interdiscursivity and Jakobson's (1959) notions of 'interlingual' and 'intra-lingual translation', we conceptualise discursive mediation in a broad sense, including but not limited to the more visible forms of *interlingual* mediation, i.e. mediation taking the form of translation or interpreting between languages. This form of mediation comprises translation practices, but also includes professional and non-professional interpreting, as well as more readily available multilingual solutions such as lingua

franca mediation, non-verbal communication, translation software and ad hoc language assistance through companions or multilingual service providers. Discursive mediation is, however, not confined to forms of interlingual mediation between languages, it also comprises more covert forms of *intralingual* mediation that do not necessarily involve crossing language boundaries but imply (p)re-formulation of utterances in anticipation of particular institutional standards and requirements, such as shifts from experiential to factual event perspectives, from oral to textual and from dialogic/ triadic to monologic modes (Jacobs & Maryns 2021). Inter and intralingual forms of mediation are elementary discursive processes in the asylum determination procedure. Still, these processes are not equally acknowledged as having an impact on institutional practice: while the right to language assistance (in the form of translation and interpretation) is legally stipulated and hence clearly recognized in asylum encounters, very little attention is paid in guidelines or regulations to the impact of any other form of cross-genre or cross-register mediation. To address this discrepancy, Harding & Ralarala (2017) argue for increased emphasis on the process of ‘transpretation’, i.e. transferring the rough version of statements into clear bureaucratic versions (*intra*), as preceding processes of translation between languages (*inter*). While Jakobson’s division between the *inter* and the *intra*, which is premised on the transfer across or within named languages/varieties, is still very tangible in the institutional practices that we analyse, the concept of *discursive mediation* aims to foreground interconnection and multiplicity instead of binaries. We use the term ‘discursive’ here to refer to forms of meaningful semiotic behaviour in social context in its broadest sense, which includes but goes beyond linguistic utterances and the use of named languages and varieties (Gee 2005; Blommaert 2005). Discursive mediation naturally involves language users drawing on different (often merged forms of) languages, varieties, registers and genres available in their repertoire¹. Hence, while preserving Jakobson’s concepts to refer to the distinction made in institutional practice (and hence clearly present in our data) between more and less visible forms of *intra* and *interlingual* mediation, we will use the term *discursive mediation* to analyse the practices we observe as complex packages of intrinsically flexible and integrated processes of inter and intralingual mediation.

On the basis of a micro-analysis of multiple discursive mediation as it unfolds in institutional encounters with AIPs, we examine how AIPs’ institutional interlocutors, including migration officers, legal service providers and interpreters, are deeply implicated in the construction of the refugee identity and therefore in the way in which credibility is enacted. We investigate the discursive intricacies of these processes of mediation and co-construction to reveal how disclosure is complicated (a) by (relations between) the different stakeholders that mediate the situated interaction and (b) by the legal-administrative assumptions and categories that govern the asylum procedure. In this way, mediation is conceptualised as a process of intervention (either individually or collectively) that has the appearance of being neutral, of having no effect whatsoever on processes of meaning-making, constructing identities or enacting credibility.

Although the discursive analyses presented in this article disprove this premise, refugee determination processes seem to assume that no level of mediation has an effect on the outcome of the procedure. In particular, the data demonstrate how mediation processes may affect the AIPs' chances of being understood, deemed credible and hence deserving of international protection. This brings us to the concept of *discursive vulnerability* as a central and problematic concern when assessing AIPs' credibility and eligibility (Määttä et al. 2021). As this article demonstrates, discursive vulnerability has many dimensions, which are all related to the complexity of having a voice (Hymes 1996) within the highly structured framework of refugee status determination. In the course of the often very lengthy asylum procedure, the issue of monitoring one's voice is constantly at stake, not merely in the interaction with asylum officers, but also on the guiding and counselling side of the procedure, where AIPs discuss their case with immigration lawyers, social workers and trusted persons (i.e. individuals who volunteer as confidant throughout the procedure). Research has shown that the institutional processing of language (inevitably) has transformative capacities (Blommaert 2001; Maryns 2006). In this way, a certain vulnerability of voice resides in the fact that the different institutional participants involved in the applicant's case have the power and the responsibility to ascribe meanings to the AIP's individual (and often oral) discourse.

For our analysis of the impact of discursive mediation on assessments of credibility and 'deservingness' in asylum encounters, we have adopted a case study approach, bringing together two different data sets that have been collected in the Belgian context. The first part of our article draws on data from the *guidance and counselling side of the procedure* and examines legal consultations which took place in the lawyer's office and feature asylum lawyers and their clients, assisted by an interpreter. These interactional data were complemented with post-observation interviews with the lawyers who participated in the project. The second part of our article analyses an asylum interview between an AIP and an immigration officer as part of the procedure for international protection. These data can thus be situated on the *adjudication side of the procedure*. What connects the data cases is that they both concern an asylum application for reasons of sexual orientation and gender identity (SOGI). The interaction between the AIP and the legal institutional representative (the lawyer in case 1 and the officer in case 2) is in both cases characterised by an accumulation of challenges, as personal and possibly even traumatic experiences are disclosed within a linguistically and socio-culturally complex institutional context. In the discussion section, we show that juxtaposing the analyses reveals how the discourse in both settings renders visible how the indexical load (Blommaert 2010) associated with sex and gender-based concepts tends to get lost in the mediation process, which involves interpretation, translation but also entextualization (Silverstein & Urban 1996) of interactional testimony into written evidence. This does not only mean that SOGI expression is obscured and suppressed both within the procedure and on the legal counselling side, it also implicates that interactions with institutional interlocutors hold the potential of rendering AIPs discursively vulnerable. In the next section, we will elaborate on the treatment of SOGI cases in the asylum determination procedure, followed by a discussion of our methodological approach.

2. Background: SOGI cases

While for many years, people claiming asylum on the basis of SOGI persecution were not granted international protection, all EU countries have now come to recognise SOGI applicants as falling within the Refugee Convention under the category of persecution based on 'membership in a particular social group' (Binder 2001; Briddock 2016). According to ECtHR jurisprudence, SOGI applicants are categorised as "particularly vulnerable". Although disclosure of personal information in an institutional environment such as the asylum procedure is, almost by definition, a discursively challenging process, the challenges of mediation and discursive vulnerability tend to be more readily apparent in SOGI claims specifically.

Firstly, the burden to prove membership to a particular social group, which falls entirely on the AIP, is heavy in the case of SOGI applications. The government's evaluation process, which takes place in a politically charged culture of disbelief (Jubany 2011), operates under the often-voiced assumption that 'allegations' of a queer identity are an easy resort because they are hard to disprove (Millbank 2009). Whereas claims about belonging to a particular social group based on, for example, political opinion, nationality or religious community, are investigated by "independently verifying" applicant's group membership, this assessment strategy does not work for SOGI claims because these claims depend upon personal ideas of self-identification (Berg & Millbank 2009). Secondly, although most applications for international protection require disclosure about some kind of persecution, SOGI claims necessitate descriptions of highly private experiences, where shame or self-repression might form an obstacle to the disclosure of detailed information. Berg & Millbank (2009: 196-197) highlight the impact of different stakeholders on this process of disclosure by arguing that "how the asylum claim is articulated depends on the relational interaction between advocate or decision-maker and asylum seeker at every stage of the process; it is a story told and received in highly mediated ways". This quotation endorses the research focus of this paper while acknowledging the co-constructed nature of asylum hearings, legal consultations and other service provision encounters. The third discursive tendency which has been elaborately discussed in the SOGI literature, is the way in which normative perceptions, cultural assumptions and stereotypical expectations determine not only what the content of a credible claim is supposed to look like, but also how such a claim is voiced (Shuman & Bohmer 2014). Although UNHCR recommendations warn government officials against "expecting a particular "flamboyant" or feminine demeanour in gay men, or "butch" or masculine appearance in lesbian women" (UNHCR 2008: 17), interactional analyses of asylum hearings, casefiles and decisions show that the urge for efficient categorisation of asylum applications, stands in the way of treating diversity in truly diverse ways (Maryns 2013; Smith-Khan 2017).

Our post-observation interviews with asylum lawyers also foregrounded SOGI cases as emblematic for some of the struggles inherent in preparing clients for the asylum interview. SOGI applicants were depicted as vulnerable, sometimes upon entering the procedure, at other times due to their interactions within the asylum system that processes their claim. With regard to this institutional production of vulnerability (Peroni & Timmer 2013), the lawyers identified tensions that closely resembled the scholarly concerns voiced above. They pointed out how: a) asylum authorities conceptualise SOGI claims as an “easy road” to international protection and are therefore “extra suspicious in examining such cases”, b) the process of disclosure is delicate and highly personal, which emphasizes the need for building trust and the importance of working with (same-sex) interpreters within this endeavour, c) the asylum authorities’ way of probing into the sphere of SOGI is rather stereotypical.

3. Methodology and theoretical framework

This article draws on ethnographic data from two different research projects examining language and inequality in the field of asylum and migration. The first case was collected as part of a wider corpus of audio and fieldwork data from a multi-sited ethnography of law firms specialised in immigration law, undertaken by the first author of this article in the context of her PhD project. Due to the confidential nature of lawyer-client communication (Ahmad 2007; Eades 2010), few sociolinguistic studies have been able to ensure the access necessary to investigate the interactional dynamics of the guiding and counselling side of the procedure. Nevertheless, we believe that a fine-grained sociolinguistic inquiry into the interactional dynamics of legal advice communication in the context of asylum law benefits from an ethnographic lens and authentic data. Accordingly, the first part of this article draws on a corpus of 72 legal advice meetings between Belgian asylum lawyers and their clients, as well as post-observation interviews with the participating lawyer, gathered in two Belgian law firms during 2018-2020 (for more information, see Jacobs & Maryns 2021). We present a linguistic ethnographic case study that examines the interpreter-mediated interaction between a Flemish asylum lawyer and an Iraqi man who applies for asylum for reasons of SOGI.

The data from the counselling side of the procedure are then triangulated with ethnographic data from the adjudication side of the procedure, viz. audio-recordings of authentic asylum interviews and written case files, collected by the second author of this paper in 2001 (39 cases) and 2011 (8 cases). In this article, we analyse a particular passage from the asylum interview of a Nigerian AIP who discloses his homosexuality as part of a SOGI-based claim for international protection. In both case studies, it becomes clear that it is not necessarily the victims disclosing their SOGI experiences who are hampered in their expression, but rather their interlocutors who are rendering and co-constructing their account. The added value of combing different data sets lies in the fact that juxtaposing the

case studies reveals similar patterns in the way gender-sensitive evidence is mediated in the asylum process. While the different cases display different forms of mediation, the institutional interlocutors' interventions seem to have a similar effect on the interactional dynamics of the encounter, in the sense that it obscures or at least complicates the disclosure of SOGI-related testimonial evidence.

We approach the data from a linguistic ethnographic point of view. The empirical fieldwork in the form of participant observations allows us to unravel situated meanings and to present contextualised insights about the every-day language practices that take place in the lawyer's office and during asylum hearings with government officials. The analytical tools from sociolinguistics, on the other hand, allow us to tie the observational findings down by rendering discursive patterns and rich points - regarding the way in which the gender/sexuality-related topics are disclosed visible throughout the whole corpus (Copland & Creese 2015; Rampton et al 2004). In this way, linguistic ethnography holds a promise of providing micro-discursive evidence for the macro-social issues that govern some of the main foci of migration studies' projects about asylum adjudication. Concerns about credibility assessment and authenticity requirements that have been addressed in social science disciplines as well as legal journals, find empirical support in the linguistic ethnographic analyses of interactions between lawyers/ asylum officers and AIPs.

In the spirit of ethnography and its anthropological roots, we acknowledge the way in which our positionality affects the data constitution. In making an argument about mediation, it is crucial to recognise how our personal alignments and assumptions leave a mark on the representation and interpretation process (Maryns & Jacobs 2021). This is especially true when it comes to translation and interpretation. Much like the lawyers and officials in our data set need interpreters to communicate with their interactants, we, as researchers, require language support to analyse the enormous variety of languages in our data set. The Arabic turns in the first case were translated into Dutch by an independent translator, which we then translated into English for an academic audience. We acknowledge that these layered processes of back-translation inevitably involve discursive mediation and filtering that may potentially have an impact on the accuracy of the analyses.

4. Interpreter-mediated SOGI disclosure on the counselling side of the procedure

The first data case concerns a legal advice meeting between an Iraqi AIP and his Belgian, Dutch-speaking lawyer (L). The consultation deals with the consequences of the Dublin III regulationⁱⁱ. The young Iraqi started an asylum procedure in France, but after an incident in the local shelter, he travelled to Belgium and filed for asylum a second time. According to the Dublin rules, the AIP must complete his asylum procedure in the first European country he set foot in (in this case France). The AIP wants to inquire the possibility of overturning this Dublin regulation. The legal advice interaction is mediated by a male Arabic-Dutch interpreter (INT)

of Moroccan descent. The Arabic language, in its spoken form, has been described in the academic literature as “a continuous spectrum of variation, of which the extremities, Moroccan and Iraqi, differ to the point of mutual unintelligibility, but within which one variety shades off almost imperceptibly into the adjoining one” (Beeston 1970: 12). This calls into question the choice for a Moroccan INT to enable communication with an Iraqi client about complex and subtle issues. The INT was booked pro bono through the *Bureau for Second Line Assistance* of the local bar association, which draws from a list of both certified and uncertified interpreters, some of whom also work for the Belgian asylum agencies. Though we do not have any detailed information about the INT’s level of training or certification, the data suggests that the INT does not abide by the deontological guidelines of professional interpreting. While it is not our intention to analyse interpreting practice in a normative way, we do acknowledge the impact of the INT’s interventions, in particular his lack of transparency, throughout the consultation. It is also striking to see how this lack of professionalism is perceived and reacted upon by the L. In fragment 1, the L is checking whether the AIP can supply reasons for why the government should facilitate an exception by overruling the Dublin procedure.ⁱⁱⁱ

Excerpt 1

1. L: En euhm, is er een bijzondere reden waarom je in België een asielpcedure wilt doen en niet in Frankrijk?
And erm, is there a special reason why you want to do the asylum procedure in Belgium and not in France?
2. INT: خاص سبب هناك هل فرنسا عوض بلجيكا في اللجوء بمسطرة تقوم أن تريد يعني, خاص سبب هناك هل
Is there a special reason why you want the asylum procedure in Belgium instead of France? Is there a special reason?
3. AIP: لبليجيكا تعالى وقال كلمني هو, بلجيكا في صديقي مع تكلمت انا :
I have spoken to a friend of mine in Belgium. He told me: “come to Belgium”.
4. INT: القدم كرة من كذلك هو الصديق هذا ؟
Is this a friend from football? ((INT refers back to a football team that had been mentioned earlier on in the consultation))
5. AIP: لا
No.
6. INT: Dus ik heb, euhm, met mijn vriend die in België verblijft gesproken
So I have, erm, spoken to my friend who is staying in Belgium
7. L: Uhu.
Uhu.
8. INT: en hij heeft mij geadviseerd naar België te komen en hier te blijven om hier een kans euhm een asielaanvraag in te dienen.
and he advised me to come to Belgium and to stay here, to have a chance here erm to file an asylum application.
9. L: Uhu, en weet je waarom dat die vriend dat adviseert om in België en niet in Frankrijk?
Uhu, and do you know why this friend advises you Belgium and not France?
10. INT: هنا؟ اللجوء طلب تقديم و هنا بالبقاء نصحك الصديق لماذا:
Why did your friend advise you to stay here and to ask for asylum here?
11. AIP: سويا نكون لكي.
To be together
12. INT: كيف ؟

What?

13. AIP: معا نكون لكي.
To be together
14. INT: Om dan samen hier in België te blijven.
To stay together here in Belgium.
15. L: Je spreekt van een vriend, een gewone vriend of?
You're talking about a friend, just a friend or?
16. INT: زمان من تعرفه صديق أو عادي صديق على تتكلم هل :
Are you talking about a regular friend or someone whom you've known for a long time?
17. AIP: لبلجيكيا جئت ما أول عليه تعرفت الصديق هذا :
I've known this friend since my arrival to Belgium.
18. INT: Dus een vriend van eer eerste dag in een xxx ontmoet.
So, a friend I met from the fir-first day in a xxxxx
19. L: is dat ook een Irakees?
Is it an Iraqi?
20. INT: -عراقي؟ هو
Is he Iraqi?
21. AIP: نعم.
Yes.
22. INT: Ja.
Yes.
23. L: En wat is die zit die nog in de asielprocedure of?
And what is he still in the asylum procedure or?
24. INT: اللجوء طلب على مقدم الصديق هذا هل :
Has this friend applied for asylum?
25. AIP: ((name))
((name))
26. INT: الأوراق له اعطو ؟
Has he been granted residence?
27. AIP: باقي, لا.
No not yet.
28. INT: Zijn dossier is aan het behandelen.
His file is processing.
29. L: Uhu, zei hij nu precies een naam of heb ik dat verkeerd begrepen?
Uhu, did he maybe mention a name or did I misunderstand?
30. INT: صديقك اسم ؟
The name of your friend?
31. AIP: ((name))
((name))
32. INT: ((name))
((name))

In terms of participant involvement, the INT is taking the lead in eliciting information, co-editing and preformulating the primary participants' turns, often without the primary participants noticing. When doing so, the INT seems to take up the responsibility to rephrase and 'upgrade' the primary speakers' utterances, either by filling in unspoken content (turn 15-

16) or by rephrasing the AIP's utterances into 'relevant answers' to the L's questions (turn 28). It is notable that most of the INT's pre-formulation and co-editing interventions directly or indirectly relate to the AIP's sexual orientation. Throughout the consultation, there are a few critical moments of "disclosure", but these instances are not being picked up by the L due to the triadic and indirect nature of the communication. In excerpt 1 (lines 9-18), when the L asks his client why his friend advised him to come to Belgium, the AIP answers "to be together" (in Arabic, turns 11-13), which the INT translates as "to stay together here in Belgium" (turn 14), an interpretation that is not at odds with the AIP's answer in Arabic, but that does mask the possibility of a romantic undertone. The L however does dig into this topic by asking how the AIP defines the word "friend", "just a friend or?" (turn 15). The first author, who was also present during the consultation, and who, just like the L, could not understand the Arabic turns, reflected in her field notes on the ambiguity that was very tangible throughout the interaction. As an overhearer, it was clear to her that the elliptic element in turn 15 implies "<or your lover>". In his interpretation, however, the INT completes the elliptic part of the sentence, by referring to his friend as someone he has known for a long time (turn 16). At this point, it is unclear whether the INT was unaware of the implicature of the L's statement or maybe embarrassed to ask. Homosexuality (as well as questions about the possibility of non-heteronormative relationships) constitutes a sensitive topic, and scholarly sources argue that it can be considered a difficult task for interpreters to find a suitable rendition when translating "taboo" subjects, i.e. terms from the semantic field of sex(uality), into or from Arabic (Almijrab 2020). Explaining this fragment by solely referring to cross-linguistic/cross-cultural arguments would, however, ignore the fact that the L's language choices display a similar pattern of masking. The fact that the L did not finish his sentence, and in that way did not really pose a question about sexuality, might also be motivated by face-saving reasons.

In excerpt 2, which was taken from the post-observation interviews, one of the lawyers in our corpus is reflecting on the complex process of probing an AIP to disclose information about SOGI. It is very clear that his method is deliberately implicit and that this careful masking strategy is motivated by face-saving concerns ("it's a non-offending way of saying") and by the delicacy of the topic ("that's not straightforward", "superdelicate"). Regarding excerpt 1, one could argue that the L's particular attention to the vulnerability of the topic and the AIP—although well-intentioned—nevertheless backfires as it creates ambiguity about the nature of the asylum claim.

Excerpt 2

Dus als 't gaat over vermoedens van van mogelijk euh geen conformiteit aan aan (...) heteronormativiteit euh dan is da nie evident om dat aan te brengen om om die vraag te stellen bij bij zeventienjarigen sowieso nie ma ook nie bij een dertigjarige of of iemand da da zelf nie nie aanbrengt wa da'k ik meestal vraag is of stel da ze zouden moeten terugkeren of da ze denken da ze nie helemaal zichzelf zouden kunnen zijn of da ze in de problemen zouden kunnen komen met hun hun familie of met de mensen in hun gemeenschap of omgeving als ze zichzelf volledig zouden zijn (.) of nie (...) als ze niet begrijpen voor wat dat ik het heb, of het wel begrijpen en zeggen "nee da's het geval niet", ja, hé het is een niet beledigende manier allez het is een manier om niet te zeggen van "kijk dat is mijn aanname", formuleer het als vraag, herken je het oké, herken je het niet dan zien we wel ja (.) Allez, ik vind het ik vind dat superdelicaat (.)

So when there is an assumption, of possible non-conformity to (..) heteronormativity and well that's not straightforward to introduce this, to ask this question, definitely not to seventeen year olds, but also not to a thirty year old or someone who does not bring this up himself (..) What I often ask is whether assuming that they would have to return whether they think they would not be able to be themselves or whether they would get in trouble with their family, community or their environment when they would be completely themselves or not (...) and when they do not understand what I am talking about or they do understand and they say "no that's not the case"(.). Well it's a non-offending, it's a way of saying "look this is my assumption", I formulate it as a question, if you recognise it okay if not then we'll see (..) I find this superdelicate (.)

In the Iraqi case, it is also notable that the INT openly engages in short conversations with the AIP without reporting this back to the L. This form of conversational exclusion, however, is not going unnoticed. At several points in the interaction, the L detects certain meanings that are not being transferred. The most obvious example is situated in turn 29, where the L informs about the name of the AIP's boyfriend. The L, although he is not proficient in Arabic, nevertheless distinguishes the proper name within the AIP's speech. It demonstrates how he is actively monitoring his client's behaviour, which foregrounds a L who is not only addressing the INT, but also pays attention to the communicative behaviour of the AIP whose linguistic resources do not match his own repertoire. When framing this observation in terms of role division, we can argue that the L considers the creation of mutual understanding a joint and collaborative effort, rather than the INT's job only. Note that the INT might also experience turn 29 as a face-threatening act, as the L's request for clarification can be experienced as an expression of doubt regarding the correctness of the offered translation (Pöllabauer 2004). The amicable tone of the consultation and the rapport between L and INT (based on a longstanding tradition of working together) does seem to alleviate this possibility.

The interaction between the L and his client continues in excerpt 3. After having explained the Dublin procedure in more detail, the L inquires about the reason why the AIP prefers to have his case treated in Belgium and not in France. This is where the AIP addresses his sexuality for the first time in direct terms, using a 'label' by calling himself the Arabic equivalent of 'gay'.

Excerpt 3

1. L: Wel het tweede deel van mijn zin is: natuurlijk kunnen er redenen zijn waarom dat die regel ((Dublin)) niet kan toegepast worden maar dan is het aan ons om uit te leggen wat dat de ernstige redenen zijn waarom dat jij niet wilt dat jouw asielpcedure in Frankrijk wordt behandeld.
Well, the second part of my sentence is: of course, there may be reasons why this rule ((Dublin)) cannot be applied but then it is our responsibility to explain because of which serious reasons you don't want your asylum procedure to be treated in France.
2. INT: يعطي لازم فالمحامي لذلك.فرنسا في ملفك دراسة يتم ان ترغب لا انت لماذا,السؤال من الثاني القسم هذا ,هو يعني : هنا البقاء تريد أنك يجعلك اضطراري سبب ,مستفيد شرح

*He means, this is the second part of the question, why do you want to request asylum in France?
Because the lawyer has to give a clear explanation, an urgent reason why you want to stay here.*

3. AIP: كاي انني السبب :
The reason is that I am gay.
4. INT: اه ؟
Oh
5. AIP: كاي.
Homo
6. L: Homoseksueel
Homosexual
7. AIP: لأهلي قالو لما .العراق في لأهلي فقالوها .الشيئ بهذا اقوم اني باريس في عرفوا
They have become aware of this doing, they have told my family in Iraq and my family member said
8. INT: الرجال ؟ مع تخرج أنت تقصد
Do you mean you date men?
9. AIP: ؟اه - Wat?
What?
10. INT: ؟: الرجال مع تخرج أنت تقصد
Do you mean you date men?
11. AIP: نعم.
Yes
12. INT: Ja dat klopt
Yes that's right.
13. L: Uhu
Uhu
14. AIP: القبيلة من طردوني أنهم أهلي فقالولي ,بهذا تقوم لماذا اهلي قالولي ذلك بعد
And afterwards they <his family> asked why I'm doing this. They also said I'm expelled from the clan
15. INT: القبيلة من طردوك
Expelled from the clan?
16. AIP: العشيرة ,القبيلة من ,نعم اه ..باريس في أبقى ماراح وأني ,حدث الذي له قلت و بجمعة اتصلت ذلك فبعد ,
Yes, that's right, from the clan, the town and then afterwards I called ((name)) and told him what happened and that I won't stay in Paris.
17. INT: Dus van xxxx mijn familie xxxxxx -van mijn situatie
So well xxxx my family xxxxxx of my situation
18. L: Uhu
Uhu
19. INT: Hebben me uitgezet van familie xxxxxx dan mijn vriend ((name)) mij geadviseerd om in België te blijven
Have expelled me from family xxxx then my friend ((name)) me advise to stay in Belgium
20. L: Mm oké, en kan je mij dan nog 's uitleggen waarom dat je daardoor meer problemen zou heben in Frankrijk dan in België? Want daar ben ik nog niet helemaal mee.
Erm okay and can you explain me why this means that you would have more problems in France than in Belgium? Because on this topic I'm not following yet.

A schematic representation of this passage in Figure 1, which only preserves the English translations to maintain an overview of the interactional dynamics, highlights how the INT leaves his mark on the AIP's SOGI disclosure. Following the interactional dynamics of triadic communication, the INT shifts between interactional frames, marked by a change in language: he speaks Dutch when he engages in an interactional frame with the L (columns A and B in grey) and Arabic to interact with the AIP (columns C and D in blue). However, while the INT switches between interactional frames and languages, he deviates from the sequential pattern that characterises interpreted interaction. The unmarked pattern for interpreted interaction would be <...-A-C-D-B-A-C-D-B-A-C-D-B...>, meaning that the sequence starts with an utterance of one of the primary participants (either A or D), followed by a rendition of that utterance in the interlocutor's language (either B or C). Interpreters may depart from the pattern, for example, when they want to ask for a clarification. In the interpreted interaction between the Iraqi AIP and his L, this pattern would imply that the L asks a question in Dutch (A), which is then translated by the INT in Arabic (C) and followed by a response from the AIP in Arabic (D), which is in turn translated to Dutch (B). The INT in this case, however, deviates from this pattern from turn 4 onwards. Instead of rendering the AIP's answer (turn 3) in Dutch, the INT responds to the AIP's statement that he's gay with an expression of surprise (turn 4). In the remainder of the passage, hardly any of the INT's interventions involve actual translation of the primary participants' words.

Figure 1

Turn	Lawyer	Interpreter	Applicant
	DUTCH		ARABIC
	A	B	C
1	Of course, there may be reasons why this rule cannot be applied but then it is our responsibility to explain because of which serious reasons you don't want your asylum procedure to be treated in France		
2			Why do you want to request asylum in France? Because the lawyer has to give a clear explanation, an urgent reason why you want to stay here
3			The reason is that I am gay
4			oh
5			Homo
6	Homosexual		
7			They have become aware of this doing, they have told my family in Iraq and my family member said
8			Do you mean you date men?
9			What?
10			Do you mean you date men?
11			Yes
12		Yes that's right	
13	uhu		
14			And afterwards they asked why I'm doing this. They also said I'm expelled from the clan
15			Expelled from the clan?
16			Yes, that's right, from the clan, the town and then afterwards I called ((name)) and told him what happened and that I won't stay in Paris
17		So well xxxx my family xxxxxx of my situation	
18	Uhu		
19		Have expelled me from family xxxx then my friend ((name)) me advise to stay in Belgium	

Figure 1 shows a striking contrast between the INT's repeated requests for clarification in column C, followed by elaborate answers on the part of the AIP in column D on the one hand, and the very concise renditions in column B on the other. The INT, instead of translating the AIP's answers, actively intervenes in ways that disrupt the AIP's SOGI disclosure. The INT's input in column C is confined to an expression of surprise (turn 4), a reformulation to request confirmation about the AIP's sexual identity (turns 8-10)^{iv} and a repetition of some of the AIP's words (turn 15). If we then turn to the AIP's utterances in column D, we can see how he talks openly about his homosexuality, first identifying himself as 'gay, and then, in response to the INT's somewhat puzzled reaction, rephrasing this using the word 'homo' (turn 5). The AIP then

proceeds by answering the L's question, providing an explanation why he wants to leave France. In other words, while the AIP is giving a clear and well-motivated answer to the lawyer's question, the INT refrains from translating this answer into Dutch. Instead, his interventions disrupt the AIP's flow of argumentation, while excluding the L from the exchange. The L, however, who does not speak Arabic, but who nevertheless monitors the AIP's turns –as we discussed in relation to excerpt 1 – confirms that he has understood what the AIP wanted to convey by introducing the term “homosexual” (turn 10). Apart from a confirmation that the L's interpretation is correct (turn 12), the INT's renditions in Dutch (e.g. turns 17-19 in column B) are rather inconsistent and fragmented, compared to the AIP's answers. Although not everything that was said was intelligibly caught by the recording advice, it is detectable that the INT almost systematically leaves out structural grammatical elements (deictics and linking words) when addressing the L in Dutch (e.g. deletion of articles and of auxiliary ‘to have’ in turn 19). This could cast doubt on the INT's proficiency in the target language, the importance of which cannot be underestimated in high stakes counselling meetings. The INT's formulations in Dutch, in combination with the many zero renditions (Wadensjö 1998), probably explain why the lawyer decides to reformulate his initial question in turn 20, followed by an explicit meta-communicative comment about his lack of understanding.

Before moving on to our second case, and following Kecskes (2019), we want to highlight the merit of contextualising our excerpts within the dynamics of the whole-discourse level of the intercultural and cross-language interaction. The data reveal how the AIP's SOGI disclosure is filtered through the INT's voice, which has an impact on the negotiation of his SOGI identity. As will be further explored in the discussion, the mediation renders the AIP vulnerable and adds an institutionally produced dimension to the vulnerability the AIP might already have inhabited. It can be argued that the local interaction produces a level of discursive vulnerability (through the practice of interpreting) as well as psychological vulnerability since verbalising experiences in a non-supportive context can be (re)traumatising (Määttä, Puumala and Ylikomi 2021). Still, while the INT's renditions affect the AIP's SOGI disclosure, and despite the fact that his unnecessary requests for clarification upset the AIP, the L eventually manages to safeguard the rapport with this client and elicit the AIP's reasons for asking asylum in Belgium. The lawyer-client rapport is, in other words, tested *but not disabled*. Still, in the bigger scheme of migration management, interactions as the ones discussed above entail the potential of creating distrust towards support networks, asylum institutions and more generally, the judicial notion of international protection (Howieson 2008; Masson 2021: 210).

5. SOGI disclosure in the asylum determination interview

Throughout the legal consultation in case 1, the AIP's disclosure of his homosexuality is obscured by the INT's multiple checking of the AIP's declarations. A very similar dynamic can be observed in our second case study, which can be situated at a pivotal stage in the asylum determination procedure of a Nigerian AIP. Like the Iraqi AIP in our first case, the Nigerian man also applies for international protection based on a SOGI claim and he discloses his homosexual identity during the asylum interview. The main difference between the two cases, apart from a shift from the counselling to the gate-keeping side of the procedure, is that the second case involves direct interaction between the AIP and asylum officer –so without the use of an INT—for which English has been selected as a lingua franca.

The excerpt comes from the first half of the interview, conducted by a Belgian (Dutch-speaking) AO. The AIP is asked by the asylum officer (AO) whether he has been in touch with anyone from his country of origin since his arrival in Belgium. Note that we have indicated the duration of the pauses in this excerpt when they were marked, i.e. longer than one would conversationally expect.

Excerpt 4

1. AO: okay ... have since you arrived in Belgium have you been in touch with anyone in Nigeria?
2. AIP: yes it was my .. my . partner XX the one that-that brought me here ... my godfather [AO: you are you the godfather eh?] jah ... (7.0)
3. AO: what's his name?
4. AIP: XX
5. AO: can you write that?
6. AIP: °okay° ... (14.5)
7. AO: and how are you related?
8. AIP: yeah we have been close ...
9. AO: how? how did you get to know him?
10. AIP: he is my boyfriend .. I know him ((since)) when I was in secondary school ... (19.5)
11. AO: you had a relationship with him?
12. AIP: jah ...
13. AO: what kind of relationship?
14. AIP: you know what I said . I said he is my boyfriend ... (7.5)

In response to the AO's question, the AIP states that he has been in touch with a man: he mentions his name (turn 4) and explains how he is related to him. He identifies their relationship in different ways, using terminology in turn 2 which may suggest a homosexual relationship, but potentially also invites a broader interpretation: 'my partner' (partner in life vs. his professional partner?), 'the one that brought me here' (someone who is close and who helped him vs. a trafficker?) and 'my godfather' (his political 'mentor'?). It is not until the AO continues to press for clarity on the specific nature of their relationship (e.g. turn 7, "and how are you related") that the AIP becomes more explicit: "we have been close" (turn 8) and "he is my boyfriend" (turn 10). The AO tries to elicit a very clear and unambiguous statement about the nature of their relationship. Her question clearly has a suggestive connotation, but she avoids explicit references to homosexuality, as if she wants to hear him say it. This causes

frustration for the AIP, who at that point may suspect the AO of feigned ignorance (“you know what I said” in turn 14), suggesting a perception of unwillingness to understand, nourishing feelings of distrust.

The sequence reveals conflicting communicative expectations. The AIP discloses gender-sensitive information about sexual orientation and he has to do this under very specific conditions of disclosure: a bureaucratic interview in which his case is being scrutinized. There is the presence of an interviewer (and a researcher) of the opposite sex. It is probably also difficult for the AIP to speak openly about his homosexuality, which is illegal in his country of origin, and considered a felony punishable by imprisonment. The AIP at this point may not realise that, in the context of the procedure, the information about his homosexuality counts as “new” information and it may have an impact on what follows: applications which involve gender/sex-specific persecution are treated differently by the Belgian asylum authorities. A new interview situation has to be created which is organised gender-neutrally (incl. a same-sex interview dyad). In this light, it is very important for the AO to obtain explicit and reliable confirmation about the sexual orientation of the AIP. However, instead of immediately rescheduling the interview, the AO decides to continue the current interview with a thorough examination of the AIP’s political involvement, which is indirectly linked to his homosexual identity. It is not until the end of the interview that the AO makes clear that the AIP’s homosexual identity requires further investigation in the form of a new interview. While the AO’s steering towards over-explicitness may therefore seem evident from an institutional perspective, which requires an unambiguous answer regarding the sexual orientation of the AIP in order to allow for clear categorisation of the case (Maryns & Slembrouck 2021), her insistent questioning is face-threatening to the AIP, which probably explains his defensive response. In circumstances such as the case outlined here, a meta-communicative explanation of why precision and explicitness are so important in this interview might have made a difference, though such may be viewed by the interviewing officer as biasing the AIP’s response in a particular direction.

There are clear parallels between the findings of the two cases when considering the way in which the interactional negotiation of SOGI disclosure in both cases (a) affects the rapport-building between the participants (L-AIP in case 1; AO -AIP in case 2) and (b) has the potential to foster distrust in (the representatives of) the asylum system. In the first case, we have argued that the INT’s mediation, even when resolved at a local-interactional level, can potentially create distrust towards support networks, asylum institutions and the whole concept of international protection. Also in the second case, the initial misunderstanding—i.e. the AO not picking up the AIP’s multiple attempts to disclose his homosexual identity—is resolved during the interview. However, it feeds a tense atmosphere and triggers a defensive reaction on the part of the AIP (for an elaborate discussion, see Maryns 2017). The AO’s intralingual mediation—i.e. through her questioning strategies by which she anticipates institutional expectations—clearly affects the interaction: what started off as a relatively friendly interaction, escalates to a very uncomfortable and even adversarial situation, which eventually has an impact on the AIP’s case.

It was only recently that we managed to get hold of the final judgment of the Alien Litigation Council (CALL, Belgium's asylum appeal instance), which is a ten-page document that provides a detailed argumentation of the AIP's negative decision. The judgment contains many literal citations from the different interview reports, including the report of the interview we observed. In the CALL Judgment, the AIP's declarations about his homosexuality in this first interview are juxtaposed with his declarations in the second interview (that focused specifically on this homosexuality). The inconsistencies between the two interviews were used as an adverse indicator of credibility (Byrne 2007). While a detailed analysis of the discursive evaluation of this case would be beyond the scope of this article^v, we can conclude on the basis of the entire case file that the negotiation of SOGI disclosure at the interactional level leaves its mark on the determination of the AIP's refugee status.

6. Observations and points for discussion

Trust is a rudimentary but also very fragile aspect of the communication with AIPs (Bohmer & Shuman 2007; Reynolds 2020; Smith-Khan 2020). AIPs face the difficult task of telling the truth in a way that can be understood by people with whom they often share very little contextual background. Ethnographic research on the legal assistance to AIPs has shown how it is often challenging for AIPs to understand 'who is who' within the legal process (Smith-Khan 2017). The difference between a government official, an interpreter, a social worker and a lawyer might be difficult to navigate (Jacobs 2021). Additionally, the fact that people who fled their countries often faced corruption or power abuse practices in their homelands as well as along their travel route, does not help the process of establishing trust either (Barnes 2003). As stipulated in our introductory discussion, the process of building trust can be particularly challenging for SOGI claimants, because the assessment of credibility requires disclosure of highly private experiences that are often hard to prove (Berg & Millbank 2009; Millbank 2009). In the two cases analysed in this article, however, it could be seen how the AIPs succeeded quite well in openly communicating about their homosexual identity that formed the basis of their claim for international protection. Rather, their disclosure was filtered through their interlocutors' renditions and understandings to the extent that important indexical meanings were not conveyed and remained indeterminate in mediation. In the case of the Iraqi AIP, the opportunities for the lawyer and his client to build a relationship of trust were significantly affected by the intervention of the interpreter. This was particularly tangible in the passages where the AIP revealed his homosexuality, to which the interpreter added a layer of complexity and insecurity by masking and double-checking the AIP's answers in a way that foregrounded the AIP's sexual identity as 'marked'. Also in the Nigerian case, the AIP's account became subject to multiple checking and requests for confirmation and clarification.

Though the interactional data do not allow us to draw firm conclusions about what prompted the INT and the AO to interfere in the AIP's declarations, what the analysis tells us with sufficient certainty, is that both the INT's and the AO's interventions were of an intrusive nature, which not only complicated the process of disclosure, but also potentially affected the outcome of the case. Although the L in the Iraqi case managed to proactively elicit some critical information about his client's sexual orientation (turn 6), he was denied most of the relevant context that was essential to a proper understanding of the AIP's claim. The data analysis has shown how the presence of an INT who does not abide by the principles of accuracy and transparency could potentially compromise the establishment of a safe space or a bond of trust between the primary participants. This does not mean, however, that the filtering effects of mediation are restricted to instances of interpreted interaction. This was evident from the analysis of the Nigerian case, where, even in the absence of an interpreter, the AIP's declarations became subject to multiple layers of discursive filtering, at the interactional level, but also in the textual aftermath of the procedure.

As we explained in our introduction, discursive mediation can take on different forms, the impact of which may be more or less visible in the interaction. Both inter- and intra-lingual forms of mediation involve language users who draw on meaning-making contexts that are inherently variable. This intrinsic variability causes any form of mediation to imply potential transformation or discursive filtering in the meaning-making process. In the Iraqi case, it was the INT's interdiscursive intervention that caused the most visible form of transformation, though its filtering effects were imperceptible to the primary participants. The INT's interference, however, could not be attributed solely to the transfer of meaning across language boundaries, viz. between varieties of Arabic and Dutch, but also entailed interlingual forms of mediation, such as requests for reruns (excerpt 1, turn 11), clarifications (excerpt 3, turn 8) and self-initiated turns (turn 16). The Nigerian case highlighted even more the multidiscursive and flexible nature of mediation, involving interrelated clusters of inter-lingual filtering (crossing boundaries between Nigerian and Flemish varieties of English^{vi}), as well as intra-lingual filtering, reflected in AO's questioning strategies in anticipation of certain institutional standards and requirements.

In other words, whatever encouraged their interlocutors to filter and attenuate the AIPs' declarations, these discursive interventions seemed to have a similar impact on the AIPs, urging them to make their account even more explicit than it already was and this way rendering them discursively more vulnerable than they actually were. The discursive amplification of assumed vulnerabilities can be related to a tendency which Timmer and Peroni (2013) call "the institutional production of vulnerability of asylum seekers", which highlights how the (discursive) vulnerability of AIPs can be seen as relational to the legal-administrative context in which it is produced (Mustaniemi-Laakso et al. 2016).

7. Conclusion

In this article, we have explored the crucial role of language in the refugee status determination procedure by focusing on the mediated character of asylum narratives. We did so by using the lens of asylum applications on the basis of SOGI, a group often described as “particularly vulnerable”, as a magnifying glass for pinpointing discursive tensions and challenges that pervade asylum encounters in general. By providing linguistic evidence from the context of a) legal consultations between asylum lawyers and AIPs and b) asylum hearings between asylum officers and AIPs, this article intends to strengthen scholarly critiques about how the authenticity and credibility requirements of government authorities are at odds with the co-construction that happens in practice. Although processes of mediation are often presented as neutral, they inevitably have a huge impact on the eventual asylum case as well as on the process of disclosure, an interactional activity in which the establishment of trust is crucial. Especially in the case of SOGI applications, in which the AIP’s personal identity forms the core of the asylum request, rapport between the different interactants is key. Interestingly, the micro-analyses of the empirical data foreground AIPs who succeed in openly communicating about SOGI, yet their disclosure of sexual identity is filtered through their interlocutors’ voice. This observation calls for specific training that instructs institutional stakeholders about how to interactionally elicit SOGI information. Nowadays immigration officers in the Belgian system already participate in such workshops, but it seems fair to assume that lawyers and interpreters would also benefit from this.

Closely related to this, training sessions for lawyers about how to work with interpreters might also facilitate the establishment of trust and the process of disclosure. As the data foreground immigration lawyers who seem to condone unprofessional interpreting practice, interactive workshops could emphasise the importance of hiring professional interpreting services by showing authentic data examples as the ones above to reveal how interdiscursive mediation impacts the quality of legal consultations. We have an arrangement with the migration law course at our own university, giving an “introduction to working with interpreters” as part of a legal clinic course. The fact that the students as well as department want to spend more time on this topic is encouraging but in order to have meaningful effect the initiative has to reach a broader audience. In the post-observation interviews, lawyers, aware of the less-than-perfect practices happening within their offices, also raised this idea themselves.

Lastly, on a more general note, this article also wants to emphasise the importance of meta-communication. Acts of clarifying role divisions, providing motivations for interactional moves, explaining interactional goals and explicitly indicating positionality alignments, might help establish trust and reach mutual understanding within this high-stakes context, in which discourse plays a crucial role. Although aware of the limited impact that these strategies might have in the bigger, problematic scheme of refugee status determination (which is in dire need of more resources, less time constraints and a closer regard to human rights), we believe that closer attention to how mediation entails discursive vulnerability might help alleviate the way in which vulnerability is exacerbated or even created within the institutional interactions.

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ⁱ Baynham & Lee (2019) also draw on Fairclough's and Jakobson's terminology to coin the term 'inter-discursive translanguaging', which highlights the interplay between in translanguaging processes within and across discourses.

ⁱⁱ The Dublin III Regulation aims to "identify as quickly as possible the Member State responsible for examining an asylum application, and to prevent abuse of asylum procedures" (Council Regulation (EC) No 343/2003 of 18 February 2003)

ⁱⁱⁱ Transcription conventions: (.) short pause; (7.0) long pause; = latching, overlaps; xxx inaudible; ? rising intonation; " direct speech; ((metacomment added by the authors)), ... marked pause, (1.0) pause of 1 second

^{iv} An alternative interpretation of the data here could be that in turns 8-10, the interpreter is rendering the lawyer's statement at line 6 (i.e. 'homosexual (.)') in Arabic, choosing to interpret this as a question from the lawyer. In that interpretation, the interpreter is in fact respecting the expected interactional pattern. He is, however, still conversationally excluding the lawyer by not flagging the fact that he is repeating his rendition of turn 6 because the client asked for clarification.

^v A separate article will be devoted to the complex entextualization process of SOGI disclosure across the asylum procedure.

^{vi} Although this excerpt does not provide any evidence of misunderstanding that is immediately attributable to the use of Flemish and Nigerian Englishes, the differences between these varieties definitely had a filtering effect throughout the interview, especially at the level of pronunciation, which gave rise to several misunderstandings (e.g. 'political thugs' being understood by the AO as 'political talks'). Maryns (2017) elaborately discusses the impact of this type of interlingual filtering on the negotiation of meaning a different article.