

# UC Irvine

## UC Irvine Previously Published Works

### Title

The craft of translation: documentary practices within immigration advocacy in the United States

### Permalink

<https://escholarship.org/uc/item/9fx258p5>

### Journal

PoLAR Political and Legal Anthropology Review, 46(1)

### ISSN

1081-6976

### Authors

Coutin, Susan Bibler

Fortin, Véronique

### Publication Date

2023-05-01

### DOI

10.1111/plar.12531

### Copyright Information

This work is made available under the terms of a Creative Commons Attribution License, available at

<https://creativecommons.org/licenses/by/4.0/>

Peer reviewed

## RESEARCH ARTICLE

# The craft of translation: documentary practices within immigration advocacy in the United States

Susan Bibler Coutin<sup>1</sup>  | Véronique Fortin<sup>2</sup> 

<sup>1</sup>University of California, Irvine

<sup>2</sup>Université de Sherbrooke

**Correspondence**

Véronique Fortin Université de Sherbrooke

Email: [veronique.fortin@usherbrooke.ca](mailto:veronique.fortin@usherbrooke.ca)

**Abstract**

This article builds on anthropological research on bureaucratic inscription as a power-laden process to explore the craft of document translation in contexts of immigration legal advocacy. In a legal climate characterized by suspicion and resource scarcity, immigrants who seek to regularize their status in the United States face steep evidentiary challenges, including the requirement that all documentation, including records from their countries of origin, letters of support from friends and family, and their own affidavits, must be translated into English. Approaching immigration document translation ethnographically and drawing on multi-year fieldwork in a nonprofit providing legal services to low-income, Spanish-speaking immigrants, this article focuses on translation as neither straightforward and mechanical nor as impossibly complex but rather as a craft that involves exercising discretion. Practicing this craft with care is one way to counter the otherwise alienating and state-centric nature of bureaucratic inscription.

**KEYWORDS**

translation, documents, immigration advocacy, ethnography, bureaucratic inscription

This is an open access article under the terms of the [Creative Commons Attribution-NonCommercial-NoDerivs](https://creativecommons.org/licenses/by-nc-nd/4.0/) License, which permits use and distribution in any medium, provided the original work is properly cited, the use is non-commercial and no modifications or adaptations are made.

© 2023 The Authors. *PolAR: Political and Legal Anthropology Review* published by Wiley Periodicals LLC on behalf of American Anthropological Association.

On a hot summer afternoon in 2012, one of us—Susan—sat on the floor, surrounded by file folders, in the office of an immigration attorney who worked at a Los-Angeles-based nonprofit that helped undocumented Spanish-speaking immigrants regularize their status in the United States. Both of us, Susan and Véronique, were doing fieldwork at this nonprofit to study the opportunities and challenges that records created both for immigrants and the service providers who prepared their paperwork. Sometimes, for example, the nonprofit's clients discovered unexpectedly that documentation they had filed years ago made them eligible for regularization. More often, they learned the opposite, such as when an arrest record raised questions about their eligibility. We carried out this project collaboratively, supporting the nonprofit through volunteering while also shadowing service providers. A key volunteer task was translating Spanish documents into English so that they could be submitted as part of immigration cases.

That August afternoon in 2012, the attorney had asked Susan to sort through a pile of applications for U visas, a form of legal relief available to undocumented crime victims who suffered substantial harm and collaborated in investigating the crime. The goals were to organize the documents for each case, identify untranslated Spanish documents, and do the translations. For instance, as evidence of substantial harm, U-visa applicants often included letters in Spanish from relatives, friends, or coworkers who had witnessed the crime's impact. Ambiguous phrases sometimes posed translation challenges. For example, one letter stated in Spanish, "*La siguió aun con los compañeros de trabajo,*" which could literally be translated as "He even followed her with the coworkers," but it sounds odd without a possessive pronoun in English. It could also be translated as "He even followed her with *his* coworkers" or "He even followed her with *her* coworkers." It was important to translate this sentence accurately to avoid introducing discrepancies with other material and to convey the letter writer's point. Saying that he followed her with his coworkers might sound more threatening, like the group ganged up on her, while saying that he followed her when she was with her coworkers might demonstrate that she could not feel safe anywhere. The letter was provided by the U-visa applicant's friend and was not someone with whom the attorney had contact, so it was impractical to consult with the writer.<sup>1</sup> Susan used context to make the best choice between possible meanings (in this case, selecting "her coworkers"), affixed a statement attesting to her competence to translate from Spanish to English, and printed and signed the translations, which were then filed with the originals.

This example demonstrates several features of document translation in a US immigration context. First, translated documents "give life" to non-English originals—in this case, a letter—by enabling them to be submitted as legal evidence. The original exhibits material qualities, such as the sort of paper used, stamps, seals, signatures, and creases, that convey authenticity (Thomson, 2012), while the certified translation provides textual meaning, enabling the non-English document to circulate. Second, even though only one individual certifies the translation, translation may be performed by a collectivity, in this case, both Susan and the attorney (Engberg, 2020). Third, translations can do justice to the original by striving to communicate authors' intentions, even if that means exercising discretion in word choice (Biel, 2017; El Ghazi and Bnini, 2019; Engberg, 2020). Fourth, in advocacy contexts, a translation is performed with care. Together these features—efficacy, collectivity, creativity, and dignity—make up the craft of translating immigration documents as a form of advocacy, as we elaborate on below.

## DOCUMENT TRANSLATION AS BUREAUCRATIC INSCRIPTION IN THE CONTEXT OF IMMIGRATION IN THE UNITED STATES

In exploring the craft of translation (Biguenet and Schulte, 1989) in contexts of legal advocacy, we problematize two pervasive accounts of translation. The first is the idea that translation is merely a process of finding equivalence across disparate but commensurate languages (El Ghazi and Bnini, 2019; Giordano, 2008). This notion of equivalence informs legal understandings of translation. For example, the current (edition 09/17/19) N-400 Application for Naturalization form requires translators to sign the following statement: "I certify, under penalty of perjury, that: I am fluent in English and (blank, to be filled by destination language)... and I have read to this applicant in the identified language every question and instruction on this application and his or answer to every question. The applicant informed me that

he or she understands every instruction, question, and answer on the application... and has verified the accuracy of every answer" (USCIS, n.d.[b], 18). This statement suggests that every question, instruction, and answer can be replicated in the language of the applicant. The second account, which is widespread in the academic literature, challenges language equivalence, arguing that due to "irreducible difference" in languages, complete and accurate translation is impossible (Benjamin, 1996; Giordano, 2008, 590; Jiang and Zhuang, 2019). As Susan Gal notes, translations "purport to change the form, the social place, or the meaning of a text, object, person, or practice while simultaneously seeming to keep something about it the same" (2015, 226). Though they differ, both the equivalence and nonequivalence accounts assess translation in terms of completeness and accuracy. In contrast, by examining translation as a craft, we redirect attention from product to process (Barrera, 2013; Wissink, 2021; Wolf, 2017), to creativity, to the collectivity that is brought into being through translation, and to the relationships that translation forges between documents. Much as legal realism and the sociolegal literature on discretion challenge the notion that legal decision-making simply applies law to a set of facts to reach an outcome, so too does the term *craft* dignify translation as far from mechanical.<sup>2</sup>

In the United States, the translation of immigration documents takes place in a legal climate characterized by suspicion and resource scarcity. Immigrants have increasingly been treated as suspect through illegalization and criminalization (Armenta, 2017; Chacón, 2012; Dowling and Inda, 2013), as evidenced by increased use of E-Verify to detect unauthorized workers (Stumpf, 2012), border militarization (Rosas, 2019), restricted opportunities for legalization, expanded immigration consequences for criminal convictions (Morawetz, 2000), rising deportation rates (Kanstroom, 2012), local police collaboration with federal immigration enforcement (Chacón, 2012), and the tightening of immigration laws to detect fraud (Coutin and Fortin, 2021). In this context, the evidentiary burden faced by immigrants who seek to regularize their status has increased (Thomson, 2012; Urla, 2019). To prove their relationships, moral character, continuous presence, and other elements of immigration cases, applicants must secure birth certificates, police records, check stubs, rent receipts, letters of support, school transcripts, and other documentation. Discrepancies within the documentary record are treated by officials as indications of fraud, and combatting such accusations usually requires even more documentation. The shortage of competent, affordable legal services exacerbates these challenges. Records in languages other than English must be translated to be part of the legal record. To do so, applicants sometimes rely on untrained friends or relatives, or on public notaries who may defraud immigrants by providing unlicensed legal services for excessive fees.<sup>3</sup>

Translations become part of a bureaucratic chain that inscribes immigrants within government recordkeeping systems. Sarah B. Horton and Josiah Heyman define bureaucratic inscription as "the various processes and technologies through which information about individuals and their immigration status is incorporated into official state registers" (2020, 5). Bureaucratic inscription is characterized by inequality, given the insecurity and uncertainty faced by immigrants. If they reveal themselves to authorities, they may ultimately be deported, but if they do not apply, they may miss opportunities to gain work authorization, relief from deportation, and possibly a pathway to citizenship. Documents, Horton and Heyman argue, provide a "window onto the power dynamics between migrants and states" (2020, 2). A key aspect of these power dynamics is that in most of the cases that we observed, immigrants who were seeking legal status submitted their applications by mail and therefore never met with or spoke to the officials who would decide their fates. Even for the service providers with whom we worked, immigration officials were somewhat abstract individuals whose standards and procedural preferences could only be discerned from a distance, based on the outcomes of previous files that had been submitted. This context of uncertainty gave translations added significance as part of a bureaucratic chain of documents through which identity was established and deservingness was assessed. In the nonprofit where we carried out fieldwork, ensuring that translations were accurate was part of advocacy. As Sarah Lund (2001, 22) notes regarding documentation processes in Peru, "there is room for personal expression and contestation." The documents that we and others translated were located within this "room" (see also Barsky, 2005; Clappe, 2019). Translations were links in power-laden bureaucratic chains, potentially conveying applicants' voices, enabling their social worlds to become visible, and inserting documents from their countries of origin into the documentary record. Studying document translation ethnographically sheds light on the "generative capacity of documents" (Hull,

2012, 259) and the ways that legal advocacy through documentation—including through translation—speaks back to the state in its own language.<sup>4</sup>

In this context of criminalization and suspicion, translating documents can help to combat alterity and illegalization, including the stigmatization of languages other than English. As Jacqueline Urla (2019, 268) notes, “under neoliberalism we have the curious condition in which language learning and multilingualism is commodified as an asset for the marketplace, while the bi- and multilingual resources of large swaths of migrants and minorities are ignored, stigmatized, or exploited without compensation.” Dominant language ideologies, such as the notion that English competency is a marker of deservingness, reflect the interests of powerful groups (Silverstein, 1996). Those who speak limited English are legally disadvantaged<sup>5</sup> in an environment in which for example the public has supported “English-only” ballot initiatives.<sup>6</sup> In unequal interactions, migrants are the ones who must adjust their communication strategies (Simpson, 2020), and as Sandhya Fuchs (2020, 179) notes, “the performative standards of law can conspire to exclude people... from the very law designed for their protection.” Furthermore, legalization applicants are held responsible for translations’ accuracy, even though applicants are not fluent in English. If translations introduce discrepancies or ambiguities, such errors could result in delays or could undermine applicants’ legal claims. Given officials’ tendencies to treat discrepancies as potentially fraudulent, as well as the high stakes for applicants, whose ability to remain in the United States legally depends on the outcome of their legal cases, translations matter.

## ETHNOGRAPHERS CRAFTING TRANSLATION IN AN IMMIGRATION NONPROFIT

Our experiences translating documents were part of fieldwork carried out from July 2011 to September 2012 at a Los Angeles-based nonprofit that provided free or low-cost legal services to low-income, Spanish speaking immigrants, predominantly from Mexico and Central America. The nonprofit also sponsored a day laborer center, provided parent education workshops, and advocated for immigration reform. We each spent approximately one day per week in the nonprofit’s legal services department, which saw approximately 25 to 30 clients per day. We shadowed service providers, attended case review meetings, and carried out volunteer tasks, including translating documents. We kept detailed fieldnotes, approaching document translation ethnographically, as part of our broader research on documentation within immigration advocacy. We paid attention to the materiality of documents, their role in immigration cases, and how they were produced or found wanting.

We were socialized into the craft of document translation by attorneys and paralegals who considered accurate translation key to providing high quality legal services. The number of legal staff varied over this time period, but generally consisted of four attorneys, two Board of Immigration Appeals (BIA)-accredited paralegals, one other paralegal, a legal assistant who staffed the front desk and fielded questions, and five to eight interns, volunteers, and clerks hired temporarily at peak times. All of these individuals were bilingual in Spanish and English and all (except for, to our knowledge, the front desk staff) translated documents. To our knowledge, none had formal training as translators, nor did the nonprofit provide formal training on translation (but there were trainings on preparing forms and documenting cases.) Though we did not formally interview them, we had countless informal conversations with the attorneys and paralegals who trained us and with whom we collaborated. We observed that most service providers had little direct interaction with US Citizenship and Immigration Services (USCIS) officials. Service providers based their understandings of these officials’ criteria, decision-making, and procedures on the outcomes of previously submitted cases and on officials’ Requests for Evidence (RFEs), that is, requests for additional information before a decision could be reached. Turnover among legal staff (especially interns, volunteers, and clerks) was high, so service providers—including the two of us—deferred to the staff who had the most experience and whose expertise in document preparation made them “legal technicians” who do “back office work” (Riles, 2011, 36). Attorneys and BIA-accredited paralegals reviewed work, including translations, completed by legal staff and volunteers. While not representative of all document translation contexts, our experiences provide insight into document translation in a nonprofit deeply committed to immigrant rights.

Our experiences were shaped by our own positionality. Susan is a white female professor with a decades-long history of collaborating with Central American community organizations. She is from the United States, has native fluency in English, and has carried out fieldwork in Spanish, both in El Salvador and in the United States. Véronique (who is now a law professor) was a graduate student in Criminology, Law and Society—Susan’s department—at the time of our research; she is a white woman and native French speaker from Canada who is also fluent in English and has professional working proficiency in Spanish. We both had amateur experience translating documents previously—Véronique translated feminist international legal theory by Hilary Charlesworth (Charlesworth, 2013) from English to French and worked as part of a team creating a bilingual (French–English) legal dictionary of property law (Centre Paul-André Crépeau de droit privé et comparé, 2012); Susan helped to find supporting documents (such as human rights reports) and took declarations for asylum cases as a legal volunteer in the 1980s and 1990s. It is not unusual for immigration documents to be translated by lay people, such as ourselves, who are not professionally trained translators.<sup>7</sup> As we noted above, for the nonprofit, doing translations in-house was important to ensuring accuracy and providing high quality services.

2011–2012 was a key time period in which to be carrying out research on immigration procedures, as the Barack Obama administration had escalated enforcement even as it also sought to make enforcement more “humane” by exercising discretion in favor of so-called low priority groups, such as students (Wadhia, 2011). Indeed, toward the end of this period, Department of Homeland Security Secretary Janet Napolitano announced the Deferred Action for Childhood Arrivals (DACA) program, which allowed certain undocumented individuals who had immigrated as children to remain in the United States with work authorization for two years. In this context of heightened enforcement coupled with increased demand for legal opportunities, both documentation and translation were critical to the success of immigrants’ legal cases.

## FOUR DIMENSIONS OF THE CRAFT OF TRANSLATION

In contexts of legal advocacy, translating documents is a craft that requires careful decision-making. As practitioners of a craft, translators actively produce new texts or discourses even as they try to keep meaning the same (Clappe, 2019; Gal, 2015; Glenn-Levin Rodriguez, 2016; Pian, 2017; Schwittay, 2014; Tipton, 2008; Zeifert and Tobor, 2021). Documentation, including translations, can support immigrants’ legalization claims but can also pose insurmountable obstacles for those who lack key pieces of evidence, are recorded in undesirable ways, cannot afford translators, do not know how they appear in government files or have discrepancies in their records (Mitchell and Coutin, 2019). The documents that we translated during our fieldwork were generally produced by applicants and their friends and relatives in the United States or by officials in applicants’ countries of origin.

As noted above, USCIS evidentiary policy adhered to an ideology of language equivalence according to which every statement in another language can be translated into a corresponding statement in English (El Ghazi and Bnini, 2019).<sup>8</sup> Title 8 (“Aliens and Nationality”) of the Code of Federal Regulations, section 103.2(b)(3) states:

(3) *Translations.* Any document containing foreign language submitted to USCIS [United States Citizenship and Immigration Services] shall be accompanied by a *full English language translation* which the translator has certified as *complete and accurate*, and by the translator’s certification that he or she is competent to translate from the foreign language into English. (emphasis added)<sup>9</sup>

The notion that a translation can be “full,” “complete,” and “accurate” suggests that translation can be carried out in a way that does not leave gaps in meaning or produce inaccuracies. In contrast, scholars of translation have highlighted non-equivalence, that is, the fact that there often is not an equivalent term in another language (Gal, 2015; Jiang and Zhuang, 2019), and also partial equivalence, that is, that it “will normally be necessary in legal translation to make formulation and word choices in accordance with an interpretation of the needs of the receiver” (Engberg, 2020, 269).

These problems are exacerbated in legal translation, which may require translating not only between languages but also between legal systems (El Ghazi and Bnini, 2019; Zeifert and Tobor, 2021). There are debates over whether a translation should follow conventions of the source language or change syntax to meet expectations of the target language (see also Biel, 2017; Gal, 2015; El Ghazi and Bnini, 2019; Sorgoni, 2019). Both approaches can occur in a single document translation, depending on the particular words and phrases encountered. Translation is therefore a craft that requires exercising discretion and imagination in order to promote accuracy.

Four dimensions of this craft are creativity (the need to interpret documents to convey their meaning), efficacy (the ways that translations give non-English texts evidentiary value), collectivity (the fact that, despite the individualistic nature of legal accountability, translation was performed by a collective), and dignity (honoring the spirit of the document being translated). These coexisting dimensions engage the power dynamics that are part of bureaucratic inscription by enabling non-English documents to become part of legal records in ways that convey voices of applicants and their communities as well as legal realities in applicants' countries of origin.

## Creativity

Our fieldnotes are replete with accounts of dilemmas that required us to exercise discretion in translating documents. Legal service providers generally espoused the ideology of language equivalence that characterizes USCIS language policy in that they instructed us to translate documents verbatim. Susan's fieldnotes (September 2011) recorded service providers' instructions on multiple occasions, for example, "[the paralegal] did not give me any background about the document or the case in which it was to be used, but she did tell me to translate everything, word for word," and "[the attorney] said that in his opinion, it was best to translate everything as accurately as possible." Yet ambiguity in meaning, formatting issues, and legal differences made adhering to a standard of "word for word" translation impossible. For instance, "*una mujer muy luchadora*" could be translated as "a woman who is a very good fighter," which sounded violent and could harm an applicant's legal case, or "a woman who is very determined," a positive trait (Susan's fieldnotes, December 2011). Legal institutions, practices, and concepts did not always have equivalents across languages—and there are also multiple versions of Spanish, given that the nonprofit's clients came from Mexico, Central America, and other Latin American countries. Service providers often translated "waiver" as "*perdón*" which means "pardon," so when translating documents from English to Spanish, we wondered whether to follow this established practice or use a more technical term, such as "*exención*" (exemption). In resolving these and other dilemmas, we followed standard practices at the nonprofit, which was to consult with service providers or, if no one was available, use our best judgement.

Formatting posed particular translation challenges. Many of the documents that we translated were handwritten letters characterized by colloquial phrases, alternative spellings, unconventional grammar, and lengthy sentences. As Véronique observed in her fieldnotes:

The dilemma in the translation of these very personal letters resides in the fact that on one hand, one could produce a polished well-written and official document (but would then lose on the personal nature and identity of the original letter) or, on the other hand, one could translate literally the Spanish letter into grammatically correct but nevertheless awkward English. I chose to walk a fine line in the middle, translating literally for the most part but adjusting the syntax of some sentences here and there to make them more amenable to an administrative audience. (Véronique's fieldnotes, September 2011)

Susan's fieldnotes regarding another translation experience provided an example of the grammatical challenges posed by letters:

So, the letter would say something like this (and I'm paraphrasing): "My daughter and I went to a party mommy can I have a beer I was shocked no of course she cried." Without punctuation marks, but in Spanish. It is sometimes difficult to figure out what is dialogue and what is text. And, as a translator, should I be putting quotation marks around the dialogue, if they were not there in the original? (Susan's fieldnotes, August 2012)

Inserting punctuation marks and translating words with unconventional Spanish spelling into conventionally spelled English fundamentally altered the character of the translated document, yet to spell English words unconventionally or to omit punctuation would obscure meaning. Deciding how to "walk a fine line," as Véronique put it, required creativity on the part of document translators. As Anaïk Pian puts it in the context of interpretation in asylum cases, interpreters' postures are characterized by a relative autonomy, always under control (Pian, 2020).

Official documents and printed materials also posed dilemmas regarding formatting, most fundamentally, whether to reproduce the form as well as the meaning of documents. If words were underlined or bolded in originals, then we generally replicated this formatting in translations. Some documents were typeset but also had handwritten margin comments. In such instances, we attempted to reproduce the layout of the original document in our translation, though we typed the entirety of the translation rather than writing by hand. If it was not possible to reproduce the layout, we noted "Margin comments" or "Handwritten notes" and then translated those texts.

There was some variation in the ways that official documents, such as birth certificates, were translated, in that in most instances, USCIS accepted a skeletal translation (one that only included key facts, such as name, date of birth, birthplace, date the birth was registered, parents' names, the date the copy was issued, and the volume and page number of the original certificate) rather than requiring a verbatim translation of all text. Because skeletal translations were only an "abstract" of the original, the translator's certification that accompanied them stated, "I certify that this is a correct translation of *all pertinent information* from the Spanish original" (emphasis added). Counterintuitively, producing a skeletal translation required creativity on translators' part. For example, not all birth certificates explicitly stated the required information. In our experience, it was common for certificates to provide birthdates through such text as "So-and-so was born on the 8<sup>th</sup> day of the present month." Extracting such a date in skeletal form required not merely translating words but also calculating the month and year the birth was registered. Yet, exercises of discretion that were apparent to us while carrying out a translation were not visible in the completed document.

## Efficacy

The legal efficacy of non-English documents depends on translation, even as translations cannot serve as evidence unless the original is available for examination. Furthermore, for a translation to be legally efficacious, "The translator must certify that the translation is complete and accurate, and that the translator is competent to translate from the foreign language into English." [USCIS (US Citizenship and Immigration Services). n.d.(a)]. Translators must certify their competence to translate from the original language, in our case Spanish, into English. This self-validation is curious, particularly given the degree of suspicion directed toward applications. On the one hand, self-certification reduces the burden of formality: applicants do not have to hire professionally licensed translators. On the other hand, self-validation also means that anyone can attest to their own competence (Phelan, 2017). In the case of official documents such as birth certificates, the translator's certification becomes part of a bureaucratic chain of certifications issued, for example, by the official who signed an original birth record, and a clerk who certified that a copy is valid. The translator's certification also helps to define the document translator as a knowledgeable actor whose agency, paradoxically, consists of faithfully transmitting the voice of someone else (the original document's author).

By conveying the voices of the original author and of the translator, but subsuming the latter under the former, translation takes on a polysemic quality. Naomi Glenn-Levin Rodriguez (2016, 156) describes how such polysemy works in the translation of key concepts, such as "best interest" in the context of child welfare hearings: "The



polysemic nature of best interest does its work precisely because of its seeming transparency; each actor assumes that others understand best interest in the same way that they do, leaving the variety of possible interpretations unacknowledged.” Because translation may mean different things to different people, or even at different points in the same document (for example, translating word-for-word versus altering syntax), translation is a “boundary object” that enables movement across boundaries: translations are both a mere conversion of the original (i.e., another form of the same thing) and new documents with their own qualities (Schwittay, 2014).

Translations are also polysemic in that the legal relevance of text varies. Susan encountered such polysemy when she was asked to produce a word-for-word translation of a birth certificate. Her fieldnotes recount the many translation dilemmas that she encountered such as the lack of English equivalents, the layers of authorizations that made up the certificate, the imprecision of dates given (e.g., third day of the last month), formatting questions (such as whether to spell out dates that were given in non-numerical form), and differences in legal processes between countries. As Susan worked through each of these dilemmas, the BIA-accredited paralegal who had requested the translation stopped by and commented, “It looks fine. All I really care about is the date of birth, and that is right” (Susan’s fieldnotes, August 2012). This comment demonstrates the knowledge gap between legal experts and volunteers or interns to whom translation might be delegated: what was at stake in translations was not always clear. In this particular case, the date served evidentiary purposes, while the other text’s legal significance was limited to accompanying the translation of this date. Yet, presumably, even if the date was all that mattered, the other text had to be translated accurately in order for the translation to be legally efficacious and for the certification to be signed.

Originals and translations are also interconnected through documents’ dual quality of being discursive (a message) and representational (a material reality) (Macdonald, 1997). The translation focuses on the message, but the material form of the original can also convey meaning. One attorney showed us love notes that an abuser had sent to the abuse survivor early in the relationship, apparently before the abuse occurred. The attorney remarked that the many creases in the notes’ paper showed that they had been folded and unfolded many times, enhancing their value as evidence of the prior relationship. Likewise, this fieldnote excerpt describing translating documents in support of a domestic violence survivor’s lawful permanent residency claim conveys our emotional responses to documents’ materiality:

It was sort of horrible to translate the cards and notes because they seemed very intimate. He was pouring out his love for his wife (at the time, she was his girlfriend) in cards that were sent from the US to her country of origin before they married, and here I was, years later, reading and translating them for an immigration case. It felt really invasive, something that I didn’t want to know about or witness, especially because I had been told that subsequently, he had abused his wife.... They were easy to translate, technically, because the [printed] text of the [published] cards themselves was pretty clichéd, and then that was followed by a short love note from the husband, and then there were doodles (e.g., hearts) around the margins, with Valentine’s-day-like annotations (“hugs,” “Love,” “you and I forever”). Since translating these, it has been hard for me to sort of shake off the image of this text. (Susan’s fieldnotes, February 2012)

Translating love cards “felt voyeuristic, being party to intimate conversations between family members that had taken the forms of letters, hearing hopes, dreams, love” (Susan’s fieldnotes, August 2012). Our fieldnotes describe how seeing and touching these cards impacted us emotionally, thus conveying the embodied nature of such experiences (Faria et al., 2020). Documents’ materiality created translation dilemmas due to what Meifang Zhang and Jeremy Munday (2018) refer to as multimodality, that is, the range of forms through which communication can occur, not only through text but also through material characteristics such as formatting, stamps, seals, signatures, or doodles in the margins of a card. Marnie Jane Thomson (2012, 197) notes that such elements exert a form of power: “Stamps, signatures, and official forms can legitimate refugees’ resettlement claims. Such documents thus represent a special form of power, almost akin to fetishism.... In other words, without the legible signature of a humanitarian or state organization, these documents lose their potency.” Yet, it is difficult to translate a seal. As Susan asked in her fieldnotes, “When

translating, does one simply translate the meaning and let the viewer look at the original for formatting? Or does one rather try to mimic the original formatting in the translation?" (Susan's fieldnotes, March 2012). The official who would receive a translation had power to grant or deny legal status, hence we felt pressure to craft translations that not only conveyed textual meaning but also the material qualities of the original.

As noted above, to be efficacious, documents had to translate not only languages but legal systems (El Ghazi and Bnini, 2019; Engberg, 2020; Zeifert and Tobor, 2021). The multilayered nature of legal translation was evident in Susan's experience translating the equivalent of a restraining order issued by a court in El Salvador. Susan's fieldnotes read:

There were four documents altogether, and each used legal phrases and referenced the relevant Salvadoran legal codes.... The strange thing was that I really don't have a context to understand how this document will be used. Will it form part of a file that basically simply documents the fact that this person was protected by a restraining order in her country of origin, before she came to the US? In which case the only significant thing about it will probably be the names of the two parties, the court's finding, the location, and perhaps the date. Perhaps my effort to find accurate translations for particular phrases and to decipher a command form that seemed reminiscent of the Bible ("*decretanse*" or something like that, which I think means, "it is decreed") was unnecessary. (Susan's fieldnotes, January 2012)

In that they activate the original, translations are generative, not only duplicative. Acknowledging such complexity sheds light on the collectivity that translation brings into being.

## Collectivity

Even though as a form of legal accountability, the translator's certification only requires one signature, in our experience, translation was a collective endeavor. As noted above, the specialized nature of legal language meant that accurate translations depended not only on language skills but also knowledge of legal practices outside of the United States (Engberg, 2020), so we often consulted with nonprofit staff, many of whom were informal "brokers" of immigration and other legal bureaucracies and therefore were "essential for migrants' successful navigation of immigration regimes as well as the functioning of the system itself" (Tuckett, 2018, 248; see also Lakhani, 2014). We also asked for assistance when we stumbled over a word. For example, Véronique asked a very experienced paralegal how to translate "*juegos mecánicos*": does the person likely mean rides or arcade? It was "rides" (Véronique's fieldnotes, September 2011). Attorneys and paralegals sometimes had contextual knowledge of their clients' cases, which helped to choose the most accurate among alternative possible translations. Such collective efforts were part of the social justice ethos of this nonprofit, whose commitment to advocacy extended to collaboration and staff providing each other with support.

The collective engaged in translation also extended online, as nonprofit staff often turned to online forums for translation help, particularly for legal terminology. Indeed, translation scholars have drawn attention to the role of corpora—collections of acceptable translations of specific terms—in translation (Biel, 2017; Zhang and Munday, 2018). Wordreference.com forums were particularly useful for our purposes.<sup>10</sup> Susan's fieldnotes from August 2011 describe her use of this resource:

I found it surprisingly difficult [to do an assigned translation], due to the legalese in the documents. Something like, "The undersigned clerk from the Registry of Vital Statistics certifies that on such-and-such day in book XX volume XX page XX it is recorded that..." I too found myself using [a] website... that had "comment threads" in which people who were trying to translate a phrase would post questions and

get answers from others. Some of the exact phrases that I was translating appeared there—a BIG help. (Susan's fieldnotes, August 2011)

The online community of translators participates in translation through such websites, forums, and threads. Just as the translator's certification joins a chain of other certifications, so too does the translator join a bureaucratic chain of document producers. As Susan noted one day in her fieldnotes:

Think of the number of people involved in creating and translating this document [a record of remittance payments]. Presumably, the client, the person who received remittances, the notary who authenticated the signature, a faxing agency, [the paralegal] and then me, as the translator. In fact, though, we are working with different things, because I only handled the fax, not the original, which I imagine remained in Peru. (Susan's fieldnotes, September 2011)

Thus, alongside the community of translators, there also is a chain of documents, as records that were created for one purpose (such as a remittance payment receipt) are repurposed and recontextualized for another (such as evidence of family ties or presence in the United States) (see Briggs, 2007). Indeed, some nonprofit clients regularly saved the documentation produced through daily life (e.g., receipts, appointment notices, school and medical records) in hope of being able to use these in a future immigration case. On one occasion, for instance, Susan was asked to translate certificates that a nonprofit client had received for volunteer service performed in 1994, 1995–1996, and 2001, all of which had been saved by this individual.

Translation is also intrinsically collective through the complex identity that document translators assume. In that translations reproduce text from original documents (Sorgoni, 2019), translators express their own subject positions by subsuming their identities to those of original authors. Rebecca Tipton's comment about oral interpretation is also apt for those who translate documents: "The interpreter, in effect, represents the 'Janus face' of authenticity; in providing the voice of the 'other' they embody an inauthentic voice, but at the same time, they are positioned within the encounter as the impartial agent and hence representative of the 'authentic voice of the other' or voice of 'truth'" (2008, 12). Document translators' authentic voice is therefore dependent on being inauthentic in that translators are merely reproducing the writing of another. As a result, even if no one else participates in the translation process, a translation combines the voice of the original author through that of the translator.

## Dignity

Another key dimension of the craft of translation as practiced at the nonprofit was honoring the spirit of the original. This dignifying process was particularly evident in the translation of non-English letters produced by applicants or their friends and relatives. Some letters that we translated were written by people who might have had limited education or did not speak Spanish as their first language. As noted above, letters often contained nonstandard spelling, grammar, and punctuation, and included colloquial phrases. We found ourselves reading letters aloud to understand their meaning, thus returning to the oral version of a text. In writing letters about their own experiences, letter writers tried to overcome the distance that separated them from the officials who would read their files. For instance, a U-visa applicant who was seeking a pardon for a legal infraction implored officials, "Pardon me, pardon me, I beg that you will find it in your heart to pardon me, I ask you to excuse me," (Susan's fieldnotes, July 2011) while another applicant sought to remind officials of her reality, writing, "Everything that I have told you all is true, nothing is a lie, and I lived through it in my own flesh. I hope that you have been able to read what I have written and that you have been able to understand me" (Susan's fieldnotes, October 2011). Letters seemed designed to make applicants socially visible while also putting forward letter writers' own understandings of character and deservingness. Letters of support included statements like, "So-and-so is a good person. She smiles a lot. She is cheerful. She is never mad. She is good at any kind

of work. She loves her children” (Susan’s fieldnotes, September 2011). One letter writer who was serving as a character reference said of an applicant, “She washed and ironed my clothes for me, without charging me anything, therefore I know that she has good character” (Susan’s fieldnotes, December 2011). In the context of language ideologies that stigmatize the use of languages other than English, and legal proceedings that generally did not include the community voices conveyed through these letters (Fathi, 2020; Urla, 2019), the translator’s craft involves taking care that the translation conveys the sensibility of the original.

The advocacy goal of maintaining original letters’ voice and personality was tempered by the need for translations to be legible to an imagined civil servant who would read the translation with a very specific purpose in mind: finding evidence to substantiate an immigration application. Attorneys told us that immigration officials preferred documents written in people’s own words rather than lawyerly legalistic documents. Striving for dignity entailed conveying such authenticity while adhering to English language conventions. Dignifying the original expression sometimes meant going through various steps to decipher authors’ intentions.<sup>11</sup> For example, one of us (Véronique) once struggled with the phrase “*reventar el osico*”:

The author of the letter had written the word “*osico*.” I had no idea what it meant. The complete expression actually was “*reventar el osico*.” I started googling the phrase and then I realized that *osico* was [conventionally] spelled “*hosico*” and meant snout, nose, mouth, trap. [And that it was *reventar* not *reben-tar*.] I was getting closer. The French expression for this phrase is translated literally and has the same meaning as in Spanish: “*casser la gueule*.” But I couldn’t find the English expression. I ended up using the phrase “punch her face,” which was close, although probably not of the same language level. All this to say that there were multiple layers of research involved in this translation. (Véronique’s fieldnotes, January 2012)

Striving for dignity also respects documents’ emotional content through empathy and stance-taking (Simpson, 2020; Thomson, 2012). Translating establishes an intimate connection with the words of the original, potentially resulting in textual embodiment (Faria et al., 2020). Distance between the translator and the text diminishes, as translation creates an “inbetween” or “hybrid space” between the original author and the translator (Wolf, 2017). The translator becomes entangled by focusing on each word to grasp the narrative and its emotional charge. Such entanglement helps to explain why we felt uncomfortable translating love notes or other letters that documented a relationship that became abusive.

Finally, treating official legal records with dignity meant being attentive not only to the correspondence between the source and the target languages (Spanish to English), but also to the relationship between the source and the target legal traditions (often civil law to common law). For example, in trying to translate an official report of a domestic violence complaint, one of us (Véronique) got stuck on the word “*conviviente*.” Literally, it means “cohabiting,” living together. But coming from a civil law tradition herself, Véronique knew that it might mean more, depending on the context, something like “living together as husband and wife, in the same house, without being formally married.” In French, this would be “*faire vie commune*” (Kasirer, 1997):

I couldn’t only say that they were living together, as it was not enough.... But I wasn’t satisfied with “common law spouse” neither, as it has another (more legal) connotation than *conviviente*. [Plus, common law spouse means nothing in a civil law country]. So I resolved that problem with “live-in partner” at one point and then “living together as husband and wife” at another place. (Véronique’s fieldnotes, January 2012)

By respecting the authorial and textual dignity of original documents, translation as part of legal advocacy counters language ideologies that disparage languages other than English. Translating such documents with dignity and care brings together “interactional microprocesses (i.e., what happens in dense multivocal legal encounters) and political

macroprocesses (i.e., wider concerns of impeding the arrival of migrants, which influence how decisions are made)” (Sorgoni, 2019, 163). Translations contribute to social visibility while also enabling migrants’ rationales for legal status to be voiced within institutional contexts and legal transactions that are shaped by macrolevel politics surrounding migration. To paraphrase Justin Richland’s work on juris-diction (law’s speech), both the original and the translation perform the authority of speech acts (Richland, 2018).

## CONCLUSION

In this article, we have explored how, in advocacy contexts, translation helps migrants “document back” to the state, even as the demand for documentation grows with the legal violence perpetrated against immigrants. Instead of treating translation as a mechanical process of finding equivalences within languages, or as an impossibility because no translation can fully convey a text’s original meaning, we examined the craft of translating documents as part of legal advocacy on behalf of immigrants seeking to regularize their status. Focusing on craft enabled us to discern how translation activates an original and vice versa, to note the collective work that is involved in document production, and to consider the potential for translators’ decisions to honor the spirit of the original. We highlighted the complex relationship between original documents and translations, and the paradox that the authenticity of a translator’s voice requires submerging that voice to that of the original’s author. At the same time, documents are multimodal in that they communicate not only through text (which can be translated) but also through material form, such as signs and seals, which may not be translated at all. In short, translators exert agency through the decisions they make about word choice, format, and translation philosophy.

Each of these dimensions—creativity, efficacy, collectivity, and dignity—supports legal advocacy, particularly in a climate of suspicion in which service providers must advocate for their clients in the most mundane ways, such as by providing more documentation than is required, working collectively to ensure the quality of translation, and striving to respect authors’ intention and the character of original documents. Indeed, instead of being a source of bias, advocacy is deeply intertwined with accuracy, as translators bear witness to the facets of immigrants’ lives that are recorded in documentation (Barsky, 2005). By making individuals socially visible and attending to documents’ emotional content, translation helps to overcome the alterity associated with (il)legalization.

## ACKNOWLEDGMENTS

Our research was funded by the National Science Foundation, award number SES-1061063. Any opinions, findings, and conclusions or recommendations expressed in this material are those of the authors and do not necessarily reflect the views of the National Science Foundation. An earlier version of this article was presented at the Law and Society Association session “Dignifying Legal Translation” in Washington, DC in May 2019. We thank the nonprofit organization and all its staff who generously supported our research. We also thank Beth Mertz, Carrie Rosenbaum, Pooja Dadhia, Lee Cabatingan, and Jessica Lopez-Espino for comments on earlier drafts, we are grateful to Justin Richland for his collaboration on the research project, and we thank Julie Mitchell for her guidance and insights.

## ORCID

Susan Bibler Coutin  <https://orcid.org/0000-0003-1065-2769>

Véronique Fortin  <https://orcid.org/0000-0003-2816-6662>

## ENDNOTES

<sup>1</sup>The attorneys we worked with were bilingual and could read both the original and translation. If clarification was needed, the attorneys would make that determination.

<sup>2</sup>The literature on discretion is vast. For a start, see Tamanaha (2008), Singer (1988), Kairys (1988), and Garth and Mertz (2016).

- <sup>3</sup>On what was controversially termed “notario fraud,” see Guerra (2011) and Unger (2011).
- <sup>4</sup>For a European example, see the work of the research group Linguistic and Intercultural Mediations in a Context of International Migrations (LIMINAL, n.d.) who studies the roles that language practices play behind the scenes in furthering and resisting the power dynamics that characterize immigration in France.
- <sup>5</sup>“English-only” ballot initiatives are legislative propositions subject to popular vote that are promoting English as the official or even the unique language to be used in certain public settings. See for example Barker et al. (2001).
- <sup>6</sup>For example, in Canada, supporting documents for immigration applications that are in a language other than English or French must be translated either by a certified translator, which is pricey, or by a non-certified translator that accompanies their translation by an affidavit “swearing to the accuracy of the translation and the language proficiency of the translator” (Government of Canada, n.d.). In France, it seems that only certified translators can translate documents, see République française (2022).
- <sup>7</sup>In contrast, in academic circles, as Gal (2015, 227) notes, “grammatical and semantic differences between systems have led scholars to deny translatability among languages.”
- <sup>8</sup>See also USCIS (n.d.[a]) and United States Department of Justice, Executive Office for Immigration Review, n.d. According to Beth Zilberman (2020: 738): “Further, USCIS recently instructed its service centers to reject filings for insufficient evidence more frequently, such as forgetting to include a translation of a foreign language birth certificate.”
- <sup>9</sup>We should note that Google Translate had not improved dramatically yet, which happened around 2016, when Google Translate switched from a one-word-at-a-time translation to a sentence-by-sentence translation, with the help of artificial intelligence (Castelvecchi, 2016).
- <sup>10</sup>On the complexity of doing research in different languages and the difficulties brought by multiple understandings of keywords not easily translated, see Rosga (2005).
- <sup>11</sup>The 1991 9<sup>th</sup> Circuit case *El Rescate Legal Services v. Executive Office of Immigration Review*, 941F.2d950 (9th Cir.1991) found that constitutional due process protections were not violated by translating only portions of asylum hearings for asylum seekers with limited English capabilities. See Benton (2020).

## REFERENCES

- Armenta, Amada. 2017. “Racializing Crimmigration: Structural Racism, Colorblindness, and the Institutional Production of Immigrant Criminality.” *Sociology of Race and Ethnicity* 3 (1): 82–95.
- Barrera, Leticia. 2013. “Performing the Court: Public Hearings and the Politics of Judicial Transparency in Argentina.” *PoLAR: Political and Legal Anthropology Review* 36 (2): 326–40.
- Barker, Valerie, Howard Giles, Kimberly Noels, Julie Duck, Michael Hecht, and Richard Clément. 2001. “The English-Only Movement: A Communication Analysis of Changing Perceptions of Language Vitality.” *Journal of Communication*, 51(1): 3–37.
- Barsky, Robert F. 2005. “Activist Translation in an Era of Fictional Law.” *TTR: traduction, terminologie, rédaction* 18 (2): 17–48.
- Benjamin, Walter. 1996. “The Task of the Translator.” In *Selected Writings 1, 1913–1926*, edited by Marcus Bullock and Michael W. Jennings, pp. 253–263. Cambridge, MA: Belknap Press/Harvard University Press.
- Benton, Grace. 2020. “Speak English’: Language Access and Due Process in Asylum Proceedings.” *Georgetown Immigration Law Journal* 34: 453–72.
- Biel, Łucja. 2017. “Enhancing the Communicative Dimension of Legal Translation: Comparable Corpora in the Research-Informed Classroom.” *The Interpreter and Translator Trainer* 11 (4): 316–36.
- Biguenet, John, and Rainer Schulte, eds. 1989. *The Craft of Translation*. Chicago: University of Chicago Press.
- Briggs, Charles L. 2007. “Anthropology, Interviewing, and Communicability in Contemporary Society.” *Current Anthropology* 48 (4): 551–80.
- Castelvecchi, Davide. 2016. “Deep Learning Boosts Google Translate Tool.” *Nature*, September 27, 2016. <https://www.nature.com/news/deep-learning-boosts-google-translate-tool-1.20696>.
- Centre Paul-André Crépeau de droit privé et comparé. 2012. *Dictionnaire de droit privé et lexiques bilingues—Biens (Private Law Dictionaries and Bilingual Lexicons—Property)*. Cowansville, Canada: Yvon Blais.
- Chacón, Jennifer M. 2012. “Overcriminalizing Immigration.” *Journal of Criminal Law and Criminology* 102 (3): 613–52.
- Charlesworth, Hilary. 2013. *Sexe, genre et droit international (Sexe, Gender and International Law)*. Paris: Pedone.
- Coutin, Susan, and Véronique Fortin. 2021. “Exclusionary Inclusion: Applying for Legal Status in the United States.” In *Prearity and Belonging: Labor, Migration, and Noncitizenship*, edited by Catherine S. Ramirez, Sylvanna M. Falcón, Juan Poblete, Steven C. McKay and Felicity Amaya Schaeffer, 191–208. New Brunswick, NJ: Rutgers University Press.
- Clappe, Maureen. 2019. “Interpréter les récits de demande d’asile : une perspective légitimiste et militante du statut de réfugié” (To Interpret Asylum Stories: A Legitimist and Activist Perspective on the Refugee Status). *Lien social et Politiques* 83: 167–83.
- Dowling, Julie A., and Jonathan Xavier Inda, eds. 2013. *Governing Immigration through Crime: A Reader*. Stanford, CA: Stanford University Press.

- El Ghazi, Omar, and Chakib Bnini. 2019. "Major Translation Methods Used in Legal Documents: Translation of a Marriage Contract from Arabic into English." *AWEJ for Translation & Literary Studies* 3 (2): 122–38.
- El Rescate Legal Services v. Executive Office of Immigration Review*, 941F.2d950 (9th Cir.1991).
- Engberg, Jan. 2020. "Comparative Law for Legal Translation: Through Multiple Perspectives to Multidimensional Knowledge." *International Journal for the Semiotics of Law-Revue internationale de Sémiotique juridique* 33 (2): 263–82.
- Fathi, Sahar. 2020. "The Right to Understand and to Be Understood: Urban Activism and US Migrants' Access to Interpreters." In *The Routledge Handbook of Translation and Activism*, edited by Rebecca Gould and Kayvan Tahmasebian, 297–316. New York: Routledge.
- Faria, Caroline, Sarah Klosterkamp, Rebecca Maria Torres, and Jayme Walenta. 2020. "Embodied Exhibits: Toward a Feminist Geographic Courtroom Ethnography." *Annals of the American Association of Geographers* 110 (4): 1095–13.
- Fuchs, Sandhya. 2020. "'We Don't Have the Right Words!': Idiomatic Violence, Embodied Inequalities, and Uneven Translations in Indian Law Enforcement." *PoLAR: Political and Legal Anthropology Review* 43 (2): 177–94.
- Gal, Susan. 2015. "Politics of Translation." *Annual Review of Anthropology* 44: 225–40.
- Garth, Bryant, and Elizabeth Mertz. 2016. "New Legal Realism at Ten Years and Beyond." *UC Irvine Law Review* 6: 121–36.
- Giordano, Cristiana. 2008. "Practices of Translation and the Making of Migrant Subjectivities in Contemporary Italy." *American Ethnologist* 35 (4): 588–606.
- Glenn-Levin Rodriguez, Naomi. 2016. "Translating 'Best Interest': Child Welfare Decisions at the US–México Border." *PoLAR: Political and Legal Anthropology Review* 39 (S1), 154–68.
- Government of Canada. n.d. "Translation of Supporting Documents for Application." Accessed May 10, 2023. <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/refugee-protection/removal-risk-assessment/translation.html>.
- Guerra, Mary Dolores. 2011. "Lost in Translation: Notario Fraud—Immigration Fraud." *Journal of Civil Rights and Economic Development* 26 (1): 23–39.
- Horton, Sarah B., and Josiah Heyman. eds. 2020. *Paper Trails: Migrants, Documents, and Legal Insecurity*. Durham, NC: Duke University Press.
- Hull, Matthew S. 2012. "Documents and Bureaucracy." *Annual Review of Anthropology* 41: 251–67.
- Jiang, Ling, and Yuyan Zhuang. 2019. "Non-equivalence in Legal Translation." *Theory and Practice in Language Studies* 9 (12): 1630–34.
- Kairys, David. 1998. *The Politics of Law: A Progressive Critique*. New York: Basic Books.
- Kanström, Daniel. 2012. *Aftermath: Deportation Law and the New American Diaspora*. Oxford, UK: Oxford University Press.
- Kasirer, Nicholas. 1997. "What is vie commune? Qu'est-ce que living together." In *Mélanges Paul-André Crépeau*, 487–534. Cowansville, Canada: Yvon Blais.
- Lakhani, Sarah Morando. 2014. "From Problems of Living to Problems of Law: The Legal Translation and Documentation of Immigrant Abuse and Helpfulness." *Law & Social Inquiry* 39 (3): 643–65.
- LIMINAL. n.d. "Linguistic and Intercultural Mediations in a Context of International Migrations." Accessed May 10, 2023. [https://anr.fr/en/funded-projects-and-impact/funded-projects/project/funded/project/b2d9d3668f92a3b9fbbf7866072501ef-b95ba0a9cf/?tx\\_anrprojects\\_funded%5Bcontroller%5D=Funded&cHash=563e866c9d7d80dcaa759fac3f2f25b3](https://anr.fr/en/funded-projects-and-impact/funded-projects/project/funded/project/b2d9d3668f92a3b9fbbf7866072501ef-b95ba0a9cf/?tx_anrprojects_funded%5Bcontroller%5D=Funded&cHash=563e866c9d7d80dcaa759fac3f2f25b3).
- Lund, Sarah. 2001. "Bequeathing and Quest: Processing Personal Identification Papers in Bureaucratic Spaces (Cuzco, Peru)." *Social Anthropology* 9 (1): 3–24.
- MacDonald, Roderick A. 1997. "Legal Bilingualism." *McGill Law Journal* 42 (1): 119–67.
- Mitchell, Julie, and Susan Coutin. 2019. "Living Documents in Transnational Spaces of Migration between El Salvador and the United States." *Law and Social Inquiry* 44 (4): 865–92.
- Morawetz, Nancy. 2000. "Understanding the Impact of the 1996 Deportation Laws and the Limited Scope of Proposed Reforms." *Harvard Law Review* 113 (8): 1936–62.
- Phelan, Mary. 2017. "Analytical Assessment of Legal Translation: A Case Study Using the American Translators Association Framework." *The Journal of Specialized Translation* 27: 189–210.
- Pian, Anaïk. 2017. "Devenir interprète bénévole dans des associations de solidarité pour demandeurs d'asile et sans-papiers. Temporalités biographiques et institutionnelles" (Becoming a Volunteer Interpreter in Solidarity Associations for Asylum Seekers and Undocumented People). *Sociologie* 8 (4): 351–68.
- Pian, Anaïk. 2020. "L'interprétariat à la Cour nationale du droit d'asile. Lorsque le récit est transporté par la parole d'un tiers" (Interpretation at the National Asylum Court: When the Story Is Brought Back by the Speech of a Third Party). *Terrains et travaux* 36–37 (1–2): 137–58.
- République française. 2022. "Traduction d'un document: comment trouver un traducteur agréé?" (Translation of a Document: How to Find a Certified Translator). Last updated August 17, 2022. <https://www.service-public.fr/particuliers/vosdroits/F12956>.

- Richland, Justin. 2018. "Jurisdictions of Significance: Narrating Time-Space in a Hopi-US Tribal Consultation." *American Ethnologist* 45 (2): 268–80.
- Riles, Annelise. 2011. *Collateral Knowledge: Legal Reasoning in the Global Financial Markets*. Chicago: University of Chicago Press.
- Rosas, Gilberto. 2019. "Necro-Subjection: On Borders, Asylum, and Making Dead to Let Live." *Theory & Event* 22 (2): 303–24.
- Rosga, AnnJanette. 2005. "The Traffic in Children: The Translation of Funding and the Funding of Translation." *Political and Legal Anthropology Review* 28 (2): 258–81.
- Schwittay, Anke. 2014. "Designing Development: Humanitarian Design in the Financial Inclusion Assemblage." *PoLAR: Political and Legal Anthropology Review* 37 (1): 29–47.
- Silverstein, Michael. 1996. "Monoglot 'Standard' in America: Standardization and Metaphors of Linguistic Hegemony." In *The Matrix of Language: Contemporary Linguistic Anthropology*, edited by Donald Brenneis and Ronald H. S. Macaulay, 284–306. Boulder: Westview Press.
- Simpson, James. 2020. "Navigating Immigration Law in a 'Hostile Environment': Implications for Adult Migrant Language Education." *TESOL Quarterly* 54 (2): 488–511.
- Singer, Joseph William. 1988. "Legal Realism Now." *California Law Review* 76 (2): 465–544.
- Sorgoni, Barbara. 2019. "The Location of Truth: Bodies and Voices in the Italian Asylum Procedure." *PoLAR: Political and Legal Anthropology Review* 42 (1): 161–76.
- Stumpf, Juliet P. 2012. "Getting to Work: Why Nobody Cares about E-Verify (and Why They Should)." *UC Irvine Law Review* 2: 381–414.
- Tamanaha, Brian Z. 2008. "Understanding Legal Realism." *Texas Law Review* 87: 731–85.
- Thomson, Marnie Jane. 2012. "Black Boxes of Bureaucracy: Transparency and Opacity in the Resettlement Process of Congolese Refugees." *PoLAR: Political and Legal Anthropology Review* 35 (2): 186–205.
- Tipton, Rebecca. 2008. "Reflexivity and the Social Construction of Identity in Interpreter-Mediated Asylum Interviews." *The Translator* 14 (1): 1–19.
- Tuckett, Anna. 2018. "Ethical Brokerage and Self-Fashioning in Italian Immigration Bureaucracy." *Critique of Anthropology* 38 (3): 245–64.
- Unger, Emily A. 2011. "Solving Immigration Consultant Fraud through Expanded Federal Accreditation." *Minnesota Journal of Law and Inequality* 29 (2): 425–49.
- Urla, Jacqueline. 2019. "Governmentality and Language." *Annual Review of Anthropology* 48 (2019): 261–78.
- USCIS (US Citizenship and Immigration Services). n.d.(a). "Policy Manual. Volume 1 – General Policies and Procedures. Part E – Adjudications. Chapter 6 Evidence. E. Translations." Accessed May 10, 2023. <https://www.uscis.gov/policy-manual/volume-1-part-e-chapter-6>.
- USCIS (US Citizenship and Immigration Services). n.d.(b). "N-400 Application for Naturalization (edition 09/17/19)." Accessed May 10, 2023. <https://www.uscis.gov/sites/default/files/document/forms/n-400.pdf>.
- U.S. Department of Justice, Executive Office for Immigration Review. n.d. "Immigration Court Practice Manual. Chapter 3 Filing with the Immigration Court. Section 3.3 Documents." Accessed May 10, 2023. <https://www.justice.gov/eoir/reference-materials/ic/chapter-3/3>.
- Wadhia, Shoba Sivaprasad. 2011. "The Morton Memo and Prosecutorial Discretion: An Overview." *The Pennsylvania State University Legal Studies*, research paper no. 17–2011. <https://ssrn.com/abstract=1891883>.
- Wissink, Like M. 2021. "Making Populations for Deportation: Bureaucratic Knowledge Practices Inside a European Deportation Unit." *PoLAR: Political and Legal Anthropology Review* 44 (2): 256–70.
- Wolf, Michaela. 2017. "A 'Performative Turn' in Translation Studies? Reflections from a Sociological Perspective." *TransJL-turalA: A Journal of Translation and Cultural Studies* 9 (1): 27–44.
- Zeifert, Mateusz, and Zygmunt Tobor. 2021. "Legal Translation Versus Legal Interpretation: A Legal-Theoretical Perspective." *International Journal for the Semiotics of Law-Revue internationale de Sémiotique juridique* 35: 1671–87.
- Zhang, Meifang, and Jeremy Munday. 2018. "Innovation in Discourse Analytic Approaches to Translation Studies." *Perspectives* 26 (2): 159–65.
- Zilberman, Beth K. 2020. "The Non-Adversarial Fiction of Immigration Adjudication." *Wisconsin Law Review* 4: 707–68.

**How to cite this article:** Susan Bibler Coutin, Véronique Fortin. 2023. The craft of translation: documentary practices within immigration advocacy in the United States. *PoLAR: Political and Legal Anthropology Review* 46: 24–38. <https://doi.org/10.1111/plar.12531>