

Immigration hearings & communication difficulties



Clients with communication needs are likely to face a number of difficulties which impede their understanding of important information in immigration hearings, and their ability to meaningfully participate in the process.

It is important to remember that every client with a communication difficulty is different, with a unique profile of communication strengths and needs. Some **common difficulties** include:

- **Difficulty understanding of complex words** and court terminology such as “*asylum*”, “*deportation*”, and “*tribunal*” (in translation or in English)
- **Difficulty understanding abstract concepts**, such as “*modern slavery*” and “*administrative removal*”
- **Difficulty maintaining attention or managing emotions**. These issues may prevent your client from engaging with important information which arises during the hearing
- **Difficulty understanding and/or responding to questions** including long questions, questions with multiple parts and questions containing negatives. They may be suggestible and more likely to erroneously agree to tag questions and interrogative statements
- **Difficulty formulating clear narratives**, adversely impacting their ability to provide legal representative with clear information about important points

Language barriers and cultural differences

At immigration hearings, legal professionals are especially likely to be working with clients who do not speak English as a first language and who come from a different cultural background.

It can be particularly challenging to identify underlying communication difficulties in these cases. Clients may not be familiar with the legal system in England and Wales and therefore find it challenging to understand processes. They may also have difficulty understanding information provided via an [interpreter](#) (for example, if the interpreter does not speak their particular dialect well).

It can also prove much more challenging to gauge a client’s understanding across a language barrier, as comprehension questions and responses will be mediated through an interpreter. However, factors such as those above *may not* indicate an underlying communication difficulty.

When a client who does not speak English has an additional communication difficulty, they may not have a full understanding of information provided to them via a skilled interpreter. They may find it particularly difficult to retain information, to maintain attention, or to grasp new concepts.

An [intermediary assessment](#) can explore whether the court user has an underlying communication difficulty, or whether their participation can be facilitated by a skilled interpreter and clear explanations.

Communication tips

The strategies required to support an individual with communication needs during an immigration hearing will vary considerably depending on their communication profile. An [intermediary assessment](#) will make bespoke recommendations to support your client at all stages of proceedings.

The following general tips may be of assistance:

- **Use everyday words and short sentences.** Imagine speaking in bullet points. This will also assist an interpreter (if required).
- **Do not assume understanding.** Check understanding with a comprehension question like, “*What is permission to appeal?*”. Learn more about [checking understanding here](#).
- **Use visual resources to explain more complex and detailed information.** For example, create a ‘balancing scale’ of the different points the judge must weigh up. Consider cultural differences and ensure visuals are recognisable to the client first. Learn [how to use visual aids here](#).
- **Check your client understands the interpreter.** Be aware that they may speak a different dialect. Ask which dialect they speak to ensure the correct interpreter is allocated.
- **Ask the interpreter to translate verbatim** and to notify you when they provide additional explanation, for example, if your client asks them to explain something further or indicates they have not understood. This will help you gain greater insight into your client’s communication needs.

Intermediaries & immigration hearings

An intermediary can be allocated to assist at all stages of proceedings. Their role may include:

- **Assessing your client’s communication profile**, identifying any communication needs present across a language barrier

- **Conducting familiarisation visits** in court to support understanding of proceedings and help manage anxiety
- **Creating easy read versions of key documents** such as the ‘Reasons for Refusal’ letter. This can be completed in collaboration with an interpreter (as required)
- **Providing real-time simplification** during hearings (in collaboration with an interpreter, as necessary)
- **Using visual aids** to support understanding in hearings and conferences
- **Working with an interpreter** to develop effective strategies which support your client’s understanding and participation
- **Assisting in conferences** to help your client give clear instructions, understand legal advice, outcomes and ‘next steps’

How to book an intermediary

- 1 Refer online.** Refer your client for an assessment through [our online portal](#) (5 minutes).
- 2 Funding.** We send a quote for you to send to Legal Aid / HMCTS to approve (24 hours).
- 3 Book assessment.** Once funding is approved, please let us know. We will schedule an assessment (2-6 weeks).
- 4 Assessment will** take up to 3 hours and can be conducted in person or remotely. You will then receive a report (7 days).
- 5 Book dates** for hearings or conferences. We will send you booking forms to be signed by the court. Once signed, we will book the intermediary.