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Placing shibboleths at the institutional gate: LADO tests and the construction of asylum seekers' identities

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PLACING SHIBBOLETHS AT THE INSTITUTIONAL GATE: LADO TESTS AND THE CONSTRUCTION OF ASYLUM SEEKERS' IDENTITIES

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1. *A new form of diversity*

The face of migration in Europe has changed quite dramatically after 1991. Prior to the fall of the Berlin wall, migrant groups were rather easy to circumscribe. Such groups often became sedentary recognisable 'ethnic' communities in their own right in the host country. As such, these relatively transparent and definable groups have enabled the emergence of a research tradition that goes under the label of 'migration research'. It primarily dealt with these migrants' acculturation strategies, their (often underachieving) educational trajectories, the language diversity that typified their presence in the host society, their position on the labour market and, last but not least, their civil and political participation in mainstream society (cf. Extra & Yağmur, 2004).

The aftermath of 1991, in contrast, has shown the emergence of a new pattern of migration across many European urban conglomerates involving a far more diverse population originating from Eastern Europe, Asia, Africa and Latin America. Post-1991 migratory patterns differ from the former one for two reasons. First, migration is not supported anymore by fairly liberal labour policies, like those that characterised northern Europe during the 1960s and the early 1970s and southern Europe during the early 1990s. Second, immigrants themselves are well aware that southern Europe is only the beginning of yet another migration trajectory that often brings them further chances of success in northern Europe (Extra & Gorter, 2008). In the same way, the motives and forms of migration have changed. Immigrants do not enter solely as unskilled labour force. Rather, they enter as refugees, commuting migrants, working migrants, transitory residents, highly educated work force, foreign visiting students and the like. The blending of 'old' and 'new' migration categories gives way to a new, late modern form of diversity in Europe, one for which the term 'super-diversity' has been coined (Vertovec, 2006, 2010). This type of diversity is of a more complex kind in that the ethnic origin of people, their motives for migration, their 'careers' as migrants (sedentary versus short-term and transitory) and their socio-cultural and sociolinguistic biographies cannot be presupposed. Research on the implications of super-diversity for sociolinguistics has started to address these complexities across several institutional arenas (see Blommaert, 2010; Blommaert & Rampton, 2011; Jaspers, 2006; Spotti, 2011).

This new migratory wave tops up the original diversity brought by migration before 1991 and it confronts the popular conceptions of 'the immigrant' with new challenges, i.e., the challenge of grasping who an immigrant actually is as well as his/her administrative position. It also raises critical questions about the rationale behind their admission to nation-states in (western) Europe, about the fast changing dynamics of their urban spaces, about the embedded but yet omnipresent supremacy of the majority's perspective within those gate-keeping institutions that regulate migrants' entry and about the capacity of nation-states' bureaucracies to handle them (cf. Extra, Spotti & Van Avermaet, 2009; Leung & Lewkowicz, 2006; Hogan-Brun, Mar-Molinero & Stevenson, 2009; Milani, 2007).

It is against this background that the present paper focuses on the nation-state's machinery and strives to uncover how a high modern understanding of language is used in the Language Analysis for the Determination of Origin (henceforth addressed under the acronym of LADO) of asylum-seeking migrants to the Netherlands. More specifically, the paper focuses on the case of an Arabic speaking Sudanese asylum seeker and it examines how the LADO test and the authorities that perform it. This case is therefore analytical and theoretical, yet it has also practical implications for applied linguistics. Authorities work toward pinpointing the identity of

an applicant through a sociolinguistic analysis that addresses language as a resource of origin. Rather, we claim that the LADO analysis ought to be driven by an understanding of language as a spatio-temporal resource, linked to macro socio-political events that have characterized the life and the migration history of the applicant.

2. *Language ideologies, indexicalities and identification*

Language ideologies are socially and culturally embedded metalinguistic conceptualisations of language and its forms of usage. They serve nation-states and their institutional ramifications – such as immigration services – in setting up and maintaining national order (Baumann & Briggs, 2003; see also Silverstein, 1996, 1998). Language ideologies present languages as codified in specific artefactualised linguistic objects: grammars, dictionaries etc. (Blommaert, 2008) – that have a name (e.g., Dutch, Turkish, Arabic, Wolof), whose speakers have clearly definable ethnolinguistic identities, i.e., ‘I am a speaker of language X and therefore I am a member of group Y’. These ideologies revolve around two tenets: 1) the establishment of a standard or norm for language behaviour that is common to all inhabitants of any nation-State. 2) The rejection of hybridity and ambivalence in any form of linguistic behaviour. Of these two closely related tenets, the former is the goal towards which the latter is seen to contribute. That is, the rejection of hybridity is embedded in the search – whether in writing or in pronunciation – for a ‘standard’ (see Agha, 2003 for a comprehensive explanation of the emergence of Received Pronunciation of English [RP] as product of characterological discourses). Further, given that languages are understood as finite entities bound by syntactical rules and grammars, their usage can be assessed and used to indexicalise the truthfulness and provenance of someone who claims to be a member of a certain community on the basis of the language that is spoken there. This point leads us to a second concept, that of the indexical value of language use.

Any bits of language that someone uses carry an ideological load in that, in addition to their referential meaning, they also carry either pragmatic or social meaning (i.e., have ‘indexicality’). In other words, any bits of a language that one uses are potentially subject to evaluation against the standard/norm from others. A poignant example of this indexicalisation process is the evaluation of accents, which can be embedded in people’s discourse on language use (e.g., ‘he speaks like a farmer’ or ‘he surely is from the capital city’), and that are drawn on grounds of – often tacit – shared criteria (see Blommaert, 2005, 98-122 for the determination of origin during asylum seeking hearing procedures). For instance, an accent can be evaluated as ‘funny’ because it indexes distance from the authorised standard accent which in turn is an index of prestige and constructs the identity of those performing it as an identity of someone who is at least ‘schooled’. Indexicality¹ is therefore the connective cement that links language use to social meanings, biographical and topographic location of someone's origin and all this is done through evaluative discourses of belonging. This means that in any act of language use, there is always identity work involved. Consequently, every utterance, even when not explicitly about

¹ The power of language to encode these preconceived "stereotypes" based solely on accent is an example of second-order indexicality (representative of a more complex and subtle system of indexical form than that of first-order indexicality). For demonstrations of higher (or rarefied) indexical orders, Michael Silverstein discusses the particularities of "life-style emblemization" or "convention-dependent-indexical iconicity" which, as he claims, is prototypical of a phenomenon he dubs "wine talk." Professional wine critics use a certain "technical vocabulary" that are "metaphorical of prestige realms of traditional English gentlemanly horticulture. Thus, a certain "lingo" is created for this wine that indexically entails certain notions of prestigious social classes or genres. When "yuppies" use the lingo for wine flavors created by these critics in the actual context of drinking wine, Silverstein argues that they become the "well-bred, interesting (subtle, balanced, intriguing, winning, etc.) person" that is iconic of the metaphorical "fashion of speaking" employed by people of higher social registers, demanding notoriety as a result of this high level of connoisseurship.[4] In other words, the wine drinker becomes a refined, gentlemanly critic and, in doing so, adopts a similar level of connoisseurship and social refinement. Silverstein defines this as an example of higher-order indexical "authorization" in which the indexical order of this "wine talk" exists in a "complex, interlocking set of institutionally formed macro-sociological interests. A speaker of English metaphorically transfers him- or herself into the social structure of the "wine world" that is encoded by the oinoglossia of elite critics using a very particular "technical" terminology (See Silverstein 2003 but also Barthes 1990).

identity, is an act of identity performance (cf. Joseph, 2003). Language(s) and their words therefore carry an ideological load because they are subject to the values at play at the time and in the space in which they are uttered (Blommaert, 2005, 222-223). It is according to the centering institution that someone is either part of, or tries to gain access to, that one's identity is constructed as that of a 'good' (insider) member or a 'bad' (outsider) member. This is done on the basis of either how successfully, or unsuccessfully, one manages to embrace the complexity of indexicalities present within that specific socialisation space. The evaluative meta-pragmatic discourses that work toward the ascription of identities in official hearings are based on either the respect or trespass of situated language norms where the respect of these norms is thought to indexicalise the origin of the applicant. It follows that an understanding of language and identity as finite entities, and an understanding of language use according to sedentary patterns of origin and belonging, result in a contrast with the 'trans-local' language repertoires of asylum seeking applicants. This opposition has far-reaching consequences for asylum seekers' identity ascription.

3. *The LADO-tests: Shibboleths at the Institutional Gate*

There are strong indications that ideologies anchored on the linear correspondence between language and territory and the indexicalisation that derives from them during the process of someone's identification are the main foundation of the criteria used by the Dutch Immigration & Naturalization Service (*Immigratie en Naturalisatie Dienst*, henceforth IND) in order to determine the origin of asylum-seekers in cases where there is doubt about the identity of the applicant. These Language Analysis tests for the Determination of Origin, acronymised as LADO, have been developed in the early 1990s by the Swedish Immigration Service SIV (*Statens Invandrarverk*) in response to a growing number of asylum-seekers who, for a number of reasons, lacked official documents through which their identity and/or origin could be verified (see Nygren-Junkin, 2009).

During their development of LADO-tests, the Swedish immigration authorities were led by the Shibboleth-principle. That is, the notion that uses accents and/or the use of certain words in one's speech serve as clues to the topographic origin of an individual. Professionalised and semi-privatized by 1997, both the concept and product of these LADO-tests were successfully exported to a growing number of western (European) countries. Faced with an unexpected influx of mainly non-western asylum seekers, the IND, following some preliminary pilot with Iraqi asylum-cases, established its own Language Bureau (*Bureau Taal*, later named as *Bureau Land en Taal*) in the year 2000. With the implementation of the new '*Vreemdelingen Wet 2000*' on the 1st of April 2001, LADO tests were adopted at a large scale level. With the juridical approval by the Dutch Council of State (*Raad van State*), the weight of these language tests in the final assessment of asylum-requests by the IND has grown to a point where a negative language analysis report combined with the absence of identity-documents gives sufficient grounds to reject an asylum-seeking application. Yet, the design and setting-up of these LADO-tests have been highly controversial. At its onset several Scandinavian linguists and Africanists positioned themselves as staunch opponents of the Swedish language tests, describing these as 'characterized by a lack of professionalism' 'unreliable' and 'of no value whatsoever' (Hyltenstam & Janson, 1998), and pleading for these tests to be abandoned. In 2004 an international group of linguists, faced with the import and implementation of these LADO-tests by the immigration services in their respective home-countries, published a set of Guidelines 'intended to assist governments in assessing the general validity of language analysis in the determination of national origin, nationality of citizenship' (Language and National Origin Group, 2004; Arends, 2005 for the Dutch case). The focal point in the ensuing debate on the validity of LADO-tests thus far, has been the use by the IND of native speakers with no academic background as language analysts. In opposition to this modus operandi, scholars from the perspective of their

respective fields of expertise have described a number of complicating factors and pitfalls in the LADO-process which in their view substantiate the need for LADO-tests to be carried out by professional linguists with an up-to-date expertise in the language in question (Abu Manga, 2005; Baumann, 2002; Corcoran, 2004; de Rooij, 2003; ten Thije, 2008; Verrips, 2010). Notwithstanding this, to date, the IND remains adamant that the use of native speakers under the supervision of a professional linguist is the best course of action to achieve valid results (Cambier-Langeveld, 2010).

When an asylum-seeker lacks documents and/or the IND has expressed doubt about the truthfulness of the claimed origin and/or ethnicity, the former is requested to take part in a language analysis interview, and although described as voluntary, its refusal has far reaching consequences for the asylum-seeker's application. During this recorded interview the asylum-seeker is asked by an immigration officer a string of questions in Dutch. These questions are then translated by a translator in the claimants' mother tongue or second language, often a *lingua franca*. These questions deal with his/her native country, the village/city from where he/she fled, his/her ethnicity and the characteristics of the ethnic group to which the applicant claims to belong. To these questions, the asylum-seeker is summoned to answer in his mother tongue and/or second language or third language. The recording of this interview, which on average takes between 30 to 45 minutes, is then analyzed by a language analyst who entextualises the answers given by the applicant into a report (see for Maryns & Blommaert, 2001 for groundbreaking work on the Belgian asylum-seeking procedure). Before the report and the result of the LADO-test are made known to the IND and the legal representative of the asylum-seeker, the findings are checked by one of the four linguists working for *Bureau Land en Taal*. Of these linguists, it is known that they have a specialization in, respectively, the area of calligraphy and Berber languages, Himalayan languages, general linguistics, forensic linguistics and the Italian language. Any attempts to gain access to the protocols the IND employs to conduct these language analysis interviews have proven futile, as the IND argues that disclosure would disproportionately benefit the asylum-seekers who still have to face a LADO-test (IND, 2007). A similar restrictive information policy is witnessed for the disclosure of sources substantiating the claim by the IND that its LADO-tests are 'valid, reliable, objective, accountable and repeatable'. The validity of this claim has become more questionable since *Bureau Land en Taal* acknowledged in 2008 that the theoretical foundation of its LADO-test is based upon an assumption, of which the validity has thus far not been sufficiently examined, but, which it views as belonging to a category of 'criteria which can be judged on their merits by common sense and, subsequently, in principle, are not controversial' (*Bureau Land en Taal*, 2008: 169). This assumption comprises the notion that 'one may expect from an individual that s/he will have an active knowledge of at least one of the languages and/or language variants commonly used in daily life in the area, where s/he claims to have resided for a substantial period of his/her life'.

In the following section, examples of how this theoretical foundation and subsequent sociolinguistic world view is being translated into actual policy and practice adopted by the IND are described for the case of asylum-seekers claiming Sudanese-Nuba origin.

4 *The case of a Sudanese-Nuba refugee*

A situation where asylum-seekers are confronted with unfounded linguistic demands by the IND, is witnessed in the cases of Sudanese claiming a Nuba ethnic background, where the term Nuba is used to categorise a group of ethno-linguistically diverse tribes whose traditional homeland lies in the Nuba mountains, a hilly semi-arid region in the central Sudanese southern Kordofan province. Here we observe this assumption coming into operation in the requirement put forward by the IND that every Sudanese-Nuba applicant is to have a certain degree of proficiency in their respective tribal language, despite the public knowledge that the traditional homeland of the Nuba peoples has been subjected to unceasing government-instigated

arabisation campaigns since Sudanese Independence in 1956. Moreover, a number of small-scale language surveys conducted in the northern part of the Nuba Mountains (Ismail, 1978; Rottland & Salih, 1988; Hammad, 1998; Mugaddam, 2006) show incontestably that the Arabic language has been gradually replacing the use of tribal languages in daily life. Remarkably, however, the IND is supported in its language proficiency claim by the Dutch representative of the Nuba Mountains Solidarity Abroad (NMSA), an international organization set up by exiles of Nuba-origin. A preliminary study of the writings of international Nuba-organisations has shown that, when it comes down to the ethno-cultural view of the Nuba-peoples to the outside world, these organizations fall back into a politically inspired rhetoric portraying the Nuba as having strong and lively linguistic, cultural and ethnic practices. Sadly, however, it is an outdated image, overtaken by the realities of a ‘new’ Northern Sudan, following decades of civil war, instability, mass internal displacement, famine, ethnocide and Arab-dominated economy and governments. To date, the policy of the IND towards Sudanese asylum-seekers claiming a Nuba-origin is being led by a – in this case – third party politically motivated portrayal of an ethnicised ‘imagined community’. This ethnic vitality discourse, which also includes language, has little to do with the reality on the ground. In a detailed review of the language analysis interview and report in the case of an Arabic-speaking Sudanese asylum-seeker, several issues crop up that point toward a picture of the sociolinguistic reality of the Nuba, that then links with ethnic belonging and identity ascription of the asylum applicant.

We now take as a case in point, a Sudanese male claiming to belong to the Nuba-tribe of the Ghulfan and to have been born and raised in Dilling, the second largest city situated in the northern part of the Nuba Mountains. The LADO-test, as implemented by an IND-language analyst, concluded ‘with utmost certainty’ that the applicant did not originate from the speech and cultural communities of the Nuba Mountains and that his Arabic comes from the region of the Sudanese capital Khartoum.

4.1 *The right language for the right origin*

From the reviewing analysis and transcription of the interview², it was ascertained that during the length of the recorded conversation the interpreter did not address the asylum-seeker in any Sudanese variety of Arabic but confined himself for the most part to the use of Modern Standard Arabic, as we read

(IND) Hoe kan u een stamgenoot herkennen? Hoe kan dat, uiterlijk gezien?
[How can you recognise a tribe member? How can you do that, from appearance?]

(Interpreter) ’igūl, kayfa tastaṭṭu ’an tata’arraf ’aw tumayyiz šahsan min nafs qabīla bitā’tak?
[Say, how do you know or recognize a person from the same tribe as you?]

(IND) Ik wil graag de naam weten (van deze controleposten: JD).
[I would like to know the name of these checkpoints.]

² The analysis and transcription of the recording of this particular language analysis interview have been performed by author Detailléur within the framework of his MA-thesis in Arabic Language at Leiden University(2010). In order not to be (dis)advantaged vis-à-vis the language analyst of *Bureau Land en Taal* in this case and in conformity with the standard procedure as implemented by *Bureau Land en Taal*, Detailléur confined himself in his reviewing analysis by using only the recorded language analysis interview and the language analysis report. Subsequently, in their analysis of this case, both Detailléur and the language analyst did not have access to any information/details about the asylum-seekers’ journey to The Netherlands, length of stay and the reasons for his asylum request. The case at hand stems from the period of 2000-2004, when Detailléur was doing an internship at the Dutch Refugee Council, in the function of Country Expert for the Horn of Africa region. During this internship Detailléur attended four language analysis interviews at the offices of the IND in ‘s-Hertogenbosch. The interviews in question concerned three South Sudanese and one Iraqi Kurdish asylum seeker..

(Interpreter) 'asāmiḥum 'ē?
[What's their names?]

For starters, the setup of the language interview did not take into account a well-known sociolinguistic fact that any native speaker of Arabic is by default a diglossic speaker in that s/he masters to a greater or lesser extent two varieties. Consequently, when faced with a high – in this case the highest – form of Arabic speech, the applicant will accommodate his speech and switch to the bits of Arabic of a higher variety that he has at its command. Not doing so would be index of a lack of schooling in the Arabic language. Taking into account the fact that the objective of these language interviews, upon which the eventual language analysis is based, is to elicit the speech variety as it is used by an individual in his daily doings in the country/region of origin, the identification and use of an appropriate interpreter during these interviews is pivotal for the validity and reliability of the language material.

Especially in those cases where a LADO-test is focused on a regional variety of either a *lingua franca* or a national language, say either French or Arabic for instance, there is the real danger that the use of an interpreter using a variety different from that of the asylum-seeker can lead the latter to switch to a variety with a higher status, which in most cases is also used outside the asylum seeker's own region of origin. Yet, there are strong indications that the IND does not consider the assignment of an appropriate interpreter for a LADO-interview of high importance – in their dealings with individual LADO-tests, several linguists have independently made reference to the negative role the interpreter played in the language analysis interview they reviewed (see for the case of Sudanese-Nuba asylum seekers Abu Manga, 2005; De Graaf & Van den Hazelkamp, 2006; Detailleur, 2010). The IND, on its part, has not reacted to the open criticisms moved by the academic world, as we read in the following quote:

De wijze waarop de IND het toewijzen van tolken bij taalanalyse-gesprekken heeft georganiseerd kan tot gevolg hebben (dat), los van capaciteitsproblemen in een bepaalde moeilijke taal, niet altijd de qua taal meest gewenste/geschikte tolk kan worden ingezet;

[The manner in which the IND has organised to assign interpreters to language analysis interviews can, irrespective of the capacity problem for a certain 'difficult' language, lead to the use of interpreters that are less appropriate from the perspective of the investigated language variety] (Pinxter, 2008, 5)

Moreover, in its eleven years of existence, all public documents brought out by *Bureau Land en Taal* – and the IND for that matter – that clarify the procedure and use of the LADO-tests do not mention the danger of language accommodation and/or any precautionary measures taken to avoid its negative impact.

Returning to the case at hand, the conclusion of the language analysis report states the following (in Dutch):

Echtheid van de / het gebezigde ta(a)l(en) / dialect(en)

Het Arabisch is eenduidig de moedertaal van de vreemdeling. Er is niets in de spraak van de vreemdeling dat wijst op een herkomst uit of een langdurig verblijf in de Nuba-bergen. Hoe de vreemdeling zijn gehele leven in Dilling heeft kunnen doorbrengen zonder ten minste *iets* op te steken van de inheemse taal van Dilling is onduidelijk.

The text produced by the analyst for the case of this Arabic-speaking Sudanese asylum-seeker claiming a Nuba-origin states that 'Arabic is without any doubt the mother tongue of the foreigner. There is nothing in the speech of the man in question that suggests an origin from or long-term stay in the Nuba Mountains' and that 'It is unclear how the foreigner could have spent

his whole life in Dilling without acquiring at least *something* of the local language of Dilling'. In the first part of the report, in which the country information is reported as provided by the asylum-seeker during the interview, the language analyst concludes the following:

Commentaar taalanalist

De vreemdeling is niet in staat om gedetailleerde en correcte informatie te verstrekken over zijn beweerde herkomstgebied. Zijn kennis is beperkt tot enige namen van wijken e.d. Zijn informatie over de taalsituatie in de stad Dilling en binnen de Ghulfan-stam is onjuist. "Raish" is niet de naam van een substam van de Ghulfan. De informatie over de bruidsschat is onjuist. Het is aannemelijk dat de vreemdeling de stad Dilling ooit heeft bezocht (hij kent namen van wijken), maar het is niet aannemelijk dat hij, zoals hij beweert, zijn gehele leven in deze stad heeft gewoond.


code analyst

His commentary reports that: "the foreigner is not capable of giving detailed and correct information about his alleged region of origin. His knowledge is limited to some names of districts. The information he holds about the language situation in the city of Dilling and within the Ghulfan-tribe is not correct. 'Raish' is not the name of a sub-tribe of the Ghulfan. The information about the dowry is incorrect".

However, when we turn to our interview transcript, the following fragment gives us an insight in the reaction of the asylum seeker to the questions brought before him about the language situation in Dilling and among his tribe. It reads:

- (IND) Iedereen spreekt Arabisch?
[*Everyone speaks Arabic?*]
- (Interpreter) kullu wāḥid yatakallam 'al-luḡa 'al 'arabiyya?
(Asylum-seeker) 'aḡlab, ya'ni, hamsa tamanīn fi 'l miyya yatakallam 'arab fi dillinǧ
[*Most, I mean, 85% speak Arabic in Dilling.*]
- (IND) Waarom spreekt u geen Nuba-taal?
[*Why don't you speak any Nuba language?*]
- (Interpreter) limāda lā' tatakallam luḡat 'an Nuba?
- (Asylum-seeker) wallayhi, 'ana gunub bāki da gabīlatni kida 'asāsan
[*I, that has never belonged to my tribe, That's all.*]
- (Interpreter) Zo ben ik opgegroeid. In onze stam is 't zo.
[*I have been brought up like that. In our tribe it is like this.*]

Remarkably, there are no sources in the report to substantiate the analysts' characterization of the information provided by the asylum seeker about the language situation in Dilling as incorrect. In fact, however, this claim is contradicted by the data of a language survey, conducted by Mugaddam among the multi-ethnic inhabitants of the city of Dilling, which corroborates the asylum-seekers' statement concerning the language situation. According to Mugaddam's findings 89.23% of Dilling residents used Arabic as the primary language in daily life outside their home, of which 61.76% used Arabic only. Furthermore, the findings of Rottland and Salih (1988) that children from Ghulfan-peoples in the traditional homeland of the Ghulfan were speaking Arabic as their mother tongue, are corroborated in the findings of Mugaddam, which show that among the Ghulfan-residents in Dilling, less than 12% of the older generation wanted their children to learn the tribal language. This percentage decreases significantly among the younger generation (20-39) where only 3.25% were in favour of their children learning the tribal language (Mugaddam, 2006). Another unsubstantiated remark put forward in the report by the language

analyst as a ‘corroboration’ of the aforementioned conclusion about the origin of the asylum-seeker is that the statements about the dowry customary among the Ghulfan (‘two or three cows, or two sheep’ as reported in Figure 1) are incorrect, thereby wrongly suggesting that this dowry is fixed. Yet, anthropological research as conducted in the Ghulfan village of Somasem describes how the village elders attempted to reduce the traditional dowry of four or five cows and an amount of food and clothes so as to prevent it from becoming a trade impediment in the undertaking of marriage in the village (Davidson, 1996).

<i>Grammatica</i>	
[ħatta lu hum burtʰunu]	“..zelfs als zij een stamtaal spreken...”
[deel bilbisu w deel ma bilbisu]	“Sommigen dragen het, anderen niet.”
[yaʕni, masalan, fi lɔawaaʔij, yaʕni, bikuun almahar, yaʕni zayy bagarteen, aw talaat ba- garaat aw xarufeen]	“Eh, bijvoorbeeld, bij trouwfeesten, eh, is er een bruidsschat, eh, zoiets als twee koeien, of drie koeien, of twee schapen.”

Figure 1

Furthermore, in the second part of the report, the language analyst provides a number of examples from the – in this case – Arabic speech of the asylum-seeker under a number of subdivisions (pronunciation, choice of words, grammar), intended to support the conclusion of the analyst that the man in question “speaks Arabic as it is commonly used outside the Nuba Mountains, in the capital region of Khartoum” (see Figure 2 below).



Figure 2

Furthermore the examples provided in Figure 1 are also analysed in terms of grammar. Remarkably, the examples of the asylum-seekers’ verb conjugations provided in support of the analysts’ identification of his speech as Khartoum-Arabic (Sudanese Colloquial Arabic [SCA]) rather invalidate the findings on the applicant’s own origin. These conjugations, reported here below, are closer in terms of structure to the Western Sudanese Arabic variety (WSA).

burʰunu → (SCA) biyirʰunū → (WSA) bartunu
(3de ♂ mv.: “zij spreken een stamtaal [*they speak a tribal language*]”)

bilbisu → (SCA) biyilbisū → (WSA) balbisu
(3de ♂ mv.: “zij dragen (kleding) [*they wear clothes*]”)

Aside from this, the recordings of the language analysis interview clearly reveal that the speech of the asylum-seeker, while approaching the language variety of Khartoum Arabic, displays a number of distinct and recurrent anomalies on a phonetic, morphological and syntactical level which cannot be traced back to Khartoum Arabic and could be so-called ‘distinctive linguistic markers’ of a local Arabic language variety (Miller & Abu Manga, 1992). Examples of the asserted anomalies are the recurrent deletion of both vowels and consonants, and sometimes entire syllables, both at the end and middle of words,

šamā’ Kurdufān (“Noord-Kordofan [*North-Kordofan*]”)

takkās (“taxi’s [taxi]”)
zawā’ (“huwelijk” [wedding])

the pronunciation of the voiceless tā’ [t], tā’ [θ] en sīn [s] as the voiced zāy [z] in a number of words,

zəṛīf (“luxueus” [wealthy])
mazalan (“bijvoorbeeld” [for example])
zuzumiyya (“negentig” [ninety])

and the realisation of the Arabic sound gīm [dʒ] as yā’ [j], whereby it is realised as /dy/ [ʒ] in Khartoum Arabic.

yanūb (“zuiden” [south])
mawyūd (“aanwezig” [present])
yabal (“berg” [mountain])

To date, no linguistic research has been conducted on the Arabic language varieties common among the Nuba-people in the Nuba mountains region, whether these are used as a mother tongue or a second language. The analyst, however, makes no mention in the report of these anomalies, nor does he mention the fact that the asylum-seeker was a secondary schoolteacher in the Arabic language for many years, and that it is not unlikely that his approaching the Khartoum Arabic variety during the recorded language analysis interview could be the result of language accommodation to the highest Arabic variety at his disposal following the confrontation with an interpreter addressing him in Modern Standard Arabic.

5. Conclusions

This case is a case of contested identity. And it brings to light several issues that point to problems with the linguistic and anthropological basis on which the IND has set up and is organising its language analyses for the determination of origin. Taking into account the similar experiences described by (socio)linguists in their dealings with the Dutch LADO-tests over the past years, one can state that there are strong signs that the IND approaches language, culture and identity in a modernist fashion and subsequently fails to take into account the sociolinguistic realities, geopolitical and social pitfalls that languages and the spread of language varieties undergo in a certain region.

The assumption that lies behind the LADO tests is the following: ‘a person who claims to have spent a substantial part of his life in a certain area, may be expected to command actively at least one of the languages or language varieties that are widely spoken in the region in question’ (*Bureau Land en Taal*, 2008: 169). This statement is a pre-eminent example of the high modern conceptualisation of a sociolinguistic system used within a speech community. In so doing the nation, territory and identity equation operates through a legitimating ideology that allows the LADO-tests and their follow-up analyses to hold no regard for individual migrant trajectories and the effect these might have on one’s linguistic repertoire. Although a power-laden means of origin recognition, the LADO-test embraces a westernised understanding of the spread of languages and language varieties, and it uses a homogeneous world view of ‘imagined communities’ that looks at non-western societies through a high modern westernised lens. In other words, it looks at ‘societies as characterized by a common language, thus seeing the individual as ‘normally’ monolingual and a member of one culture’ (Eades & Arends, 2004). A rigid view of an ‘imagined community’ is thus projected on the home-countries and/or region from which the asylum seeking applicant comes from. Mostly, this picture does not match with the sociolinguistic realities that are encountered on the ground. As we have showed, there is

reason to suspect that the State response to late modern phenomena consists of typical high-modern measures: denying or combating language hybridity, multiplicity and ‘mixing’ as they do not fall within the language, territory, identity equation. Rather than going against this tendency and advocating the rights of deterritorialised individuals, what we aim to do here is to problematise an aspect of the State machinery and its task of establishing migrant identities as well as maintaining the national order. One of the main concerns of governments is their need to regulate the flow of deterritorialised people, such as migrants and asylum seekers. Faced with the influx of foreigners seeking refuge and a better life, (western European) nation-states reinforce their national borders and set themselves the task of sustaining the national order. They do so by establishing institutional processes and means, such as LADO tests and their analysis. Despite efforts put in place to accommodate the needs of asylum seekers, evidence such as the data gathered here shows that the practices linked to the asylum seeking procedure for the determination of origin still remain a battlefield where the presupposed indexicality of the applicant's language use relies on ideologies of language and territorial belonging.

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