

# **Language Analysis for the Determination of Origin (LADO): A conflict of paradigms and its resolution through new protocols**

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## **Abstract**

The chapter discusses controversies around practice and theory of language analysis in asylum procedures. The focus is on the qualifications of author teams, the role of non-expert native speakers and consideration of life histories and repertoires, in particular mobility, layered socialisation, and multilingualism. Examples are given from the author's own involvement in casework where new a LADO protocol was introduced, and reference is made to the resolution of contradictory approaches in the courts.

## **Keywords**

Asylum, forensic linguistics, LADO, multilingualism, repertoires, native speaker. Kurdish, Arabic, Syria

## **1. Introduction<sup>1</sup>**

Language Analysis for the Determination of Origin (LADO) is an instrument that is applied by governments in asylum procedures in order to verify applicants' backgrounds. It can be used in the absence of other proof of origin or in case of doubt. Some countries use LADO when applicants claim to originate from a country or region that is considered unsafe, which if proven would automatically entitle them to protection.

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Verification of asylum claims is applied mainly in Western countries. Governments in those countries find themselves under political pressure to limit the number of refugees. Verification checks must be seen in that context as a way of maintaining a balance between compliance with international law on the protection of refugees and public demands to limit immigration. LADO has therefore been described as having a ‘gatekeeping’ function (Eades 2009; Patrick 2012; Campbell 2013; McNamara and Schüpbach 2018; Fraser 2019).

In some cases, applicants and their representatives use language analysis at their own initiative to support claims for refugee status. Some turn to language analysis in appeals against the refusal of asylum status. This is done either to present fresh evidence or to challenge a language analysis on which the authorities had relied when rejecting the application. In such cases the procedure is usually referred to as a ‘counter-analysis’ (or ‘contra-analysis’; cf. Verrips 2010; Patrick 2012; cf. Matras 2018, 2021). It can involve an independent analysis of the same linguistic evidence used by the authorities or new linguistic evidence, or a combination of both.

LADO can be prejudiced at several levels. It relies on a set of assumptions about language: The idea of a pre-determined connection between language and place, the notion of uniformity in language, and the view that all individuals possess a ‘native language’ that is clearly identifiable. Together these assumptions are essentialist: They presuppose that a set of attributes can invariably be linked to a subject and are essential to determine the identity of that subject. Uncritical acceptance of the notion of ‘native speaker’ potentially prejudices the procedure in yet another way when persons with no formal training in linguistics are relied upon to provide judgements about the origin of applicants. Such an approach attributes competences to people by virtue of their reported early socialisation (‘nativeness’) rather than on the basis of verifiable qualifications.

Potentially prejudicial is the framing of LADO within a public anti-immigrant sentiment and the belief that most asylum seekers make illegitimate claims (Eades 2009, Campbell 2013, McNamara and Schüpbach 2018). Writing on behalf of a government agency, Cambier-Langeveld (2018: 11) justifies the procedure by arguing that allowing entry to somebody who is not legally entitled to asylum diminishes public confidence and is detrimental to genuine refugees. Some LADO protocols consider evidence in relation to a pair of pre-set hypotheses that is determined by the authorities and is designed specifically to counter applicants’ own accounts of their background. This narrows the interpretation of the data to a choice between just two options, thereby excluding other possible conclusions, resulting in what Gal and Irvine (2019: 167-185) describe as a site of ideology: A moment in which a view of the world that is partial, dependent on perspective, and so inherently contestable is relied upon to determine boundaries.

The present chapter opens with an historical overview of the principle methodological concerns and controversies in LADO work and a description of typical pathways in casework that is commissioned by governments, with special attention given to the current practice in the UK. I then continue to discuss in somewhat more detail critical issues in the debates. First I discuss the role of linguistic expertise and the contribution of native speaker consultants (or ‘analysts’ in the jargon that is employed by most LADO agencies). Next I turn to the question of structural variation and consideration of complex linguistic repertoires and their relevance in determining speakers’ backgrounds. I then address methods of analysis and the presentation of results, with a focus on the constraints imposed by the framing of the question as a choice between two pre-set hypotheses, as in the work of one of the more prolific and influential agencies that are active in this field. I introduce an alternative protocol which I developed and which has been tested in the context of appeals to the courts by applicants whose claims for asylum have been rejected as a result of a negative language analysis report compiled by a government contractor. The following sections exemplify the application of this alternative protocol drawing on casework

involving counter-analysis in the cases of applicants reporting to be from Syria who are speakers of Kurmanji Kurdish and Arabic.

## **2. Historical overview**

LADO has been in use since the early 1990s. In some countries including the Netherlands, Switzerland and Norway government agencies handle language analysis, but consult contracted staff with knowledge of the languages. Most governments, however, outsource the work to private contractors that specialise in LADO services. Among the largest are Sprakab (2023) and Verified (2023), both based in Sweden.

LADO workflows differ in some aspects but are essentially similar, partly as a result of exchange and collaboration among different LADO agencies: Applicants are asked to participate in a recorded interview that is carried out either face to face or remotely by phone or virtual meeting software. A brief explanation of the procedure is followed by a set of semi-standardised questions. The questions prompt answers about the applicant's background such as family, work geographical environment and cultural characteristics like festivities and food, explicitly avoiding issues that pertain to the applicant's reasons for claiming asylum. But they often end up eliciting single-word or single-phrase answers such as names of locations, dishes, singers, local attractions and so on. There is little effort to use techniques that are designed specifically in order to elicit connected speech like biographical narratives or event descriptions. That limits the amount of data on morpho-syntax, since short and single-phrase answers do not offer opportunities to observe a wide range of connectivity devices, tenses and moods, clarifications that might be provided through subordinate clauses, anaphoric reference or reference a variety of actors which would require a range of different inflectional agreement marker.

The length of interviews varies. Remote interviews by private contractors like Sprakab and Verified are usually around twenty minutes including clarification and questions. Face to face interviews by the Team Onderzoek en Expertise Land en Taal (TOELT) (2020), or 'Research and Expertise Team Country and Language', formerly Bureau Land en Taal (BLT) in the Netherlands usually last for around an hour. The interviewer in remote interviews is usually part of the team that carries out the assessment. Face to face interviews like those carried out by TOELT are led by an official with the help of an interpreter who is not involved in the assessment.

Longer interviews do not necessarily provide higher quality data. Some questions are culture specific and may not trigger collaborative responses. For example, applicants are asked about their ethnicity, a concept that is not always meaningful to people from the Middle East or Africa, or about their hobbies, a notion that is not always familiar to people from small communities. Some government agencies, like TOELT and the German Bundeministerium für Migration und Flüchtlinge (BAMF, 'Federal Department for Migration and Refugees') aim to interview applicants in all languages that they can speak. By contrast, contractors working for the UK government instruct applicants to speak only in their 'native language' or 'mother tongue', concepts that are not always straightforward to translate or explain (cf. Matras 2018, 2021)

In the early 2000s professional linguists expressed concerns about the quality and validity of LADO practices. Based on evidence from Australia and New Zealand the procedure was found to lack transparency in regard to method and the qualifications of the author teams (Eades 2005; Fraser 2009; Reath 2004). In response, a group of linguists published the 'Guidelines for the use of language analysis in relation to questions of national origin in refugee cases' (henceforth 'the Guidelines'; Language and National Origin Group 2004). The Guidelines call for reports to be authored by qualified linguists, present verifiable data from the recorded speech samples, consult relevant published sources, and present the degree of certainty of results in qualitative rather than quantitative terms. They also call to frame the discussion in terms of a

person's likely socialisation in a named linguistic community rather than a place of origin, acknowledging the possibility of structural variation and multiple influences on an individual's speech. Crucially for ensuing debates, they state that the judgements of native speakers do not constitute linguistic expertise. They say specifically: "Skill in speaking a language is not the same as the ability to analyze a language and compare it to neighbouring language varieties" (Guidelines, paragraph 7). The Guidelines add further explanations in regard to language and dialect mixing, interviews conducted in a second language, and speech accommodation to the interviewer.

Reacting to the Guidelines, the International Association for Forensic Phonetics and Acoustics (IAFPA 2009) adopted at its Annual General Meeting in 2009 a resolution that endorsed the contribution of "Linguists and educated native speakers with the latter working under the guidance and supervision of the former" while also emphasising the role of "Linguists with in-depth research knowledge of the language(s) in question" (Moosmüller 2010; Fraser 2009). There has since been a perception that the discussion surrounding LADO practice has been split into two 'camps' (Fraser 2019; Matras 2021): Proponents of the Guidelines argue that language analysis reports must be authored by qualified linguists and assume the form of transparent scientific analyses. They also point to the need to take into consideration multilingual repertoires and structural variation. These positions are anchored in sociolinguistic research particularly on language, globalisation and mobility (Eades 2005; Blommaert 2009; Fraser 2011; Verrips 2011; Spotti 2016; Patrick 2012; Parkin 2016; Matras 2018; Fitzmaurice 2019; Muysken 2019). Proponents of the position that LADO casework should rely mainly on input from native speakers supporting professionals with an academic qualification but who are not necessarily specialists in the language under discussion refer to the IAFPA resolution and draw parallels between LADO and acoustic phonetic procedures for voice identification in criminal cases. They often refer to the case in support of the applicant's claims as 'the defence', implying through the analogy that asylum applicants stand accused of a transgression of some kind (Cambier-Langeveld 2010, 2012, 2018; Nolan 2012; Foulkes and Wilson 2011; Hoskin 2018; Prokofyeva 2018; Hoskin et al. 2020).

While the division in regard to involvement in practical casework may not be clear-cut, proponents of the Guidelines are more likely to be involved in counter-analysis reports commissioned by refugees and their legal representatives while those on the other side of the debate are more likely to work for or with government agencies or contractors. As Patrick (2016: 240) notes, that division is partly conditioned by legal determinations in certain jurisdictions: Authors of LADO reports commissioned by governments do not need to qualify as expert witnesses at a level recognised by the courts whereas linguists who challenge those reports in the courts do. Linguists whose work challenges government decisions must therefore observe a higher standard of professionalism. The point of controversy is the level of formal linguistic expertise in the language that is being analysed. Government contractors and supporters of their method generally argue that in-depth research knowledge of the language in question is not a requirement if other expertise such as experience in voice recognition techniques and collaboration with a native speaker is available.

As discussions intensified, legal challenges were made in various countries against decisions to refuse asylum based on LADO. This resulted in greater transparency about the methods and levels of qualifications or lack thereof among LADO contractors (Eades 2005; Fraser 2009). It also led to the involvement of a wider circle of professional linguists with a variety of specialisations and the drafting of new, alternative LADO protocols (Verrips 2010; Patrick 2012; Matras 2018). Occasionally this has prompted modifications to templates employed by government contractors. For example it is now widely accepted that LADO reports should take a systematic approach to data, categorising it under the headings of Phonology, Morphology, Syntax and Lexicon and sometimes also Cultural Knowledge, and provide examples as well as arguments to back up their analysis including references. However, some modifications might be said to prioritise appearance over substance. Sprakab continues to cite on average just five

to six examples under each heading without offering an analysis or drawing on published sources, merely contrasting forms from the recording with those ‘expected’ by its native speaker consultants.

In 2012-2014 appeals to courts in England and Scotland against decisions based on Sprakab reports brought about a series of decisions with some ambivalence. The courts recognised that Sprakab had reasonable expertise and was qualified in principle to make decisions on applicants’ background based on language analyses. At the same time concerns were raised about the lack of transparency of the qualifications of language consultants who provided input into the reports. The agency was also criticised for its ‘advocacy role’ on behalf of its client, the UK Home Office (Craig 2012; Campbell 2013; Patrick 2016; Craig and Zwaan 2019).

Following these decisions, in 2015 the UK government contracted a new agency, Verified (see Matras 2018). The company frames its analysis as a hypothesis-driven scientific experiment. Data from the recording are assessed twice, each time against a different hypothesis. The first hypothesis purports to follow the applicant’s own account but in reality it addresses the client’s question concerning the applicant’s nationality. Thus, if an applicant claims to have been born in Syria to an Egyptian mother and then to have moved to Egypt at a young age before seeking protection in the UK, the hypothesis tested is whether or not the applicant is Syrian, disregarding other aspects that may have impacted the person’s speech profile.

The second, counter-hypothesis appears to be pre-set by the client (the government) and is uniform for each claimed background: For all claims by Syrians the counter-hypothesis for Arabic speakers is that they are from Egypt and for Kurdish speakers that they are from Iraq (Matras 2018). Verified assesses to what extent forms found in the recording are consistent with each hypothesis and in this way it decides which hypothesis outranks the other. Alternatives to either of the hypotheses such as a split socialisation or a third possible background community are not considered. The company refers to its own protocol as ‘LOID’ (‘Language origin identification’; Prokofyeva 2018; Hoskin 2018). In this way it is able to refer to limitations of LOID – the constraints that apply to its own in-house company protocol, such as lack of engagement with structural and stylistic variation, multilingual repertoires or the potential effects of mobility on dialect use – while giving the impression that those limitations are inherent to LADO practice in general.

The authors who sign off Verified reports usually do not have any knowledge of the language that is being assessed. Many lack formal qualifications in linguistics. In its general guidance notes Verified defines a ‘linguist’ as “a person who after academic studies in linguistics has successfully undergone Verified’s internal, task-specific training”.<sup>2</sup> However, as “academic studies in linguistics” it considers the study of literature, philology and communication (Matras 2018). The company defines ‘native speaker’ as “a person who was raised with the linguistic variety under analysis being used in the home”. However, the ‘linguistic variety under analysis’ is not necessarily the local variety claimed by the applicant and may be the language spoken in the relevant country but in a different region or belonging to a different dialect group. In practice native speaker consultants provide input with regard to a range of different dialects spoken in their country of origin, not just their own. Invariably they rely on their subjective intuition, not on a verifiable body of observation notes.

In its general remarks on method, Verified makes reference to the Guidelines but implies that they have been criticised by “academics who specialise in forensic work” and superseded by the IAFPA resolution, which the company claims to endorse despite the fact that it avoids relying on “Linguists with in-depth research knowledge of the language(s) in question”. In accordance with the Guidelines the company refers to assessing the ‘linguistic community’ rather than

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<sup>2</sup> Quotes are taken from text used repeatedly in a corpus of over a hundred Verified reports examined by the author.

‘origin’ as the objective of the analysis. It also uses verbal attributes to describe the degree of certainty of its conclusions. However, it embeds the statement on certainty into a numerical scale and as described above it simplifies the applicant’s account into a hypothesis about background in a single state. As a result its conclusions are invariably interpreted as a verdict on the applicant’s likely country of origin, formulated in quantitative terms, rather than as an assessment of a plausible life history trajectory. The notes on method also make reference to speech variation and accommodation but these are generally not taken up in the analysis. It seems therefore that the company makes an effort to appear compliant with a wider consensus but that compliance is not consistent in substance.

Since 2017, Immigration and Asylum Tribunals in England have been critical of the methods employed by Verified while also continuing to find flaws in reports by Sprakab. Between 2014-2020 the author led LADO casework as part of research outreach activities and subsequently as part of the forensic linguistic consultancy service ‘MLM-Analysis’ based at the University of Manchester. It offered language analysis expertise for Arabic, Kurdish (Kurmanji and Sorani) and Persian. The team included native speakers of Syrian Arabic, Syrian dialects of Kurmanji, Iraqi dialects of Sorani, and Persian. All had postgraduate qualifications in linguistics specialising in the dialectology of their respective languages. The work was embedded into a research project that compiled data on the dialects of Kurdish and Arabic relying on systematic phrase elicitation as well as connected speech documentation. The data were used as control samples for comparison with recordings of asylum applicants. All datasets were made accessible online, making that comparison verifiable.<sup>3</sup> Counter-analysis reports were compiled in support of several dozen appeals against rejections of asylum claims based on LADO reports by Verified and Sprakab. As far as is known all those appeals have been allowed by the courts, who preferred the team’s expertise and conclusions to those of the government contractors.

In 2020 a report by the UK Independent Chief Inspector of Borders and Immigration (2020: 86) echoed many of the points made by the tribunals and called for the introduction of a quality assurance threshold in LADO reports that should include

“[...] the qualifications of the report author team (especially: proven academic training and experience in linguistic analysis in the language that is being analysed), the method of data elicitation and data presentation, and the accessibility of any data samples or sources that the authors rely on for comparison (i.e. the forensic element of the procedure, which requires the availability of a verifiable control sample).”

### **3. Critical issues**

#### **3.1 Linguistic expertise and the role of native speakers**

Defenders of LADO procedures that rely on the input of ‘non-expert native speakers’ (NENS) as a substitute for experts with in-depth research knowledge of the language in question often accuse opponents of not valuing the input of native speakers. In fact nobody, to my knowledge, has disputed the potential value of native speaker input. The question is, rather, whether that input can be relied on without the involvement of trained linguists (Fraser 2011).

Arguments in defence of native speaker input are in that sense pitched against a ghost opponent. Some refer to experimental evidence that claims to show that native speakers have a higher rate of accuracy in identifying accents (Foulkes and Wilson 2011) or even a naturally embedded social skill to identify somebody as belonging to their own group (Nolan 2012). But the

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<sup>3</sup> Since August 2022 the databases are no longer available via the University of Manchester website but they can be accessed via a repository on <https://kratylos.org> and on Aston University’s Forensic Linguistic Databank on <https://fold.aston.ac.uk/handle/123456789/40>

experimental evidence has been disputed (Fraser 2009; Preston 2019). Nor is it clear what constitutes the boundaries of one's 'own group': Whether it's the applicant's claimed country of origin, region, village, ethnic minority group, age group, gender and so on. Moreover, as Fraser (2019) notes, the issue is not probability of error but rather the need to ensure valid judgements.

Writing in defence of Verified's protocol, Hoskin (2018) reports that the company seeks in its native speaker consultants the qualities of personal integrity, aptitude for abstract reasoning, and a 'feel' for their language. All are subjective traits that are difficult to test and do not offer a guarantee of linguistic analysis skills that is recognisable as distinct from any ordinary person's personal opinion (cf. Patrick 2012: 545). Hoskin argues that 'folk knowledge' can be accurate. But Verrips (2011) suggests that intuition is not enough; the argumentation needs to be transparent and requires trained expertise. There is also a risk that folk linguistic assumptions of what 'should be spoken' might lead native speakers to be judgemental about features when they are ignorant of research findings on sociolinguistic variation (Concoran 2004; Eades 2009; Preston 2019).

Hoskin (2018: 28-29) claims that Verified's native speaker consultants helped the company to compile a new classification of Syrian Kurmanji dialects, though he does not disclose details citing "confidentiality considerations". In fact, a classification of Syrian Kurmanji varieties was introduced in my online pre-publication in June 2017 (Matras 2019) partly citing project and student work from 2015-2016. Before that it had been presented in our counter-analysis reports, which were brought to Verified's attention as part of the appeals process. It is true, of course, that speakers of Syrian Kurmanji are aware of sub-varieties and label them. That awareness existed before the subject was described in the academic literature. But what speakers are unable to do and have not done is compile an empirically grounded reference grid with diagnostic features that can be used to compare and evaluate speech samples. What we learn from this particular example is that LADO benefits from research that is undertaken to document language varieties that have previously not been described. That is an argument in favour of more research, not a justification to avoid engaging linguistic experts in LADO reports.

Hoskin (2018: 32-33) goes on to quote the input of an Arabic speaker consultant as saying: "The interviewee's melody dialect accent and way of speech proof [sic] that he is pure [sic] Egyptian". The quote illustrates precisely how subjective and impressionistic the input of non-trained speakers can be and how unreliable it is for that reason when decisions are made that affect a person's life. The cited impression is not backed up by any data examples nor are any indicators cited for what would constitute a distinctive 'melody' or 'accent' in this case – whether intonation, phonetics, or other features. As a consequence, the statement, presented as a qualified observation, lacks transparency and any objective empirical basis and eludes verification. Its sole claim to validity is the reported ancestry of the person (the native speaker consultant) who offered their impression.

As Patrick (2012: 543-544) notes, government contractors rely on non-expert native speakers in order to obtain speedy results at lower cost. Those working for and with government agencies and contractors admit as much when they decry the short time frames and low fees within which they are asked to operate (cf. Cambier-Langeveld 2018: 8; Hoskin et al. 2020: 271). Thus, it is not the special abilities of non-expert native speakers that are attractive to LADO practitioners but their low cost. The reliance on low paid native speakers is used (somewhat disingenuously) as a supposedly methodological justification for avoiding the recruitment of (more expensive) expert linguists.

Nonetheless, the view that non-expert native speakers are not reliable enough has become so widespread that government contractors have developed what they call a 'team approach' whereby judgements obtained from speakers are validated by linguists (Fraser 2019: 73-77). This gives rise to a new point of controversy pertaining to the qualifications of the linguists. As

noted above, both Sprakab and Verified commission reports from individuals who are not familiar with the language in question, something that, as Fraser (2019: 76) notes, would be unusual in linguistic research. Prokofyeva (2018: 51) claims that the “minimum criterion” for Verified authors is an academic degree in linguistics. But the company re-defines linguistics as any kind of study of language or communication at academic level. By engaging ‘linguists’ in accordance with its own re-definition the company once again purports to be compliant with expectations but in fact it bypasses the demand for staff to have formal expertise and training in linguistic science. It is to some extent a game of words, as in the case of identifying the ‘linguistic community’ or formulating the degree of certainty in verbal rather than numerical terms.

Foulkes et al. (2019) use the term ‘forensic professionals’ without defining it, alluding to a necessary overlap between LADO experts and those engaged in voice recognition. But expertise in acoustic phonetics does not automatically serve LADO (Fraser 2009). In its responses to counter-analysis reports Verified often criticises the absence of acoustic phonetic expertise in those reports claiming that they are not valid for that reason, yet I have never come across a Verified report that relied on such expertise. The argument therefore seems yet again disingenuous. Among sociolinguists there is on the other hand a consensus that the LADO toolkit should include expertise in the language as well as awareness of sociolinguistic issues such as language hierarchies and variation, regional dialects, multilingualism and language ideologies (Patrick 2012: 541).

### **3.2 Variation and linguistic repertoires**

Early criticism of LADO reports pointed out the unrealistic assumption that asylum seekers will speak only one language in a way that is uniform and uncontaminated. It also addressed the lack of consideration of regional multilingualism, population movements, and accommodation to the speech of the interlocutor during the interview itself (Eades 2005). Sociolinguistic variation is generally not taken into account in the analysis partly due to the mistaken assumption that speakers can consciously control their speech variables when instructed to speak only in their home dialect (Eades 2009).

The formality of the interview setting does often lead to accommodation (McNamara and Schüpbach 2018: 157), yet processes of accommodation are generally not taken into consideration in the evaluation (Ateek and Rasinger 2018: 76-77).

The framing of the analysis as a juxtaposition of two pre-set hypotheses in Verified’s reports further narrows the scope to consider variation or accommodation. For example, where formal Arabic features happen to resemble Egyptian Arabic, as in the word *sana* ‘year’ (both Standard and Egyptian Arabic) compared to Syrian Arabic *sine*, Verified’s pre-set counter-hypothesis (that all Arabic speaking applicants are Egyptian) prompts its analysts to classify the form as Egyptian rather than acknowledge stylistic variation, artificially tipping the balance in favour of the counter-hypothesis (Matras 2018).

It has been shown for users of varieties on the creole, pidgin and West African English continuum that speakers avoid certain forms in the interview because they consider them to be socially stigmatised, while on the other hand other features are employed creatively and flexibly even though they might not be considered part of the idealised dialect expected from the applicant (Corcoran 2004; Eades 2009). As a result, the sample of speech is evaluated as ‘inauthentic’. The effect of urbanisation and the impact that urban speech has had on the varieties of young people in the Arabic speaking world as well as dialect levelling or koineisation are usually ignored in the analysis, equally leading to the classification of features as ‘inauthentic’ (Rosenhouse 2013, 2017).

Blommaert (2009) describes the case of a Rwandan refugee in the UK whose application for asylum was rejected with reference to his use and knowledge of multiple languages. Multilingualism did not align with the expectations of ‘institutional language regimes’ and the idea that languages are distributed among countries rather than among individuals and population groups. Verrips (2011) notes how in the Netherlands the government language agency BLT expects the applicant to speak in a variety that is spoken exclusively in their claimed place of origin. This has been widely identified as a Eurocentric, monoglot approach to language, one that assumes that a language is always co-territorial with a state and is therefore a reliable indicator of nationality (Fraser 2009; Campbell 2013; Parkin 2016).

Such assumptions, however, are not applicable to some parts of the world where there are complex repertoires of speech, high mobility, multilingualism and different levels of competence both among individuals and across the speech varieties that they use (Fitzmaurice 2019; Muysken 2019). Hoskin et al. (2020: 259) contend that other languages and dialects constitute “secondary influences” that cannot be tested and are “inherently unknowable” and therefore cannot be taken into consideration in the evaluation. They argue that the purpose of LADO is to establish a “primary place of socialisation” (p 266). Prokofyeva (2018: 48), by contrast, admits in her exposition of Verified’s work that the complex residential history of some applicants poses “considerable challenges” and that hypotheses “cannot always reflect the full complexity”. But she holds back with conclusions about the implications for the validity of Verified’s reports in such cases.

Spotti (2016: 262-274) critiques the view that language can serve as an indicator of origin. Instead he calls to acknowledge it as a spatial-temporal resource that links to events in a person’s life history including the history of trans-local mobility and migration. It follows that the task of language analysts is to ask whether a speaker’s language variety is compatible with their reported life history, and if not to establish what other possible explanation can be offered (McNamara and Schüpbach 2018: 167ff; Matras 2018, 2021). But Hoskin et al. (2020: 260ff.) reject that approach. They criticise counter-experts wholesale for allegedly pursuing a “classification” approach to the data, i.e. using the data to establish an applicant’s life history background, as opposed to a “verification” approach, i.e. using the data to confirm or refute the question put by the client, which in the case of Verified’s client is invariably whether an applicant’s nationality is in line with the applicant’s claim or alternatively with the counter-hypothesis proposed by the client.

### **3.3 Methods of analysis and presentation of results**

LADO reports have been criticised for lacking full transparency and thereby hindering quality assurance. For a start, neither Verified nor Sprakab include time stamps when citing data from the recording in their reports. It is not possible to judge whether this is done simply to save time and cost, but it is not good practice nor is it in line with corpus-based linguistic research work and voice recognition work involving acoustic phonetics. Full transcripts of the interview are provided only in exceptional circumstances. Since 2020 the UK Home Office has often been unable or reluctant to provide asylum applicants’ legal representatives with copies of the recordings on which its LADO analysis were based, sometimes even failing to comply with tribunal directives, making it difficult for counter-analysts to evaluate the validity and accuracy of the initial data interpretation.

The approach taken by Verified is essentially deductive: It takes a pre-set hypothesis as its departure point. Most counter-analyses prefer an inductive approach setting out to offer an explanation for the findings (Verrips 2010; Matras 2018). This can be illustrated with an example: In Arabic, the negation particle in non-verbal predications (e.g. ‘not hungry’) is *miš* in many parts of the Arabic speaking world including North Africa, Egypt and the southern Levant, while in Syrian and Mesopotamian (Iraqi) Arabic it is *mu*. If this form is found in a

sample, but is assessed only with reference to the pre-set counter-hypothesis that the speaker is from Egypt, then inevitably the only possible conclusion that can be derived is that the applicant is indeed from Egypt. Further possible interpretations (such as, the applicant is from Palestine) are blocked because they are not covered by the pre-set hypothesis. If however the approach is inductive, then all settings in which *miš* is used remain possible options.

These options are then narrowed as one works through additional forms and features. For example, if the speaker uses the phoneme /g/ rather than /dʒ/ or /ʒ/ then that represents a further isogloss that points to a background in Egypt and excludes a possible background in other regions in which *miš* is used but not /g/ (such as Palestine). The method is based in this way on the co-referencing of isoglosses. In this approach, the decisive evidence in favour of alignment with Egyptian Arabic is not a random number of examples that tips the balance in favour of a certain hypothesis but a qualitative analysis of the co-occurrence of different diagnostic features. Thus, if *miš* and /g/ co-occur in a sample, then there is a high probability that the speaker's background is in Egypt, regardless of the number of examples that the analyst chooses to list. If however only *miš* is found but it cannot be correlated with /g/ or a similar diagnostic feature, then even a large number of examples in which *miš* is used is not sufficient to prove a background in Egypt, given that the same form is also used in many other regions.

Verified never provides an explanation as to how it moves from the listing of examples to the overall balance between hypotheses. In Matras (2018) I discussed an example of a Verified report where the majority of forms, features, and examples were listed as 'consistent' with the first hypothesis (representing the applicant's own account) yet on balance the report concluded that the applicant's speech was 'more likely inconsistent' with that very same hypothesis. Since a clear threshold or aggregate is absent, the 'experiment' lacks transparency. It is, once again, a scientific experiment by name and superficial appearance, but not by substance.

A further issue concerns the validation of comparison data. Verrips (2010) describes the protocol used for counter-analysis by the company De Taalstudio as relying on the first-hand knowledge of the trained language expert. Verified tends to introduce each section with a short narrative referencing published sources but ultimately it relies on the judgment of its speaker consultants when assessing those features. Sprakab does not even reference comparison data and relies exclusively on the impressions of its speaker consultants. The protocol introduced in Matras (2018) relies, as mentioned above, on a comparison with datasets that are publicly accessible. As far as I am aware, that is the first such LADO protocol to do so. Hoskin et al. (2020: 261) contend that the Arabic speakers who are represented in the Manchester database are bilingual, that some of the samples were collected in the UK, that no location is represented by more than two or three speakers, that no further demographics are provided on the Arabic speakers and that for Kurmanji the dataset is biased for gender, education, and age and so it is not a "balanced sociolinguistic corpus". While some of that is factually correct or at least partly correct, the question is whether the databases offer an advantage over the method that Verified and other agencies rely on. The same reservations can be applied to the speaker consultants that Verified and Sprakab rely on: They are all bilingual individuals who have been living for the past decade or more in Western Europe. Invariably only one analyst provides input for each of the two hypotheses. Moreover, each analyst's input is typically relied on for the speech of an entire country rather than just the specific town or region from which they originate, yet no information is provided about the consultants' history of encounters with speakers of other varieties in their country of origin let alone a log of such encounters and the observations that were compiled. The biographical information provided on the speaker consultants ('analysts') suggests that their demographics in terms of age and education are much narrower than those represented by the Manchester databases.

But the database offers more. The samples are verifiable. They are comprehensive, covering diagnostic features in a systematic way through a standardised set of tagged phrases where the same features can be searched across different dialect samples. The coverage is more extensive

than that offered by Verified’s analysts, representing samples of Arabic from fifteen different countries and for Kurdish from more than 120 locations. The data are authentic and represent strictly the speakers and locations in which they were collected. They do not involve guesswork or loose and informal impressions as is the case when Verified’s analysts give their opinions about other dialects that are not their own.

#### 4. Case study examples

In this section I draw on a selection of examples to illustrate some of the issues addressed in the previous sections. Over a period of fifteen years I have examined a total of around five hundred reports involving cases in the UK, the Netherlands and Germany. The small selection discussed here is representative of many of the issues that I have encountered. At the end of this section I also discuss methodology to detect inauthenticity, which to my knowledge has so far received little attention in the debate (but see Matras 2018).

I begin with the case of a young Kurmanji speaking male asylum applicant claiming to be from a village in the eastern al-Hasaka district of Syria located just two kilometres west of the Iraqi border. The dialects on both sides of the border are very similar given that the political boundaries in the region are a product of arrangements among the European colonial powers in the early twentieth century and so they do not reflect the distribution of language communities. Like many Syrian Kurds from the region, the applicant’s family moved to a refugee camp in neighbouring Iraq after the outbreak of the civil war. At the time the applicant was just eight years old. He reports to have worked in Iraq as a young adult before attempting to return to Syria and ultimately seeking refuge in the UK. The Sprakab language analysis report failed to consider his reported history of mobility. It concluded instead that the speaker’s language use “displayed features of Southeastern Kurmanji as spoken in Northern Iraq” and further that it was not plausible that he was from Syria since his speech “did not display a clear influence from Arabic”. The report’s author had no knowledge of Kurdish or Arabic. The native speaker consultant originated from Armenia, had never visited Syria, and had no knowledge of Arabic. The Sprakab report provided a total of only a dozen examples from the recording with the applicant. It contrasted those with what the speaker consultant (‘analyst’) stated was the “expected” form in the applicant’s village on the Syrian-Iraq border, a village that he had never visited. The counter-analysis established that the applicant used a number of forms that were more likely to be used in Syria than in Iraq, such as *diya min* ‘my mother’ (Iraq: *deyka min*). He also alternated between forms that were documented for Syria and Iraq respectively, such as *got* and *gût* ‘she said’. He used a number of salient deictic forms that aligned with Iraq rather than Syria such as *vêrê* ‘here’ (in Syria a wide range of forms is attested). Contrary to Sprakab’s claim he also used a series of contemporary Arabic loans, including *çala esas* ‘because of’, *çamelî* ‘labour’, *heywanat* ‘animals’, *hizb* ‘political party’, *şafb* ‘people’ and more. On appeal the tribunal accepted the counter-analysis report’s conclusion that the linguistic profile was aligned with the applicant’s reported life history including his migrations between Syria and Iraq.

In a case that I reported on in Matras (2018), Verified claimed in its report that a Kurmanji speaking applicant could not be from Syria because he used the pronunciation /x/ rather than /xw/ in words like *xarin* ‘food’. The authors relied on a publication by Öpengin and Haig (2014) which attributed the sound simplification from /\*xw/ to /x/ to what they called Southeastern Kurmanji (SEK) as spoken in northwestern Iraq and the Hakkari province in Turkey. Verified’s assumption was that the attestation of a form in Iraq necessarily meant its absence from Syria. But in fact Öpengin and Haig did not comment at all on any data from Syria, or even from Iraq. Their observations on SEK derived from the speech of one individual, the co-author Öpengin himself, who originates from Şemdinli in the Hakkari province of Turkey (cf. 2014: 147). Verified represented absence of evidence as evidence of absence. The counter-analysis cited data from the Manchester Database of Kurdish Dialects that showed that both /xw/ and

/x/ were attested in Syria as well as in Iraq. There was thus variation on both sides of the political border. In this case Verified had exceptionally provided a full transcript of the interview in Kurmanji. The interview was led by an analyst who was born and raised in Syria (according to the information provided by Verified). The transcript showed that the interviewer himself alternated between the sounds/xw/ and /x/, even in the same word and within the same sentence. He said (as transcribed by Verified): *Xarinê hazir li jim we çi hene, xwarinê bajar- ?* ‘What ready-made food do you have in Syria, city food-?’ The appeals judge followed the counter-analysis position and allowed the appeal. In his decision he wrote in regard to Verified’s report: “Its data was flawed, as was their reliance on published sources ... the assumptions they made were unfounded and the inferences drawn from the data unsafe”.

In a language assessment interview with an applicant who reported to originate from Qamishli in northern Syria, Verified’s interviewer and analyst opened the conversation in Arabic, then shifted to Kurmanji Kurdish. The conversation continued for around five minutes in Kurmanji, at which point the interviewer explained the procedure telling the applicant that he must talk for around fifteen minutes in his ‘mother tongue’ (in Kurdish *zimanê diya xwe* literally ‘the language of your mother’). The applicant hesitated, stating that his mother originated from Iraq and had spoken Sorani Kurdish to him. The interviewer’s reaction was abrupt. He informed the applicant firmly that he was unable to provide further guidance. The applicant, seventeen years old at the time, continued to speak in Sorani having taken literally the instruction to talk in ‘the language of his mother’. Verified’s report stated: “The person could not speak Kurmanji during the interview, but spoke Sorani at native level”. It then concluded: “The analysis shows with certainty that the results obtained are inconsistent with the community as stated in the hypothesis”, referring to the fact that “Sorani is not an indigenous language of Syria”. The Home Office rejected the application for asylum on that basis. However, on appeal, after the interview data were presented with a full transcription and translation in a counter-analysis report, the Home Office withdrew its decision informing the court: “The weight of evidence now provided renders the decision on longer sustainable.”

In a further case on which I report in Matras (2018), an Arabic speaking applicant claiming to be from Daraa in southern Syria was assessed by Verified. The company attributed his use of phonological variants such as the glottal stop for etymological /\*q/ and the retention of pronominal affixed in /h/ as characteristic of the dialect of Cairo, in line with its standard counter-hypothesis, not taking account that the first is an almost universal features of urban Arabic speech in the Levant while the second is characteristic of careful and formal speech. The Home Office accepted Verified’s conclusion that the applicant was from Egypt despite the fact that not a single form or combination of forms was cited in the report that could be attributed specifically or exclusively to Egypt. For the counter-analysis a supplementary data elicitation was carried out that compared phrases produced by the applicant with control samples from Daraa in Syria and Cairo in Egypt. It demonstrated clearly that the applicant’s speech was much more closely aligned with that of the control sample from Daraa than with that from Cairo. For example, the applicant said *gūſān* ‘hungry’ exactly as in the Daraa control sample, while the Cairo sample had *gaſān*. The applicant said *xamas dagāyig* ‘five minutes’ precisely matching the Daraa sample, while the Cairo sample had *xamas dā?ye?*. This was the case for more than one hundred elicited phrases. A similar distribution of diagnostic features was identified in a free speech recording based on a semi-structured interview designed to promote narration, as part of the supplementary recording.

Upon appeal, the tribunal reversed the Home Office decision. The judge followed the counter-analysis report closely, stating:

“Verified have not mentioned a single item from the appellant’s speech that is consistent with Egyptian Arabic but not consistent with another Arabic dialect .. It seems to me that the whole process of picking a ‘hypothesis 2’ to be juxtaposed against the appellant’s claimed linguistic community of origin is at least questionable ... I prefer [the] reference to a co-

occurrence in the appellant’s speech being sufficient to confirm the appellant’s origin in Syria ... I also accept that criticisms [...] relating to the Linguist used by Verified in this case are valid. In particular, the Linguist is not said to have any relevant qualifications in the Arabic language ... I also accept that the reliability of [the] evidence is strengthened by a database of recordings of Arabic speakers maintained by Manchester University.”

The issue of LADO contractors’ qualifications has been particularly salient in court rulings. In a case where Verified had decided that the Egyptian hypothesis only slightly outranked the Syrian hypothesis the Home Office predictably took a mechanical approach, relying on the negative score on the numerical scale (precisely what the Guidelines had called to avoid) and rejecting the application for asylum. The counter-analysis expressed ambiguity, acknowledging that Syrian Arabic features appeared side by side with Egyptian Arabic features and arguing that a conclusion was therefore uncertain. The tribunal pointed out that the burden of proof was on the applicant. But it defined the standard of proof used as ‘reasonable degree of likelihood’ or even ‘reasonable chance’. On that basis the court allowed the appeal, citing the reservations raised by the counter-analysis about the qualifications of the Verified team:

“The author of the report has no knowledge of Arabic. ... even given the assistance of two other persons how is she able to prepare a report as to the Appellant who is an Arabic speaker? The two analysts were not assessing their own dialect and this must limit their ability to assess the Appellant’s statements. Further, there is no indication that either of the analysts have undergone specific training in descriptive linguistics or have any general awareness of the geographical distribution of structural features of Arabic dialects beyond their own.”

The examples demonstrate the contradictory views described in the previous section in regard to the connection between language and place, mobility, multilingual repertoires, variation, the framing of the question and the qualifications of practitioners. Through appeals to the courts the contradictions were all resolved in these cases in favour of the counter-analysis.

Government contractors, particularly Verified, often note “inconsistencies” in the speech of applicants, by which they refer to either an alleged deviation from forms that the speaker consultant expects, or else the use of alternate features that align with two separate hypotheses. The explanation offered for such so-called inconsistencies is usually a wholesale claim that speakers deliberately manipulate their speech. This echoes Ateek and Rasinger’s (2018: 86) impression that asylum seekers are sometimes “treated like criminals who wish to deceive”. It is not inconceivable that in some cases applicants make false claims and attempt to emulate a language variety that is not part of their natural repertoire in order to obtain asylum status. Part of the responsibility of LADO analysts is to prove such occurrences rather than rely on blanket statements.

Based on the cases that I reviewed (see also Matras 2018) I can present a number of phenomena that might be used as indicators of attempts to emulate another speech variety: a) hypercorrections such as Arabic *mu baʕraf* ‘I don’t know’, where the distinctively Syrian negation particle *mu* for non-verbal predications is generalised to a finite verbal predication (the correct form being *ma baʕraf*), b) hybrid forms, such as *baʕ de hēk* ‘and then’, literally ‘after thus’, based on the template of Egyptian Arabic *baʕ de kida* but substituting the distinctively Egyptian word *kida* ‘thus’ with the Syrian/Levantine word form *hēk* ‘thus’, whereas the Syrian/Levantine expression for ‘and then’ is *baʕ dēn*, c) change over time, detectable when comparing a LADO recording taken shortly after the applicant’s arrival in the country with a supplementary elicitation conducted for the counter-analysis several years later, showing systematic differences between Egyptian forms like *madrāsa* ‘school’ and *tamatim* ‘tomato’ in the first recording contrasting with the Syrian forms *mádrase* ‘school’ and *banadora* ‘tomato’ in the second, d) the presence of incompatible dialect variants side by side with no plausible explanation in the

applicant's reported life history, such as the Kurmanji Kurdish first person pronoun *ez* and nominal attributive marker *-ê* alongside the Sorani Kurdish pronoun *emin* and nominal marker *-î*, e) frequent self-repair using alternate dialect variants, such as Kurmanji Kurdish *du cisrên/ du prên* 'two bridges/ two bridges', *kiçek/ qizîyek* 'a girl/ a girl', f) similar to hybrid forms, construction of non-existent forms based on misinterpreted impressions of the target, as in Kurmanji Kurdish *yek û pênc* for 'fifteen', literally 'one and five', where the target is the distinctive Afrini Kurmanji form *deh û pênc* 'fifteen', literally 'ten and five', contrasting with the more widespread form *penzdeh*, g) avoidance of basic vocabulary during elicitation, where it is unreasonable that a speaker would not know words like 'town' or 'girl', or alternatively resorting to formal or Standard Arabic forms to avoid regional colloquialisms.

The case for emulation is particularly convincing when we find a combination of several such strategies alongside features that are aligned with a variety other than the one claimed by the applicant and for which there is no explanation in the applicant's reported life history – for example the presence of (Iraqi) Sorani Kurdish forms in the speech of an applicant claiming to be from Qamishi in Syria who states that he has never lived anywhere but in Syria; or the presence of the distinctively Egyptian Arabic phoneme /g/ in the speech of an applicant claiming to be from Aleppo who does not report on any connection to Egypt or to speakers of Egyptian Arabic. The point I am making here is that dialect emulation does exist but the burden of proof must be on the analyst to demonstrate in detail why a given form is believed to be the product of emulation. So far, in the LADO reports that I have seen, no effort is made to justify the impression that there is an effort to emulate other dialects.

## 6. Conclusions and outlook

LADO practices have been the subject of contradictory approaches to both theory and practice. The resolution of these contradictions is often delegated to the courts when appeals are filed against decisions that are informed by LADO reports. As described above and as I demonstrated in earlier work (Matras 2018, 2021)<sup>4</sup> the courts in England have on appeal repeatedly ruled against decisions that had been taken based on LADO reports by Verified and Sprakab. They criticised the lack of consideration given to reported histories of migration, the authors' lack of knowledge of the languages, the lack of linguistic training of native speaker analysts, the fact that they are often not assessing their own dialects, the choice of alternate hypothesis as well as "serious deficiencies" in the argumentation, reasoning, use of published sources and general methodology. They recognised as valid the search for a co-occurrence of features and acknowledged the importance of control samples that are accessible and verifiable and the expertise of practitioner teams that have linguistic training and research experience in the language in question.

The courts' verdict on the quality of expert witness statements has some potential to prompt efforts to improve practical LADO work. For the moment, however, there is no sign that governments are prepared to cover the cost that more exhaustive and informed analyses would necessarily entail. This means that applicants or appellants carry the burden of finding sources of support for their appeal including legal aid and counter-analyses with a higher level of expertise, a significant structural prejudice that favours governments and acts against asylum seekers. The pathway to positive change lies therefore in continuing and expanding collaboration between linguists who are committed to the spirit of the Guidelines, trained linguists who are experts and speakers of the languages in question, and legal practitioners who can take up cases and present them for appeal.

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<sup>4</sup> For extracts from tribunal decisions that cited my counter-expertise reports see also <https://yaronmatras.org/extracts-from-tribunal-decisions/>

In the meantime, contractors try to safeguard their own reputation by lashing out at academics and counter-experts. Patrick (2016: 243) describes how he experienced veiled and open attacks on his competence, which caused him stress and anxiety. I too have experienced such attacks. An expert witness recruited by Verified accused me of being an “amateur” (an accusation that was firmly denounced by the judge who heard the case). Witnesses in a court case in the Netherlands tried to dismiss my expertise by claiming that I grew up in North America and never visited the Middle East (in fact I was born in North America but left there at the age of ten months and grew up in the Middle East). Citing a publication by Hoskin et al. (2020) that criticised my position, Verified (2020) claimed on its website that I suffered from “one-eyedness” and that I had “denied the usefulness of working with a native speaker” (in fact I have two eyes, and I led a university-based consultancy enterprise that engaged expert native speakers, and supervised numerous postgraduate theses by native speaker students on dialects of Kurdish, Arabic and other languages). LADO has become very polarised, as well as prejudiced.

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