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# Language has a home: how case officers make use of language analysis in asylum decisions

Daniel Hedlund <sup>a,b</sup> and Anna Åhlund <sup>c</sup>

<sup>a</sup>Faculty of Law, Uppsala University, Uppsala, Sweden; <sup>b</sup>Stockholm Centre for the Rights of the Child, Faculty of Law, Stockholm University, Stockholm, Sweden; <sup>c</sup>Department of Child and Youth Studies, Stockholm University, Stockholm, Sweden

## ABSTRACT

This article explores the ways in which the results of language analyses were taken into account when Swedish Migration Agency (SMA) case officers built arguments concerning unaccompanied children's countries of origin. The research literature on LADO has primarily commented on risks of unreliability. Data was drawn from one calendar year of asylum decisions concerning unaccompanied children, and the sample where LADO had been conducted was analysed by qualitative thematic analysis. The main finding indicates that LADO is primarily used as an enhancer of other circumstances present in the asylum case, which means that it has the potential to 'tip the scales' into approval or rejection. The findings also suggest that case officers use the results of LADO in different ways to regulate the issue of credibility depending on the political and geographical dynamics in the children's reported countries of origin. The practical implications are that migration authorities should regularly examine to what extent the results of LADO are given weight in asylum case processing and that the influence of LADO results on individual decisions should be comprehensively explained in child consequence analyses.

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## KEYWORDS

Language analysis; LADO; unaccompanied children; asylum procedure

## Introduction

The aim of this study is to explore how asylum case officers at the Swedish Migration Agency (SMA) make use of the results of language analysis for the determination of origin when formulating asylum decisions (LADO).<sup>1</sup> Limited empirically based knowledge exists about how migration agencies utilise the results of LADO concerning adults seeking asylum (Fraser 2012; McNamara, Hazelkamp, and Verrips 2014; Reath 2004), and to our knowledge there are no studies concerning children. Yet, just like adults, migrating children risk encountering challenges when attempting to prove their identities to migration authorities (Bhabha 2011, 2014; Hedlund 2016; Kumin 2018; McNamara and Shohamy 2008). Identity can be viewed as a combination of name, date of birth and citizenship by migration authorities (see e.g. SMA 2018; 2019a). Indeed, the establishment of identity can be understood

**CONTACT** Daniel Hedlund  daniel.hedlund@jur.uu.se

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as a key element of credibility in asylum procedure, as it is also intertwined with the integrity of the reported reasons for seeking protection (Hedlund 2017). In that way, identity also influences children's access to rights and mobility (see e.g. Bhabha 2011).

With regards to SMA practices, LADO is primarily conducted with parents when a child arrives accompanied, although unaccompanied children might undergo LADO if it is deemed necessary in an individual case (R Yunusov 2019, personal communication, 8 October). Even so, the SMA's position is to avoid conducting LADO with children under the age of 14, in line with recommendations from language analysis contractors, which state that younger children might tend to use linguistic variations in different ways to adults, and are more likely to be unaware of doing so (R Yunusov 2019, personal communication, 8 October). This means that LADO primarily becomes applicable to older children. Nevertheless, most unaccompanied children that seek asylum in Sweden identify themselves as either 16 or 17 years old (Çelikaksoy and Wadensjö 2017). Exploring how the results of LADO are used when asylum case officers justify decisions concerning unaccompanied children is therefore a pertinent research issue.

### *Unaccompanied children in Sweden and credibility*

According to 1 b § of the Act about the reception of asylum seekers and others (1994), an 'unaccompanied child' is a minor below the age of 18 who upon arrival in Sweden is separated both from their parents and from any other adult that could be considered as having assumed the role of a parent, and lacks a custodian. This legally constructed category of migrating children has been the focus of much heated political discussion in Sweden (Hedlund 2016), and their reasons for seeking asylum as well as their status as children have been questioned (Hedlund and Cederborg 2015; Hedlund 2017). The continued use of chronological age determination procedures has been underscored by the country's political leadership within the context of increased asylum restrictions (Hedlund and Cederborg 2015; Salmonsson and Hedlund 2018). Researchers from different disciplines have critiqued age determination procedures for being unreliable, unscientific, and/or discriminatory (see, e.g. Abbing 2011; Hjern, Brendler-Lindqvist, and Norredam 2012; Noll 2016; Nuzzolese et al. 2011; Schmeling et al. 2006).

Compared to age determination, LADO has not received much political attention. Even though LADO cannot be forced upon the applicant but rather is 'offered' as a means to help support claims about country of origin, to reject the procedure risks being seen as failing to participate in the establishment of one's identity. This means that LADO can be seen as a credibility verification test (see, e.g. McNamara, Van Den Hazelkamp, and Verrips 2014 about test similarities). Bohmer and Schuman (2018) have pointed out that migration officials attempt to distinguish between lies and truth through the use of tests and similar activities in order to improve the scientific legitimacy of the decision-making process. Similarly, politicians rely on migration officials to create legitimacy for a case procedure, aware that asylum decisions may be based on flawed scientific evidence (Hedlund and Cederborg 2015). Consequently, the methods can be scientifically controversial, while the 'truth' remains an evasive concept even after tests have been conducted (see also Noll 2016). The logic underpinning LADO is that speech can contribute to clarification of origin and thereby potentially increase support for the authenticity of the asylum narrative (Bohmer and Schuman 2018), and thus the stated country of origin

and potentially also citizenship. Consequently, a dilemma occurs if a child reports originating from and/or being a citizen of one or more countries while a LADO analysis challenges that claim or draws attention to varying degrees of inconsistency. This is because previous research about unaccompanied children in asylum procedures has shown that any discrepancies in information provided risks being highlighted by asylum case officers in their decisions (Hedlund 2017).

### *Origin, home and citizenship in the Swedish asylum context*

The SMA (2017, 2019a) has stated that risk assessment regarding the applicant's need for protection is to be done towards the 'home country', which is defined as where the applicant is a citizen or a (legal) resident (or, in the case of statelessness *de jure*, where he or she has normally lived). Specifically, the domicile (or home) [Swedish: *hemvist*] is to be identified, and this concept is primarily to be understood as a town or similar delimited geographical, local place (SMA 2017). Moreover, the domicile will be the starting point for the SMA to examine whether there are internal alternatives for refuge available if the applicant is sent back to the 'home country' (SMA 2017, 2019a). In this assessment, the SMA information centre Lifos provides reports and compilations of country-specific data, which is gathered from, amongst others, Swedish authorities abroad (SMA 2019b).<sup>2</sup> Subsequently, the SMA (2017, 7) has made explicit that an unaccompanied asylum-seeking child also needs to have a domicile established.

The SMA (2016) asserts that it does not see a direct link between language and citizenship, but emphasises that experts can determine the home or origin of a language or dialect, which in turn can contribute to clarifying the speaker's geographical, historical and cultural background. When an asylum application is initiated, the SMA commonly registers personal data provided by a passport or other national identification, for example, following closely the spelling of names. If a passport or an equivalent is not available, citizenship and other personal data are registered in accordance with the oral report provided by the applicant. The SMA can, however, unilaterally update computer profile entries at later stages if new information arises, such as following a LADO analysis, much as it can unilaterally revise the date of birth following the results of an age determination procedure.<sup>3</sup>

There have been LADO-related media reports where it has been stated that the SMA has rejected asylum applications from unaccompanied children based on, for example, one mispronounced word or one language analyst's opinion (see, e.g. Fegan, Svensson, and Youcefi [2015] about a girl reporting that she came from the south of Somalia while the analyst regarded her as a Somalilander). Indeed, immigration attorneys specialising in refugee law have pointed out that their impression is that when LADO is used it tends to play a key role in the outcomes of asylum procedure, either to support an applicant's identity claim or to question it (Öster and Andersson 2015). In the latter case, however, the anonymity of the analysts has been pointed out as a problem, as well as the fact that they in practice cannot be summoned to be questioned in migration court hearings, which can make them appear to be secret witnesses (see also Bohmer and Schuman 2018). Furthermore, LADO is a relatively costly procedure, which means that clients and their attorneys cannot afford to make their own independent analysis in order to counteract or disprove conclusions

that the language analysts hired by the SMA have reached (Öster and Andersson 2015).

### *The practical LADO procedure*

Generally the same procedure is applicable to both adults and children. However, a child-focused approach must permeate all procedures involving children following, for example, child-specific provisions drawing on the Convention on the Rights of the Child (CRC, United Nations 1989) within Sweden's Aliens Act (2005)<sup>4</sup>, the 2007 government ordinance (2007) that instructs the SMA to make an analysis of the consequences of each decision or action that might have an impact on a child (Section 2, item 11), as well as several guidelines internal to the SMA. This means that acknowledging children's human rights becomes relevant both in the practical LADO procedure and when the results are used in asylum decisions produced by case officers. With regard to practical LADO procedure, the SMA uses two LADO methods, regular language analysis and direct analysis. The regular language analysis means that SMA staff records a conversation with the applicant, after which the recording is delivered to a language analysis contractor. Direct analysis entails that the language analyst calls the applicant while he or she is meeting with a case officer at the SMA for a recorded conversation (SMA 2016). Before the recording of a regular language analysis begins, the case officer should explain the use of LADO and instruct the applicant to speak in his or her own language and dialect, and explain also that the conversation should be spontaneous and natural, which means that, for example, the applicant should not recite songs (SMA 2016, 5). In order to be deemed adequate data, the recording must include a minimum of 15 min of speech (SMA 2016).

As will be further clarified in the Data section below, we have not had access to recordings from the LADO procedure, original reports provided to the SMA by language analysis contractors, logs, or observations from how the language analysts have conducted their work. It should also be pointed out that language analyst services are subject to public procurement, which means that the contractors and their internal routines may change from one time period to another. Consequently, we rely exclusively on how LADO reports are summarised and cited in asylum decisions. However, some research that has examined the concrete LADO methods will be noted in the next section.

### **LADO in the research literature**

Eades (2005, 2009) has argued that spoken language may have characteristics identifiable to a particular linguistic environment and concludes that this would not in itself be controversial for a linguist. However, she emphasises that these characteristics are not necessarily connected to nationality or, more specifically, an individual's legal citizenship (Eades 2005, 2009). Eades et al. (2003), Reath (2004), Blommaert (2009) and Maryns (2009) further point out that a view assimilating linguistic characteristics and citizenship would be oversimplified in presupposing a stable environment in which socialisation occurs, and they explain that such oversimplifications are built on notions of speech communities as consisting of static groups of people who live together in a bounded geographic area where they share specific sets of linguistic norms.

Research that has explored LADO practices has identified problems with the methods applied, for example concerning the use or non-use of hypotheses. Matras (2018) has examined reports in the UK by language analysis firm Verified, which adheres to a transparent methodology and references published work in its reports. However, he shows that the method excludes linguistic variation. The reason is that Verified formulates two hypotheses (to be proven or disproven) that are compared, but it does not sufficiently contextualise the applicant's speech by including, for example, reported life-history trajectories; this allows Verified to use an 'economy of scale' (Matras 2018, 73). Even so, Patrick (2017) has pointed out that using two mutually exclusive hypotheses of origin characterises a high quality report compared to lower quality analyses that do not employ any hypotheses and therefore primarily look for 'unexpected' speech features.

Linguistic scholars have, for decades (for a review of language socialisation and immigration see, e.g. Baquedano-Lopéz and Mangual Figueroa 2012), advocated for, and demonstrated that, language should be understood as 'mobile speech', recognising the inherent diversity and complexity of social context and language use, and thereby challenging assumptions that individuals use linguistic repertoires that are developed in, and formed by, biographical trajectories (see, e.g. Åhlund and Aronsson 2015; Blommaert 2009; Duranti and Ochs 1986; Hymes 1996; Garrett 2012). In a globalised world where migration constitutes an integral part of contemporary language socialisation processes in both Northern and Southern societies, Stroud (2009) further emphasises the importance of recognising speech communities as translocal, complex and overlapping networks of speakers. These speakers can draw on multiple semiotic resources, thereby challenging the use of models of language that emphasise standardisation. These are consequently grounded in the assumption that geography and a shared language code correlates with community membership. Such perspectives risk disregarding the notion that people can be members of several speech communities at the same time. In spite of these insights, research has indicated that migration authorities in many refugee destination countries in the Global North use LADO as a means to verify the applicant's stated legal identity and citizenship (Eades 2009; Maryns 2004, 2006, 2010; McNamara, Van Den Hazelkamp, and Verrips 2014; Reath 2004).

In relation to LADO, McNamara, Van Den Hazelkamp, and Verrips (2014, 264) have argued that there are similarities with language tests used to establish proficiency (such as TOEFL, Test of English as a Foreign Language), as they share three key components: 1) collecting data from the applicant's linguistic performance and interpreting the results as evidence, 2) using this evidence to formulate conclusions about knowledge (as well as the credibility of that knowledge), and 3) using these conclusions to inform a decision.

With regard to language tests, McNamara (2008) has stated that they can be unreliable and highlighted that there appears to be low awareness among language testing and translation professionals that these tests also form a part of political and social practice (see also Maryns 2010; McNamara and Roever 2006; Shohamy 2001). This observation concerning language tests could therefore mean that similar dilemmas exist when LADO is conducted. In addition, LADO is commonly administered and delivered by private contractors, much like the above-mentioned language tests used to establish proficiency. Consequently, there may be a potentially contradictory link between the use of LADO in public decision-making and the interests of powerful edu-businesses that specialise in commercial tests and analyses, and this appears to

be overlooked in discussions about evidence assessment in asylum procedure (see, e.g. Hogan, Sellar, and Lingard 2015). In this context, Fraser (2012) has pointed out that the commerce of LADO is, in effect, completely unregulated.

In relation to the absence of regulation and supervision, Patrick (2016) maintains that LADO should be professionalised and that language analysts should have qualifications equivalent to those normally considered to be expert witnesses in other fields, such as holding an advanced research degree and having conducted peer-reviewed research.

## Data

The data was collected as part of a larger project about unaccompanied children in Swedish asylum procedure. This article draws on a data set encompassing all individual asylum decisions concerning unaccompanied children that were issued by the SMA in the calendar year of 2011.<sup>5</sup> The SMA provided the data upon request in 2013.<sup>6</sup> The first author read and screened all 2321 decisions manually, and identified those that contained references to LADO ( $N = 350$ ). The number of decisions in the sample means that about 15 per cent of unaccompanied children seeking asylum in 2011 had undergone LADO.<sup>7</sup> Most of these children were either 16 or 17 years old on the date of the decision, which also corresponds to more general patterns of age among unaccompanied children seeking asylum in Sweden (Çelikaksoy and Wadensjö 2017).

In relation to asylum decision outcomes, 80 per cent ( $N = 280$ ) of the cases where children had undergone LADO procedure had been approved, and 20 per cent ( $N = 70$ ) rejected. Moreover, out of the 350 children in the data sample, about 60 per cent ( $N = 208$ ) had been registered by the SMA as citizens of Afghanistan, 17 per cent ( $N = 59$ ) as citizens of Somalia, and 4 per cent ( $N = 14$ ) as citizens of Eritrea. Registrations where the SMA had assessed children's citizenship as 'Unknown' were the fourth most represented group with about 3 per cent ( $N = 9$ ).<sup>8</sup> Children with 22 other registered citizenships were also identified in the data sample, although as the percentages above indicate, their combined share of the data sample was relatively low. With regard to gender, about 87 per cent ( $N = 303$ ) in the sample were registered by the SMA as boys, and 13 per cent ( $N = 47$ ) as girls.

Each asylum decision contains accounts of what happened in the asylum case, starting from the time that the asylum application was made. Decisions commonly include a detailed summary of the child's reported reasons for seeking protection based on the asylum interview, descriptions of the relevant legal material upon which the decision is based, an analysis of the situation in the country of origin (as stated by the child and as perceived by the SMA), comments and additions from the child on the interview protocol via the legal counsel, summaries of assessments of different types of evidence (such as LADO), and the specific reasons behind the decision outcome. We do not have information about how the practical LADO procedure took place in each individual case, such as tapes, videos or transcripts. Moreover, we have not had access to the entire case folder or the complete results of the LADO analysis. This means that asylum decisions and the texts therein exclusively form the data sample, and also that the results from the LADO analysis in these decisions have been summarised by the case officers, who pick up different aspects of the LADO report, in which a range of conversation topics might have been recorded and analysed, depending on the individual case.

### **Analysis of the LADO data sample**

A qualitative thematic analysis inspired by Braun and Clarke (2006) was conducted. The first author created an anonymised compendium of excerpts from all the decisions where LADO had taken place. Both authors coded the excerpts independently, by reading, re-reading and interpreting the content inductively (Willig 2012). In the first stages, codes were open and consisted of comments and interpretations given by the authors while reading each excerpt. Later, these readings became more focused on identifying patterns across the data sample, and annotations were analysed separately to see how codes could be merged into larger conceptual interpretations (Braun and Clarke 2006). In particular, the authors searched for similarities and divergence in how SMA case officers made use of descriptions of LADO results in decisions. Thereafter, the authors collaboratively developed themes based on their respective coding patterns and interpretations (Willig 2012). At later stages they jointly defined and refined themes and also discussed whether their interpretations were sufficiently grounded in the data sample to make these themes represent more general trends (Braun and Clarke 2006).

### **Ethical considerations**

This research underwent ethical vetting in 2012 by the Stockholm Regional Ethical Review Board (registration number 2012/907-31/5). The design of the present article was reviewed and approved by the Stockholm Regional Ethical Review Board in 2017 (registration number 2017/1924-32) following an application for change of use of the data. Moreover, as the first author changed affiliation in 2019, a new application to change the institution responsible for the research was made and subsequently approved by the Swedish Ethical Review Authority (registration number 2019-05548).

When presenting excerpts, personal details such as names, specific places and events that could lead to identification are not included.<sup>9</sup> However, all the excerpts presented include information about research data case number<sup>10</sup>, languages and/or dialects involved, the gender of the child (as stated by the SMA following the computer profile), and age on the day of the decision. This means that the perception of the country (or countries) of origin and/or citizenship between the SMA and the child may differ, particularly in rejected decisions. We have therefore decided not to include the names of countries, except where relevant for the analytical argument.

Square brackets are used to indicate when brief phrases not relevant for the analysis have been removed by adding an ellipsis in the following way [...].

### **Making use of LADO as a legitimate component in decision-making**

The key finding is that the main function of LADO is as an enhancer of the child's claimed domicile, or place of origin. The key finding has two subdivisions that mirror the boundary between approved and rejected decisions. Firstly, this means that LADO can be a crucial piece of evidence that case officers employ to motivate a shift from uncertainty to approval. However, the conditions appear to be that: 1) the 'home' of the language matches the general area from which the child claimed protection; 2) there is no discord between this match and the information supplied by the information centre Lifos' country-



specific reports; and 3) the case officers must have described the child's asylum claims as at least without 'internal contradictions' (see Hedlund 2017). This indicates that LADO is weighted as one component among others in approved decisions; nevertheless, it seems to become the 'glue' that case officers can operationalise to substantiate approvals.

Secondly (and conversely), among the rejected children that had undergone LADO, this procedure appeared to be the main determining factor in the refusal of asylum. This was due to the place of origin and/or citizenship being in dispute, which affected both the child's general credibility as well as the assessment of whether or not the child originated from a place where he or she could likely be at risk of danger, for example, due to the general security situation in the area.

In relation to the key finding, we have identified several common themes in terms of how case officers use the results of LADO to build arguments that may be persuasive concerning the domicile of unaccompanied children. These themes highlight challenges for children in achieving credibility (Hedlund 2017). The themes are Unequal Competence Descriptions, A Home in the Right Place, A Home in the Wrong Place, Home in the North or the South, and A Home Across Legal Borders. The themes are presented below.

### *Unequal competence descriptions*

Prior research has indicated that not only may the asylum claims of unaccompanied children be questioned, but their competence about their own situation and background are also often exhaustively scrutinised in decision-making (Hedlund 2017). This pattern seems to exist also when LADO is used. Instead of the children, the language analysts are presented as the knowledgeable and qualified experts. Overall, it appears customary that case officers provide a detailed description of approvals and 'licences' concerning the specific languages obtained by a particular analyst. It seemed, however, that the analyst's employer was the primary issuer of these approvals and certificates (Fraser 2012) rather than any independent, external auditing authority. An illustrative example is presented here:

The analysis dated [Date] has been conducted by analyst [Number removed] who was born in southern [Country] and resided for a longer time in [Town]. The expert has shown very good results from the [Company] testing procedure for language analysts and displayed an analytical approach as well as a good ability to distinguish between different Somali dialects (Case 332, excerpt 1. 17-year-old boy. Application rejected).

If more than one analyst had been involved, each analyst's competences were usually presented separately. These descriptions seemed to have the role of assuring readers that the analysts were specifically qualified to assess the spoken language of the child, in spite of the analyst's anonymity, which is contrary to other types of expert testimony in evidence assessment (Bohmer and Schuman 2018; Patrick 2016). It therefore appears that the case officers' written 'distribution of competences' is primarily intended to have appellate courts (migration courts) as recipients.<sup>11</sup>

Nevertheless, SMA case officers appear to devote a disproportionately large share of their decisions to describing differences in both formal and informal competences between a child and an adult professional (see Hedlund 2017). This is problematic

since the analyst's competence cannot be verified in a transparent way (due to anonymity), and the children and their public counsel may have difficulty challenging results from contractors (Fraser 2012; Öster and Andersson 2015). Moreover, it is unclear how 'LADO competence' is weighted in relation to other considerations in the asylum case, not only in terms of evidence, but for example, child-centred principles grounded in the CRC (United Nations 1989), or the notion of the benefit of the doubt as a guiding principle in asylum procedure.

The quote below further expresses the point about competence allocation in decision formulation. In comparison to the language analyst, the conceivable formal language education or professional experience of any child would be considerably lower. SMA case officers tended to construct the description of competence in the following manner. In this specific case, the unaccompanied girl had stated that she originated from Country 2:

The direct analysis has been conducted by an analyst born in [Town] in [Country 1] who also regularly between [years] has resided in different countries in East Africa, among them [Country 2] including Bajuni-speaking areas, [Country 3], [Country 4] ([years removed]), [Country 5], [Country 6], [Country 7], [Country 8], [Country 9] and [Country 10]. The analyst has also published a book about [Linguistic topic removed]. The analyst speaks Swahili at mother tongue level as well as some Kirundi/Kinyarwanda, Luhya, Luganda, Acoli, Luo, English and some Somali. The analyst is tested and approved for conducting language analyses in Swahili and the dialects Bajuni, Kirundi/Kinyarwanda, Luhya, Luganda, Acoli, English and Luo (Case 107, excerpt 2, 17-year-old girl. Application rejected).

From the perspective of children's human rights, regardless of whether a child is telling the truth or not about the language issue, or the evident gap in formal education between an adult and child, the substantial focus on analysts' competence in the decisions may suggest that SMA case officers find it challenging to find the correct balance between different types of evidence, reasonable asylum deceptions and rights-based assessments (Bohmer and Schuman 2018; Hedlund 2016, 2017).

### A home in the right place

When the child's stated 'home' and LADO corresponded with available country/area-specific information, the summary of the results would mainly be concise. In brief, a 'positive' LADO result combined with the absence of contradictions with 'other information' given by the child could lead to an approved decision outcome. The excerpt below is an example:

The direct analysis conducted in your case states that you with a high level of certainty have your linguistic background in [Geographical area] of [Country 1]. These results concur with the background that you have stated. You speak [Language variation], which is a dialect mainly used by [Ethnicity]. You also use words from Farsi. Against the backdrop of the language analysis and other information that have been revealed in your case, the Migration Agency finds no reason to question the information you have provided about your domicile. Therefore, your asylum claims will be tried against [Province] in [Country 1]. The Migration Agency finds no reason to try your asylum claims against [Country 2] since the Agency believes that you have already shown it to be probable that you originate from [Province] and your case will be assessed against that part of [Country 1]. (Case 260, excerpt 1, 17-year-old boy. Application approved).

However, the insight that 80 per cent of decisions including LADO were approved does not reduce the critique presented by research (Eades 2009; McNamara and Roever 2006; Shohamy 2001), where LADO can be understood as a part of a potentially repressive social and political practice. In addition, children with registered backgrounds from countries other than Afghanistan, Somalia and Eritrea are only present in LADO in small numbers. This could be an indication that case officers find that the question of language socialisation, geography and asylum claims becomes particularly complex in relation to the borders and internal dynamics of Afghanistan, Somalia and Eritrea.

### *A home in the wrong place*

In rejected cases, the unequal balance in the distribution of language competence was often emphasised still further, so that not only was a lack of credibility with regard to language asserted by the SMA (that is, that the stated linguistic background was likely to be a deception), but the case officers would often go beyond this deduction into in-depth detail, using lengthy descriptions of all the specific divergences from the child's self-reported background that an analyst had reported. Such a meticulous description would frequently continue over two to three A4 pages of a decision, which typically would make up around ten A4 pages in total, although rejected decisions are often longer due to more extensive descriptions of why the decision could not be approved (Hedlund 2016, 2017). Below is an excerpt that provides a brief example of how the descriptions were formulated:

Your speech deviates from Bajuni and from other northern Swahili. The pronunciation bears the mark of southern Swahili dialects. Your language use deviates from a mother tongue level of coastal Swahili and suggests a socialisation in areas where languages other than Swahili dominate, such as the hinterland of [Country 1] and [Country 2]. There are instances of wrong pronunciations of [Ethnicity] specific lexemes, which may suggest an attempt to conduct imitation. There are also deviations of pronunciation that may indicate hypercorrection and thereby an attempt to modify your speech. The language analysis shows with certainty that the results clearly deviate from the stated language composition in [Geographical area]. Your language use departs to such degree from coastal Swahili that any extended socialisation in the East African coastline is deemed unlikely (Case 34, excerpt 2, 14-year-old boy. Application rejected).

In cases where the child's claimed origin differed from that suggested by the analyst's results, the child's citizenship (as registered in the SMA database) would be updated to correspond with the analyst's assessment of the linguistic country background. If no asylum claims had been presented towards that country, the SMA would usually reject the application. The rejection would be made based on the absence of asylum claims concerning the SMA's position on the 'new' country of citizenship, and also because of the overall lack of credibility due to attempted language deception (see Bohmer and Schuman 2018).

Children that have undergone LADO are provided with the opportunity to comment on the results (as well as provide other corrections or additions) via their public counsel in a written brief. The SMA case officers also summarise these briefs as a part of the decision grounds. Among the rejected LADO decisions, there were several cases where a child had responded to the LADO results by stating that he or she had not gone outside much, or that the way he or she talked was influenced by either individual parent, both parents, or another family member with different linguistic, geographical,

cultural or social origins. These origins would differ from the geographical location where the child had stated that he or she primarily grew up and claimed protection from. This backdrop, the child would claim, could explain the discord with regard to language and the stated domicile. SMA case officers often respond to this type of account as in the example below. This particular child had responded to the results in a brief and maintained that he originated from Country 1, but the SMA case officer responded that this connection was unlikely:

You have stated that you speak in the same way as your mother does and that your dialect therefore is influenced by her [Country 3] Swahili. Moreover, you have stated that there are many dialects in the area and that you speak one of these dialects. Furthermore, you have stated that you had difficulties understanding the expert's Swahili and that you found it hard to understand other [Ethnicity] when you were living in your home village. The Migration Agency finds that your explanation that your Swahili has been influenced by the fact that your mother came from [Country 3] is not by itself extraordinary. However, it seems unlikely that you would have no features of [Country 1] Swahili present in your manner of speaking. In addition, it appears peculiar that you have lived in a certain area, attended school there for five years, while you speak such a different dialect of Swahili that you cannot understand other people in the area, or make yourself understood. [...] You do not speak any other language that is spoken in the region. (Case 263, excerpt 1, 16-year-old boy. Application rejected).

### *A home in the north or the south*

The Somali language is primarily spoken in Somalia, the self-declared state of Somaliland (which internationally is mainly considered to be an autonomous region of Somalia), Djibouti and the Somali Regional State of Ethiopia, but also by Somalis in Kenya and Yemen. Most of the countries are relatively close to each other geographically. It was common for SMA decisions to discuss the likelihood of a child originating from southern Somalia. In particular, the northern Somali-speaking areas (primarily Somaliland and Djibouti) were considered safe by the SMA, while the security situation in the south of Somalia, in particular in and close to Mogadishu, was considered dangerous.

It was evident that case officers started out by taking the larger political dynamics of Somalia into consideration. However, when a child was deemed to have originated from the north, the outcome of the decision was most commonly a rejection. If the LADO result indicated a southern dialect, it would normally lead to an approved decision. The following excerpt exemplifies this point:

The expert finds in the analytical report that you speak Somali at mother tongue level but that your language use differs from the dialect spoken in your stated home area in southern Somalia. Your manner of speaking is instead placed in northern Somalia, specifically [Region]. A few pronunciations are also placed in [Town] in northern Somalia. Based on this information, it is considered that the analytical report speaks against your language use being compatible with the linguistic community in [Town in southern Somalia]. (Case 332, excerpt 1, 17 year-old-boy. Application rejected).

Conversely, as pointed out above, an analysis indicating a home in the south would commonly lead to an approval. However, if inconsistencies remained with regard to whether the child really belonged to the Southern linguistic community, the case officers could frequently 'repair' these by referencing the child's status as underage,

pointing out that the requirements for details were therefore lower. A repair might be made as illustrated here:

With regard to your language use, you speak Somali with a weak accent that the expert associates with the manner of speaking that Somali speakers with Arabic as a mother tongue have. Your dialect, however, contains features of Southern Somali dialect, which according to the expert indicates some socialisation in the Southern Somali dialect milieu. [...] The Migration Agency notes that you are underage and that the requirements for details in your narrative can therefore be deemed lower than if you were an adult. (Case 283, excerpt 1, 17 year-old-boy. Application approved).

### *A home across legal borders*

The case officers' argumentation in Afghan children's cases seemed to contrast with the North/South dynamics of Somalia above. Rather than beginning their arguments based on the larger linguistic, political and geographical community, the case officers appeared instead to begin at the 'micro level'. For example, the case officers would start by concluding that the child had stated that he or she belonged to a particular ethnic group, such as the Hazaras, or the Pashtuns, and afterwards the results from the language analysis were used to confirm this information. Mainly thereafter, the geographical and political context was brought into the formulation of the decision. The view of a home thus consequently appeared to be linked to imagined ethnic-geographical zones followed by more or less demarcated linguistic areas. In other words, ethnicity appeared to outweigh language. This could be because the majority of Afghanistan's territory was considered unsafe by the SMA (although case officers would not automatically assume that there was a personal threat present). A profound discussion about linguistic communities or safe places for return would therefore have been more or less redundant.

The Afghan children could have stated that they had been born in Iran or Pakistan and spent most of their lives there (mainly undocumented), without ever having visited Afghanistan. Even so, it most commonly appeared to be possible for analysts and SMA case officers to argue for the children's linguistic home in particular provinces of Afghanistan – or make Afghanistan as a whole the likely home. As such, the SMA would then register Afghanistan as the child's citizenship. It therefore seems as if SMA case officers, in practice, allow for Afghan communities to expand their 'home' beyond the legal borders of Afghanistan, thereby making their citizenship and origin probable enough for approvals. Moreover, that many Afghans live undocumented, without formal residency permits, outside of Afghanistan also seems to be an important reference point for case officers in order to legitimate this elasticity of the border. The example below illustrates how a domicile could be linked to Afghanistan without the child having ever visited:

You have stated that you are a citizen of Afghanistan. You have never been to that country and you state that your parents have had their domicile in [Afghani Province]. Moreover, you have explained that you are [Ethnicity] and that you speak Dari. [...] The language analysis shows that you speak Dari at mother tongue level and that you have, with very high probability, had your linguistic background among [Ethnicity] in [Iran]. The Migration Agency finds no reason to question your information about identity, domicile in Afghanistan and citizenship, and therefore these are considered to have been made probable. As mentioned, you have never been to Afghanistan and you state that you have no family left in

that country. Your case will therefore be tried against Afghanistan as a whole. (Case 68, 15 year-old-boy. Application approved).

## Conclusion

We have explored how case officers employ results of LADO in decision-making concerning unaccompanied children. If we assume that the approval of an asylum decision is favourable for a child, the contribution of LADO would, at least in that aspect, be positive, since about 80 per cent of the cases where LADO was performed were approved. Our key finding is that case officers use LADO as an enhancer of the overall evaluation of an asylum case. It therefore seems that in most cases concerning unaccompanied children, case officers get additional input to build arguments that acknowledge a child's reported origin based on the results of LADO. Speaking to the extensive critique that LADO has received in other research (Maryns 2004, 2006, 2010; Matras 2018; McNamara 2008; McNamara, Van Den Hazelkamp, and Verrips 2014), this appears to be a noteworthy difference between adults and children regarding how the procedure is used or how the results are interpreted.

Even so, it should be noted that the use of LADO reports still appears to contribute to a substantial inequality in credibility assessments, as children do not have the same academic or professional skills as an (adult) anonymous analyst. Furthermore, the issue of competence has more extensive implications than concluding that children do not have the same academic qualifications than adults. The findings presented above indicate that case officers do not go sufficiently beyond descriptions of an analyst's competences when assessing what weight to attribute to LADO results. In other words, portrayals of an (anonymous) analyst's competences seem to outweigh in-depth engagement with criteria relating to children's human rights (such as requirements in domestic migration law informed by the CRC)<sup>12</sup> when balancing the results of LADO in relation to children's asylum claims.

Moreover, when LADO contributes to the formulation of a rejected decision, the country deemed to be the 'real' country of origin becomes the destination country to which the child is to be deported. It is in this regard that LADO can become particularly problematic, for example if the SMA's efforts to achieve a return/deportation mean that the child would be sent to a country that he or she has no connection to.

In the previous section, we have illustrated some general trends identified via thematic analysis (Braun and Clarke 2006). The SMA had assessed that the two major countries of origin in 2011 were Afghanistan and Somalia, and there seem to be some specific tendencies connected to these countries when case officers formulate decisions. In the case of Somalia, the case officers seemed to want to exclude the possibility that the child originated from the North, from Somaliland or neighbouring Djibouti, since applicants from the South of Somalia would be more likely to gain approval based on available country-specific information. Thus, this could be a reflection of a more overall restrictive tendency in Swedish asylum policy, which does not exempt children's asylum reports from exhaustive scrutiny even when decisions are approved (Hedlund 2017).

Afghanistan, however, offers a different thematic pattern. It is interesting that LADO results are interpreted by SMA case officers in order to be able to identify language variations connected to specific geographical places within Afghanistan, and that this is

perceived as possible even when the child has never visited Afghanistan, but rather been born or mainly grown up in undocumented circumstances in neighbouring countries. Furthermore, these children appear to be considered as Afghan citizens, even when they have never had any legal citizenship formally recognised.

The findings of this study have practical implications. Firstly, it seems that migration authorities should regularly examine to what extent the results of LADO are given weight in asylum case processing. Secondly, the influence of LADO results on individual decisions should be comprehensively explained in asylum decisions and child consequence analyses, as LADO results seem to be used to build arguments about the child's identity, in particular about his or her 'home' in terms of language, country of origin and sometimes even citizenship.<sup>13</sup>

## Notes

1. We use the abbreviation LADO as a unifying concept to refer to diverse linguistic approaches that in turn can employ a number of methods for analysis, such as dialectology, forensic phonetics, or linguistic origin identification (LOID).
2. Lifos describes itself as an impartial expert organ, although it is a part of the SMA. Moreover, according to its own description, the target audience of Lifos' services are the agency's case processing units (SMA 2019b).
3. The SMA is the central authority and first decision-making instance for all categories of residence and citizenship applications in Sweden. Rejected applications can be appealed to four regional migration courts (administrative courts) in a two-party procedure. Decisions by the migration courts can in turn be appealed to the Migration Court of Appeal in Stockholm.
4. The 2005 Aliens Act refers to the principle of the best interests of the child (Chapter 1, Section 10) and prescribes that a child is to be heard in matters that concern him or her if this would not be inappropriate, and that due consideration of this information is to be taken in relation to the age and maturity of the child (Chapter 1, Section 11).
5. Other publications based on this specific data set are Hedlund (2016, 2017) and Hedlund and Wimark (2019).
6. The data was requested as part of the first author's PhD project (Hedlund 2016, 2017).
7. In 2011, the SMA sometimes used a method called 'knowledge check' [Swedish: *kunskapskontroll*], which was a language analysis combined with questions about the claimed domicile: for example, the cultural or culinary traditions of the area, colours of school uniforms, geographical landmarks and other detailed information. The SMA abandoned knowledge checks conducted by external contractors following a review by an independent investigator (R Yunusov 2018, personal communication, 17 August). Therefore, the analysis of this study has focused exclusively on the use of linguistic assessments.
8. The country-code 'Unknown' is used by the SMA when a citizenship cannot be concluded based on the information provided by the applicant. This means that the information may have been deemed to be false or contradictory, or – if the applicant has connections to several countries – that it is unclear where he or she is a citizen or resident.
9. Excerpts were translated from Swedish to English by the first author. Arguably, presenting anonymised quotes in a translated format can also contribute to increased protection of anonymity as it further contributes to reducing the risk of identification between the translated version and the original wording.
10. The case number of a particular child is a research data case number used in the article only to reflect the compilation of anonymised excerpts. To be clear, it is not related to the case numbers used by the SMA. The awarded case number is connected to a code key that is kept separate from the data to ensure that code and case number cannot be linked.
11. See above, note 3.

12. See above, note 4. In addition, the CRC was made into national Swedish law via incorporation on 1 January 2020. The impact of this on asylum policy and procedure is yet unclear. Even so, Sweden ratified the CRC in 1990, which in the context of Sweden means that domestic law should be interpreted in the spirit of the CRC since then.
13. It can also be pointed out that the SMA case officers' focus on the domicile or home of the language in the decision texts has influenced the title of the article, which is inspired by Ochs and Schieffelin's (1989) title 'Language has a Heart'. That article, however, concerns the presence of affect in language.

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## ORCID

Daniel Hedlund  <http://orcid.org/0000-0003-3157-0279>

Anna Åhlund  <http://orcid.org/0000-0003-4862-0009>

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