
| RESEARCH ARTICLE

Why Translation Matters in Border Screening: A Translation Studies Perspective on the EU Screening Regulation (Reading Regulation (EU) 2024/1356 with the tools of Translation Studies)

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| ABSTRACT

From 12 June 2026, every external border of the European Union will operate a uniform screening procedure for irregularly entering third-country nationals, lasting between three and seven days, at the end of which each person is oriented towards an asylum procedure, a return procedure, or a refusal of entry. The procedure is governed by Regulation (EU) 2024/1356 of 14 May 2024. This article approaches the procedure as a Translation Studies researcher would. It explains, step by step, why the screening cannot be properly understood without translational concepts, and what those concepts contribute. The argument is presented didactically; it assumes no prior familiarity with translation theory and works through, in plain terms, the questions a translation scholar asks of an institutional procedure mediated by interpreters. The article culminates in three dimensions and eight evaluative considerations – each developed at length – that monitoring bodies, courts and policy designers may find useful when assessing the translational quality of a screening operation. The eight considerations are presented not as an instrument to be applied, but as a structural argument about what Translation Studies has to say. These three dimensions and eight evaluative considerations should pave the way for a future modelisation of a translation studies and fundamental rights compliant screening procedure.

| KEYWORDS

Translation studies, border screening, regulation (EU) 2024/1356, fundamental rights, legal procedure, monitoring, migration law

| ARTICLE INFORMATION

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1. Introduction

On 12 June 2026, Regulation (EU) 2024/1356 of 14 May 2024 will become applicable in all Member States of the European Union. The Regulation introduces a uniform screening procedure for third-country nationals apprehended at the external borders, disembarked after a search-and-rescue operation, or found on the territory in irregular situations. The procedure is short – three to seven days – and its outcome orients each person towards one of three further paths: an asylum procedure, a return procedure, or a refusal of entry. The Regulation does not formally describe this orientation as a decision in the administrative – law sense, yet the consequences for the person are far-reaching; access to international protection, the so-called fiction of non-entry, eligibility for accelerated procedures, and de facto detention during the screening itself.

The legal scholarship on the Regulation, already abundant, has analysed the procedures through the categories of administrative law, refugee law, and human rights law. Translational considerations, by contrast, have remained largely outside the discussion. This is unusual when one notices that every step of the screening rests on speech mediated by an interpreter a person states their name and nationality, recounts the circumstances of their entry, expresses or fails to express a request for protection and signals or fails to signal a vulnerability – and each of these communicative events takes place in a language unfamiliar to the staff

conducting the screening. The interpreter is the silent third actor without whom none of the documented information would exist. Yet the Regulation says strikingly little about this actor and even less about the conditions under which their work takes place.

The aim of the present article is to explain what Translation Studies has to say about this configuration, and why what it has to say is not optional. The article unfolds in four parts, section 2 outlines the screening procedures and the points at which translation enters it. Section 3 introduces, in accessible terms, what Translation Studies is and what kind of question it asks of an institutional procedure. Section 4 develops eight evaluative considerations that follow from such a question, each presented as an extended argument rather than as a checklist item. Section 5 onwards, monitor screening on behalf of the rule of law.

2-The Screening Procedure and Where Translation Enters

Before asking what Translation Studies has to say about screening, we must describe what screening is, and at which moments translation becomes indispensable. The description that follows is brief and limited to those features that matter for the translational analysis. A reader interested in the full procedural detail is referred to the Regulation itself and to the published commentaries (ECRE, 2025; RSA, 2024; Peers, 2024).

2.1 The procedure in outline

Screening is a pre-entry procedure. It applies to a third-country national who has crossed the external border irregularly, who has been disembarked after a rescue operation, who has presented themselves at a border crossing point without satisfying the conditions of entry, or- in residual category – who is found in an irregular situation on the territory of a Member State without having been previously screened. The procedure must be completed within seven days for persons apprehended at the border or disembarked after rescue, four days if they have been physically held at the border for more than seventy-two hours, and three days for the residual category.

During this short window, six operations take place; a preliminary health check, a preliminary vulnerability check, an identity check, biometric registration, a security check across European databases (Eurodac, the Schengen Information System, the Visa Information System and others), and the completion of a debriefing form provided for in Article 17. The debriefing form is the documentary output of the screening; it consolidates everything that has been determined about the person during the procedure. On the basis of this form, an authority subsequently decides whether the person enters an asylum procedure, a return procedure, or is refused entry. Although the form is of itself a decision, the Regulation expressly requires that its content be recorded in such a way that it remains amenable to administrative and judicial review in any subsequent procedure (a point of considerable importance.

2.2 Where translation enters

Translation does not enter the screening at one moment; it enters at every moment. Each of the six operations listed above involves a verbal exchange between the person and the staff conducting the screening and that exchange is, in practice, almost always mediated by an interpreter. The preliminary vulnerability check relies on the person's self-report and the interpreter's rendering of it. The identity check rests on a stated name, place of birth, and nationality, all of which are produced through translation. The debriefing form records information that, in nearly every case, the person has uttered in a language other than that of the form.

This is not a peripheral feature of the procedure. It is its conditioning feature. Whatever appears in the debriefing form has, in the overwhelming majority of cases, passed through the work of an interpreter. The factual basis on which subsequent decisions will rest is therefore not the person's speech as they uttered it, but a translation of that speech as recorded by an institutional agent. Any analysis of the procedure that ignored this fact is, in a strict sense, incomplete.

2.3 What the Regulation says about translation

Given the centrality of translation to the procedure, one might expect the Regulation to devote sustained attention to it. It does not. There are no articles dedicated to interpretation, to translation, or to linguistic information. The only references one can find are generic clauses requiring that the person be informed in a language they understand or can reasonably be assumed to understand – a phrasing well known to migration language law scholars and well known to be unsatisfactory in practice (Slama, 2023). The Regulation prescribes no qualification for the interpreters who will conduct this work. It established no protocol for documenting their reformulations. It opens no avenue through which the person can contest a translation theory consider inaccurate.

This silence is not neutral. It contrasts sharply with the parallel Regulation (EU) 2024/1348 on the common procedure for international protection, adopted on the very same day, which devoted explicit provisions to interpretation in personal

interviews. The two regulations were negotiated together; the asymmetry between them on translational matters is therefore a deliberate choice rather than an oversight. It is precisely this choice that opens the analytical space the present article occupies.

3. What Translations Studies Is, and What it Asks

Translation Studies is the academic discipline that studies how meaning is produced when it must pass between languages. It emerged as an independent field in the second half of the 20th century drawing first on linguistics, then cultural studies, sociology, anthropology, and ethics.

Under the general social turn, that we define starting from the integration of sociology until today turn that goes under the so called institutional framework, more specifically the circumstantial turn that is considered , in our sense, a sub-category that particularly arise in migration screening procedures.

From this background, the question Translation Studies brings to the screening procedure follows naturally. It is not the question of whether the procedure is fair in some abstract sense, nor the question of whether interpreters are well trained, nor the question of whether documents are properly archived – although each of these questions is legitimate. The question Translation Studies brings is more specific: under what conditions does the translational mediation, on which the entire procedure rests, produce results that can be relied upon for the consequential decisions that follow? In other words, when can we trust the translational output of the screening, and when can we not?

4. Three Dimensions and Eight Considerations a Translation Studies Reading Brings to Screening

These eight considerations bring a particular reading to screening, developed around translation studies research particularly in its applied strand devoted to asylum and public service settings (Pochhacker, 2022, Hale, 2007, Valero- Garés, 2019). The eight considerations go under three main dimensions; namely: reliability, verifiability and equity.

4.1 Reliability considerations

It may be useful to propose that this dimension sets the foundational conditions for making an interpreted encounter at the border trustworthy from the outset: who performs the interpretation and whether the linguistic match actually allows the speaker's words to be heard as intended (Pochhacker2022; Hale 2007). If these preconditions do not hold, subsequent records and decisions could rest on an unstable base, and the right to be heard may risk being effectively hollowed out (ICCPR Art. 14; Charter Art. 47). On this basis, reliability might reasonably be treated as a primary methodological and normative concern in any empirical and legal analysis.

4.1.1 Interpreter qualifications

It may be worth considering professional competence as a primary condition: trained legal and interpreting professionals potentially combine linguistic transfer, contextual knowledge, and ethical duties in ways that help preserve fidelity and integrity in mediated encounters (Pochhacker 2022; Hale 2007). By contrast, reliance on ad hoc solutions – such as staff, fellow detainees, or untrained bilinguals – appears in the literature to produce deviations from professional norms and risks cumulatively distorting the recorded narrative (Pollabauer 2004; Good 2007, Doornbos 2005). From a rights perspective, these less reliable qualifications could undermine the right to be heard and the effectiveness of the hearing (ICCPR Art.14; Charter Art. 47). This suggests that interpreter qualification might reasonably be treated as a methodological and normative requirement in subsequent empirical and legal analysis.

4.1.2 Match of language variety

It may be useful to explore the idea that language is not a single, uniform code: dialects and registers vary across regions and social groups, and these internal differences could matter as much as the name of the language itself (Blommaert 2001; Maryns 2006). If interpreters are competent only in a prestige or standard variety, there is a risk they might miss, flatten, or misrender features of rural, regional, or non-standards varieties, potentially producing distortions that alter nuance and legal meaning (Maryns 2006; Inghilleri 2005). Such mismatches may not be merely technical; they could also raise equity concerns, since speakers of non-prestige varieties appear to face systematic disadvantages that engage non-discrimination obligations under international law (ICCPR Art.26; Charter Art.21). This line of reasoning suggests that attention to language variety might be treated as a methodological and normative requirement in subsequent empirical and legal analysis.

4.2 Verifiability

This dimension identifies the documentary and procedural infrastructure needed to examine, after the fact, what was said and how it was rendered. Audio records, traceable interpretive choices, and semantic fidelity between speech and inscription are minimal conditions for effective review and remedy (Pochhacker and Kolb 2009; Hale 2007).

4.2.1 Existence of audio recording

It may be worth proposing that an independent audio record could serve as a baseline condition for verifiability in interpreted border procedures: such a record would allow disputes about what was actually said to be assessed against the original utterance rather than relying solely on an institutional transcript (Pochhacker and Kolb 2009; Hale 2007). In situations where no recording is available, the literature suggests that an asymmetry of memory may arise: the institution's written account tends to become the default truth, leaving the individual whose statement is at stake without an independent record to contest it (Lee 2017). This structural imbalance could have direct remedial consequences, since the absence of an audio record appears to weaken access to effective remedies and meaningful judicial review under Article 13 ECHR and Article 47 of the Charter. On this basis, it seems reasonable to consider audio recording as a methodological and normative requirement in subsequent empirical and legal analysis.

4.2.2 Traceability of sensitive reformulations

It may be important to consider that some terms carry more legal weight than others: "persecution threat, fear, beating, detention, expressions of vulnerability." This suggests that interpreters might need to flag moments where wording choices could alter the legal significance of an utterance (Hale 2007; Pochhacker and Kolb 2009; UNHCR 2017). The literature indicates that unmarked reformulations may redirect a case onto a different legal trajectory and thereby affect protection outcomes (Pollabauer 2004). For procedural fairness, it seems reasonable to propose that interpretive choices bearing on protection – relevant terms should be traceable in the record, so that later review can assess whether those choices influenced the factual basis for a decision (Geneva Convention Art.33; ECHR Art.3).

4.2.3 Semantic fidelity between speech and record

It may be useful to propose that assessing whether the written record faithfully reflects what was said required systematic comparison techniques: approaches such as back translation and parallel corpus analysis could help reveal divergences between utterance and inscription that carry legal significance (Hale 2007; House 2015). Importantly, not every discrepancy is decisive; the relevant legal test appears to be whether differences alter the case's classification or the availability of protection, which suggests that analysis should focus on shifts with potential to change legal outcomes rather than minor stylistic variation (Touy 2012; Maryns 2013). Finally, fidelity seems to be shaped by procedural context: short procedures, interpreter fatigue, restrictive form design, and institutional quotas may predispose inscriptions to systematic shaping and omission. On this basis, any assessment of semantic fidelity might reasonably be expected to account for these procedural pressures (Keselman et al. 2010; Lee 2013).

4.3 Equity

It may be worth proposing that this dimension examines how translational practices distribute benefits and burdens across groups: whether distortions fall more heavily on some speakers, whether procedures adapt to vulnerability, and whether speakers have meaningful opportunities to contest how they were represented. In this sense, equity could be understood as directly connected to non-discrimination principles and to thematic rights instruments (CRC; CEDAW; CRPD). On this basis, equity might reasonably be treated as a cross-cutting methodological and normative concern in subsequent empirical and legal analysis.

4.3.1 Systematic distortions in institutional interpreting

It may be worth proposing that institutional interpreting tends to produce recurring patterns – such as stereotyping, under simplification, and unfounded attribution – that reshape speaker's accounts in predictable ways (Bohmer and Shuman 2008; Maryns 2006; Pollabauer 2004). These cognitive and procedural economies of interpretation appear far from neutral: they may disproportionately affect speakers whose narratives do not align with institutional templates, including accounts that are non-linear, culturally specific, or conveyed through silence, so the burden of distortion could fall unevenly (Gile 2009). The normative consequence seems significant: such systematic distortions may generate de facto discrimination in access to protection even where formal rules appear equal, thereby engaging non-discrimination obligations under international law (ICCPR Art.26; ECHR Art.14). On this basis, it could be reasonable to treat the risk of distortion as a methodological and normative concern in subsequent empirical and legal analysis.

4.3.2 Translational adaptations for vulnerable persons

It may be important to propose that vulnerability has specific translational consequences: children, persons with disabilities, and traumatized individuals often appear to require tailored interpreting approaches because their communicative needs and capacities differ from those of standard interviewees (Herlihy, Scragg and Tuner 2002; Herlihy and Turner 2007). Operational responses could include trauma-informed interpreters, allowance of breaks, and the presence of a trusted third party – measures that the literature suggests improve disclosure and accuracy in sensitive contexts (Bogner, Brewin and Herlihy 2010; UNHCR 2027; EUAA 2024). These adaptations might reasonably be treated not as optional accommodations but as procedural necessities, since they appear required to give effect to child rights and disability obligations and to ensure that the right to be heard and to protection is meaningful in practice (CRC arts.3, 12; CEDAW; CRPD).

4.3.3 Possibilities for linguistic contestation

It may be worth proposing that verification mechanisms involving the speaker – such as read-backs, explicit invitations to correct, and the right to request re-interpretation of contested passages – could empower individuals and materially improve the accuracy of the record (Hale 2007; ISO 13611 2014). Where such mechanisms are absent or impractical, the literature suggests that speakers may effectively be silenced: under stressful border conditions, exhausted or detained persons often lack realistic avenues to challenge how their words have been rendered, so the institutional transcript tends to become final by default (Wadensjö, Rehnberg and Nikolaidou 2022). Embedding accessible, language-appropriate contestation procedures might therefore be treated as a procedural necessity, since they appear central to making the right to be heard and the right to an effective remedy meaningful in practice (ICCPR Art.14; ECHR Art.13; Charter Art. 47).

8. Conclusion

This analysis demonstrates that the screening procedure established by regulation (EU) 2024/1356 cannot be fully understood or evaluated without the lens of Translation Studies. Far from being a peripheral element, translation constitutes the very foundation of the process: every piece of information recorded in the debriefing form, and every subsequent decision, is mediated through language.

The three dimensions identified: reliability, verifiability and equity, together with the eight evaluative considerations, highlight methodological and normative requirements that extend beyond technical competence. They reveal:

The necessity of professional qualifications and sensitivity to linguistic varieties to ensure faithful transmission of migrants' accounts;

The importance of documentary infrastructures such as audio recordings, traceable interpretive choices, and semantic fidelity to enable effective review and remedy;

The obligation to adapt procedures for vulnerable individuals and to embed mechanisms of linguistic contestation, thereby safeguarding non-discrimination and meaningful access to protection.

Translation studies thus enriches and complements traditional legal analyses by exposing the linguistic foundations upon which rights are either upheld or undermined. The discipline demonstrates that the quality of translational mediation directly shapes the effectiveness of fundamental rights within the screening procedure.

Ultimately, this interdisciplinary perspective paves the way for the future modelling of a screening process that is both compliant with fundamental rights and informed by Translation Studies. Such a model would reconcile administrative efficiency with linguistic justice, ensuring that decisions taken at the borders of the European Union rest on a reliable, verifiable, and equitable communicative foundation.

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