Public Law Project

Cultural, linguistic and procedural barriers to access to justice in immigration and asylum tribunals

Report 1. Language, evidence and procedure

Selbi Durdiyeva, Senior Research Fellow
June 2026

Contents

Executive summary

While the existing legal and policy framework contains important safeguards for procedural fairness, its practical application is particularly challenging where processes involve linguistic complexity, unfamiliar socio-cultural contexts, and limited access to legal representation.

This report examines how the accessibility and accuracy of interpretation and translation, the quality of evidence on country context and the ability to understand it, and procedural constraints affect access to justice in immigration and asylum tribunals. **The report's central argument is that cultural and linguistic understanding lies at the heart of asylum and immigration tribunals, thereby making cultural competence a procedural fairness matter.**

Drawing on an analysis of 271 Upper Tribunal (Immigration and Asylum) Chamber decisions promulgated in the past two years, hearing observations, and interviews with legal representatives, intermediaries, and interpreters, the report identifies procedural and structural issues that could affect the quality, consistency, and fairness of decision-making in asylum appeals at the First-tier Tribunal (Immigration and Asylum) Chamber, such as:

- errors in dialect and linguistic interpretation that materially alter the outcome of the case;
- inconsistent engagement with evidence on the country and its socio-cultural background;
- structural constraints that hinder consistent engagement with such evidence; and structural disadvantages for those navigating the system without quality legal representation.

Understanding the nuances and complexities of culture and language would enable consistent decision-making, greater engagement of parties, and higher-quality evidence, which, in the long term, would save time and resources on appeals, adjournments, and delays, and would allow for the consistent application of rules and regulations, reducing the number of cases brought to the Upper Tribunal and potentially to the First-tier Tribunal (Immigration and Asylum) Chamber.

This report provides practical recommendations for a broad range of stakeholders, including the Judicial College, the Home Office, the Ministry of Justice, His Majesty's Courts and Tribunals Service, Local Authorities, the Solicitors Regulation Authority, and legal representatives.

The recommendations focus on strengthening and reaffirming existing safeguards and regulations, and on conducting training and regular briefings to enhance or introduce a more up-to-date and comprehensive approach to cultural and linguistic understanding and evidence.

The task is not to create more rules and regulations but rather to consistently embed the existing ones in practice. This will help to resolve the common disjuncture between law or rules on paper and law or rules in practice.

A mindset shift is also needed towards recognising the importance of interpretation, high-quality contextual and expert evidence, and engagement with that evidence, and towards support for meaningful participation. This change in procedural culture would contribute to reducing avoidable appeals, improving consistency, ensuring fairer outcomes for applicants and enhancing confidence in the fairness and integrity of the asylum tribunal system.

This is the first of two reports that present the findings from this research, which examines cultural, linguistic and procedural barriers to access to justice in immigration and asylum tribunals in the UK.

The second report examines how these procedural and infrastructural aspects of evidence, communication, and process are configured for system users when cultural awareness and understanding shape practice in relation to identity, relationships, and vulnerabilities. It focuses on family and private life, LGBTQ+ identity, trauma, mental health and vulnerability, and on how perceptions of these areas affect tribunals' decision-making.

Summary of recommendations[1]

I. Language and dialect interpretation

1. Provide a prior briefing about the key aspects of the case to interpreters when booking [HMCTS, Home Office, MoJ, Judicial College]
2. Introduce and encourage judicial check-ins on interpretation during hearings [Judicial College]
3. Recognise that interpreted evidence carries a likelihood of misunderstanding or error [HO, Judicial College]
4. Legal representatives should check for any errors arising from interpretation and translation [Legal Representatives]
5. The interpreter's role should be clarified in guidance and training [HMCTS, MoJ, HO, Judicial College]
6. The Ministry of Justice should consistently monitor and collect data on interpretation, particularly the degree of satisfaction of interpreters with their provider and conditions of work [MoJ].

II. Understanding context

A. Country-specific contextual information

1. Reaffirm and emphasise the need to engage thoroughly and consistently with country evidence put forward by parties [Judicial College]
2. Strengthen guidance on documentary evidence and cultural bias [Judicial College, HO]
3. Provide clear reasoning for decisions when using or dismissing evidence put forward by parties [Judicial College]

B. Expert evidence

1. Improve evidence quality by all parties – HO and legal representatives [HO, MoJ, HMCTS, legal representatives]
2. Recognise diverse forms of expertise, encouraging a flexible approach that values lived experience along with professional expertise [Judicial College, HO]
3. Age assessment processes and disputes should be conducted in a trauma-informed and vulnerability-informed manner, centring children's social care [Local Authorities, Judicial College, HO, MoJ]

1. More detailed recommendations, including practical mechanisms of implementation, are included after each section.

III. Representation, participation and procedural fairness

1. Strengthen procedural support for unrepresented applicants [MoJ, HMCTS]
2. Reinforce minimum standards for legal representation [MoJ, Solicitors Regulation Authority]
3. Recognise care as central to procedural fairness, which includes but is not limited to providing reasons when engaging with or dismissing evidence, drafting decisions accurately to avoid jeopardising confidence in decision-making, and maintaining respectful, trauma-informed communication [MoJ, HMCTS, Judicial College]
4. Improve access to legal aid and referral pathways, as this would be one of the factors that could ease the burden on judges and the system as a whole [MoJ]
5. Recognise that procedural vulnerabilities, such as the lack of representation, may increase the likelihood of misunderstanding procedural requirements and evidential disadvantage, particularly when engaging with culturally and linguistically sensitive evidence [MoJ, HMCTS, Judicial College, HO].

Abbreviations and terminology

Abbreviations:

UT	Upper Tribunal (Immigration and Asylum) Chamber
FtT	First-tier Tribunal (Immigration and Asylum) Chamber
HMCTS	His Majesty's Courts & Tribunals Service
MoJ	Ministry of Justice
HO	Home Office
CPIN	Country and Policy Information Note
ETBB	The Equal Treatment Bench Book

Terminology:

Applicant	Claimant in asylum or immigration cases - could be either an appellant or a respondent at the UT, as either side can bring the case to the UT. Although this term is reserved for judicial reviews, it is used uniformly throughout the report.
Country of origin	Home country/nationality/habitual residence
First-tier Tribunal (Immigration and Asylum) Chamber	Responsible for handling appeals against some of the HO's decision with respect to permission to stay in the UK; deportation from the UK; entry clearance to the UK; applications for immigration bail from people being held by the HO on immigration matters. One of the 7 Chambers which settles legal disputes and is structured around specific areas of law.
Upper Tribunal (Immigration and Asylum) Chamber	Responsible for handing appeals against the decisions made by the FtT (Immigration and Asylum) relating to visa applications, asylum applications and the right to enter and stay in the UK. Responsible for handling applications for judicial review of certain decisions made by the Home Office, with respect to immigration, asylum and human rights claims. One of the 4 Chambers of the UT which settles legal disputes and is structured around specific areas of law. A case is heard in the Upper Tribunal following permission to appeal the decision of the FtT (either refused or granted).
Material error of law	An error of the FtT that 'materially' alters the outcome of the case. Some of the examples include misunderstanding or misapplying Immigration Rules; using the wrong legal test; procedural unfairness; overlooking important evidence or not giving reasons for the decision; a factual mistake that makes a decision unfair.
The outcomes of material error of law as found by Upper Tribunal	• Set aside the decision and remake it. • Remittal - the case is sent back to the First-tier Tribunal for a new hearing. • Preserving some findings and ordering the First-tier Tribunal to remake only a part of decision.

Culture	is understood broadly and may relate to tradition and religious culture; the country, context, or place of origin; culture based on belonging and identity; and tribunal culture.
Language	encompasses native and foreign languages; dialects; and legal, formal, and technical language.
Translation and interpretation	is defined as the process of translating and interpreting not only language but also contextual, legal, socio-cultural, procedural, and historical norms. Interpretation refers to the spoken word, while translation to the written text.

Introduction

The context for this research is a turbulent asylum and immigration policy environment, with the immigration and asylum tribunals facing a significant backlog of over 80,000 cases, which is expected to grow each year and an average wait of 63 weeks.[2] This research draws on operational learning in light of the challenges of the current policy environment about what it means to have a system that is consistent, efficient, and effective.

Twenty-five years after the Leggatt Report,[3] which reviewed how the tribunal system worked for users, we are, yet again, faced with the same questions Lord Leggatt asked about **how a single system served by subject-matter legal experts could best accommodate access to justice and procedural fairness for users**.

The central thread of this report is how cultural awareness and sensitivities affect access to justice and procedural fairness. The theme of culture is particularly relevant to the tribunals, which, by the very nature of their subject matter, undertake the complex task of understanding and translating across cultures. The immigration and asylum tribunals hear the cases of a high proportion of racialised people, many of whom have faced discrimination on intersectional grounds and are extremely vulnerable. Cases have ongoing complexities, and invariably, the stakes are high.

One of the key roles in cultural and linguistic understanding at tribunals is played by interpreters and translators, whose work is often invisibilised and under-appreciated. The Report of the Public Services Committee (March 2025)[4] identified issues such as inadequate pay, a high number of off-contract bookings, insufficient support for work-related stress, a lack of briefings, frequent cancellations without compensation, largely unregulated professional standards and qualifications, inadequate or absent technical equipment, a lack of respect and recognition, and scapegoating for systemic problems. This has prompted reforms to interpreting and translation services and the introduction of new contracts by the MoJ from October 2026.[5] While the new contracts promise higher pay and improved conditions for interpreters and translators, the main provider remains the same, and there is a risk that the system and attitudes are likely to remain unchanged.

The task of translation is complex. Beyond the fact that the immigration and asylum system has some of the most complex rules and regulations, there is much to translate and interpret for everyone involved beyond languages and dialects, such as foreign contexts, including the socio-economic and political situation in the home country; family and private life, relationality and identity; vulnerability, trauma, and mental health; and procedural culture.

The broad range of actors in these processes need to engage in constant translation of different norms and find a shared language embedded in law that is accessible to all.

2. Ministry of Justice, 'Official Statistics. Tribunal Statistics Quarterly: October to December 2025.' 15 May 2026. https://www.gov.uk/government/statistics/tribunals-statistics-quarterly-october-to-december-2025/tribunal-statistics-quarterly-october-to-december-2025--2.
3. Andrew Leggatt, *Report of the Review of Tribunals by Sir Andrew Leggatt: Tribunals for Users - One System, One Service* (16 August 2001).
4. House of Lords, Public Services Committee, Lost in Translation? Interpreting services in the courts (24 March 2025). https://publications.parliament.uk/pa/ld5901/ldselect/pubserv/87/87.pdf.
5. Ministry of Justice, Contract Award Interpreting Services in the Courts, 22 January 2026. https://committees.parliament.uk/publications/51244/documents/284478/default/.

a. Aims and objectives

By engaging with decisions promulgated by the Upper Tribunal (Immigration and Asylum) Chamber (UT) over the past two years, this research aims to identify patterns and issues related to language and culture that those in the system face and provide practical recommendations to advance culturally sensitive communication and understanding. Related changes would make the process more accessible to everyone while also identifying patterns of misunderstanding that lead to preventable errors, unfair outcomes, and appeals. It also asks what cultural changes we would like to see in the asylum and immigration system at the systemic and structural levels.

This is relevant in light of the ongoing attack on judges, attempts to reduce recruitment criteria for judges, and the Home Office's (HO) recent consultation on proposed changes to the tribunal system that would create an Independent Appeals Body within the HO.[6] The HO's proposal lacks detail and is unsupported by evidence; it risks undermining judicial independence and the rule of law; proposes that adjudicators without legal training hear asylum appeals, risking a lowering of judicial standards; and will not achieve its aims of reducing delays, backlogs and multiple appeals.[7] The report demonstrates that some of the reasons for the delays are not the tribunals but rather deficiencies in the evidence provided by both parties, notably the HO itself, and a lack of appropriate legal representation. Reform should primarily address these issues rather than dismantle all the progress achieved.

b. Methodology

Primary source of data – case analysis:

- 271 decisions of UT (Immigration and Asylum) Chamber promulgated within a two-year period - from 31 December 2023 to 31 December 2025.

Secondary sources of data:

- UT (Immigration and Asylum) Chamber hearing observations:
  - March 2026 (3 hearings).
  - April 2026 (3 hearings).

- Semi-structured interviews:
  - Legal representatives: 3
  - Intermediaries: 1
  - Registered interpreters: 3

6. Home Office, 'The new Independent Appeals Body: Call for Evidence,' 20 April 2026. https://www.gov.uk/government/calls-for-evidence/asylum-new-independent-appeals-body/the-new-independent-appeals-body-call-for-evidence
7. Call for Evidence: The New Independent Appeals Body, Public Law Project's Response, 6 May 2026. https://publiclawproject.org.uk/resources/call-for-evidence-independent-appeals-body/

i. Case analysis

The dataset consists of 271 randomly sampled cases out of 4,080 cases promulgated (put into effect) between 31 December 2023 and 31 December 2025. Qualitative analysis software was used to code the decisions and organise the codes around reappearing themes. Through iterative thematic analysis, I triangulated the data from decisions, interviews, and observations. The coding and thematic organising of codes were informed by interviews and observations. In the report, the case number is indicated at the end of a paragraph in brackets. The decisions of the UT are published on the His Majesty's Courts and Tribunals Service (HMCTS) website.[8]

Qualitative analysis of this extensive dataset focused on language, discourse, and the story the published decisions tell (and don't tell). This enabled the identification of patterns and issues that statistics alone might not capture. It also brings to light cases that do not have precedent-setting value and are not discussed in the public domain.

Research using open-source data from HMCTS has added value and extends beyond what traditional ethnographic methods, such as observation alone, would allow with similar resourcing.

ii. Observation and semi-structured interviews

The researcher observed appeal and judicial review hearings at the Upper Tribunal (Immigration and Asylum) Chamber at Field House in London in March-April 2026.

Semi-structured interviews with legal representatives, an intermediary, and interpreters who work in the FtT and/or UT were primarily conducted online via Microsoft Teams, with one conducted in person in March-April 2026. Interviewees were recruited both through existing professional contacts and direct outreach.

iii. Limitations

The analysis and findings from this research derive from a limited sample of cases from a two-year period. Applicants were not interviewed for this research; therefore, it does not reflect the first-hand experience of these participants, though they are primary stakeholders in this research. The interviews and observations are limited in number and scope and did not include members of the Judiciary or representatives from the Home Office. The case files of the decisions analysed were not sought, nor were post-appeal outcomes examined. Information about where the case was before is limited to what is provided in the decision itself, thereby limiting the analysis to an examination through the lens of the published decisions only, rather than the wider context or the process of claiming asylum.

iv. Positionality of the researcher

The researcher is of migrant and global majority background and has been residing in the UK for over nine years. The researcher's lived experience of migration influenced how she conducted some interviews, for instance, by using examples from her cultural background as prompts.

8. Immigration and asylum chamber: decisions on appeals to the Upper Tribunal. https://tribunalsdecisions.service.gov.uk/utiac/

v. Report structure

The research consists of two reports – Report 1 focuses on how evidence is used and interpreted by considering procedural and evidential aspects of culture within the tribunal context. Report 2 focuses on how people experience the system, considering identity and relationships, mental health and trauma.

This report starts with issues pertinent to language and dialect interpretation, followed by the issues concerning understanding context, namely, country-specific contextual information and expert reports, and it concludes with a chapter on procedural infrastructure, which focuses on representation, participation and procedural fairness.

Each section identifies issues related to cultural competence, provides evidential support, and makes recommendations to relevant stakeholders and implementation mechanisms.

1. Language and dialect interpretation

Tribunal decision-making relies on the interpretation of evidence and processes, assuming they are always accurate, neutral, and complete. In practice, errors, loss of nuance through translation, and inappropriate or unprofessional interpretation and translation services can produce inconsistencies that are later relied upon in credibility findings. Responsibility for identifying and correcting these errors often falls on applicants and their representatives, even when they lack the capacity to detect them.

Interpretation and translation errors result in procedural unfairness and unreliable credibility findings, materially altering the outcome of the case. They also affect applicant's ability to engage effectively in the process raising more fundamental questions on access to justice.

Evidence of this is seen in:

1. Translation errors affecting documentary evidence

- In a case before UT, a medical note from the applicant's GP stated that the applicant had a 'traumatic injury' in the shoulder. The FtT judge found the applicant's account of being shot in the shoulder unreliable because the injury from the incident did not appear in the GP notes. The applicant argued that the

> "language and interpretation barriers led to inaccuracies in his medical notes.'

  The FtT judge 'didn't accept the interpretation issues explanation.' The UT judge held that the decision of the FtT involved an error of law because of the approach to the credibility assessment and expert evidence, with no findings preserved (UI-2025-000218).

2. Loss of nuance in interpreted oral evidence

- In a different case, one of the grounds of appeal to the UT was that the FtT judge had drawn an adverse inference from the applicant's witness statement, in which the applicant stated that the mother of a young woman with whom he had a relationship had 'beaten' her. The word 'beat' can have more than one meaning, not necessarily a serious assault, and the UT judge found that this lost nuance in interpretation should not be held against the applicant's credibility (UI-2025-000846).

3. 'Putative discrepancies' across interviews and statements

- In a different case, an FtT judge drew an adverse inference due to 'putative discrepancies' in responses during the applicant's Asylum Interviews, and comments on the screening interview and the Statement accompanying the applicant's Personal Information Questionnaire. One of the grounds of appeal to the UT was that the inconsistencies were caused by linguistic barriers and nuance lost in translation. The UT judge did not dismiss this argument per se but found that the adverse credibility findings regarding inconsistencies did not materially alter the case or affect the FtT's reasoning on other matters (UI-2023-003841).

4. Acknowledged but unremedied interpretation errors

- UT judges sometimes acknowledge that interpreters may not have fully understood applicants, particularly where dialect differences exist, especially when applicants are unrepresented. UT judge held that such errors alone would not make a strong case for remittal to the FtT (UI-2025-003748).

5. Translation errors

- The risk of errors can occur with translators and interpreters contracted by legal representatives, not only the ones provided by HO or tribunals. In one case, the UT judge ruled that the applicant should not be held responsible for a mistake of the translation company contracted by the legal representatives (UI-2023-000129).

6. Responsibility for identifying translation or interpretation errors

- If the issue of interpretation is raised regarding any inconsistencies between the applicant's screening interview and hearing, the responsibility falls on the applicant's legal representative to 're-examine on it.' This is particularly important if raised in the HO refusal letter. In instances where this step has not been taken by legal representatives, the UT judge have found that no unfairness issue can be raised (UI-2025-002693).

7. Limited checks for interpreter understanding may create a false sense of accuracy

- Tribunal practice usually involves a brief initial exchange between the interpreter and the applicant to confirm mutual understanding. For illiterate, vulnerable, or non-English-speaking applicants, the assumptions made during this initial check could result in undetected interpretation errors that may still affect the credibility assessment. For example, in one case, the UT judge held:

> The [FtT] judge also fell into error when, at paragraph 30, the [FtT] judge placed reliance on the appellant stating that he was happy with the interpreter's interpretation, when the judge had already accepted that the appellant was illiterate and unable to speak English. It is hard to accept that the appellant could have thus understood whether or not the translator had accurately translated his answers into English. (UI-2024-003216).

- An interpreter interviewed for this research recalled numerous instances of attending hearings in which a court interpreter did not even speak the language they were meant to interpret, and the applicant did not raise any concerns due to their vulnerability.

- The *Equal Treatment Bench Book* (ETBB) provides guidance on languages and dialects, emphasising the importance of interpreters speaking the dialect, even if they speak the language. It further notes the importance of checking that the witness and the interpreter can understand each other 'at the beginning and at the end of evidence.'[9] A better practice would be an ongoing consultation to ensure that an applicant and interpreter understand one another throughout the process, not only at the beginning and end.

9. *Equal Treatment Bench Book* – July 2024 (February 2026 update), Chapter 8, para 98, p 157.

- The ongoing consultation to ensure mutual understanding would also mean having arrangements in place so that an applicant can feel like they can safely raise concerns about interpretation at any point in the process. In a case concerning an **age assessment dispute**, one of the issues raised by the applicant in his witness statement was that the interpreter present during the age assessment interviews did not understand the Sudanese dialect of Arabic.

  The HO responded that the applicant, under the supervision of an appropriate adult, signed the 'Pro Forma for Age Assessment – compliant with the Merton Judgement', with the declaration 'I confirm I understand the purpose of the assessment, that I am feeling well and that I understand the interpreter.'

  In his oral evidence at the hearing, the applicant stated that he did not complain about the interpretation because he did not know he could. He gave an example of errors of interpretation, including the interpreter wrongly stating that his entire family lived in one tent. The UT judge dismissed the applicant's complaints about the interpretation as lacking substance (JR-2025-LON-003184).

- One interviewed interpreter recalled how the HO urgently called her when it was determined mid-interview that the HO's interpreter did not understand the applicant's dialect.

8. Failure to embed the role of interpreters in procedural culture or infrastructure

Interpreters are often treated as secondary or purely administrative actors in tribunal proceedings. Early identification of interpretation needs would improve hearing preparation, reduce delays and adjournments, and support meaningful participation without imposing a significant additional administrative burden.

Although interpretation is a critical function and a highly demanding profession, both emotionally and cognitively, it is not recognised either in the pay or treatment interpreters receive.

- During a hearing observation, a tribunal clerk asked an unrepresented appellant whether he needed an interpreter 15 minutes before the scheduled start of the hearing. Although this could be an isolated instance, rather than a systemic practice, it still demonstrates that interpretation can be treated as a logistical or last-minute administrative task.

- The interviewed interpreters noted that FtT judges often ask interpreters to summarise or 'tell the gist' of what was said to the applicant, a step that falls outside the scope of their role and responsibilities. Requests to summarise, as an interviewed interpreter noted, 'can compromise accuracy and introduce unintended bias.' It forces interpreters to exercise their subjective judgement, and as the interviewed interpreter argued, it can have 'serious implications for fairness and due process.'

- Some judges are also reluctant to accommodate synchronous (usually 'whispered') interpretation and may tell interpreters that they are 'disrupting'; one judge even told an interviewed interpreter that she 'breathes too loudly.' Challenges in interpretation are exacerbated by a lack of appropriate technical equipment, particularly for video or hybrid hearing formats, where participants often forget to use microphones or are unwilling to do so.

- The conditions for court interpreters, including the pay and treatment under MoJ contracts, are considered among the worst, with the interviewed interpreters arguing that they prefer to interpret for the police or the Home Office, where pay and treatment are better. One of the research participants shared a screenshot from the main contractor for MoJ's spoken word services, thebigword, showing an offer for three hours of court interpreting with a total pay of 64.71 GBP.

Recommendations

1. **Provide prior briefing about the key aspects of the case to interpreters when booking**
   [HMCTS, Home Office, MoJ, Judicial College]

   Amend hearing preparation templates for the administrative staff at HMCTS in charge of hearing preparation to:

   - Provide interpreters with short case summaries in advance of the hearing. A research participant proposed that the briefing include 'the context of the case, the purpose of the interaction, and any specific sensitivities' an applicant might have.

2. **Introduce and encourage judicial check-ins on interpretation during hearings**
   [Judicial College]

   Update ETBB and provide training for judges to:

   - Encourage routine judicial confirmation that the applicant understands the interpreter, the interpreter understands the applicant, and any dialect issues are identified early.
   - Checks should be made at key stages of the hearing rather than relying solely on an initial confirmation.
   - The judges can also introduce simplified judicial prompts to check understanding after complex or sensitive evidence, asking applicants, for example, to explain in their own words what has just been asked.
   - Special care should be taken when asking children or vulnerable participants to verify the accuracy of an interpretation, as they may not be in a position to raise grievances if something goes wrong. An appropriate adult needs to confirm that the applicant understands every aspect of the process and their rights. This should not be limited to the beginning or the end.
   - It should be clearly communicated to the applicant that it will not be held against them if, at any point in the process, they complain about interpretation or any other procedural issues.

3. **Recognise that interpreted evidence carries a likelihood of misunderstanding and error**
   [HO, MoJ, HMCTS, Judicial College]

   Provide refresher training to judges and HO; update ETBB; and provide HO Caseworker guidance to:

   - Include a brief guidance note reminding decision-makers that linguistic nuance may explain discrepancies in the evidence, and that minor inconsistencies should be treated cautiously where interpretation is involved, particularly when they might adversely affect credibility findings.

4. **Legal representatives should check for any errors arising from interpretation and translation**
   [Legal Representatives]

   It is encouraged that legal representatives:

   - Seek clarification when refusal letters refer to inconsistencies that may be linked to interpretation.
   - Clarify proactively throughout the process with a client to ensure understanding and comfort.

5. **The interpreter's role should be clarified through guidance and training**
   [HMCTS, MoJ, Judicial College]

   Provide refresher training for judges; update ETBB to:

   - Reinforce that interpretation is treated as a core procedural fairness requirement.
   - Reinforce that interpreters must translate verbatim rather than summarise, and that they should not be rushed when doing so. Guidance could explicitly state that asking interpreters to 'summarise' evidence should be avoided.
   - Provide guidance on managing hearings that use simultaneous interpretation, emphasising that it is not a nuisance but an essential procedural guarantee.
   - Promote consistent microphone use and basic audio protocols during remote and hybrid hearings.
   - Encourage tribunal practice that recognises the importance and complexity of the interpreter's role.
   - Reinforce that interpretation should be planned alongside listing and case preparation, not at the last minute before hearings. Clarify the importance of early identification of the need for interpretation, particularly for unrepresented appellants.

6. **MoJ should consistently monitor and collect data on interpretation, particularly the degree of satisfaction of interpreters with their provider and their working conditions.**

2. Understanding context

a. Country-specific contextual information

Inconsistent engagement with country-related information, including its socio-cultural context, creates a risk of material errors of law. These issues also stem from HO-level decision-making and from the evidence presented in the appeal.

Tribunal procedure recognises the importance of country evidence, expert reports, and Country and Policy Information Note (CPIN) material. However, UT decisions show that FtT decisions often involve avoidable issues, such as inconsistent application, selective engagement and reasoning when assessing evidence rooted in unfamiliar cultural, political, and administrative contexts.

Evidence of this is seen in:

1. Reasoning influenced by cultural assumptions

- The UT judge rejected the FtT's finding that it was irrational for an uncle to be angry at the applicant and, at the same time, help him escape.

  The UT judge also found that the fact that something is punishable, either by law or by custom, does not mean it will not happen: 'Clearly sexual transgression does take place in every society, even in the face of the most severe punishment' (UI-2025-001678).

2. Treatment of official documents

- Certified documents consistent with country evidence should be given appropriate weight. In one case, the applicant had relied on a certified Egyptian court order accusing her of 'apostasy' and sentencing her to death. The document was consistent with how people accused of blasphemy are treated in Egypt, by both the Muslim Brotherhood and the Egyptian government. The UT judge confirmed that there is authority about how the Tribunal should treat an official document which is a certified true copy. The guidance provides that 'the decision maker should consider whether a document is one on which reliance should properly be placed after looking at all the evidence in the round.' After assessing that the certified true copy is in conformity with the way in which people accused of blasphemy are treated, the UT ruled that on the basis of imputed religious opinion, the applicant succeeds under the Refugee Convention (UI-2022-002417).

- Conversely, assuming documents are fraudulent solely on the basis of corruption levels in the country risks unfairness. In one case, a UT judge found a 'flawed approach to credibility' because the validity of the documents was central to the outcome, and 'if the evidence of a witness is to be rejected, it should be challenged at the hearing so as to give them an opportunity to address the challenge.' The UT judge held that the applicant was not given the opportunity to address the issue (UI-2025-002415).

3. Cultural misunderstanding of document formats and not providing appropriate reasons

- The format of official documents varies across countries. For example, in one case, a translated death certificate stated that the cause of death was 'torture marks.' A FtT judge found this confusing, as in her view it looked more like not 'a cause of death but an observation about deceased's body.'

  The FtT judge also noted that the date of death was 'unusual' because the day of the week was given rather than the number of the first month.

  The UT judge found that it is unclear how the FtT judge made inferences in her finding, as she cast doubt on the applicant's account of his father's death and on the death certificate, yet concluded that the father indeed 'suffered a violent death.'

  Moreover, the UT judge found that the FtT judge failed to further engage with the applicant's argument. Accepting one part of the evidence but rejecting a causal link that the applicant attached to his father's death, without providing reasons for this, to the extent that the applicant did not understand why his appeal was rejected, resulted in the UT judge setting aside the decision with none of the findings of fact preserved (UI-2022-006279).

4. Failure to apply or properly engage with CPIN and country guidance

- The UT continuously reaffirmed that 'a failure to identify and apply a relevant country guidance decision without good reason might amount to an error of law.' In one case, the CPIN Honduras Gangs Version 1, November 2023, which was referenced in the applicant's skeleton argument, stated that the state was incapable of providing effective protection to victims of gang violence due to limited resources and corruption, including within the Honduras National Police, which lacked the capacity to investigate crimes efficiently, resulting in impunity. The FtT's disregard for this CPIN and failure to give reasons for doing so resulted in the UT deciding the case should be remitted (UI-2025-001600).

- In a different case, a judge at FtT referenced a wrong section of the CPIN that dealt with social attitudes and cultural practices, rather than the section that addressed the extent to which the authorities in Namibia failed to adequately protect women fearing gender-based violence, which was a key issue in the applicant's case. The inadequate reasoning and lack of consideration of the relevant section of the CPIN and individual factors of the case led the UT judge to find the FtT judge had materially erred in law (UI-2025-001968).

5. Need to weigh individual circumstances against country evidence

- Country evidence cannot replace individual assessment.

  In one case, the UT judge held that consulting country information alone is insufficient; rather, individual case characteristics need to be weighed to enable a fact-sensitive, sliding-scale assessment of risk upon return.

  The UT judge found that the FtT judge failed to consider the relevant country background evidence, resulting in a finding that the applicant was not at risk on return to her home area in Iraq.

  The UT judge also found that when considering whether the applicant could internally relocate, the FtT judge failed to take into account relevant factors and the applicant's personal characteristics, such as gender and the difficulty for lone women without family connections

to secure employment, with very high nepotism and unemployment rates for Iraqi internally displaced persons in the Iraqi Kurdistan Region, and her lack of identity documents. The UT judge found this was a material error of law. The FtT decision was set aside and remitted (UI-2025-001316).

6. Sur place activities

- It is good practice for judges to take a broad approach to what constitutes political activism after the applicant left the country or origin; for example, in one case, the UT judge remarked that the political involvement was genuine not only through widely accepted forms of protest (such as participation in demonstrations) but also through dance and photography (UI-2024-000894).

7. Acknowledgement of limitations of understanding of cultural differences

- In one case, the UT judge accepted evidence of videos where the applicant assumed a prominent role in a religious ceremony, 'being seated in a chair akin to a throne and having garlands around her neck at what appeared to be a religious meeting'. The judge noted that

> "given that the videos record activities taking place in a different cultural context, it is difficult for us to assess social nuances.'

This evidence was weighed against other background information and an expert report; the judge ultimately accepted that the applicant held a leading role in a religious organisation (UI-2025-001127).

8. Expecting evidence that cannot realistically be obtained

- In one case, the UT judge found that the judge at FtT could not have possibly expected that someone would be able to obtain evidence about the gang that trafficked the applicant when he was a child (UI-2024-001857).

9. Misunderstanding country-specific administrative and geographic context

- In one case before the UT, the applicant claimed he was from a city in Iraq (Mahmour) that was not controlled by Kurds. This fact was disputed by the Secretary of State for the Home Department, who claimed that the applicant is from Erbil, as stated in the civil registry documents. The UT judge relied on the guidance from *AAH (Iraqi Kurds – internal relocation) Iraq* CG UKUT 00212 (IAC), which stated that 'an individual is considered to be "from" the governate or district where his family registration is held.' Thus, the record in the civil registry book depends on the applicant's father's place of registration, allowing for a situation in which 'an individual may be legally 'from' a place where he has never in fact been,' while they de facto reside in a different town. Moreover, the reference to 'Erbil' meant not Erbil city, but rather the governorate:

> The fact that the Appellant and his documents interchangeably used the words 'Erbil' and 'Makhmour' was, for him, possibly as meaningless as someone saying in one place that they were born in 'Camden' and another in 'London'.

The UT found that the HO had failed to consider evidence about Iraq's civil registry system, ruling that 'the decision maker did not explore innocent explanations,' which the UT Judge found to be 'indeed indicative of a "closed mind"'(UI-2023-001986).

Recommendations

1. **Reaffirm and emphasise the need to thoroughly and consistently engage with country evidence**
   [Judicial College]

   Update ETBB, provide refresher training and regular briefings to judges on:

   - engaging with relevant CPIN sections (not only CPIN as a whole)
   - providing explanations for whether and why the evidence that has been put forward by parties is dismissed
   - assessing the full factual matrix of the case
   - considering the individual circumstances of the case against the background information

2. **Strengthen guidance on documentary evidence and cultural bias**
   [Judicial College, HO]

   Provide training and briefings for judges and HO personnel that would cover:

   - not presuming that the evidence put forward is obtained through fraud, even in a context where fraud is endemic
   - recognising differences in document formats across jurisdictions
   - the fact that individual conduct or behaviour should not be considered unlikely solely because it conflicts with laws or social norms

3. **Provide clear reasoning in decisions when using or dismissing evidence put forward by parties**
   [Judicial College]

   Provide briefings and refresher training on:

   - ensuring that reasons are clearly stated where evidence is rejected or given limited weight, so that logical inference can be drawn from reasons and decisions, and it is clear to the applicant why the case was decided in favour of or against their claims.

b. Expert evidence

Tribunals depend on expert and specialist evidence to understand foreign contexts, yet structural constraints affect the quality, availability, and consistent engagement with such evidence.

Evidence of this is seen in:

1. Variable quality of expert evidence

- In one case, the quality of an expert report was found to be lacking, and it was given little weight (UI-2024-000550).

- In another case, both the FtT and UT judges found that the expert report's quality was not of an appropriate standard because it relied on 'sweeping generalisations' and unreliable, weak sources (UI-2024-000128).

- In a different case, the applicant relied on an expert report on the conditions of prisons in Pakistan, as he could be imprisoned upon return for alcohol consumption. The UT judge remarked on the limitations of the report's methodology, i.e., the geographical scope and interviewee sample weren't comprehensive or representative. The UT judge remitted the case, finding that the FtT judge erred on a point of law, holding that 'further fact-finding on the circumstances of the appellant will be necessary with any updating evidence' (UI-2024-003437).

2. Determining who qualifies as an expert

- In one case, a country expert also gave evidence on the Egyptian health care system. The HO argued that the evidence of the expert should be given little weight because it is 'not underpinned by reference to other background material.' The UT judge held that the evidence of the expert was 'in large part, fully referenced;' he is a well-known country expert and was also familiar with the Egyptian health care system because his sister-in-law was a GP in Cairo, his wife was a psychiatrist, and the manager of Médecins Sans Frontières in Cairo. The UT judge approached the question of expertise progressively, acknowledging the importance of lived experience:

> "He is the expert. He has achieved that status by living in, working in, studying and writing about Egypt for over twenty years.' (UI-2022-005964)

3. Providing reasons for rejecting expert evidence

- While it is acceptable to dismiss evidence, the reasons for doing so should be clearly stated. This was relevant in a case involving honour crimes in Iraq, which typically affect women. The FtT had found that the expert report had 'limited reach,' which resulted in the FtT judge giving it limited weight, without providing any underlying reasons. The UT judge ruled that 'the FtT has erred in his approach to the expert evidence' (UI-2025-000218).

4. Expertise and methodology for Language Analysis for Determination of Origin (LADO)

LADO involves the HO contracting an independent expert to identify a person's country and language when the country of origin is disputed. It was particularly prominent in the cases of asylum seekers from Syria, but also from states like Yemen, where cases of statelessness are common, especially for marginalised communities.

- In one case before UT, an applicant claimed he was from Syria and spoke Kurdish Kurmanji. The FtT judge determined that, if it were proven that the applicant was indeed from Syria, his asylum appeal must be allowed. The FtT judge made a series of findings and, having taken note of a Sprakab Linguistic Analysis Report that found the applicant was not from Syria but from northern Iraq, dismissed the claim.

  The expert performing linguistic analysis has never visited Syria, has only visited Iraq eight years ago, was born and raised in Armenia, and has resided in Russia. The 16-minute audio used to make the country-of-origin assessment was missing. The UT judge noted that this is a serious omission. This was not the first case in which Sprakab and Verified AB have been under scrutiny for their analysts' qualifications and methodology.[10]

  There was also contention regarding the applicant's use of different names for geographical locations. The UT judge noted that Halab is another name for Aleppo and that different communities often refer to cities and areas by different names.

  The UT judge concluded that FtT materially erred in law, noting that the Sprakab analyst had

  > "no individual lived experience of the language dialects within Syria, which were many and complicated, as it was not the country's main language, which was Arabic'

  and there were serious procedural omissions. The UT judge set aside the FtT judge's decision and allowed the applicant's appeal on asylum and human rights grounds (UI-2022-006224).

The Home Office no longer contracts Sprakab or Verified AB for country or linguistic analysis.

5. Expertise in age assessments

- In a case before UT, an applicant from Iraq claimed his date of birth was 15 January 2005. The applicant lodged a claim for judicial review challenging the Local Authority's finding that he was over 18.

  Independent assessors noted the following physical attributes: 'deep voice, broad shoulders, a pronounced Adam's apple, frown lines on his forehead, "broadened and developed bone growth", and significant facial hair.'

  The UT judge noted that there is danger in the assessors' having formed conclusions about the applicant's age early, without the benefit of the doubt.

10. *SSHD v MN and KY* [2014] UKSC 30.

The case highlights the role of educators in the processes to which the judge attributed substantive weight, and their evidence being 'more valuable than that of age assessing social workers.' Moreover, the UT judge found that tutors and foster carers who work with 16–19-year-olds have safeguarding responsibilities and would raise the age issue if they had any concerns; no professionals in the care system have had any.

The UT judge ruled in favour of the applicant, finding that he was indeed a child upon arrival (JR-2023-LON-001490).

- The UT's finding echoes previous studies indicating that age assessments should centre on child protection and children's social care, rather than immigration control, and that they should be carried out by the Department for Education, as with all matters relating to children's social care.[11]

6. Structural limits on expert evidence

- The limitations placed on expert evidence for the FtT do not always allow for addressing complexity. It concerns the requirement that the appeal skeleton arguments for the represented appellants be 12 pages long and that the expert evidence reports not exceed 20 pages.[12] It is possible for the legal representation to apply for permission to rely on documents exceeding these page limits, but as a participant argued, this adds to the burden on already resource-constrained and overworked legal representatives

11. ISWS, Young Roots, and Public Law Project, *Good Decision-Making in Age Assessments*, September 2024. https://www.youngroots.org.uk/blog/age-assessments-have-huge-consequences
12. Senior President of Tribunals, *Practice Direction of the Immigration and Asylum Chamber of the First-tier Tribunal*, FtT IAC, 1 November 2024. https://www.judiciary.uk/wp-content/uploads/2024/10/Practice-Direction-F-tT-IAC-01.11.24.pdf.

Recommendations

1. **Improve evidence quality**
   [HO, MoJ, HMCTS, legal representatives]

   HO and legal representatives should ensure that:

   - Expert reports should have a transparent methodology, reliable sources, proper referencing, and an explanation of the method's limitations. It should be emphasised that it is in the interests of all parties to produce high-quality evidence.

2. **Recognise diverse forms of expertise**
   [Judicial College, HO]

   Update ETBB; provide training to HO personnel on evidence:

   - Encouraging a flexible approach that values lived experience along with professional expertise.

3. **Age assessment processes and disputes should be conducted in a trauma- and vulnerability-informed manner, centring children's social care throughout the process**
   [Local Authorities, Judicial College, Home Office, MoJ]

   - Provide refresher training for age assessors and decision-makers.
   - Conduct cross-departmental policy review and stakeholder consultation.
   - Reinforce through training of age assessors, local authorities and HO personnel that physical appearance and demeanour should not be treated as reliable indicators of age, as they can reinforce bias and are problematic.
   - Encourage greater evidential weight to be placed on longitudinal observations and educational and social-care evidence from professionals who got to know the applicant over time.
   - Reinforce through guidance within appropriate bodies that deal with age assessment that assessors should avoid forming firm conclusions at an early stage of the assessment process.
   - Adopt a policy that embeds age assessment within child protection and social care rather than immigration control processes.

3. Representation, participation and procedural fairness

The tribunal system aspires to be accessible for users without legal representation, but the complexities of procedures and rules make navigating the system without legal representation challenging. Unrepresented applicants face structural disadvantages in navigating tribunal procedures and in participating effectively.

Tribunal processes involve complex requirements regarding procedural rules and evidential standards, yet the number of applicants without legal representation is growing.[13] The challenge is exacerbated by the fact that applicants often have to navigate an unfamiliar environment in a foreign language, while often facing trauma, and in situations when the stakes are high.

Evidence of this is seen in:

1. Poor quality of legal representation

- In one case, the UT judge remarked on failures by legal representatives: to file a 'competent' appeal skeleton argument with FtT and objective country evidence for a client recognised as a victim of modern slavery; and to draft grounds of appeal to the UT competently. They filed an appeal composite bundle of 1,649 pages on the day of the hearing and sent it to the wrong email address, which resulted in an adjournment. The UT judge also remarked that the solicitors copied and pasted some of the language from another case, which was inapplicable, and that the skeleton argument cited out-of-date country evidence. The UT judge remarked that the behaviour of legal representatives fell below the minimum professional standards (UI-2025-001589).

- The UT judge also remarked on a failure on the side of the FtT 'to adopt a robust approach in marshalling the appeal before it.' The UT judge further noted, citing the Presidential panel, that identifying 'the principal important controversial issues' is the key task of the FtT, and its procedural architecture is designed to address it precisely. The FtT decisions, in turn, should present the parties' arguments in a clear and concise 'issues-based manner' (UI-2025-001589).

- Parties are required to comply with the Tribunal's directions. In another case, the legal representative failed to comply with the directions, arguing they relied on the applicant, who had decided not to pay them for producing further evidence, until the outcome of the error of law hearing. The UT judge strongly condemned this approach. The UT judge warned that in the future, appropriate sanctions would be imposed, including reporting to the regulatory body (UI-2022-006662).

13. In 2020-2021, the share of unrepresented appellants was 15%; this rose annually, reaching 28% in 2024-2025. Freedom of Information request to HM Courts and Tribunals Service, Unrepresented appellants in the immigration tribunal, FOI ref no 251128066, 31 December 2025. https://www.whatdotheyknow.com/request/unrepresented_appellants_in_the?nocache=incoming-3263730#incoming-3263730

- In another case, an applicant requested an adjournment to allow him to obtain evidence from Poland. A wasted costs order of £100 was made against the applicant's legal representative for not obtaining the evidence earlier. The UT judge ruled that the legal representative's failure to file the evidence, following the directions, constituted a breach of duty owed to the client. The judge labelled the conduct of the applicant's solicitors 'disgraceful' (UI-2022-006609).

- Issues with bundles included failure to file them in a single document, missing documents, and filing documents that would require an application to be adduced. This arose in a case in which the UT judge pointed to the directions and guidance that address these issues[14] (JR-2023-LON-002366).

- The cases also show different degrees of quality of representation. In one case, the UT judge, ruling that there was no error of law by the FtT, also observed that the applicant's representatives did not serve the applicant well. This was due to the fact that there was relevant evidence available at the time of the hearing to which the judge could have been referred to (a report by the Netherlands government that the Taliban's reach extended beyond the Swat Valley and that there was militant violence in the provinces of Sindh and Punjab), as well as further evidence, and no medical evidence to attest to traumatic distress was provided (UI-2025-000771).

2. Resource asymmetry and evidential disadvantage

- The reformed appeals procedure requires the parties to identify and point out the relevant issues in the case themselves; this should not be the judge's task, which puts unrepresented appellants at a disadvantage (UI-2023-005368).

- It was further reaffirmed that the judge's task is not "to trawl through papers" in order to identify the issue that is obvious but not obvious enough for the parties to raise: '...there is no place for hiding a jewel of a submission in the hope that it will purchase favour in appeal' (UI-2024-005720).

- At the same time, the UT judge cited *AM (fair hearing) Sudan* [2015] UKUT 00656 (IAC), which holds that if a judge is aware of an issue not included in either party's case, the judge must bring it to the attention of the parties as soon as possible, and that this duty extends beyond the hearing date:

> "Fairness may require a Tribunal to canvass an issue that has not been ventilated by the parties or their representatives, in fulfilment of each party's right to a fair hearing.' (UI-2023-005013)

- Judges also showed lenience towards applicants without legal representation, for example, by accepting the evidence even though no documentary evidence of the applicant's partner's mother's leukaemia diagnosis was adduced (UI-2023-002392).

14. Upper Tribunal Immigration and Asylum Chamber: Guidance note on CE-File and electronic bundles, 25 September 2023; Practice Direction for the Immigration and Asylum Chamber of the Upper Tribunal: Electronic filing of documents online – CE-File, 31 August 2023.

- Judges commendably support applicants without representation on procedural matters, simplifying the process and explaining it to them. In one case, for the unrepresented applicant and sponsor, the UT judge ordered that the applicant provide updated evidence and witness statements, without using the CE file, and that the documents be emailed. The UT judge also ordered that Tribunal staff collate and circulate the bundle and that a printed copy be available at the hearing (UI-2023-005645 & UI-2023-005646).

- On the contrary, if the applicant is represented and their legal representatives fail to provide the necessary evidence, the judges show less lenience. In another case, the judge argued that because the applicant was legally represented by experienced counsel who had represented him before FtT, the judge would not seek an important part of the evidence that his legal representation had failed to provide. Moreover, no request for an adjournment was made, and sufficient time was allowed to prepare the documents (UI-2023-005013).

3. Procedural culture: Care, empathy and judicial restraint

- In one case, the UT judge held that the 'lack of care in the proofreading of the decision was of concern as it showed a lack of care.' The UT judge held that the FtT decision contained 'unfortunate and numerous typographical errors,' with the applicant's gender frequently misstated. Even if such errors do not, on their own, constitute an error of law, they could, according to the UT, 'undermine the confidence in the decision.' The FtT judge did not engage with all the evidence put forward, provided no rationale for this omission, and offered little discussion of the evidence, making it difficult to discern the basis of the judge's findings, resulting in remittal (UI-2024-001799).

- In another decision, the UT judge held that 'the lack of care in proofreading' and typographical errors again raised concerns about confidence in the decision. One substantial mistake was that the decision stated that the case concerned the applicant's family life, whereas the appeal was only about the applicant's private life (UI-2024-001625).

- It is notable that judges often openly demonstrate their empathy and care, particularly when dealing with vulnerable participants. For example, they might express that they appreciate that the 'decision will be disappointing for the appellants and sponsor' (UI-2024-005501 & Ors.) Or they might include 'sadly' when talking about someone's health deterioration or someone who died (UI-2022-005964; JR-2025-LON-000414; UI-2023-002392; UI-2024-003983 & UI-2024-003984; UI-2025-000375).

- On some occasions, the judges explain that the judgment they exercise is contained within 'relevant legal principles' and that the decision should be 'legally sustainable.' In one case, the UT judge noted that they are 'judges, not social workers.' And that in certain cases they would want to go ahead and make a decision they 'feel is right,' but 'they are not permitted to go off on a "frolic of their own"…' (UI-2024-001844).

- In one case, the UT judge stated that they have 'sympathy for the situation' the applicant is in, but the court's only power is to 'make an order if public law error is identified.' The judge further noted that it was understandable that the applicant might feel that 'the situation gives rise to a feeling of unfairness in the general sense of the word.' The UT judge went on to stress that they needed to identify unfairness in a legal sense and that there was 'no principle of substantive unfairness in public law' (JR-2023-LON-002366).

- In a different case, even when refusing the protection claim, a judge stated that he 'cannot help but have sympathy' for the applicant. According to the UT judge, the applicant's aggravated vulnerability and the extremely difficult situation faced upon return, such as having to enter a reception and reintegration programme, finding employment, and single-handedly raising two young children without family support due to relocation and stigma, still do 'not meet the threshold of persecution' (UI-2025-001674).

- One hearing observation showed that, in cases involving unrepresented applicants, the judges explained the hearing process and procedural stages and clarified the grounds of appeal.[15] At the same time, the decisions highlighted the distinction between cases with quality legal representation and those where it was lacking: represented applicants benefited from competent submissions and higher evidential standards, whereas unrepresented applicants were more likely to struggle with procedural and evidential requirements.

15. The researcher observed a small sample of hearings involving litigants in person; this finding is not generalisable unless further evidence points to it.

Recommendations

1. **Strengthen procedural support for unrepresented applicants**
   [MoJ, HMCTS]

   For MoJ and HMCTS to:

   - Incorporate earlier identification of litigants in person, clearer procedural guidance, simplified information about hearings, and improved referral pathways to legal advice and representation services.

2. **Reinforce minimum standards for legal representation**
   [MoJ, Solicitors Regulation Authority]

   For MoJ and Solicitors Regulation Authority to:

   - Encourage stronger compliance with procedural directions, clearer expectations regarding evidence, and ongoing professional oversight where conduct falls below the standard.

3. **Recognise care as central to procedural fairness**
   [MoJ, HMCTS, Judicial College]

   Update ETBB, provide training and regular briefings for HMCTS personnel; Judicial College could provide training for judges on:

   - the importance of providing reasons when engaging with or dismissing evidence, drafting decisions accurately to avoid jeopardising confidence in decision-making, and maintaining respectful, trauma-informed communication.

4. **Improve access to legal aid and referral pathways**
   MoJ should conduct a policy review and stakeholder consultation, and follow up on existing evidence and on consultations on legal aid.

5. **Recognise that those without legal representation are at higher risk of procedural misunderstanding and evidential disadvantage when engaging with culturally and linguistically sensitive evidence.**
   [MoJ; HMCTS, Judiciary, HO]

   Update ETBB. HMCTS should provide training and regular briefings to personnel; the Judicial College could provide training for judges.

Conclusion

This research demonstrated that accessible, appropriate, and high-quality linguistic, cultural, and procedural interpretation, understanding, and communication are fundamental justice needs and guarantees. For immigration and asylum tribunals, cultural and linguistic understanding and awareness are often material to the outcome of a case, yet achieving them is complex. One of the issues that arose in the research was not the absence of procedural safeguards to enable effective understanding and communication across linguistic and cultural differences, but rather the difficulties in consistently applying them in practice.

The following issues were examined across four interrelated themes: interpretation and language barriers; engagement with cultural and country contexts; the handling of expert and country evidence; and unequal procedural participation linked to representation and to the challenges inherent in navigating a complex procedural system and culture.

The cases analysed showed that interpretation errors and linguistic nuances can undermine credibility findings, result in material errors of law, and lead to avoidable appeals.

Similarly, multiple decisions highlighted problems arising from inadequate engagement with country and expert evidence, unrealistic evidential expectations, incomplete reasoning in decisions, and assumptions rooted in Western-centric understandings of behaviour, documentation, and social norms. The report also identified broader structural issues affecting procedural fairness and efficiency, including the quality of legal representation, resource limitations, and the procedural disadvantage experienced by unrepresented applicants. These matters are important for access to justice, as they relate to applicants' ability to engage effectively with the asylum and immigration system and to increase the likelihood of a fair outcome.

Building on existing good practice and the achievements of the modern tribunal system, which aims to centre the needs of users, the way forward is to consistently embed culturally and linguistically sensitive practices across decision-making and procedural support in tribunals. Measures such as training, operational guidance, and improved quality of evidence can support judges, applicants, and all those involved. This will increase the likelihood of consistent decision-making and contribute to making the process more efficient and, in the longer term, contribute to reducing the number of appeals and strengthening procedural justice and access to justice for applicants.

Acknowledgments

I would like to thank all the research participants for their time and commitment.

I would also like to thank Rebecca Hacker for her invaluable feedback on the earlier draft of the report.