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**The role of native speakers in LADO:  
Are we missing a more important question?<sup>1</sup>**  
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**Abstract**

The role of native speakers has been a topic of contention among scholars of LADO (Language Analysis for the Determination of Origin) for nearly a decade now (Cambier-Langeveld 2014; Patrick 2012, 2016a; Zwaan, Muysken and Verrips 2010), and has rightly been called ‘the most prominent debate in the field’ (Wilson & Foulkes 2014).

However, while individual contributions have been valuable in clarifying a range of important issues, it is fair to say the protracted debate has brought about little practical progress. The present chapter aims not to argue for one side or the other, but to consider the structure of the arguments. It seeks a path through the contention to more productive questions by taking further the suggestion of framing specific issues of debate within the broad, open-ended formulation: *Under what conditions (if any) can LADO judgements be produced which are reliable enough for the human rights and national security issues at stake?* (Fraser 2011).

After briefly outlining the background to the debate about native speakers, it sets out several key issues that are agreed by all linguists involved, though generally not well understood outside linguistics. It then briefly reviews some of the questions that have been discussed about the role of the non-expert native speaker (NENS) in LADO, and explains why addressing these has not resolved the contention.

Doing this uncovers a question which, though evidently at least as important as the role of the NENS in LADO, has received remarkably little attention from the scholarly community, namely, the role of the linguist in LADO.

Discussion moves on to consider the role of the linguist in the two contending approaches to LADO (the team approach and the single-expert approach), showing how these demonstrate more similarities than differences. It then broadens out to recommend a larger role for linguists in developing policy, standards and protocols for LADO, and suggests a series of research questions, showing how addressing them has the potential to ensure governments have access to reliable and practical

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<sup>1</sup> This is a greatly modified, expanded and updated version of a presentation at *The Role of Native Speakers in LADO*, University of Essex, 26 November 2011. Thanks to participants at that workshop for enlightening and stimulating discussion, and to reviewers of this chapter for helpful comments. The author’s webpage is <http://helenfraser.com.au>.

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### **Introduction**

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### **Why the Debate about the Role of the Native Speaker in LADO?**

Language Analysis for the Determination of Origin (LADO, though not yet under that name) came into use in Europe during the 1990s, in response to increasing numbers of undocumented asylum seekers from countries whose languages were little known to immigration authorities (Bobda, Wolf and Peter 1999).

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Some governments, for example in Switzerland and the Netherlands, set up internal departments to broker relationships with linguists who had expertise in the relevant languages (Baltisberger and Hubbuch 2010). Others, such as Sweden and the UK, used the services of commercial agencies established to arrange LADO for multiple governments. Soon these agencies were dealing in a wide range of different languages, and handling large volumes of cases from around the world (Reath 2004).

From the start, commercial agencies were subject to criticism from individual linguists (Bobda et al. 1999; FECL 1998). By the early 2000s, the international linguistics community was becoming aware of the poor quality of many LADO reports. Concern was expressed that asylum applicants were being unjustly rejected on the basis of unreliable opinions of unqualified ‘native speakers’. This seemed to be confirmed by an analysis of 58 reports carried out by an Australian group (later published as Eades, Fraser, Siegel, McNamara and Baker 2003), as well as by other evidence (Eades 2005).

An international group was convened with the aim of compiling basic, relevant linguistic information to assist governments in choosing appropriate LADO analysts and procedures. This information was published in a document now known as the “Guidelines...” (Language and National Origin Group 2004), and endorsed by multiple professional bodies.

The key message of the “Guidelines...” was that linguistics is a science, whose findings run counter to ‘common knowledge’ about language. They explained why the judgements of native speakers, no matter how confident, are rarely reliable enough for forensic purposes. They defined a linguist as someone with a high level of academic expertise in one or more branches of linguistic science, while an expert in a particular language is a linguist who undertakes high level linguistic research specifically on that language – and emphasised that valid LADO requires analysts with expertise both in linguistics and in the language in question.

Despite limitations to be discussed below, the “Guidelines...” appeared to have an overall beneficial effect in reducing the worst quality LADO reports (Eades 2009; Patrick 2012). However, since the number of linguists with relevant expertise in the languages spoken by asylum seekers is relatively low, the problem remained of how to provide valid evidence for the vast LADO case load.

Several years after the “Guidelines...” were published, a potential answer to this problem was suggested. A well-qualified linguist, newly appointed to a government immigration department in Europe, argued that the “Guidelines...” had been too strong in excluding the views of native speakers, who should indeed be allowed to provide LADO evidence, so long as they were trained, tested and supervised by an expert linguist (Cambier-Langeveld and Samson 2007). Over several further years (Cambier-Langeveld 2010a; Moosmuller 2010), this argument developed into what has come to be called the ‘team approach’ (Cambier-Langeveld 2014).

The essential assumption of the team approach is that valid LADO judgements can be obtained through a collaboration in which expertise in linguistics and in the language in question is distributed over two or more people, rather than having to

be embodied in one individual, as in the traditional approach advocated by the “Guidelines...” (which can now be called the ‘single-expert approach’).

The team approach is a new and unusual idea in linguistics (see further discussion below, and Chapter 6 on forensic speaker profiling). Being put forward by a well-credentialed linguist with personal experience in LADO, and having the potential to provide significant benefit to the LADO process, it deserves to be taken seriously and evaluated on its merits.

Unfortunately, on its initial presentation, academic discussion of the team approach quickly polarised around opposing views regarding the specific issue of whether NENSs’ opinions were reliable enough to allow the team approach to work. This developed into the ongoing dispute concerning the role of the NENS in LADO described above, which the present chapter aims to replace with a more tractable question.

### **Some Foundational Ideas Agreed by All in the Debate**

Resolution of disputes is often helped by setting out what is agreed by all parties. This is particularly useful in linguistics, where it usually draws attention to the fact that the biggest divide, and the most important to bridge, is not between linguists of different theoretical persuasions, but between linguists and non-linguists (Hudson 1981).

This section therefore sets out several points which, following clarification of some earlier misunderstandings through valuable initiatives such as the series of workshops organised by the Language and Asylum Research Group, can now be considered to be agreed by all in the present discussion.

### **NENSs Should Not Give LADO Evidence on Their Own**

In everyday life, people readily and confidently judge the regional and social origins of those they speak with, and are particularly attuned to discriminating speakers from within and outside their own speech community (Shuy, Baratz and Wolfram 1969). This can make it hard for non-linguists, including those in immigration authorities, to understand why an expert is needed for such a straightforward task.

The reason is that, though the ability of NENS to recognise the speech of ‘one of their own’ is impressive, there are few genuine shibboleths (McNamara 2005). Objective testing shows accuracy of recognition to be far lower than expected (Fraser 2009, Preston 2008, Hopp and Schmid 2013, Chapter 8 in this volume). This is true even in optimal circumstances. Under difficult or misleading conditions, performance is far lower, sometimes at chance, or even below. Most importantly, studies consistently demonstrate a poor correlation between listeners’ personal confidence and their accuracy. In linguistics, as in other fields, the most under-rated ability

distinguishing experts from non-experts is recognition of when to say ‘I’m not sure’ (see Foulkes and Wilson 2011).

For these reasons, among others, linguists on both sides of the current debate are in full agreement that LADO evidence should never be accepted directly from a NENS (Cambier-Langeveld 2010a; 2012).

### **LADO is Susceptible to Poor Practice**

The asylum process is an overburdened system designed and run (naturally enough) by non-linguists. Facing many problems arising from ever-increasing numbers of applicants from constantly shifting language backgrounds, it is susceptible to trusting proffered ‘solutions’, even if these would sound quite implausible to linguists.

For example, before the “Guidelines...”, governments were sold “a method specially devised by us”, claiming to enable “native speakers supervised by qualified linguists” to identify asylum seekers’ origins with “96% accuracy” within 15 minutes of listening to a supplied recording, with a “full report” produced in several hours (quotes from 2003 promotional material of one agency, Eqvator). The “method” was shrouded in secrecy, but the few reports that reached the public domain were of alarmingly low quality, as discussed above. Involvement of a “supervising linguist” was evidently limited to mere bureaucratic supervision, in which NENSs’ opinions were obtained and passed on with little valid scrutiny.

Everyone in the current debate agrees LADO of this kind is unacceptable, and, as discussed further below, proponents of the team approach are at pains to differentiate it from poor practice of this nature (Cambier-Langeveld 2012).

### **Scholarly Standards Should Not be Compromised for the Sake of Expediency**

It has sometimes been pointed out that LADO reports by NENSs are not necessarily wrong in their conclusions, even if NENSs lack the expertise to set out their evidence with technical accuracy. This could be taken as a suggestion that, with so many asylum seekers and so few linguists with relevant expertise, it makes sense to relax the normal standards of linguistics a little in the LADO context.

No one in the current debate advocates this view, which as well as paving the way for abuse, would be inconsistent with strongly stated views about the importance of expertise in forensic linguistics (Foulkes and French 2012; Rodman 2002; Patrick 2016a; IAFPA Code of Practice).

The general position on expertise put forward by the “Guidelines...” has now been recognised by both sides as a valid starting point (Cambier-Langeveld 2010b), with debate localised to whether the expertise called for in Guideline 3 (“Language analysis must be done by qualified linguists”) can be distributed across a team, or must be embodied in a single individual.

### **The Purpose of LADO Research is to Assist Governments to Make Immigration Decisions in Line with their Policies**

Problems with LADO were first brought to the attention of the wider linguistics community by refugee advocates (e.g. FECL 1998). This may have created some confusion regarding the relationship between linguistics and advocacy (Cambier-Langeveld 2010b; Fraser 2011). However, two relevant points seem now to be well understood.

First, while rejection of valid asylum claims on the basis of unreliable LADO is certainly a major concern, applicants attempting to ‘fool’ immigration authorities with false language claims is also a real issue, which would no doubt escalate with a weak LADO system.

More importantly, for LADO, as for forensic expertise generally, the role of linguists is not to decide the outcome of cases but to ensure their science is used to facilitate the fair and efficient administration of the laws and policies of the land.

Both the team approach and the “Guidelines...” are attempts, however preliminary and limited their current forms, to achieve this.

### **Input from Linguists is Crucial to LADO**

LADO is a part of a complex, high-pressure bureaucratic process, operating under practical constraints quite different from those familiar to academic and forensic linguists, with few of the checks and balances that experts in these fields normally take for granted. This can make involvement a daunting prospect for linguists. However, it is increasingly recognised that if linguists are not involved in such situations, the vacuum is readily filled by those with less knowledge and fewer qualms. For example, at least in Australia, authorities turned to the services of offshore LADO agencies only after a number of local linguists had declined their approaches.

It is also increasingly recognised that, to be of practical assistance, LADO research must take account of the context in which it will be used and interpreted. Few LADO practitioners are able to publish detailed accounts of their work (though see, for example, several chapters in Zwaan et al. 2010, and Chapter 10 this volume). Linguists need to explore behind the scenes and tailor their contributions for optimal effectiveness, not just provide theory to be applied by others.

### **The Role of the NENS in LADO: Questions Addressed so far**

Perhaps the most important step in any research is agreeing on general questions that get to the heart of the issue, and generating empirically testable sub-questions whose answers gradually build into a body of reliable knowledge.

The issue of the role of the NENS in LADO, rather than being deliberately chosen as a ‘good question’, arose spontaneously in the context of contention over the team approach. This section looks at some of the sub-questions it has generated, observing that much of the discussion, though useful in its own right, has missed the mark in terms of providing valid evaluation of the team approach.

### **Whether NENSs or Linguists are More (Un)Likely to Give a Right Answer**

Much discussion, to which I myself contributed at some length (Fraser 2009), arose because the team approach initially sounded alarmingly similar to the previous poor practice discussed above, in which a supervising linguist essentially signs off on NENS opinions.

This prompted reiteration and expansion of the view expressed in the “Guidelines...” that NENS opinions, though often right, are not reliable enough for LADO (Fraser 2009), especially given the sociolinguistic circumstances of many asylum seekers (Eades 2009), and demonstration of the continuing poor practice of agencies using the services of NENSs (Patrick 2009).

Advocates of the team approach countered that NENS judgements, though sometimes wrong, are often right, making them a useful resource for LADO (Foulkes and Wilson 2011), and that even linguists can be wrong in their LADO judgements (Cambier-Langeveld 2010b).

All these contributions, though useful in the background information they lay out, miss the mark, for two main reasons.

Firstly, the issue is not the general probability that NENSs, linguists, teams, or anyone else might accurately judge regional or social origin from speech samples. Rather the issue is to ensure, to the greatest extent possible, that each particular LADO case results in a valid judgement about the applicant’s regional or social origin (cf. Fraser 2011; Verrips 2011).

Secondly, just as the “Guidelines...” advocate soliciting LADO evidence not from ‘linguists’, but from experts with high-level qualifications both in linguistics and in the language in question (Fraser 2011), so the team approach does not advocate acquiring LADO evidence from NENSs, but from a team including a NENS and a linguist (Cambier-Langeveld 2012). It is intended to be a rigorous, scientifically respectable process in which an expert linguist creates conditions under which it is possible to ensure NENSs make reliable judgements of applicants’ origin.

Recognising these points goes some way to showing the extent to which the key issue raised by the team approach is not the role of the NENS, but the role of the linguist.

### **Whether Reference to NENS Data Improves Single-Expert LADO**

Another line of discussion about the team approach was sparked by a misunderstanding that the “Guidelines...” actively preclude expert LADO analysts from consulting native speakers. This is certainly not true (it seems to have arisen from de-contextualised quotation of a (poorly worded) part of Guideline 7). However, it prompted the interesting argument that, in principle, LADO that includes data about native speakers’ opinions of applicants’ speech is more reliable than LADO based only on a single expert’s analysis (Nolan 2012). It may indeed be true that, all else being equal, LADO evidence which includes statistically valid analysis of a representative sample of native speaker opinions about an appropriate specimen of the applicant’s speech is preferable to LADO analysis which does not refer to such a sample.

However, leaving aside the problem that such sampling is unlikely to be considered practical in most LADO contexts, there is an interesting conceptual issue here: It would be not the mere fact of including a sample of NENS opinions that was crucial, but the manner in which the data was collected and analysed, and the weight it was given in the conclusion. This suggests, again, that the key role in the team approach is not that of the native speaker(s), but that of the linguist responsible for collecting, analysing and reporting the native speaker data.

### **Whether Collaboration with a Native Speaker Can Allow an Expert Linguist who does not Know the Language to Give Valid LADO Opinions**

The final line of argument to be considered here was prompted by the observation that the International Association of Forensic Phonetics and Acoustics (IAFPA) Code of Conduct (Clause 6a) states, “Members should exercise particular caution if carrying out forensic analysis of any kind on recordings containing speech in languages of which they are not native speakers”. On the face of it, this clause precludes accepting LADO evidence from linguists using the team approach. Some discussion therefore focused on setting out conditions under which a linguist might, by teaming up with a native speaker, provide evidence about a language the expert does not speak (Foulkes 2011). These conditions might include, for example, the expert fast-tracking his or her learning of the language through consulting published sources, selecting a native speaker with some background in academic linguistics, and formulating conclusions of appropriate caution.

Again leaving aside questions regarding the practicality of large scale use of such an approach in the LADO context, this discussion raises two useful points. First, it reminds us how unusual it is for linguists to provide evidence on a language on which they lack personal expertise, and how difficult it is to do so, even with an ideal team. Second, it emphasises that whatever success such a team might have depends as much or more on the role of linguist as on that of the native speaker.

### **The Role of the Linguist in LADO: A More Important Question**

It seems contention over the role of the NENS in LADO stems not from disagreement about basic facts of linguistic science, but from disagreement over the relevance of the question the facts are being used to address.

Making this argument, however, has highlighted a more important question: the role of the linguist in the team approach. Since every bit of information from the NENS is filtered through the linguist, the characteristics of the linguist affect the conclusion at least as much as those of the NENS.

The importance of this role becomes clear as soon as it is recalled that what distinguishes the team approach from previous poor practice is the linguist's role in setting up conditions under which NENS opinions can be relied upon. Interestingly, however, the role of the linguist has received very little direct discussion to date. Addressing it potentially offers more tractable, open-ended questions with scope not just to unify the current debaters, but to draw in new researchers.

The rest of this paper pursues this goal. However, achieving it requires putting to rest some old ideas that, though shown to be false, refuse to die, and may still have potential to mislead, especially for new entrants to the field, of whom many are needed (Solan 2014).

### **Countering Some 'Zombie' Ideas for a Unified Approach**

The advantage of the prolonged discussion over the role of the NENS has been to clarify the complexity of the LADO field, offer enlightening cross-disciplinary insights, correct misunderstandings – and promote unity around foundational issues such as those mentioned above.

One issue still threatens this unity, however: portrayal of the debate over the role of the NENS as a David and Goliath contest in which the “Guidelines...” sought to silence an unwelcome upcoming rival, the team approach. This is misleading for two main reasons.

First, neither the single-expert approach nor the team approach is specified in nearly enough detail to be called a ‘method’ in the usual sense of being a set of processes that can be followed by another individual to reach a similar outcome (see Fraser 2011).

Second, the aim of the “Guidelines...” was to stop poor practice, not to stop the team approach. As explained above, the “Guidelines...” (LNOG 2004) were developed several years before the first suggestion that there might be a linguistically valid way to include NENS opinions in LADO (Cambier-Langeveld and Samson 2007). Their purpose was a unified statement of views which, while uncontroversial within linguistics, were evidently too little known outside. For this reason, a strong attempt was made to include everyone with an interest in LADO in the Language and National Origin Group (LNOG) discussion (Fraser 2009; Eades 2010, Section 3). Agencies using NENSs as analysts were approached, but at that time none was willing to provide details about their work, publicly or privately. Also at that time,

few, if any, IAFPA members had an interest in LADO. However, the formation of the LNOG was brought to their attention through the executive, one of whom audited the discussion. Further, at least one IAFPA member (other than myself) was an active participant in the discussion. Some five years later, having developed an interest in the team approach, this participant presented a conference paper discrediting the “Guidelines...” – without mentioning his own role in their creation (Eriksson 2008). His comments have been countered in several publications, but the (unpublished) paper is still occasionally cited as support for the erroneous idea that the “Guidelines...” were somehow an attack on the (then non-existent) team approach.

Figuring out exactly why early discussion of the team approach became so polarised is a topic for the sociology of academic discourse. What is plain, however, is that debate over the role of the NENS in LADO began in 2007.

What LADO needs now is for linguists to move beyond distracting internal disputes and unite against ignorance of linguistics. That means focusing on a new question: the role of the linguist in LADO. I discuss this in relation to, first, the team approach, and then the single-expert approach.

### **The Role of the Linguist in the Team Approach**

I turn now to what is hoped might be a more productive topic, the role of the expert linguist in the team approach.

The first thing is to be clear that the typical team approach to LADO involves a very unusual role for a linguist. Of course it is common for linguists to undertake research that involves collecting data from native speakers, but the team approach is different in a number of ways, including the nature of the information being sought, the constraints under which work is done, the use to which conclusions are put, and the consequences of errors.

Perhaps most importantly, a linguist usually collects data directly from the speech of a NENS. In the team approach, the data is the opinion of a NENS about the speech of a third party. As we have seen, the standard view in linguistics is that, in general, opinions of NENSs about the speech of others are not reliable. That may be why the first reaction of many linguists, on hearing of the team approach, is to assert it is not valid. However, such dismissal may be overly hasty. A more open-ended question might be more appropriate, namely:

*Under what conditions (if any) can valid LADO evidence be provided by a team comprised of (a) a native speaker of the language in question, lacking expertise in linguistics, and (b) a linguist lacking expertise in the language?*

Here, I look at several aspects of this overarching question, reflecting key components of the linguist’s role in the team approach. Each subsection canvasses a few of the many considerations that have been raised in the LADO literature. No attempt is made to be exhaustive: many more considerations will readily occur to readers. The aim is to explore the effects of pursuing an open-ended question rather than arguing for a pre-determined position.

### **Selecting Appropriate NENSs**

Perhaps the most crucial task for the linguist in the team approach is selection of the NENS. This clearly should be done on the basis not of NENSs' self-reported abilities, but of the linguists' assessment of the likelihood the NENS will, after appropriate training and testing, provide reliable opinions. Unfortunately, there are few objective criteria for making this assessment.

Conventional wisdom suggests the best option is to select a NENS whose linguistic background closely matches that of the applicants being judged. However, the small amount of relevant research indicates even NENSs of the same variety can be surprisingly unreliable in recognising fellow native speakers by voice alone (Fraser 2009; Chapter 8, this volume, relates dialect perception to LADO issues). Other research suggests that sharing a native variety may not be the key factor. For example, Clopper and Pisoni (2006) found participants with 'mobile' life histories were generally better at recognising familiar US regional accents than those who had remained in their home region.

In any case, close matching of NENS and applicant is often not possible, especially when the applicant has a complex linguistic history – a common situation, since applicants with stable histories are more often able to demonstrate their origin through non-language means, and thus less likely to enter the LADO system (European Union 2008). For these cases, selecting NENSs of appropriate background requires the linguist's judgement, and there are few evidence-based guidelines to follow.

This suggests some questions to which the attention of researchers might be directed. For example, it would be extremely useful to have comparisons, under ecologically valid conditions, of the performance of various pairings of NENSs and applicants with various linguistic histories. It is unlikely that such research would provide foolproof rules for selecting a NENS, but it would surely yield valuable insights, and might usefully indicate combinations that should be avoided.

Of course, selection of the NENS is only the first step in the team approach, but this task already highlights a pattern we will see repeated: obtaining valid LADO via the team approach requires the linguist to have high level expertise at the cutting edge of several branches of linguistic science – as well as detailed understanding of the linguistic situation of the applicants' claimed place of origin.

### **Deciding on Methodologies**

Even with an optimal fit between NENS and applicant, the ability of the NENS to draw valid conclusions depends greatly on the exact nature of the materials the NENS is given to evaluate, and the opinion he or she is asked to provide.

The literature (see, for example, Eades and Arends 2004) includes discussion of factors believed to be relevant: whether the NENS speaks to the applicant directly or listens to a recording; the formality of the situation; the interlocutor's language background; and so on. Similarly, the content of the applicant's speech sample is relevant, especially the extent to which it contains information about the claimed place of origin (which on the one hand might assist the NENS, but on the other might potentially be biasing). There is also discussion of the potential effects of the NENS being asked to identify the applicants' language variety from an open set, as opposed to verifying a claimed variety.

To date, to my knowledge, no empirical studies have provided definitive advice on these topics.<sup>2</sup> Further research would certainly be highly useful, if only in confirming which methods are better not used. For current purposes, the point again is the extent to which the role of the linguist in choosing appropriate methodologies demands high level expertise across several branches of linguistic science, and the paucity of evidence-based standards to help in making decisions that might substantially affect the validity and reliability of the NENS opinion.

### **Training NENSs**

Once accepted into the team, the NENS must be taught to carry out the chosen methodology – another task that, in the team method, falls to the linguist.

Again, while teaching is a familiar task for academic linguists, the type of training relevant to LADO is rather different. In the normal scenario, linguists pass on concepts and terminology of linguistics to students, with plenty of textbooks and materials to assist. In principle, such training could enable the NENS to more accurately describe the language of the applicant.

However, as many lecturers would attest, mastering such skills typically takes several years of dedicated study – time rarely available to LADO teams. This raises the danger that partial training might have the undesirable effect of giving NENSs confidence exceeding their actual abilities, much as police trained in interview techniques tend to have inflated confidence in their ability to detect lies (Harris 2012). Indeed, there is reason to believe a similar phenomenon may affect LADO analysts. Surely the most important result from Wilson's comparison of the performance of linguists, native speakers and LADO analysts was that LADO analysts showed the highest rate of misplaced confidence in their opinions (Wilson and Foulkes 2014).

Another problem is that, even if expertly done, mere description of the applicant's speech, however accurate, does not enable reliable discrimination of relevant varieties. This is LADO's forensic dimension, discussed further below.

All this suggests that, rather than teaching NENSs linguistics, it may be more useful to encourage them to be sceptical of their first impressions, and teach them how to formulate and evaluate hypotheses about applicants' social and regional

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<sup>2</sup> See Chapters 2 (De Fina), 3 (Hubbuck) and 4 (Lundberg) in this volume.

background. However, this is a type of training for which there is no standard textbook, giving the supervising linguist the additional task of developing the curriculum – particularly difficult given that the training aims to teach the NENS to do something that supervising linguists by definition cannot do themselves.

Results of ecologically valid research evaluating the effect of different types of training on NENSs' ultimate performance would certainly be of great assistance.

### **Testing NENSs**

Testing NENSs is a crucial element distinguishing the team approach from previous poor practice. On the surface, it seems a straightforward matter of asking the NENS to evaluate samples from speakers of known linguistic background under conditions similar to those of a real analysis. If NENSs consistently score above a certain pass mark, they can be deemed accurate enough for real work.

Unfortunately, this straightforward scenario masks many complexities, most importantly the degree to which performance on the test predicts performance on the real world task, where of course the 'right answer' is by definition not objectively known. This difficulty is highlighted by a comparison with language proficiency tests (McNamara, Verrips and van den Hazelkamp 2010, 2016). These are part of a system, developed over many decades, which includes standardised tests designed and calibrated to evaluate a representative subset of the skills candidates need, as well as standardised ways of testing examiners to be sure they administer the tests effectively and uniformly. (It may be worth noting that the role of a NENS in the team approach is equivalent to that of an examiner in a proficiency test, rather than the student being tested.) Yet even with all that infrastructure, language testing systems remain highly fallible, as witnessed for example by complaints about the English of international university students who have supposedly passed language tests required for entry (Hil 2015).

LADO would ideally have a higher success rate than such tests. If anything, however, LADO is more difficult, since language proficiency testing need only evaluate what students can do, while LADO must draw inferences from what applicants can do to who they are. Yet for LADO, there is no standard system remotely approaching the rigour of language testing. Again, we see the heavy responsibility placed on the linguist in the team approach, who must devise as well as administer tests, again in the absence of evidence-based guidance.

Research investigating the specific advantages and disadvantages of different kinds of tests in predicting the performance of NENSs under conditions approximating those of the team approach would surely be of great value.

### **The Critical Role in the Team Approach**

The brief and far from comprehensive overview above is intended to emphasise that the critical role in the team approach is not that of the NENS but that of the linguist, and to give some perspective on just how challenging a role it is.

Indeed, it would appear to be considerably more challenging than the role of the linguist in the single-expert approach, especially considering that each linguist in the team approach is expected to work with multiple NENSs, covering a range of languages (subject to change in response to ongoing geopolitical developments) – all under significant pressure of time and resources. Anything less than the highest level of expertise across several disparate branches of linguistics risks inadequate protection against confident but unreliable NENS opinions being accepted as LADO evidence by authorities.

Yet there are no guidelines to help governments select linguists, or agencies, for the job. The commonly used description ‘qualified linguist’ is certainly inadequate, especially when interpreted by those with little knowledge of the science of linguistics (cf. POST 2015, the UK Parliamentary Office of Science and Technology).

### **The Role of the Linguist in the Single-Expert Approach**

This discussion of the role of the linguist in the team approach opens discussion of the role of linguists in LADO more generally. As mentioned, the “Guidelines...” have nothing to say about methodology and, while subsequent publications have usefully clarified some practical aspects of the single-expert approach (Baltisberger and Hubbuch 2010; Verrips 2010, 2011; Rzehak 2008; Chapter 15, this volume, by McNamara and Schüpbach), there is still too little information regarding exactly how LADO evidence is evaluated in the single-expert approach. Indeed, while the “Guidelines...” were a useful contribution in their day, offering a first line of defence against the problems of the time, they are far from providing complete coverage of all relevant issues, as pointed out by many.

To give just one example, choosing an expert according to the criteria in the “Guidelines...” is not in itself a guarantee of reliable results (Cambier-Langeveld 2012). Phoneticians have been sensitive – at least since Markham (1999) – to the distinction between expertise in theoretical analysis of language varieties, and expertise in discriminating language varieties in a forensic context (Fraser 2009). Other branches of linguistics have developed awareness of similar issues. Yet the “Guidelines...” make no mention of issues regarding forensic expertise (cf. Fraser 2012).

Unfortunately, while the problems these issues pose for the single-expert approach are clear, their solution is less so.

It may be overly constraining to expect LADO to fit into statistical frameworks appropriate for the ‘hard’ forensic sciences (cf. Broeders 2010). After all, despite promising developments, it has proven difficult to fit even forensic speaker comparison into these moulds (French et al. 2010) – and LADO is more problematic in various ways (Fraser 2012; Chapter 6, this volume, by Foulkes et al). Perhaps it is

preferable, at least in the short term, to focus on specifying the expertise of the analyst, or team, rather than mandating a particular method to be followed – though this contradicts developments in other branches of forensic science (Harris 2012; Chapter 14, this volume, by van Ruth and Smithuis).

What is clear is that the single-expert approach needs collaborative research as much as the team approach does. Indeed, the questions needing answers are remarkably similar in both cases.

### **The Role of Linguists in LADO**

Consideration of the role of the linguist in the team and single-expert approaches shows they share much in common. Similar principles underlie both, and a similar knowledge base is needed for both. Both place heavy demands on linguists in areas lacking standardised methodologies. Recognising this may enable better collaboration among current LADO researchers, and encourage more linguists to develop an interest in LADO. It is notable that virtually all recent commentators have called for more research to assist analysts in their task of providing LADO evidence (cf. Solan 2014).

However, the role of linguists in LADO must extend beyond merely providing evidence. As discussed earlier, LADO occupies a small place in a large and complex bureaucratic process, designed with little or no input from linguists. This affects LADO in multiple ways. For example, LADO reports are often required to be submitted on forms allowing little flexibility in the presentation of results, expression of conclusions, or detailing of caveats. This form then enters a system to be used and interpreted without further consultation with the analyst.

At another level, written advice and recommendations from linguists (such as the “Guidelines...”) are interpreted with minimal interaction with the authors, sometimes resulting in non-optimal responses. For example, linguists’ explanations that an interviewer’s speaking style can affect an applicant’s speech have been responded to by requiring that applicants should produce a monologue (which of course creates different issues).

There is an urgent need for clear, unified, up-to-date guidance from linguists to help governments and analysts navigate the nearly uncharted waters of LADO. However, simply updating the “Guidelines...” does not seem ideal, for various reasons, not least the fact that the existing document has come to be associated with one side in the contentious debate over the role of NENSs in LADO. Further, despite attempts at clarity, ensuring key terms and concepts are understood appropriately by non-linguists in practical situations is surprisingly difficult. This may be one reason it remains hard to define the team approach in a way that distinguishes it clearly from poor practice, which evidently continues to this day (Green 2015, Patrick 2016b). To non-linguists, it can be hard to see apparently subtle differences among various situations that can all be described as ‘native speakers supervised by a qualified linguist’.

All this suggests a need to establish an international body that brings government and other authorities into direct, ongoing contact with linguists from a range of disciplines, ideally led by a respected professor perceived as independent of the recent contentious debate, as well as practitioners and other stakeholders.

This would allow, in the first instance, proper canvassing (with due confidentiality) of the dimensions of the LADO case-load, and the details of current practice. IAFPA's 'minimal recommendations' (Moosmuller 2010) were a useful step in this direction, but there is clearly a need for far more information.

The next and most essential step would be the development of a system to allow some form of external accreditation for linguists and agencies (as opposed to agency-internal accreditation of NENSs) as having appropriate expertise to provide LADO evidence via single-expert and/or team approaches.<sup>3</sup>

Beyond this, such a body could also provide appropriate educational resources for all stakeholders, and sponsor academic research, if not financially at least as a resource centre, perhaps similar in function to LARG, which was highly productive during its lifetime.

Establishment of such a body would certainly have some cost. However, being able to 'do LADO right' clearly has many benefits – not least the financial savings generated through reduction in the currently large number of appeals going through the legal process (cf. Patrick 2012, 2016b).

## Conclusion

LADO has been around in various forms for over 20 years now, and seems likely to stay, with both team and single-expert approaches represented.

The important role for linguists is to ensure LADO is as valid, reliable, effective and efficient as possible, according to general principles that span both team and single-expert approaches.

The good news is that doing so promises to have considerable theoretical interest in its own right to many linguists, as well as benefitting refugee applicants and government streamlining of refugee applications. LADO is a highly complex interdisciplinary field raising questions that demonstrate substantial gaps in scientific knowledge. It offers many opportunities for research bridging the outdated division between theoretical and applied linguistics, advancing knowledge while offering practical assistance in an area of high need.

## References

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<sup>3</sup> See Chapter 14, this volume, by van Ruth and Smithuis for a similar proposal, and Chapter 15, this volume, by McNamara and Schüpbach on issues of validity.

- Baltisberger, Eric and Priska Hubbuch. 2010. LADO with specialized linguists: The development of Lingua's working method. In *Language and origin: The role of language in European asylum procedures: A linguistic and legal survey*, ed. Karin Zwaan, Pieter Muysken & Maaïke Verrips, 9-19. Nijmegen: Wolf Legal Publishers.
- Bobda, Augustin Simo, Hans-Georg Wolf, and Lothar Peter. 1999. Identifying regional and national origin of English-speaking Africans seeking asylum in Germany. *Forensic Linguistics* 6(2): 300-319. doi:10.1558/sll.1999.6.2.300.
- Broeders, A. P. A. 2010. Decision making in LADO: A view from the forensic arena. In *Language and origin: The role of language in European asylum procedures: A linguistic and legal survey*, ed. Karin Zwaan, Pieter Muysken & Maaïke Verrips, 51-60. Nijmegen: Wolf Legal Publishers.
- Cambier-Langeveld, Tina. 2010a. The validity of language analysis in the Netherlands. In *Language and origin: The role of language in European asylum procedures: A linguistic and legal survey*, ed. Karin Zwaan, Pieter Muysken & Maaïke Verrips, 21-33. Nijmegen: Wolf Legal Publishers.
- Cambier-Langeveld, Tina. 2010b. The role of linguists and native speakers in language analysis for the determination of speaker origin. *International Journal of Speech, Language and the Law* 17(1): 67-93. doi:10.1558/ijssl.v17i1.67.
- Cambier-Langeveld, Tina. 2012. Clarification of the issues in language analysis: a rejoinder to Fraser and Verrips. *International Journal of Speech, Language and the Law* 19(1): 95-108. doi:10.1558/ijssl.v19i1.95.
- Cambier-Langeveld, Tina. 2014. State of the art in language analysis: A response to the chapter on LADO in the *Oxford Handbook on Language and Law*. *International Journal of Speech, Language and the Law* 21(2): 371-381. doi:10.1558/ijssl.v21i2.371.
- Cambier-Langeveld, Tina and A.-M. Samson. 2007. Language analysis by the Dutch Immigration and Naturalisation Service (IND). *Workshop on Language Analysis in the Determination of National Origin of Refugees*. Amsterdam, 21 June 2007.
- Clopper, Cynthia G. and David B. Pisoni. 2006. Effects of region of origin and geographic mobility on perceptual dialect categorization. *Language Variation and Change* 18(2): 193-221. doi:10.1017/S0954394506060091.
- Eades, Diana 2005. Applied linguistics and language analysis in asylum seeker cases. *Applied Linguistics* 26(4): 503-526. doi:10.1093/applin/ami021.
- Eades, Diana. 2009. Testing the claims of asylum seekers: The role of language analysis. *Language Assessment Quarterly* 6(1): 30-40. doi:10.1080/15434300802606523.
- Eades, Diana and Jacques Arends. 2004. Using language analysis in the determination of national origin of asylum seekers: An introduction. *International Journal of Speech, Language and the Law* 11(2): 179-199. doi:10.1558/ijssl.v11i2.179.
- Eades, Diana, Helen Fraser, Jeff Siegel, Tim McNamara and Brett Baker. 2003.

- Linguistic identification in the determination of nationality: A preliminary report. *Language Policy* 2(2): 179-199. doi:10.1023/A:1024640612273.
- Eriksson, Anders. 2008. Guidelines? What guidelines? Workshop on Language Analysis within the Asylum Procedure. 23-24 July 2008, Lausanne.
- European Union. 2008. Common EU Guidelines for processing Country of Origin Information (COI). <http://www.refworld.org/docid/48493f7f2.html>.
- FECL. 1998. Controversial language tests for the determination of asylum seekers' country of origin. *Fortress Europe Circular Letter*, 53. <http://fecl.org/circular/5304.htm>.
- Foulkes, Paul and Peter French. 2012. Forensic speaker comparison: A linguistic-acoustic perspective. In *The Oxford handbook of language and law*, ed. Peter M. Tiersma and Lawrence M. Solan, 418-421. Oxford: Oxford University Press.
- Foulkes, Paul. 2011. Discussant's response to Tina Cambier-Langeveld. LARG Seminar #2, *The role of native speakers in LADO*. 26 November 2011, University of Essex, Colchester UK. <http://www.essex.ac.uk/larg/events/esrclado2.aspx>.
- Foulkes, Paul and Kim Wilson. 2011. Language Analysis for the Determination of Origin: An empirical study. *Proceedings of the 17<sup>th</sup> International Congress of Phonetic Sciences*, Hong Kong, 17-21 August 2011, 691-694.
- Fraser, Helen. 2009. The role of "educated native speakers" in providing language analysis for the determination of the origin of asylum seekers. *International Journal of Speech Language and the Law* 16(1): 113-138. 10.1558/ijssl.v16i1.113.
- Fraser, Helen. 2011. The role of linguists and native speakers in language analysis for the determination of speaker origin: A response to Tina Cambier-Langeveld. *International Journal of Speech, Language and the Law* 18(1): 121-130. doi:10.1558/ijssl.v18i1.121.
- Fraser, Helen. 2012. Bayes and beyond: The complex challenges of LADO and their relevance to forensic speaker comparison. In *Quantitative approaches to problems in linguistics: Studies in honour of Phil Rose*, ed. C. Donohue, S. Ishihara and W. Steed, 215-222. Munich: LINCOM Europa.
- French, Peter, Francis Nolan, Paul Foulkes, Philip Harrison, and Kirsty McDougall. 2010. The UK position statement on forensic speaker comparison: A rejoinder to Rose and Morrison. *International Journal of Speech Language and the Law* 17(1): 143-152. 10.1558/ijssl.v17i1.143.
- Green, Christopher. 2015. Sprakab agency misled Home Office over checks on asylum-seekers. *The Independent*, 5 March 2015. <http://www.independent.co.uk/news/uk/politics/sprakab-agency-misled-home-office-over-checks-on-asylumseekers-10089311.html>
- Harris, David A. 2012. *Failed evidence: Why law enforcement resists science*. NYU Press.
- Hil, Richard. 2015. *Selling students short*. Allen & Unwin.
- Hopp, Holger. and Monika S. Schmid. 2011. Perceived foreign accent in first language attrition and second language acquisition: The impact of age of acquisition

- and bilingualism. *Applied Psycholinguistics* 34(2): 361–394. doi:10.1017/S0142716411000737.
- Hudson, Richard. 1981. Some issues on which linguists can agree. *Journal of Linguistics* 17: 333–343.
- International Association for Forensic Phonetics and Acoustics (IAFPA). 2004. Code of Practice. <http://www.iafpa.net/code.htm>
- Language and National Origin Group. 2004. Guidelines for the use of language analysis in relation to questions of national origin in refugee cases. *International Journal of Speech, Language and the Law* 11(2): 261–66. doi:10.1558/ijssl.v11i2.261.
- Markham, Duncan. 1999. Listeners and disguised voices: The imitation and perception of dialectal accent. *International Journal of Speech, Language and the Law* 6(2): 290–299. doi:10.1558/sll.1999.6.2.289.
- McNamara, Tim. 2005. 21st century shibboleth: Language tests, identity and intergroup conflict. *Language Policy* 4(4): 351–370. doi:10.1007/s10993-005-2886-0.
- McNamara, Tim, Carolien van den Hazelkamp and Maaïke Verrips. 2010. Language testing, validity and LADO. In *Language and origin: The role of language in European asylum procedures: A linguistic and legal survey*, ed. Karin Zwaan, Pieter Muysken & Maaïke Verrips, 61–71. Nijmegen: Wolf Legal Publishers.
- McNamara, Tim, Carolien van den Hazelkamp and Maaïke Verrips. 2016. LADO as a language test: Issues of validity. *Applied Linguistics* 37(2): 262–283. doi:10.1093/applin/amu023
- Moosmuller, Sylvia. 2010. IAFPA position on language analysis in asylum procedures. In *Language and origin: The role of language in European asylum procedures: A linguistic and legal survey*, ed. Karin Zwaan, Pieter Muysken & Maaïke Verrips, 43–47. Nijmegen: Wolf Legal Publishers.
- Nolan, Francis. 2012. Degrees of freedom in speech production: An argument for native speakers in LADO. *International Journal of Speech, Language & the Law* 19(2): 263–289. doi:10.1558/ijssl.v19i2.263.
- Patrick, Peter L. 2009. Sociolinguistic issues in Language Analysis for Determination of Origins. *Seeking Refuge: Caught between bureaucracy, lawyers and public indifference?* Conference, School of Oriental and African Studies, 16–17 April 2009.
- Patrick, Peter L. 2012. Language analysis for determination of origin: Objective evidence for refugee status determination. In *The Oxford Handbook of Language and Law*, ed. Peter M. Tiersma & Lawrence M. Solan, 533–546. Oxford: Oxford University Press.
- Patrick, Peter L. 2016a. What is the role of expertise in Language Analysis for Determination of Origin (LADO)? *International Journal of Speech Language and the Law*, 23(1), 133–139. <http://doi.org/10.1558/ijssl.v23i1.27537>
- Patrick, Peter L. 2016b. The impact of sociolinguistics on refugee status determination. In *Sociolinguistic Research: Application and Impact* ed. Robert Lawson & Dave Sayers, 235–256. London: Routledge.

- POST 2015. Forensic language analysis. Parliamentary Office of Science & Technology POSTnote No. 509, September 2015. <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/POST-PN-0509>.
- Preston, Dennis R. 2010. Perceptual dialectology: Mapping the geolinguistic spaces in your brain. In *Language mapping (Language and space: An international handbook of language variation, volume 2)*, ed. Alfred Lamelli, Ronald Kehrein and Stephan Rabanus, 121-141. Berlin: Mouton de Gruyter.
- Reath, Anne. 2004. Language analysis in the context of the asylum process: Procedures, validity, and consequences. *Language Assessment Quarterly*: 1(4), 209-233. doi: 10.1207/s15434311laq0104\_2.
- Rodman, Robert. 2002. Linguistics and the law: How knowledge of, or ignorance of, elementary linguistics may affect the dispensing of justice. *Forensic Linguistics* 9(1): 92-101.
- Rzehak, Lutz. 2008. Minimal parameters of linguistic analyses for the determination of linguistic background and place of predominant socialization. Workshop on Language Analysis within the Asylum Procedure. 23-24 July 2008, Lausanne.
- Shuy, Roger W., Joan C. Baratz and Walt Wolfram. 1969. *Sociolinguistic factors in speech identification*. Research Project MH 15048-01, Center for Applied Linguistics, Washington DC. ERIC ED083616. <https://eric.ed.gov/?id=ED083616>.
- Solan, Lawrence M. 2014. Identifying where people come from by how they speak: A methodological gap worth bridging. A rejoinder to Cambier-Langeveld. *International Journal of Speech, Language and the Law* 21(2): 383-387. doi:10.1558/ijssl.v21i2.383.
- Verrips, Maaïke. 2010. Language analysis and contra-expertise in the Dutch asylum procedure. *International Journal of Speech, Language and the Law* 17(2): 279-294. doi:10.1558/ijssl.v17i2.279.
- Verrips, Maaïke. 2011. LADO and the pressure to draw strong conclusions: A response to Tina Cambier-Langeveld. *International Journal of Speech, Language and the Law* 18(1): 131-143. doi:10.1558/ijssl.v18i1.131.
- Wilson, Kim, and Paul Foulkes. 2014. Borders, variation and identity: Language Analysis for the Determination of Origin (LADO). In *Language, borders and identity*, ed. Dominic Watt and Carmen Llamas, 218-229. Edinburgh: Edinburgh University Press.
- Zwaan, Karin, Pieter Muysken and Maaïke Verrips, eds. 2010. *Language and origin: The role of language in European asylum procedures: A linguistic and legal survey*. Nijmegen: Wolf Legal Publishers.