Dataset notes:

These notes apply to the data sets ‘AsylumAppealDatasetCA’, ‘AsylumAppealDatasetRUO’, ‘AsylumAppealDFTDatasetCA’, ‘AsylumAppealDFTDatasetRUO’, ‘AsylumAppealDatasetNotesCA’, AsylumAppealDatasetNotesRUO’, ‘AsylumAppealDFTDatasetNotesCA’ and ‘AsylumAppealDFTDatasetNotesRUO’. They, and other definitional issues, were discussed and agreed among researchers before observations were taken.

Throughout, UO denotes ‘unobserved’: the researcher either a) could not observe the instance of data because it did not come about or come to light during the data collection; or b) is uncertain about whether the data was observable during the data collection.

Fieldname ‘Start’: 24 hour clock used for all times (and other fields concerning time). Start time refers to when the IJ enters the room.

Parties Present: People were counted as present during a hearing if they were linked to the hearing via telephone or videolinking.

Fieldname ‘1.2.b’: Examples of the judge providing guidance for communication during the hearing would include explaining how the appellant should answer through the interpreter; explaining that the appellant should break down answers into short sentences; explaining that the appellant should speak loudly and clearly; explaining that the appellant should answer directly to their questioner (not interpreter) and explaining that the appellant should wait until the question has been interpreted before answering and wait for their answer to be interpreted before continuing.

Fieldname ‘2.4.a’: An interruption is defined here as an instance where the proceedings of the tribunal are stalled for some reason but the IJ does not leave the room.

Fieldnames ‘3.1.a – 3.1.e\_UO’: The following definitions, based in part on the Oxford English Dictionary, were agreed before the fieldwork commenced:

Confrontational: ‘tending to deal with situations in an aggressive way; hostile or argumentative’. E.g. raising voice, overtly challenging another party, hostile body language (such as pointing).

Impatient: ‘not patient; not bearing or enduring with composure; irritable; irascible; easily provoked’. E.g. fidgeting, sighing, resigned hand gestures, rolling eyes, trying to hurry proceedings.

Interruptive: Interrupting the person whose turn it is to speak in a persistent and hostile way.

Attentive: ‘steadily applying one’s mind, observant faculties or energies; giving or evincing careful consideration, intent, heedful, observant’. E.g. alert, listening intently, picking up on and responding to dynamics in the flow of interaction or proceedings.

Friendly: ‘having the qualities or attitude of a friend; behaving or disposed to behave in a manner befitting a friend or showing friendship; kind and pleasant’; ‘warm, inviting, opening’. E.g. smiling, affirmative gestures, jovial manner.

Fieldnames ‘3.2 – 3.2.b\_UO’, distinguish between judicial questioning that is: a) For clarification/further elaboration: these are short questions, in relation to a question posed by the HOPO or LR during examination, or following examination. b) Inquisitorial: these are more substantive questions, and may be an entirely new question from those posed by LR or HOPO, intended to draw additional information.

Fieldname ‘3.3 – 3.3\_UO’: According to Robert Thomas, *adversarial* conduct is when “each litigant will present his or her own case and attack that of the opponent.” (51); *inquisitorial* conduct is when “the judge assumes a proactive role in identifying issues and gathering evidence and also takes full control of the proceedings and governs the participation of the parties.” (51); the *enabling* approach “has been advanced specifically in relation to unrepresented claimants who appeal against decisions of a ‘repeat-player’ government agency. In the enabling approach, the tribunal gives an unrepresented appellant every possible assistance to enable her to participate and to compensate for her lack of skills or knowledge. This is achieved through a combination of creating the right atmosphere and assisting the appellant by bringing out relevant facts.” (52). Reference: Thomas, R. (2013) ‘From “Adversarial v Inquisitorial” to “Active, Enabling and Investigative”: Developments in UK Administrative Tribunals’ in Jacobs, L. and Baglay, S. (eds) (2013) *The Nature of Inquisitorial Processes in Administrative Regimes: Global Perspectives*, London and New York: Routledge, pp51-70.

Fieldname ‘4.3’: We defined ‘formal’, ‘smart/casual’ and ‘casual’ as corresponding to prevailing British norms. Casual dress may include tracksuits, shorts, jeans, sportswear, trainers, flip-flops and tank tops. Smart-casual dress may include shirts, blouses and culottes. Formal dress may include suits, blazers and traditional dress.

Fieldname ‘4.4’: Indicative behaviours may include physically or otherwise responding to instances of speech before they have been interpreted and communicating in English with other parties (including during breaks etc).

Fieldnames ‘4.5.a-4.5.g\_UO’: The following are definitions, based in part on the Oxford English Dictionary:

Distressed: ‘suffering from extreme anxiety, sorrow or pain’. E.g. crying, frowning, grimacing, huddled over, shouting or extremely quiet.

Confrontational: ‘tending to deal with situations in an aggressive way; hostile or argumentative’. E.g. raising voice, overtly challenging another party, hostile body language (such as pointing).

Nervous: ‘excitable; highly strung; easily agitated; anxious; timid; hypersensitive; worried; afraid; apprehensive’. E.g. shaking, stumbling over words, sitting quietly, fidgeting.

Assertive: ‘declaratory, affirmative, positive, dogmatic’. E.g. responds to points raised with self-assurance, speaks with confidence.

Softly spoken: speaking quietly, mumbling, shielding face/mouth during speech.

Short replies: use of one-word answers, not volunteering information

Fieldname ‘5.2.a’: Well prepared legal representative: on time to hearing; all relevant documentation/bundles present and in order (unless not provided by another party in time); appear to be calm and collected in their demeanour during the hearing; aware of any witnesses or experts to be called, including names.

Fieldnames ‘5.4.a-5.4.e\_UO’: The following are definitions, based in part on the Oxford English Dictionary:

Confrontational: ‘tending to deal with situations in an aggressive way; hostile or argumentative’. E.g. raising voice, overtly challenging another party, hostile body language (such as pointing).

Impatient: ‘not patient; not bearing or enduring with composure; irritable; irascible; easily provoked’. E.g. fidgeting, sighing, resigned hand gestures, rolling eyes, trying to hurry proceedings.

Attentive: ‘steadily applying one’s mind, observant faculties or energies; giving or evincing careful consideration, intent, heedful, observant’. E.g. alert, listening intently, picking up on and responding to dynamics in the flow of interaction or proceedings.

Friendly: ‘having the qualities or attitude of a friend; behaving or disposed to behave in a manner befitting a friend or showing friendship; kind and pleasant’; ‘warm, inviting, opening’. E.g. smiling, affirmative gestures, jovial manner.

Fieldname ‘5.6.a’: To develop an understanding of what constitutes ‘special measures’ we consulted various sources, including: Thomas R (2011). *Administrative Justice and Asylum Appeals: A Study of Tribunal Adjudication*, Oxford, Hart publishing; Judicial College (2013) *The Equal Treatment Bench Book*. London. Available <https://www.judiciary.gov.uk/wp-content/uploads/2013/11/equal-treatment-bench-book-2013-with-2015-amendment.pdf>; Arfon-Jones E (2004) *Guidance Note on Unrepresented Appellants Who Do Not Understand English*. Available at: <https://www.judiciary.gov.uk/wp-content/uploads/2014/07/GuidanceNote1.pdf>.

Fieldname ‘6.2.a – 6.2.g\_UO’: The following are definitions, based in part on the Oxford English Dictionary:

Aggressive: ‘ready or likely to attack or confront, characterised by resulting from aggression’ e.g. raising voice, hostile body language.

Accusatory: ‘indicating or suggesting that one believes a person has done something wrong’ e.g. making claims about another person’s qualities, intentions or behaviour; calling someone a liar.

Overly confident (arrogant) e.g. ‘having or revealing an exaggerated sense of one’s own importance or abilities’ e.g. laughing, scoffing, dismissive hand gestures.

Friendly: ‘having the qualities or attitude of a friend; behaving or disposed to behave in a manner befitting a friend or showing friendship; kind and pleasant’; ‘warm, inviting, opening’. E.g. smiling, affirmative gestures, jovial manner.

Attentive: ‘steadily applying one’s mind, observant faculties or energies; giving or evincing careful consideration, intent, heedful, observant’. E.g. alert, listening intently, picking up on and responding to dynamics in the flow of interaction or proceedings.

Frustrated: ‘disappointed; thwarted; having a feeling of or filled with [frustration](http://dictionary.reference.com/browse/frustration); dissatisfied.’

Fieldname ‘6.4’ see notes on fieldname ‘5.2.a’ above.

Fieldname ‘6.5’: Appeal Training, 8-day PO [Presenting Officer] Induction Course, Trainers’ Notes p.112-113: ‘Avoid multiple questions, they only confuse the appellant, yourself and the judge and you’re unlikely to get the answer to each question, i.e. was your first arrest in December, what treatment did you receive and after how long were you released? Ask one question at a time’. Made available via a freedom of information request (FOI 28601), at <https://www.whatdotheyknow.com/request/presenting_officer_training_mate>

Fieldname ‘6.7-6.7.c\_UO’: Appeal Training, 8-day PO [Presenting Officer] Induction Course, Trainers’ Notes p.112-113:, p. 113: “if the appellant is not answering the question, then stop them and ask them again i.e. “That is not what I asked, what I actually asked was…..” Give the appellant a couple of opportunities and if they continue being evasive then indicate to the Judge that the question is not being answered and move on, you have made the point and can submit on it later.” Made available via a freedom of information request (FOI 28601), at <https://www.whatdotheyknow.com/request/presenting_officer_training_mate>

Fieldname ‘7.3.a’: Where the immigration judge made an effort to ensure that the interpreter and appellant understand each other, the approach taken. Expressed as the following mutually exclusive categories:

a) Immigration judge simply asked the interpreter and Appellant whether they understand each other. In this scenario the IJ may use something like the following form of words: *"Do you understand each other".* The IT turns to the Appellant and says presumably, *"Do you understand me". The* Appellant says something in reply and the interpreter confirms there is an understanding. See Henderson, M. and Pickup, A. *Best Practice Guide to Asylum and Human Rights Appeals.*

b) Immigration judge asked the interpreter and Appellant whether they understand each other and instructed them to test their ability to communicate by engaging in a short dialogue. In this scenario the IJ may use something like the following form of words: IJ to Appellant: “Do you understand the interpreter?”. Then IJ to Appellant: “Now to ensure that the interpreter understands you, I would like you to tell the interpreter how you arrived at court this morning. Tell the interpreter what time you left and some details of your journey here.” Then IJ to the Interpreter: “Do you understand the witness?”See Henderson, M. and Pickup, A. *Best Practice Guide to Asylum and Human Rights Appeals.*

c) Other approach

Fieldnames ‘8.4.a-9.2.b’: The following are definitions, based partly on the Oxford English Dictionary:

Distressed: ‘suffering from extreme anxiety, sorrow or pain’. E.g. crying, frowning, grimacing, huddled over, shouting or extremely quiet.

Confrontational: ‘tending to deal with situations in an aggressive way; hostile or argumentative’. E.g. raising voice, overtly challenging another party, hostile body language (such as pointing).

Nervous: ‘excitable; highly strung; easily agitated; anxious; timid; hypersensitive; worried; afraid; apprehensive’. E.g. shaking, stumbling over words, sitting quietly, fidgeting.

Assertive: ‘declaratory, affirmative, positive, dogmatic’. E.g. responds to points raised with self-assurance, speaks with confidence.

Softly spoken: speaking quietly, mumbling, shielding face/mouth during speech.

Short replies: use of one-word answers, not volunteering information.