

**TRANSLATIONS**

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## TRANSLATIONS

### 1. INTRODUCTION AND KEY MESSAGES

All documents that the applicant wishes to rely upon should be provided in English, or accompanied by an English translation. The translator's credentials should be provided, along with their affirmation that the translation is accurate.

Article 4 of the European Council Qualification Directive has been incorporated into UK legislation by inclusion in the Immigration Rules at paragraph 339I which states:

“When the Secretary of State considers a person's asylum claim, eligibility for a grant of humanitarian protection or human rights claim it is the duty of the person to submit to the Secretary of State as soon as possible all material factors needed to substantiate the asylum claim or establish that he is a person eligible for humanitarian protection or substantiate the human rights claim, which the Secretary of State shall assess in co-operation with the person.”

“[A]ll material factors needed to substantiate the asylum claim or establish that he is a person eligible for humanitarian protection or substantiate the human rights claim” includes not only any documents relied upon, but also, if the documents are not in English, an English translation.

The following principles should be applied by decision-makers in the handling of foreign-language documents:

- applicants should be informed that any documents relied upon should be provided in English or accompanied by an English translation, no matter when they are submitted
- any foreign-language document on which the applicant or the decision-maker wishes to rely must be accompanied by an English translation of reliable quality
- no reliance can be placed on an untranslated document
- decision-makers should allow reasonable time for translations to be submitted, but a decision should not be unduly delayed by the applicant's failure to submit a translation
- decision-makers have the discretion to arrange for an untranslated document to be translated at the UK Border Agency's expense where this is justifiable in the circumstances of the case

## **2. ALLOWING EXTRA TIME FOR TRANSLATIONS**

Where the document is clearly central to the claim, decision-makers may grant an extension of time for the applicant to obtain a translation prior to an initial decision being made.

This should only be done where it is justifiable in the circumstances of the case, and where the document is clearly central to the claim (e.g. documentary evidence upon which the claim hinges). The decision-maker should take into account:

- what stage in the process the claim has reached, and whether the applicant could reasonably be expected to have obtained a translation previously;
- whether or not the applicant has what is considered a reasonable excuse for failing to get the document translated up to that stage; and
- whether waiting for the translation is likely to assist earlier case conclusion and improved quality of decision-making.

If in doubt over whether to grant an extension in order for the applicant to obtain a translation, advice should be sought from a senior caseworker.

## **3. UK BORDER AGENCY OBTAINING ITS OWN TRANSLATIONS**

Although it is the duty of the applicant to provide all foreign-language documents accompanied by an English translation, it may on occasion be appropriate for a decision-maker to commission the translation of a foreign-language document at the UK Border Agency's expense.

This should only be done where it is justifiable in the circumstances of the case, and where the document is clearly central to the claim (e.g. documentary evidence upon which the claim hinges). The decision-maker should take into account:

- what stage in the process the claim has reached, and whether the applicant could reasonably be expected to have obtained a translation previously;
- whether or not the applicant has what is considered a reasonable excuse for failing to get the document translated themselves up to that stage; and
- whether waiting for the translation is likely to assist earlier case conclusion and improved quality of decision-making.

If in doubt over whether to commission a UK Border Agency translation of a foreign-language document, advice should be sought from a senior caseworker.

Country of Origin Information Service (COIS) should be contacted in each case, via a senior caseworker, to ensure that the foreign-language document has not previously been translated.

All decision-makers should ensure that original documents are kept on file and should only send copies for translation.

Instructions on how to submit requests for translations can be found in the **Asylum Process Manual**, under [Miscellaneous Guidance - Translations](#).

**Enquiries:** Further enquiries should normally be made in writing via a senior caseworker to Group G, APU.