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FUNCTIONALITY OF INTERLINGUAL MEDIATION IN INTERNATIONAL PROTECTION AND MIGRATION PROCEDURES

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Abstract

This study examines the functionality of interlingual mediation in international protection and migration procedures in the Republic of Slovenia, focusing on its implications for procedural fairness and the effective exercise of fundamental rights. While the right to interpretation and translation is formally guaranteed under European and national legal frameworks, its practical implementation remains insufficiently effective.

The empirical part of the study is based on an analysis of texts translated from Slovene into Macedonian as a non-dominant language pair. The findings indicate that the analysed texts achieve an average comprehensibility level of approximately 50%, revealing significant limitations in ensuring accurate and comprehensible communication. Since interlingual mediation in practice includes both translation and interpreting — often performed by the same person — these limitations point to structural weaknesses affecting the quality and reliability of communication in legal proceedings.

To verify whether these findings extend beyond a single language pair, questionnaires and interviews were conducted with applicants for international protection and decision-makers. The results confirm similar patterns across other non-dominant languages, suggesting that the problem is systemic rather than language-specific.

The study concludes that such limitations may undermine procedural safeguards under the Charter of Fundamental Rights of the European Union and the Asylum Procedures Directive, particularly the right to be heard and the right to effective participation in proceedings.

Keywords: *interlingual mediation, international protection, migration procedures, procedural fairness, translation quality*

1. Introduction

Increasing migration flows over the past two decades have intensified the need for interlingual mediation. Although considerable research had previously been conducted in this field, only limited attention has been devoted to interpreting in migration contexts, particularly within the domain of community interpreting. Until recently, a prevailing assumption in both professional and public discourse was that proficiency in two languages alone constituted a sufficient qualification for interpreting. Such perceptions extended even to highly consequential procedures, including international protection procedures, integration processes, and various police and investigative procedures. It is important to recognise that international protection procedures are fundamentally dependent on interlingual mediation.

Across asylum systems in Europe and beyond, communication between asylum seekers and state authorities rarely occurs directly, as it involves individuals who do not share a common language and who often lack sufficient proficiency in the official language of the host country. In this context, interlingual mediation is not merely a technical service but an essential component of procedural fairness. A study completed in 2022 sought to assess the functioning of interlingual mediation in the fields of migration and international protection.

The European Union explicitly recognises the importance of linguistic accessibility in international protection procedures. Directive 2013/32/EU on common procedures for granting and withdrawing international protection requires Member States to provide applicants with information in a language they understand and to ensure access to interpreting services during interviews and proceedings. Similarly, Article 47 of the Charter of Fundamental Rights of the European Union guarantees the right to an effective remedy and to a fair trial, while Article 41¹ reflects the broader principle of good administration, including the right to be heard. Both presuppose linguistic accessibility as a functional prerequisite (European Union, 2012).

Despite these legal guarantees, empirical studies conducted across different national contexts repeatedly demonstrate that the provision of translation and interpreting services in international protection procedures remains inconsistent and frequently inadequate (Pöllabauer, 2004; Tipton, 2008; Määttä, 2015; Orlić, 2023). The gap between normative frameworks and practical implementation raises important questions regarding the actual accessibility of procedural rights for asylum seekers.

¹ Although Article 41 of the Charter is formally addressed to the institutions, bodies, offices and agencies of the Union, the Court of Justice of the European Union has recognised the right to be heard as inherent in the rights of the defence and as a general principle of EU law applicable where Member States act within the scope of EU law. See CJEU, Case C-166/13, *Mukarubega*, EU:C:2014:2336, paras. 42–50; CJEU, Case C-249/13, *Boudjlida*, EU:C:2014:2431, paras. 30–34.

This study focuses on the Slovenian context, where interlingual mediation in international protection procedures commonly takes place within non-dominant language pairs, frequently under conditions of limited institutional resources and considerable procedural pressure. Particular attention is devoted to the functional adequacy of translations from Slovenian into Macedonian, a language pair that exemplifies broader challenges related to effective interlingual communication.

The central assumption underpinning this research is that interlingual mediation in international protection procedures cannot be evaluated solely in terms of linguistic accuracy. Rather, it must be assessed from a functional perspective, namely with regard to whether it enables effective communication within a legal context characterised by high stakes and potential risks to procedural rights (Vermeer, 1989; Nord, 1997). In this sense, functional adequacy refers to the extent to which translated or interpreted messages enable recipients to understand, participate in, and respond meaningfully to procedural actions.

By integrating insights from Translation Studies, legal analysis, and empirical data derived from international protection procedures, this research contributes to an interdisciplinary understanding of interlingual mediation as a crucial component of migration governance.

This article presents selected findings from a broader study conducted within the framework of the author's doctoral dissertation. Due to space limitations, the present paper focuses primarily on interpreting quality and comprehension outcomes and does not provide the complete theoretical, translational, and methodological framework of the original research. A more comprehensive discussion is available in Orlić (2022).

2. Theoretical Framework

2.1 Interlingual Mediation in Institutional Contexts

Interlingual mediation in institutional settings, particularly within international protection procedures and migration procedures, is increasingly understood as a complex communicative practice that extends beyond traditional conceptions of translation and interpreting. Rather than treating translation merely as a linguistic transfer between two codes, contemporary scholarship conceptualises translation as a socially embedded and functionally oriented activity shaped by institutional power relations, asymmetries, and procedural constraints (Wadensjö, 1998; Pöchhacker, 2004).

In international protection procedures, interlingual mediation typically takes place in high-stakes environments in which communicative failures may directly affect legal status, personal safety, and access to rights. As argued by Wadensjö (1998), institutional interpreting is not a neutral activity; rather, it constitutes a co-constructed interaction in which interpreters actively participate in the production of meaning. This is particularly relevant in international protection contexts, where

interpreters and translators frequently operate under time pressure, in emotionally demanding circumstances, and with limited access to contextual information.

Pöchhacker (2004) further conceptualises interpreting as a form of mediated communication situated within institutional discursive systems. Within such systems, interpreters do not merely convey linguistic content but also navigate institutional expectations, role constraints, and asymmetries of knowledge and power. This becomes especially complex in international protection procedures, where the asymmetry between state authorities and applicants is structurally embedded.

Within this framework, interlingual mediation is best understood as a continuum encompassing written translation, oral interpreting, and hybrid forms of mediation carried out by the same individuals within administrative practice. Such hybridisation is particularly evident in smaller administrative systems, where limited resources often require a single mediator to perform multiple functions across different stages of the procedure.

2.2 Functionalist Translation Theory and Functional Adequacy

The principal theoretical foundation for the analysis of interlingual mediation in this study is functionalist translation theory, particularly Skopos theory (Vermeer, 1989) and its further development in the work of Nord (1997). The central assumption of functionalism is that translations should not be evaluated primarily in terms of formal equivalence, but rather according to their intended purpose (skopos) within the target context.

According to Vermeer (1989), translation is a goal-oriented activity whose success is determined by the extent to which it fulfils its intended function for the target audience. Nord (1997) further develops this approach through the introduction of the concept of *loyalty*, which emphasises ethical responsibility toward both source- and target-side participants in communication. This principle is particularly relevant in interpreter-mediated investigative interviews², where communication directly affects procedural rights, credibility assessment, and decision-making.

In the context of international protection procedures, functional adequacy emerges as a key evaluative criterion. Translation or interpreting may be considered functionally adequate if it enables recipients to understand procedural content sufficiently to exercise their rights, respond appropriately, and participate meaningfully in the procedure. This includes understanding legal instructions, procedural rights, deadlines, and substantive statements made during interviews.

However, functional adequacy in legal-administrative contexts is particularly demanding, as it requires not only general comprehensibility but also precision in conveying legal implications. Unlike literary translation, where stylistic variation

² *The Méndez Principles on Effective Interviewing similarly emphasise the importance of accurate and ethically conducted interpreter-mediated communication as an integral component of procedural safeguards and effective investigative interviewing. (Principles on Effective Interviewing for Investigations and Information Gathering, 2021)*

may be acceptable, legal mediation requires a high degree of terminological consistency and pragmatic clarity.

The findings of this study, which indicate that none of the analysed translations achieve functional adequacy, point to a significant gap between functionalist standards and actual implementation in international protection procedures.

2.3 Interpreting, Translation, and Hybrid Mediating Roles

In practice, interlingual mediation in international protection procedures rarely follows a strict distinction between interpreting and translation. Instead, mediators frequently perform both roles, depending on procedural requirements. This hybridisation has been documented across a range of institutional contexts and is particularly common in smaller or linguistically diverse administrative systems (Tipton & Furmanek, 2016; Määttä, 2015; Orlić, 2022).

Tipton and Furmanek (2016) emphasise that institutional interpreters often operate under conditions of role ambiguity, where institutional expectations may conflict with professional norms of neutrality or completeness. Similarly, Määttä (2015) highlights that legal interpreting is shaped by institutional power relations that frequently constrain interpreters' autonomy and influence communicative outcomes.

Within such hybrid roles, mediators may be required to translate written procedural documents, interpret during international protection interviews, summarise or reformulate statements, and, at times, even explain procedural instructions.

This multifunctionality may generate structural pressures on quality assurance, particularly where mediators lack formal training in both translation and interpreting or where institutional oversight is limited.

From a functional perspective, such hybridisation may directly affect communicative reliability. When a single mediator is responsible for multiple stages of communication without consistent quality-control mechanisms, the risk of semantic loss, pragmatic distortion, or terminological inconsistency increases substantially.

2.4 Legal Framework: EU Law and Procedural Safeguards

The legal basis for interlingual mediation in asylum procedures within the European Union is primarily established by Directive 2013/32/EU on common procedures for granting and withdrawing international protection. Article 12 of the Directive explicitly requires Member States to ensure that applicants receive information in a language they understand or may reasonably be presumed to understand, particularly concerning procedural rights and obligations (European Union, 2013).

Furthermore, Article 14 guarantees the provision of interpreting services during personal interviews, while Article 22 addresses the right to legal assistance

and representation. Taken together, these provisions establish interlingual mediation as an essential procedural safeguard.

In addition, the Charter of Fundamental Rights of the European Union provides broader constitutional guarantees. Article 47 of the Charter guarantees the right to an effective remedy and to a fair trial. Article 41 establishes the right to good administration at the level of Union institutions, bodies, offices and agencies; however, the underlying procedural guarantees, in particular the right to be heard, also operate as general principles of EU law when national authorities act within the scope of EU law (European Union, 2012). These rights presuppose that individuals are able to understand proceedings affecting their legal status and to participate in them meaningfully.

European case law has further reinforced the importance of effective communication in asylum procedures. The Court of Justice of the European Union has consistently emphasised that procedural rights must be practical and effective, rather than merely theoretical or illusory.

Within this legal framework, deficiencies in interlingual mediation raise serious concerns. Where applicants are unable to fully understand procedural content due to inadequate translation or interpreting, their capacity to exercise fundamental rights may be compromised. This creates a potential gap between formal compliance with EU directives and substantive procedural fairness.

2.5 Procedural Fairness and Communicative Accessibility

Procedural fairness in international protection law is closely linked to the concept of communicative accessibility. Without adequate interlingual mediation, procedural rights such as the right to be heard, the right to submit evidence, and the right to appeal may become functionally inaccessible.

Hertog and van der Veer (2006) argue that interpreting in legal contexts constitutes a matter of human rights rather than merely a technical service. Similarly, Hale (2007) demonstrates that interpreter-mediated communication in legal settings directly influences case outcomes, credibility assessments, and institutional decision-making.

From this perspective, interlingual mediation functions as a gatekeeping mechanism within international protection procedures. It determines not only how information is conveyed but also how credibility is constructed and assessed. Consequently, inaccurate interpreting or inadequate translation may have substantive implications for legal decision-making.

Within this framework, the concept of effective participation becomes central. Effective participation requires that individuals understand proceedings sufficiently to contribute in a meaningful manner. Where interlingual mediation fails to ensure this level of understanding, procedural fairness is compromised, even where formal rights are technically guaranteed.

2.6 Functional Mediation as a Structural Requirement

The theoretical perspectives outlined above converge around a central proposition: interlingual mediation in international protection procedures is not an auxiliary service but a structural component of procedural fairness. Functionalist translation theory emphasises purpose and effect; interpreting studies highlight interactional complexity; and legal frameworks establish normative obligations concerning linguistic accessibility.

Taken together, these frameworks support the analytical premise underpinning this study: interlingual mediation must be evaluated according to its functional capacity to enable rights holders to participate in legal proceedings.

The empirical research presented in this article builds upon this theoretical foundation by assessing whether current practices of interlingual mediation in Slovenia meet these functional and legal expectations, particularly within the context of non-dominant language pairs.

3. Research Design and Methodology

3.1 Research Design

The research investigating the functionality of interlingual mediation in the fields of international protection and migration was designed around the analysis of materials provided to Macedonian-speaking applicants for international protection and other foreign nationals within international protection procedures and migration procedures. The findings are used as a general indicator of the functionality of interlingual mediation, with particular consideration given to the fact that Slovenian and Macedonian societies share a common historical background, comparable social organisation, equal status within a former common state, cultural proximity, a related legal framework, a shared history of legal terminological development, and longstanding ties between the two peoples and languages.

These findings were subsequently extrapolated to interlingual mediation between Slovenian and languages more frequently encountered in international protection and migration contexts, where Slovenian society and the society of the country of origin are not culturally proximate, operate within different legal systems, have distinct historical and socio-political trajectories, and are characterised by considerable linguistic distance.

Drawing on data obtained through the evaluation of documentary materials and questionnaire responses, the study sought to illuminate the state of interlingual mediation in the field of international protection and migration irrespective of language combination, while identifying levels of functionality and relevant influencing factors.

Additional sources included observations and personal accounts provided by asylum seekers, migrants, refugee advocates, public officials, and interlingual mediators. The study is primarily descriptive and qualitative in nature. Where

feasible, quantitative methods were also employed; however, it should be noted that some samples in specific segments were obtained opportunistically. Nevertheless, they are assumed to possess a degree of partial representativeness.

3.2 Research Materials

The study incorporates three texts: two originating from the field of international protection and one from the field of migration, together with two survey questionnaires. One questionnaire was designed for applicants for international protection, while the other was intended for employees of the Directorate for Migration, more specifically officials responsible for conducting and adjudicating international protection procedures. The texts relating to international protection include:

3.2.1 PIC Brochure

An informational brochure produced by the Legal-Informational Centre for Non-Governmental Organisations (PIC)³, entitled *Answers to Frequently Asked Questions Concerning the International Protection Procedure* (hereinafter: PIC brochure). Distributed to applicants for international protection upon the expression of intent to lodge an application for international protection, the brochure provides basic information concerning procedural stages, anticipated developments within the procedure, and the rights and obligations of applicants for international protection.

3.2.2 Decisions and Administrative Rulings

The second text derives from a corpus of decisions and rulings translated into Macedonian and preserved within the case files of concluded proceedings involving Macedonian-speaking applicants for international protection between 2002 and the end of 2021 (hereinafter: decisions). Such rulings and administrative decisions are communicated in a language understood by the applicant for informational purposes.

3.2.3 MoI Brochure

The third text originates from the field of immigration and integration and consists of the Macedonian translation of the brochure issued by the Ministry of the Interior of the Republic of Slovenia, *Integration into Slovenian Society: Information for Foreign Nationals* (hereinafter: MoI brochure) (Gole Ašanin & Pokrivač, 2009)⁴. The publication is intended for individuals migrating to Slovenia for various reasons, including education, employment, marriage, and related purposes, as well as for beneficiaries of international protection integrating into Slovenian society. The significance of this material is considerable, given that it represents one of the few resources in this field available in the Macedonian language.

³ The brochure is no longer used as official informational material.

⁴ Following the completed analysis of the translation, the Macedonian-language version of the Ministry of the Interior brochure was withdrawn from use; however, printed copies are still in circulation among users.

3.2.4 Survey Questionnaires

A questionnaire was developed for applicants for international protection irrespective of the status of their applications. Its purpose was to explore the user perspective and to determine the extent to which participants perceive interlingual mediation as functionally adequate on the basis of their personal experiences.

The second questionnaire addresses the institutional perspective, namely that of decision-makers whose work is directly dependent upon, and inseparable from, interlingual mediation.

3.2.5 Additional Sources

Additional sources comprise interviews with refugee advocates, refugees, asylum seekers, interlingual mediators, and other actors involved in procedural processes who either provide or rely upon interlingual mediation services, as well as Macedonian-speaking migrants.

Applicants for international protection were invited, irrespective of the current status of their applications — whether concluded, pending, accepted, or rejected — to share and reflect upon their experiences of interlingual mediation within the international protection procedure for research purposes. A number of applicants responded, and their testimonies were documented. A smaller proportion of responses was also obtained from Macedonian-speaking labour migrants.

3.3 Questionnaire Design

3.3.1 Questionnaire for Directorate for Migration Officials

The largest proportion of interlingual mediation within international protection procedures takes place in the work of public officials employed by the Ministry of the Interior who are responsible for conducting international protection procedures and issuing first-instance decisions (hereinafter: decision-makers). Following the Ministry's positive response to the request for participation, a questionnaire was distributed to employees of the Directorate for Migration, with a particular invitation for decision-makers to complete it.

The questionnaire consists of 20 sections, including 18 substantive questions, an introductory demographic section, and a space for additional comments.

3.3.2 Questionnaire for Applicants for International Protection

The questionnaire intended for applicants for international protection, as well as for individuals who had undergone the international protection procedure, comprises 20 sections, including 18 questions and sub-questions, an introductory information section, and a space for comments.

The questionnaire was made available in four languages: Slovenian, English, Arabic, and Farsi.

3.4 Text Analysis Method

3.4.1 Criteria of Functional Adequacy

Functional adequacy was operationalised as the degree to which a translated text enables an average target-language user to understand procedural content without external explanation, correctly identify legal rights and obligations, interpret procedural implications, and act appropriately within the framework of the international protection procedure.

This operationalisation is grounded in functionalist translation theory (Vermeer, 1989; Nord, 1997), which defines translation success in relation to the fulfilment of purpose rather than linguistic correspondence.

3.4.2 Respondent Groups

Fifteen individuals initially agreed to participate in the study. Participants were informed about the aims of the research, the nature of their tasks, and the anticipated duration of participation. Three participants subsequently withdrew from the study.

The final sample therefore consisted of twelve participants, who were divided into two groups: Group A and Group B.

Group A was assigned the role of applicants seeking international protection in the Republic of Slovenia, whereas Group B assumed the role of migrants relocating to Slovenia with the intention of establishing their lives there. Each group comprised six participants whose age, educational background, and gender composition broadly reflected the demographic profile of actual Macedonian-speaking applicants for international protection.

Group A was presented with a narrative scenario involving irregular entry into Slovenia, contact with the police, the expression of intent to apply for international protection, and subsequent placement in an asylum reception facility. Participants then received Text A, namely the brochure *Answers to Frequently Asked Questions Concerning the International Protection Procedure* issued by the Legal-Informational Centre for Non-Governmental Organisations, which had in fact been distributed to applicants during the period under investigation.

Following analysis of the brochure, participants proceeded to a second stage involving Text B — a *Decision on Restriction of Movement* issued by the Ministry of the Interior within the framework of an international protection procedure.

Group B was presented with a scenario in which they migrated to Slovenia for employment purposes. The scenario guided participants through the brochure *Integration into Slovenian Society: Information for Foreign Nationals* (Text C), issued by the Ministry of the Interior, which provides information concerning relevant administrative procedures as well as the basic legal, residence-related, and status frameworks governing life in Slovenian society.

3.4.3 Assessment Procedure

The study was conducted in two stages involving the assessment of comprehension of translated texts.

First stage: Participants independently read excerpts from the selected texts and evaluated their level of comprehension using a five-point R-scale. This initial assessment was designed to capture first-reading comprehension.

Second stage: Following a guided discussion, participants re-evaluated the same texts using a final comprehension measure (K-scale). At this stage, they were also provided with access to a proofread version of the texts⁵. The purpose was to determine whether comprehension difficulties were primarily attributable to issues of coherence, cohesion, or broader linguistic adequacy.

3.4.3.1 Initial Comprehension Assessment (R-Scale)

In the first stage, respondents assessed comprehension using the following scale:

Table 1
R-scale for initial comprehension assessment

R value	Description
R1	Fully comprehensible, reads like the original
R2	Generally comprehensible, usable
R3	Partially comprehensible, partially usable
R4	Poorly comprehensible, not usable
R5	Completely incomprehensible

3.4.3.2 Final Comprehension Assessment (K-Scale)

In the second stage, respondents re-evaluated comprehension using the K-scale, which represents the final analytical categorisation of comprehension outcomes.

Table 2
K-Scale for Final Comprehension Assessment

K value	Description
K1	Fully comprehensible
K2	Partially comprehensible
K3	Misleading comprehension
K4	Incomprehensible

⁵ Texts were reviewed by a certified Macedonian proofreader with no knowledge of Slovene, thereby ensuring comparability with actual end users (applicants for international protection). The proofreading was conducted in order to determine whether potential difficulties could be resolved at the linguistic level.

The categories R1 and R2 from the initial assessment were consolidated into the category comprehensible (K1), indicating a potentially successful transfer of information.

R3 (*partially comprehensible; partially usable*) corresponds to partial comprehension (K2).

R4 (*poorly comprehensible; not usable*) was operationalised as misleading comprehension (K3), on the assumption that reduced comprehensibility may lead not only to limited usability but also to distorted interpretation, whereby respondents derive meanings that diverge from the intended message.

R5 (*completely incomprehensible*) corresponds to incomprehensible (K4).

4. Results and Discussion

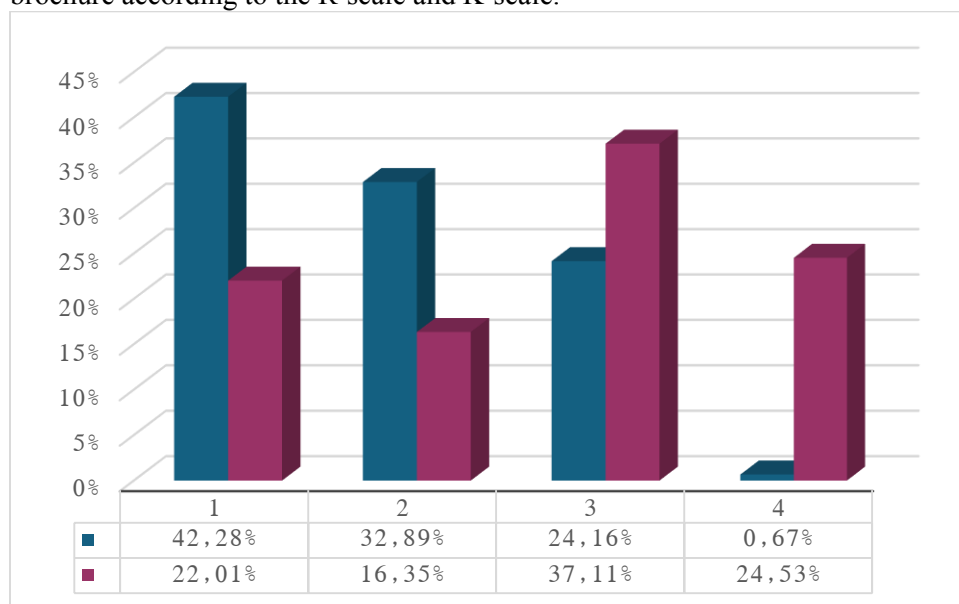
4.1 Levels of Text Comprehension

For each text, the R-scale and K-scale results were integrated into a unified graphical representation enabling direct comparison between first-reading comprehension assessments and evaluations of information transfer.

A common characteristic across all analysed texts is the relatively small proportion of text segments assessed as reading like the original.

4.1.1 PIC Brochure

The figure below presents a comparison of comprehension levels for the PIC brochure according to the R-scale and K-scale.



Note. Blue indicates the R-scale (initial assessment). Red indicates the K-scale (final assessment).

Although the results are presented numerically, it should be noted that, across all texts, respondents frequently assigned multiple evaluations to particular text segments. Individual sections of the texts often contained smaller units of meaning that were assessed differently; for example, certain elements were perceived as misleading, while the remainder of the passage remained comprehensible. Consequently, respondents occasionally classified the same text segment simultaneously as misleadingly comprehensible and partially comprehensible, or as incomprehensible and partially comprehensible.

As the assessments were provided by respondents, they necessarily reflect subjective evaluations. Given that individual text segments contained as many potential evaluative points as there were informational elements intended for communication, it frequently occurred that a single incomprehensible element within a passage prevented respondents from categorising the entire segment as fully comprehensible. Respondents tended to assess the passage as an integrated whole rather than as a set of isolated informational units.

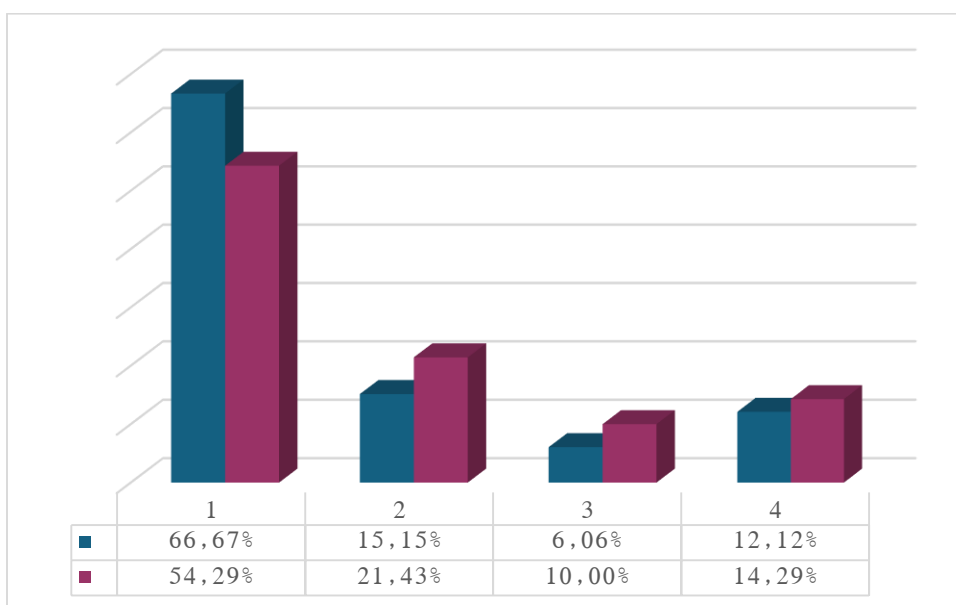
This tendency may account for the relatively low overall proportions observed in categories K1 and K2, as well as R1 and R2. However, when the guided discussion is taken into consideration and comprehension is assessed across all informational components of the text, the overall level of understanding in the case of the PIC brochure appears somewhat higher than the scale-based ratings alone would suggest.

Accordingly, the measured result for K4 should be interpreted as indicating that 24.53% of the text contains at least one incomprehensible piece of information, rather than implying that 24.53% of the text is entirely incomprehensible. Similarly, the K3 result indicates that 37.11% of the text contains information that is poorly usable, unusable, or misleading, rather than suggesting that the entirety of that proportion is wholly affected by such deficiencies.

Based on these findings, it may be concluded that the Macedonian translation of the PIC brochure does not achieve a level of functionality sufficient for the text to fulfil its intended communicative purpose to an acceptable standard.

4.1.2 Decision Text

The figure below presents a comparison of comprehension levels for the Decision text according to the R-scale and K-scale.



Note. Blue indicates the R-scale (initial assessment). Red indicates the K-scale (final assessment).

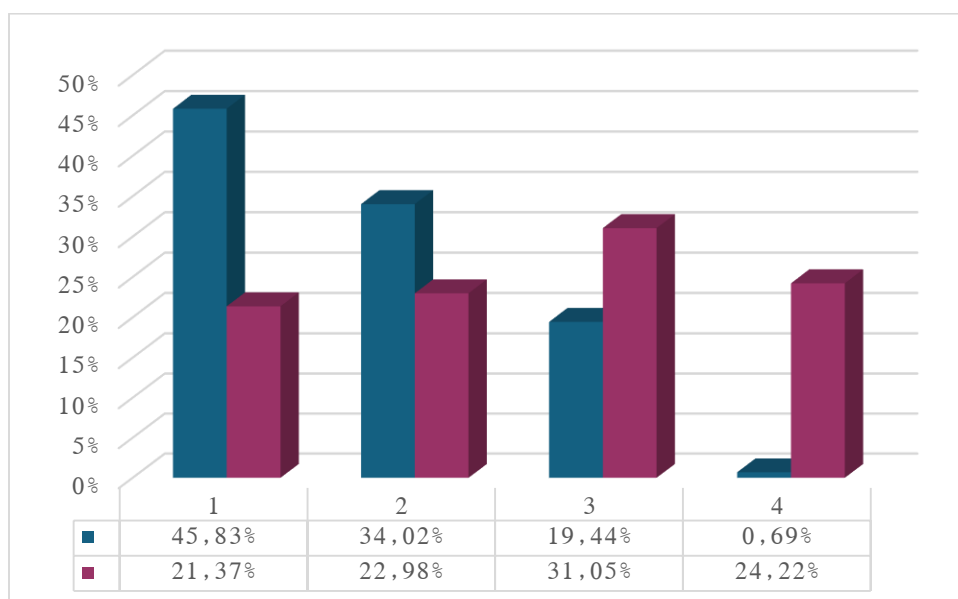
In the Decision text, the results obtained following the initial reading and those obtained after the guided discussion largely correspond, showing no substantial divergence between the R and K assessments.

When the possibility of multiple coding is taken into account, this text emerges as the highest-rated of the three analysed texts. One possible explanation is that, owing to the nature of its predominant content, the text is comparatively less demanding and, in both working languages, does not require specialist competence at a particularly advanced level.

Nevertheless, despite being assessed as the most comprehensible of the three texts, the level of comprehensibility remains insufficient for the text to be considered functionally adequate. Particularly noteworthy is the finding that, following the initial reading, not a single text segment received a rating indicating complete comprehensibility or equivalence to the experience of reading an original text — an outcome that would ordinarily be expected of a functionally effective text.

4.1.3 MoI Brochure

The figure below presents a comparison of comprehension levels for the MoI brochure according to the R-scale and K-scale.



Note. Blue indicates the R-scale (initial assessment). Red indicates the K-scale (final assessment).

In the case of this text, substantial differences emerge between the R and K assessments. The text consists of user-oriented information concerning the regulation of various aspects of everyday life following relocation to the Republic of Slovenia. It covers matters relating to administrative and internal affairs, including residence permits, visas, education, employment, employment contracts, the relationship between residence registration and employment status, company formation, housing rental, residence registration, and related issues.

At first glance, the text appears straightforward and accessible; however, it contains a considerable amount of precise information and procedural guidance regarding appropriate courses of action, as well as explanations of the rights and obligations arising from specific personal statuses. As such, it represents an important text for individuals relocating to Slovenia.

It may be inferred that, owing to the comparatively accessible style of the text, respondents perceived their level of understanding after the initial reading as substantially higher than was subsequently demonstrated during the guided discussion.

Unlike the other two texts, which exhibited difficulties primarily at the level of textual cohesion, the MoI brochure, or more precisely its translation, displays more substantial problems relating not only to cohesion but also to textual coherence. Since coherence extends beyond the linguistic dimension and concerns the underlying structure of conceptual relationships and meanings, and because not all elements of coherence can be encoded directly through linguistic signs, users must rely on prior

knowledge derived primarily from their cultural and specialist competence — that is, from their familiarity with the norms, conventions, and practices operating within a particular culture and professional domain.

Users are confronted with a text dealing with cultural norms, conventions, legal relationships, and related matters situated within a culture unfamiliar to them. In such circumstances, they cannot readily draw upon relevant background knowledge to support the construction of coherence. Their existing knowledge is linked to their own frame of reference and source culture rather than to the culture from which the text originates and which the text seeks to explain to them. This may constitute an additional cognitive burden affecting text comprehension.

The MoI brochure represents a typical example of a text in which translation into a foreign language seeks to familiarise non-native speakers with the culture, norms, values, and institutional realities of the society they are entering.

The resulting findings therefore do not come as a surprise. The data indicate a very low level of text comprehension and a considerable proportion of misleading comprehension. In addition to relatively straightforward lexical inaccuracies and deficiencies, the text contains more pronounced semantic inconsistencies and distortions.

It may therefore be concluded that the text fails to fulfil its intended function and does not meet an acceptable threshold of comprehensibility. Accordingly, the text is classified as non-functional.

The analysis demonstrates that the examined Macedonian translations in the fields of migration and international protection are insufficiently robust in quality, as they frequently produce misunderstanding or misinterpretation of information, thereby seriously undermining their functional adequacy.

4.2 Questionnaire Findings: Applicants for International Protection

4.2.1 Participants

The aim was to recruit applicants for international protection with different procedural statuses; therefore, participants were sought within a community in which they gather, socialise, and reside. The research was conducted in cooperation with a migrant community operating since 2016 in the premises of the Autonomous Factory Rog (formerly the Rog bicycle factory) under the name *Drugi dom – Second Home*. This space served as a meeting point for applicants for international protection, refugees, and local activists (see Zabukovec, 2017). In April 2020, the community was forcibly evicted from its premises, and on 19 January 2021 all remaining occupants were forcibly removed and the factory was demolished.

Through local activists, an attempt was made to engage women from the migrant community; however, this was unsuccessful. The group represents a relatively closed community facing significant language barriers and demonstrating limited and trust-sensitive communication even with activists themselves. Participation was therefore declined.

Questionnaires were distributed among visitors and members of the *Drugi dom* community whose international protection procedures were either ongoing or had already been concluded. A total of 15 completed questionnaires were collected. Of these, one questionnaire was completed in Slovenian, four in Farsi, four in English, and six in Arabic.

4.2.2 Findings

This paper highlights selected and more substantial findings from the questionnaires; the complete dataset is not presented in full.

Within international protection procedures, 73% of respondents reported having the same interlingual mediator throughout the procedure, whereas 27% worked with two different interlingual mediators. Among these respondents, 33% observed a significant difference between the mediators involved.

Relevant authorities nevertheless seek to ensure that the same interlingual mediator is present throughout the procedure for each individual applicant, from the beginning to the conclusion of the process. This practice is intended to ensure continuity of interlingual mediation and to avoid unnecessarily extending the applicant's narrative to a larger number of individuals than strictly required.

With regard to the provision of information to applicants, the study found that — similarly to the findings relating to the PIC brochure — 47% of applicants clearly and unambiguously understood their rights and obligations, whereas in 53% of cases respondents stated that such rights and obligations had not been presented clearly and unambiguously.

All respondents (100%) signed a statement confirming that they had understood the record of the personal interview conducted within the international protection procedure; however, 64% subsequently reported that they had not fully understood the document. Only 36% reported complete understanding.

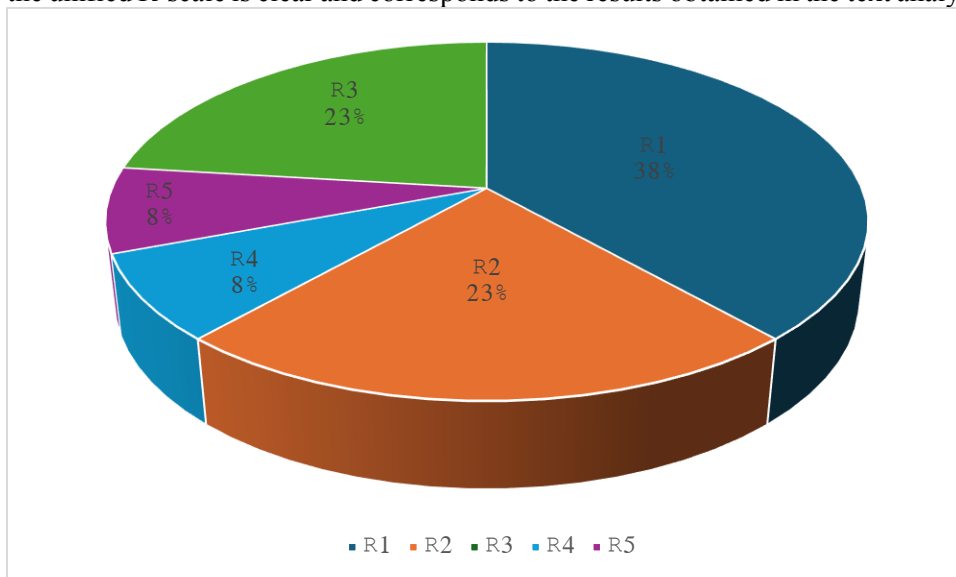
When asked why they had signed the record despite not fully understanding it, one respondent stated that the interlingual mediator had told them they would go to prison if they did not sign. In 70% of cases, respondents signed the record because they believed this was expected of them or because they felt obliged to do so. In 20% of cases, respondents reported having been explicitly instructed to sign, while in 10% of cases they stated that they had simply been told to sign. Half of the respondents (50%) stated that they had not fully understood the interlingual mediator.

The respondents' answers raise several important questions. A similar testimony concerning threats of imprisonment in the event of refusal to sign a record is also documented in a judgment concerning the protection of human rights issued by the Administrative Court of Ljubljana on 22 June 2020⁶. This suggests that such practices may recur in other procedural contexts involving documentation and not exclusively interview records in international protection procedures. The judgment states:

⁶ UPRS, Judgment and Order No. I U 1490/2019-92

“Many individuals pointed out numerous problems with translation. Among the recorded testimonies were also circumstances such as: that the translator explained to the foreigner, when asked, that he was signing for asylum; that the translator did not want to explain what the foreigner was signing; that a minor was told to sign without explanation of what he was signing; or that they would go to prison for 6 months if they did not sign; the translator also said: Sign this and I will take you to the camp in Ljubljana. When the foreigner asked for a lawyer, he was told that he did not need one because they would take him to the asylum camp.”

The assessment of comprehension of the interlingual mediator according to the unified R-scale is clear and corresponds to the results obtained in the text analysis:



When describing the working methods of the interlingual mediator with whom they had cooperated, only 6% of respondents stated that the interlingual mediator interpreted short segments and spoke almost as much as they themselves did. In 33% of cases, respondents reported that the interlingual mediator listened and subsequently summarised what they had said, while in 22% of cases respondents reported that the official spoke extensively and the interlingual mediator comparatively little. In 25% of cases, respondents reported that the official and the interlingual mediator communicated with each other while the respondent did not know what they were discussing, and in 11% of cases respondents stated that those present spoke extensively among themselves without informing the applicants about the subject of the discussion. The response “other” was selected in 3% of cases.

On the basis of applicants’ testimonies concerning the manner in which interlingual mediation was conducted, we find that only 6% of cases were mediated in a manner consistent with the requirements established in the Code of Conduct for interpreters and translators participating in procedures under the legislation governing

international protection. This proportion is unexpectedly low, particularly considering that officials stated that approximately 40% of cases are conducted in the prescribed or expected manner.

Seventy-five percent of respondents recognised that the interlingual mediator had an impact on the international protection procedure. Seventeen percent did not perceive such an impact, while 8% did not respond. Among those who identified an impact, 25% characterised it as positive, stating that the interlingual mediator, through their knowledge and skills, helped them present their story clearly and unambiguously and establish credibility. In contrast, 34% of respondents stated that the interlingual mediator had not helped them present their story clearly and unambiguously or establish credibility. Eight percent were unable to define the nature of the impact, while 33% did not respond.

In response to this question, one respondent (R4F), when stating that the interlingual mediator had had a negative impact, wrote:

“This is precisely why I was not able to properly present my reasons for international protection. The interlingual mediation during the first interview was not good, and therefore during the second interview I presented my defence myself. In general, I am not satisfied with interlingual mediators in the asylum centre.”

Because the questionnaire was anonymous, it remains unclear how the respondent independently presented his defence.

Cases in which applicants point to the (negative) impact of interlingual mediation can also be found in proceedings before the Administrative Court. Thus, in Supreme Court judgment I Up 31/2016 of 31 May 2017, the plaintiff (the applicant) stated that his declarations had not been translated correctly because interpretation had been entrusted to persons with insufficient knowledge of the relevant language. It was established that the application for international protection indicated that the appellant had fully understood the interpretation provided through the interpreter and had raised no objections.

In this connection, it would be useful to return to the responses showing that all respondents (100%) signed that they had understood the record of the personal interview in the application for international protection, although as many as 64% stated that they had not fully understood the record. In response to the sub-question why they had signed the record if they had not understood it, one respondent wrote that the interlingual mediator had told him that he would go to prison if he did not sign. In 70% of cases, respondents signed the record because they believed that this was expected of them or because they felt obliged to do so. In 20% of cases they were ordered to sign, and in 10% of cases they signed because they were instructed to do so. Half of the respondents (50%) stated that they had not fully understood the interlingual mediator.

The signature of the record, once the document has been made available for review in a language understood by the applicant and the applicant has been given the opportunity to make comments and corrections if they believe that the record does

not fully correspond to what was stated, is considered confirmation that the applicant understood the interlingual mediator and confirmation of the content of the record.

Interviews with applicants indicate that they often realise too late how important faithful, accurate, and clear interlingual mediation is, and that the process does not concern approximate information, but rather forms the basis upon which their credibility is assessed and their application for international protection decided.

In judgment I U 1558/2018-44 of the Administrative Court in Ljubljana of 28 March 2019, the Court states:

“The application of provisions relating to expert witnesses in connection with interpretation is particularly appropriate in international protection cases because such cases do not involve translation from a European language into Slovenian concerning circumstances that occurred within European society, but rather translation of circumstances, conduct, data, and conditions originating from substantially different social, cultural, political, security, religious, value-based, and economic environments. Consequently, there is a significantly greater possibility of misunderstandings, lack of understanding, lack of knowledge, and ambiguities regarding translated content, which therefore need to be clarified continuously.”

In case I Up 208/2016 of 1 February 2017, the Supreme Court, in a case in which the Ministry of the Interior relied in substantial parts of its negative decision on translations of decisions issued by Hungarian authorities and compared the applicant’s statements before Slovenian and Hungarian authorities, warned that the meaning of the statements could also have changed to a certain extent through translation by the appellant’s internal translation service.

The Supreme Court therefore effectively establishes that, within the process of interlingual mediation, where different individuals appear as interlingual mediators, the meaning of statements may to a certain extent be altered. It is precisely within this intermediary space, where meaning may change, that the influence of the interlingual mediator may develop, and this depends to a great extent on the interlingual mediator’s frame of reference, competences, and other factors.

4.3 Questionnaire Findings: Directorate for Migration Officials

The largest proportion of interlingual mediation in international protection procedures takes place in the work of public officials employed by the Ministry of the Interior who are responsible for conducting international protection procedures and issuing first-instance decisions (hereinafter: decision-makers). For this reason, the Ministry of the Interior was asked to cooperate in the implementation of a survey among decision-makers and other employees whose work involves more intensive cooperation with interlingual mediators. Following the Ministry’s positive response, a questionnaire was distributed among employees of the Directorate for Migration with a request that it primarily be completed by decision-makers. It became evident that decision-makers are the only actors who regularly and frequently cooperate with interlingual mediators.

As many as 45.5% of respondents did not perceive working with interlingual mediators as an additional burden, while for 54.5% this depended on the individual mediator involved. The distribution of responses, together with informally obtained information, indicates that working with an interlingual mediator may constitute an additional burden if the mediator does not adequately understand their role, the requirements of the work, and the expectations associated with it.

A total of 90.9% of respondents considered that significant differences exist in the quality of services provided by different interlingual mediators, while one respondent (9.1%) was unable to assess this. These findings are particularly important because almost half of respondents (45.5%) stated that they have no possibility of influencing which interlingual mediator they will work with, while 54.5% responded that they can influence this only occasionally, regardless of differences in quality.

Two limiting factors were identified. The first concerns the criterion of the lowest price and the order in which interlingual mediators are called upon. The second concerns the avoidance of potential corrupt practices involving preferential treatment of individual interlingual mediators, sometimes at the expense of the quality of interlingual mediation.

In response to the question, "Are you familiar with the Code of Conduct for interpreters and translators participating in procedures under the legislation governing international protection?", slightly more than half of respondents (54.5%) stated that they were familiar with the Code, one respondent stated that they were not familiar with it, while 36.4% responded: "I know what it is, but I am not familiar with it in detail."

Considering that the Code is connected with specific requirements relating to interlingual mediation, it may be concluded that only slightly more than half of users of interlingual mediation services are aware of these specific requirements. A communicative event can function at the required level only if both the official and the interlingual mediator are aware of the applicable rules, since any form of supervision is, in practice, almost impossible. For this reason, knowledge of the specific characteristics of the communicative event and awareness of how the interlingual mediator will mediate within that event are essential.

In connection with the aforementioned Code, respondents were asked whether it is their responsibility, when working with an interlingual mediator, to ensure that the mediator observes and complies with the Code. In response, 45.5% answered affirmatively, 36.4% stated that they did not know whether this was their responsibility, 9.1% considered that this was partially their responsibility, and 9.1% considered that it was not their responsibility.

In assessing the comprehensibility of interlingual mediators, respondents' answers indicate that somewhat fewer than half are functionally adequate. Concerns relating to the linguistic competence of interlingual mediators were expressed in 54.5% of cases. In 36.4% of cases, concerns arose regarding the mediator's attitude towards the work undertaken, and an equal proportion concerned attitudes towards

applicants. Concerns regarding the mediator's cooperation with the applicants' country of origin arose in 18.2% of cases, while concerns relating to gender arose in 9.1% of cases. None of the listed concerns arose in 9.1% of cases, whereas in 18.2% of cases no concerns were expressed at all.

Concerns relating to linguistic competence are unsurprising given the currently relevant languages and the shortage of professional interlingual mediators. To a certain extent, it may even be understandable that ad hoc interlingual mediators without education, guidance, or appropriate training are unable to fully comprehend all dimensions and implications of their work. For many individuals, interlingual mediation represents an additional source of income performed only occasionally. In some cases, they are asked to assist simply because they may be the only individuals in Slovenia with even partial command of the language relevant to a particular applicant. Lack of understanding of the role of the interlingual mediator may therefore contribute to concerns regarding both the mediator's attitude towards the work and towards applicants.

In response to the question whether they had ever established that misunderstanding had occurred as a result of inadequate interlingual mediation, 54.5% of respondents indicated that they had not identified misunderstanding as a consequence of inadequate interlingual mediation, 27.3% suspected that this had occurred, and 18.2% stated that they had identified misunderstanding as a consequence of inadequate interlingual mediation.

This produces a ratio of 54.5% to 45.5%, which is not a ratio that would be desirable in the context of interlingual mediation performed at an adequate level of quality and functionality.

If these findings are considered together with the data concerning levels of comprehension and working methods, the quality of the basis for decision-making regarding an individual's entitlement to international protection — including the quality of statements, information, and related material — becomes highly questionable. At this point, it is useful to highlight the comment of one official, who stated:

“The field of translation is one of the more problematic areas in work with applicants in the Republic of Slovenia. Applicants' right to correct translation is frequently violated because there are not enough trained and professional translators for all the languages with which we are dealing.”

This comment effectively summarises the problems associated with the field of interlingual mediation. It indicates that interlingual mediation is too often insufficiently functional, which may also affect the course and outcome of the procedure.

The comments and results indicate that stakeholders involved in the procedure possess a limited understanding of the work performed by other participants in the process. Officials therefore do not fully monitor the work of interlingual mediators and probably do not always react when intervention would be necessary. At the same time, interlingual mediators possess insufficient knowledge of

the procedure itself, the objectives of the officials, and the ways in which, through joint efforts, a higher level of cooperation and more effective use of the available resources — which are at times extremely limited — could be achieved.

5. Conclusion

The research raises new questions and represents a starting point for further research. It should be understood that access to international protection is ensured only to a certain extent and primarily at the formal level, while actual implementation either does not follow or is significantly hindered. It is therefore unsurprising that the findings suggest a lack of sufficiently coordinated institutional measures to regulate interlingual mediation adequately and that such mediation is ensured only partially and primarily on a formal level.

In cases of non-functional interlingual mediation, where mediation fails to satisfy even minimum standards, interlingual mediation is carried out merely for the purpose of formally fulfilling procedural requirements. This may quickly contribute to situations in which the truth is partially overlooked and protection is not granted to a person who genuinely requires it. At the same time, however, such circumstances may create opportunities for abuse, where an individual's resourcefulness and ability to say what is considered appropriate become more influential than the actual substance of the case.

For this reason, it is essential that all stakeholders involved in the procedure clearly understand their tasks and roles, act professionally and objectively, and respect ethical principles, particularly in circumstances where there is no effective way to supervise the entirety of communication.

An especially interesting set of questions is raised by the case of a refugee from Afghanistan who obtained refugee status in Slovenia. His story was published on 14 March 2013 on the website of UNHCR Slovenia (Hegeduš, 2013), where the following was also stated:

"In the future, Mirwais wishes to work as a translator helping refugees, especially in asylum procedures. Learning languages has never been difficult for him and has in fact always been a pleasure."

This statement acquires entirely new dimensions when it is known that: (1) Mirwais spoke a language not understood by officials, who relied completely on the interlingual mediator to convey what had actually been said; (2) one week after publication of the story, on 21 March 2013, Mirwais smuggled 33 refugees from Hungary into Slovenia and then through Austria into Germany (Stojiljković, 2014); and (3) on 25 February 2014, he was sentenced to four and a half years' imprisonment as the leader of a criminal organisation (Furlan-Rus, 2014).

This case illustrates the importance of professional ethics, accountability, and quality-assurance mechanisms in situations where communication relies heavily on interlingual mediation and cannot easily be independently verified. The practice of

working in pairs would resolve certain dilemmas and, it is hoped, reduce the possibility of abuse. On the other hand, international protection procedures are confidential and the number of persons present during the personal interview is kept to a minimum. In principle, only the applicant, the official, the recording clerk, the legal representative, and the interlingual mediator are present.

In addition to ensuring confidentiality, the limited number of persons present is intended to create a more intimate environment that facilitates the applicant's testimony. In cases involving traumatic experiences, it is often planned that the same interlingual mediator participate throughout the procedure, since applicants generally find it easier to cooperate and share their story with only one mediator. This approach — namely that the same persons participate throughout the duration of the procedure⁷ — is maintained even when the case proceeds before a court, including situations where the interlingual mediator is not a certified court interpreter. From this perspective, introducing an additional interlingual mediator for pair work becomes questionable.

It also occurs that dissatisfied applicants, when confronted with what they previously stated, rely on arguments concerning poor interpreting, claiming that the interpreter did not understand what they said or conveyed their statements incorrectly. In the current situation, this represents a particularly pressing issue, since it is known that the functionality of interlingual mediation in non-dominant languages does not reach the required level.

Awareness of these problems also enables interlingual mediation to be used by applicants' legal representatives as an argument for delaying proceedings — for example, by claiming that the applicant did not understand the interlingual mediator — or for explaining inconsistencies in statements by arguing that the interlingual mediator misunderstood or incorrectly conveyed information. Only when interlingual mediation reaches the necessary level of functional adequacy will it be possible to ensure that inappropriate decisions and consequences resulting from interlingual mediation do not occur.

The shortage of qualified interlingual mediators is not merely a question of the number of persons speaking a particular language, but also of planning, personnel selection, training, and working conditions, all of which require a clear strategy and consistent political will.

The New Pact on Migration and Asylum, which becomes applicable in June 2026, introduces several innovations in the field of linguistic support in international protection procedures, particularly in the area of interpreting. Among the more important innovations is the mandatory audio recording of personal interviews in international protection procedures, including interpreter-mediated interviews.

Although regular transcription of bilingual interviews is not currently envisaged, its introduction would represent meaningful support for quality assurance

⁷ In this way, unnecessary reliving of traumatic events and repeated questioning about such events are avoided during the procedure.

mechanisms. Occasional transcripts of translations or interpreted interactions could serve as a basis for substantive verification of interpreted messages and for systematic assessment of interpreting quality.

Considering the fact that in Slovenia the same interpreters are used in the fields of international protection, migration procedures, and police procedures, including investigative and pre-investigative acts, the introduction of recording practices in police settings also appears justified. Such practices would enable more effective monitoring of interpreting quality and would further contribute to ensuring the quality of procedures and procedural acts.

The findings of the research support the fundamental premises of the ImpleMendez project and the Méndez Principles, which regard quality interpreting as an integral component of procedural safeguards and fair proceedings. In environments where interpreting is essential for access to rights and participation in procedures, quality assurance mechanisms — including recording, transcription, and subsequent verification of interpreted interactions — become not merely advisable but systemically relevant. Such measures may significantly contribute to greater transparency, accountability, and protection of the rights of individuals involved in institutional procedures.

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Declaration of AI Use

AI-assisted tools were used for language editing and translation support. All legal citations, interpretations, and analytical conclusions were reviewed and verified by the author.

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