

INTERPRETATION IN THE ASYLUM PROCESS

Guide for interpreters



MAAHANMUUTTOVIRASTO
MIGRATIONSVERKET
FINNISH IMMIGRATION SERVICE



ERF



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FOREWORD

The purpose of asylum investigations carried out by the police, the Finnish Border Guard and the Finnish Immigration Service is to find out what motivated the individual to leave his or her home country or country of habitual residence and to determine whether he or she can be granted asylum in Finland on those grounds. Other grounds for residence are assessed at the same time.

The asylum process involves multiple stages and various different parties.

During the procedure, the asylum seeker who has arrived in a foreign country will meet police or border control officials, attorneys-at-law, Immigration Service inspectors, social workers, reception centre coordinators, nurses and doctors - people from a whole range of different professions. What is common to these meetings is the presence of an interpreter. If the asylum seeker doesn't speak Finnish, he or she cannot communicate without a professional interpreter. Likewise, officials working with the asylum seeker are not able to find out the necessary information without a common language. In practice, asylum investigations can rarely be conducted without interpreters; indeed, the interpreter's role is often very significant.

All fields have their special terminology, and asylum investigations are no exception. They involve a range of specialist terminology and jargon whose meaning isn't necessarily clear to even native Finnish speakers.

These interpreting guidelines provide information about the different stages of the asylum process and their content. The objective is that interpreters involved in the asylum process understand the content of the interpreted issues and the procedure in general as well as possible.

Professional and accurate interpreting is vital from the asylum seeker's point of view to ensure a fair outcome.

A glossary of asylum process terminology is provided at the end of these guidelines. The glossary can be useful for interpreters preparing for the interpreting situation and in working out other language equivalents.

Asylum Process Development Project, an ERF project 2009

The asylum process development project is a continuation of the asylum interview development project launched in 2008.

In 2009, the project focused on responding to key areas of development which were detected during the review stage, namely the provision of information to asylum seekers and the training of the different participants of the interview and investigation process.

Interpreting centres, interpreters and other bodies regularly dealing with interpreters felt that it would be very important to draw up interpreting guidelines for the asylum process. A group of experts representing different fields was set up to comment and make proposals on the content of the training material.

The project is implemented in cooperation with the Refugee Advice Centre and the Finnish Immigration Service. The project manager was Minna Siitonen from the Refugee Advice Centre. The project is partly funded by the European Refugee Fund (ERF).

I INTRODUCTION

Every person, whether child or adult, has the right to seek asylum outside his or her native country or country of permanent residence. The right to seek asylum is a human right found in the UN's Universal Declaration of Human Rights.

Each asylum application is investigated on its own merits. In investigating the need for international protection and determining whether protection will be offered, the authorities are bound by the Finnish Aliens Act and all EC regulations, international conventions and resolutions to which Finland is a party.

In Finland, asylum applications can be submitted in person to the police or to border control authorities. Asylum cannot be sought from another country.

After the asylum claim has been submitted, the authorities will begin the asylum investigation.

The police or the border control official first carries out an investigation, questioning the asylum seeker about his or her identity, travel route into Finland and method of entry. The police or border control authority will also determine whether the person has sought asylum in another EU member state or in Norway, Iceland or Switzerland. The authorities will also investigate whether the asylum seeker has family members in any of these countries and if any of these countries has granted him or her a visa or residence; whether he or she has entered Finland via one of these countries, and whether he or she has been found residing illegally in one of these countries.

If one of these is the case, normally another state would be responsible for examining the asylum application. In this case, the Immigration Service can decide not to examine the asylum application, and, the asylum seeker will be refused entry and returned to the state responsible for the claim.

If the asylum application is examined in Finland, the actual asylum interview is carried out by the Finnish Immigration Service or, in special cases, by the police. The purpose of the interview is to establish the reasons for the asylum seeker's departure from the homeland. The Finnish Immigration Service will also assess if there are any other grounds for granting the asylum seeker residence in Finland. The Finnish Immigration Service decides whether the asylum application is approved on the basis of the asylum seeker's account, documented evidence, and the information about the human rights and security situation in the asylum seeker's home country. If the Finnish Immigration Service approves the application, the asylum seeker is granted residence in Finland on the basis of refugee status, subsidiary need for protection or on other grounds. If the Finnish Immigration Service deems that

there are no grounds to grant residence, it rejects the application and usually at the same time decides whether the asylum seeker will be deported or refused entry, unless there are apparent grounds for not removing the asylum seeker.

The Finnish Immigration Service submits the decision to the police authority of the asylum seeker's domicile; the police authority then notifies the asylum seeker of the decision. The asylum seeker has the right to appeal the decision to the Helsinki Administrative Court.

The Helsinki Administrative Court's decision can be appealed to the Supreme Administrative Court provided that the SAC grants leave to appeal. After all domestic forms of appeal have been exhausted, the matter can be appealed to the European Court of Human Rights.

Asylum seekers have the legal right to an interpreter of their mother tongue or another language in which they are fluent. The asylum seeker also has the right to receive legal aid in his or her matter.

The District Court assigns a representative to each unaccompanied minor seeking asylum in Finland. The representative has the duty to ensure that the child's interests are represented during the asylum process.

II INTERPRETING IN THE ASYLUM PROCESS

Overview

The interpreter's task in the asylum process is highly important. The interpreter has a very critical role in the communications. The asylum seeker's matter must be interpreted into another language comprehensively and accurately, so that the authority can reach a fair decision in the matter of a person seeking international protection. Therefore, the interpreter is in a key position, communicating messages in situations which have a bearing on the rest of the asylum seeker's life. The interpreter's task is to faithfully and accurately interpret the message from one language to another. The interpreter must not give advice, express his or her opinions to the parties of the interpreting situation or voice his or her views on the matter being interpreted. The interpreter's role is solely that of a messenger.

If the interpreter notices that one of the parties has misunderstood a question or answer, he or she must request to speak and bring it to their attention.

Ensuring fairness

The interpreter must be impartial and objective. In order to ensure impartiality, the interpreter should not accept an assignment if he or she knows in advance that he or she won't be able to remain impartial and deal with the matter neutrally and objectively.

The interpreter must not express his or her own views on the job verbally or otherwise. If the interpreter has to deal with matters which are against his or her own beliefs in the working situation, the interpreter must not reveal his or her feelings by gestures, facial expressions or tone of voice. If the interpreted matter causes the interpreter to experience such strong emotion that he or she cannot hide it, he or she must terminate the assignment. The interpreter should bear this in mind both in relation to the authority and the asylum seeker. The interpreter is entitled to request to speak at any stage of the proceedings.

The relationship between the interpreter and the speakers

The interpreter should explain his or her duties and the confidentiality obligation before interpreting begins, unless these matters are explained by the official. Confidentiality (professional secrecy) should be explained in the target language in such a way that the interpreted person understands that the interpreter is not allowed to discuss anything he or she learns with

anyone. The interpreting must be done so that it is not only reliable in terms of content, but that it also gives a reliable impression. For that reason, the interpreter must keep in mind that he or she must interpret everything that is said in the interpreting situation from one language to the other, including discussions on any matters other than that under investigation. The interpreter must not act as an advisor to either of the two parties.

The interpreter and the official

The official organises an interpreter for asylum procedures in which the asylum seeker is heard verbally. Even though the official is the one who pays for the interpreting service, the interpreter must remember that he or she has a neutral role in the interpreting situation. Even if the official is known to the interpreter as a regular client, the interpreter must remember not to comment on the client's matter or discuss it with the official. The interpreter's duty is solely and exclusively that of an interpreter; that is to say, to verbally communicate messages from one language to another. The official may not ask the interpreter to ask questions on the official's behalf or to carry out any other tasks of the official.

The interpreter and the speaker

The interpreter must remain neutral towards the asylum seeker, even if the interpreter feels solidarity towards him or her; for example, if both come from the same region or if the interpreter has had similar experiences as the client. If the interpreter cannot remain neutral for these or other reasons, he or she must declare a conflict of interest. The interpreter must translate and tell the official everything the asylum seeker says, and he or she may not tell the client anything at his or her own initiative.

In some cases, the asylum seeker doesn't trust the interpreter, and he or she is not telling everything during the investigation or interview. Mistrust of the interpreter can easily go undetected by the interviewer, as the asylum seeker cannot communicate the problem via the interpreter. In order to ensure a successful investigation and interview and to safeguard the asylum seeker's legal rights, it is very important that the official be made aware of the mistrust. The interpreter must understand that the mistrust felt by the asylum seeker is not a personal insult to the interpreter or his/her profession; the reason can be something completely unrelated, for example, a past event in the asylum seeker's home country. It is in everyone's interests to ensure sound operations and trust between the interpreter and the interpreted parties.

Interpreting method

In asylum investigations and interviews, the consecutive interpreting method is used. This means that the speaker and the interpreter speak in turns.

For example, in a police interview, the police official first asks the interviewee a question; this is followed by the interpretation into the interviewee's language. Consecutive interpreting requires a good memory, the ability to process the information and a sound note-taking technique. Everything that is said in the interpreting situation must be interpreted into the other language with exactly the same content.

The words must be interpreted as a direct quote, i.e. in the first person. This means that the interpreter must retain the first person ("I") form, and not switch to third person ("he"/"she").

It is possible that the official may not always address the asylum seeker directly. In this case, the interpreter must specify the speaker correctly, i.e. clearly communicate who is being referred to. When speaking as the interpreter after having requested to speak, the interpreter should refer to him/herself using the word "interpreter" instead of "I" (for example, "The interpreter asks...").

Accuracy of interpreting

The interpreter's task is to communicate all cultural messages, both linguistic and non-linguistic, as comprehensively as possible and without changing the content. Colloquial expressions should not be translated into formal language and vice-versa: formal expressions should not be replaced with colloquialisms. If the interpreter cannot think of an equivalent for a term, figure of speech or proverb, or an equivalent doesn't exist, the interpreter must ask the speaker to clarify the meaning. According to good interpreting practice, the interpreter should take notes on what is being said and wait for a pause to proceed with the interpretation. If clarification is needed, he or she should first inform the listening party that he or she will ask for clarification for a term or content. After this, he or she asks the speaker to clarify by saying that the interpreter requests clarification, followed by the interpretation. The interpreter must not interpret the matter until it is clear. He or she must not explain the content at his or her own initiative. The interpreter must be aware that he or she can only interpret what he or she has understood. The interpreter should ensure that the content to be interpreted doesn't become too long. If the speakers speak for too long, the interpreter may and should interrupt the speaker in order to be able to translate the message accurately. Professional interpreters should have the confidence to correct their own mistake as soon as they realise it.

If, for example due to dialectal differences, interpreting is not going smoothly, the interpreter must inform the others as soon as the interpreting begins. The interpreter must not accept an assignment if he or she doesn't have the necessary skills. For example, the matter can involve concepts which are unfamiliar to the interpreter, professional jargon, or issues related to the legal system of another country.

Preparing for the interpreting situation

It is important that the interpreter prepare for the assignment in advance both in terms of content and terminology. The interpreter has the duty to request and the right to receive material in advance in order to prepare for the assignment. For example, before an asylum investigation carried out by the police, the interpreter should determine the relevant terminology and concepts in both languages in advance, if possible. Asylum matters involve a range of specialist vocabulary or terminology which the interpreter must be familiar with in order to accurately convey the message. Authorities do not give interpreters material on individual asylum seekers in advance. However, the interpreter should receive details of the country and dialect region whose language is to be used in the interpretation. The interpreter may request to see the investigation and interview record templates before the assignment. The client can be contacted to discuss specialist vocabulary or terminology, if applicable.

It is advisable for the interpreter to be well rested and have a meal before the assignment, as interviews can last a long time.

The interpreting environment

Normally, all parties of the interview are in the same room during interpreting. If the interpreter can influence the seating arrangement, he or she should select a seat which best supports eye contact between all parties and the interpreted speakers in particular, in order to create the impression that they are talking to one another instead of the interpreter. A common seating arrangement is the triangle; the interpreter sits at the end of the table and the interviewer and the asylum seeker on opposite sides of the table. The interpreter must never sit next to the interviewer opposite the asylum seeker. Exceptions are asylum interviews carried out at the Metsälä detention unit, where the interpreter and the interviewer sit on the same side. In some cases, interpreting is carried out via telephone or video link.

Minors as asylum seekers

When interpreting underage asylum seekers in investigations and interviews, the interpreter must take into account that there are often differences between the languages used by children and adults. Children may find it difficult - even more so than adult asylum seekers - to trust strangers and to discuss difficult matters. With children, the tone of voice, body language and facial expressions may be more significant than purely verbal communication. The interpreter must take into account the child's development and use suitable language.

INTERPRETER'S CHECKLIST 1

- Be comprehensive, accurate and objective.
 - Be impartial. Do not give advice to either party, and do not voice your own views.
 - Retain the content and form of the speech. If the speaker speaks in first person, the interpretation must also be in first person.
 - Ask for clarification if you have trouble understanding.
 - Request to have sufficient time for interpreting, so that the accuracy is not compromised.
 - Prepare for the assignment if possible. Bring dictionaries and glossaries. Be prepared for a long day of work.
 - Pay attention to the seating arrangement. Aim to sit in a neutral position that facilitates eye contact between the speakers.
 - When interpreting for children, take into account the differences between children's and adults' languages. Take note of tones of voice, facial expressions and body language, and the child's development.
-

III GENERAL INSTRUCTIONS

Confidentiality

The interpreter is bound by professional secrecy. In asylum investigations, confidentiality is also a security matter. Confidentiality applies to all information the interpreter learns in conjunction with the interpreting assignment. The interpreter must ensure that interpreting notes are not left behind for others to see and that telephone interpreting is never conducted in the presence of other people or in situations where it can be heard by outsiders. The interpreter should also bear professional secrecy in mind when the members of the same family are informed separately of the decisions on their respective cases. For example, the content of the decision concerning one spouse may not be disclosed to the other spouse.

Disqualification

An interpreter procured by authorities may not be a person whose connection with the person or matter concerned may jeopardize his or her reliability or the safety of the person concerned (Aliens Act, Section 10:2). For example, a family member or a friend may not be used as an interpreter in an asylum investigation, as the interpreter must be impartial and objective. The interpreter's background, religion or political persuasion may also provide grounds for disqualification.

Accuracy

The organisation of asylum investigations and interviews often requires coordinating the schedules of various different parties. In order to conduct the investigation in reasonable time, it is essential that all participants be punctual in order to facilitate a smooth process. The interpreter must always be on time. If he or she wishes to examine the form of the record to be used in the interview, the interpreter should arrange this with the official in advance and arrive early in order to have sufficient time. If the interpreter is prevented from arriving, he or she must immediately inform the interpreting service provider and the client.

Equipment and materials

It is advisable to bring note-taking materials to the interpreting assignment. Notes can be taken to help the interpreter remember the names of

places and people, and dates. Notes must always be left and destroyed at the interpreting location. They must not be disposed of in a public wastebasket. A bilingual dictionary may be useful for checking exact meanings, if one exists for the language pair in question. Other useful tools include army terminology, military glossaries, medical terminologies, party-political terminologies and, if the case involves differing calendars, the calendars of both cultures.

However, the calendar dates recorded in the interview record must always be those used by the speaker in question.

Recording of information

All asylum interviews carried out by the Finnish Immigration Service are recorded. The voice recording can be replayed afterwards to check whether everything has been interpreted and noted correctly. The interpreter should keep this in mind and speak sufficiently loud and clear for recording purposes.

Breaks

Breaks are important during the investigation or hearing, not only for the interviewee's welfare, but also that of the interpreter. Because interpreting requires attention and focus, the interpreter should have a break at approximately one-hour intervals or as required. If the interviewer doesn't propose any breaks, the interpreter can request them. This is to ensure to the high quality of the interpreter's service. The interpreter is entitled to decline from conversing with the parties during breaks. The interpreter should not carry out other work during breaks, such as text translations. Telephone and video interpreting is more demanding than a regular interpreting situation for all concerned. In these remote interpreting situations, a sufficient number of breaks is especially important.

Telephone interpreting

Sometimes, the investigation or interview is carried out through telephone interpreting. Telephone interpreting is more demanding on the interpreter's skills, as the interpreter cannot interpret the speaker's body language or expressions, and other visual messages and documents are not visible. If the official has not provided a separate space for interpreting, in order to protect professional secrecy, the interpreter must ensure that he or she is alone in the room for the duration of the interpreting. Interpreting must not be carried out with other people present. If the interpreter carries out interpreting from his or her own home, he or she must be free of distractions by family members, pets, radio, traffic noise, etc. If there is a lot of background noise at the client's end or the connection is poor, the interpreter must point this out.

Video interpreting

In video interpreting, the interpreter works in a video interpreting room provided by the Finnish Immigration Service or the interpreting service provider. It is important to tell the client at the beginning of the video interpreting that no other people are present in the room and that only the audio will be recorded and not the video image. Video interpreting is very demanding on the interpreter, as the video image may not accurately depict the speaker's body language.

This is especially significant if the asylum seeker uses a lot of body language or the interpreter and the speaker speak different dialects. Often it is the body language and facial expressions that reveal if the asylum speaker has not understood everything and that other expressions should be used. In order to create eye contact between the interpreter and the speakers, the interpreter should look directly into the camera and not look at the screen.

Dress

The interpreter should conduct him or herself professionally and dress appropriately for the interpreting situation. It is also important to act and dress in a way that is acceptable in the cultures of those present. Each interpreting situation is different. In the asylum process, the interpreter and other parties must all remember that this is one of the most important events in terms of the rest of the asylum seeker's life. With this in mind, the parties should dress in a way that shows respect to the client and reflects the significance of the event.

INTERPRETER'S CHECKLIST 2

- As an interpreter, you are bound to professional secrecy. You must not tell anyone about anything you hear in the interpreting situation. In remote interpreting assignments, you must ensure that other people cannot hear you during interpreting. Don't forget your notes after the interpreting: you must leave them at the interpreting location or dispose of them yourself in a remote interpreting situation.
- You can use note-taking materials, dictionaries and glossaries.
- Be careful when interpreting dates from different calendars and remember that dates must be recorded in the interview record in their original form, even if they are converted into another calendar.
- Look after your own welfare and request breaks when you need them. Bring drinks and snacks so that you do not run out of energy. Remember that sufficient breaks are needed to ensure a high-quality interpreting service and as such they benefit everyone.

IV OTHER PARTIES OF THE PROCESS

Police

If the asylum claim is filed within Finland's borders, the police authority receives the application. The police records the asylum seeker's personal details in the foreign nationals' database and, in the future, also in the UMA immigration database. The police conducts an initial interview and obtains personal identification, i.e. a photograph and fingerprints, which are then stored in the foreign nationals' identification database. The police will invite the asylum seeker to a proper hearing at a later date to determine his or her identity, nationality and citizenship, family members and place of residence. The police will also determine from which country and by what method and route the asylum seeker has arrived in Finland.

Police interviews are regulated by the Police Act and the provisions of the Criminal Investigations Act as applicable. This means that the interviewee is duty-bound to speak truthfully; in other words, giving false information may result in punishment. On special grounds and by the Finnish Immigration Service's request, the actual asylum interview or an additional hearing may also be carried out by the police.

Border control authority

If the asylum seeker claims asylum immediately upon entry in Finland, the asylum application is received by the border control authority. In asylum investigations, the Finnish Border Guard has similar duties to the police; however, it never conducts the actual asylum interview.

Immigration Service senior inspector

After the police or the border control authority has carried out its part of the asylum investigation, the matter is transferred to the Finnish Immigration Service. A senior inspector of the Finnish Immigration Service conducts the asylum interview, i.e. the hearing where the asylum seeker explains the reasons why he or she has been forced to seek asylum. The inspector is a state official, but not a police official or a representative of the Border Guard. The inspector will also acquire information about the asylum seeker's country of origin. In the asylum interview, the inspector is in charge of the proceedings.

Counsel and agent

The asylum seeker may be accompanied by legal counsel in the asylum investigation and interview. Normally, the counsel is an attorney-at-law whose duty is to ask additional questions in order to help the asylum seeker present all significant matters in the case.

The counsel also has the duty to safeguard the asylum seeker's legal rights, for example, by ensuring that the necessary corrections are made in the interview record and that any problems in interpretation or communication are solved.

The asylum seeker has the right to be represented by an agent in the hearing of his or her case, unless the asylum seeker's personal account or presence is required in the hearing of the case to verify his or her identity or otherwise. Normally, the agent carries out additional information, submits requests for medical statements and generally liaises with the asylum investigation authorities in the asylum seeker's case.

Representative

Unaccompanied minors who seek asylum in Finland are assigned a representative. The representative has the duty to ensure that the child's interests are represented. In addition, the representative makes decisions regarding the child's life in the capacity of a guardian. The representative is present in all meetings between the minor and the authorities, medical practitioners, lawyers, etc. In asylum investigations and interviews, the representative has the right to speak alone and on behalf of the child. The representative also looks after the child's welfare during investigations and interviews.

Trustee

If, for psychological reasons, the asylum seeker cannot look after his or her own best interest or otherwise conduct the case, the Register Office or the District Court can appoint a trustee. The trustee will safeguard the asylum seeker's interests in dealings with authorities and represent him or her in matters assigned to the trustee.

Social worker

A social worker may be present in the interview of an unaccompanied young asylum seeker. The social worker ensures that the child's best interest is safeguarded from a child protection perspective. If the representative consents, the social worker may give the interviewer details about the child's everyday life and information given by the child about his or her experiences in the homeland or on the journey to Finland.

Support person

By the interviewer's consent, the asylum seeker can bring another person to the interview for moral support, if the asylum seeker so desires. This person's support is based on his or her presence only. He or she cannot ask questions or make comments about the asylum seeker's account.

Interview witness

A witness may be present during the interview. This person remains in the interviewing room for the duration of the interview and verifies that the interview has been conducted appropriately and as stated in the interview record. The witness verifies and signs the interview record.

Nurse

In some cases, a nurse can be present in the investigation or interview. Severely traumatised individuals and victims of torture may find it very difficult to discuss their experiences. If the asylum seeker is in contact with a health-care professional and this person feels that his or her presence is required, he or she can attend the interview. The asylum seeker may find the presence of a familiar nurse comforting; the nurse can also professionally assess how much the asylum seeker can recount his or her experiences without jeopardising his or her welfare.

Security police

In some cases, a security police official may conduct or take part in the asylum interview.

V THE PROCESS

Asylum application

The asylum application must be made in person, either to a border control official or a police authority. The application must be made either upon entry into the country or as soon as possible thereafter. In some cases, it is possible to submit the application at a later time; for example, if the situation in the applicant's home country changes during his or her residence in Finland.

The authority who receives the application provides an asylum application form for the asylum seeker to complete. The authority calls an interpreter present or organises telephone interpreting. The asylum seeker is informed that he or she should fill in the form in his or her mother tongue, stating the main reasons that he or she is seeking asylum and sign the form. If the asylum seeker cannot read or write, the official fills in the application on his or her behalf via the interpreter. The interpreter must not sign the application on the asylum seeker's behalf.

The official stores the asylum application data in the foreign nationals' database. In addition, personal identification is obtained from the asylum seeker and any accompanying family members: a photo and fingerprints are taken and stored in the foreign nationals' identification database. The fingerprints are also stored in the Eurodac database, and a Eurodac fingerprint comparison is carried out to establish whether the asylum seeker has resided and/or applied for asylum in other EU states or Switzerland, Norway or Iceland. The official can inspect the asylum seeker's luggage for identification documentation or travel documentation in order to establish his or her travel route.

The asylum seeker is informed about the asylum process and his or her rights and obligations in it. After the initial investigation, a place is reserved for the asylum seeker at the reception centre and he or she is transported there.

The authority may detain the asylum seeker in order to establish the prerequisites for his or her entry into the country, in preparation of or to secure the enforcement of a deportation decision, or to prevent him or her from leaving the country. In addition, detention requires that:

- there are reasonable grounds to believe that he or she will prevent or considerably hinder the issue of a decision concerning him or her or the enforcement of a decision on removing him or her from the country by hiding or in some other way;

- holding him or her in detention is necessary for establishing his or her identity,
- taking account of his or her personal and other circumstances, there are reasonable grounds to believe that he or she will commit an offence in Finland. (Aliens Act, Section 121).

A detained asylum seeker is transported to the Metsälä detention unit, or, if the unit is full, he or she is placed in temporary police detention.

Determination of the asylum seeker's identity, travel route and method of entry

The police or the border control authority investigates the asylum seeker's identity, travel route and entry into Finland in the asylum investigation. At the beginning of the interview, the asylum seeker is told his or her rights and obligations during the interview. The police or the border control official draws up an interview record using template U3A. The asylum seeker's name, date of birth, nationality and date of entry into Finland are recorded on the first page. For identity verification purposes, the authorities need the asylum seeker's family name(s) and given name(s), including former names; gender, date and place of birth, marital status, ethnic origin, nationality, citizenship, religion, vocation, address in the home country and in Finland, education, language proficiency, job history, social background and details of military service. The personal details and places of domicile of the asylum seeker's family and household members are also recorded. Many asylum seekers do not carry any form of identity, such as a passport or a birth certificate. It can be very difficult to verify the person's identity, especially for asylum seekers with a low-education background or if there is disorder in the home country or ambiguity in terms of calendar dates.

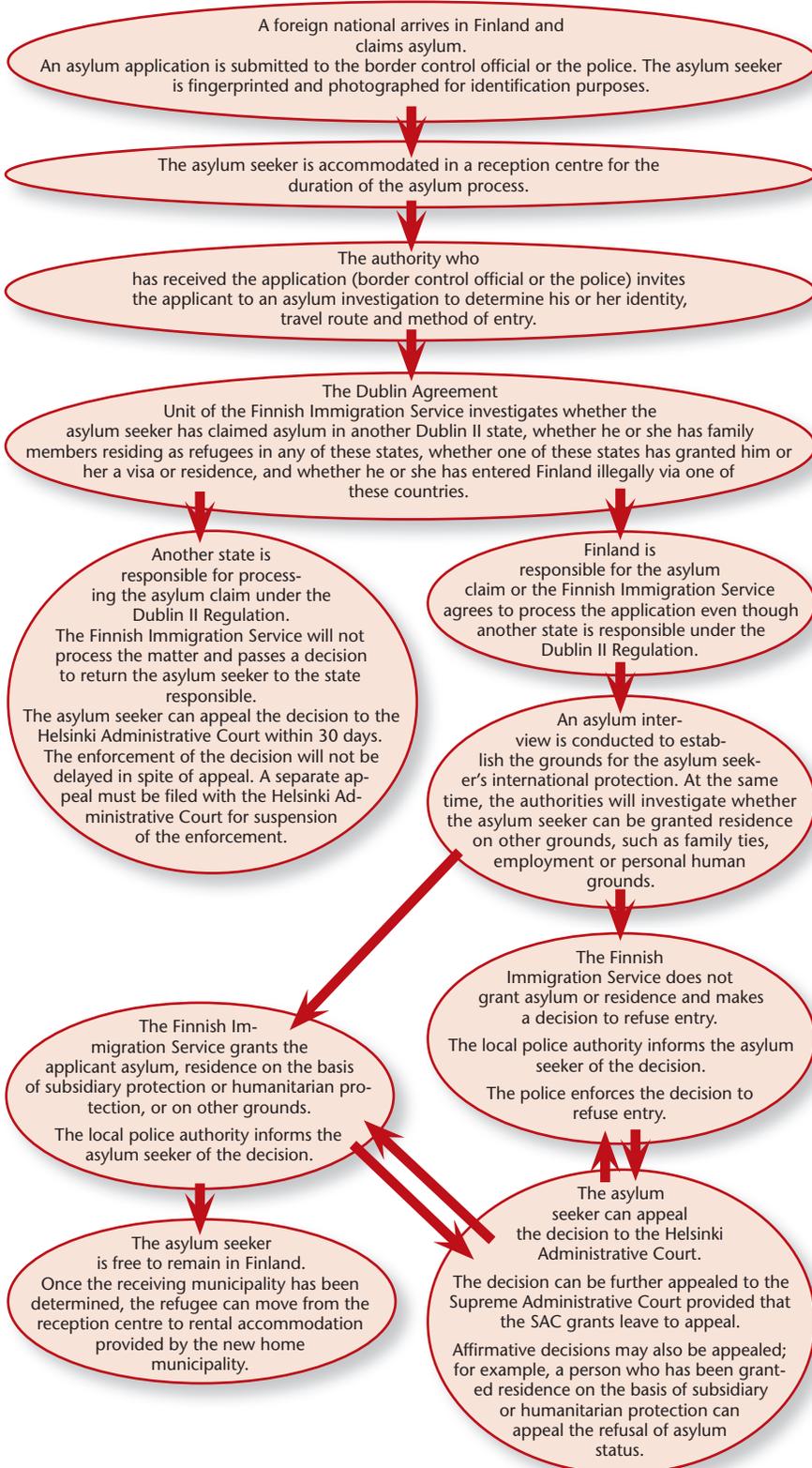
Especially in the case of a minor or an asylum seeker who cannot read or write, additional questions are often required, about times and places in particular. Often questions need to be reformulated or supported with maps, etc. If the asylum seeker gives details of dates using a non-Western calendar, it is important that the details be recorded in the interview in their original format.

In addition to identity information, the asylum seeker is questioned about his or her travel route and form of travel from the country of origin to Finland. The official records each part of the journey in the interview record along with the forms of transport and details of people smugglers, if any.

Normally, the police or the border control official will not question asylum seekers about the reasons for their departure. Nevertheless, the asylum seeker is asked about his or her views in terms of possible refusal or prohibition of entry.

All questions presented to the asylum seeker and his or her replies are recorded in the interview record. At the end of the interview, the record

Asylum Process



is read to the asylum seeker. If the asylum seeker wishes to make corrections or additions in the record, the official notes these in the record. Finally, the asylum seeker will verify the record by signing each page. The interview date and time and duration are noted on the last page, which is then signed by the asylum seeker, the interviewer, the interpreter and the counsel, if present.

Asylum interview by the Finnish Immigration Service

After the police or the border control authority has conducted an interview concerning the asylum seeker's identity, travel route and method of entry, the asylum application is transferred to the Finnish Immigration Service.

The Finnish Immigration Service's task is to determine the reasons for the asylum seeker's departure from his or her native country or country of habitual residence and the reasons why he or she cannot return to that country. The asylum interview is the single most important part of the asylum process. Other grounds for residence, such as family ties, employment or study, are also assessed as part of the interview. The interview is conducted by a senior inspector of the Finnish Immigration Service. Before the interview begins, the inspector explains to the asylum seeker the reason for the interview and its purpose and necessity. The asylum seeker is told about the interview process and the roles of different participants. The interpreter's duties and obligation to confidentiality are also explained. The notices of the interview record cover page are read to the asylum seeker, and he or she is informed of his or her rights and obligations during the interview.

The Finnish Immigration Service uses pre-drafted interview templates. Additional questions may be asked during the interview to obtain as much detail of the events as possible. The asylum interview may last all day, and sometimes it has to continue on another day. As the interview is a very significant event in terms of the rest of the asylum seeker's life, interviewing continues until all relevant matters have been examined thoroughly. Breaks are held for the benefit of all participants.

At the end of the interview, the record is inspected and the asylum seeker can make corrections and clarifications. The asylum seeker signs each page, and the last page is signed by the interviewer, the interpreter and the legal counsel (if present). The asylum seeker is given a copy of the interview record.

Notification of decision

After the Finnish Immigration Service has made its decision on the asylum application, the decision is submitted to the police authority of the asylum seeker's domicile for further notification. The police calls the asylum seeker to hear the decision and provides an interpreter. The asylum seeker is provided with instructions for appeal.

Appeals before Helsinki Administrative Court and the Supreme Administrative Court

The asylum seeker can appeal the Finnish Immigration Service's decision to the Helsinki Administrative Court. The asylum seeker may appeal him/herself or, as is normal practice, via an attorney.

The Helsinki Administrative Court reviews the decision and issues its ruling. If necessary, the administrative court may hold an oral hearing of the parties, witnesses and experts. An oral hearing is part of the matter's handling and preparation, and the process may continue after the hearing. The decision is made at a later date in court session.

Oral hearings can be held on the appellant's request and/or at the court's discretion. A request for oral hearing may be rejected if the purpose is to present evidence of a fact or event which has no bearing on the ruling of the matter.

By advance request, the Administrative Court may call witnesses nominated by the appellant or the Finnish Immigration Service.

Asylum cases are heard behind closed doors in the administrative court, i.e. there is no public access.

The oral hearing is attended by the administrative court judges, the appellant and his or her representative, the Finnish Immigration Service's representative(s), an interpreter and witnesses, if any. Oral hearings are chaired by the administrative court judge. The judge hears both parties and asks the asylum seeker questions. The interpreter's task is to interpret everything that is said in the court room. Court interpreting requires careful preparation, as the terminology alone may be very challenging. In court, the seating arrangement is different to that in asylum investigations and interviews. The interpreter sits next to the appellant and his or her representative in order to ensure that the appellant and the interpreter can hear each other well.

If the administrative court issues a negative ruling, the decision can be further appealed to the Supreme Administrative Court. If the Supreme Administrative Court grants leave to appeal, it may hold an oral hearing similar to that of Helsinki Administrative Court by the same procedure.

VI RESIDENCE CATEGORIES

It is vital that the interpreter understand the differences between different types of residence permit so that he or she can provide accurate interpreting.

Asylum

Asylum can be granted if the asylum seeker resides outside his or her native country or country of permanent residence for the reason that he or she has reasonable grounds to fear persecution in that country due to his or her ethnic origin, religion, national origin, belonging to a particular social group, or political views. In other words, asylum means that the asylum seeker is in danger in that country specifically for personal reasons. Another prerequisite is that, owing to that fear, he or she is too fearful to seek protection from the state in question. Those who are granted asylum have refugee status in Finland.

Residence permit on the grounds of subsidiary protection

If the prerequisites for asylum are not fulfilled, the asylum seeker may be granted residence on the grounds of subsidiary protection. This may be granted if the asylum seeker is faced with the death penalty, execution, torture or other inhuman or degrading treatment or punishment in his or her home country. Subsidiary protection can be granted if the home country or country of permanent residence has an ongoing armed conflict which may cause severe and personal danger. Armed conflicts may be due to an international conflict or internal violence.

Residence permit on the grounds of humanitarian protection

Even if the prerequisites for asylum or subsidiary protection are not fulfilled, a person seeking international protection, i.e. an asylum seeker, can be granted a residence permit on the grounds of humanitarian protection. A residence permit is granted if the asylum seeker cannot return to his or her home country or country of permanent residence due to an environmental disaster or poor security due to an armed conflict or a poor human rights record in that country.

Residence permit granted on compassionate grounds

A residence permit may be granted if its denial would be manifestly unreasonable due to the asylum seeker's health, ties in Finland or other personal grounds.

Particular considerations are the conditions the asylum seeker would face in the home country, or his or her vulnerable status.

Issuing a residence for a victim of trafficking on human beings

In Finland, victims of human trafficking are primarily granted temporary residence. A prerequisite is that his or her residence in Finland is justified for on account of the pre-trial investigation or a court proceedings concerning trafficking in human beings, that he or she cooperates with the authorities so that those suspected of trafficking in human beings can be caught and that he or she no longer has any ties with those suspected of trafficking in human beings. If a victim is in a particularly vulnerable position, he or she may be granted continuous residence regardless of whether he or she cooperates with authorities.

Temporary residence granted in cases where aliens cannot be removed from the country (B Permit)

Temporary residence can be granted if, for a temporary health-related reason, the asylum seeker cannot be returned to his or her home country or if deportation is prevented for practical reasons, e.g. because of the lack of transport links. A person who is granted temporary residence due to hindered deportation is not entitled to family reunification.

Residence permits for employed persons

A person may be granted residence in Finland on the grounds of employment, if he or she has employment which is sufficient to secure his or her livelihood. Generally, a prerequisite is that the Work Permit Unit of the Ministry of Employment and the Economy has made an affirmative decision with regard to the shortage of the workforce in the sector in question.

Residence permits for the self-employed

A person can be granted residence on the basis of self-employment if he or she can be assumed to be able to live on the income generated by the business, i.e. if the business is profitable.

Student residence permits

Residence can be granted on the grounds of studies, if the studies will lead to a degree or vocational qualification. In addition, the applicant must demonstrate sufficient income and valid health insurance.

Residence permits on the grounds of family ties

A person whose family member resides in Finland can be granted residence on the grounds of family ties. Family members are spouses and registered partners, minors and minors' guardians. A spouse may be granted residence if the spouses have lived together for a minimum of two years or if they have a child together.

Types of residence permits

A continuous residence permit is coded with the letter A. Permits which are granted on the basis of refugee status or subsidiary protection are initially granted for four years. After four years of residence in the country, the permit is changed to a permanent one (P), if the grounds for the permit still exists.

Continuous residence permits which are granted on the basis of reasons other than refugee status or subsidiary status are initially granted for one year. After this, if the grounds for extending exist, the permit is extended, normally for three years. After four years of continuous residence by residence permit, a permanent residence permit may be issued.

Temporary residence permits are granted for max. one year at a time. After two years of continuous residence, a continuous residence permit is granted if the grounds for granting the previous temporary permit remain.

VII APPENDICES

GLOSSARY

A

accelerated procedure	An application for international protection can be processed by accelerated procedure, if the applicant has arrived from a safe country of origin - if the application is manifestly unfounded – or if the applicant has reapplied without providing new grounds for granting residence.
accuracy	Authenticity, truthfulness.
action, procedure	The process of carrying out a task.
additional statement	Information about a particular matter, submitted to the decisionmaker, normally in writing.
administrative court	A court where official decisions can be appealed. Appeals on asylum matters are handled by the Helsinki administrative court.
Administrative Procedure Act	The act governing official procedures, such as the asylum process (2003/434)..
affirm	To answer affirmatively (“yes”)
age estimation	A test which is conducted in order to estimate a minor asylum seekers’ age by different methods. The most common tests are jawbone and wrist x-rays which can help to assess bone development.
aliens Act	An act of matters concerning aliens (foreign nationals). (301/2004)
alien’s passport	A travel document which can be issued to a stateless person or a foreign national who cannot obtain a passport from the authorities of his or her home country, or on other special grounds. All persons who have been granted subsidiary protection are granted an alien’s passport on application.
appellant	A person who is not satisfied with the decision in his or her case and who appeals the decision to the courts.
application for international protection	See “asylum application”
armed conflict	A violent conflict, national unrest, civil war
assault	An act of physical violence against another person.

asylum	A residence permit granted on the grounds of refugee status in the asylum process. Granted to a person on the grounds of well-founded fear of being persecuted for reasons of ethnic origin, religion, nationality, membership in a particular social group or political opinion and if they, because of this fear, are unwilling to avail themselves of the protection of that country.
asylum application	Application for asylum, international protection; the application form.
asylum hearing; preliminary interview	An interview carried out by a police or border control official to determine the asylum seeker's identity, travel route and method of entry into Finland.
asylum interview	An interview carried out by the Immigration Service to determine the grounds for asylum. This interview forms the main basis for the asylum decision.
asylum investigation	An official procedure which starts when an asylum application is filed. The police or the border control authority determines the asylum seeker's identity, travel route and method of entry, and the Finnish Immigration Service conducts the asylum interview, which is an oral hearing of the applicants's grounds for claiming persecution or other violation of rights or thrat thereof in his or her home country or countrre of permanent residence. The investigation also includes determining the situation in the county of origin and examining the written statements presented by the asylum seeker to the decision-maker.
asylum seeker	A person who is seeking international protection outside of his or her home country or country of permanent residence.

B

border control authority	An authority responsible for controlling and guarding the border.
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C

centre for torture survivors	A clinic which assesses, treats and rehabilitates refugees and asylum seekers in Finland who have been traumatised as a result of torture.
citizenship	Membership of a certain state. Includes the right to take part in the country's political affairs.
citizenship application	Application to become a citizen of a certain country, such as Finland.
clan	A group of families or households, a family community.
coercive measure	A method specified in the Act on Coercive Measures; used in order to realise an obligation or to resolve a particular matter. In the asylum process, this can be e.g. detention for the purpose of determining the person's identity.

confidentiality, professional secrecy	The obligation to not disclose information which a person has obtained due to his or her position or assignment in relation with the matter; similarly, papers and other evidence must not be shown to others or left for others to see. In the asylum process, the confidentiality obligation applies to all parties who take part in the process in a professional capacity.
continuous residence permit, the A -permit	Granted to a foreign national who has come to Finland with the intent to immigrate there permanently. The residence permit is first granted for a certain period, and it has to be renewed thereafter. A continuous residence permit is coded with the letter A.
coordinator	Reception centre employee.
counsel	A person, usually with a legal background, who assists the asylum seeker in the asylum process.
D	
deceased	Dead.
deny	To answer in negative (“no”).
dependent	minor who is the responsibility of an adult.
deportation	Procedure to move a person from a country. If a foreign national has or has had a residence permit and the decision is made to remove him or her from the country, he or she is deported.
detention	A precautionary measure, control measure. For example, a foreign national can be detained if there is a suspicion that he or she could go into hiding in order to avoid refusal of entry or deportation, or for the purpose of identity verification. Detention is a coercive measure.
detention unit, detention centre	A closed unit operated in conjunction with the Metsälä reception centre. Detained foreign nationals are held at the unit.
determination of identity	The police or the border control authority determines the asylum seeker’s personal details such as name, age and nationality in the asylum investigation.
directive	A legislative instruction issued by the EU to its member states; the member states amend their national legislation in accordance with the directive.
district court	Court of justice, the lowest court.
Dublin Convention	See “Dublin Regulation”.
duty of clarification	An authority shall see to it that a matter is adequately and appropriately clarified, by obtaining the information and accounts necessary for the decision of the matter. A party shall provide information as to the grounds for his/her demands. A party shall also otherwise contribute to the clarification of a matter filed by him/her. (Administrative Procedure Act, Section 31).

duty to cooperate	The obligation to assist in the investigation of a matter.
duty to speak truthfully	The obligation to not give false information.

E

enforcement	The execution of a decision.
ethnic origin	Nationality, tribe, clan or other group to which the person belongs.
EURODAC database	An automatic fingerprint matching system that has been in use in Europe since 2003. All persons over 14 years of age who seek asylum in the European Union are fingerprinted in the system. The database is used by the EU member states, Iceland, Norway and Switzerland. The system can be used to determine which state is responsible for processing the asylum application. See "Dublin Regulation".
EURODAC hit	Information about whether the asylum seeker's fingerprints have been found in another EU member state, Norway, Iceland or Switzerland.
European Convention on Human Rights, ECHR	An international agreement on human rights ratified by most European countries. The signatory countries agree to protect the rights and freedoms stated in the convention in their national legislation and justice system. The duty to comply with the human rights convention applies to authorities and courts alike.
European Court of Human Rights	A supranational court of law which oversees compliance with the European Convention on Human Rights by its signatory states.
European Union, EU	A community governed by law, an economic and political partnership of the European member states. EU member states as of June 2009: The Netherlands, Belgium, Bulgaria, Spain, Ireland, Italy, Austria, Greece, Cyprus, Latvia, Lithuania, Luxembourg, Malta, Portugal, Poland, France, Romania, Sweden, Germany, Slovakia, Slovenia, Finland, Denmark, The Czech Republic, Hungary, Estonia and the United Kingdom.
evidence	Proof or demonstration establishing the truth of a matter.

F

family background	What kind of family the person comes from: rich, poor, politically active, religious, etc.
family group home	A home for unaccompanied minors with residence permit in Finland.
family reunification	A person who has been granted international protection may be able to bring his or her immediate family into Finland through the family reunification process. Immediate family includes the spouse and underage children or, in the case of minors, the parents. Those who have not been granted international protection

must demonstrate that they are able to support the family financially before the family can move to Finland.

Finnish Immigration Service An office governed by Finland's ministry of the Interior, makes decisions on residence permits, asylum and citizenship matters. Decisions on asylum applications are also made by the Immigration Service. Until the end of 2007, the office was called the Directorate of Immigration.

fixed-term residence permit A residence permit which is granted for a certain period, either continuous (A Permit) or temporary (B Permit).

foreign national, alien A person who is not a citizen of Finland.

free trial The state covers the legal costs entirely or partially, depending on the person's ability to pay. A free trial can be applied for at the legal aid office.

G

**giving false information/
false statement** To lie to a government official, e.g. to give a false name or identity.

**grounds for asylum
(application)** The reason why the asylum seeker has left his or her home country or place of habitual residence and cannot return there and is seeking international protection outside that country.

group home A temporary home for unaccompanied minors who are seeking asylum in Finland.

guardian An adult who cares for a minor and is responsible for him or her.

H

humanitarian protection A type of grounds for a residence permit. Granted if the prerequisites for asylum or subsidiary protection are not fulfilled but the asylum seeker cannot return to his or her home country or country of habitual residence due to an environmental disaster or poor security due to an armed conflict or a poor human rights record in that country.

human rights The concept that every person has certain basic rights regardless of his or her background. Human rights are defined in international conventions.

human trafficking The transporting and selling of women, children and men for exploitation purposes, such as prostitution, forced labour or organ transplant. A key aspect of human trafficking is that the victim is repressed by the offender.

I

illegal immigration Entering and residing in a country without the required documents, such as a visa or residence permit.

immigrant	A person who moves from one country to another. A generic term which covers all movers regardless of the reasons. In standard language, the word can be used to refer to all persons of a non-Finnish ethnic origin who live in Finland but were born in another country.
impartiality	A neutral position to all parties, objectivity, equality.
income requirement	Means that a person must be able to support him/herself without social benefits. A prerequisite for certain types of residence permits.
income support	Social benefit; financial support paid to a person who has no other income or whose income is insufficient to provide for basic living.
individual political participation or other social participation	Party, organisation, trade union activity or other social participation.
Integration Act	The act on the integration of immigrants and the reception of asylum seekers. (493/1999)
international protection	International protection refers to refugee status, subsidiary protection status or residence granted on the basis of humanitarian protection.
interrogator	The person directing the interview or hearing, in other words, the person presenting the questions.
interview	See asylum interview.
interviewee	The person who is being questioned in the interview or hearing.
interviewer	The person in charge of the Finnish Immigration Service's interview; the person who interviews.
invitation to the interview/ hearing	A letter stating the date and location of the asylum interview and requesting the applicant to be present. The asylum seeker receives this at the reception centre.

L

language test	A method for identifying the geographical origin of a dialect spoken by a person.
lawyer	A person who has formally trained in legal matters and who acts as a counsel to the asylum seeker. The counsel's duty is to explain the asylum process to the asylum seeker and assists him or her in the asylum investigation, the interview and the appeal process, if necessary.
leave to appeal	If the Supreme Administrative Court deems that there are sufficient grounds to investigate an appealed ruling of an administrative court, it grants leave to appeal. The Supreme Administrative Court will not investigate an appeal unless it grants leave to appeal.
legal aid	Legal advice and assistance in a legal case paid by the state either in full or partially.

M

manifestly unfounded asylum application

An asylum application is manifestly unfounded - if it is not supported by claims of serious human rights violations or other grounds related to non-refoulement or fear of persecution, or the claims are clearly unconvincing - if the asylum seeker clearly intends to abuse the asylum process - or if the asylum seeker has arrived from a safe country of origin or place of asylum to which he or she can be returned, and the Finnish Immigration Service has not been able to process the application by the deadline for a weighty reason.

marital status

In Finland, the recognised marital statuses are: married, unmarried, in a registered partnership, divorced, widowed.

medical statement

A statement on a person's state of health provided by a medical practitioner.

migrant

A person who has moved from one place to another, either across international borders or within his or her home country.

military service

Conscripted or voluntary service in armed forces.

minor asylum seeker, young asylum seeker

An asylum seeker under the age of 18.

N

nationality

Ethnic origin. A group of people who, in their own opinion or that of others, form a separate group based on origin, language, religion, culture or other characteristic (e.g. French, Uzbeks, Kurds). A person's citizenship is not necessarily that of the country of his or her nationality.

notification of decision

The person concerned is notified of the authority's decision. Asylum seekers are notified of the decision by the police. A decision concerning a residence permit application can be served by letter.

non-refoulement

A principle whereby a person must not be returned to a place where he or she may face the death penalty, torture or other inhuman or degrading treatment.

O

obligation of secrecy, professional secrecy; confidentiality

A person's obligation to not disclose information that he or she has obtained due to his or her position, assignment or another similar status.

Ombudsman for Minorities

The authority whose remit is to promote the status, equality and legal safeguards of ethnic minorities and foreign nationals and good ethnic relations in Finland.

oral hearing

Can be held in connection with an appeal presented to the administrative court. In this case, the administrative court gives the appellant an opportunity to orally explain his or her reasons; however, the practice is rare.

P

paramilitary activity	Military service other than the state army, e.g. the troops of a particular group or political party.
party-political training	Training or education provided by a political party.
passport	A document issued by an authority for the purpose of foreign travel, stating the person's identity and nationality.
permanent residence permit	Granted by application to a person who has resided in Finland on a continuous residence permit for an uninterrupted four-year period, unless there are grounds for not granting residence; for example, if the person has committed an offence in Finland. The reason for residence or other special reasons may give rise to exceptions. The permit is granted until further notice, and it need not be renewed. The permit is coded with the letter P.
persecution	Serious, often prolonged ill-treatment of a person on the basis of his or her religion, ethnic origin, etc.
personal identification	Details, such as fingerprints and a photograph, acquired for identification purposes.
preliminary decision	A decision by the Employment and Economic Development Centre based on the availability of workforce and terms of employment. An affirmative preliminary decision is a prerequisite for granting residence on the basis of employment.
preliminary interview, hearing	A hearing carried out by the police or border control official, where the interviewee is duty-bound to speak truthfully.
pre-trial investigation, criminal investigation	An official procedure carried out to determine the circumstances of a suspected crime; an interview and hearing are part of the investigation.
prima facie	At first sight; accepted as true until proven otherwise.
process, to process	To deal with something in a certain way, to handle, to investigate.
processing, examining	The material investigation of the claim. An asylum claim is examined or processed in Finland, if Finland is responsible or assumes responsibility for examining the application. See "Dublin Regulation".
prohibition of entry into Finland	A foreign national can be issued a prohibition of entry into Finland in conjunction with refusal of entry or deportation. The prohibition can be issued until further notice or for a certain period, and it may cover the entire Schengen Area or Finland only.
proof of identification, form of ID	An official document stating the person's name, date and place of birth. In Finland, official forms of identification are driving licences, passports and identity cards.

protocol, record A document in which the progress of the investigation or the interview is recorded. The record is inspected at the end of the session and signed by all parties

Q

quota refugee A person mandated as a refugee by the UN refugee agency UNHCR and received by Finland or another country. Each year, Finland receives a certain number of refugees who are selected directly from abroad; for example, from refugee camps. In recent years, the quota has been 750. Quota refugees who arrive via the UNHCR are granted refugee status in Finland. The majority of quota refugees who have arrived in Finland in recent years have been from Myanmar, Iraq, Congo and Iran.

R

reapplication An application submitted by the applicant within a short time of receiving a negative decision on the previous application without providing new grounds for the application. A reapplication can be processed without a new asylum interview.

reception centre The place where asylum seekers are accommodated for the duration of the asylum application process.

refugee A person who has been granted asylum and/or refugee status outside his or her home country. A refugee has had to leave his or her home country or country of habitual residence because he or she has reasonable grounds to fear persecution in that country for reasons of ethnic origin, religion, nationality, membership of a particular social group or political opinion, and who, because of such fear, is unwilling to avail himself or herself of the protection of that country.

refugee's travel document A travel document granted to a refugee.

refusal of entry Procedure to move a person from a country. If a foreign national does not hold a residence permit and a decision is made to remove him or her from the country, he or she is refused entry. Cf. "deportation".

registered partnership A legally recognized union of a same-sex couple.

regulation A legislative act; in EU legislation, a regulation which is binding to all member states.

rejoinder A written reply to an accusation or statement.

religion E.g. Christianity, Judaism, Buddhism, Shi'a Islam.

reporting duty The requirement to periodically report to the police or to the Border Guard. Often used in the enforcement of a deportation decision.

representative of a minor asylum seeker Unaccompanied minors seeking asylum may be assigned a representative. The representative is appointed by the district court on proposal by the reception centre's social worker. The representative safe-

guards the child's best interest in all official matters concerning the child.

request for urgent procedure A letter requesting that a matter be processed in an expedited manner.

residence permit

Permit to reside in a country and to return to it repeatedly. Granted to foreign nationals for purposes other than tourism or comparable short-term visits.

residence permit for an employed person

A residence permit granted on the grounds of employment.

residence permit for the self-employed

Granted on the grounds that the applicant can employ him/herself, i.e. run a business.

residence permit granted on compassionate grounds

A residence permit can be issued if refusing a residence permit would be manifestly unreasonable with regard to the person's health, ties to Finland or on other compassionate grounds, particularly in consideration of the circumstances they would face in their home country or of their vulnerable position. (Aliens Act, Section 52).

residence permit on the grounds of family ties

A residence permit granted on the grounds that the person has a family member who is a Finnish citizen or has been granted residence in Finland.

responsibility for processing an application

The responsibility lies with the EU member state where the asylum seeker first claims asylum, the country where he or she first enters the EU, or a country which has granted him or her a visa.

S

sight translation/, interpreting, prima vista

The interpreter receives a written text without advance notice, which he or she renders orally on sight after brief preparation.

Schengen area

The Schengen area comprises the signatory countries of the Schengen Agreement. The agreement provides for the removal of border controls between the signatory states, uniform control of the external borders and cooperation between the states' police and customs authorities. The following EU member states are Schengen countries: the Netherlands, Belgium, Spain, Italy, Austria, Greece, Latvia, Lithuania, Luxembourg, Malta, Portugal, Poland, France, Sweden, Germany, Slovakia, Slovenia, Finland, Denmark, The Czech Republic, Hungary and Estonia. Norway, Iceland and Switzerland have also adopted the agreement. Of the EU member states, Bulgaria, Ireland, Cyprus, Romania and the United Kingdom have not adopted the Schengen Agreement.

safe country of origin

The asylum seeker's country of origin is considered safe if it does not pose a threat of persecution or serious human rights violation against him or her. Finland does not maintain a list of safe countries.

smuggler

A person who transports people or goods by illegal means from one country to another.

sponsor	A person who resides in Finland, is a citizen of Finland or another country, and whose family member is applying for a residence permit in Finland on the grounds of family ties.
social status	A person's position in a community, e.g. religious leader.
social worker	A person who provides advice and guidance in problematic and crisis situations and makes decisions related to a person's subsistence. In the case of an unaccompanied minor seeking asylum, the social worker safeguards the child's best interest during the process from a child protection perspective.
statement	A (requested) view on a matter on the basis of expertise, normally submitted in writing; an opinion, comment, report, etc.
subsidiary protection	A type of grounds for a residence permit. Granted if the prerequisites for asylum are not fulfilled but the asylum seeker is faced with the death penalty, execution, torture or other inhuman or degrading treatment or punishment in his or her home country. May also be granted if it is apparent that the applicant cannot return to his or her home country or place of permanent residence without facing serious personal danger due to an ongoing armed conflict in that country.
sur place situation	A situation in which the need for international protection only materialises after the person has left his or her home country. For example if the situation in an asylum seeker's home country has changed in such a way that he or she is no longer able to return. The asylum seeker may also need protection due to an activity in which he or she has participated abroad after leaving the home country.
suspension of enforcement	If the enforcement of a decision is suspended, it means that the measure stated in the decision, e.g. deportation, must not be implemented until the matter has been resolved in the specified manner (e.g. until the appeal court's ruling).

T

temporary residence permit, B Permit	Granted to a foreign national who does not intend to reside in Finland continuously or permanently. A permit coded with the letter B can be granted if the enforcement of a deportation decision is not possible for some reason.
title	An employee's status at a place of work: e.g. headmaster, secretary, department head.
to cross a border	To move from one country to another across their shared border.
torture	The action of inflicting severe physical or mental suffering on a person for the purpose of intimidation, threat or punishment or obtaining information or a confession.

tracing	Determining the whereabouts of the parents or guardians of an unaccompanied young asylum seeker.
traumatised	A traumatised person is one who suffers mentally as a result of a disturbing experience or loss.
travel document	A document issued by an authority for the purpose of foreign travel, stating the person's identity and nationality (e.g. passport).
travel route	The countries or areas which the asylum seeker has crossed during his or her journey to Finland. The police or the border control authority determines the route in the asylum investigation.
tribe	A group of families or clans who share a common geographical location, language and culture.
trustee	A person appointed to look after the interests of a person who is so unwell or old that he or she is no longer capable of looking after him/herself and his or her case.

U

UNHCR	The United Nations (UN) Refugee Agency.
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V

victim of human trafficking	A person who has been subjected to sexual abuse, forced labour or other degrading conditions or who has been forced to sell organs for the financial gain of another person.
view	Opinion.
visa	A permit to enter the country, granted to foreign nationals for the purpose of tourism or comparable short-term visits.
vulnerable groups	Minors, unaccompanied minors, disabled persons, the elderly, pregnant women, single parents of minors, victims of torture, rape or other form of serious mental, physical or sexual violence.
vulnerable position	A person who is in a vulnerable position is someone who is disadvantaged because of his or her age, health or another specific reason.

W

warrant	A public notice issued by the authorities; for example, to find a criminal suspect.
Work Permit Unit	A unit of the Employment and Economic Development Centre which makes preliminary decisions in work permit matters.

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RIGHTS AND OBLIGATIONS IN THE ASYLUM HEARING AND INTERVIEW

The beginning of the asylum hearing:

At the start of the asylum investigation, the applicant was informed of the following:

- This interview will be conducted by a police official/border control official.
- This interview record will provide the basis of the case and as such it will supplement the application for international protection submitted by the asylum seeker.
- The asylum seeker has the right to legal counsel and an interpreter in the matter.
- Grounds for granting residence on other apparent grounds are also investigated and determined in conjunction with the asylum process.
- The person must speak truthfully in all matters under investigation and related to it. Giving a false statement is a punishable offence. Police Act, Section 38:1/Frontier Guard Act, Section 27:1 and 27:2, Criminal Code, Chapters 15:2 and 16:5.
- If any information is found to be false, it may affect the credibility of the asylum application as a whole.
- A residence permit or refugee status may be cancelled if false information on the alien's identity or other matters relevant to the decision was knowingly given when the permit was applied for, or if information that might have prevented the issue of the residence permit was concealed. Aliens Act, Section 58:3 and 108.
- An application for international protection automatically contains a residence permit application.
- Based on the application, the applicant may be granted residence on the grounds of international protection or on other grounds. If the application is rejected and the applicant is subject to refusal of entry or deportation, he or she may be prohibited from entering Finland and other Schengen countries.
- By signing, I confirm that I have understood the purpose of the interview and my rights and obligations in it.

Some questions asylum seekers are asked:

NOTE: At this point, the interviewer must inform the asylum seeker of EU-RODAC hits (if any) and their significance to the application investigation.

If the asylum seeker's details were found in the EURODAC database, this normally means that another European country is responsible for examining the application and the asylum seeker can be returned to the responsible state. The interviewer informs the asylum seeker about this matter.

Does the applicant affirm or deny that he or she has claimed asylum in another EU member state, Norway, Iceland or Switzerland?

If a EURODAC hit has been returned on the applicant, the interviewer asks the applicant again whether he or she has claimed asylum in another country.

Specific grounds why the application cannot be examined by the state which is responsible for processing the application under the Dublin Regulation.

The asylum seeker can propose a reason why he or she thinks that the state which has returned the fingerprint match cannot examine his or her asylum application.

Specific grounds why the application should be examined in Finland even though a database hit or information given by the asylum seeker indicates that another EU member state, Switzerland, Norway or Iceland is in principle responsible for examining the application.

The asylum seeker may request that his or her application be examined in Finland even if another state is responsible for examining the application. Special grounds for this include a family member or, in the case of an unaccompanied young asylum seeker, a relative who resides in Finland.

Consent. The Finnish Police, the border control authority or the Finnish Immigration Service may request and receive information from other member states of the European Union or Switzerland, Norway or Iceland about any asylum applications I may have filed in these countries, the grounds for such applications and decisions issued for these applications, and information about my residence in these countries.

If the asylum seeker gives his or her consent, the Finnish authorities may ask for further details about his or her stay or residence in the other countries.

The beginning of the asylum interview:

At the start of the interview, the applicant was informed of the following:

- The interviewer is a representative of the Finnish Immigration Service.
- This record will provide the basis for the investigation of the applicant's case and as such supplements the asylum application completed by the applicant.
- The interview will be recorded.
- The content of the interview is confidential and no details of the asylum case will be disclosed to the authorities of the applicant's home country or any third persons.
- The applicant has the right to legal counsel and an interpreter in the matter.
- It is in his or her best interest to disclose all matters which have a bearing on the case as early as possible.
- Any information which is later found false will affect the credibility of the application - claiming false identity is a punishable offence and conceal-

ing one's real identity may have an adverse effect on the outcome of the case.

- Identity information provided at this stage can only be amended by a reliable document provided by the authorities.
- Providing false information about one's identity may later have an adverse effect on the client's other matters such as family reunification or application for Finnish citizenship.
- An application for international protection automatically contains a residence permit application.

On the basis of the application, the applicant may be granted international protection or residence. If the application is rejected and the applicant is subject to refusal of entry or deportation, he or she may be prohibited from entering Finland and other Schengen countries

A residence permit or refugee status may be cancelled if false information on the alien's identity or other matters relevant to the decision was knowingly given when the permit was applied for, or if information that might have prevented the issue of the residence permit was concealed.

I have understood the purpose of the interview and my rights and obligations in it. I have been informed of the interview procedure and other practical matters related to the interview.

CODE OF PROFESSIONAL ETHICS FOR COMMUNITY INTERPRETERS

Community interpreting refers to the interpreting of dialogue (interviews, questioning, negotiations, enquiries, briefings, communications, etc.) between an authority or private organisation and the client in a public service setting. Community interpreting is normally done in the consecutive mode, but it can also be simultaneous. A public service setting can also involve monologues (presentations, lectures, ceremonial speeches, declarations, etc.).

A community interpreter (hereinafter “the interpreter”) is a person who serves as an interpreter in a public service setting as described above.

- 1) This code of ethics shall be adhered to unless the law or statutes stipulate otherwise.
- 2) The interpreter is bound by confidentiality.
- 3) The interpreter shall not use information that he or she has obtained in the performance of his or her assignment in an improper way.
- 4) The interpreter shall not accept an assignment for which he or she does not possess the requisite knowledge and skill or whose performance would place him or her in a conflict of interest.
- 5) The interpreter shall not accept an assignment that may be detrimental to the profession or its reputation.
- 6) The interpreter shall remain loyal to his/her profession.
- 7) The interpreter shall ensure that the working conditions are suitable for interpreting.
- 8) The interpreter shall enter into a written agreement on each assignment, giving priority to the recommendations of trade associations. If a written agreement cannot be concluded, the interpreter and the client can enter into an oral agreement.
- 9) The interpreter shall prepare for each assignment in a careful and timely manner.
- 10) The interpreter shall aim to provide a comprehensive interpretation without omissions or undue additions.
- 11) The interpreter shall at all times be impartial and neutral and he or she shall not allow his or her personal attitudes or opinions to influence the performance of his or her assignment.

- 12) The interpreter shall not advise or act as a representative of the interpreted persons.
- 13) The interpreter shall not be required to carry out any duties other than those related to interpreting during the assignment.
- 14) The interpreter shall conduct him/herself in an appropriate manner taking into account the nature of the occasion.
- 15) The interpreter shall continuously develop his or her professional skills.

This code of professional ethics has been drawn up by the Finnish Association of Translators and Interpreters, The Finnish Union of Translators, the Finnish Association of the Deaf, the Association of Finnish Sign Language Interpreters, the Helsinki Region Community Interpreting Centre (Helsingin seudun asioimistulkikeskus), the Turku Region Interpretation Centre and Lingua Nordica.

GUIDE FOR COMMUNITY INTERPRETERS

INTRODUCTION

The purpose of this guide is to provide further information in support of the Code of Professional Ethics for Community Interpreters to ensure smooth cooperation between the interpreter and the interpreted parties. The Code of Professional Ethics and the Guide for Community Interpreters has been drawn up by the Finnish Association of Translators and Interpreters, the Finnish Union of Translators, the Finnish Association of the Deaf, the Association of Finnish Sign Language Interpreters, the Helsinki Region Community Interpreting Centre (Helsingin seudun asioimistulkikeskus), the Turku Region Interpretation Centre and Lingua Nordica.

We thank Kaarina Hietanen, lecturer at the School of Modern Languages and Translation Studies, University of Tampere, for her valuable help and expertise.

The Code of Professional Ethics and the Guide for Community Interpreters are public documents. The members of the Finnish Association of Translators and Interpreters, the Finnish Union of Translators and the Association of Finnish Sign Language Interpreters shall observe these guidelines in their professional conduct and promote them among their colleagues and clients in order to raise awareness of the interpreters' code of practice among those who use interpreting services.

OVERVIEW

The Professional Code of Ethics and Guide for Community Interpreters has been created to promote the linguistic equality of individuals in public service settings.

When a community interpreter is needed, and what community interpreting encompasses:

An interpreter is needed when people do not share a common language. Interpreters help to create the prerequisites for mutual understanding despite language and cultural barriers. In other words, the interpreter contributes to equality between the speakers, by enabling both parties to express themselves as broadly and vividly as a person only can in his or her mother tongue. Interpretation allows people to be in full control of their rights and duties in a multicultural society. By using a professional interpreter, authorities are able to reach fair decisions even if they don't understand the client's language or do not have enough knowledge about his or her cultural background. Interpreting promotes fair ruling in cases involving crucial legal decisions about individuals' practical lives.

Community interpreting can entail interpreting between an immigrant and a Finnish authority. It is needed in daily lives, at places such as schools and visits to the doctor. In most cases, however, the situation involves a highly

significant event in the life of a person, such as going to a psychiatric appointment or seeking asylum. The community interpreter has a professional role in a communication situation: this role is purely that of a communicator.

The community interpreter is not involved in the case. He or she is there only to interpret the dialogue of the participants. The interpreter also communicates cultural nuances which are essential for the correct understanding of the message. The interpreter is responsible for relaying words, messages and ideas. (Board of Education: *Asioimistulkin ammattitutkinto; Tutkinnon perusteet*, 2001)

Community interpreter refers to a person who acts as an interpreter in a public service setting as described above.

A community interpreter is a professional speaker. He or she should be suitable for and experienced in face-to-face communication, be able to articulate clearly and fluently and express him/herself in a pleasant manner. Community interpreters have better overall linguistic, cultural and communicative skills than an average speaker of that language. Community interpreters are professionally trained. In Finland, interpreting can be studied at the university level (major European languages), in further education for adults, and in the private sector.

(Board of Education: *Asioimistulkin ammattitutkinto, Tutkinnon perusteet*, 2001)

Sign language interpreters train in institutes of higher education.

The interpreter must be a legally competent person of legal age. The interpreter cannot be a close relative or friend of any of the participants; children must under no circumstances be asked to interpret.

In Finland, the title of interpreter is not regulated. Clients must ensure that the interpreter is a professional who knows the requirements of the job and is familiar with the code of practice and ethics.

Interpreting situations are communication situations where a number of parties interact, such as:

- an interpreter and at least two interpreted speakers, or
- an interpreter, speaker and listeners.

Each party contributes to a successful interpretation. It is advisable to clarify the roles of all parties before the interpreting situation.

Paragraph 1:

- **This code of ethics shall be adhered to unless the law or statutes stipulate otherwise.**

Paragraph 2:

- **The interpreter is bound by confidentiality.**

The interpreter shall inform the client that he or she is bound by confidentiality on the basis of the interpreters' code of ethics. Confidentiality also applies to materials which the interpreter may have access to before the interpreting situation.

Paragraph 3:

- **The interpreter shall not use information that he or she has obtained in the performance of his or her assignment in an improper way.**

The interpreter shall not use the interpreting situation for his or her own gains, financial or otherwise.

In addition, he or she shall not use information that he or she obtains in performance of the assignment to achieve gain or damage to others. The interpreter shall comply with the terms of the contract with the client/employer.

Paragraph 4:

- **The interpreter shall not accept an assignment for which he or she does not possess the requisite knowledge and skill or whose performance would place him or her in a conflict of interest.**

The interpreter shall not accept an assignment for which he or she is not professionally qualified (see Overview). If, during an interpreting situation, an event or a new fact prevents successful interpretation, the interpreter shall interrupt the interpreting and negotiate with the parties. For example, this includes situations where the topic or language is different than what was agreed; if the topic changes to an unfamiliar territory (specialist field, jargon), or if the interpreting method is different than what was originally agreed (see also Paragraph 7).

The interpreter must disqualify him/herself and decline the assignment if accepting it would give rise to a conflict of interest that would jeopardise the objectivity of the interpreting service. A conflict of interest includes situations where the interpreter is a person concerned, a close relative of an interpreted person, or he or she has a strong emotional connection with one of them, or when an interpreted party is the interpreter's debtor, creditor or litigator (see Administrative Judicial Procedure Act, Section 77).

Paragraph 5:

- **The interpreter shall not accept an assignment that may be detrimental to the profession or its reputation.**

The interpreter shall promote the reputation of the profession in his professional conduct. He or she shall comply with applicable provisions and regulations in his or her professional conduct. If, when considering an assignment, the interpreter has reason to believe that the assignment involves criminal activity or an activity which violates human rights, he or she shall not accept the assignment.

Paragraph 6:

- **The interpreter shall remain loyal to the profession.**

The interpreter shall respect the members of his profession. For example, he or she shall comply with the Professional Code of Ethics for Community Interpreters.

An interpreter shall not criticise or evaluate another interpreter's performance, and he or she shall not be requested to do so. If, however, the interpreter finds that another interpreter conducts him/herself in an unprofessional

manner, the interpreter shall point this out to him or her and, if necessary, report the matter to the interpretation centre or the trade union and, in the case of sign language interpreters, to the Interpreting Cooperation Team (Tulkkitoiminnan yhteistyöryhmä). If the interpreter receives feedback on another interpreter, he or she should instruct the person to approach the interpreter in question or his/her client or employer directly.

Paragraph 7:

- **The interpreter shall ensure that the working conditions are suitable for interpreting.**

The interpreter should ensure that the work space arranged for him or her is suitable for interpreting. The interpreter should agree in advance where he or she will sit/stand during the interpreting. The interpreter should have unrestricted visual contact with the interpreted speakers. The acoustic conditions should be such that the interpreter can hear all the speakers. Sound amplification equipment should be used if necessary. In remote interpreting (e.g. telephone, video conference, videophone), the interpreter must ensure that the conditions are as suitable for interpreting as possible.

The interpreter should choose a position which eliminates risk to his or her safety or health. Such risks include aggressive clients and exposure to hazardous materials or infectious diseases. Other factors affecting occupational safety are noise, cigarette smoke and other such hazards. The interpreter has the right to protect him/herself and to decline the assignment if the conditions cannot be made acceptable for interpreting.

The interpreter has the right to be uninterrupted in his her work. Interpreting requires full concentration. Concentration can be affected by movement or noise unrelated to the interpreting situation (e.g. traffic noise through open windows, radio).

During long assignments, the interpreter has the right to rest. The demandingness of work varies from one assignment to another. Continuous interpreting lasting longer than one hour is not recommended. Breaks should be agreed on in advance. During breaks, the interpreter should have a chance to rest and prepare for the next session. This is best achieved in a separate resting area.

Paragraph 8:

- **The interpreter shall enter into a written agreement on each assignment, giving priority to the recommendations of trade associations. If a written agreement cannot be concluded, the interpreter and the client can enter into an oral agreement.**

It is recommended that a written contract be drawn up for each assignment. When drafting the contract, the interpreter should give priority to trade union recommendations as they contain the minimum criteria which the interpreter and the client should agree on. These include the total duration of the interpreting session and the necessary breaks. If a written

contract is drawn up for the assignment, it is easy to check what has been agreed to later on.

If a written contract cannot be drawn up due to the urgency of the assignment or another practical reason, an oral agreement can be made. However, it is important that the interpreter and the client agree on the assignment in as much detail as possible, either in writing or orally. If an oral agreement is made, the interpreter should take notes on the agreed points for him/herself.

When accepting an assignment, the interpreter should evaluate whether the assignment can be carried out with the intended number of interpreters. Interpreting situations vary; what is common to all is the fact that they always require the full concentration of the interpreter.

In many consecutive interpreting assignments, one interpreter is enough, but sometimes the nature or the length of the occasion requires several interpreters. The recording of the occasion and its future use should be agreed on in advance.

Paragraph 9:

- **The interpreter shall prepare for the assignment in a careful and timely manner.**

Preparing means that the interpreter familiarises him/herself with the topic and the terminology in both languages and finds translation equivalents in advance. Advance preparation is particularly important if the assignment involves a specialist field.

The interpreter must prepare in advance in order to achieve the objective, i.e. the successful rendering of messages and the assurance of linguistic equality. Before the assignment, he or she must know the topic, the exact time and location, the client and the user of his or her service (if different) and their contact information in case further information is needed. It is in the best interest of both the client and the users (see appendix, L812, Chapter 1, Section 1) for the interpreter to prepare for the interpreting situation. The interpreter should be provided with as much information and material about the topic as possible. The schedule for delivering the information should be agreed on with the client. Good preparation contributes to the quality of the interpretation.

The interpreter must not accept an assignment if he or she is not able to prepare for it appropriately. Refusing an assignment in these circumstances shows that the interpreter knows his or her own limits. He or she should accept an assignment only if he or she can achieve the objective of the interpreter's role, i.e. render the messages in an appropriate manner.

If the interpreter has not been able to prepare due to lack of material, he or she has the right to familiarise him/herself with the topic and the terminology before interpreting begins, which will lengthen the duration of the assignment.

The interpreter can search for reference material from official brochures, the Internet, glossaries and legal dictionary.

Paragraph 10:

- **The interpreter shall aim to provide a comprehensive interpretation without omissions or undue additions.**

The interpreter's task is to convey all cultural messages, both linguistic and non-linguistic, as comprehensively as possible and without changing the content. If the interpreter cannot find an equivalent for proverbs, figures of speech, rare terms, abbreviations, etc. or if no direct translation exists, the interpreter should inform the listener and ask the speaker to clarify. Interpreters must never explain anything at their own initiative on behalf of either of the interpreted parties.

Before the assignment begins, the interpreter agrees with the speakers that they will speak in turns and at lengths which allow the interpreter to interpret comprehensively.

The interpreter should interrupt the speaker if the accuracy of the message may be compromised due to overlapping or excessively long sections of speech.

Paragraph 11:

- **The interpreter shall remain impartial and objective and he or she shall not allow his or her personal views or opinions to affect his or her performance.**

When accepting an assignment, and during and after the assignment, the interpreter must act impartially in order to promote trust with the interpreted parties.

Interpreters' impartiality means that their personal opinions or attitudes do not affect the quality of the work. If the matters discussed in the interpreting situation are against the interpreter's own ethics or morals, he or she must not reveal it through gestures, tone of voice or word choices.

If the interpreter knows in advance that he or she will be unable to remain partial and neutral in relation to the topic or the parties, he or she must decline the assignment. If, for instance, the topic generates strong feelings of hatred, disgust, empathy etc. that may reflect on the interpretation, the interpreter must refuse or quit the assignment. The interpreter is a messenger, and he or she must not take a stance on the topic or matter being discussed. Nevertheless, the interpreter is one of the parties of communication, and his or her presence has a bearing on the situation.

Paragraph 12:

- **The interpreter shall not advise or act as a representative of the interpreted persons.**

The interpreter's duty is to relay a message. He or she does not give advice or guidance on the matter.

Paragraph 13:

- **The interpreter shall not be required to carry out any other duties than those related to interpreting during the assignment.**

The interpreter's responsibility is to convey messages in order to ensure linguistic equality between the parties. For example, the interpreter's duties do not include transporting or accompanying the clients or filling in their forms. Written tasks such as translations must be agreed on in advance (see appendix for recommendations).

The interpreter conveys messages during the actual interpreting situation only; he or she will not discuss the matter outside of it.

Paragraph 14:

- **The interpreter shall conduct him/herself in an appropriate manner taking into account the nature of the occasion.**

The interpreter should find out the nature of the interpreting situation in advance so that he or she can dress and conduct him/herself appropriately.

Different situations require different types of conduct. The interpreter should always adapt his or her conduct according to the cultures represented by those present. The interpreter must not behave in a manner which can be interruptive or interfere; flexibility and a sense of occasion are vital.

The interpreter should dress appropriately, taking into account cultural issues and other conditions (e.g. weather, if the event takes place outdoors). Moreover, the interpreter should dress in a way that does not attract undue attention in the situation.

Paragraph 15:

- **The interpreter shall continuously develop his or her professional skills.**

In addition to language and interpreting skills, the interpreter should have a good command of interpreting techniques and extensive general knowledge. The interpreter should actively maintain and develop these skills.

Languages change and adapt to changes in the society. The interpreter should develop his or her language skills by following the media and culture of his or her working languages and by taking part in training events. He or she should continuously keep abreast of new terminology (new terms and equivalents).

The interpreter should develop his or her skills by taking part in training offered to interpreters. He or she can also develop her skills independently or with colleagues by reviewing his or her own performance through feedback, etc.

The interpreter should know his or her own personal limits. The interpreter should look after his or her physical and mental wellbeing in order to maintain his or her working ability and quality of performance.

LEGISLATION

Aliens Act 301/2004

Chapter 1, Section 10

Using interpreters or translators

Aliens have the right to use an interpreter when an administrative matter or an appeal under this Act is being handled. The authorities shall ensure interpretation as provided in section 203. In addition, aliens may also use an interpreter or translator at their own expense in an administrative matter or an appeal.

An interpreter procured by authorities may not be a person whose connection with the person or matter concerned may jeopardize his or her reliability or the safety of the person concerned.

Separate provisions shall be issued on interpreters' obligation to secrecy.

Chapter 14, Section 203

Interpretation and translation

The authorities shall provide interpretation or translation if the alien does not understand the Finnish or Swedish language used by the authorities under the Language Act (423/2003), or if he or she, because of his or her disability or illness, cannot be understood in a matter that:

- 1) is processed in the asylum procedure;
- 2) pertains to refusal of entry or deportation; or
- 3) may be initiated by the authorities.

To clarify the matter or to secure the rights of the person concerned, the authorities may also provide interpretation or translation in matters other than those referred to in subsection 1.

The provisions on the obligation of an administrative court to provide interpretation or translation are laid down in the Administrative Judicial Procedure Act.

The obligation of the authorities or a court to provide translation or interpretation does not apply to material that has no bearing on the processing of a matter.

The person concerned has the right to be notified of a decision concerning him or her in his or her mother tongue or in a language which, on reasonable grounds, he or she can be expected to understand. A decision is notified through interpretation or translation.

Administrative Procedure Act 434/2003

Chapter 3, Section 13

Privilege

An attorney or a counsel shall not without permission disclose any confidential information given to him/her by the client for purposes of taking care of the matter.

The privilege and prohibition of use pertaining to information received by an attorney for purposes of performing his/her task shall be subject to the provisions of the Act on the Openness of Government Activities (621/1999) even if the information has been received from an authority other than that considering the matter.

The provisions in subsections (1) and (2) apply also to interpreters and translators participating in the consideration of the matter. They apply further to persons who on commission or otherwise participate in taking care of the matter of the client.

Chapter 5, Section 26

Interpretation and translation

The authority shall arrange for interpretation and translation in a matter that can become pending on the initiative of the authority, if:

- 1) a party using the Romani language, sign language or another language does not know the language, Finnish or Swedish, used in the authority; or
- 2) a person who owing to a handicap or illness cannot be understood.

The matter may be interpreted or translated into a language that the party can be deemed to know adequately in view of the nature of the matter.

For purposes of clarification of the matter or the safeguarding of the rights of the parties, the authority may arrange for interpretation and translation also in matters other than those referred to in subsection 1. (...)

Chapter 11, Section 65

Disqualification of an interpreter or a translator

A person who is in such a relationship with a party or the matter that his/her credibility is thereby compromised shall not be retained as an interpreter or translator.

Chapter 11, Section 69

Breach of privilege

The breach of the privilege provided in section 13 shall be punishable under chapter 38, section 1 or 2, of the Penal Code, unless the act is punishable under chapter 40, section 5, of the Penal Code or unless a more severe penalty for the act is provided elsewhere in the law.

Administrative Judicial Procedure Act 586/1996

Chapter 14, Section 77

Interpretation and translation

The authority shall see to interpretation and translation if the person does not know the language used in the authority in accordance with the Language Act (423/2003) or cannot make himself understood for reason of a sensory or speech defect and:

- 1) in a previous phase of the procedure the competent authority was to see to interpretation and translation by virtue of section 26(1) of the Administrative Procedure Act or another provision;
- 2) the present authority is the first instance in a matter that has been initiated by a public authority; or
- 3) the person is heard in person.

(6.6.2003/435)

For a special reason the authority may see to interpretation and translation also in a case not referred to in subsection (1).

No one shall act as an interpreter or translator if he is in such a relationship with a party or the matter that his credibility may for this reason be compromised.

The authority shall see to that citizens of the other Nordic Countries receive the assistance in interpretation and translation necessary for the matters considered by it.

Criminal Investigations Act 449/1987

37 §

In criminal or pre-trial investigations, interviewees shall have the right to use their own language, either Finnish or Swedish, according to the provisions laid out in Sections 10 and 18 of the Language Act (423/2003). The investigative authority shall provide interpretation or procure interpretation services at the state's expense unless the authority shall use the language of the interviewee on the basis of the Language Act.

The right to use the language of Sami in pre-trial or criminal investigations is stipulated in the Act on the use of the Sami language before authorities (516/1991).

In pre-trial or criminal investigations, interviewees who speak a language other than Finnish, Swedish or Sami shall have the right to an interpreter free of charge unless interpretation is provided by the investigating authority. The authority shall ensure that the interpretation requirement is met *ex officio*. Similarly, interpretation shall be provided when necessary due to a sensory or speech impediment of the interviewee.

The Language Act 423/2003

9§

Other languages

Provisions on the right to use languages other than Finnish, Swedish and Sami before an authority are contained in the legislation on court proceedings, administrative proceedings and administrative judicial procedure, legislation on education, legislation on health care and social welfare and legislation on other administrative sectors.

18§

The right to interpretation

If a person has the right under law to use his or her own language but the language of an authority or the language of the proceedings is different, the authority shall arrange for interpretation free of charge unless it itself takes care of the interpretation or unless otherwise provided under subsection 2. (...)

Act on the treatment of detained foreign nationals and on the detention unit 116/2002

Basic needs and care

11 §

Accommodation and care

Foreign nationals shall be offered accommodation, full care and other basic services in the detention unit. (...)

Act on the openness of government activities 621/1999

Chapter 6, Section 23

Non-disclosure and prohibition of use

A person in the service of an authority and an elected official shall not disclose the secret content of a document, nor information which would be secret if contained in the document, nor any other information obtained in the service of the authority, where covered by a duty of non-disclosure in an Act. The provision on non-disclosure shall apply also after the service or the performance of the task on behalf of the authority has ceased.

The provision in paragraph (1) applies also where trainees or other temporary persons have acquired secret information by virtue of an Act or a permission based on an Act, unless otherwise provided in the Act or laid down in the permission. The non-disclosure requirement also applies to persons to whom the authority has provided non-public information within the limits

of a provision on publication or non-disclosure. A party, his/her representative or counsel shall not disclose to third parties secret information obtained by virtue of party status and concerning other persons than the party himself. (23.6.2005/495)

Legal Aid Act 257/2002

Chapter 1, Section 4

Benefits of legal aid

The granting of legal aid shall release the recipient from liability for: (...) 2) the fees and reimbursements arising from the interpretation and translation services required in the consideration of the matter; (...)

Chapter 3, Section 18

Determination of fees and expenses

In a case heard by a court, the court seized of the main matter shall determine the fees and expenses payable from state funds to a private attorney, a witness and, unless the recipient is already entitled by law to interpretation free of charge, an interpreter, as well as the compensation payable to a recipient of legal aid. (19.12.2008/927) (...)

In cases not heard by a court, the legal aid office shall determine the fee and expenses of an attorney and an interpreter.

Act on the Integration of Immigrants and Reception of Asylum Seekers 493/1999

Chapter 4

Reception of asylum seekers and beneficiaries of temporary protection (118/2002)

19 § (27.5.2005/362)

Content of reception

The reception of asylum seekers and beneficiaries of temporary protection includes accommodation, social assistance, essential social and health care services, interpretation services and fulfilment of other basic needs. Work and study activities may also be arranged.

