



***Practices in Interviewing Immigrants: Legal Implications.***

**Report from the Czech Republic**

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### Introduction, main questions

The procedure of interviewing immigrants in the Czech Republic can be systematically divided into two main separate areas, similarly as an immigrant's stay or status itself can be subsumed under two different legal systems: Aliens Act system (Act Nr.326/1999 Coll., Zákon o pobytu cizinců na území České republiky) and Asylum Act system (Act Nr.325/1999 Coll., Zákon o azylu). By this division, when speaking of interviewing immigrants, we restrict the examined situations on those situations which result from immigrants status as such, and thus we do not in general involve other legal situations in which immigrants possibly might

find themselves, such as criminal procedure judicial cross check, civil law procedure, family law procedure and others.

Initial division into two systems means, in contexts of interviewing persons of concern, that asylum seekers as well as international protection holders and/or recognized refugees have different rules and possibilities to have their procedural interviews conducted by a specially trained person, yet in their native language or in a language in which they are able to communicate, separated from a general immigration law system. For asylum seekers and recognized refugees, it is apparently the assumption of their higher risk of vulnerability and the character of expressing asylum declaration itself which safeguards certain specific rights, as presumed by the Geneva Convention on Status of Refugees of 1951 and further elaborated in relevant EC directives<sup>1</sup>, and which aims to safeguard that interview with refugees and recognized refugees is being conducted in a special *modus operandi*.

Nevertheless, it is particularly the group of asylum seekers where our organization continually monitors complaints against proper conduct of relevant procedural interviews, so a question arises: *1) are the relevant legal mechanisms for asylum seekers sufficient?* Yet, another resulting question can't be avoided : *2) are other immigrants such as work migrants a group of foreigners for whom law should not help with providing an interpreter* at all, thus being said, is their vulnerability risk unexceptionally lower than a similar risk of asylum seekers?

## **Methodology**

Data gathered in the report have been collected as based on direct field experience of the Organization for Aid to Refugees (OPU) trained staff consisting of lawyers and social workers. OPU has been working with asylum seekers and all other groups of foreigners from non EU countries for 20 years and has been monitoring different quality aspects of both Asylum Act and Aliens Act subsumed procedures. For asylum seekers and recognized refugees, OPU has been monitoring reception conditions and procedural guarantees as safeguarded in relevant EC directives, covering all asylum accommodation facilities in the Czech Republic. For other groups of foreigners, OPU has been monitoring challenges of the current situation during regular legal and social assistance at various state offices, departments and institutions. Thanks to the unique Visegrad Fund project, it was possible to focus in depth on monitoring quality of interviews and more specifically on quality of interpreting process for all groups of foreigners. The main source of OPU observations are in depth interviews with persons of concern as well as with relevant stakeholders aiming on identifying systemic failures and challenges.

## **Interviewing asylum seekers and recognized refugees, with a focus on quality of interpreting for persons under the Asylum Act**

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<sup>1</sup> COUNCIL DIRECTIVE 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status, COUNCIL DIRECTIVE 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, COUNCIL DIRECTIVE 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers.

Interpreting for asylum seekers and recognized refugees involves interpreting of official interviews with institutions representatives. In this case, the interpretation is provided by law and thus also the costs are beared by the state on a first place (see below). The most typical and, according to OPU research results, most challenging situation in this group is interpreting the official asylum interview with the Ministry of Interior's representative after an asylum seeker has submitted his/her asylum application.

The Ministry of Interior is obliged to conduct the asylum procedure *"in a mother tongue"* of the asylum seeker, or *"in a language in which the asylum seeker is able to understand"*, as guaranteed in §22/I of Czech Asylum Act, Nr.325/1999 Coll., reflecting art.10 of the Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status (Procedural Directive). *"For this purpose, the ministry is obliged to provide an interpreter for free"* for the asylum procedure. In case of asylum seekers' wish, he/she *"can invite an interpreter according to his/her own choice for his/her financial coverage"*, as safeguarded in §22/II Asylum Act. This possibility is hardly ever used, as the asylum seekers have no financial means.

There is no special training for the interpreters required by the Asylum Act, neither is it required that they are enlisted in the official List of interpreters<sup>2</sup>.

The most important interpreted part of the asylum procedure is the asylum interview, where a proper conduct of the interview including a quality of interpretation plays a crucial role. Resulting from OPU long term monitoring project, several typical problematic situations appear. In a following text, we will list the most typical ones as observed during our regular monitoring of asylum interviews at the Airport reception center for asylum seekers Prague Ruzyně and at the Accommodation center for asylum seekers in Kostelec n.Orlicí:

- Situation : **asylum seekers use a different dialect** of certain language (e.g. Kurdish dialects, Tamil dialects, English/ French African dialects, East/West Arabic dialects) . Frequently, the interpreter does not admit a lower capacity of understanding. Instead of admitting understanding difficulties, the interpreter tends to avoid certain phrases or statements or speaks on a light tone about the statements (example : *"Now he was not*

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<sup>2</sup> Similarly, the general legal basis for interpreting in administrative procedure does not require the enlisting of the interpreter into the List of interpreters, §16 of 500/2004 Coll., Administrative Procedure Order, see below Chapter D. In comparison with interpreters who are not officially registered in the List of Interpreters Association (Bar), there is a special law on Judicial Experts and Interpreters, Nr. 36/1957 Coll., covering interpreters who are officially appointed by the Ministry of Justice into the Interpreters Association. For officially registered interpreters, the law requires continuous education and examinations to be undertaken in all specialized fields and specifies the conditions to be on the List: "a) s/he is a Czech citizen, b) s/he has necessary knowledge and experience from the field (language) in which s/he is to function, especially one who has completed specialised training on the expert (interpreter) activities, in case there is such training available for the field (language) in which s/he is to function; c) has such personal abilities that allow for presumption that he can do the expert (interpreter) activities properly; d) agrees with his/her appointment." [Precondition a) can be pardoned]. Art.24 of this law however enables state institutions to exceptionally use any person to serve as interpreter, a.o.when a registered interpreter is not available or when appointing a registered interpreter is connected with disproportionate obstacles - which are the clauses used in the Asylum procedure.

*speaking about anything significant, only about some chaos at the market" – whereas the asylum seeker was describing a bomb attack).*

Example – a complaint May 2009, asylum interview at the Airport reception center: *"During the interview, I found out that the interpreter was not interpreting properly. Although I do not speak Czech, it was obvious. The interpreter refused to use a different formulation in case I did not understand him, and above all, he refused to interpret about the fact that I did not understand him properly. In my answers, I always answered with at least several sentences, nevertheless the interpreter just said few words. For these reasons, I told the interpreter to interpret properly everything. However, the interpreter started arguing with me. We argued. The respective Ministry of Interior officer (...) told us not to discuss anymore, otherwise he would stop my asylum procedure".*

Solution proposal : A precise response of the asylum seeker must be kept, it is necessary to immediately inform the Ministry about the lack of understanding. The interpreter should be sufficiently trained that this information would not be regarded as professional failure – as no one can possibly expect an interpreter to master all unusual dialects.

- Situation : the interpreter feels a pressure from the Ministry of Interior officer, and thus the **interpreter speaks on a light note, comments the responses or expresses emotions** (laughter, comments such as "These things never happen in country xx"). Often, the openly expressed mistrust leads the asylum seeker to feel insecure and has a negative impact on the interview.

Solution proposal: The interpreter cannot express emotions, especially not mistrust in asylum seekers statements, taken in account potential vulnerability of the respective asylum seeker. We think however that any attempt to express trust in asylum seekers statements would not be a problem – it can help the asylum seeker to open up, and it is afterwards fully in the Ministry competence to evaluate credibility of all statements.

- Situation : the interpreter is aware of problematic understanding (such as different dialects) and tries to explain statements, use different formulations etc, but the **Ministry of Interior officer sees clarification effort as an activity to "change" the already existing response.**

Example a complaint July 2008, asylum interview at the Airport reception center : *"The officer of the Ministry of Interior did not give the interpreter any space to explain complicated statements, and refused all efforts to explain with an objection of impossibility to change the already given response. The explanations were evaluated as "discrepancies in response" by the officer."*

Solution proposal : the interpreter must insist on clarifying all unclear statements, or on entering any unclarities into the protocol. The protocol is being signed also by the interpreter, the interpreter must have an information about a possibility not to sign a protocol.

Solution proposal 2 : at the same time, nevertheless, the Ministry of Interior employee conducting the RSD interview must be a fully trained person in accordance with art.13/III sub.a), b) of the Procedural Directive, 2005/85 EC<sup>3</sup>, thus a situation as described above should not arise.

- Situation : The interview takes several hours. **The interpreter requests the asylum seeker to shorten his answers.**

Example : a complaint April 2009, asylum interview Airport reception center : *"During the interview I intended to describe all my reasons to leave my country, with all relevant details. Nevertheless, as soon as I started talking in details, the interpreter asked me repeatedly to answer only briefly (...) and thus I argued with him about this. The Ministry of Interior officer did not show much concern in our discussion. He did not demand any translation of our dispute. He only told me that if I argue, my procedure will be stopped".*

Solution proposal : it is possible to demand a break at any time. Another possibility would be to contract 2 interpreters who could exchange after a usual time limit.

(Note: it is possible that it was the Ministry officer who initiated the requests to provide only brief answers, and the interpreter was translating these requests)

- Situation: The asylum seeker gives a lengthy detailed answers where it's not effective to interrupt the answer (e.g. description of traumatic experience). The interpreter does not write down any notes and subsequently **leaves some details out, and in general shortens the answer significantly.**

Solution proposal : The interpreter must be informed that it is possible to make notes in order to keep the precise response of the asylum seeker.

After a person receives a positive asylum decision, the Ministry of Interior conducts interpreted sessions with asylum holders, to help with initial integration steps. These sessions are being conducted in a language understandable to the asylum holder, as safeguarded by art.22 of the EC Qualification Directive<sup>4</sup> and nationally implemented a.o.in §68 et al.of the Czech Asylum Act describing the state integration program. As a part of this program, the

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<sup>3</sup> COUNCIL DIRECTIVE 2005/85/EC, of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status:

*Article 13 : Requirements for a personal interview : "Member States shall take appropriate steps to ensure that personal interviews are conducted under conditions which allow applicants to present the grounds for their applications in a comprehensive manner. To that end, Member States shall:*

*(a) ensure that the person who conducts the interview is sufficiently competent to take account of the personal or general circumstances surrounding the application, including the applicant's cultural origin or vulnerability, insofar as it is possible to do so; and*

*(b) select an interpreter who is able to ensure appropriate communication between the applicant and the person who conducts the interview. The communication need not necessarily take place in the language preferred by the applicant for asylum if there is another language which he/she may reasonably be supposed to understand and in which he/she is able to communicate.*

<sup>4</sup> Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted.

Ministry of Interior organizes interpreted integration courses on Czech realities and culture as well as on practical issues, mostly held by non-governmental organizations social workers.

During these integration sessions, OPU did not monitor such a variety of challenging situations concerning the proper conduct of interviews, there is however one situation that repeats on a regular basis:

- Situation: A social worker conducting practical integration courses tries to motivate a recognized refugee to master common life situations such as accepting a job which is “below” his/her qualification from country of origin, paying insurance contribution etc. Problem: the interpreter **shifts from his/her interpreting role into a consultant role, e.g. expresses his/her surprise about certain situation, tries to explain disagreement and discourages the person from integrating successfully.**

Example: Realities Integration course for recognized refugees, February 2011: *“But this gentleman was a lawyer in Cuba. These are inhumane conditions, I can’t help but discourage Mr.X from taking your offer” (...)* *“Forgive me, but isn’t it impossible that Mr.X has to contribute into the insurance system when you give him only life minimum money!”*

Solution proposal: Interpreters for recognized refugees should have a proper training including introduction into common life situations of recognized/resettled refugees. All interpreters should have compulsory interpreting ethics classes including emphasizing of their role. A good way can be training the interpreters/appropriate persons to become "social interpreters" – persons possibly from the community of refugees themselves and/or other persons who absolved a special course on community/social interpreting, as described below. This solution is realistic for the Czech Republic, as the number of recognized refugees is relatively low and varies every year around 150 persons in average.

Legal implication of the above described situations can - especially in the asylum procedure - have serious consequences. Dependent of different interpreters during different interviews, some crucial statement can be described differently or can absent completely. Discrepancies in different asylum interviews, as well as not mentioning some statement consequently from the beginning, can influence credibility of the statements. A low credibility is one of reasons for a speedy rejection of the asylum application as manifestly unfounded. (§16/1f,g),Czech Asylum Act Nr.325/1999 Coll. During the integration process, integration can be negatively affected by incompetent interpreting.

Therefore, as a main recommendation should be emphasized that the interpreter must have a special training, the training should be compulsory and could be in a form of social interpreting/community interpreting course, possibly conducted by a specialized NGO. There is no need for the interpreter to be enlisted in the List of interpreters, it is seen as more effective to focus on special social, ethical and community interpreting relevant skills. At the same time, during all stages of asylum procedure, the officially interviewing person must be fully trained as required by art.13 of the Procedural Directive.

## Interviewing immigrants with a focus on interpreting for persons under the Aliens Act

For foreigners who do not find themselves in the Czech Republic as asylum seekers, such as migrant workers, their family members, EU citizens family members from non-EU countries, foreign students and others, interpreting is not provided by state, thus any official submissions or interviews must be conducted in Czech language, as expressed in §16/1 of the Czech Administrative Procedure Order, 500/2004 Coll.<sup>5</sup>. In cases in which a personal interaction with an institution representative is necessary, for instance during applying for a visa extension, for a residency extension, or in procedure on applying for temporary residency permits (§42 et al.resp.67 et al.Aliens Act 326/1999 Coll.), foreigners are apparently supposed to either communicate in Czech language or bring their own interpreters on their own financial costs as expressed in §16/3 of the Administrative Procedure Order<sup>6</sup>.

The main monitored problems, as a result, is a mere fact that the foreigners often do not know that the interpreter will not be provided. At the same time, as monitored until January 2011, the language competencies of respective stakeholders<sup>7</sup> were very low.

- Situation: A foreigner receives an official invitation to present himself/herself at some state office – aliens police, Ministry branch. The understand the purpose of the message, but is not familiar with the Czech language in depths to be interviewed in Czech, and he/she **does not know there will be no interpreter**.

Example: *"I received a police letter to come to their office on that day. I thought they wanted to know about my family life with my girlfriend, whether it is real or not. When I came there, there was no interpreter and the policeman did not speak English. I was afraid it would affect my procedure badly, so I quickly called my friend who speaks a little bit Czech. He interpreted for me"*. (Interview at OPU legal service with temporary residency applicant from Nigeria, March 2009)

Solution proposal: In every official invitation, there should be a clearly visible text emphasizing a need of interpreter, possibly translated to main relevant languages. At the same time, employees of institutions such as Alien Police, Ministry special

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<sup>5</sup> The only exception for conducting the administrative procedure in other than Czech language is for Slovak language, given the historical coexistence of our two nations: §16/1: *"The procedure is conducted and the documents are prepared in the Czech language. Participants of the procedure can conduct the procedure and prepare documents also in the Slovak language"*.

<sup>6</sup> The Administrative Procedure Order §16/3 is not clear about whether the interpreter must be only a person enlisted in the official List of interpreters, or whether the interpreter can be any person. Given the fact that the costs of such interpreting are fully covered by the applicant himself, the right to use an interpreter is rather to be understood as **a right** to actually choose from the List of interpreters, **not as a condition** to use services only from a person enlisted there in comparison with not enlisted interpreters, §16/3: *"Everybody who expresses that he/she does not masters the language in which the procedure is conducted, has a right to use an interpreter enrolled in a List of interpreters. In the procedure about an application of an applicant who is not Czech Republic national, the applicant organizes an interpreter on his/her own costs, unless a special law states otherwise* (E.g.the Czech Asylum Act 325/1999 Coll., which, as described above, in §22 enacts that the state covers the interpreting costs.) The question on using services only of enlisted interpreter/possibly using also not enlisted interpreter, is not explicitly solved neither by existing legal literature, e.g. Administrative Procedure Order legal commentaries, e.g.Ondruš Radek, JUDr., Správní řád, nový zákon s důvodovou zprávou a poznámkami, str.74., 2005, Linde Praha a.s.

<sup>7</sup> Aliens Police. From January 2011, most of competencies in agenda of long term visa and temporary/long term residency was taken over directly by special branches of Ministry of Interior, where regarding the staff language competencies there are no sufficient data collected yet at the time of submitting the report.

branches etc, must master at least some world language, and/or have a functional list of emergency interpreters over phone available.

Furthermore, OPU monitored that respective officers at some branches were not willing to cooperate over phone, when the foreigner himself tried to arrange a help with interpreting.

- Situation : **The foreigners tries to facilitate interpreting over phone, the state office employee refuses.**

Example: *“I gave her my mobile phone dialing your number, she did not want to take the phone so we could not communicate”*. (OPU office hours, interview with migrant worker working as a British Council certified teacher).

Solution proposal : At offices such as Alien Police and/or Ministry of Interior immigration department, there should be interpreters available, especially now when every appointment has to be scheduled in advance. Respective stakeholders should be trained to use the list. We don't see as a major problem to set up a small fee for immigrants to cover the costs individually. Cooperation with NGO is encouraged.

In the introduction of this report, a question was posed : are other immigrants such as work migrants really a group of foreigners for whom law should not help with providing an interpreter at all, thus being said, is their vulnerability risk unexceptionally lower than the risk of asylum seekers?

In response to this question, we should bear in mind that it is exactly the group of migrant workers who are easily to be misused by various agencies and facilitators (“prostředník”), given the fact that they are in new environment without knowing the local languages, without motivation to learn the local language as they came primarily to temporarily earn money and with a continuous threat of losing their legal status when losing employment – all these are high risk factors of potential misuse and even human trafficking. For a foreigner without knowing the language, it is often unimaginable to go arrange a visa extension or work permit, so he/she rather uses services of a third person. For this third person, it is then very easy to get a control over such migrant worker.

- Situation: The foreigner takes it as granted that there is **no interpreting available, and leaves his agenda to be arranged by a Czech speaking "facilitator" ("prostředník") who frequently breaches the law by misusing his "client's" vulnerability and 1) demands high financial compensations and 2) leaves the foreigner in illegality and/or in absolute dependence upon him, which rises a human trafficking factor.**

Example : *“I was returned here from the Netherlands. I didn't want to apply for asylum at all, actually. I was working here for 2 years legally, and then I found out something was wrong with my visa, the man who was arranging the extension did something wrong. Then he said I was illegal, and if I paid him 2000 USD, he would help me to go to the Netherlands to get asylum. I had no choice, I didn't speak Czech and none of my friends did”* (asylum seeker from Mongolia, Airport Ruzyně Prague, returned to the Czech Republic according to the Dublin regulation 343/2003 EC, April 2010)

Solution proposal: State offices should *not* create an impression of *no* interpretation assistance available. On contrary, in respective institutions, there should be a list of emergency interpreters available. As already suggested above, the mechanism could count with a small fee. For financially disadvantaged foreigners, the interpreting costs should be at least partially covered by state – the best practice in this could be seen in a regulation of interpreting for national minorities : art.§16/4 Administrative Procedure Order - national minorities who have Czech nationality have a right *in case of need* to have an interpreter on state costs – thus, a financial need would have to be proved.

The Aliens Act gives foreigners several basic obligations which require interaction with special state institutions other than Aliens Police and Ministry of Interior – such as Labor Department, Health Insurance Company, yet foreigners have to communicate with state institutions also as a part of their daily life – schools, hospitals. In these situations, no interpreting is provided, neither has the foreigner any network available for potentially use an interpreter for his/her own costs, which under certain circumstances can have serious consequences.

- Situation : A foreigner **needs to see a doctor. He/she does not speak Czech, therefore avoids seeing the doctor. A medical problem is not cured in time, and later on the same medical problem is cured only as emergency** – which is more demanding both in terms of financial costs for the Czech health system, and occupies more medical staff that has to take care of the emergency – in comparison with taking care of a problem before it reached emergent state.

Example: *"I knew for a long time my stomach was in pain. But how would I explain to the doctor, I only speak Kurdish. Then I started bleeding so my husband called an ambulance..."* (Interview with a woman from Turkey, Asylum Camp Kostelec n.Orlicí, April 2009)

Solution proposal : building of network of established community/social interpreters is strongly encouraged. Community/social interpretation courses could be facilitated by NGOs who often already have a good network of relevant community members. A list of community interpreters should be available for foreigners/state officers – at state offices, departments, in hospitals and in asylum accommodation facilities. For financially disadvantaged foreigners, the interpreting costs should be at least partially covered by state and/or NGO projects, otherwise foreigners can cover the interpretation costs themselves, best practice suggestion see above. Community/social interpreters could be widely used in the entire asylum seekers/refugees/immigrants interpreting agenda.

### **Existing materials for interviewing persons and interpreters in Czech language**

A major relevant material which could be appropriate for persons interviewing asylum seekers and for persons interpreting for asylum seekers and foreigners, are materials produced by UNHCR. Among these, the most relevant are following: UNHCR- Interviewing

Applicants for Refugee Status<sup>8</sup> and UNHCR handbook on interpreting for asylum seekers<sup>9</sup>, the later of which translated to the Czech language. Both publications are accessible online. Both handbook focus exclusively on the asylum seekers persons of concern group, nevertheless especially the handbook for interpreters could be of a wider use especially for potential community interpretation courses, as it contains useful self-study modules on intercultural interpreting and ethics.

### **Existing network with interpreters**

To create a larger platform of community interpreters, a network of established NGOs could be used. Organization for Aid to Refugees (OPU) already cooperates with Charles University, faculty of Philosophy, department of Translation Studies. OPU offers internships for interpreters-students who can assist foreigners in different offices, as well as who can assist OPU workers during legal and social counseling in accommodation facilities and in OPU offices. OPU gives lectures on interpreting for immigrants at the department. UNHCR gives trainings for interpreters who interpret for Ministry of Interior at the asylum procedure.

At the same time, OPU has a wide network of community members such as recognized refugees, persons with permanent residency etc., who could become community interpreters after an appropriate training – which itself could be also organized/facilitated by OPU accredited education department – which is a mechanism useful for all project countries involved.

### **Critic of legal system regarding interviewing immigrants, with a focus on interpretation for persons of concern**

To conclude with reflecting our initial two questions from introductory chapter, it can be summed up that 1) *legal mechanisms for asylum seekers in terms of appropriate conduct of interview are not sufficient for now*, and 2) *the group of other immigrants such as work migrants should not be excluded from being provided a certain form of assistance with community interpreting*. As analyzed above, these are the main identified systemic challenges:

- Challenge : A major systemic challenge in the Asylum Act, as described in challenges above : (§22/I,II of Czech Asylum Act, Nr.325/1999 Coll.). The legal regulation does not set any compulsory "education" for the interpreter. They are not members of chamber of translators (and therefore not on a "List" of interpreters), like at courts. This would probably not be possible and it is not even seen as necessary, firstly, there are some languages where there's no court interpreter whatsoever, secondly, being a chamber member does not guarantee any particular community interpretation special knowledge or sensitivity.

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<sup>8</sup> <http://www.unhcr.org/refworld/docid/3ccea3304.html> . Other materials involve e.g. interpreting for women – human trafficking victims, translated to the Czech Language <http://www.unhcr.cz/ochrana/?cid=449>

<sup>9</sup> Czech translation "Tlumočení při práci s uprchlíky", [http://www.unhcr.cz/dokumenty/MANUAL\\_PRO\\_TLUMOCNIKY.pdf](http://www.unhcr.cz/dokumenty/MANUAL_PRO_TLUMOCNIKY.pdf)

Solution : an optimal solution seems to be not insisting on formal chamber of translators membership, but, instead, strict insisting on having compulsorily passed a special course for community/social interpretation, ethics, intercultural skills, such an extension of already existing UNHCR seminar module, possibly facilitated by NGO.

- Challenge : The Asylum Act does not count with any control mechanism whether the interviewing person fulfills the procedural directive conditions (art.13 of the Procedural Directive), which is an article obliging the member states to implement relevant measures to safeguard a proper qualification of the interviewing person including being able to recognize vulnerability.

Solution : OPU has been lobbying for a particular change in this contexts, e.g. at UNHCR cross institutional think tank AGDM, where there was a compulsory superior officers supervision suggested for all interviewing MOI officers, so that a possible attendance of any educational seminar does not become a formalism. Also, recording of interviews could be helpful to set up a controlling mechanism.

- Challenge: The Aliens Act assumes that a procedure will be conducted in the Czech language, without helping the foreigners to get interpreters, §16/1-3 of 500/2004 Coll., Administrative Procedure Order. When the person is in need of an interpreter, he/she arranges them on his/her own costs. No support with list of interpreters of immediate emergency contact possibility is provided. Similarly, no support with contacts is provided in common daily and possibly emergency situations such as dealing with medical problems.

Solution: A list of community interpreters should be available for foreigners and state officers – at state offices, departments, in hospitals and in asylum accommodation facilities. For financially disadvantaged foreigners, the interpreting costs should be at least partially covered by state and/or NGO projects, otherwise foreigners can cover the interpretation costs themselves – the best practice in this could be seen in a regulation of interpreting for national minorities: art.§16/4 Administrative Procedure Order - national minorities who have Czech nationality have a right *in case of need* to have an interpreter on state costs – thus, a financial need would have to be proved.