

## Clarification of the issues in language analysis: a rejoinder to Fraser and Verrips

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### Abstract

*Volume 18.1 (2011) of this journal presented two responses to my article 'The role of linguists and native speakers in language analysis for the determination of speaker origin', published in volume 17.1 (2010). Both Helen Fraser and Maaïke Verrips pick up on eight cases presented in my article, and question whether these cases have any implications for the 'Guidelines'.<sup>1</sup> The responses compel me to bring forward a direct connection between the eight cases and the 'Guidelines'. In this rejoinder, the impact of the eight cases on the 'Guidelines' is spelled out. Secondly, various arguments relevant to the 'linguist vs native speaker debate' are distinguished, in order to increase understanding of the controversy. Finally, this rejoinder reflects on how this debate could have become polarised.*

KEYWORDS LANGUAGE ANALYSIS, LADO, GUIDELINES, ASYLUM SEEKERS, SPEAKER  
ORIGIN

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## 1 Introduction: contents of my original article and two responses

Some eight years ago, a group of linguists called the 'Language and National Origin Group' (2004) published so-called guidelines for the use of language analysis in asylum procedures. These 'Guidelines' consist mainly of basic linguistic, sociolinguistic and general observations which clearly show why linguistic expertise must be involved. The 'Guidelines' also prescribe that Language Analysis for the Determination of the Origin of asylum seekers (LADO) must be done by 'qualified linguists with recognized and up-to-date expertise, both in linguistics and in the language in question, including how this language differs from neighboring language varieties' (p. 262).

In volume 17.1 (2010) of this journal, I published an article entitled 'The role of linguists and native speakers in language analysis for the determination of speaker origin' (henceforth referred to as 'my article'). In my article, several shortcomings of the 'Guidelines' were addressed; below is a brief summary of the main points of my article.

First, my article specified the criticism of the 'Guidelines', as expressed on various earlier occasions by myself (e.g. Cambier-Langeveld 2007) and also by Eriksson (2008). In short, it was argued that the 'Guidelines' fail to recognise that there is more to LADO than linguistic expertise. Also, there is no scientific basis for the assertion (implicit in the 'Guidelines') that specialised linguists perform better at the task of determining speaker origin than native speakers.

Second, my article documented a range of problems that may arise when non-forensically trained linguists are engaged to perform this type of forensic analysis. For this purpose, eight cases were presented in which the correct outcome is now known; these will henceforth be referred to as 'the eight cases'. In each of these eight cases, analyses had been carried out by a supervised native speaker working for the Dutch Immigration and Naturalisation Service (INS), and counter analyses were done by a linguist engaged by the asylum seeker as a counter expert. Several factors that could have caused the incorrect conclusions by linguists were discussed.

Third, my article aimed to formulate additional criteria for proper conduct of LADO which are not listed in the 'Guidelines'. I discussed three ways of combining native-speaker competence and linguistic expertise, and stated explicitly that there is no valid reason to declare that any one of these is in principle superior to the other.

My article answered the call in Fraser (2009:131): 'those who are aware of problems with the Guidelines should publish clear, evidence-based documentation of the issues'.

Volume 18.1 (2011) of this journal presented two responses to my article: one by Helen Fraser and one by Maaïke Verrips. Both authors belong to the 'Language and National Origin Group'. Both authors contend that the eight cases do not provide solid evidence for the conclusion that native-speaker competence should be involved in LADO. In the same vein, they argue that these cases are insufficient to legitimise a research method that is not recognised by the 'Guidelines'. Also, both authors point out that the incorrect conclusions in these cases come from counter experts who might not have the qualifications required by the 'Guidelines'.

While some points made by Fraser and Verrips are legitimate, their responses do not invalidate my conclusions. The eight cases were not intended as legitimisation or defence of the 'supervised native speaker' approach, as Fraser and Verrips seem to have understood.<sup>2</sup> I just argued that there is no valid basis for *a priori* exclusion of the 'supervised native speaker' approach. Neither Fraser nor Verrips respond adequately to this point.

I have in fact argued for the validity of a process that would seem to fall outside the 'Guidelines', but in a different article, where appropriate evidence is put forward.<sup>3</sup>

## 2 Contents and limitations of this rejoinder

The responses by Fraser and Verrips justify elaboration on a number of issues. First of all, it appears that the implications of the eight cases for the 'Guidelines' must be specified. In section 3.1, I will discuss how these cases undermine a basic assumption underlying the 'Guidelines'. In section 3.2, I will list the problem factors evident in the eight cases. It will thus become clear that the 'Guidelines' were not an appropriate response to the state of affairs in the Netherlands as witnessed in these cases; see section 3.3.

In section 4, the basis for the view that native-speaker competence is relevant and should be included in LADO will be clarified once more. It seems essential to separate certain arguments here, so that the real points of controversy can be localised.

The transparency of LADO reports is addressed in section 5, in order to increase understanding of how the discussion about LADO might have become polarised (section 6).

This rejoinder concludes with a take-home message for the authors of the 'Guidelines'.

In what follows below I will not respond to some other issues that are raised by Verrips. Fixing the holes in her portrayal of casework by the Dutch INS is beyond the scope of this rejoinder.<sup>4</sup>

### 3 The eight cases and their relevance to the 'Guidelines'

The eight cases serve to underpin criticism of the 'Guidelines', but *not* by showing that supervised native speakers performed better than expert linguists in these few cases. The implications of the eight cases are laid out in this section.

The eight cases were not handpicked, but form the complete subset of cases in which both the identity of the asylum seeker has been established and in which a counter report was submitted to the INS. Since counter reports are only requested when the government analysis did not confirm the claimed origin, the dataset by definition contains only cases with a negative result by the INS. The dataset could have included cases in which the established identity confirmed the claimed country of origin, for instance if the date of birth (i.e. age), place of birth or name was established by documents rather than nationality (this is not just a theoretical possibility; see the data in Cambier-Langeveld 2010b). Such cases would then have proven the INS wrong. However, such cases did not occur.

In order to protect the identity of the counter experts, not much information about their academic background was given in my article. As a result, both Fraser and Verrips question whether the counter experts involved fulfil the criteria set by the 'Guidelines', and if not, whether the problems in the eight counter reports are rightfully used to criticise the 'Guidelines'.

First, let it be clear that these counter experts were trained in linguistics and had some specialisation that made them seem eligible (to a layman at least) for acting as an expert. Of course some training in linguistics and some specialisation does not automatically indicate competence for the task at hand, but these counter experts themselves claimed to have sufficient expertise in the relevant language(s) to perform a counter analysis. Second, whether these counter experts fit the criteria of the 'Guidelines' or not is hard to say due to lack of precise definitions, but is not crucial to my argument anyway; see below.

#### 3.1 The direct connection between the eight cases and the 'Guidelines'

The discussion has reached a point where the scientific community should learn about the direct connection between the eight cases and the 'Guidelines'. Two of the counter analyses with an incorrect conclusion were submitted by a linguist who had a key role in the 'Language and National Origin Group', which authored the 'Guidelines'. There are even indications that at least one of the eight cases discussed in my article belongs to the *very same set of cases* that led to the conception of the 'Guidelines'.

The 'Guidelines' were published in a special issue of the *International Journal of Speech, Language and the Law* (11.2, 2004) which was guest edited

by Diana Eades and Jacques Arends. In the introduction to this special issue, the two guest editors describe how the linguistic community came to be so concerned with the topic of language analysis. Some casework is described (Dutch asylum cases), including the following comment: ‘In at least three instances, the report claims that the asylum seeker “does not know the national anthem”, while in all three cases they sing the entire first stanza virtually without any mistake both with regard to melody and text’ (Eades and Arends 2004:194).

Note the resemblance with case 6 in my article (p. 80):

The INS analyst comments that the applicant sings the Sierra Leonean national anthem but with some mistakes in the text, and takes this as evidence against the claimed origin. CE [counter expert] remarks that the applicant sings the anthem ‘nearly faultlessly’, with ‘just a few aberrations from the official text’, and takes this as evidence supporting the claimed origin.

In case 6, the conclusion of the supervised native speaker working for the INS turned out to be correct and the conclusion of the counter expert proved to be incorrect: the applicant involved is from Nigeria, not Sierra Leone.

The authors of the ‘Guidelines’, all of them linguists, clearly (if tacitly) worked on the assumption that, in cases where a counter expert disagreed with the native-speaker analyst working for the INS, the counter expert (a linguist) was right. Given the evidence we now have, this assumption underlying the ‘Guidelines’ must be called into question.

It is fair to comment that a case in which a linguist and a native speaker come to different conclusions can in itself not be considered proof that the native speaker is wrong (or vice versa, of course). Although this may seem obvious, argumentation along those lines is quite common in the LADO context.

### 3.2 Identification of the problems in the eight counter reports

In my article, I left it partly to the reader to infer the problem factors involved from the case descriptions. Perhaps it is helpful to specify the nature of these factors more precisely. Looking at the analyses of the counter experts, most of whom failed to come to the correct conclusion, the following problem factors can be identified:

1. a lack of objectivity or professional distance (see for explicit examples cases 2 and 7. Perhaps this problem is also underlying to problems 2, 3, 4 and 5);
2. incorrect identification of the language variety (see cases 5 and 6);
3. too lenient a view on what may reasonably be expected from the

- applicant in terms of language skills (see cases 1, 3 and 4);
4. an unwillingness to draw a conclusion which naturally follows from the established linguistic facts (see cases 3 and 4);
  5. a readiness to accept unsubstantiated claims (e.g. as explanations for lack of competence in a language) without critical review (see case 1);
  6. a lack of understanding of the burden of proof in the context of asylum law (see case 3);<sup>5</sup>
  7. acceptance of a supplementary recording, while there is obvious reason to question the origin of this recording. In this particular case (case 8), the supplementary recording contained a sample of fluent speech in a language of which the applicant had previously claimed to have no knowledge.

These problems are not necessarily related to the fact that seven of these eight counter analyses were performed without consultation of a native speaker; various other factors could have played a role. The point with respect to the 'Guidelines' is that these problems are not anticipated or covered.

### 3.3 The 'Guidelines' as an appropriate response?

At the time, back in 2003–2004, it was deemed appropriate by a large group of linguists to set up the 'Guidelines'. These were explicitly aimed at governments, insisting that specific linguistic expertise be involved in LADO. This was in itself a useful endeavour, and the 'Guidelines' provide a compelling case for this core message. No-one disputes that linguists should be involved. Given what we have witnessed in the eight cases, however, the 'Guidelines' as they stand can hardly be deemed an appropriate response to what was happening in the Netherlands: the 'Guidelines' are not only intended to exclude the method which – as we now know – gave the correct outcome in these cases, but the 'Guidelines' also fail to tackle the problems that were leading to incorrect conclusions. The 'Guidelines' do not consider problem factors such as those identified above, nor do they provide requirements that would guard against them.<sup>6</sup>

The problem factors evident in the eight counter reports have not disappeared by themselves. All the problem factors listed above are still a cause of potential error in counter analyses submitted to the INS to this day, even though they are now generally performed by linguists explicitly selected according to the 'Guidelines'.<sup>7</sup> In all, the 'Guidelines' are not an effective tool for quality control in LADO.

## 4 Clarification of the arguments

Both Fraser and Verrips are under the mistaken impression that the eight cases were supposed to underpin the conclusion that native-speaker competence should be included in LADO. This was not my intention; the eight cases only served to illustrate the risks of using a non-native, non-forensically trained specialised linguist (allowed by the 'Guidelines'). My position with respect to native-speaker competence is primarily based on a matter of principle: there is simply no reason to identify two different types of expertise and then to assume that only one of them is relevant. To understand the controversy, it may be helpful to separate various sub-arguments.

### 4.1 The native speaker according to the 'Guidelines'

In my article, I stated that the 'Guidelines' fail to recognise that the competence of native speakers is also relevant and should be included in LADO. In Fraser's response, it is claimed that the 'Guidelines' do not oppose using native speakers in analysis: according to Fraser, what the 'Guidelines' oppose is accepting the conclusion of native speakers without appropriate evaluation.

Before moving on to the real argument, it is important that this issue be cleared up. Let us go back to the text of the 'Guidelines' themselves. Guideline 7 (p. 263) explicitly states that 'the expertise of native speakers is not the same as the expertise of linguists', and that 'people without training and expertise in linguistic analysis should not be asked for such expertise, even if they are native speakers of the language'. The possibility of consulting native speakers is not mentioned. The literal text of Guideline 7 does not curtail the role of the native speaker by demanding proper evaluation, but can easily be read as dismissing the input of native speakers altogether (see also 4.2 below).

This being the case, I stand by my statement that the 'Guidelines' fail to recognise the value of native-speaker competence in LADO.

### 4.2 The rejection of the native speaker as analyst

As outlined above, the 'Guidelines' do not mention the possibility of consulting a native speaker, or the logic of doing so. It is hard to imagine, however, that the authors meant to disallow such consultation. They would probably leave it to the linguist in charge of the analysis to decide whether he/she felt that such consultation is appropriate.

I expect it to be obvious to any linguist that consulting a native speaker is advisable whenever one is working and writing on a specific language or language variety, and especially when one is working with potentially disputable

material. Surely we can agree that native-speaker competence cannot be replaced by linguistic expertise, or vice versa: they are different skill sets.

Given the background of the 'Guidelines', it seems more likely that the authors wanted to ban the native speaker from the position of *analyst* in LADO cases, as in the 'supervised native speaker' approach.

The authors of the 'Guidelines' may picture the 'supervised native speaker' approach as 'LADO conducted by a native speaker with no expertise in linguistics supervised by a linguist with no expertise in the language' (Fraser 2011:128). It is indeed hard to see how this could work. However, this is not a fitting description of the process that I refer to as the 'supervised native speaker' approach. What I am referring to is a method in which the supervising linguist collects linguistic information about the language varieties from all available sources, and the native speaker receives specific linguistic training required for the job.

The point is that there is no valid reason to dismiss *all* approaches within which the native speaker has the role of 'analyst' – pointing out the risks of using native-speaker judgments is one thing, throwing out the baby with the bathwater is quite another. One of my main criticisms levelled at the authors of the 'Guidelines' is that they have not explored various possible ways of including linguistic expertise in LADO. In particular, they should have explored the possibility to provide appropriate evaluation of native-speaker judgments through a supervising linguist.<sup>8</sup>

### 4.3 The acceptance of the specialised linguist as analyst

The 'Guidelines' proclaim that language analysis must be done by qualified linguists with recognised and up-to-date expertise, both in linguistics and in the language in question, including how this language differs from neighbouring language varieties.

In my article, I questioned the validity of the assumption that non-native linguists can perform this task on their own. In the literature overview by Fraser (2009), no studies testing non-native linguists' abilities are discussed; as far as I am aware, there is no evidence available that supports the notion that (non-native) specialised linguists perform better than native speakers when it comes to the determination of speaker origin or language variety. While Fraser argues that much more information on the 'supervised native speaker' approach is required before it can be accepted by the scholarly community, and perhaps rightfully so, I wonder why this should not apply to the 'specialised linguist' approach.

I agree that any 'legitimation' would require other data and more



information than is provided in my article. Crucially though, these data are also lacking for the approach that is legitimised by the ‘Guidelines’.

#### 4.4 Testing the abilities of a language analyst

Fraser (2011:127) notes that the ‘supervised native speaker’ approach relies heavily on testing, and she suggests an analogy with language proficiency tests, such as those used to establish whether international students have sufficient competence in English to be admitted to a university.

Testing is indeed a crucial part of the selection procedure for candidate analysts. Through testing, native speakers with the required well-developed ‘ear’ can be identified. The need for testing of individual skills was recently corroborated in a study by Köster, Kehrein, Masthoff and Boubaker (2012). Their study shows that performance in a dialect recognition task predominantly depends on the (innate or trained) skills of the individual expert, rather than on the methodology or the procedures followed. Note that testing of individual skills is recommendable not just for native speakers, but also for linguists who venture into the field of LADO (cf. Baltisberger and Hubbuch 2010).

It must be kept in mind though that the ‘tests’ for candidate language analysts are part of a much broader process, aimed at getting to know the native speaker, and his/her qualities and limitations. Analysts for the INS who have passed the initial tests are not provided with a licence to perform analyses by themselves. The initial tests do little more than reveal whether the candidate analyst has enough potential to start an extensive training procedure (Cambier-Langeveld 2010b). Native-speaker analysts will remain under the constant supervision of a qualified linguist. The initial testing is followed by continuous cross-checking of individual cases. Cross-checks, i.e. several analyses of the same recording, are performed by different analysts from the same agency or from other agencies.

The whole process actually has more resemblance to working with native speakers in linguistic fieldwork than it does to proficiency testing. Linguists with experience in linguistic fieldwork will confirm that, as a linguist, one can tell good consultants from less useful ones by discussing their language with them. Supervising linguists do this initially by using (old) test cases and, after that, continuously with actual (new) cases. An excellent description of what a supervising linguist does was written by Dixon to describe linguistic fieldwork:

One strikes up a relationship with each of a small coterie of intelligent, reliable, interested, and willing language consultants. The consultants

will get on ‘the same wavelength’ as the linguist, understanding what the linguist is trying to do (...). (Dixon 2010:316)

In all, we can conclude that testing is an important aspect of the supervising linguist’s work, as one step within a more comprehensive process. Furthermore, the importance of testing individual skills and supervising an expert’s performance is not restricted to the ‘supervised native speaker’ approach, but also applies to the ‘specialised linguist’ approach.

## 5 The transparency of LADO reports

Is it surprising that the authors of the ‘Guidelines’ jumped to the conclusion that the so-called ‘supervised native speaker’ approach was inadequate? Perhaps not. I have to acknowledge that, at the time when the ‘Guidelines’ were written, many LADO reports were not very satisfactory from a linguistic point of view. Although things have improved over the years, today’s reports are still not likely to satisfy the average academic linguist.

With respect to the desire for transparency, there is a crucial difference here with most other types of forensic analyses. Language analyses are not performed after a crime was committed, but are done as part of the asylum procedure. The language analysis interview and its purpose are announced beforehand, and asylum seekers are quite aware of the nature of the research instruments that are being employed. Asylum seekers have been known to prepare themselves for a language analysis interview; they have been reported to practise fake language skills with fellow countrymen, and language analysis reports are circulated by way of study material. Asylum seekers are eager to find holes in the asylum policy that would leave them eligible for asylum yet would leave the immigration service with no testing instruments. It is under these conditions that our immigration service made it a policy to give away as little as possible about the information that is used to check what is claimed by asylum seekers.

None of this means that I am in favour of opaque approaches or conclusions unsubstantiated by linguistic evidence. What it means is that the validity of the method cannot and should not be derived from the transparency of the reports alone. I realise that this leaves an outsider with little to go by. I also understand the difficulty of separating good practice from poor practice, if the information that could distinguish between them is not in the reports. This does not change the fact that many LADO reports hold only a limited amount of information.

## 6 Factors leading to a polarised debate

I addressed the conciseness of LADO reports in the preceding paragraph because it could explain the different views that have led to a polarised discussion. An insider's view on the quality of analyses and the quality control can be quite different from an outsider's view, simply because they are not based on the same information.

Another factor leading to the different views and a sometimes polarised discussion is that some contributors to this discussion may have encountered poor practice within one approach, while others have witnessed poor practice within the other approach. The saying is that one should not throw out the baby with the bathwater. In addition to that, one might say that we should not judge the baby by its bathwater. I hope I made it clear in my article that I did not intend to judge all specialised linguists by the poor practice of some.

## 7 Conclusion

I am not asking anyone to accept my assurance that all is in order, as Fraser suggests. What I am calling for, is treatment on an equal footing of various LADO methods that have the potential to lead to useful and valid results, and testing and (re-)evaluating them all. A proficiency test across agencies is presently in preparation.

Both approaches in wide use today have their risks and may be open to misuse, and both should incorporate linguistic expertise, native-speaker competence and a forensic awareness to best advantage. Both should be further studied and described, and setting up minimal requirements or new guidelines for both may be appropriate. Testing of individual skills is recommendable in either approach.

The overall message of my article is that there is no reason to regard the 'specialised linguist' approach as in principle superior to the 'supervised native speaker' approach, or to set requirements for one but not for the other.

The authors of the 'Guidelines' would do well to reconsider the basic assumptions underlying their rejection of one approach and their legitimisation of the other, taking into account the evidence presented in my article. Their argument that linguistic expertise must be included in LADO remains standing.

### About the author

Tina Cambier-Langeveld studied linguistics and holds a PhD in phonetics. She worked as an expert in forensic speech science at the Netherlands Forensic

Institute (NFI) for six years. Since 2005 she has been employed by the Dutch Immigration and Naturalisation Service, where she is in charge of language analyses as a means of investigating the claims of asylum seekers on their national/regional origin, ethnicity and language background.

## Notes

- 1 The term 'Guidelines' is used as an abbreviation for the 'Guidelines for the use of language analysis in relation to questions of national origin in refugee cases', drawn up by the Language and National Origin Group and published in this journal in 2004, vol. 11.2.
- 2 A case in point where Fraser has misinterpreted my argument is the reference to Kim Wilson's thesis (2009). I agree that Wilson's research does not allow any conclusions with respect to the debate on the linguist versus the native speaker as the most preferable analyst. I did not mean to suggest this, and neither did Wilson. Nevertheless, Wilson's research does lend support to the view that LADO may profit from the skills of native speakers, and that we should look at more than linguistic academic qualifications. Foulkes and Wilson (2011:694) again support my view when they conclude: 'Our initial view is that NSs [= native speakers] may have a valuable role to play in the process, provided, of course, that they are proven to have good analytical skills and are supervised by competent linguists'.
- 3 In Cambier-Langeveld (2010b), the tasks of the linguist are described within a 'supervised native speaker' approach, and the results of 124 cases are presented. These are the results of the only validation research to date. These results were also presented in Cambier-Langeveld (2010c).
- 4 For accurate information on the methodology used by the Dutch INS, the reader is referred to Cambier-Langeveld (2010b).
- 5 In asylum law, the burden of proof is in principle on the applicant (the asylum seeker), not on the government.
- 6 The linguistic training advocated by the 'Guidelines' is not likely to solve these problems. If it is hoped that academic linguistic training ensures objectivity, I can say from extensive experience that this is not (always) the case. The instilling of forensic awareness, on the other hand, is more likely to tackle some of the problems at hand.
- 7 Witness, for example, the following comment from a linguist explicitly selected according to the 'Guidelines' by Verrips's company De Taalstudio: 'If she was a Kenyan Bajuni, why would she seek refuge anywhere?'

(counter report from 2004 in the case of an asylum seeker claiming to be a Bajuni from South Somalia, suspected to come from Kenya). And, more recently, from the same counter expert: ‘Why would he disguise his English?’ (counter report from 2009 in a similar case; note that English is an established language of wider communication in Kenya, but not in South Somalia). While an expert should be testing one hypothesis (to the effect that the claimed origin is true) against an alternative hypothesis, these comments suggest that this particular counter expert does not give much thought to the existence of any alternative hypotheses.

- 8 Fraser (2011) suggests that I claim to have developed a ‘new process’ in LADO, years after the ‘Guidelines’ appeared. This would explain why this process could not be evaluated in the ‘Guidelines’. However, I do not claim to have developed any ‘new process’. The cases showing the validity of the analyses performed by my agency (Cambier-Langeveld 2010b), of which the eight cases are a subset, were analysed before my arrival in this field.

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