



# U.S. Citizenship and Immigration Services

## RAIO DIRECTORATE – OFFICER TRAINING

### *RAIO Combined Training Course*

## INTERVIEWING – WORKING WITH AN INTERPRETER

### TRAINING MODULE

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RAIO Directorate – Officer Training / *RAIO Combined Training Course*

## **INTERVIEWING – WORKING WITH AN INTERPRETER**

### **Training Module**

#### **MODULE DESCRIPTION**

This module describes the role and responsibilities of an interpreter, and how to communicate effectively through the use of an interpreter.

#### **TERMINAL PERFORMANCE OBJECTIVE(S)**

When interviewing in the field, you will recognize when an interpreter is necessary, and will work with an interpreter effectively to communicate with an interviewee.

#### **ENABLING PERFORMANCE OBJECTIVES**

1. Explain the role and responsibilities of the interpreter in the interview.
2. Identify signs of misinterpretation during the interview.
3. Explain techniques for corrective action when you encounter misinterpretation problems.
4. Explain ways to facilitate proper interpretation during the interview.
5. Explain strategies for effective communication through an interpreter.

#### **INSTRUCTIONAL METHODS**

- Interactive Presentation
- Discussion
- Practical Exercises

#### **METHOD(S) OF EVALUATION**

- Written exam

- Practical exercise exam

## REQUIRED READING

None

**[Division-Specific Required Reading - Refugee Division](#)**

**[Division-Specific Required Reading - Asylum Division](#)**

**[Division-Specific Required Reading - International Operations Division](#)**

## ADDITIONAL RESOURCES

Collopy, Dree K, “[Lost In Translation: Why Professional Interpreters are Critical to the Fairness of Asylum Interviews](#),” *Immigration Law Today* 27, no. 3, May/June 2008, pp.12-22, <http://www.aildownloads.org/ilt/2008/May-June08ILTFullText.pdf>, accessed 25 November 2015.

**[Division-Specific Additional Resources - Refugee Division](#)**

**[Division-Specific Additional Resources - Asylum Division](#)**

**[Division-Specific Additional Resources - International Operations Division](#)**

**CRITICAL TASKS**

<b>Task/ Skill #</b>	<b>Task Description</b>
ITK8	Knowledge of policies, procedures, and guidelines for working with an interpreter (4)
ITS9	Skill in interviewing through an interpreter (4)

**SCHEDULE OF REVISIONS**

<b>Date</b>	<b>Section (Number and Name)</b>	<b>Brief Description of Changes</b>	<b>Made By</b>
12/12/2012	Entire Lesson Plan	Lesson Plan published	RAIO Training
11/25/2015	Throughout document	Corrected links and minor typos	RAIO Training
04/11/2017	RAD Supplement	Issued new RAD Supplement	RAD
09/17/2018	Throughout document	Fixed formatting	RAIO Training
08/22/2019	ASM Supplement	Issued new ASM Supplement	ASM

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Throughout this training module you will come across references to division-specific supplemental information located at the end of the module, as well as links to documents that contain division-specific, detailed information. You are responsible for knowing the information in the referenced material that pertains to your division. Officers in the International Operations Division who will be conducting refugee interviews are also responsible for knowing the information in the referenced material that pertains to the Refugee Affairs Division.

For easy reference, each division's supplements are color-coded: Refugee Affairs Division (RAD) in pink; Asylum Division (ASM) in yellow; and International Operations Division (IO) in purple.

Officers in the RAIO Directorate conduct interviews primarily to determine eligibility for immigration benefits or requests; to corroborate information provided by applicants, petitioners, and beneficiaries; and/or to establish whether a person understands the consequences of his or her actions.

The modules of the RAIO Directorate – Officer Training Course and the division-specific training courses constitute primary field guidance for all officers who conduct interviews for the RAIO Directorate. The USCIS Adjudicator's Field Manual (AFM) also provides guidance for officers when conducting interviews, particularly for officers in the International Operations Division. There may be some instances where the guidance in the AFM conflicts with guidance provided by the RAIO Directorate. If this is the case, you should follow the RAIO guidance. Further guidance regarding interviews for specific applications will be discussed during division-specific trainings.

In this module, the term “interviewee” is used to refer to an individual who is interviewed by an officer in the RAIO Directorate for an official purpose.

## 1 INTRODUCTION

This module is part of a series of interviewing modules that discuss various topics including the basic principles and components of conducting a non-adversarial interview, how to elicit information through various question types and techniques, and the proper procedures for taking notes. This module provides information on procedures governing the use of interpreters, the role of interpreters in the RAIO context, factors that may affect the integrity of interpretation, and how to facilitate communication through an interpreter. The ability to communicate with an interviewee through an interpreter is one of the many skills you must develop as an officer. Please refer to the other interviewing modules for additional guidance on conducting RAIO interviews.

- Interviewing – Introduction to the Non-Adversarial Interview
- Interviewing – Note-Taking
- Interviewing – Eliciting Testimony
- Interviewing – Interviewing Survivors of Torture

As an officer in the RAIO Directorate, you will conduct different types of non-adversarial interviews in the course of your duties.

Although some interviewees you encounter will speak English well enough to proceed with the interview in English, many interviewees will need the assistance of an interpreter in order to communicate during the interview. Accurate interpretation is crucial in these interviews.

The main goal in conducting an interview is to elicit testimony from the interviewee so that you are able to determine eligibility for the benefit sought, or for some other purpose as noted above. The interpreters you encounter may be professionally trained interpreters, but in many cases, they will be friends or family members who have not had formal training to be an interpreter and may not have interpreted previously. Regardless of the interpreter’s level of experience and/or training, it is your responsibility to ensure that everyone present understands the procedures for facilitating interpretation during the interview and that the interpretation contributes to the primary goal of effectively eliciting relevant information during the interview.<sup>1</sup>

Very often the terms “interpret” and “translate” are used interchangeably; however, for the purpose of this module it is important to understand the distinction between these two processes. The main difference between interpret and translate is the medium: “interpret” involves oral communication; “translate” involves written text.

Interpreting is essentially the art of orally conveying information from one language to another. The interpreter listens to a speaker in one language, grasps the content of what is being said, and then restates in another language what was said, using wording that is as close as possible to the original statement while still maintaining the meaning of what was said.

In this module, the terms “interpretation,” “interpret,” and “interpreter” refer to oral communication. Interpreters utilized in the RAIO Directorate usually provide only interpretation; on occasion, however, they may be asked to translate written

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<sup>1</sup> For additional information on the interview process, see RAIO Training module, *Interviewing: Introduction to the Non-Adversarial Interview*.

documents from another language into English and vice versa.

## 2 IDENTIFYING THE NEED FOR AN INTERPRETER

### 2.1 Language Ability of the Interviewee

The individuals you interview will have varying degrees of English language proficiency. When the interviewee cannot speak English well enough to fully understand you or to express himself or herself, you will need to conduct the interview utilizing an interpreter. The interpreter must be proficient in both English and the interviewee’s native language, or another language in which the interviewee is fluent. [[ASM Supplement – 1](#)]

Some interviewees can speak English well enough to be interviewed in English without utilizing an interpreter. Nonetheless, many will need an interpreter during the interview to fully comprehend the information conveyed and questions asked and to provide testimony. Even an interviewee who is competent in English may feel more comfortable being interviewed in his or her native language. There may be times when it appears that the interviewee speaks English and should proceed with the interview in English; however, in almost all cases, it is in the applicant’s best interest to conduct the interview in the language he or she can most fully express himself or herself.

### 2.2 Interpreters Utilized for RAIO Interviews

The U.S. Government provides interpreters for some but not all RAIO interviews where the interviewees are not proficient in English. These interpreters are professional interpreters or USCIS staff members who are fluent in the interviewee’s language. At USCIS offices overseas, USCIS employees, including Locally Engaged Staff (LES), serve as interpreters due to local security protocols or the unavailability of competent interpreters. Each division has specific procedures providing guidance on who can serve as an interpreter. [[RAD Supplement - 1](#), [ASM Supplement -2](#), [IO Supplement – 1](#)].

For certain USCIS interviews conducted overseas, Resettlement Support Centers (RSC’s), under contract with the Department of State (DOS), and on occasion the United Nations High Commissioner for Refugees (UNHCR), provide interpreters. [[RAD Supplement - 1](#)].

USCIS does not provide interpreters for non-English speaking interviewees at affirmative asylum interviews. Accordingly, interviewees are required to bring their own interpreter to the interview. In addition, during affirmative asylum interviews, the Asylum Division utilizes professional interpreter monitors (via telephone). Their function is not to interpret, but to monitor the quality of the interpretation provided by the interviewee’s interpreter to ensure that the interpretation is accurate, complete, adequate, and neutral.<sup>2</sup>

<sup>2</sup> For additional information on Asylum Division procedures governing the use of interpreter monitors, see [Affirmative Asylum Procedures Manual Section II.J.4\(b\)](#) and Memorandum from Joseph E. Langlois, Chief, USCIS

The Asylum Division does, however, provide professional interpreters (via telephone) during credible fear and reasonable fear interviews.

### 2.3 Conducting an Interview if you are Fluent in the Interviewee’s Language

Ideally, the services of a disinterested person should be employed as an interpreter.<sup>3</sup> However, in some circumstances, if you are fluent in a language that the interviewee speaks, you may conduct the interview in that language without utilizing an interpreter. If you conduct an interview in the interviewee’s language without an interpreter, you do not have to be sworn in but you should note in the record the language in which you conducted the interview.

If there are others present at the interview who do not speak the interviewee’s language (e.g., an attorney or family member), it is important that the other parties understand everything that occurs while they are present in the interview. Even though you may speak the interviewee’s language, using an interpreter may be the best way to assure that all present understand what takes place during the interview. Each division has procedures on when an officer can conduct an interview in a language other than English. Within the Asylum Division, this can only be done if your language ability has been certified by the Department of State. Refer to your division’s procedures for specific guidance. [[RAD Supplement – 2](#), [ASM Supplement – 3](#), [IO Supplement – 2](#)].

### 2.4 Verifying the Identity of the Interpreter

At the onset of most interviews, you will request identification from the interpreter. Each RAIO division has specific procedures regarding verifying the identity of the interpreter and the documentation that is needed. Because the interpreters used by the Refugee Affairs Division are usually hired by the UNHCR or the RSCs, officers interviewing during RAD circuit rides are not required to check the identity documents of the interpreters. Officers in the Asylum and International Operations divisions should make a copy of the identification document(s) provided by the interpreter to retain as part of the record. [[RAD Supplement – 3](#), [ASM Supplement – 4](#), [IO Supplement – 3](#)].

## 3 ROLE OF THE INTERPRETER

### 3.1 Interpreter’s Role is Crucial

In an interview requiring an interpreter, the role of the interpreter is crucial. Misinterpretations can impede your ability to elicit accurate information and therefore can lead to incorrect determinations of eligibility or dissemination of incorrect

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Asylum Division, to Asylum Office Directors, et al., [Award of Interpreter Services Contracts and Guidance on Use of Interpreter Services](#), (HQRAIO 140/12) (23 May 2011).

<sup>3</sup> USCIS Adjudicator’s Field Manual, [Section 15.7 “Use of Interpreters”](#) (Rev. March 5, 2010).

information. Interpretation during the interview should be a collaborative effort between you and the interpreter to ensure that the interpretation is accurate.

Due to the inherent complexities of interpretation and communicating in a second language, the interpreter may not be able to restate information word for word.<sup>4</sup> The interpreter is, in many ways, a “filter” through which information is passed. It is your responsibility to ensure that the interpreter understands and performs his or her role, which is to interpret as close as possible the meaning of the words and concepts being communicated.

If, at any point during the interview, there are indications that the interpreter is not able to interpret effectively, you should work with the interpreter to evaluate whether he or she is capable of continuing and take appropriate action as described below.

### 3.2 Advising the Interpreter of His or Her Role

It is important to explain the roles of all parties present, including the interpreter, at the beginning of the interview to mitigate any confusion and to manage expectations. When the interpreter, interviewee, and attorney or witness(es), if applicable, understand their role in the interview process, there is a higher likelihood that the interview will go smoothly. By explaining clearly what you expect of the interpreter, you will be better able to maintain control of the interview and identify and address any problems that may arise with the interpretation. [[RAD Supplement – 4](#)]

Some interpreters may have a great deal of experience interpreting or may have interpreted at RAIO interviews previously. Such interpreters may be aware of the general mechanics of the process and the interpreter's role. Individual interviewing styles vary from officer to officer, however, and interpreters should not assume that one interview will be conducted in the same manner as a previous interview. Therefore, you should still always explain to both inexperienced and experienced interpreters the rules for interpreting.

As you explain to the interpreter his or her role and the accompanying “ground rules” for interpreting, you should have the interpreter interpret to the interviewee your explanation. This will help the interviewee understand how the interpretation should take place as well as address the goal of keeping the interviewee informed at all times of what is transpiring during the interview. The following chart outlines the ground rules for interpreting during any interview conducted by RAIO staff.

#### INTERPRETER GROUND RULES

<sup>4</sup> For additional information, see RAIO Training module, *Cross-Cultural Communication*.

<b>The Interpreter <u>Should</u> Do the Following:</b>	
1	<p><i>Keep all information discussed by all parties at a USCIS interview confidential</i> [<a href="#">RAD Supplement – 5</a>, <a href="#">ASM Supplement – 5</a>, <a href="#">IO Supplement – 4</a>].</p>
2	<p><b><i>Interpret verbatim (word for word) as much as possible</i></b></p> <ul style="list-style-type: none"> <li>• Use your (the officer’s) and the interviewee’s choice of words, rather than using the interpreter's choice of words, while maintaining the meaning of what was said.</li> <li>• Advise you if certain terminology cannot be interpreted verbatim and therefore needs a lengthy interpretation in order to accurately convey the meaning of what was said.</li> <li>• Use the same person that you and the interviewee use. For example: <ul style="list-style-type: none"> <li><b>You:</b> What did you do next?</li> <li><b>Interpreter</b> (to interviewee): <ul style="list-style-type: none"> <li>(proper): What did you do next?</li> <li>(not proper): He asked what you did next.</li> </ul> </li> <li><b>Interviewee:</b> I went to the U.S. Embassy to request a visa.</li> <li><b>Interpreter</b> (to you): <ul style="list-style-type: none"> <li>(proper): I went to the U.S. Embassy to request a visa.</li> <li>(not proper): He went to the U.S. Embassy to request a visa.</li> </ul> </li> </ul> </li> <li>• Another way of thinking about this is that the interpreter is, in effect, an echo, interpreting everything that she or he hears, not selectively interpreting what he or she chooses to interpret.</li> </ul>
3	<p><b><i>Interpret the interviewee’s responses to your questions even if the</i></b></p>

	<i>responses do not appear to answer the questions</i>
4	<i>Inform you if he or she does not understand what you have said</i>
5	<i>Inform you if he or she does not understand something the interviewee has said and that he or she needs to ask the interviewee for clarification</i>
6	<i>Advise you or the interviewee if the length of a question or response would pose difficulties for him or her to interpret</i>  You and/or the interviewee can then break the statement/question into shorter chunks of information for the interpreter to convey.
7	<i>Interpret all conversations that take place between you and him or her during the interview so that the interviewee is aware at all times of what is transpiring during the interview</i>
8	<i>Advise you if the interviewee expresses any confusion about your question or statement</i>

<b>The Interpreter Should <u>NOT</u> do the following:</b>	
1	<i>Engage in private conversations with the interviewee during the interview</i>
2	<i>Attempt to explain the meaning of anything that is said during the interview, including your questions and statements, even if the interviewee appears confused.</i>  It is the interpreter’s role to simply interpret the questions asked and the responses provided. <sup>5</sup> He or she should inform you if the interviewee appears confused at any time during the interview. This

<sup>5</sup> For additional information on follow-up questions to clarify confusion by the interviewee, see RAIO Training module, *Interviewing – Eliciting Testimony*.

	will then allow you to clarify any confusion with follow up questions.
3	<b><i>Condense or elaborate upon what you say or what the interviewee says</i></b>
4	<b><i>Attempt to answer for the interviewee or explain the meaning of what the interviewee says</i></b>
5	<b><i>Begin the interview ahead of you;</i></b> it is you, not the interpreter who begins, directs, and concludes the interview.  When interpreters interpret for multiple interviews, they become familiar with the interview procedures and so may proceed without the officer directing them. As the interviewing officer, you must maintain control of the interview and ensure that the interpreter does not proceed without your direction.
6	<b><i>Allow any personal biases and opinions to affect the interpretation during an interview</i></b>

Explain to the interpreter that these ground rules are necessary because the interview is important to the interviewee and the officer and that these rules enable the interviewee and officer to communicate fully and avoid any misunderstanding. The interpreter may be more likely to follow instructions if he or she understands the rationale for them.

### 3.3 Interpreter’s Oath

As stated in the [Adjudicator's Field Manual](#) Chapter 15.7, interpreters interpreting before a USCIS officer must be placed under oath. “He or she should be placed under oath to interpret and translate all questions and answers accurately and literally.”<sup>6</sup>

All USCIS officers must, at a minimum, comply with the *AFM* 15.7 requirements as stated above. Each division within RAIO has developed guidance with regard to the specific wording of the interpreter’s oath and the context in which it is used. Officers in the RAIO Directorate should follow any additional division-specific guidance when administering the oath and, where applicable, signing an Interpreter’s Oath form prior to the interview. [[RAD Supplement - 6](#), [ASM Supplement- 6](#), [IO Supplement – 5](#)]. If the

<sup>6</sup> USCIS Adjudicator’s Field Manual, [Section 15.7 “Use of Interpreters”](#) (Rev. March 5, 2010).



interpreter used is an employee of USCIS or DHS, he or she need not be sworn in. He or she should, however, be identified for the record.<sup>7</sup>

As stated above, the Asylum Division utilizes telephonic interpreter monitors for affirmative asylum, reasonable fear, and credible fear interviews. Asylum Officers are required to administer an oath to the interpreter monitor at the beginning of the interview. [[ASM Supplement – 7](#)].

## **4 COMPETENCY OF THE INTERPRETER**

### **4.1 General**

In order to achieve the goals of the interview, you and the interviewee must be able to understand each other. When an interpreter is involved, the interpreter’s ability to effectively interpret is crucial to the success of the interview. The interpreter must be proficient in both English and the interviewee’s native language (or another language in which the interviewee and interpreter are fluent). During the interview, there may be indicators leading you to determine that the interpreter is not competent and you should stop the interview. It is best if you make this determination as early as possible during the interview for a variety of reasons including time constraints and/or the limited availability of other interpreters.

### **4.2 Indicators of Misinterpretation During the Interview**

There are a number of indicators that can signal that there may be miscommunication between the individuals at the interview and/or that the interpreter is having difficulty interpreting. These indicators include:

- The response to a question you ask does not answer the question, or the response only partially answers the question.
- Words you recognize without interpretation (e.g., proper names, English words) are not interpreted.
- The interpreter uses more words to interpret a question or response than appears to have been required.
- The interpreter uses very few words to interpret a lengthy question or response by either the interviewee or officer.
- There is back and forth dialogue between the interpreter and interviewee, without explanation from the interpreter.

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<sup>7</sup> USCIS Adjudicator’s Field Manual, [Section 15.7 “Use of Interpreters”](#) (Rev. March 5, 2010).

- The interviewee indicates non-verbally that he or she is confused or doesn't understand, such as not responding or looking surprised or confused. Keep in mind, however, that non-verbal expressions can be culturally bound, so what may indicate confusion in one culture may indicate something different in another culture.<sup>8</sup>

You need to be alert continually for any signs of miscommunication during the interview and to clarify with the interpreter immediately if problems arise. As the interviewing officer, you are responsible to look for signs of inaccurate, incomplete, inadequate, or biased interpretation by the interpreter, and to address these problems if they occur. When using a telephonic interpreter, you will not be able to *see* signs of miscommunication and must remain alert and listen carefully for verbal indicators of miscommunication.

### 4.3 Determining the Interpreter's Competency

The indicators listed in the section above should alert you to potential problems with the interpretation during the interview. [[ASM Supplement – 8](#)]. You may need to stop the interview due to an interpreter's lack of competency. The decision to stop the interview is left to your discretion; however, before stopping the interview you should first make every reasonable effort to resolve any interpretation problems or issues. Once you make a determination that the interpreter is not competent, you should consult with your supervisor, if necessary, and then stop the interview. Generally, you should determine that an interpreter is not competent if you encounter the following:

- The interpreter is not sufficiently competent in English and/or the interviewee's language, and is not able to accurately interpret during the interview; and/or
- You have good reason to believe that the interpreter is providing answers to the interviewee, altering or embellishing answers, or changing the questions you ask, and when working with the interpreter, you are not able to resolve these issues.

### 4.4 What to Do Once You Have Stopped the Interview Due to the Interpreter's Incompetence or if Another Interpreter is Not Available

Each division has specific procedures you must follow once you have determined that an interpreter is not competent or that the interviewee is unable to continue in English and an alternate interpreter is unavailable. [[RAD Supplement – 7](#), [ASM Supplement – 9](#), [IO Supplement – 7](#)]. This includes guidance on stopping the interview, rescheduling the interview, providing written notice if applicable, stopping the "clock" (in the Asylum context), etc.

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<sup>8</sup> For additional information, see RAIO Training module, *Cross-Cultural Communication* (under development; please refer to RAD and ASM lesson plans on this topic).

## **5 FACTORS THAT MAY AFFECT THE ACCURACY OF INTERPRETATION AT THE INTERVIEW**

There are a number of reasons why the quality and accuracy of interpretation at an interview may be impaired. These reasons are outlined below. It is important that you are aware of these factors and their impact on the interpretation during the interview in order to mitigate, as much as possible, any negative impact on the communication between you and the interviewee.

### **5.1 Interpreters at the Interview are Often Not Professionally Trained**

The interpreter may or may not have had professional training as an interpreter or experience interpreting or translating. Even if an interpreter has prior experience interpreting or translating, he or she may not fully understand the role of an interpreter and how to best interpret during an interview in the RAIO context.

### **5.2 The Interpreter and the Interviewee May Not Have Met Prior to the Interview**

In some cases, the interviewee and interpreter may be meeting for the first time at the interview. Therefore, the interviewee and interpreter may be unfamiliar with one another's accent, pronunciation, mannerisms, etc. Generally, the less familiar an interpreter is with the interviewee, the more challenging it is for the interpreter to interpret. There may be several ways of interpreting a particular word or phrase, some of which may be more appropriate to a particular situation. (Think of a thesaurus, which lists numerous synonyms for one word.) When interpreting, the interpreter chooses his or her words in a “split second.” Once the interpreter has chosen the words to use, it may be difficult later for him or her to change or correct the choice of words. If an interpreter is familiar with the interviewee as well as the interviewee’s country and culture, the interpreter will be more capable to make these split second determinations to interpret particular words or phrases. Conversely, the less time an interpreter has spent with an interviewee, the more challenging it will be for the interpreter to accurately make these decisions.

On the other hand, an interpreter who knows the interviewee and his or her culture and background may think he or she knows in advance what the interviewee is going to say, and may not listen as intently as an interpreter who does not know the interviewee.

### **5.3 The Interpreter May Not be Sufficiently Competent in English**

The interpreter’s English language proficiency may vary in quality from excellent to poor. For example, a Spanish speaker, for whom English is not his or her native language, may mistakenly interpret the Spanish word, “*embarazada*,” (*pregnant* in Spanish) as “embarrassed.” Even if an interpreter is competent in English, English is not the native language of the interpreter in most cases. Therefore, the interpreter may not completely understand certain subtleties of the English language. Furthermore, some terms that may be used in an interview, such as “threatened,” “torture,” “organization,”

etc., may not be among the words in a non-native English speaker’s English vocabulary. In addition, an interpreter may not be familiar with or understand the various accents of officers, which may create an additional layer of difficulty for the interpreter.

#### **5.4 The Interpreter May Encounter the Inherent Difficulties of Interpreting from One Language to Another**

It is not always possible to interpret verbatim (word for word) from one language to another and retain the meaning of what is being said. The structure and syntax of one language can vary considerably from another language. Consider the simple sentence, “I am thirsty.” In the French language, one would say, “*J’ai soif*,” which means, “I have thirst.” In the Mòoré language, spoken in Burkina Faso, one would say “*Ko yuud n tar mam*,” which means, “Thirst has me.”

Word order can be essential to the meaning of a phrase or sentence; changing the word sequence can change the meaning. For example, in Spanish, when the word order of “*un amigo viejo*” which means “a friend who is old,” changes to “*un viejo amigo*” the meaning becomes “a longtime friend.”

When colloquial expressions, sayings, and idioms are interpreted verbatim, the meaning of what was said can be altered or may not make sense. Consider the Spanish, “*me costó un ojo de la cara*,” which is interpreted word for word into English as, “it cost me an eye from the face,” rather than the familiar English equivalent, “it cost me an arm and a leg.”

Rather than interpret word for word, an interpreter must interpret meaning for meaning to accurately convey what is being said. This involves knowledge of the subtleties of the interviewee’s language and English. Because interpreters vary in their knowledge of the subtleties of languages used and in their ability to interpret meaning for meaning, you should always be vigilant for signs of misinterpretation.

#### **5.5 The Interviewee and Interpreter May be Communicating Through a Second Language**

It is important to determine the native languages of both the interviewee and the interpreter, and the language they will be using to communicate during the interview and how proficient both are in that language. The interviewee and interpreter may be communicating through a language that is a second language for one or both of them. For example, the native language of many I-730 beneficiaries from the People’s Republic of China is Fuzhou and their second language is Mandarin, which they may not speak as well as Fuzhou. Often, the interpreter for such cases is proficient in Mandarin but does not speak Fuzhou. Because the interviewee may have only a rudimentary understanding of Mandarin, it may be challenging to elicit information from him or her.

Therefore, it is important to determine at the beginning of the interview the native languages of the interviewee and interpreter. You can do this by asking the interviewee

and interpreter what their native language is or by asking "What language do you understand best?" or "What language do you speak at home?"

## 5.6 The Interviewee and Interpreter May Speak Different Versions of the Same Language

Although an interviewee and interpreter may speak the same language, they may have learned different versions of that language and/or speak with different accents. This may be the case if they are from different socio-economic groups, from different parts of the same country, or from different countries that speak the same language. Even within the English language there are inconsistencies in terminology among different regions in the U.S. or different English-speaking countries, as the following example illustrates.

<u>British English</u>	<u>American English</u>
Lift	Elevator
Flat	Apartment
Chemist	Pharmacist
Boot	Trunk
Football	Soccer
Jumper	Sweater

Such minor inconsistencies in terminology, as well as variations in usage between different versions of a language, can lead to subtle differences in interpretation, which can impact the outcome of an interview. Consider the possible effect at an interview of the following:

- The word “*ahorita*” in the Dominican Republic means “in a little while;” in Mexico it means “right now.”
- A Spanish language interpreter who is not from Guatemala may not understand the term for “civil patrol” expressed by a Guatemalan interviewee and may interpret it as “military.”

## 5.7 Cultural Factors Can Influence Interpretation<sup>9</sup>

Interviewees and interpreters are usually from a culture that is different from the culture of the officer who is conducting the interview. Therefore, the exchange of information through an interpreter is not only being interpreted from one language to another, but also from one culture to another. If the interviewee and the interpreter are also from different cultural backgrounds, there is an additional cultural layer through which the information must pass.

<sup>9</sup> For additional information, see RAIO Training module, *Cross-Cultural Communication* .

For example, it may be taboo for an interpreter to openly discuss rape in his or her culture. During the interview, if the applicant discusses a rape that he or she experienced, the interpreter may feel uncomfortable and may therefore substitute the word “harm” for “rape.”

## **5.8 The Interpreter’s Personal Opinions or Biases Can Influence Interpretation**

Interpreters are rarely neutral. In some circumstances, they may have a certain disposition toward you or the interviewee. They may also bring biases, preconceived ideas, or personal opinions to the interview. Examples of this are listed below.

The interpreter may:

- Try to impress you with his or her knowledge of English or country conditions, and may add editorial comments about the interviewee’s country
- Want to distance him or herself from the interviewee if he or she feels that the interviewee is of a lower socio-economic group or if he or she believes the interviewee may be fabricating a claim
- Want to put his or her country and culture in a favorable light so may not interpret the abuse the interviewee suffered at the hands of the authorities as graphically as the interviewee’s depiction
- Want to help the interviewee so may not interpret some information accurately because he or she may think that it could have negative consequences for the interviewee
- Want you to know that he or she is acquainted with the interviewee and that the interviewee is a “good person”

Whatever the reason, the interviewee’s testimony may be distorted by the interpreter. Often, the interpreter is not consciously aware of his or her personal opinions or biases and how these can affect the interview.

You must remain vigilant to the possible presence of these factors and take appropriate steps to control the interview when necessary. This applies to all interviews, even asylum interviews where an interpreter monitor is present and the effects these factors may have on communication during the interview may be lessened by the presence of the interpreter monitor.

## **6 WAYS TO FACILITATE INTERPRETATION THROUGH AN INTERPRETER**

There are certain inherent difficulties in interpreting from one language to another and in working with an interpreter. Everyone has a particular way of speaking in which he or she incorporates accent, speech patterns, rates of speech, and other personal behavior. Some ways of speaking can be easy for an interpreter to understand while others may

pose problems. There is also a cultural filter through which information is exchanged.<sup>10</sup> In addition, as explained earlier in this module, there are a variety of other factors that may adversely impact the interpretation of information exchanged during the interview.

The following are the steps in the communication process during an interview when working through an interpreter.<sup>11</sup>

- You ask a clearly-worded question.
- The interpreter correctly understands the question.
- The interpreter correctly interprets the question.
- The interviewee correctly understands the interpreted question.
- The interviewee answers the question.
- The interpreter correctly understands the answer.
- The interpreter correctly interprets the answer.
- You understand the interpreted answer.
- You correctly record the answer.

Miscommunication during any of these steps can lead to incorrect information being relayed, with the potential for affecting the outcome of the interview. It is your responsibility as an officer within RAIO to develop interviewing skills that can facilitate accurate interpretation. Incorporating the techniques listed in this module and other RAIO training modules can assist you in developing these skills.

## **6.1 Address the Interviewee Directly and Maintain Eye Contact**

Face the interviewee when speaking and direct questions and comments to him or her. Stay focused throughout the interview on the interviewee, not the interpreter, and make eye contact with the interviewee. Keep in mind, however, that some interviewees may not maintain eye contact with you due to cultural norms.<sup>12</sup> Do not tell the interpreter to ask the interviewee something or refer to the interviewee in the third person.

### *Example*

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<sup>10</sup> For additional information, see RAIO Training module, *Cross-Cultural Communication*.

<sup>11</sup> European Asylum Curriculum, Submodule 1, *Introduction*. Unit 1.2: *Challenges and Definitions*, “The difficulty of obtaining evidence.”

<sup>12</sup> For additional information, see RAIO Training module, *Cross-cultural Communication* (under development; please refer to RAD and ASM lesson plans on this topic).



Proper: What did you do next? (looking at the interviewee)

Not proper: Ask her what she did next. (looking at the interpreter)

## **6.2 Explain the Interpreter’s Role to the Interviewee**

As noted above, the interview is an exchange of information between you and the interviewee, with the interpreter acting only as a conduit through which information is passed. You should explain this to the interviewee at the beginning of the interview when you explain the role of the interpreter. Tell the interviewee that although you do not speak the interviewee’s language, you will still communicate with him or her during the interview, utilizing an interpreter. You should also explain to the interviewee that the interpreter has no influence upon the outcome of the case and that anything discussed during the interview will remain confidential. With a few exceptions, neither you nor the interpreter may disclose any aspect of the interview to anyone else. [[RAD Supplement - 5](#)].<sup>13</sup>

## **6.3 Make Sure the Interpreter’s Physical Placement During the Interview is Appropriate**

The presence of an interpreter at an interview can sometimes create a “distance” between you and the interviewee. It is your job to ensure that the interviewee understands that the interview is in effect an exchange of information between you and him or her. The physical placement of the interpreter during the interview can reduce this distance. The interpreter is a secondary participant, and should not sit between you and the interviewee. He or she may sit beside the interviewee or next to you. If you decide to have the interpreter sit next to you during the interview, maintain proper security measures by ensuring that the interpreter cannot view the computer screen (if you are using a computer), or any documents or handwritten notes.<sup>14</sup>

## **6.4 Have all Conversations between You and the Interpreter Interpreted to the Interviewee**

If it is necessary to discuss an issue with the interpreter (e.g., the manner of interpretation), you should explain to the interviewee what you are discussing with the interpreter. That is, you should have the interpreter interpret for the interviewee what you said to the interpreter, and the interpreter’s response, if any. This procedure should also be followed when necessary to discuss something with the representative, or anyone else present at the interview. This will avoid confusion about what the interpreter should interpret and will reinforce to the interpreter that the interviewee must be aware of all that transpires during the interview. Additionally, this keeps the interviewee informed at all times of what is occurring during the interview.

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<sup>13</sup> For additional information on confidentiality provisions, see [Interpreter Ground Rules](#) above.

<sup>14</sup> For additional information on precautionary measures to take when taking notes during an interview, see RAIO Training module, *Interviewing – Note-Taking*.



## 6.5 Be Conscious of Your Speech Patterns

Be aware of your particular speech patterns and consider how they may impact the interpretation during the interview. Ask yourself, “Do I speak quickly? Do I speak softly? Do I change thoughts in mid-sentence? Do I mumble? Do I frequently use idiomatic expressions?” Pay attention to the circumstances under which your speech patterns change (e.g. when confused, irritated, tired) and how they change. Once you have identified any speech patterns that may impede effective interpretation, you can work to avoid these patterns during the interview.

## 6.6 Choose Words Carefully and Avoid Idioms

You should be conscious of the language you use. Carefully choose words that have clear meanings and are easily understood. Certain idiomatic expressions used in English may be familiar only to native speakers of the language or to someone who has lived in the U.S. for some time. For example, if you asked a refugee applicant, “Did you keep tabs on your family after you fled your village?” he or she may not understand what you mean, as “keeping tabs on” is an idiom that most likely would only be familiar to an English speaker in the U.S.

## 6.7 Avoid the Use of Certain Pronouns Whenever Possible

When speaking to the interviewee through an interpreter, avoid to the extent possible using certain pronouns. Questions such as “What did he do?” or “What did they do?” may seem clear to you, but the interpreter or interviewee may be using a different referent for “he” and “they.” It is better to use words that denote relationships rather than certain pronouns (e.g., “What did your brother do?”) or to refer to specific individuals by name or position (e.g., “What did the policeman do then?”).<sup>15</sup>

Even though interpreters are advised to interpret using the same person as the officer and the interviewee (see the section above, *Advising the Interpreter of His or Her Role*), interpreters occasionally interpret the interviewee’s statements into the third person referring to the interviewee – as well as anyone to whom the interviewee refers — as “he” or “she.” If you and the interpreter use pronouns frequently during the interview, it can become confusing to the interviewee, as he or she may not understand who is being discussed.

Similarly, when terms such as “he” or “they” are used by the interviewee, clarify to whom the interviewee is referring. Simply ask, “When you said ‘she,’ who did you mean?”

### *Example*

Interviewee: He reported him, but he escaped before they caught him.

<sup>15</sup> For additional information, see RAIO Training module, *Interviewing – Eliciting Testimony*.

You: When you say ‘He reported him,’ who do you mean?

**6.8 Speak Clearly, and, When Necessary, Speak Slowly**

You may find that, especially at the beginning of an interview, you need to adjust your rate of speech and enunciate more clearly than usual until the interpreter is somewhat familiar with the particular characteristics of your speech and accent. When speaking to an interviewee, you should not combine two words together in spoken American English, such as the following, as they may not be easily understood by the interpreter.

**Examples:**

<u><b>Avoid:</b></u>	<u><b>Say:</b></u>
gonna	going to
wanna	want to
goin’	going
whaddaya	what do you
whad’ja	what did you
‘n’	and

Think of the difficulty that non-native English speakers may have when trying to interpret the words listed above if they run together. Therefore, be conscious of your speech patterns and enunciate each word clearly.

**6.9 Keep Questions Clear and Simple, Asking Specific Questions One at a Time**

Avoid asking the interviewee several questions at once, such as: “Please tell me why you are abandoning your permanent resident status at this time and if you understand what the consequences of abandonment are.” Ask one question at a time and allow the interviewee to completely respond before asking the next question.

**6.10 Break Down What is Said at the Interview into Reasonable Amounts of Information**

As noted in the section above, *Role of the Interpreter*, break down what you say into reasonable amounts of information to facilitate accurate interpretation. If the interviewee is giving lengthy responses, you can stop him or her at what appear to be natural pauses so the interviewee can give shorter statements that the interpreter can interpret more easily. Assure the interviewee that he or she will be allowed an opportunity to finish, and then make sure you honor this assurance.<sup>16</sup> You should work with the interpreter to find the comfortable rhythm for him or her to interpret.

<sup>16</sup> For additional information, see RAIO Training module, *Interviewing – Introduction to the Non-Adversarial Interview*.

### **6.11 Repeat the Question/Statement Slowly or Rephrase it if the Interpreter does not Appear to Understand**

Repeat the question/statement if the interpreter or interviewee does not appear to understand. Rephrase the question if, after repeating the question, the interpreter or interviewee still does not understand.

### **6.12 Provide Pen and Paper to the Interpreter if Necessary**

Some interpreters are more effective in interpreting if they have a pen and paper they can use to jot down key terms said by the interviewee or the officer. Providing pen and paper to the interpreter may also be useful if you want a person's name, location, or other information spelled out for you during the interview. You should collect all interpreter notes after the interview and follow your division's procedures regarding proper placement and handling of interpreter notes.

### **6.13 Resolve all Communication Problems as Quickly as Possible**

Periodically, particularly at the beginning of an interview, you should ask the interpreter if he or she has any difficulty understanding you, if you are speaking too quickly, or if you are saying too much at one time. An interpreter may state that he or she understands you when in fact this is not the case. Due to embarrassment, pride, loss of face, etc., the interpreter may be reluctant to admit that he or she cannot understand what you are saying. Therefore, as noted above, you must watch for signs that the interpreter may be having difficulty understanding and interpreting, and you must try to resolve any problems immediately.

If it appears that there is a problem in communication, speak to the interpreter and the interviewee immediately about what you perceive to be a problem. Ask the interviewee if he or she understands the interpreter and ask the interpreter if he or she understands both you and the interviewee.

To ascertain whether the interpreter has understood a question you asked the interviewee, ask the interpreter to repeat the question back to you in English. You can also ask the interpreter to repeat back to you in English what he or she said to the interviewee.

### **6.14 Remind the Interpreter of His or Her Role When Necessary**

At times, the interpreter may forget his or her role during the interview. He or she may begin to condense what the interviewee says, engage in a lengthy discussion with the interviewee when something is not clear, provide a lengthy explanation to contextualize an answer to help you understand the answer, etc. At such times, you need to tactfully remind the interpreter of his or her role and responsibilities, as noted above under *Advising the Interpreter of His or Her Role*.

### **6.15 Be Certain that all Parties Remain in the “Communication Loop”**

When an interpreter is present, the interview involves an exchange of information among three people: in general, the interviewing officer asks questions, the interviewee provides responses, and the interpreter relays information between the officer and the interviewee. On occasion, the legal representative or other parties present at the interview may also participate in the process.

It is critical that throughout the interview, all parties present understand everything that is communicated – everyone needs to remain in the “communication loop.” There may be times when you are tempted to stop using the interpreter, particularly if you have some fluency in the interviewee’s language, or if the interviewee understands some English. You should avoid communicating in this way with the interviewee or any other person at the interview, however, without using the interpreter. All parties involved must understand all that transpires during the interview in order to perform their respective duties in the interview process.

## **7 CONCLUSION**

Your responsibility is to ensure that everyone at the interview understands one another. Although you will encounter some interviewees who speak English well enough to proceed with the interview in English, most interviewees will need the assistance of an interpreter. Accurate interpretation is essential in any interview in which an interpreter is utilized. As the interviewing officer, you are responsible for ensuring that all participants at the interview, including the interpreter, understand their role in the interview process, and that the interpreter is utilized properly throughout the interview. You are also responsible for ensuring that all interactions during the interview are interpreted correctly to everyone present. To do so, pay attention to your speech patterns and modify them as appropriate, and watch for any factors impeding communication and take corrective action so miscommunication does not continue to occur. Your objective is to elicit the information you need from the interviewee in the most efficient manner while maintaining control of the interview in a manner that is conducive to communication.

## **8 SUMMARY**

### **8.1 Identifying the Need for an Interpreter**

#### **8.1.1 The Language Ability of the Interviewee**

- The individuals you interview will have a varying degree of English language proficiency.
- Whether you use an interpreter or not, it is always in the interviewee’s best interest to conduct the interview in the language in which the interviewee can most fully express himself or herself.

- An interviewee should not be required to participate in an interview in a language other than the interviewee’s primary language.

### **8.1.2 Interpreters Utilized for RAIO Interviews**

- USCIS provides interpreters for some, but not all RAIO interviews.
- For Refugee interviews, the interpreters are provided by the RSC, and sometimes by UNHCR.
- For affirmative asylum interviews, interviewees are required to provide their own interpreter; the quality of the interpretation is telephonically monitored by a professional interpreter.
- For credible fear and reasonable fear interviews, the Asylum Division utilizes professional interpreters via telephone.
- At USCIS Offices overseas, USCIS employees, including Locally Engaged Staff (LES), may serve as interpreters when required.
- Please refer to your division’s procedures and requirements regarding who can serve as an interpreter.

### **8.1.3 Conducting an Interview if You are Fluent in the Interviewee’s Language**

- If you are fluent in a language that the interviewee speaks, you may, in certain circumstances, conduct the interview in that language without utilizing an interpreter.
- Refer to your division’s procedures for specific guidance on when you may conduct an interview in a language other than English.

### **8.1.4 Verifying the Identity of the Interpreter**

- If your RAIO division requires verifying the identity of the interpreter this should be done at the beginning of the interview. You should:
  - Request identification from all parties at the interview, including the interpreter.
  - Make a copy of the identification collected from all parties at the interview to retain as a part of the record.

## **8.2 Role of the Interpreter and Interpreter Ground Rules**

- At the beginning of the interview, explain the role of the interpreter and the role of each person who is present.
- During the interview, the interpreter should:

- Keep all information discussed at the interview confidential—please see your division procedures for specific guidance.
  - Interpret verbatim (word for word) as much as possible.
  - Interpret the interviewee’s responses to your questions even if the responses do not appear to answer your questions.
  - Inform you if he or she does not understand what you have said.
  - Inform you if he or she does not understand something the interviewee has said and needs to ask the interviewee for clarification.
  - Advise you or the interviewee if the length of a question or response makes it difficult for him or her to interpret.
  - Interpret all conversations that take place between you and him or her during the interview.
  - Advise you if the interviewee expresses any confusion about your question or statement
- During the interview, the interpreter should **not**:
    - Engage in private conversations with the interviewee.
    - Explain anything to the interviewee if the interviewee is confused or does not understand.
    - Condense or elaborate upon what you or the interviewee says.
    - Attempt to answer for the interviewee or explain what the interviewee says.
    - Begin the interview ahead of you.
    - Allow any interpersonal biases and opinions to affect the interpretations during an interview.

### 8.2.1 Interpreter’s Oath

- The [Adjudicator’s Field Manual Section 15.7](#) requires that interpreters in a USCIS interview must be placed under oath.
- Please refer to your division’s procedures for placing an interpreter under oath.

### 8.3 Competency of the Interpreter

- If you think the interpreter is not competent, it is best to make this determination as early as possible during the interview.

### **8.3.1 Signs of Misinterpretation during the Interview**

- You must be continually alert throughout the interview for signs of miscommunication, which include, but are not limited to:
  - Interviewee’s response does not answer the question, or only partially answers a question
  - Words that you recognize without interpretation (ex. proper names or English words) are not interpreted
  - Interpreter uses many more words to interpret a question or response than appear to have been required
  - Interpreter uses very few words to interpret a lengthy question or response
  - Back-and-forth dialog between the interpreter and interviewee occurs without explanation from the interpreter
  - Interviewee indicates non-verbally that he or she is confused or doesn’t understand
- You should also determine the interpreter is incompetent if you encounter any these circumstances:
  - The interpreter is not sufficiently competent in English and/or the interviewee’s language and is not able to accurately interpret during the interview
  - You have good reason to believe that the interpreter is providing answers to the interviewee, altering or embellishing answers, or changing the questions you ask, and in working with the interpreter, you are not able to resolve these issues
- If you determine that the interpreter is not competent, stop the interview and follow division-specific procedures or guidance.

### **8.4 Factors that May Affect the Accuracy of Interpretation at the Interview**

- Many factors may affect the accuracy of interpretation during an interview, including:
  - Interpreters may not be professionally trained
  - The interpreter and the interviewee may not have met prior to the interview
  - The interpreter may not be sufficiently competent in English

- The difficulties inherent in interpreting from one language to another
- The interviewee or the interpreter may be communicating through a second language rather than a native language
- The interviewee and the interpreter may speak different versions of the same language
- There may be cultural factors present that influence the interpretation
- The interpreter’s personal opinions or biases may influence the interpretation

### **8.5 Ways to Facilitate Interpretation through an Interpreter**

- There are a number of ways in which you can facilitate the interpretation during an interview, such as:
  - Address the interviewee directly and maintain eye contact
  - Explain the interpreter’s role to the interviewee
  - Make sure the interpreter’s physical placement during the interview is appropriate
  - Have all conversations between you and the interpreter interpreted for the interviewee
  - Be conscious of your speech patterns
  - Choose your words carefully and avoid the use of idioms
  - Avoid the use of pronouns whenever possible
  - Speak clearly, and when necessary, speak slowly
  - Keep your questions clear and simple, and ask questions one at a time
  - Break down what you say during the interview into reasonable amounts of information
  - Repeat the question/statement slowly or rephrase it if the interpreter does not appear to understand
  - Resolve all communication problems as quickly as possible
  - Remind the interpreter of his or her role when necessary
  - Be certain that all parties remain in the “communication loop”



## PRACTICAL EXERCISES

There are no student materials for Practical Exercises 1 – 10.

Please note that there are a number of potential practical exercises, but not all will be used. Your instructor has discretion to choose the practical exercises that will suit the needs of the class.

### Practical Exercise # 11

- **Title:** *Foo Chow, Not Mandarin*

- **Student Materials:**

[\*He v. Ashcroft\*](#), 328 F.3d 593 (9<sup>th</sup> Cir. 2003)\*

\* For AOBTC students, if the link to Westlaw does not work, please see the case located in your training folder.

**OTHER MATERIALS****Other Materials – 1****Adjudicator's Field Manual****15.7 Use of Interpreters**

Following are guidelines for interviews requiring the use of interpreters:

- If the person being questioned exhibits difficulty in speaking and understanding English, arrangements should be made for use of an interpreter even though the person may be willing to proceed without an interpreter. Any doubt should be resolved in favor of the use of an interpreter.
- Ideally, the services of a disinterested person should be employed as an interpreter. However, in the exercise of judgment, a witness, friend, or relative of the subject may be utilized as an interpreter, depending upon the issues involved and the possibility of adverse action against the subject.
- If the interpreter used is an employee of USCIS or DHS, he or she need not be sworn. He or she should, however, be identified for the record.
- If the interpreter is not a USCIS or DHS employee, he or she should be identified and questioned as to his ability to speak and translate into English the language of the person being questioned, and vice versa. Also, he or she should be placed under oath to interpret and translate all questions and answers accurately and literally.

The interpreter's oath should be administered as follows:

"Do you solemnly swear (or affirm) that in connection with this proceedings you will truthfully, literally, and fully translate the questions asked by me into the \_\_\_\_\_ language and that you will truthfully, literally, and fully translate answers to such questions into the English language?"

If a verbatim record is made, the oath should be shown in the record.

- The subject's attorney or representative should not be utilized as an interpreter in his client's behalf although under some circumstances an exception to this may be made if the interests of the Government will not

be prejudiced.

- The record should show that the interpreter and the person being questioned have conversed in the latter's language and that they understand each other. This is especially important when questioning persons whose native language has many dialects, such as Chinese. The record should also indicate what language and dialect is being used in the questioning.
- The subject should be informed at the beginning of the questioning that he should advise the adjudicator if he fails to understand the interpreter.
- It is desirable in taking a verbatim record in a complex case to check from time to time to ensure that the interpreter and the person being questioned understand each other. Such checks should be noted in the record.
- In using an interpreter it is imperative that the adjudicator instruct the interpreter in his or her duties.
- It is essential that the interpreter be strictly limited to furnishing verbatim interpretations. For example, if the subject answers, "I don't understand the question", the answer is to be given by the interpreter. Under no circumstances is the interpreter to attempt an explanation of his own. The interpreter must understand that he or she acts only as a voice, nothing else. Constant guard is needed to overcome the natural impulse of an interpreter to attempt to explain or clear up questions asked. The adjudicator will lose control of the situation and be unaware of what is transpiring unless he or she insists that the interpreter repeat verbatim the answer the subject makes. If any explanation is required, it is the function of the adjudicator and not of the interpreter to rephrase or change the question. In this manner the adjudicator knows exactly what is being adduced and is not being given a summary by the interpreter of what the witness says. The interpreter should never be permitted to say, "He says". He or she is to repeat by translation into the appropriate language the exact question or answer as it was expressed initially.
- The adjudicator should not permit conversations or explanations, and should not accept a reply such as "He says, 'No'" after a lengthy conversation between the interpreter and the subject.

The interviewer must remain alert to the possibility that shades of meaning may be missed.

USCIS Adjudicator's Field Manual, [Section 15.7 "Use of Interpreters"](#) (Rev. March 5, 2010).

**SUPPLEMENT A – REFUGEE AFFAIRS DIVISION**

The following information is specific to the Refugee Affairs Division. Information in each text box contains division-specific procedures and guidelines related to the section from the Training Module referenced in the subheading of the supplement text box.

**REQUIRED READING**

1. USCIS Refugee Affairs Division, [\*Standard Operating Procedure: Working with an Interpreter\*](#), October 2017.
2. USCIS Refugee Affairs Division, Section III of [\*Standard Operating Procedure: Introduction\*](#), July 2017.
3. Memorandum from Barbara L. Strack, Chief, USCIS Refugee Affairs Division, and Joanna Ruppel, Chief, USCIS International Operations Division, to Refugee Affairs Division, Overseas Staff, [\*Information Consent Form For Use in Refugee Interviews\*](#), (120/6), June 17, 2009.

**ADDITIONAL RESOURCES**

None

**SUPPLEMENTS**

<p style="text-align: center;"><b><u>RAD Supplement</u></b></p> <p style="text-align: center;"><b>Module Section Subheading</b></p>
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## **SUPPLEMENT B – ASYLUM DIVISION**

The following information is specific to the Asylum Division. Information in each text box contains division-specific procedures and guidelines related to the section from the Training Module referenced in the subheading of the supplement text box.

### **REQUIRED READING**

1. USCIS Refugee, Asylum, and International Operations Directorate, Asylum Division, [\*Affirmative Asylum Procedures Manual\*](#) (AAPM), Section II.J.
2. Memorandum from Joseph E. Langlois, Chief, USCIS Asylum Division, to Asylum Office Directors, et al., [\*Award of Interpreter Services Contracts and Guidance on Use of Interpreter Services\*](#) (HQRAIO 140/12) (23 May 2011).
3. Memorandum from John Lafferty, Chief, USCIS Asylum Division, to All Asylum Division Staff, [\*Updated Procedures on Working with Interpreters in Affirmative Asylum Interviews\*](#) (HQRAIO 120/12a) (14 June 2019).

### **ADDITIONAL RESOURCES**

None

### **SUPPLEMENTS**

#### **ASM Supplement – 1**

##### **2.1 Language Ability of the Interviewee**

###### **8 CFR § 208.9(g):**

An applicant unable to proceed with the interview in English must provide, at no expense to the Service, a competent interpreter fluent in both English and the applicant's native language or any other language in which the applicant is fluent. The interpreter must be at least 18 years of age. Neither the applicant's attorney or representative of record, a witness testifying on the applicant's behalf, nor a representative or employee of the applicant's country of nationality, or if stateless, country of last habitual residence, may serve as the applicant's interpreter. Failure without good cause to comply with this paragraph may be considered a failure to appear for the interview for purposes of § 208.10.

**ASM Supplement – 2**

**2.2 Interpreter Used for Asylum Interviews**

An interpreter in the Asylum Division must meet the following qualifications:

- Must be fluent in both English and a language in which the applicant is fluent;
- Must be 18 years of age;
- Must not be the applicant’s attorney or representative, or a witness testifying on behalf of the applicant (an employee of the attorney, such as a paralegal, may serve as the interpreter);
- Must not be a representative or employee of the applicant’s country of nationality, or if stateless, country of last habitual residence; and
- Must not be an individual with a pending asylum application.

There are no other regular requirements regarding who can serve as an interpreter. The immigration status of the interpreter is not a bar nor is the interpreter’s relationship to the applicant (the interpreter may be a family member), as long as the interpreter meets the requirements listed above.

Please note that there are fewer requirements for interpreters in ABC/NACARA interviews.

For ABC/NACARA case interpreters, the interpreter:

- May be under age 18 and
- May be a country representative or employee.

For additional information, see [American Baptist Churches \(ABC\) Settlement Agreement](#) and the Asylum Division Lesson Plan, [Suspension of Deportation and Special Rule Cancellation of Removal under NACARA](#).

**ASM Supplement – 3**

**2.3 Conducting an Interview if You are Fluent in the Interviewee’s Language**

*Conducting an Interview in a Language Other than English*

Each asylum office has a local policy on whether an AO may conduct an asylum interview in a language other than English in accordance with the below guidance. If the local policy allows an AO to conduct interviews in a language other than English, the AO must be certified by the Department of State (DOS).

An applicant who is not fluent in English is required to bring an interpreter with him/her to the asylum interview. Depending upon local policy and with the asylum applicant's approval, an AO who has been certified by the Department of State can either conduct the interview in the applicant's language, if the applicant agrees, or use the services of the interpreter. The AO must make a clear notation in the interview notes that the interview was conducted in a language other than English and indicate the language used by the AO. If the AO conducts an interview in the applicant's language, it is preferable that a competent interpreter be present during the interview to monitor the level of understanding between the Asylum Officer and applicant.

Because 8 CFR § 208.9(g) requires an applicant who is not competent in English to bring an interpreter to an asylum interview, as a general rule, asylum applicants are required to bring interpreters regardless of whether there are asylum office personnel available to conduct interviews in languages other than English. Nevertheless, the asylum office Director maintains the discretion to allow qualified asylum office personnel to conduct or assist in the conducting of an interview in the applicant's preferred language, with the applicant's consent, if there are extraordinary circumstances for doing so, such as (but not limited to) the disqualification of an interpreter through no fault of the applicant combined with the applicant's having traveled a very long distance for the interview, etc.

See [\*Affirmative Asylum Procedures Manual, Section II.J.11\*](#), "Conducting an Interview in a Language Other than English."

#### **ASM Supplement – 4**

### **2.4 Verifying the Identity of the Interpreter**

#### **8 CFR § 208.9(c):**

The Asylum Officer shall have authority to administer oaths, verify the identity of the applicant (including through the use of electronic means), verify the identity of any interpreter, present and receive evidence, and question the applicant and any witnesses.

#### **Affirmative Asylum Procedures Manual, Section II.J.4.a.iii:**

Like asylum applicants, interpreters are not required to present identity documents

in order to interpret for an asylum applicant. Regulations give an AO the authority to verify the identity of the interpreter, which is best accomplished through the review of identity documents. However, an AO may not terminate or reschedule an interview if the interpreter is lacking identity documents, or presents identity documents that the AO does not wish to accept. Local asylum office policy dictates whether an AO should photocopy any identity documents of an interpreter, or whether the AO should indicate on the *Record of Applicant and Interpreter Oaths* the type of identity documents, if any, the interpreter provided. AOs must base an individual's ability to interpret on interpretation skills and not on questions of identity.

There may be instances where an AO believes that the issue of an individual's identity is material to his/her ability to interpret. The AO must consult with the SAO in these circumstances. Only the Asylum Office Director or his/her designee has the authority to dismiss/bar an individual from interpreting in an office.

See [Affirmative Asylum Procedures Manual](#), Section II.J.4.a.iii, "Identity."

### ASM Supplement – 5

#### **3.2 Advising the Interpreter of His or Her Role**

##### **Interpreter Ground Rules # 1: *Keep all information discussed by all parties at a USCIS interview confidential***

Asylum Officers must inform applicants of the confidential nature of the interview. Regulations prohibit disclosure of information pertaining to an alien's application for asylum, without the written consent of the applicant. Some information may be given to some other government officials; however, they are required to keep this information confidential. Even the fact that an applicant has applied for asylum is confidential.

See [8 C.F.R. § 208.6](#) and Memorandum from Bo Cooper, INS Office of the General Counsel, to Jeffrey Weiss, Director, INS Office of International Affairs, [Confidentiality of Asylum Applications and Overseas Verification of Documents and Application Information](#), (HQCOU 120/12.8) (21 June 2001).

##### **Confidentiality Requirements**

When information contained in or pertaining to an asylum application is disclosed to a DOS employee, the USCIS or DHS officer must inform the DOS employee of the confidentiality requirements of 8 C.F.R. § 208.6. Confidentiality requirements for asylum applications and the Department of State are discussed in more detail in Memorandum from Bo Cooper, INS Office of the General Counsel, to Jeffrey



Weiss, Director, INS Office of International Affairs, [Confidentiality of Asylum Applications and Overseas Verification of Documents and Application Information](#), (HQCOU 120/12.8) (21 June 2001), and in Memorandum from Joseph E. Langlois, Director, Asylum Division, to Asylum Office Directors and Deputy Directors, [Fact Sheet on Confidentiality](#), (HQASM 120/12.8) (15 June 2005), including the attached fact sheet, [Federal Regulations Protecting the Confidentiality of Asylum Applicants](#). See also [8 C.F.R. § 208.6\(b\)](#).

Asylum Officers should be familiar with exceptions to the confidentiality procedures as provided by regulation (information on asylum applicants can be disclosed to other federal entities and state and local governments when there is an action arising out of the asylum adjudication ([8 C.F.R. § 208.6\(c\)](#)) and explained in Asylum Division policy.

### **ASM Supplement – 6**

#### **3.3. Interpreter’s Oath**

The interpreter must fill out an Interpreter's Oath form (sworn statement) at the beginning of the interview. The Asylum Officer must explain the meaning of this document to the interpreter and have the interpreter explain the meaning of the document to the applicant.

By signing the interpreter’s oath form, the interpreter swears to “truthfully, literally, and fully interpret the questions asked by the Asylum Officer and the answers given by the applicant.” Should a concern arise that an interpreter is not fulfilling that oath, the Asylum Officer should follow procedures set out in the [Affirmative Asylum Procedures Manual](#), Section II.J.a.vi, “Inability to Perform, or Abuse of, the Interpreter’s Role.”

See also [Affirmative Asylum Procedures Manual](#) for a copy of the Interpreter’s Oath.

ASM Supplement – 7

**3.3. Interpreter Monitor’s Oath**

At the beginning of the interview, the Asylum Officer explains to the applicant, through the applicant’s interpreter, that a contract interpreter will be monitoring the interview to ensure the accuracy of interpretation by the applicant’s interpreter. The Asylum Officer should also remind the contract interpreter, in the presence of the applicant, of the confidentiality requirements of the interview and should inform the applicant that the interpreter has pledged to keep any and all information the applicant provides during the interview confidential. See [Affirmative Asylum Procedures Manual](#), Section II.J.4.b.iv, “Role of the Contract Interpreter when Acting As Monitor.”

The Asylum Officer will administer an oath to the interpreter monitor in which he or she will swear or affirm:

- to immediately report to the Asylum Officer any errors in interpretation;
- to notify the Asylum Officer if he or she is unable to monitor in a neutral manner due to bias against the applicant because of race, religion, nationality, membership in a particular social group, or political opinion; and
- that he or she understands the matters discussed during the interview are confidential.

The Asylum Officer’s notes must reflect that the oath was administered to the interpreter monitor.

Should concerns arise that the interpreter monitor is not fulfilling the oath, the Asylum Officer should follow the procedures set out in the *Affirmative Asylum Procedures Manual*, as well as any local asylum office procedures that may apply. [Affirmative Asylum Procedures Manual](#), Section II.J.4.b.iv, “Role of the Contract Interpreter when Acting As Monitor,” and [Affirmative Asylum Procedures Manual](#), Section II.J.4.b.v.(a), “Introduction and Orientation.”

For further information on procedural requirements pertaining to the use of interpreter monitors in Asylum interviews, including the oath requirement, refer to [Affirmative Asylum Procedures Manual](#), Section II.J.4.b.v.(a), “Introduction and Orientation” and any additional local asylum office procedures that may apply.

**ASM Supplement – 8**

**4.3 Determining the Interpreter’s Competency**

If the interpreter monitor frequently corrects the interpretation provided by the applicant’s interpreter, this *may* be an indication that the primary interpreter is not competent to interpret at the interview or is abusing his or her role. However, the asylum officer must verify that the interpreter monitor understands that his or her monitoring role is not to call attention to minor mistranslations that do not affect the applicant’s meaning, but to alert the Asylum Officer if the primary interpreter fails to provide adequate, accurate, and neutral interpretation. “If the interpreter monitor frequently interjects, the Asylum Officer must determine whether frequent interjections occur because the applicant’s interpreter has abused his or her role, or whether the contract interpreter misunderstands his or her role as a monitor, and take appropriate action.” See [Affirmative Asylum Procedures Manual](#), Section II.J.4.b.iv, “Role of the Contract Interpreter when Acting as Monitor.”

Despite the use of an interpreter monitor, the Asylum Officer retains the duty of determining the primary interpreter’s competency. The Asylum Officer may rely on information given by the interpreter monitor to arrive at a decision regarding the primary interpreter’s competency; however, this duty cannot be delegated to the interpreter monitor.

See also Memorandum from Joseph E. **Langlois, Chief, Asylum Division**, to Asylum Office Directors, et al., [Award of Interpreter Services Contracts and Guidance on Use of Interpreter Services](#), (HQRAIO 140/12) (24 February 2010).

**ASM Supplement – 9**

**4.4. What to Do Once You Have Stopped the Interview Due to the Interpreter’s Incompetence, Misconduct, or if a Contract Interpreter is Not Available**

**Problems with Applicant’s Interpreter**

An AO may believe that a particular interpreter is unable to perform the role of interpreter or is abusing his or her role as an interpreter because the interpreter has engaged in misrepresentation, is incompetent, or has engaged in other improper conduct. See [Affirmative Asylum Procedures Manual](#), Section II.J.4.a.vi, “Inability to Perform, or Abuse of, the Interpreter’s Role.”

If any of the scenarios in Section II.J.4.a.vi applies, and it is appropriate to do so, the AO or supervisory asylum office personnel may inform the interpreter of the problem and ask the interpreter to correct the behavior. If the behavior continues or

the applicant brings a prohibited interpreter, the appropriate asylum office personnel will take action based on the scenario.

In cases related to misrepresentation, fraud, other improper conduct on the part of the applicant's interpreter or a prohibited interpreter (unless the interpreter is the applicant's attorney or accredited representative), asylum officer personnel will dismiss the applicant's interpreter from the interview and immediately attempt to secure a contract interpreter to provide direct interpretation.

In the case of incompetence on the part of the applicant's interpreter, asylum officer personnel will immediately attempt to secure a contract interpreter to provide direct interpretation. If a contract interpreter provides direct interpretation for the interview, the applicant's interpreter may remain in the interview room, and may, in the discretion of the AO, help facilitate communication as needed.

If there is no contract interpreter available to provide direct interpretation or the applicant declines the use of a contract interpreter, asylum office personnel will:

- Terminate or cancel the interview with SAO approval;
- Explain to all parties (the applicant, interpreter, and representative) the reason for the termination or cancellation of the interview;
- Explain to all parties that the applicant will be rescheduled only once and that the applicant must reappear with a different interpreter who is competent, not prohibited from interpreting, and who has not previously been found to have abused his or her role as an interpreter;
- Complete a Rescheduling of Asylum Interview – Interpretation Problems (Appendix 7) form, providing the original to the applicant and maintaining a copy in the file. Attach copies of any identity documents submitted by the interpreter to the file copy of the letter;
- Explain to all parties that a copy of the letter will be submitted to asylum office management, which may result in the interpreter being barred from the office; and
- Reschedule the interview in Global, indicating the rescheduling is caused by the applicant.

### **APPLICANTS WITHOUT INTERPRETERS**

#### Stopping the Interview

If the applicant has not provided an interpreter and the Asylum Officer determines that the applicant does not understand the questions and/or cannot express the claim, the Asylum Officer must stop the interview. There may be times when the

applicant wishes to proceed in English even though his or her English is not proficient enough. Due to the potential for misunderstandings, however, the Asylum Officer must terminate the interview if he or she determines there are difficulties in communication.

#### Rescheduling the Interview

At the Asylum Officer's discretion and in consultation with a supervisor, the Asylum Officer may reschedule the interview so that the applicant can return with an interpreter. See [Affirmative Asylum Procedures Manual](#), Section II.J.4.a.vi, "Inability to Perform, or Abuse of, the Interpreter's Role."

An applicant's failure without good cause to provide a competent interpreter may result in ineligibility for employment authorization. Therefore, all applicants should be given a second chance to provide a competent interpreter if he or she has failed to bring an interpreter, or if the interview is terminated due to problems with an applicant's interpreter and inability to secure a contract interpreter. However, the interview can only be rescheduled once and the applicant must bring a different, competent interpreter to the rescheduled interview. In order to discourage solicitation at Asylum Offices, applicants should not be permitted to return to the waiting room to seek alternate interpreters. See [8 C.F.R. §§ 208.7\(a\)\(4\), 208.9\(g\), 208.10](#).

#### Written Notice

If an applicant does not provide an interpreter, the Asylum Office must give the applicant written notice explaining the consequences of failing to bring a competent interpreter. This must be given to all non-*Mendez* and non-*ABC* asylum applicants who appear without a competent interpreter. (There are certain provisions regarding interpreters for *Mendez* and *ABC* applicants that do not apply with other asylum applicants.)

Similarly, if an affirmative asylum interview is rescheduled due to interpreter problems, the Asylum Officer must complete the form, *Rescheduling of Asylum Interview – Interpretation Problems*. [Affirmative Asylum Procedures Manual](#). Note: There is a special notice for *ABC* applicants.

#### The "CLOCK"

For purposes of work authorization, if the asylum application was filed on or after January 4, 1995, the 150-day processing "clock" will be tolled (stopped) between the dates of the first scheduled interview and the rescheduled interview.

## SUPPLEMENT C – INTERNATIONAL OPERATIONS DIVISION

The following information is specific to the Refugee Affairs Division. Information in each text box contains division-specific procedures and guidelines related to the section from the Training Module referenced in the subheading of the supplement text box.

### REQUIRED READING

1. [Overseas Processing of Asylee and Refugee Derivatives: Form I-730 Beneficiaries \(“Visas 92/93”\)](#), Version 1.0, September 30, 2010.
2. Please see Required Reading list in Supplement A – Refugee Affairs Division. IO employees will be responsible for all Refugee Affairs Division information.

### ADDITIONAL RESOURCES

None

### SUPPLEMENTS

#### IO Supplement – 1

##### **2.2 Interpreters Utilized for RAIO Interviews**

International Operations field guidance regarding the use of an interpreter during I-730 interviews indicates:

Subject to local field office policy, the beneficiary may be required to bring his or her own interpreter. In posts that will not allow anyone other than the beneficiary into the interviewing facility, interpreters may be provided by the OPE or other Embassy-endorsed organization. As noted, USCIS LES staff may serve as interpreters when required.

[Overseas Processing of Asylee and Refugee Derivatives: Form I-730 Beneficiaries \(“Visas 92/93”\)](#), Version 1.0, September 30, 2010.

#### IO Supplement – 2

### 2.3 Conducting an Interview if You are Fluent in the Interviewee’s Language

Currently, IO has no written policy governing its officers interviewing in a language other than English. IO officers should refer to local office procedures.

### IO Supplement – 3

#### 2.4 Verifying the Identity of the Interpreter

Refer to local office procedures.

### IO Supplement – 4

#### 3.2 Advising the Interpreter of His or Her Role

**Interpreter Ground Rules # 1: *Keep all information discussed by all parties at a USCIS interview confidential***

International Operations Division procedures provide the following guidance on privacy and confidentiality requirements:

Confidentiality issues mandated in 8 CFR 208.6 apply to the beneficiaries of I-730 petitions, whether they are following-to-join asylees or refugees. (See Appendix L, *Asylum Confidentiality Memos*: Joseph E. Langlois, *Fact Sheet on Confidentiality*, Memorandum to Asylum Office Directors and Deputy Directors, June 15, 2005, plus attachments; and Cooper, Bo., INS Office of the General Counsel, *Confidentiality of Asylum Applications and Overseas Verification of Documents and Application Information*, Memorandum to Jeffrey Weiss, Director, Office of International Affairs, June 21, 2001).

Asylum information is protected from disclosure to a third party, including a beneficiary of an approved Form I-730. The confidentiality regulations governing asylum applications are equally applied to refugee applications as a matter of policy. While information contained within the petitioner’s asylum or refugee case records may provide the interviewer with pertinent questions, *the interviewing officer must exercise caution in revealing protected information contained in the petitioner’s refugee or asylee case record.* (See Section III.B, *Confidentiality Issues*, for further guidance).



Each officer conducting Visas 92/93 interviews must, to the maximum extent possible given office limitations, provide suitable interviewing space that allows for privacy.

[Overseas Processing of Asylee and Refugee Derivatives: Form I-730 \(V92/93\)-Section I\(H\): Privacy/Confidentiality](#), Version 1.0, September 30, 2010.

## IO Supplement – 5

### 3.3 Interpreter’s Oath

International Operations field guidance provides regarding interpreter oaths indicates:

#### ii. Interpreter

The officer must also place the interpreter under oath, including LES or OPE staff serving as interpreters. They are similarly bound to the confidentiality provisions associated with Visas 92/93 cases. Before proceeding with the interview, the officer should ensure that the interpreter answers affirmatively the following questions:

- Are you here today at the request of [beneficiary being interviewed]?
- Do you speak and understand both English and the [language spoken by the beneficiary] fluently and know from talking with [the beneficiary] that you understand each other?
- Do you solemnly swear/affirm to truthfully, literally and fully interpret the questions asked by me and the answers given by [the beneficiary]?
- Do you understand that you must translate every word as precisely as possible and not summarize, paraphrase, reduce, expand, or change the content of [beneficiary’s name]’s testimony to me?
- Do you understand that DHS may choose to collect, retain, and verify the identity information you have provided?
- Do you understand that you must keep all information discussed during this interview confidential?

[Overseas Processing of Asylee and Refugee Derivatives: Form I-730 \(V92/93\), Section III\(C\)\(3\)\(c\)\(ii\): “Interpreter,”](#) Version 1.0, September 30, 2010.



**IO Supplement – 7**

**4.4. What to Do Once You Have Stopped the Interview Due to the Interpreter’s Incompetency or if the Interpreter is Not Available**

Refer to local office procedures.