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Research Article

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Challenges and difficulties of translation and interpreting in the migration and refugee crisis in Germany

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Abstract: This article presents a comprehensive analysis of the role that interpreters and translators of the Federal Office for Migration and Refugees (*Bundesamt für Migration und Flüchtlinge* [Bamf]) played during the 2015–2016 migration crisis in Germany along with the improvements made by the German Ministry of the Interior. To this end, we first investigated all the occasions when a refugee needs interpreting and translation services. We then present the requirements to be a Bamf interpreter/translator as well as their working conditions. In addition, we offer research into all the working tools that the German Government has made available to these interpreters/translators, so they can get a comprehensive training in the profession of community interpreter, one of the most demanding branches of interpreting and translation services. Finally, we have summarized the challenges that, in our opinion, Germany faces for the future in order to achieve a better quality in their interpretation and translation services.

Keywords: Bamf, German Federal Office for Migration and Refugees, interpreting, translation, community interpreting, interpreter, translator

1 Introduction

Without engaging in the discussion of cultural conflicts that may appear between the host country and the incoming refugees, this article will present an analysis of the role of the interpreter and/or translator in Germany as an essential figure to offer the linguistic help the refugees need as soon as they arrive. These interpreters and translators are often named community interpreters or social interpreters, since they do more than just translate. They build bridges between very different cultures and societies.

For years now, community interpreting has become a discipline with its own traits in its professional practice, in many cases identifying itself with the figure of the cultural mediator or community interpreter. Without this figure, there is no guarantee that the asylum seekers are able to deliver all the required documents correctly and, consequently, get a fair treatment when they seek asylum.

Due to the welcome policies of the German Government throughout the refugee crisis from 2015 to 2016 and to their economic power, many of these movements had and still have Germany as their main destination. Therefore, in 2016, most of the asylum applications were reported in Germany (53%), followed by Italy (9%), Sweden and Austria (7% each). These four countries accounted for 76% of all pending cases in the European Union ([EU] EASO, 2017:20).

In fact, in the year 2017, Germany was hosting 9,70,400 refugees (UNHCR 2018). Therefore, only in 2015, Germany had around 8,90,000 asylum applications (Bamf 2016a).

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After the agreement was reached between the European Council and Turkey on 18 March 2016, to stop the flow of irregular migration via Turkey to Europe, the flow decreased, reaching in 2018 the same applications as in 2014.

First, we need to clearly define the definitions of the terms refugee and asylum seekers because they are often confused (Cases and Nieto 2018: 80). An asylum seeker refers to someone who has already requested sanctuary under the Convention, based on a well-founded fear, since returning to his or her country would amount to persecution for reasons of race, religion, nationality, political ideology or membership of a particular social group. As an asylum seeker, he or she retains this status until his or her application is accepted or rejected (UNHCR 1979).

Once the application is accepted, the asylum seeker becomes a refugee.

In recent years, however, this concept has been broadened in cases of forced migration due to wars or natural disasters (and not specifically due to persecution). These groups are considered prima facie refugees, i.e. those who do not need to provide evidence of the reasons for their departure, given that, as recognized by the United Nations High Commissioner for Refugees (UNHCR), "the ability to conduct individual interviews for the recognition of refugee status for all persons who have crossed the border does not exist, and could hardly exist, and is not normally necessary either, since in such circumstances the reason for their flight is generally obvious" (UNHCR 2014).

In this sense, the UNHCR specifies in a note dated 22 October 2013, and updated in October 2014 on the conflict in Syria, that any person fleeing their country is recognized as a "refugee", a concept that includes very specific profiles (opponents, journalists, etc.). This condition affects a large part of the population: this is the case of children in war zones, women threatened by sexual aggression or married by force, members of religious or ethnic groups, as well as government supporters harassed by rebels. Only those who have committed violent acts are excluded from this provision (UNHCR 2014).

Finally, we should not confuse these two terms with immigrants, also known as "economic migrants". This term refers to someone who leaves his or her country only for economic reasons to find a better livelihood (Amnesty International 2019).

Since 2014, crisis and armed conflicts have generated a volume of migratory flows comparable with those brought about by World War II but with an important differentiating nuance: its origin. It is no longer a question of movements between European countries, with closer cultures, but movements from countries such as the Middle East and Africa. Therefore, 55% of the refugees worldwide comes from only three countries: South Sudan, Afghanistan and Syria (UNHCR 2017).

Another difference is the composition of these flows, which are mixed. These mixed movements, also called mixed migrations, refer to flows of people travelling together but for different reasons and include asylum seekers, refugees, stateless people, victims of trafficking, unaccompanied or separated children and migrants in an irregular situation.

Van Hear et al. divide these flows into outward and inward or onward movements (2009: 4). While outward movements may be forced, precipitated by life-threatening circumstances, the reason for inward or onward movements may lay in the attempt to find a better future.

They all have a need not only for linguistic but often also for cultural and, in most cases, for social support (UNHCR 2019). Therefore, the role of a translator and/or interpreter goes far beyond just translating words, he or she needs to become a social and community interpreter, also called, cultural mediator, social service interpreter, public service interpreter, cultural interpreter or liaison interpreter (Pöllabauer 2002: 288). In this article, we will use the term community interpreter, since it is the most used term (Mikkelson 1999).

Most of the refugees in Germany come from a completely different culture and therefore need someone to help them understand the social and cultural structure of the host country, in this case Germany, as well as how the government works. This means that, other than in simultaneous and consecutive interpreting, the community translators and interpreters may encounter compromised situations that force them to make decisions about their activity (try to make the refugee feel more comfortable by talking to him or her about different matters, asking question in order to understand what happened, seeing through the trauma of the refugee, etc.). In this way, they become a social agent,

assuming the responsibility of maintaining active communication between both parts, with different languages and cultures, and ensuring that it is effective, smoothing out inequalities between them and placing them on the same social level (Santana Falcón 2013).

However, there are two opposing positions between experts when it comes to the role of the interpreter or translator as a community interpreter or mediator. On the one hand, Valero Garcés (2006) and Roy (1992) defend that in the case of a professional, in order to translate the meaning, he or she must interpret the refugee's ideas and cannot make an impartial translation or interpretation. Therefore, this cannot be considered a faithful translation of the original. On the other hand, Brislin (1987) or Knapp-Potthoff and Knapp (1987: 183) argue that the community interpreter should take on the role of a third element and that, within reason, the interpreter should become a referent for the refugee.

This article will be divided into two distinct blocks: first, we will analyse the linguistic services available for asylum seekers in Germany. Then we will look for the required studies or skills to become an interpreter and/or translator for the *Bundesamt für Migration und Flüchtlinge* (Bamf), the German Federal Office for Migration and Refugees, with the aim of understanding how this office works as well as to see the quality standards they hold.

2 Linguistic assistance for arriving migrants in Germany

The first thing refugees receive when they arrive in Germany is flyers with information about their rights and obligations on the asylum procedure. These are printed in the following languages: German, Arabic, Albanian, English, Farsi and French (Bamf 2019a).

Here we find the first hurdle. On the one hand, many refugees do not speak any of these languages. On the other hand, and due to long-lasting wars in their home countries, it is not infrequent to find non-literate adults and children. They consequently need a translator and an interpreter at all times while having contact with German authorities, if Germany wants to guarantee a fair treatment and asylum procedure to these refugees.

However, the need for professionals, especially during the crisis of 2015 and 2016, led to the hiring of many untrained people. In fact, in 2017, after the migration flow dropped to the 2014 levels, 2,000 interpreters were dismissed for failing to meet the necessary quality standards – most of them failed to present a C1-German-language certificate. In other cases, a bias was demonstrated, which led Bamf to stop counting on them.

At present about 5,800 interpreters work for the Bamf, though only 620 of them are sworn translators.¹ Therefore, in the event of the arrival in Germany of illiterate refugees or refugees with a mother tongue other than those mentioned above, an interpreter must be available to guide them through all the procedures included in the asylum application process.

The next step is to register all arriving asylum seekers. This is carried out at the so-called personalization infrastructure component ("PIK") stations by Federal or Land police, staff of the Bamf or by staff of the *Länder* at the reception facilities, immigration authorities and arrival centres. Here in accordance with the so-called "Dublin Regulation", whose official name is Regulation (EU) no. 604/2013, they will check whether the applicant is entitled to the asylum claim in Germany.

¹ For many documents that have to be presented to an authority and have official character, it is required that translations are carried out by a sworn translator. In these documents, the accuracy and completeness of the concluded translation are certified in accordance with § 142 Para. 3 ZPO (Code of Civil Procedure), stating place and date and, depending on the federal state, also the translator's stamp. A stamp is not required in every federal state. If a stamp is required by state law, it must contain at least the name and language(s) of the translator and, if applicable, the address of the translator (BDÜ, 2019).

2.1 Regulation (EU) no. 604/2013

This regulation of the European Parliament and the Council from 26 June 2013, is the cornerstone of the "Dublin system" and establishes the criteria and mechanisms for determining the member state responsible for examining the application for international protection lodged in one of the member states by a third-country national or a stateless person (EUR-LEX 2013).

It also established the "Eurodac" system, a computerized central database for the comparison of fingerprints of applicants for international protection in the EU, aimed to provide a mechanism for determining which country is responsible for examining applications for international protection lodged in one of the member states (Citizens Information 2017).

According to this regulation, the application for international protection will be examined only by a single member state or associated country. The country responsible for the application will be determined in a hierarchical order: from the principle of family unity to the recent possession of a visa or residence permit in a member state and whether the applicant has entered or remained in the EU, irregularly or not. If no country can be designated on the basis of these criteria, the first member state in which the application has been lodged will be responsible for examining it (EUR-LEX 2013).

In this process, where they present a personal application, the applicants have the right of assistance of an interpreter to help them understand their rights and duties within the asylum procedure or to explain to the refugee which country is responsible for their asylum and why (Bamf 2016b).

Then the applicant will receive a date for a personal interview, the most important appointment within the asylum procedure (Bamf 2016c). Here they again need the support of an interpreter who will explain the importance of this interview to the applicant. This interview will serve to put decision makers on the background of their personal situation, to clarify contradictions that may have arisen and to present all the details of their specific case. The interpreter will have to make the refugee understand that he or she must give as many details as possible (they are often hidden from authorities by shame or different traumas; Cases and Nieto 2018).

After the interview is held with the help of an interpreter, the same professional will translate the written interview back and read it to the asylum seeker. This procedure contradicts the quality standards of any translation, as the interpreter who helped the applicant during the interview is not impartial. The translator, acting as an interpreter before, is responsible for what is written down in the interview, even if the asylum seeker said something different. Knowing the personal story of the applicant, the interpreter will read to the asylum seeker what he or she explained before, not what is actually included in the writing. If the interpreter translated something erroneously, the refugee will not be able to rectify the interpreter's version.

Another issue is the new regulation of the revocation and withdrawal procedure, which is regulated in §73 AsylG (German Asylum Law) and has been in force since 12 December 2018. Here the German Government stipulated that every refugee must be present in the revocation examination. This was voluntary until that date.

The obligation to appear before the Bamf to prove that the reasons for which the refugee has applied for asylum are still valid will force the hiring of more interpreters and translators, which may lead again to chaos like that suffered by the Bamf in 2015 and 2016. Until it has become mandatory, only 47% of the refugees appeared before the Bamf for this examination. With this modification, the Federal Office will incur additional burdens. By 2020, about 7,70,000 procedures will have to be reviewed (Bamf 2018a).

3 Requirements to become an interpreter/translator for the Bamf

Even though much has been written about the quality of interpretation, like the study by Kalina (2005) or Mikkelson (1996), community interpreters are, if anyone, those professionals who should provide the highest quality translations/interpretations, as they hold the future of their clients in their hands.

This is the reason why we are going to analyse the requirements to become an interpreter/translator for the Bamf as well as the quality parameters and measures the German Government takes to ensure their professionalism. To become an interpreter, the Bamf has published a flyer in German entitled "We are looking for you as an interpreter" (Bamf 2017a).

3.1 Bamf's expectations

Under the heading "We expect from you" on the second page of the brochure (Bamf 2017a), they ask for the following skills and competencies.

The first problem is the lack of measures to guarantee the quality standards listed in Table 1, as they are rather subjective.

Referring to the requirements, even though they ask for mastery in the language, until 2017 interpreters did not have the obligation of presenting the evidence of the language level they possess. None of the requirements must be proven. Setting such low-quality parameters does not assure migrants a fair treatment, which goes against the 1951 Convention and the second title (Freedoms) of the EU Charter of Fundamental Rights (European Commission 2012).

3.2 Bamf's exclusion criteria

The Bamf flyers list the exclusion criteria in Table 2.

The required education to become an interpreter or a translator of the Federal Government, for instance, is a bachelor's degree along with proficiency in at least two languages, exceptional writing, editing and critical thinking skills and proven computer proficiency (Jobs 2018). Comparing these with the criteria shown in Table 2, we can certainly state that the exclusion criteria are too limited.

3.3 Required documentation

Finally, the flyers show Table 3 with the required documentation to become an interpreter.

As we said in Section 3.1, although the evidence of proficiency in the German language must be presented, no official qualification was required until the year 2017. Bamf officials themselves were often responsible for interviewing candidate interpreters and thus certifying that they can speak German fluently.

Since summer 2017 though, interpreters who wish to work for the Federal Office have had to provide proof of a C1-language certificate for the German language. This necessary measure has meant that the Bamf has had to dismiss 2,100 interpreters, as they could not present a language certificate in German.

Table 1: Flyer for interpreters with the expectations from the Bamf to become an interpreter (author's translation)

This means that he or she will act in accordance with the general, professional and ethical professional standards of a mediator, in particular with

- Discretion
- Neutrality
- Reliability
- Social competencies, manners

In your role as a mediator, you will meet the following requirements:

- Security in the language, both in written and in oral forms
- Desirable linguistic knowledge of medical and legal terms
- · Consent to take an aptitude and reliability test
- Willingness to work at different federal office locations

Table 2: Flyer for interpreters with the exclusion criteria from the Bamf to become an interpreter (author's translation)

Exclusion criteria

You will be excluded from being an interpreter, especially if

- · You or a member of your family (spouse, children, parents, siblings) is awaiting an asylum, revocation or annulment
- Insolvency proceedings have been opened against your estate in the last 6 years

After these limitations have been lifted, you are welcome to apply for an interpreter position with us.

Table 3: Required documentation to become an interpreter for the Bamf (author's translation)

Are you interested?

Then please send us the following documents

- · CV in a tabular form
- · Copy of passport or an ID
- · Copy of the residency card
- · Evidence of further qualifications
- · Evidence of knowledge of the German language at C1 level

In addition, only those interpreters with more common languages are required to present a language certificate. Those with rarer languages do not have to present any (Bamf 2018b).

An added problem is the salary received by these interpreters and/or translators. Interpreters for the Bamf, working as a freelancer or sent by an agency, earn between 25 and 32€ an hour (Bamf 2019b); while sworn interpreters, working for the German justice system, earn 70€, which is more than twice the amount. This has meant that the only interpreters working for this Federal Office are non-professionals. This has a direct impact on the quality of the interpretations and translations.

4 Training received by translators and interpreters of the Bamf

In order to train the interpreters, the Bamf relied during the refugee crisis on the manual developed by UNHCR and the Austrian government in 2015.

In addition, in 2017 and in collaboration with the Bundesverband der Dolmetscher und Übersetzer – Federal Association of Interpreters and Translators (BDÜ), this office has also created seven video seminars.

4.1 Training manual for interpreters in asylum procedures

In the years of the refugee crisis, the Bamf made use of the Training Manual for Interpreters in Asylum Procedures. The UNHCR Austria published this manual, which was developed within the framework of the project "Quality Interpreting in Asylum Procedures" co-financed by the European Refugee Fund and the Austrian Federal Ministry of Interior (UNHCR-Austria 2014).

Their 12 learning modules, distributed over 196 pages, deal with a variety of topics that go from "Asylum and refugee protection" to "psychological experience of interpreters". After each module, the interpreter can find different activities and exercises to put into practice what the interpreter has read. However, the German language used in these modules has structures of a C1 or C2 level. We must point out that interpreters starting their collaborations after summer 2017 are required to prove this GEF (Common European Framework of Reference for Languages) level with an official document; until that year many interpreters were unable to fully understand these modules due to the high difficulty of the German level they were written in.

4.2 Video seminars made in collaboration with the BDÜ

Furthermore, in the year 2017 the Bamf, in collaboration with the BDÜ, developed an online program for the professionalization of interpreters. The video seminars, with a total duration of 78 min, intend to show how an interpreter should act in different cases of asylum procedure (Bamf 2017b).

In this regard, the BDÜ Vice President Monica Eingrieber stated, "The concept of the training as online video training allows the participants to carry it out at any time and any place, even from home. The modular structure of the training course is specially designed to provide basic knowledge about this extremely demanding activity in an easily understandable way".

From our understanding, it takes more than just 78 min to become an interpreter, and, although it is a good start, there should be more training to master the interpreting techniques and ultimately the profession.

In addition to the online program, they have also developed face-to-face courses. However, these 5-day courses, aimed at new interpreters and those already collaborating with Bamf, are not compulsory and involve a cost of 200€ for each interpreter. This means that most Bamf interpreters, who already earn less than they should, are not willing to invest this money in their training. So far, the BDÜ has taught nine courses with 12 participants in each course (DW 2017). This means that out of 5,800 Bamf interpreters, 108 have attended these courses, i.e. only 1.8%.

Finally, in April 2017, the Bamf has also published a flyer for their interpreters, which shows the steps they have to take to run an interpreting assignment successfully.

4.3 Compliance with quality standards

According to the national standard guide for community interpreting services, published by the Canadian Healthcare Interpretation Network, the skills and competencies of interpreters should be demonstrated through the following (HIN 2007: 15):

- 1. post-secondary education, preferably a recognized degree of at least 3 years' duration in translation or interpretation or a related field;
- 2. interpreting training/education by a recognized academic institution;
- 3. successful completion of a language proficiency test and
- 4. documented experience in the field.

If we consider the information in the previous points, only one of the four criteria required by this authority is fulfilled, from 2017 onwards and in the sole case of a language other than the so-called rare ones. This shows us that there is still a long way ahead of us.

At the European level, the European Commission states that the EU institutions have stringent accreditation procedures for both staff and freelance interpreters to ensure that the quality of the interpretation is guaranteed. To this end, they have set up a series of tests in consecutive and simultaneous interpretation (European Commission 2020). The Bamf also fails to meet this quality criterion imposed by the European Commission.

5 Challenges for the future

In 2015, when the refugee crisis hit Europe, Germany was not prepared to give linguistic and social support to many people who came to this country, fleeing death and devastation. In a restricted time, Germany had to work out a huge asylum system to give the needed support to thousands of people.

Since then, the Federal Office has strengthened their quality standards and in 2017 many changes have been introduced to ensure fairer treatment to asylum seekers. But we must bear in mind that there is still much to be done.

The interpreter must document only his or her knowledge of the German language. We think an attestation of his or her mother tongue's knowledge should also be required.

In addition to clearing the name of this office after several cases of corruption, such as the one in Bremen² or in Bingen,³ we believe that, in order to attract professional interpreters, it is a sine qua non condition that they receive a salary commensurate with that of their colleagues.

Another challenge for the Bamf is to ensure that there are two professionals per interview: a first one, the interpreter, to support the applicants in their statements and a second one, the translator, to do a translation in plain sight. This translator should have had no previous contact with the interpreter. This is the only way to ensure translation quality standards in the procedure.

To guarantee the quality in interpreting and translation standards, an effective measure would be to hire professionals as part of the Bamf staff to audit the written interviews randomly. This way, the interpreters would receive feedback of their strengths and weaknesses of their completed interpretation and the Bamf would be able to set quality standards.

At last, we find it is essential that all the interpreters without a specialized bachelor or degree in interpreting and translation assist to the courses organized by the BDÜ on a mandatory basis. Being bilingual does not make you a good interpreter but mastering the interpreting techniques does. Therefore, if the Bamf interpreters do not possess a qualification in these techniques, the visiting of these courses should be compulsory, since they will familiarize themselves with all the needed skills to become a professional interpreter.

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² According to the investigating public prosecutor's office, the office is suspected of having granted asylum to at least 1,200 people without sufficient basis between 2013 and 2016.

³ According to the numbers of the Bamf, 97% of Iranians received refugee protection or asylum in Bingen between January and October 2017 and 90% of the applicants from Afghanistan received protection in one form or another. The overall protection rate for Iranians nationwide in 2017 was under 50% and around 44% of the applicants from Afghanistan received protection (Bamf 2019b).

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