

Contesting credibility in Australian refugee visa decision making and public discourse

Laura Smith-Khan

Bachelor of Arts (Languages), Bachelor of Laws (Hons) (University of Sydney)
Master of Applied Linguistics (Monash)
Postgraduate Diploma of Legal Practice (Australian National University)

Department of Linguistics, Faculty of Human Sciences, Macquarie University

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Contents

Contents	2
Figures and tables	5
Summary	6
Statement of Originality	8
Acknowledgements	9
1.Introduction	11
1.1. Genesis of the project	11
1.2. Refugees and credibility	13
1.2.1. Public discourse on refugees.....	13
1.2.2. Refugee procedure and decision making.....	14
1.3. Researching refugee credibility	16
1.3.1. Data collection	19
1.3.2. Critical discourse analysis: representations of social actors	22
1.3.3. Researcher positionality	23
1.3.4. Thesis by publication	24
1.4. Overview of the thesis	25
2. Telling stories: Credibility and the representation of social actors in Australian asylum appeals.....	29
Abstract.....	30
2.1 Introduction	30
2.2 Australian refugee reviews and policy guidance on credibility as discourse on seeking asylum	32
2.2.1 The institutional setting and data set.....	32
2.2.2 Analysis	33
2.3 The Guidelines	33
2.3.1 The ‘applicant: Person, cultural group member and evidence giver.....	34
2.3.2 The reasonable decision-maker: Institution over individual.....	35
2.3.3 Other participants	38
2.4 Tribunal decisions	40
2.4.1 The decision-maker	40
2.4.2 Other participants.....	42
2.4.3 The applicant.....	46
2.5 Fair go? Reining in credibility assessments.....	49

3. Different in the same way? Language, diversity and refugee credibility	53
Abstract.....	54
3.1 Introduction: Credibility in diversity.....	55
3.2 Credibility, culture and language.....	56
3.2.1 Credibility assessment in asylum cases.....	56
3.2.2 Cultural diversity in institutional settings	60
3.2.3 Language as an element of cultural diversity	61
3.3 Australian asylum decision making and the accommodation of diversity.....	62
3.3.1 Guidance on assessing credibility and understanding diversity	63
3.3.2 Institutional understandings of diversity: what impact on credibility?....	65
3.4 Credibility guidance as diversity discourse	65
3.4.1 The applicant as diverse	66
3.4.2 The objective and individual decision maker	67
3.5 Tribunal decisions on credibility.....	69
3.5.1 1319407: Homosexual applicant from India.....	69
3.5.2 1102389: Christian applicant from Egypt	75
3.5.3 Discussion	78
3.6 Conclusion	80
4. Debating credibility: Refugees and rape in the media	82
Abstract.....	83
4.1. Introduction	83
4.2. “Abyan” and media discourse on refugees and credibility	84
4.2.1. The case of “Abyan”	84
4.2.2. Media and political discourse on refugees	86
4.2.3. Exploring the discourse on credibility and communication	88
4.3. Presenting the debate: Abyan in the media	89
4.3.1. Specific to general: Abyan and the larger policy debate	92
4.3.2. Abyan, woman.... refugee?	95
4.3.3. Abyan, speaker and decider	97

4.3.4. “The alleged rape”	98
4.3.5. The Minister, the Government and the debate	101
4.3.6. Advocates, lawyers and the debate	102
4.3.7. A level playing-field?	104
4.4. Discussion and conclusion.....	105
5.Communicative resources and credibility in public discourse on refugees	109
Abstract	110
5.1. Introduction	110
5.2. “Abyan”, communication and power	111
5.2.1. The Abyan debate	111
5.2.2. Credibility, refugee policy and power	114
5.2.3. Exploring communicative resources & credibility in the Abyan debate.....	116
5.3. Credibility and communicative resources in the Abyan debate	118
5.3.1. Linguistic resources	119
5.3.2. Identity resources	124
5.3.3. Material resources	127
5.3.4. Platform resources	128
5.4. Discussion and Conclusion	130
6.Conclusion	133
6.1. Revisiting the research problem	133
6.2. Refugee credibility, communication and discourse creation	135
6.2.1. Responsibility for communication and linguistic inequality.....	135
6.2.2. Diversity and objectivity: the reification of difference.....	137
6.2.3. Power, policy and communicative resources	138
6.3. Methodological and conceptual contributions	138
6.3.1. A critical multi-level sociolinguistic ethnography of refugee credibility discourse	139
6.3.2. Rethinking credibility	140
6.4. Implications	141
References	147
Appendix A: Timeline of events in the Abyan debate	156
Appendix B: HREC approval letter.....	157

Figures and tables

Chapter 2

Figure 1: Type of mentions of interpreters	43
Table 1: Decisions corpus	34
Table 2: Count of possessive and subject positioning of the asylum-seeker in Credibility Guidelines	35
Table 3: The decision-maker's cognitive processes.....	37

Chapter 3

Table 1: Key credibility and diversity guidelines in Australia	64
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Chapter 4

Table 1: Media corpus	90
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Chapter 5

Figure 1: Minister's statement	119
Figure 2: Abyan's statement.....	121

Summary

Whether or not we can trust the people who come to Australia to seek protection as refugees is increasingly a topic of public debate, across politics and in the mainstream media. Such discourse justifies harsh asylum policies. Further, questioning the genuineness of those seeking asylum means that credibility assessments have become a central element of refugee visa decision making processes. However, the way credibility is conceptualized - both in these public debates and within decision making processes – inevitably impacts on refugees’ and asylum seekers’ ability to fairly and successfully seek protection and establish themselves in Australia.

This multi-level critical discourse analysis examines these two key interconnected sites of discourse on refugee credibility. The first part examines key credibility assessment guidance aimed at Australian refugee visa merits review decision makers, and a corpus of published review decisions that discuss credibility. The second part entails a case study of a Somali refugee whose participation in a public “debate” with the Immigration Minister was heavily reported in the media. The study draws on a corpus of newspaper articles, a press release by the Minister and a handwritten statement from the refugee.

The study explores how dominant discourses, in public debates and in visa decision making, present refugees and asylum seekers and the social actors who interact with them (van Leeuwen, 1996). In particular, it aims to uncover how these discourses construct language, communication and diversity, and how they present discourse creation itself. It compares these constructions with the sociolinguistic realities in these settings, exploring how communication occurs and the individual, interactional and structural influences and limitations on refugees’ ability to communicate credibly and produce a credible identity.

The study finds that dominant discourses in these settings problematically construct credibility as an individual attribute of the refugee. It finds that this contradicts the sociolinguistic realities: credibility is constructed discursively, and whether a refugee can communicate in the manner required to be regarded as credible relies on a number of factors beyond their individual control. These include the impact of other persons involved in their interactions, and the institutional and legal structures they must navigate. However, these factors are largely erased from the discourse. Therefore, the discourse unfairly places a burden of performing credibility on the refugee, dictating criteria for this performance that are often difficult and sometimes impossible to satisfy. Beyond its immediate impacts for the individuals

in question, this construction of credibility also acts to limit their ability to challenge the dominant discourse.

This conclusion has implications for the way in which credibility assessments are administered, and their broader overall validity. However, given the connections drawn between the public discourse and institutional processes, the findings suggest that meaningful improvement to institutional approaches to credibility assessment are unlikely without significant changes in the prevailing political discourse.

Statement of Originality

This work has not previously been submitted for a degree or diploma in any university. To the best of my knowledge and belief, the thesis contains no material previously published or written by another person except where due reference is made in the thesis itself.

Signed:

Date: 24 July 2018

Laura Smith-Khan

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1. Introduction

1.1. Genesis of the project

In late 2011, during the final semester of my undergraduate law degree, I was trying to select a research essay topic for a unit on refugees and forced migration. Even though it was my favourite unit of study, I had been struggling to decide on a focus for the essay. Little did I know at the time, as I browsed my University library's online database, reading through the results of my search would spark the beginning of a series of events, ultimately resulting in this thesis.

I stumbled across some articles on communication in refugee visa applications (Barnett, 2006; Eades, 2003; Jacquemet, 2011; Norman, 2007). They emphasised how important communication was in asylum procedures, especially as institutional and public discourses increasingly focused on scrutinizing whether or not asylum seekers were "genuine". Given my experience as a paralegal, assisting with refugee-related visa applications in Sydney, and my own background as a language learner, with an interest in linguistics, these articles caught my attention. I could relate them to the concerns that my clients had about whether or not they would be believed, the importance their legal representatives placed on the structure and consistency of their submissions and written and oral statements, and their language-related choices, such as whether to use an interpreter or speak English in immigration interviews.

This short research essay eventually resulted in my first peer-reviewed publication (Smith-Khan, 2012). It was also the catalyst for a Master's project, in which I interviewed four young Afghan refugees, who had sought asylum in Australia, and four migration agents and lawyers, exploring language policy and planning around the asylum interview process (Smith-Khan, 2017). In turn, this project was a stepping stone for the current study, where I have had the opportunity to look more closely at the all-important themes of credibility and communication in refugee discourses.

I grew up and attended university during a period of Australia's history in which refugees had become politicized and where governments were elected and re-elected, at least in part, thanks to increasingly harsh policies aimed at deterring or punishing those seeking asylum (see arguments in Every & Augoustinos, 2008). This, combined with my direct contact with some of the very people affected by these policies, led me to question their impact on social justice. Meanwhile, language learning during high school and university (covering eight languages formally, and another couple outside the classroom), my experiences as an exchange student,

my linguistically and culturally diverse circle of friends, and my marriage to a migrant of non-English-speaking background, had combined to create a strong interest in everything language and communication-related.

So that day, when I discovered the area of research that brought together my interests in social justice for refugees and language and communication, I felt inspired. The process of researching and writing that essay invigorated me. I told myself (and anyone else willing to listen) how much I would love to extend my stay at university and research, teach, speak and write about these types of issues. Another seven years later, having worked as a research assistant on a project focused on refugees' experiences (Crock, Smith-Khan, McCallum, & Saul, 2017), completing my Master in Applied Linguistics and being admitted as a legal practitioner, I find myself fulfilling that dream.

This thesis is therefore the product of much more than its more obvious parts. It is a culmination of twelve years of undergraduate and postgraduate study in languages, linguistics and law, life-changing international research experience as a young law graduate, interacting with refugee and non-refugee research participants across three continents, and professional experience assisting refugee applicants here in Australia.

In 2018, as I finalize my thesis by publication, seven years after its central theme first started developing in my mind, refugee credibility remains as important an issue as it was in 2011. As I seek to demonstrate throughout this thesis, the “genuineness” of refugees remains a hotly debated point of discussion in institutional, political, media and public discourse in Australia. Significantly, the policies that are justified by questioning refugees' genuineness create a range of serious difficulties for refugees in their attempts to communicate in a way that best promotes their credibility. This is the case both within visa application and appeal processes (as I argue in chapters 2 and 3), and more broadly when seeking to challenge the public discourse, as promulgated by the mainstream media and politicians (as I explore in chapters 4 and 5).

In the remainder of this introductory chapter, I first provide an overview of the existing literature that led me to the key questions underlying my research. I then explain my methodological and analytical approach, including why I elected to conduct my thesis by publication. The chapter concludes with a brief overview of the remaining chapters making up the thesis and how they relate to the study's central research questions.

1.2 Refugees and credibility

Credibility is a common theme in research on refugees in the Global North, across a broad range of disciplines, focusing on different levels and actors. As explained below, it is a prevalent issue throughout the literature, on the macro level of public commentary on refugees by the media, politicians and other actors, the meso level of institutional guidance and the micro level of individual decision making.

1.2.1 Public discourse on refugees

Throughout the Global North, media and political commentary has become increasingly interested in whether or not those arriving to seek asylum can be trusted. Media reporting commonly categorizes asylum applicants as either “genuine” on the one hand, or “bogus” or “fraudulent” on the other (Lawlor & Tolley, 2017; Molnar Diop, 2014; Philo, Briant, & Donald, 2013). This is equally true for the Australian media, in which “genuine” was the most common qualifier for “refugee” in a large corpus study of recent newspaper articles (Stirling, 2015a, 2015b).

In the Australian context, the media has participated in the politicization of asylum seekers and asylum policy most notably since 2001, when the then Conservative government, led by John Howard, commented publicly on two particular episodes involving asylum seeker boats trying to reach Australia. One of these, which became known as the “Children Overboard” affair, involved government spokespeople, including the Immigration Minister,¹ incorrectly suggesting that the asylum seekers on a vessel in Australian waters had threatened to throw their children out of the boat, and then actually had done so, to force Australian officials to rescue them so that they would have to take them to Australia, rather than force their vessel back to Indonesia. The government’s claims turned out to be false – the asylum seekers’ boat was sinking and its passengers were actually in need of rescue. Nonetheless, the incident sparked a political turning-point: the government capitalized on the situation to present asylum seekers as “cynical and calculating invaders” rather than victims deserving sympathy (MacCallum, 2002, p. 41). This one specific episode was thus used to frame asylum seekers and refugees more generally in a new, negative light. The government commentary was heavily reported in the media and the new approach of questioning refugees’ credibility was such a political success that it was argued to have contributed to the Howard Government’s re-election that year (Every & Augoustinos, 2008, p. 650; MacCallum, 2002).

¹ For consistency and clarity, I generally refer to the “Immigration Minister” and the “Immigration Department” etc. However, see explanation below at 1.3.4.

While public discourse may present refugees as “calculating” actors with agency, they may in fact have very little opportunity to challenge this very discourse and defend their credibility. Their migrant status and ethnic and linguistic background often conspire for them to have less control over discourse creation and disruption than their more powerful antagonists in the government and mainstream media (van Dijk, 2008).

Public discourse that treats refugees as suspicious or dishonest, or otherwise heavily focuses on their credibility has serious implications for both refugee policy and its implementation. It can influence or be used to justify far-reaching changes in migration policy. For example, in Australia, section 46A(1) of the *Migration Act 1958* bars “unauthorized maritime arrivals” from applying for a refugee visa.² Further, such discourse is likely to influence the individual officials who are responsible for refugee visa applications (Baillot, Cowan, & Munro, 2014; Hamlin, 2014). As explored below, this means that even those persons who have the opportunity to apply for a refugee visa may experience difficulties in being believed.

1.2.2 Refugee procedure and decision making

Credibility has indeed become a central focus on the meso level of policy-making and the drafting of procedural guidelines for government officials. It is also often a key issue at the micro level, in individual decisions.

Those arriving in countries in the Global North to seek asylum must pass through a series of procedures to receive refugee status and obtain a visa. Given that they generally have little in the way of documentary evidence to prove their merit, they rely heavily on their ability to present a convincing narrative of their experience as a refugee. Their credibility often becomes a central consideration in determining whether their story should be accepted, and therefore whether or not to grant them a visa. As a result, institutional guidance for decision makers on how to assess credibility is common across several receiving countries, including Australia.

Credibility assessments generally involve a set of common indicators, which are presented by their creators as objective measures of credibility. Such indicators have been identified in asylum processes in Australia, Canada and New Zealand (Coffey, 2003; Luker, 2013; Millbank, 2009), Europe (Maryns, 2006; Noll, 2005), the United Kingdom (Cohen, 2001; Sweeney, 2009; Thomas, 2011) and the United States (Anker, 1992; Durst, 2000; McKinnon,

² Referred to in the Australian context as a “protection visa”: see *Migration Act 1958*, section 36. Section 46A was originally introduced by the Howard Government in 2001: see *Migration Amendment (Excision from Migration Zone) Act 2001*, banning “offshore entry persons” from applying for a visa. The term “unauthorised maritime arrival” was introduced by the *Migration Amendment (Unauthorised Maritime Arrivals and Other Measures) Act 2013*.

2009). These indicators include internal consistency between the different texts and interviews throughout the application process; and external consistency between the applicant's claims and third-party information on their place and group of origin. Further, the decision maker considers whether the applicant's story is plausible and coherent. They may also consider whether the applicant's demeanour supports their claims; although this indicator has attracted particularly strenuous criticism (see e.g. Coffey, 2003).

Research exploring the objectivity of these assessments suggests they rely on problematic assumptions about language and communication. While no existing sociolinguistics research focuses centrally on credibility assessments in asylum procedures or the discourse underlying them, studies examining the construction of the refugee narrative contribute to problematizing these assessments. Rather than the applicant producing the refugee narrative in isolation, the different contexts, structures and participants involved in the asylum application process influence the production of the applicant's narrative. Legal and institutional requirements closely dictate how the refugee narrative should be communicated, in terms of both structure and content (Mayo, 2012; Zagor, 2014). These strict expectations can prove difficult for applicants to reconcile with their complex and individual lived experiences (Blommaert, 2001; Millbank, 2009; Shuman & Bohmer, 2014). Decision makers shape the narrative through their control over the questions asked in interviews, but the effects of this and other persons' participation may be largely obscured in the official written summary they produce when recording their decision (for an explanation of this process see Jacquemet, 2009).

The applicant may be influenced in their language choices by the advice they receive from legal representatives and other persons (Smith-Khan, 2017). There may also be an interpreter present during immigration interviews or when preparing statements, who themselves is a social actor who makes language choices, such as how to best translate certain vocabulary or convey tone (Inghilleri, 2003; Tipton, 2008; Van der Kleij, 2015). In some cases, their proficiency or dialect may cause communication barriers or confusions for the applicant or other participants (Maryns, 2005, 2006). Further, their perceived identity may affect the way in which the applicant communicates and the types of information they feel comfortable sharing (Merlini, 2009).

Finally, the evaluation of these indicators draws heavily on the decision maker's perception and expectations, which are inevitably influenced by their own socialisation and understandings about language, culture and communication, both within the application process and more broadly regarding the applicant's experiences (Dowd et al., 2018; Herlihy, Gleeson, & Turner, 2010). These impact what the decision maker will regard as plausible or

coherent, as well as how they evaluate consistency or demeanour (see arguments in Noll, 2005; Sweeney, 2009; Tipton, 2008).

This creates serious concerns for the objective application of credibility evaluations and highlights the value of investigating the beliefs or assumptions about language, communication and culture presented (through discourse) in the procedural texts guiding these assessments and by the individual decision makers carrying them out.

Therefore, at the macro level of public discourse and at the meso and micro levels of institutional guidance and individual decision making, the theme of refugee credibility emerges as an important focus of attention and discussion. Across these settings, the existing research, summarized above and set out in more detail in each of the following chapters, problematizes the way credibility is evaluated, and refugees' communication is presented. This suggests a disjuncture between, on the one hand, mainstream discourse about refugees and their credibility, and, on the other, their actual experiences and practices navigating asylum procedures and ultimately making a home in Australia.

1.3 Researching refugee credibility

Therefore, I seek to examine the impact on refugee credibility of the ways discourses present refugees and other actors who interact with them. I aim to uncover the ways these discourses present language, communication and cultural diversity and thus how they conceptualize discourse creation, and compare these with the discourse-creation resources these key actors *actually have*. The study thus complements the growing number of non-linguistic studies focused on credibility assessments, responding to the concerns they have raised related to how communication is conceptualized in these processes. Further, it extends beyond existing sociolinguistic research on asylum procedures that has tended to focus more heavily on how communicative and discursive resources impact narrative construction, to explore how they impact credibility specifically. It also complements much of the literature that critically examines public and media discourse on refugees by extending the examination to the structural level: exploring how the order of discourse impacts different social actors' ability to participate and challenge this discourse. Finally, through these examinations, I aim to explore the impact this discourse - as both action and structure (see Fairclough, 2001, discussed below) has for how and how much various social actors are able to influence discourse creation and policy making in this area, and ultimately the implications this has for refugees.

The existing literature has found that refugees' credibility is a key point of focus in a range of important settings, and that refugees face many difficulties when trying to present credible identities or reclaim their credibility in these settings. Heller (2014, p. 215) argues that to make sense of different social actors' language practices in their interactions, contextualization is key. This involves first asking what type of communicative resources these actors are likely to have, based on their social positions. Then it is necessary to consider how resources are usually distributed in the particular setting in which the interaction is taking place. Finally, the "longer-term consequences" of these interactions are explored. To achieve this, Heller recommends using "ethnographically-informed sociolinguistic methods" that enable an examination of linguistic resources "at work in local interactions, with local consequences" as well as uncovering how these are related to other interactions and broader "institutional activities and processes" (Heller, 2014, p. 215). She therefore advocates for a multi-level analysis, but with the understanding that micro-level interactions are inherently influenced by and also have the potential to influence or perpetuate broader structures and context.

Therefore, as I set out to explore settings in which refugees communicate to create and defend their credibility, I do so with an understanding that these different settings, that I described as micro, meso and macro levels, are interrelated and interconnected and that exploring each level will help make sense of the others. I therefore commenced by including meso/macro-level legal and policy texts, and also sought to collect observational data from refugee visa interviews and/or hearings.

However, in practice, the latter was very difficult to achieve. While some existing research includes interviews or hearings, such data is not readily accessible in the Australian context. These sessions are conducted privately and data collection would require both applicant and institutional consent, which are difficult to obtain (Luker, 2013, is a notable recent exception). Indeed, for previous research, I sought the assistance of the Immigration Department and the Refugee Review Tribunal ("RRT"), including a request to approach and interview decision makers. The RRT was responsible for reviewing unsuccessful refugee visa applications until 2015, when responsibility was transferred to the Administrative Appeals Tribunal ("AAT") and the RRT was disbanded. In the case of the Immigration Department, my requests were unanswered. The Tribunal referred me to publicly available guidelines and reports and explained that they did not have the capacity to assist with research. For the current project, I contacted the AAT, specifically inquiring about the existence of training for decision makers related to the "accommodation of diverse clientele". I was given a link to guidance documents publicly available online, but was told they could not provide me with copies of training

materials. Following further probing, I was provided with a link to the AAT's Annual Report, which includes a brief overview describing learning and development strategy, and mentions the existence of "cultural competency training" (AAT, 2015, p. 59). The report from the following year also mentioned that credibility assessment was among the professional development topics focused on at the three-day AAT National Conference in 2016 (AAT, 2016, p. 49). However, no further details were provided of what this involves.

I therefore attempted, with ethics approval, to approach people who were already permanent residents in Australia and who had been granted a protection visa in recent years. However, for them to have a copy of audio recordings from the Immigration Department interview or Tribunal hearing, they generally needed to have been unsuccessful in the interview or hearing: usually these are not provided to successful applicants and the applicants have little reason to seek copies once they are granted their visa. Further, ethics approval restricted the way I could approach potential participants: I had to work through third-party gatekeepers (migration agents, lawyers and community legal centres) and these gatekeepers were restricted to reaching out to eligible past clients only once. I was also reluctant to negatively impact these gatekeepers, who operate on tight schedules and with limited resources to assist their clients, by asking them to continuously identify and approach new potential participants. In the end, this meant that I had great difficulty gaining access to the desired data.

Ultimately, I was forced to rethink my approach and search for publicly accessible sources that evidenced micro-level interactions. This led me to adopt a Critical Discourse Analytical (CDA) approach, which I believe allows me to make a novel contribution to the already large, albeit not Australian, body of sociolinguistic research involving asylum interview data. At the same time, I complement the existing research on media discourse on refugees, which does often adopt a CDA approach, by using a sociolinguistic ethnography to explore and compare this discourse with communicative realities. I explain these approaches in more detail below.

Supporting my original motivations, CDA involves examining the ideologies and power structures that influence the discursive perpetuation of social inequality with the goal of "contributing to specific social change in favour of the dominated groups" (van Dijk, 2008, p. 7). This approach has proven particularly fitting for this study, given the apparently intentional lack of transparency around refugee policy implementation in Australia, demonstrated both in the difficulties researchers face gaining government cooperation and in the other explicit legislative and policy barriers. Some of these barriers are unsurprising and exist for good reasons, given the importance of confidentiality for minimizing potential risks for asylum seekers and encouraging full disclosure. However, as discussed in this thesis (particularly in

chapter 5), other barriers may be motivated by goals other than promoting the wellbeing of refugees and may act to reinforce inequality.

Given the focus on challenging majority discourse and the ideologies that inform it, the data is taken from settings in which this discourse is both present, and in which its effects are obviously significant for the minority participants. Therefore, I include at the micro level, individual visa decision making as published in official AAT decisions, and meso-level AAT guidance texts. These allow me to compare the influence of institutional processes and discourse on individual decision makers, as well as the limitations these create for refugees' participation. At the macro level, I then focus on political statements and mainstream media reporting: two more sites that clearly demonstrate majority discourse. Analysis of the micro and meso levels formed the basis for the first two papers (chapters 2 and 3), and the macro-level case study resulted in a further two (chapters 4 and 5). Below, I explain my data collection and analytical approach. I then reflect on my positionality and how this influences the research. Finally, I present my reasons for electing to conduct the thesis "by publication".

1.3.1 Data collection

Micro level: Individual decisions dealing with credibility

As discussed above, and in chapters 2 and 3, a growing body of research challenges the objectivity and appropriateness of credibility assessments in refugee application and appeals processes. This makes it a key site for exploring how institutional discourse and ideology influences decision making and ultimately the impacts this has on how refugees can communicate credibly.

While interview data was unavailable, I had the opportunity to access examples of individual decision making: the AAT (and previously the RRT) anonymises and publishes a percentage of their written decision records, which are available for free to the public via the Australasian Legal Information Institute (Austlii) online database. The AAT is responsible for reviewing negative decisions issued by the Immigration Department, effectively reassessing the merits of the asylum seeker's claim. Its review responsibilities cover only those applicants who seek asylum onshore in Australia (as opposed to those who arrive by boat). This cohort typically has a lower rate of positive decisions. For example, in 2012-13, the visa grant rate for onshore applicants was 48.4 percent while offshore applicants (ie boat arrivals) had an 88 percent overall grant rate (Department of Immigration and Border Protection, 2014, pp. 73-74). This substantially lower success rate arguably makes credibility a more important point of consideration for decision makers.

I undertook a word search of recent decisions, using the term “credib*”, sorted according to relevance by the website’s search engine, to find decisions explicitly assessing credibility. While the initial search results were in the thousands, the level of relevance in the search results tapered off rapidly, with the lower-ranked decisions not explicitly dealing with credibility in any detail. Further, in the RRT search, many of the results pre-dated the creation of the guidelines. Therefore, I collected the top 10 results from the AAT, reflecting the short time the AAT had been responsible for refugee review decisions, and the top 20 results from the RRT. I then excluded three of the RRT decisions that were made before the period when the current guidance on credibility assessment was published. This corpus of 27 decisions formed the basis for part of my analysis in chapter 2. These decisions were selected to enable an in-depth qualitative analysis, with the goal of exploring how credibility is explicitly dealt with in this setting. Chapter 2 includes a table and more detailed description of this corpus (Chapter 2, Table 1). As I explain in more detail below, I selected two decisions from this corpus to use as case studies in chapter 3.

Meso level: Institutional guidance on credibility

As already mentioned, decision makers rely on and are constrained by institutional guidance when making refugee status determinations, and more specifically, when assessing credibility. I therefore carried out a comprehensive search of the documents used to guide Australian decision makers, via LEGENDcom. This online database of migration-related law, regulations, policy, application forms and other texts, is administered by the Immigration Department for use by immigration officials, and legal practitioners and migration agents. From this search, I identified a number of relevant guidance documents aimed at either the departmental staff who make first instance decisions on refugee visa applications, and/or the Tribunal “Members” responsible for reviewing these decisions (see Table 1, Chapter 3). I selected one key text for closer analysis, based on its relevance and its application in the review decisions included in my micro-level data: the AAT Migration and Refugee Division’s “Guidelines on the Assessment of Credibility” (“Credibility Assessment Guidelines”), which remains in use as of 2018, and replicates the guidelines previously used by the RRT. These Guidelines are not explicitly binding, rather providing “general guidance” (see paragraph 2 of the Guidelines and also chapter 3, 3.1). However, while not binding themselves, they effectively summarise and explain the law (which is binding) around what decision makers must do and may do when assessing credibility. These Guidelines were selected for close examination as they are the sole guidance document with credibility as its central focus that is produced by the Tribunal itself

and aimed solely at review decisions, in contrast with other guidance documents produced by the Immigration Department for first instance decision makers, as well as being applicable in review decisions. As such, the Guidelines constitute a key text to explore institutional discourse, representing the Tribunal's understanding of credibility and how relevant legislation, case law and other procedural requirements related to credibility apply to review decisions.

Macro level: A public debate on refugee policy and credibility

While I worked on my analysis of the micro- and meso-level data, in 2015, the case of a Somali refugee came to the attention of the Australian media. Given the pseudonym “Abyan”, this young woman's experience in Nauru (a small Pacific island nation) and then in Australia, became the basis of a public debate, involving high-level Australian politicians, including the Prime Minister and Immigration Minister, high-profile human rights lawyers and advocates, and – as will be seen in chapters 4 and 5 – Abyan herself.

As had been the case in the “Children Overboard” affair, much of the “debate” and accompanying media coverage focused on who was telling the truth. The credibility of the individual participants in the debate seemed tied to the merit of their respective positions on refugee policy, and vice versa. Given its focus on credibility, this presented itself as a valuable case study, to explore the broader socio-political context in which refugee visa decision making and policy making takes place.

I began by gathering a corpus of newspaper articles through online Google searches, using the keyword “Abyan”, and then following the links and references in these articles to other pieces on the subject. I then conducted further keyword searches through the ProQuest database in order to access newspapers articles that were behind a paywall. As explained in Chapter 4, this allowed me to gather articles from a range of mainstream Australian news outlets. I used this corpus first to construct a detailed timeline of Abyan's experiences, as well as the reporting and commentary related to them (see Appendix A).

Based on this, I identified two further texts that appeared significant in the debate: a press release by the Immigration Minister, and a handwritten statement from Abyan that was published in the media the following day, which appeared to be a response to the Minister (see Chapter 5). I saved these for closer analysis, and then limited my newspaper corpus to those articles published within a week from the publication of these two texts (see Table 1, Chapter 4).

1.3.2 Critical discourse analysis: representations of social actors

The way we talk about a social situation is influenced by our beliefs. These “diverse representations of social life” are known as discourses: “different social actors ‘see’ and represent social life in different ways” (Fairclough, 2001, p. 123). At the same time, this choice of language can help perpetuate a particular view and thus promulgate this perspective onto others. Critical Discourse Analysis (CDA) seeks to uncover these linguistic choices as a way of interrogating and denaturalizing the beliefs they embody. In proposing a multi-level approach to exploring linguistic practices, Heller (2014) finds that the “local consequences” of interactions involve constructing “discursive social space[s]”, allowing dominant ideologies to be reproduced. Discourse is thus created or reproduced through these social interactions, leading to CDA’s “focus on action” (see Fairclough, 2001). But at the same time, dominant discourse also creates representations of how various social actors interact, and therefore dictates how different actors are able to take part in such discourse creation. The social practice of discourse creation and *discourse about the social practice of discourse creation* are thus inherently structurally interconnected within what Fairclough (2001, p. 124) terms an “order of discourse”. Therefore, the analysis must go beyond exploring the discourse related to refugee credibility as present in any one isolated text or interaction, and incorporate a “focus on structure” (Fairclough, 2001). It requires considering how discourse characterises and therefore legitimates or rejects specific forms of discourse creation by different actors, thereby ultimately facilitating or limiting the way refugees are able to produce or defend their credibility in particular social situations.

To critically examine both discourse creation and discourse *about* discourse creation in the data, I therefore draw on van Leeuwen’s (1996) “representation of social actors” approach to Critical Discourse Analysis. This involves examining the socio-semantic choices made in constructing texts, by identifying the roles and agency assigned to different social actors, through the way they are named and other grammatical choices. This applies not only to the words of a text: van Leeuwen (1996, p. 34) argues that this framework can and should also be applied to visual representations and other elements of multimedia texts (see Chapter 5).

He presents his approach as a way of exploring how:

social practices [are] transformed into discourses about social practices – and this both in the sense of *what means we have for doing so*, and in the sense of *how we actually do it in specific institutional contexts* which have specific relations with the social practices of which they produce representations (van Leeuwen, 1996, p. 35, emphasis and numbering added).

Much like Heller's and Fairclough's approaches, this perspective assumes that there is a "dialectical relationship" between discourse and its creation: "discourse constitutes social practice and is at the same time constituted by it" (Van Leeuwen & Wodak, 1999, p. 92).

Further, it similarly recognises that discourse can impact social conditions in a variety of ways, including by helping to reinforce or justify a certain status quo, or seeking to challenge or transform it (Van Leeuwen & Wodak, 1999). Therefore, any critical examination of discourse involves a consideration of the social context in which (and through which) it is created, and the power and interests of the various actors involved in this social context (van Dijk, 2008). Crucially, this means that CDA has the potential to uncover social problems for minority actors and problematize aspects of the social order that disadvantage them (Fairclough, 2001; van Dijk, 2008).

Therefore, I aim to interrogate and examine the interrelationship between discourse and social practice in multiple, intersecting layers. First, I seek to identify the discourses about refugees and their credibility that are presented in the corpus of Tribunal decisions, institutional guidance and public discourse texts included in this study. I then reflect on the resources the various key actors have at their disposal to create or challenge these discourses, thus examining the interaction between structure and action. Finally, I compare these two points, uncovering any tensions or contradictions between the actors' discourse creation resources and how these are represented in the texts.

1.3.3 Researcher positionality

In chapters two and three, I argue that discursively presenting the officials tasked with refugee review decision making as neutral actors is highly problematic. Equally, as a researcher, I must acknowledge my own subjectivity, background and social context. Indeed, this is arguably a fundamental element of Critical Discourse Analysis, in which researchers "are not 'neutral', but commit themselves to an engagement in favour of dominated groups in society...[They must] recognize and reflect about their own research commitments and position in society" (van Dijk, 2008, p. 6).

As I have explained in my introduction above, while I was born and raised in an Anglo-Australian, monolingual English-speaking family, I have lived and travelled in various non-English-speaking countries and have experience learning and communicating in a variety of languages. However, above all, I come to this research as a young lawyer, with experience assisting migrants and asylum seekers in particular, and as a young academic, whose research to date focuses primarily on issues related to refugee rights. This means that far from being

neutral, the focus and aims of my research stem from motivations that are inevitably socio-political. These goals make it all the more important that my methods are rigorous and arguments convincing (see van Dijk, 2008, pp. 6-8). Therefore, in conducting this research, I see myself as responding to Michael Clyne's (2003, p. 5) call to linguists to "encourage vigilance concerning the power of language and demonstrate the importance of our discipline in issues of social justice and community relations". This motivation also influenced my choice to complete my thesis by publication, as I explain below.

1.3.4 Thesis by publication

While gaining in popularity, completing a doctoral thesis "by publication" remains a somewhat novel option in Australia (Jackson, 2013). My choice to complete my thesis in this manner was driven by multiple factors. First, my recent experience working as a researcher and publishing my first four journal articles gave me some sense of familiarity with the process of preparing papers and submitting them for peer review. This experience also impressed upon me how highly important frequent, high-quality publishing is for young academics.

This approach is also in line with my aim to ensure that my research is of high quality and rigorous. The process of preparing and submitting articles for review creates the opportunity for additional expert feedback from the journals' editors and one or multiple reviewers and ultimately, public recognition and validation of the value and quality of the work by senior academic peers. Publishing during my doctoral studies also meant that I could be closely mentored throughout this process by my supervisor and associate supervisor to a degree that I would not expect outside their supervision duties.

The nature of my data also lent itself to this approach: migration law and policy changes so rapidly in Australia (and elsewhere) that research findings are most valuable when published in a timely manner (a benefit of the PhD by Publication highlighted by Jackson, 2013, p. 364). A minor example is that of the constantly changing name and reach of the minister and department responsible for migration matters in Australia. Changes usually occur with each new government. Between 2007 and 2013 it was called the Department of Immigration and Citizenship. It then became the Department of Immigration and Border Protection, and in 2018, it changed again to the Department of Home Affairs. The fact that my research has social justice aims makes its timely and wide dissemination even more crucial.

Having two separate sets of data and two data collection stages also facilitated my publication approach. Once it became clear that I would not be able to gain access to interview data, my first data sets were easy to collect, comprising already published material. By late

2016, less than two years after commencing my doctoral research, I had submitted my first two papers in close succession to two eminent journals across two relevant disciplines (linguistics and law), *Discourse & Society* (Chapter 2) and the *International Journal of Refugee Law* (Chapter 3). After some minor revisions, these two papers were accepted and published in mid to late 2017.

This approach also allowed me to share my research in a variety of formats, from quite early in my candidature, presenting at conferences in Australia and the UK between 2015 and 2018. I have also shared my findings publicly in research blog posts, appearing from 2015 to present. This approach, along with targeting journals of different disciplines, has allowed me to maximise the reach and impact of my research and has led to various invitations, including to act as a peer reviewer and to present my emerging findings as an invited guest lecture at Leicester University in the UK.³

The staggered nature of my data collection meant that while I was revising and finalising the first two papers for submission, I was able to complete my data collection and begin my analysis for the public discourse case study. This resulted in another two separate papers that I prepared and submitted to journals in January and March 2018. Both submissions were referred on to peer reviewers. The latter of the two, submitted to *Language in Society*, was reviewed in later June 2018 and revised and resubmitted in early July. Reviews for the former remain pending. While awaiting reviews for these papers, I was then able to commence drawing my thesis together as a whole, preparing this Introduction, a Conclusion and bridging material for each substantive chapter. I explain the structure of my thesis in further detail below.

1.4 Overview of the thesis

Following this introductory chapter are four substantive chapters – one for each of the publications comprising this thesis - which seek to explore how key actors in refugee-related texts (and settings) are discursively constructed in terms of their credibility, with special consideration of how conceptualizations of language, communication and cultural diversity impact and limit these discourses.

Presented chronologically, in order of preparation and publication, the four chapters explore these questions across three levels. The first two, chapters 2 and 3, focus on the micro and meso levels of individual decision making and institutional guidance. Chapters 4 and 5

³ See <https://www2.le.ac.uk/departments/sociology/dice/news/government-interactions-on-refugees>

then move to a macro level case study, involving a “public debate” and its representation in the mainstream Australian media.

Chapter 2, first published in *Discourse & Society* in June 2017, centres on an analysis of the AAT’s Credibility Assessment Guidelines and the corpus of 27 published decisions from the AAT and RRT, which dealt heavily with credibility. I explore and compare how these texts represent the key actors involved in refugee merits reviews, namely, the applicant, the decision maker, and other actors, including legal representatives, interpreters and witnesses. I found that the Guidelines present the applicant as the primary participant in creating the refugee narrative, that the decision makers are presented as uniform or neutral, and the roles of other actors are largely minimised and backgrounded. While only two of the tribunal decisions make explicit reference to the Guidelines, I argue that the decisions mostly share the same discourse in the way they represent the key actors and their roles, and in how they reject or overlook issues related to language and the interactive nature of communication. These discourses created significant challenges for applicants in their quest to present themselves as credible and overcome any concerns in this regard. Still, while appearing to be influenced by the institutional discourse, I argue that the variety of ways in which different decision makers set out their reasons and refer to themselves and other actors actually undermine the ideologies behind this discourse: they are far from being the uniform, standard actors the discourse assumes them to be.

Chapter 3, published in the *International Journal of Refugee Law* in November 2017, involves a closer examination of a key issue that emerged from the analysis presented in Chapter 2. In that chapter, I found that while the applicant is presented as a subjective “cultural and social being”, the Guidelines present the decision maker as capable of neutrality or objectivity. I argued that this led to a situation in which decision makers would not be encouraged or expected to be self-reflexive or consider how their own culture, socialization or life experiences would affect their evaluations.

Therefore, in Chapter 3, I examine more closely the way cultural diversity is conceptualised in the Guidelines and in two decisions in the corpus, and the impacts this has for applicant credibility. The two decisions were chosen as case studies due to the heavy focus that was placed on issues related to cultural and linguistic difference. I argue that while the Guidelines’ inclusion of instructions to accommodate culturally and linguistically diverse applicants promises fair procedures, the reality is more complex. The discourse in the Guidelines in fact appears to “Otherize” the applicants, tying them inextricably to cultural groups, as perceived by decision makers who themselves are implicitly expected to be able to

rise above their own socialization and act and think objectively. I demonstrate this through an examination of the two case study decisions. These provide ample examples of how the applicants' cultural, social and linguistic diversity is simplified, or the decision makers' (largely unjustified) expectations of what these "diverse" people should do is preferred over the applicants' own explanations. Once again, therefore, I find that applicants face serious difficulties when attempting to defend their credibility, especially when their experiences or choices do not align with the decision makers' expectations.

A key finding in the analyses in the second and third chapters is that the institutional discourse expects that decision makers can behave and make decisions neutrally, and their own social context (unlike that of the applicants) is backgrounded, with no encouragement for them to reflect on how this may impact their expectations or assumptions when assessing applicants' credibility. Further, in both the guidelines and decisions, there was a strong focus on the applicant's role in constructing the refugee narrative, with little recognition of how linguistic diversity, interaction or social context influence communication.

The common focus on credibility prompted my decision to include the macro-level case study (set out in chapters 4 and 5) in my research. However, the findings regarding decision maker neutrality and applicant responsibility for the narrative from the micro/meso-level analysis added further weight to the decision for two reasons. First, the fact that decision makers are not encouraged to be self-reflexive and are positioned as capable of objectivity means that there is a lack of acknowledgement of the socio-political context in which they are making their decisions, and the impacts this may have on their expectations of applicants and their credibility. Second, I considered it possible that the institutional discourse's treatment of refugees' linguistic and cultural diversity and communication practices may reflect or be influenced by the broader public discursive framing of the same.

Chapter 4, the first of the second set of papers, therefore involves an analysis of a corpus of newspaper articles reporting on a debate about Abyan's experiences and decision making while seeking medical assistance in Australia. It examines how Abyan, the Immigration Minister and the other actors involved in the public "debate" regarding her experiences and treatment are presented, and what implications this has for Abyan's credibility and refugee credibility more broadly.

The final paper, chapter 5, once again takes one finding from chapter 4 as the basis for further exploration. Chapter 4 found that Abyan was presented as a key participant in the public debate. Chapter 5 interrogates this construction by exploring in detail Abyan's and the Immigration Minister's respective communicative resources, with respect to two written

statements they made. In other words, similar to the second of the micro-meso level chapters, it compares how the two key actors are presented as communicators in the mainstream discourse with an examination of how the two key actors actually do communicate in the production of two key texts. Identifying the contradictions in this comparative analysis, I once again reach the conclusion that refugees face substantial difficulties to defend their credibility at the level of public debate, just as they do at the procedural level.

The thesis concludes in Chapter 6 with a summary of the findings across the project, as presented in the preceding four chapters. Finally, it discusses the methodological, conceptual and broader implications of these findings. This includes explaining the benefits of the multi-level approach adopted in this research and a call for rethinking how credibility is conceptualized. Finally, it concludes by discussing the implications the research findings have on how credibility assessments are conducted, and the role of political discourse in shaping those assessments and limiting the reframing of credibility within them.

2. Telling stories: Credibility and the representation of social actors in Australian asylum appeals

The first complete paper, this article is the product of an analysis of the Administrative Appeals Tribunal guidance on credibility assessment and a corpus of published decisions dealing with credibility. Earlier iterations of the analysis were presented at the Australian Linguistics Society conference in 2015, as part of a panel on Language and Migration, at the Annual Conference of the Association for the Study of Ethnicity and Nationalism at the London School of Economics and Political Science and at an invited seminar at Leicester University in 2016.

The paper was submitted to *Discourse & Society* in December 2016. *Discourse & Society* is a high-ranking journal in its discipline(s), with a 2017 Journal Impact Factor of 1.339 (Clarivate Analytics, 2018), and ranked 54 out of 719 for Language and Linguistics, 42 out of 427 for Communication (Scimago, 2017).

In March 2017, publication was recommended, with minor revisions. It was first published online in June 2017 and appeared in the issue of the journal published in September of the same year. It has been cited twice since its publication (Pennell, 2017; Zhang, 2017). To increase its audience, a summary of the article was published on *Language on the Move* in June 2017 (Smith-Khan, 2017e). The article appears here in its published form.

Pages 30-52 of this thesis have been removed as they contain published material. Please refer to the following citation for details of the article contained in these pages.

Smith-Khan, L. (2017). Telling stories: credibility and the representation of social actors in Australian asylum appeals. *Discourse and Society*, 28(5), 512-534.

DOI: [10.1177/0957926517710989](https://doi.org/10.1177/0957926517710989)

3. Different in the same way? Language, diversity and refugee credibility

The second complete paper for the project, this article evolved out of the analysis of the Tribunal guidance and decisions corpus and during drafting the first paper. An invited seminar at Leicester University presented an opportunity for me to start exploring the issue of how diversity is reified: a theme that I identified in both this project and in other research that I have conducted (Crock et al., 2017). In that seminar, I explored the presentation of refugees' diversity in credibility assessment guidance and other procedural texts aimed at refugee status determination decision makers in Australia and overseas.

This article draws on the preliminary discussion in that presentation, as well as using the findings of the first article as a foundation for its analysis and arguments. It was submitted to the *International Journal of Refugee Law*, a leading journal on this topic, in December 2016. In April 2017, the peer reviewers recommended its publication, with minor revisions, and it was accepted for publication by the editor in June 2017. The article was first available online in November, and appeared shortly afterwards as the lead article of the issue in which it was published. It appears here in its published form.

As of 18 July 2018, the article has been downloaded in full 180 times, has been cited once (Dowd et al., 2018) and has an Altmetric Attention Score in the top five percent of all outputs. To broaden its reach and impact, a summary of the article was published on Language on the Move in November 2017 (Smith-Khan, 2017a).

Pages 54-81 of this thesis have been removed as they contain published material. Please refer to the following citation for details of the article contained in these pages.

Smith-Khan, L. (2017). Different in the same way? Language, diversity, and refugee credibility. *International Journal of Refugee Law*, 29(3), 389-416.

DOI: [10.1093/ijrl/eex038](https://doi.org/10.1093/ijrl/eex038)

4. Debating credibility: Refugees and rape in the media

This paper is the first of two involving the case study of a Somali refugee, “Abyan”, whose experiences and an ensuing “debate” made headlines throughout Australia in late 2015. The timing of this case was such that I had begun to analyse and draft the first two articles when I first came across this “debate” in the news. The fact that credibility was a central theme throughout the reporting led me to incorporate it as a case study in my research, after completing and submitting my first two papers for review.

The result of this analysis is the paper presented in this chapter. I submitted this paper to the *Australian Review of Applied Linguistics* in January 2018 and it remains under submission. I chose this journal for multiple reasons. First, I wished to include an Australian-focused journal among those in which I shared my research. Second, existing research to which I make reference and draw comparisons was published in this journal (Macken-Horarik, 2003a). My paper thus provides an update on an ongoing theme of interest to the journal: the way politicians with and through the media present individual incidents involving refugees to support a broader discourse of distrust.

The paper appears in this chapter in its submitted form, with minor changes to formatting to facilitate reading.

Abstract

In recent decades, credibility has become an increasingly popular focal point in Australian media discourse on asylum seekers and refugees. This paper explores public debates about credibility in media discourse related to a Somali refugee who was raped on Nauru. Given the pseudonym “Abyan” in the Australian press, she was living on Nauru as a result of Australian refugee policy and was brought to Australia for medical assistance. Her treatment by the Australian authorities became the subject of a heated debate and was widely discussed in the Australian media. Data for this research include a corpus of media articles, reporting and commenting on this debate. The analysis explores the way each key actor is represented by the media, and considers how these impact their credibility. Reflecting existing research on media discourse on refugees, this paper finds that Abyan’s experience is drawn on to support broader arguments about asylum policy. Further, the discourse presents Abyan as being a key speaker, even though in reality her ability to construct and defend her credibility is actually quite limited. The paper concludes that credibility remains an important theme in public discourse on refugees and that the power asymmetries hidden within this discourse create obstacles for those wishing to challenge it.

4.1. Introduction

Whether or not we can believe the claims made by individuals who arrive seeking protection is a matter of ongoing debate within political and media discourse in countries like Australia. In fact, a recent study of mainstream Australian media articles indicated that whether refugees are “genuine” has become the key question in public discourse (Stirling, 2015a). Research has further uncovered how discourse in the global north presents refugees and asylum seekers negatively, describing them as threats or dangers (KhosraviNik, 2009), natural disasters (e.g., “flooding”, “streaming”, “influx”), invaders and pests (Baker & McEnery, 2005, pp. 210-211).

By presenting refugees in these ways, stringent and exclusionary policies are justified (see argument in Every & Augoustinos, 2008, pp. 648-649). Further, arguably, portrayals of refugees as “deviant” in these discourses encourages immigration decision-makers to question their credibility as refugees (Pickering, 2001, p. 179). Thus, these discourses have the potential to impact not only on refugee policy, but also on the outcomes of individual decision-making in refugee status determination (RSD) processes.

This paper seeks to explore the issue of credibility as it arises in a collection of Australian media articles relating to the experiences and treatment of a Somali refugee called “Abyan”,

living on Nauru as the result of Australian asylum policy. It considers the way each of the key actors is presented in the media corpus: how their identities and actions are portrayed and how their credibility is constructed or challenged as a result. The paper concludes that refugee credibility is a key theme in political debates on refugee policy; while the power asymmetries that restrict refugees' ability to challenge this discourse and defend their credibility largely remain hidden.

The paper is organized as follows: the case of Abyan is introduced and existing research on refugee credibility in media discourse is reviewed. The research questions and analytical approach are then set out. These involve an exploration of the media's portrayal of Abyan and the other key actors involved in her experiences in Nauru and Australia, reflecting on how the credibility of refugees is constructed in public discourse. After introducing the key themes arising from the corpus, the paper examines how the key actors are represented, with special attention to how they are each assigned particular roles in the debate. The paper concludes with a discussion of how these constructions help produce, reinforce or challenge Abyan's credibility and a consideration of the resulting implications for the public discourse on refugees more generally.

4.2. “Abyan” and media discourse on refugees and credibility

4.2.1. The case of “Abyan”

In October 2015, the case of a refugee, who was living on Nauru as a result of Australia's offshore processing policy, caught the Australian media's attention. The individual in question, who was given the pseudonym “Abyan”, had travelled to Australia by boat to claim asylum. Under Australia's “Operation Sovereign Borders” asylum seekers who attempt to reach Australia by boat without authorization are liable to be transferred to third countries to have their asylum claims processed. Generally, these individuals have no prospect of ever being resettled in Australia (for a summary of the policy see Opeskin & Ghezelbash, 2016). Sometime after being granted refugee status on Nauru, Abyan approached the health services on the island and when it became apparent that she was pregnant, she explained that this was due to having been raped by a local person on Nauru in July 2015 (Australian Border Force, 2015). A number of other female refugees on Nauru had reported rapes in the same year, one of whom had had her claims dismissed by the police due to lack of evidence and whose identity was then revealed to the media by the Australian PR agency representing the Nauruan Government (Allard, 2015; Doherty, 2015).

Australian Government officials arranged for Abyan to be transported to Australia to have treatment and presumably to terminate the pregnancy - a procedure unavailable in Nauru. However, within five days of arriving in Australia, Abyan was returned to Nauru by the Australian Government (hereafter, “the Government”) despite Australian lawyer, George Newhouse, attempting to seek an injunction to prevent her removal. Abyan was removed without terminating the pregnancy or having the opportunity to meet with Mr. Newhouse.

Thereafter, a debate arose over the reasons for which the Government had returned Abyan so speedily, the situation gaining a significant amount of media attention. In a number of press releases, press conferences, interviews, and in Parliament, the Government, and more specifically the Immigration Minister, Peter Dutton (“the Minister”), claimed that she had been returned because she had decided not to have an abortion. In response to the Minister’s first press release following her return to Nauru, a handwritten statement from Abyan was shared by Mr. Newhouse with the media and reproduced in various newspaper articles (including many in the current corpus). He and various refugee advocates also participated in media interviews and made other public statements on the case, contesting the Government’s claims. They argued that Abyan had had much more limited access to medical and psychosocial services than the Government had claimed, and that she had not made a definitive decision to not have an abortion before being removed from Australia, but rather needed more time and support before making a final decision. They also criticized the Government’s action in taking Abyan away so suddenly, claiming that this was done to prevent Abyan seeking legal assistance.

A Freedom of Information (FOI) request was made by another lawyer, Kellie Tranter, to access the Government’s communications and preparations regarding Abyan’s case. These documents – an email chain between various Government officials - were made public (through the media) in January 2016 and appeared to mainly support Abyan’s version of events (Symons-Brown, 2016). For example, on 15th October, while Abyan was still in Australia, an email from an anonymized health official to an immigration official noted:

Unfortunately despite 30 mins on the phone to [the Telephone Interpreting Service] I was unable to access a Somali interpreter. She does, however, understand and speak very basic English and was happy to proceed with the consultation. She confirmed that she does not want the termination now, but she did make it clear that she hasn’t completely changed her mind (p. 77)

After Abyan was returned to Nauru and the same official was later quizzed, the official explained:

As per our previous discussions, after she declined the procedure I asked her (more than once) whether she changed her mind and no longer wanted a [termination of pregnancy (TOP)]. She consistently said that she still wanted to have a TOP, she just didn't want it that day or the following week ... (p. 93)

I explored her reasons for declining the procedure but she just stated that she felt 'too mentally unwell' and wouldn't elaborate....I asked whether she had changed her mind altogether, and she said no.... (p. 94).

There were also emails supporting the claim that the Government decision to remove Abyan from Australia was (at least partly) motivated by a desire to avoid legal action that would keep her in Australia. For example, on 14th October, Neil Skill, the First Assistant Secretary, Detention Services, Australian Border Force, wrote:

If she decides to proceed, she will then be returned to Nauru as soon as medically fit to travel. If she decides not to proceed, we will make arrangements to have her return to Nauru ASAP. If she continues to vacillate, we will make a decision early next week about return to Nauru. I think the lawyer is buying time so he can seek legal intervention (p. 25).

After Abyan's return to Nauru, the media coverage decreased rapidly, with only a few articles reporting the Government announcement that she would be returned to Australia for further treatment. An article in January 2016, discussing the FOI documents, reported that she remained in Australia and was "receiving medical care" (Tranter, 2016). No further information is publicly available about what has happened to Abyan since this time.

4.2.2. Media and political discourse on refugees

In Australia, refugees have been highly politicized in the media and public discourse, most notably since 2001, when Australia began implementing a suite of measures aimed at preventing asylum seekers from reaching Australian territory by boat. This has included measures such as forcing boats back to Indonesia and where this is not possible, transferring asylum seekers to the neighboring island nations of Nauru and Papua New Guinea (PNG) (see Opeskin & Ghezelbash, 2016). After one such operation, the Government claimed that some asylum seekers had threatened and then proceeded to throw their children out of their boat, apparently in an attempt to coerce the Government to take them to Australia. John Howard,

then Prime Minister, used the reports of this incident, which became known as the “Children Overboard” affair, to support his government’s tough stance on asylum seekers, transforming the discourse surrounding refugees from being “pitiful victims of circumstances beyond their control, thoroughly deserving of aid and pity, to cynical and calculating invaders in search of an improved lifestyle” (MacCallum, 2002, p. 41). While evidence emerged disproving the reports, the Howard Government was able to capitalize on the new discourse of dishonest and calculating illegals, which arguably contributed to their re-election (Every & Augoustinos 2008, p. 650).

Since that time, given its broad-reaching implications for migration policy and election outcomes, scholars have been interested in analyzing Australian political and media discourse around refugees. Some have gone as far as to argue that there is a professional duty to draw attention to a situation in which a “discourse of hatred” has become respectable, and in doing so, “encourage vigilance concerning the power of language” and acknowledge its role in social justice (Clyne 2003, p. 5).

Analyses of both the written language and use of images in media coverage of the Children Overboard incident uncovered the way different groups and individuals were discursively represented, and drew links between these portrayals and the political discourse relating to refugees, noting – among other things – the way government officials discursively linked this specific event to broader claims about asylum seekers more generally (Macken-Horarik, 2003a, 2003b).

Research elsewhere has also identified credibility or trust as a key theme in media and political discourse on refugees and asylum seekers. For example, it is a common trend for those who are unsuccessful in their claims for asylum to be discursively presented in the UK media as “bogus” or “fraudulent” (Philo, Briant, & Donald, 2013, ch 3 & 4). The discursive binary of “bogus” claimants versus genuine refugees has also been used in Canada to support more restrictive legislation (as discussed by Molnar Diop, 2014, exploring the treatment of Roma refugee claimants). In the Canadian media it has also been found that constructions of “bogus” applicants tend to arise most frequently around the time of and in response to “episodic events” relating to individual asylum seeking arrivals, which are then linked with broader policy discussions (Lawlor & Tolley, 2017).

In Australia, focusing on individual cases and incidents appears to remain popular, with both politicians and advocates reacting to and drawing on specific events and individual experiences to support competing positions on broader issues surrounding asylum seekers and refugee policy. The 2015 case of Abyan, introduced above, gained substantial attention by

refugee rights advocates and the media. As with the Children Overboard incident, there was much debate over the facts of the case, with accusations of dishonesty appearing to be made on all sides. Credibility was therefore a central issue - a prerequisite to deciding on the preferred version of facts, and thus on the relative merit of the particular side of the refugee policy debate those facts supported.

The effects of this type of public discourse are significant. First, it influences or justifies migration policy on a broad scale, for example, legislation to exclude certain groups from even applying for asylum at all – as is the case in Australia for “unauthorised maritime arrivals” (*Migration Act 1958*, section 46A(1)). Second, political pressures and discourse also influence refugee decision makers’ credibility assessments and fact-finding, leading them to treat asylum claims with suspicion (Baillot, Cowan, & Munro, 2014; Hamlin, 2014). This means that credibility has also become a central issue in status determination processes (Smith-Khan, 2017b, 2017d). Therefore, the way credibility is dealt with at the macro level of public discourse is inextricably connected with how credibility is conceptualized and incorporated at the individual or micro level. Conversely, as will be seen in the case of Abyan, individual examples may also affect or be used to influence broader discussions on asylum seekers and refugee policy.

Therefore, this paper seeks to explore the media’s portrayal of Abyan, and the other key actors involved in her experiences in Nauru and Australia. In particular, it aims to uncover the way these actors are assigned particular identities and actions and how this affects their credibility. In doing so, this research aims to make a contribution to understanding how the credibility (or lack thereof) of refugees is discursively constructed in public discourse.

The following section sets out the methods and data used to address these questions.

4.2.3. Exploring the discourse on credibility and communication

As mentioned above, the key issue emerging from a preliminary reading of news articles and opinion pieces discussing Abyan was a debate over the facts surrounding her treatment while in Australia and the reason for her being returned to Nauru so promptly. The case merits closer attention not only due to the level of media attention it received, but also due to the themes and arguments it prompted. Within public statements made by the key actors and in the media coverage, the issue became one of credibility: who was telling the truth about what had happened? Establishing credibility became a prerequisite to evaluating the situation and considering the implications of different versions of events, and was also significant for the broader ongoing debate regarding Australian refugee policy.

Given the central role that the credibility of the different key actors appears to have been given in this media debate, the paper seeks to explore how each of these actors is represented discursively in a selection of online news reports and opinion pieces relating to the debate. In doing so, special attention is paid to how their communication is conceptualized and the way their identities are constructed and consider how this impact their credibility.

An initial corpus of articles was gathered through online Google searches with the keyword “Abyan”, and then using a snowballing approach by following links in these articles referring to other pieces on the topic. To ensure a broad variety of texts and opinions, other mainstream newspapers were searched online through the ProQuest database - to access articles that are usually behind a paywall. Reading through this corpus led to the identification of the key issue to be explored, as introduced above: the debate surrounding whose version of events was correct. The media sample was then limited to pieces from Australian news outlets with a high readership, and which were published within a week from the publication of the Minister’s first press release and Abyan’s handwritten statement (i.e. 19th-24th October 2015) (see Table 1).

This approach has been used in other analyses involving media discourse on refugees in Australia. Notably, Mary Macken-Horarik (2003a, 2003b) used a social actor analysis with the Children Overboard story, examining the discourse in a corpus of newspaper articles on this event. Similarly, the current analysis concentrates on the key social actors mentioned in the collection of media texts dealing with Abyan’s case.

In the following, the media corpus is introduced and contextual information provided regarding where these texts were published. This is followed by an exploration of the way each text links Abyan’s individual case to more general arguments and opinions regarding Australian refugee policy, identifying the key themes in this broader debate. The analysis then proceeds to an examination of how each of the actors has been represented “sociosemantically” - how they are named and described and how they are attributed certain actions and roles, with a particular focus on their communication (van Leeuwen, 1996, p. 32). This analysis concentrates specifically on how these choices contribute towards supporting or challenging the actors’ credibility.

4.3. Presenting the debate: Abyan in the media

Similar to the heavy coverage of the Children Overboard incident, the dispute over why Abyan was transported out of Australia so rapidly after her arrival became the subject of numerous news reports and opinion pieces across mainstream Australian media. Before commencing the analysis, the corpus is introduced below.

Table 1: Media corpus

Reference	Title	Type	Author	Source	Date
AUS19	Nauru offers home to hundreds as asylum rape battle rages	News article	Joe Kelly	The Australian	19/10/2015
CN19	A counsellor should be sent to Nauru to help 'Abyan'	Comment/Opinion	Michelle Grattan	The Conversation	19/10/2015
DLY19	Treatment of Abyan exposes hypocrisy of anti-violence initiatives	Comment/Opinion	Samah Hadid	Daily Life	19/10/2015
GRD19	Somali refugee flown out of Australia denies saying she declined termination	News report	Ben Doherty & Shalailah Medhora	The Guardian Australia	19/10/2015
SMH19a	Peter Dutton says advocates for Somali refugee 'Abyan' have let her down	News report	Latika Bourke	Sydney Morning Herald	19/10/2015
SMH19b	Refugee rape victim says Immigration Minister Peter Dutton is telling lies about abortion	News report	Tom Allard	Sydney Morning Herald	19/10/2015
AUS20	Rape refugee seeks new abortion location	News report	Chris Kenny	The Australian	20/10/2015
MMA20	Abyan does want abortion, just not in Australia	News report	Shauna Anderson	MamaMia	20/10/2015
NM20	Abyan's Plight Is Not A Travesty Of Justice, It's A Deliberate Denial Of It	Comment/opinion	Matthew Kenneally	New Matilda	20/10/2015
TL20	Deceptively tricky dilemma	Comment/opinion	N/A	The Daily Telegraph	20/10/2015
AUS21	Refugee declines to report rape to police	News report	Chris Kenny	The Australian	21/10/2015
TL21	When human life is a political football	Comment/opinion	Miranda Devine	The Daily Telegraph	21/10/2015
ABC22	Silenced and sidelined: We've already passed judgment on Abyan, so why bother with courts	Comment/opinion	Michael Bradley	ABC News	22/10/2015
AGE24	Losing the plot: the sad tale of refugee Abyan	Comment/opinion	Michael Gordon	The Age	24/10/2015
SMH24	Somalian refugee Abyan becomes a political pawn after abortion request on Nauru	News report	Tom Allard	Sydney Morning Herald	24/10/2015

The corpus represents a variety of Australian news outlets. *The Australian* and *The Daily Telegraph* are owned by News Corp Australia (News Corp Australia, 2017), part of Rupert Murdoch's international media conglomerate. They are regarded as populist publications, inclined to support conservative governments (McKnight, 2012). *The Age* and *Sydney Morning Herald* are owned by News Corp's main competitor, Fairfax Media. Fairfax also owns *Daily Life*, which provides "news and lifestyle content for busy Australian women" (Daily Life, 2017). Fairfax has traditionally attempted to be "more subtle" and "moderate, fair and responsible" in its handling of politics, although it has sometimes been seen as supporting the Australian Labor Party - the less conservative of the two main political parties (Griffen-Foley, 2002). The Australian Broadcasting Corporation (ABC) is state-owned and funded. It has been accused by conservative commentators and politicians of being biased and presenting a "leftist" perspective. Its online component was launched in 1995 and includes the ABC News website (Jolly, 2014).

The remaining publications are exclusively internet-based. The *Guardian Australia*, the Australian online edition of the UK-based newspaper, launched in 2013 and presents itself as "independent" and "showing all sides of the story" (Viner, 2013) and is generally regarded as politically to the left (Wake, 2013). Established in 2004, *New Matilda* is "predominantly reader-funded and remains fiercely independent, with no affiliation to any political party, lobby group or other media organisation" (New Matilda, 2017) and emphasizes its role as an alternative to mainstream media, especially focusing on "political analysis and social justice issues" (Barnes, 2013, p. 811). *Mamamia* presents itself as "the largest independent women's website in Australia" and includes "news, opinion, social commentary, political analysis" among other topics (Mamamia, 2017). Finally, *The Conversation's* Australian edition also presents itself as independent, with its "news and views" "sourced from the academic and research community", and much of its initial funding coming from universities and other research bodies (The Conversation, 2017).

Therefore the corpus includes texts from a variety of sources, attracting a diverse cross-section of Australian audiences. The following sections examine this corpus, which includes articles that were published within the week following Abyan's return to Nauru and the release of the Minister's and Abyan's statements detailing the disputed facts. First is an exploration of the major themes covered in these articles, noting how Abyan's case is contextualized within the broader debate around refugee policy in Australia. Next is an examination of how these articles represent Abyan. The analysis then explores the representation of other actors,

including the Government and Abyan's lawyers and supporters. Finally, the implications that these representations have for credibility construction are considered.

4.3.1. Specific to general: Abyan and the larger policy debate

As discussed below, the choice to assign the refugee at the centre of this case-study a first-name pseudonym personalizes the issue to which her experience relates and attracts the audience's interest. While the pseudonym acts to identify a single person, the whole corpus demonstrates a tendency to use this individual story as an example of the broader issues around refugee policy in Australia. As one article points out, "In the case of Abyan, she is becoming a totem of Australia's harsh offshore processing system for refugees" (SMH 24).

This reflects the trend already established in the existing literature (Lawlor & Tolley, 2017), including what was observed regarding the Children Overboard incident (Macken-Horarik, 2003a, 2003b).

Regardless of the authors' respective opinions, every article in the corpus contextualizes Abyan's situation within the larger refugee policy debate in some way. The approaches taken vary across the corpus, depending on the argument the author wishes to support, but they generally fall within various common categories. First, many authors (mainly from traditionally centre/left-leaning publications) refer to Abyan's experiences to criticize the harshness of Australia's policy of sending refugees to Nauru and PNG, or for using immigration detention more generally, listing the negative consequences of these policies (AGE24, DLY19, GRD19, NM20, SMH19b, SMH24).

It's no surprise our immigration department refused to display a shred of decency and sent Abyan to the very place that brought on such trauma without the medical care requested. The department has, after all, been led by ministers who try to outdo their predecessors in their mistreatment of asylum seekers (DLY19).

Abyan's fears are borne from personal experience, and that of others. There have been three reported sexual assaults of refugees outside the detention centres this year, including her own. Between September 2012 and April 2015, detention centre operative Transfield Service logged 33 sexual assault incidents, including nine judged critical or major. Although Abyan has not gone to Nauru's police, two others have (SMH24).

In some cases this issue is contrasted with the Government's human rights-related pursuits in other fields (CN19, DLY19).

But apparently not when it happens to refugees in Australian care. This sort of violence did not feature in the Prime Minister's clarion call to end violence against women. This sort of violence is not only ignored but dangerously perpetuated by bureaucratic processes and political decisions (DLY19).

Some refer to the “deterrence” justifications used to support this policy approach – either approvingly or critically (AGE24, NM20, SMH24, TL20, TL21).

But the inescapable conclusion is that Abyan's story is simply further evidence that the centres on Nauru and Manus are unsustainable, and that both continue to damage vulnerable people for no other purpose than to deter boat arrivals (AGE24).

Remember, too, that many if not most in the refugee advocacy movement actually supported the so-called “humane” asylum seeker policies of the previous government policies that filled detention centres beyond capacity and left more than 1000 dead at sea (TL20).

Some criticize the “fiction” of presenting Nauru and PNG as being responsible for the refugees sent there, when in fact this process exists as a result of Australian Government policy and entails its ongoing involvement (ABC22, AGE24, CN19, DLY19, NM20).

...though the government likes to pretend, disingenuously, that it is at arms length from much of what happens in those places (CN19).

In contrast, another article that is not critical of Government policy frames the Nauruan Government as solely responsible for the refugees there:

The Pacific Island nation of Nauru will resettle hundreds of people deemed to be genuine refugees after its government opted to accelerate the processing of asylum-seekers.... and nearly all refugee determinations had been concluded (AUS19).

Further, rather than focusing on potential harms of the offshore policy, those articles that do not criticize Australian Government policy highlight the facilities provided to refugees in Nauru, referring to “Abyan’s beachside refugee housing complex” (AUS21) and explaining that:

The resettled refugees will be provided with housing, a living allowance and employment opportunities until a more permanent resettlement location can be found. The [Nauruan] government confirmed that

additional accommodation, with “air-conditioning and self-catering facilities”, was being built (AUS19) (see also AUS20).

Many of the articles mention the fact that refugees transferred to Australia for medical reasons are able to access the Australian legal system while there – something that is not possible from Nauru (ABC22, AGE24, AUS20, MMA20, SMH19a, SMH19b, SMH24).

Approximately 200 asylum-seekers and refugees who were on Nauru and have travelled to Australia for medical attention remain in Australia after lodging bids for asylum. Their return to Nauru awaits rulings by Australian courts (AUS20).

A related focal point is on the lack of transparency or oversight in refugee-related operations (ABC22, NM20, SMH24):

Australia’s exchange of cash for prison space with Nauru is, like any trade agreement, built on comparative advantage. Nauru’s comparative advantage is an absence of the rule of law. Asylum seekers can be held in detention indefinitely (NM20).

This leads some to conclude with recommendations for oversight mechanisms (AGE24, CN19, GRD19):

The appalling saga of the pregnant Somali woman known by the pseudonym of “Abyan” shows the urgent need for some neutral watchdog in such a situation to ensure the person’s interests are protected and what is done is transparent (CN19).

Therefore, Abyan’s experiences are indeed used as a “totem” or channel through which the authors are able to share their opinions on Australia’s refugee policy, despite these being varied and sometimes opposing. This resembles the findings of the Children Overboard analysis in that those commenting use the particular event and persons involved as a link to the broader debate on refugees and refugee policy (see Macken-Horarik, 2003a) (for a more general exploration of the linking of individual cases with broader discussions on refugees see Lawlor & Tolley, 2017). In both cases, a key theme is the trustworthiness of the refugees involved.

Therefore, the next section considers how the corpus represents Abyan, the Government and other actors. It explores the types of actions each actor is assigned, paying particular attention to how their ability and opportunities to communicate are represented in the corpus.

It also examines how their identities are shaped through how they are named. In each case, the analysis considers how these constructions impact on credibility.

4.3.2. Abyan, woman.... refugee?

Across the corpus, regardless of the authors' opinions of the situation, the most common naming choice by far is the first-name pseudonym, "Abyan", which appears most frequently in every single text. Second-most common (with the exception of three articles – AUS20, AUS21, ABC22) is "woman".

Using a pseudonym serves a practical referential function: without a name the media would be left calling her "the woman" and would need to provide further information for the reader to understand to whom the story related. Ironically, even referring to her as "the Somali refugee who was raped on Nauru" would not be specific enough to single her out, given that another young Somali woman reported having been raped at a similar time.

The use of "Abyan" is an example of informal nomination, but also involves "name obscuration" (van Leeuwen, 1996, p. 53), as Abyan is a pseudonym. Individualization is a strategy often used to communicate the author's empathy with the subject (KhosraviNik, 2009). Ironically in this case, the first-name pseudonym appears on the one hand super-personal, yet reveals very little about the actual individual. Further, unlike in KhosraviNik's examples (2009, pp. 484-485), the nomination is not accompanied with other types of individualization, such as details about profession or education, or everyday activities. Therefore, while naming and dealing with the experience of this one individual may appear to somewhat humanize or individualize her, the lack of other details limits this. Indeed, this is a reflection of the legal, physical and presumably communication barriers between Abyan and most of the journalists whose articles are included in the corpus, as a direct result of Government policy – a challenge only a few of these authors underline (e.g., ABC22). As explored below, the actions and experiences assigned to her are largely limited to those regarding her transfer to and from Australia and experiences directly relating to those transfers, rather than personal attributes or experiences. This limits her "humanization".

Abyan is frequently named "woman" and therefore categorized by gender. This suggests Abyan does not have any other qualities or characteristics that are as relevant or noteworthy as her gender – or that any more specific characteristics are unknown to the writers. This contrasts with other actors in the corpus who are referred to by their (often professional) functions – e.g., Minister, police, lawyers, doctors etc. – which lends these actors legitimacy and authority. Calling her "woman" also echoes the Minister's own usage in his public statements regarding

the case (e.g., Dutton, 2015), demonstrating how the media draws on the Government discourse.

Referring to Abyan as “woman” may also bring her credibility into question. Where authors wish to stress the innocence of a female crime victim, it is common practice to favor qualifiers or personalizing elements. Victims may be described with reference to valued social roles they play, for example, “loving daughter” or “new mum” (Lloyd & Ramon, 2017, p. 126). The use of the term “woman” alone contrasts with this and creates a more questionable victim, free of any valued legitimizing social roles. Further, research suggests that female victims of crime are more likely to be negatively depicted if they are poor or part of a minority group, and the crimes to which they are victim rationalized through suggestions that they were in the wrong place or that the crime had occurred as a result of decisions they had made (Collins, 2016).

Abyan is also categorized – although less frequently – as a refugee. She is also sometimes described as an asylum seeker (AUS19, DLY19, TL21). Under international law, a refugee is any person who:

owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country (*Convention Relating to the Status of Refugees*, 1951, Article 1A(2)).

At a national level, however, the term “asylum seeker” is used to denote someone who has yet to pass through domestic procedures for determining whether they meet the refugee definition. Thus, describing someone as an asylum seeker or a refugee indicates their stage in this process at a given point in time. As some of the other articles point out (GRD19, SMH19b, ABC22, AGE24), Abyan had already been assessed in Nauru and was found to meet the refugee definition, meaning that the three articles describing her as an asylum seeker are factually incorrect. The use of “asylum seeker” in these articles therefore suggests that first, fact-checking around her legal status was regarded as unimportant to the issue at hand and that these aspects of her personal experience were not interesting or pertinent. Second, the term “asylum seeker” holds even more negative associations than “refugee” does, meaning it is thus unsurprising that it is used in two articles in News Corp-owned media (see for example, the findings in a large corpus study in Baker & McEnery, 2005, p. 222). The use of this term therefore suggests that Abyan has not yet proven her credibility or merit as a refugee.

Overall, explicit references to Abyan being a refugee (or asylum seeker) are low, although this is likely due to this being understood within the broader context of the articles. Still, the confusion in some articles over her status perhaps helps to demonstrate how her refugee status is not considered of particular importance: her pre-asylum-seeking experiences or genuineness as a refugee are only infrequently used to contextualize or validate the seriousness of her experiences in Nauru and Australia. Where this is mentioned, it is only done so in texts that more generally support her credibility and criticize Government policy. For example:

It is hard to imagine a more anguished predicament for any young woman, let alone someone who fled the terrorist group al-Shabaab in her war-torn homeland and has spent two years in detention on Nauru with no prospect of a new home (SMH24).

Examples like this are limited in the corpus, perhaps understandably due to the restricted access the journalists have to Abyan and her life and experiences. They only have Abyan's one written statement and statements made by others to glean any information about her.

What is clear from the above is that in naming and describing Abyan, the corpus is restricted to creating only the most basic outline of an individual. Very little is known about her other than her gender, age, nationality and residence. As discussed above, the limited information available about this unknown person creates a significant obstacle for the creation and maintenance of trust and empathy in the reader.

Beyond the names she is given, Abyan is also assigned a number of roles through the way she is positioned as an agent or patient in the texts. These are explored below.

4.3.3. Abyan, speaker and decider

Most of Abyan's acts involve verbs relating to either saying or asking, or deciding or wanting. In contrast, in other types of actions, she appears as a patient in passive constructions where the agent is unidentified or absent.

Actions related to communication are most common (161 out of 447 of Abyan's actions (36%)). Abyan "says", "claims", and "reports" and "requests". The second most common category of actions revolve around thinking and feeling - primarily making decisions or wanting something (106/447 (24%)). Every article also assigns agency to Abyan in terms of having an abortion, usually linked with these other verbs – e.g., wanting or asking for one, or deciding (not) to have one (61/447 (14%)). Most commonly, these actions of thinking and speaking involve no other actors: Abyan asks or decides, without direct reference to the actors with whom she is communicating or interacting. There is variety in terms of which particular

verbs or nouns are used to reflect these actions (i.e., more or less colloquial, value-laden – e.g., “alleged” versus “says”).

Regardless of this variety, in all except one article (ABC22), communication and thought actions comprise over half of the actions assigned to Abyan. This is perhaps unsurprising given that the journalists must rely nearly solely on the one written statement from Abyan when discussing her actions. However, Abyan is often misleadingly presented as explicitly accusing her “adversaries” in the debate of telling lies. Apt examples of this construction include statements like “Abyan has said Mr. Dutton's description of events - backed by Prime Minister Malcolm Turnbull - were false” (SMH19b) and “Abyan said the government was not telling the truth” (GRD19). In reality, her written statement includes no mention of the Minister or any statements he has made, focusing simply on her experiences, with statements like “I was raped on Nauru. I have been very sick. I never said that I did not want a termination”.

The overall result misconstrues the reality. Readers are left with the impression that the journalists are in a position to report on what Abyan wants, thinks or says, despite the fact that there is very little direct contact with her. In fact, only one journalist, Chris Kenny, had the opportunity to travel to Nauru and speak with Abyan and their interactions became the subject of a separate debate, including Abyan reporting media harassment (Allard, 2015).

This emphasis on what Abyan has said or thinks creates the impression that Abyan’s actions are key to how the events unfolded: that she was in control. Her one written statement is transformed into her having a fair opportunity to present her side of the “debate”, putting her on the same level as the Minister and Government. This is despite the great inequalities in her opportunities to speak, her access to information and her communicative and identity-building resources (for an in-depth discussion on these inequalities, see Smith-Khan (Under review)). This asymmetry is only acknowledged in a few exceptions in the corpus. The inclusion of “the rape claim” in many cases only goes to further bring into question the credibility of Abyan’s claims, as explored below.

4.3.4. “The alleged rape”

The articles vary in how they refer to the rape. The veracity of the rape claim is significant in this case because it contributes towards the discussion of whether or not we accept Abyan as a credible witness more generally. Understandably, in the context of news reporting, pieces dealing with accused persons will use language like “alleged” as a way of acknowledging the principle that people are innocent until proven guilty, and to avoid interfering with ongoing court cases or investigations. However, in this case, the articles do not focus on any alleged

perpetrator, but rather on the victim, and there are no active investigations or cases related to her claims. However, as Healicon (2016) argues, when a woman reports having been raped, this immediately puts into process an assessment of her credibility.

This perhaps goes some way to explaining why most articles in the corpus (nine) present the rape as an allegation or claim rather than fact, for example, “pregnant as the result of an alleged rape” (GRD19), “her rape claims” (AUS20). Only three of the 15 articles (DLY19, ABC22, SMH24) consistently use language that presents the rape as fact, and these are articles in which the author takes a position in favor of Abyan more generally – criticizing Abyan’s treatment and Australian asylum policy. Construing her report of being raped as a claim rather than fact acts to draw Abyan’s credibility into question more generally.

One article even takes the “rape claims” for primary focus, and reports that Abyan “declined” to make a statement or lodge a complaint with police (AUS21, also referred to in TL21). The author further notes that Abyan did not provide information about the identity of the perpetrator(s).

In her interview with *The Australian*, Abyan repeated her claim that she was raped but declined to provide any details about when, where or by whom. She refused to say whether the alleged assault was committed by another refugee, a Nauruan or someone else (AUS21).

Abyan is presented as actively choosing not to provide details, rather than acknowledging the possibility that she either lacks knowledge about this information or else does not wish to share it with the specific interlocutor, journalist Chris Kenny. In an earlier article, the same journalist contextualizes Abyan’s “claim” with that of another young woman whose complaint was set aside due to limited evidence, suggesting that the two cases may be similar.

Abyan's case comes after another rape allegation made by a Somali refugee on Nauru, reported by the ABC's 7.30. Police have investigated that complaint and determined that it was fabricated (AUS20).

This construction acts to further undermine her credibility and contrasts with other articles where references to other refugees’ similar experiences were used to support criticisms of the situation on Nauru and Abyan’s treatment (AGE24, SMH24). Another article from *The Australian*, not included in the corpus (but cited critically in ABC22) describes how refugees “Get pregnant and dump it on [the] Australian conscience in the hope...lawyers win you a free ride that includes residency”. This suggests that far from being the result of rape, Abyan intentionally got pregnant as a means to gain access to an Australian permanent visa. Further,

the headline of TL21 carries a similar theme – “When human life is a political football” (the human life is a reference to the embryo). This construction echoes the claims made about the Children Overboard incident, that asylum seekers were using their children as pawns and risking their lives to manipulate the Government into granting them a visa.

Suspicion around the “rape claims” in this case resembles the well-documented difficulties of women seeking to have their reports of sexual violence believed in criminal settings or RSD processes. Baillot et al. (2014, p. 131) describe how “targeted scepticism surrounding women’s claims of rape” can lead decision makers to employ interrogation-style, insensitive approaches and undermine access to a fair hearing. Existing research demonstrates that when asylum seekers’ narratives include a “failure” to report sexual violence to authorities in their home country they may be disbelieved. This is even the case where the reasons for not reporting the rape seem strikingly compelling, for example where an applicant did not make a report to the police after she was raped by an army corporal (Anker, 1992, p. 519). Delays in disclosing rape during the RSD process have also been found to harm general credibility, despite research and procedural guidance urging caution (Baillot et al., 2014).

A construed failure to share details about the identity or motivations of persecutors may also harm credibility (Bohmer & Shuman, 2007, p. 610). Responsibility is transferred to the victim for information that they understandably may be unable to obtain from their persecutors. Bohmer and Shuman (2007, pp. 614-615) note a further knowledge-related risk: that those tasked with assessing credibility may find a person’s story too recognizable or familiar compared to past cases, and make a negative finding on this basis. In such situations, the very fact that experiences of sexual violence are pervasive in certain settings act against its victims. Both these issues appear to work against Abyan in the approaches of some of the articles’ authors.

The veracity of Abyan’s claim is particularly important to the debate given the fact that it happened in a setting created by Government policy. Effectively, the experience of rape is an added layer of the “charges” of bad treatment made against the Government, along with the issues regarding Abyan’s access to appropriate medical support and transfers to and from Australia. Yet, unsurprisingly perhaps, the connection between Australian policy and Abyan’s experience of rape on Nauru is generally only explicitly highlighted in the articles most critical of Government policy (e.g., DLY19, GRD18, SMH24).

What is evident from the above is that the “rape claim” is just another opportunity for commentary for or against Abyan’s credibility. Moreover, Abyan is arguably in a comparatively difficult position: her gender, nationality, linguistic, and migration background

mean that she faces intersectional challenges to defending her credibility (see argument in Baillot, Cowan, & Munro, 2009, comparing asylum seekers with claims of sexual violence to local persons navigating the criminal justice system). Further, Abyan's credibility is tied to the credibility of other actors. Whether they are politicians, advocates or journalists, the very limited information publicly available about Abyan and her experiences means that these speakers have broad scope in their choices for how they present her and whether they support or challenge her credibility.

4.3.5. The Minister, the Government and the debate

There is a clear division in the media corpus in the roles assigned to Peter Dutton, the Immigration Minister, and those assigned to the "Government" as an actor. Once again, this closely resembles the Minister's own approach. In his first public statement following Abyan's return to Nauru, passive, agent-less structures are used when describing what happened to Abyan. For example, he states that "A woman was flown by charter flight from Nauru to Sydney" and "The woman was chartered back to Nauru". The only active grammatical structure involving the Government relates to its general policy position - "The Government remains absolutely resolute that people who have attempted to come to Australia illegally by boat and are on Nauru or Manus will not be coming to settle permanently in Australia."

Likewise, in the media corpus, while the Minister is referred to frequently across the texts, his primary role is nearly uniquely one of speaking or commenting, rather than being assigned any actions directly related to Abyan's experiences. The Minister "says", "claims" and "lists details".

Mr. Dutton said the government would not have gone to the expense of flying the woman to Australia if it had no intention of giving her the medical treatment she had requested (SMH19a).

Mr. Dutton insists she changed her mind about the termination (AUS19).

Further, as in the Minister's statement, when it comes to actions for which Abyan is the patient, there is often no agent mentioned and the phrases are passivized, or the agent is the "government", rather than identified or named individuals.

Abyan was rushed back to Nauru on Friday despite her lawyer filing an urgent injunction to stop her removal (MMA20).

The government brought her here, but after several days she was flown back on Friday without having had the procedure (CN19).

This resembles findings in Baker and McEnery (2005, pp. 214-216) where the news corpus had descriptions of “forced returns” and asylum seekers being “rejected” without mention of an agent. In the same study, descriptions of people being “displaced” were usually agentless, or the agent was a non-person, for example “fighting” or “conflict” (pp. 210-211, referring to corpus of UNHCR texts).

The effect of such constructions is to foreground Abyan and her choices, minimizing the responsibility, power and influence of other individuals in the events that occurred. It creates the impression that the Minister has similar power and opportunities to speak. He and Abyan are both described as communicating in similar terms, meaning his power as the Immigration Minister is broadly under-acknowledged. Further, the choice of the “government” as actor rather than specific individuals largely takes the attention away from the role that particular individual interactions and individuals’ communication styles and decision-making would have played in the way the events unfolded. The “government” is impersonal and anonymous. The fact that the corpus largely adopts similar constructions to those used by the Minister further demonstrates the power of the Government’s statements in influencing the media discourse.

4.3.6. Advocates, lawyers and the debate

While references are made in all texts to Abyan’s “lawyers” or “advocates”, they appear less frequently than the Government or Abyan and are referred to in varying ways. Abyan’s lawyer, George Newhouse, is referred to most frequently, with ten texts mentioning him by name (AUS19, CN19, GRD19, SMH19a, SMH19b, AUS20, AUS21, TL21, AGE24, SMH24). The way he is described varies. For example, the *Guardian* article refers to him as “A special counsel for Shine Lawyers, George Newhouse” (GRD19), compared with the *Telegraph*, where in one case he is not named and referred to only as “advocates” (TL20) and in another, when mentioned by name, is described as “Advocate George Newhouse” (TL21).

The term “advocate/s” occurs in eight texts (AUS19, GRD19, NM20, SMH19a, SMH19b, SMH24, TL20, TL21), and “lawyer/s” appears in all except one text (DLY19, which refers to Abyan’s “legal representation” and “legal and support team”). Although these terms are often grouped together, the presence of both generally suggests two separate types of actors. Therefore, naming George Newhouse an “advocate” carries different meaning to choosing to call him a “lawyer”. The Macquarie Dictionary defines “advocate” as: “someone who defends,

vindicates, or espouses a cause by argument; an upholder; a defender” (“The Macquarie Dictionary Online,” 2017). While this definition is suitable for a lawyer, it carries broader meaning, which is obvious in the fact that it used to describe other actors who are not lawyers. Being described as an advocate rather than a lawyer emphasizes Newhouse’s lack of neutrality, reinforcing his depiction as a “politically-motivated” actor.

Once again, this lexical choice also reflects the language choice in the Minister’s statement, which initiated the debate around credibility:

Comments from some advocates to the contrary are a fabrication, while others appear to be using this woman’s circumstance for their own political agenda. They should be ashamed of their lies.

Research on advocates in the Australian refugee policy debate suggests that they can play a powerful role in challenging and influencing public discourse (Every & Augoustinos, 2008). Given this context, it is unsurprising that the “advocates” involved in this debate may be seen as aiming to influence this larger discussion. What is not clear in the texts is what this means for Abyan personally. Frequent use of the terms “advocates” and “lawyers” gives the impression that Abyan has a team of experts at her disposal: valuable resources in terms of communicative power in the debate. Yet we cannot discern the exact nature and extent of Abyan’s relationship with these actors. There is tension between this portrayal, on the one hand, and the fact that it appears she had limited access to these persons, on the other. This suggests that the role these actors played in shaping the debate and their ability to defend Abyan’s credibility is limited. Or, at least, the real level of interaction between Abyan and these actors and the level of agency or knowledge Abyan has in these interactions remains unknown, and the audience must largely rely on the advocates’ choices in how they present this. Once again, our lack of direct contact with and information about Abyan means that we must rely on these third parties to present her and their interactions according to their own perspectives and motivations. Yet this generally remains unclear in the media discourse.

Despite their depiction by the Minister as “politically-motivated”, and the fact that their presence in the articles gives the impression that Abyan has resources and support, the advocates’ role in the debate over who is telling the truth is backgrounded in most of the corpus. Nine articles present the debate as either primarily or solely between Abyan and the Government (and its various spokespeople). For example:

The Somali refugee who says she was raped and impregnated on Nauru has flatly denied claims by the Minister for Immigration that she changed her mind about ending the pregnancy after being flown to Australia for an abortion (SMH19b).

Only four present the advocates as the primary counter-claimants rather than Abyan. For example:

The announcement comes amid a clash between refugee advocates and Immigration Minister Peter Dutton over whether a 23-year-old Somali asylum-seeker and alleged rape victim transported from Nauru to Sydney changed her mind about having her pregnancy terminated (AUS19).

As mentioned earlier, one article does not directly refer to the debate, instead focusing on Abyan's "refusal" to report the rape to Nauruan police (AUS21). Apart from this outlier, the majority of the corpus presents advocates and lawyers as, on the one hand, a powerful resource for Abyan, thus creating the impression of a level of equality in the debate; while on the other hand, portraying Abyan as primarily responsible for communication in the debate. This portrayal conflicts with the fact that we know little about how much support or contact Abyan has with these persons, or her decision making power or knowledge in these interactions, and the only "direct" communication we have from Abyan – her handwritten statement – is not really direct, but rather was delivered to the public by her lawyers.

The fact that these actors are considered as representatives of Abyan, despite the shortcomings this presentation entails, means that their speech and actions are interpreted primarily as her own. It thus becomes a logical step that the media should present Abyan as a key competitor in the battle for credibility, rather than focusing on the advocates who were the original target of the Minister's accusations and the ones who actually made several public statements challenging the government's stance and encouraging the debate (Newhouse; Refugee Action Coalition Sydney).

4.3.7. A level playing-field?

In contrast with most of the corpus, one article explicitly challenges the presentation of Abyan as a primary actor in the debate:

Abyan. She is missing from the picture. She is silent, silenced and removed. This is not a clever lawyer's artifice. Abyan's physical absence from the Abyan argument breaches the most basic protection that our rule of law affords us: the right to access the courts of this country and have them determine our fate (ABC22).

Another also highlights the power imbalances in the debate, arguing:

We cannot meaningfully judge who is telling the truth between the Minister who refuses to discuss “operational matters”, and a 23-year-old who, having restricted access to media or lawyers, must communicate through a brief handwritten note (NM20).

As indicated in these outlying articles in the corpus, some of the barriers to communicating with Abyan result directly from Government policy. This has included the introduction of punitive laws aimed at deterring Australian Government employees and contractors from publicly disclosing information about the experiences of refugees and asylum seekers in detention (Gartrell, 2017. See: *Border Force Act 2015*, section 42). Changes to the Nauruan visa system have also largely restricted access to foreign journalists, with Chris Kenny being a notable exception in this case (The Government of the Republic of Nauru, 2017).

ABC22 and NM20 provide a useful reminder that the angle and focus of the majority of reporting involve a choice to present Abyan as an active participant, with a voice and opportunity to speak, on par with that of other powerful actors, such as the Immigration Minister. As the authors of those articles argue, this is far from the reality. Indeed the public – the audience of the media corpus, and the journalists who have produced it (with the only one exception) – have no direct access to Abyan. We do not even know her name. Even if we were physically and legally able to meet her, it is likely there may also be linguistic barriers to direct communication. Yet, in the corpus, Abyan is presented as a principal actor and speaker, and one with reasonably good resources to participate in the debate, including a team of lawyers.

4.4. Discussion and conclusion

This paper has introduced the case of Abyan, a young Somali refugee whose experiences seeking medical assistance in Australia captured the attention of the media. She became the centre of a heated debate, used as an opportunity to support various sides of the broader ongoing discussion around refugee policy. As explored above, the media’s attention in the period following Abyan’s transfer to and from Australia focused on contested facts, with the government claiming that Abyan had decided against having an abortion and that she was rapidly returned to Nauru for that reason. Abyan and those claiming to speak on her behalf denied that she had made a definitive decision. During this period, Abyan had one chance to

communicate somewhat “directly” with the Australian public, through a short handwritten statement.

In reality, Abyan, has limited power to present a trustworthy identity to the audience: we know little about her beyond very basic facts like her age, gender, and nationality. We do not even know her real name. Compared with the Minister, the Government, and the advocates, Abyan has very limited opportunities to speak. Significantly, many of the barriers she faces exist as a direct result of concerted Government policy to restrict asylum seekers’ and refugees’ access to the Australian public, media and legal system (and vice versa).

Yet, in the media coverage of this situation, this is not always clear. The way Abyan is named only goes to demonstrate the limited information we have about her identity. This results in a depiction of her which lacks the humanizing effects which would be gained from more personal details, as in the examples presented in other research on refugee discourse in the media (eg KhosraviNik, 2009). Therefore, much like in the Children Overboard case, even though the story here involves a particular refugee, the lack of information about Abyan means she is not humanized: we lack details about her that could contribute to credibility production. The inclusion of information about the reason she required medical attention – that she became pregnant as a result of rape – adds an extra threat to her identity construction as a credible speaker. Those claiming to have been raped immediately set in motion a process of credibility assessment. The fact that she is a refugee acts in a similar way: a key element to RSD processes is the assessment of the credibility of the individual seeking asylum. In both situations, the fact that there is often very little corroborating evidence means that the trustworthiness of the person making the claims often becomes a central point of focus and prerequisite to accepting their narratives.

This lack of detail about Abyan’s identity also means that it is open to other actors to choose how they present her. She can be presented as a calculating migrant or an innocent victim or something else altogether. The limited information available and Abyan’s limited ability to respond leaves it open to the media and other commentators to choose from a broad range of angles, with very little likelihood of being contradicted by Abyan herself – in any credible way.

Despite the very limited information on which the articles are based, especially in terms of Abyan’s own communication, Abyan is largely portrayed as an active and vocal participant. She is most commonly presented as speaking and making decisions. This is perhaps unsurprising considering we have very little information about anything else she may do. However, it leads to a problematic outcome. When viewed beside the commenting and debating

role given to the Minister, the overall impression created is that Abyan and the Minister are two parties engaged in a reasonably equal or balanced debate.

Further, even where it is clear that the persons presenting themselves as lawyers or advocates for Abyan have had more opportunities to speak than she has, the discourse in most of the corpus still constructs her as the principal actor and speaker. This is despite what we know about Abyan's very limited opportunities and resources for communication. While the advocates' responsibility in the debate may be presented as secondary to Abyan's, their presence creates a – perhaps – exaggerated impression of Abyan's resources: we cannot know the level of agency or access she has in her interactions with them. Therefore, with the exception of some outlier articles, identified above, most of the corpus thus overlooks or backgrounds the significant power asymmetries in this supposed debate.

Some three months after the contested events, government emails regarding Abyan's treatment were made public, largely supporting Abyan's version of events. Abyan had been rapidly returned to Nauru to avoid any legal action to keep her in Australia, despite the fact that she had said that she had not made a final decision for or against an abortion, but rather needed more time. However, this outcome did not attract anywhere near the same amount of coverage as the earlier debate itself. The media had moved on.

Once again, the parallels with the earlier Children Overboard case are striking: there, information also became available that the government knew from early on that the asylum seekers had never threatened to throw their children from the boat, but had chosen to present the "facts" in that way. However, in that case as in this one, by the time this information became public it was too late: the damage had already been done. In both cases, what would remain in the minds of the public would be the questionable credibility of refugees, rather than the Government officials' fallacious accounts.

As the above analysis demonstrates, the choices of how to represent the various actors in the media corpus appear to have been directly influenced by the Minister's own discourse on the matter. The issue credibility raised by the Minister shifted away from focusing on the advocates to a contest between the Minister and Abyan – through her presentation as a principal actor and speaker. However, it was arguably the Minister's choice to flag credibility an issue in his first statement that led it to being a key focus at all.

Both this case and the Children Overboard incident were thus based on contested (and ultimately disproven) facts, stemming from restricted access to information as a result of explicit government policy. The media and public discourse that arose in both stories linked the specific with the general, using these individual episodes to support various positions on

the more general debate over refugee and asylum seeker policy in Australia, thus contributing to the development and evolution of the broader discourse. In both cases, the discourse highlighted credibility as a key point of focus when discussing asylum seekers and refugee policy in Australia. This discourse is self-reinforcing: refugees' credibility is brought into question, all while the difficulties they face defending it are made invisible.

This paper has demonstrated that credibility remains an important factor at the level of public and media discourse on refugees and that the way media discourse portrays refugees significantly affects how their credibility can be constructed and defended. Given the powerful influence this discourse can have in both policy and decision making, it merits ongoing critical examination in both research and beyond.

5. Communicative resources and credibility in public discourse on refugees

When carrying out the initial analysis of the Abyan case study, it became clear that the majority of the reporting was interested in public responses relating to the key event of Abyan's precipitous return to Nauru from Australia. Therefore, not only the reporting itself, but the public statements that were being quoted in the new articles were relevant to understanding the "debate". I was interested in understanding the particular perspectives presented in these public statements and the linguistic devices used to communicate them.

Given the statements and the media reports quoting them were closely interconnected, I first intended to analyse and present both within one article. However, as in conducting the media analysis, it became clear that there were two separate and logical steps in this process, requiring different analytical approaches. The media corpus involved a critical discourse analysis, while the statements required an examination and comparison of communicative resources.

Critically examining the discourse in the media corpus, I found that Abyan was presented as a key participant in the debate, against the Immigration Minister. From a basic understanding of the various policies affecting refugees like Abyan, this construction was clearly problematic. Dedicating a separate paper to examining this issue through the analysis of two public statements, one by the Immigration Minister and another by Abyan, I was able to more comprehensively identify and compare their respective communicative resources and demonstrate that the equal participant status they were given in the media discourse is indeed problematic.

The completed paper was submitted to *Language in Society* in March 2018. I selected *Language in Society* as it is a leading international journal in sociolinguistics. Further, my research once again complements existing work published in the journal (Blommaert, 2004), which analysed a text written by an asylum seeker that underwent credibility assessment.

The referees' reviews were received in late June. They requested revisions in regards to the paper's theoretical underpinnings, providing clearer details of the media reporting, and explaining the implications of the study's findings. Following their suggestions, revisions were made to the paper in early July 2018. Along with adding references to theory and integrating more detailed findings from the media analysis, substantial changes were made to the concluding discussion, where the practical and theoretical implications and contributions of the paper are laid out. The paper is now awaiting further review. The paper appears here in its revised form (resubmitted to the journal on 4 July 2018), with minor formatting changes.

Pages 110-132 of this thesis have been removed as they contain published material. Please refer to the following citation for details of the article contained in these pages.

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6. Conclusion

6.1. Revisiting the research problem

In this thesis, I sought to examine the impact on refugee credibility of the ways discourses present refugees and other actors who interact with them. I aimed to uncover how these discourses present language, communication and cultural diversity, and thus how they conceptualize discourse creation, and compare these with the discourse-creation resources these key actors *actually have*. Finally, I sought to explore the effects these constructions have on how various social actors are able to communicate and influence discourse creation and policy making in this area, and ultimately the implications this has for refugees.

In order to achieve this I conducted a series of case studies, spanning micro-, meso- and macro-level discourse. These studies constitute the four papers making up Chapters 2 to 5 of this thesis. Chapters 2 and 3 involved an analysis of institutional guidance provided to merits review decision makers at the Australian Administrative Appeals Tribunal (“AAT”) and previously at the Refugee Review Tribunal (“RRT”). In these two chapters, I also analysed a corpus of AAT and RRT published decisions that dealt with credibility, and selected two of these to form a detailed case study in Chapter 3. Findings show that the institutional guidance places disproportionate responsibility for the creation of the refugee narrative on the visa applicant. The decision maker’s role in shaping this narrative is largely invisible, and they are presented as neutral and capable of objectivity. The roles of other actors, such as lawyers and interpreters, is also largely overlooked or downplayed. In contrast to these implicit assumptions, the variety of ways the decision makers draft their written decisions demonstrates their diversity. At the same time, in practice, the institutional discourse shapes the way the interviews and decision making processes are conducted and conceptualized, creating a range of challenges for the applicants when it comes to defending or attempting to regain their credibility.

Chapter 3 examined these challenges in more detail. It explored the effect of the institutional guidance’s emphasis on the applicant’s subjectivity and the fact that applicants’ social and cultural backgrounds are framed as inevitably affecting their behaviour. This framing of diversity as including and affecting only applicants means that decision makers are not encouraged to reflect on their own backgrounds and how these may influence their perception. The impacts of this unequal framing of diversity were explored in a case study of two of the decisions from the corpus, which each involved applicants who sought to overcome credibility concerns by pointing to linguistic and cultural factors. It found that while the

institutional guidance appears to be particularly concerned that the “diverse” applicants should be accommodated, the way it conceptualizes diversity limits how well decision makers actually accept the applicants’ diversity-related arguments. In particular, the absence of any significant mention of linguistic diversity in the guidance greatly limits the way the many issues around language are understood and accommodated in these two decisions. Further, diversity being understood as an unshakeable group-based characteristic makes it unacceptable for applicants to have individual idiosyncrasies, meaning deviations of expected behaviour based on group membership threatens their credibility.

Chapters 4 and 5 uncovered similar discursive constructions and related challenges in a different setting. Those chapters entailed a case study of a Somali refugee who was transferred to Nauru after attempting to seek asylum in Australia. Credibility was a key issue in her case, which came to be presented as a “debate” by the media and by leading Australian government officials. Chapter 4 examined a corpus of newspaper articles presenting this debate. Much like the constructions in Chapters 2 and 3, the media greatly emphasise the refugee’s role as a speaker, presenting her as an equal participant in the debate, against the Immigration Minister. The roles of other actors, in this case the refugee advocates and lawyers championing her cause, are again backgrounded. Furthermore, the refugee’s individual case is connected to broader public discussions on refugees more generally: she is used as a “totem”, discursively representing and linked to the more general category of “refugee”.

Chapter 5 more closely pursued the issue of framing this particular refugee as an equal debate participant, examining her communicative resources and those of the Immigration Minister, to uncover the contradictions between how she was presented in the public discourse and the communicative barriers she faced in reality. It explored communicative resources on four levels, as linguistic, identity, material and platform resources. Far from being equal, the Immigration Minister, unsurprisingly, has access to substantially greater resources across all levels. Further, many of the communicative barriers the refugee faced resulted either directly or indirectly from government policy. This meant that while the refugee and her credibility were scrutinized through what was framed as a public debate, in reality she had very little opportunity to participate or respond to the challenges made against her credibility. Therefore the “debate” was beyond her control, but in a way that remained invisible in the prevailing discourse: a discourse that she had little ability to challenge.

Therefore, across these cases studies, the research uncovered the way dominant discourse presents refugees and their credibility. Specifically, it focussed on how the discourse

conceptualizes language and communication, how it understands diversity and finally, it compared this discourse with an examination of participants' communicative resources, as will be discussed in more detail below.

6.2 Refugee credibility, communication and discourse creation

The research examined how mainstream discourse represents refugees and other key participants. The following sub-sections explore in more detail the patterns emerging from the research. The first sub-section discusses how linguistic inequality and unequal responsibility for communication contribute to issues around credibility. Then, diversity is discussed, with a discussion of how identity resources impact credibility. Finally, the research identified how power, policy-making and differential communicative resources play a role in both the way this discourse is made, and how it can be challenged.

6.2.1 Responsibility for communication and linguistic inequality

The research demonstrated how in both public debate and visa decision making, refugees and asylum seekers are given disproportionate responsibility for the production of texts. This is connected to how communication and language are conceptualized. The discourse throughout these contexts generally ignores the interactive nature of communication, backgrounding the roles that other actors have in shaping what was characterized as the refugee's or applicant's communication, and the impact of laws, procedural guidelines and other structures that dictate communicative norms. Linguistic issues more generally feature rarely in the discourse.

In Abyan's case, this is apparent on two levels. First, it is evident in how her decision making around seeking a termination is reported by the Immigration Minister and the media, with little acknowledgement of the interactions she had or how she came to communicate her decision. Second, her handwritten statement in response to these characterizations is presented as evidence of her supposedly equal participation in a debate alongside the Immigration Minister. The linguistic and other communicative challenges she faced are for the most part unacknowledged. The review applicants face similar difficulties. While it is unsurprising that the applicants are represented differently to decision makers, given the diverse roles they have in the procedures, the nature of these representations have implications for their credibility. Not only are they presented as the "owners" or creators of the refugee narrative and its constitutive parts, linguistic considerations are generally overlooked. Institutional guidance only very briefly mentions interpreting and legal assistance, with no other discussion on language. This means that when applicants offer explanations related to language and

communication to respond to issues within the procedures, or to explain their behaviour or past experiences outside the procedures (in events forming part of their refugee narrative), they are typically dismissed. In some cases their lack of identity resources, as explained below, appears to contribute to this: their “general” or “overall” credibility undermines the acceptability of their arguments related to language.

In both public debate and visa decision making, when attention is drawn to the way interactions impact on refugees’ communication, or to other difficulties they face regarding language within these specific contexts, these concerns are often dismissed. There are two explanations for this. First, this is arguably a consequence of the inequality of the participants. In both cases, one party has much to lose and stands to be significantly affected by the outcome of the interaction. The other parties have the privilege of not being in a position where they need to interrogate issues around language and communication in the same way. As for any form of privilege, those with communicative privilege may be unaware that they have it: “the linguistically dominant can remain oblivious to the workings of linguistic diversity” because it simply does not affect them negatively (Piller, 2016, p. 208). There is thus less impetus to share the burden of intercultural communication. Second, the greater context influences or constrains the way in which such issues can be incorporated. In the review setting this is quite obvious in that decision makers act as institutional agents and must follow law, regulations and procedural guidance in carrying out their role. It is natural, therefore, that decisions will reflect the little attention given to language-related concerns in the guidance.

As examined in more detail in Chapter 5, communication and identity are interconnected: a speaker’s identity influences how they are heard and whether they are believed. At the same time, their ability to communicate and the way their communication is perceived and discursively presented, affects their capacity to create a credible identity. As I discuss below, the unequal positions held by minority and majority participants in terms of their identity exacerbate linguistic inequality and the way responsibility for communication is divided between them.

6.2.2 Diversity and objectivity: the reification of difference

While dominant discourse constructs communication in a way that presents challenges for refugee credibility, its conceptualization of diversity is equally problematic. Effectively, refugees and asylum seekers are presented as diverse, in contrast to other participants. Their diversity is essentialized: they are portrayed as possessing immutable attributes connected with being a member of the particular group with which they are identified. Conversely, the majority

or mainstream participants have the privilege of individual attributes and are assumed to be able to overcome their own (largely invisible) socialisation and other attributes to achieve objectivity.

In Abyan's case, this essentialization is evident in the way her individual actions are linked with refugees as a whole (and vice versa). The few aspects of her identity that are known to the public, her foreignness, her gender and her status as survivor of rape, limit her capacity to present a credible identity, thus undermining her participation in the "debate". In the Tribunal decision making and guidance, applicants are presented as diverse, inescapably linked to group attributes, meaning that they may be negatively evaluated for individual deviations from expected norms. Their behaviour is assessed against institutionally mandated instructions and institutionally produced information on the applicant's background, and individual decision maker understandings of how people from their respective groups behave, closely circumscribing their ability to present a credible identity.

In both settings, the individuals representing the government and institutions benefit from a position of privilege in terms of their identities. Put another way, as explained in Chapter 3, diversity is reified. These individuals are not assigned restrictive group-based identities like their refugee and asylum seeker counterparts. In the case of the politicians, while they may not be universally liked, they draw on their status as members of parliament and government, official titles and accessible public profiles to present a credible identity and speak with authority. Review decision makers are likewise high-status individuals, vested with authority and legitimacy through their appointment to the Tribunal, considered capable of separating themselves from their own *individual* subjectivity when conducting hearings and evaluating applicant credibility. Therefore there is no encouragement for them to reflect on the impact of their own socialization in the way they evaluate credibility. Further, their capacity to accept applicants' explanations of "unexpected" behaviour is further undermined by the institutional requirement to measure this against official "knowledge" in the form of "country of origin" reports and other materials.

The result of this unequal construction of diversity is that refugee participants have limited identity resources on which to draw when attempting to communicate credibly. They are not considered experts of their own identity or experiences. Rather, their characteristics are essentialized by the dominant discourses in ways that often only reinforce their questionable credibility. When their experiences or actions clash with institutional expectations, their personal credibility is only further damaged. In turn, the difficulties they face mobilizing a

credible identity limits the way they are able to raise language and communication-related concerns or more generally how well their interlocutors will accept their communication.

6.2.3 Power, policy and communicative resources

As explored above, the institutional and political contexts of the case studies have an impact on the way in which refugees and other participants communicate and types of identities they are able to mobilize. Law, policy and other institutional texts control these processes, both directly, by mandating certain actions, and indirectly through the discourses these texts promulgate.

In Chapter 5, a closer examination of Abyan's and the Immigration Minister's communicative resources provided a challenge to the discourse presented in the media corpus, and an apt example of how power plays a role in the creation and preservation of majority discourse. The analysis there found that Abyan's resources to communicate a credible text and identity are undermined across all four levels: she lacks the requisite linguistic, identity, material and platform resources to make her an equal participant in what the media presents as a "debate" against the Minister. Not in small part, such resources are denied by the very refugee policy for which this Minister and his government are responsible. Partly, this policy constitutes a set of laws aimed at excluding from Australia both physically and legally asylum seekers and refugees who have arrived by boat, and limiting the ways in which they are able to communicate with the Australian public.

Further, the majority discourse itself, as evidenced in the Minister's statement and in the institutional texts analysed in the earlier part of this thesis, consistently ignores or backgrounds the structural disadvantages that refugees face when communicating, defending their credibility or more generally attempting to challenge discourse.

Just like in any other setting, different social actors will have different communicative resources and more or less power to shape the discourse around credibility. The invisibility of these disadvantages within the mainstream discourse only acts to further entrench them: as van Dijk (2008, p. viii) argues, having power over the production of discourse means control over what people think about. This means that such disadvantages are generally not brought to the attention of the public where it is not in the interests of those controlling it to do so.

6.3 Methodological and conceptual contributions

The research has resulted in both methodological and conceptual contributions around the study of refugee credibility. The first sub-section below explains how my sociolinguistic

ethnographic approach complements and extends the existing literature, combining CDA with an examination of communicative resources to challenge the discursive representations that have been uncovered in the research. It includes a discussion regarding the benefits of multi-level analysis and how it promotes the goals underlying CDA. The second sub-section then presents the major conceptual contribution of the research, namely a call to rethink how we understand credibility.

6.3.1 A critical multi-level sociolinguistic ethnography of refugee credibility discourse

The critical sociolinguistic ethnographic approach adopted in this research allowed greater insight into the difficulties faced by asylum seekers and refugees in communicating credibility. In its CDA of institutional texts guiding credibility in Australian refugee status determination (RSD), the study complemented existing (mainly international) sociolinguistic research, which has predominantly focused on analysing interactional data or decision records (e.g. Blommaert, 2001; Gómez Díez, 2011) and focused more heavily on the micro level of first instance interviews (e.g. Maryns, 2006). At the same time, it offers a sociolinguistic lens to complement studies from other disciplines that do focus on critically analysing these texts (e.g. Coffey, 2003; Sweeney, 2009; Thomas, 2011). Similarly, it contributes a novel approach to existing media and public discourse CDA-based studies of refugee credibility (e.g. Macken-Horarik, 2003a; Macken-Horarik, 2003b; Stirling, 2015a, 2015b) by adding a sociolinguistic examination of communicative resources.

Further, in line with the approach recommended by Heller (2014), focusing on these different case studies allowed an exploration of how discourse is produced and reproduced across multiple, interconnected levels or settings. It thus focused on not only discourse as action but also discourse as structure (Fairclough, 2001). This approach uncovered common trends across the different research sites. As discussed above, the data typically place the spotlight on the refugee “other”. Significantly, across the data, the discourse assigns disproportionate responsibility to refugees and asylum seekers for text production, backgrounding the influence of other participants and the constraints of institutional and legal structures, and denying the interactive nature of communication and text production.

These trends also suggest that discourse in these different situations is interconnected and that the discourse created in one setting influences the other (and vice versa), or rather that they help to create and reinforce the larger (institutional, legal, discursive) power structures that undergird both. It helps paint a more holistic picture of the difficulties faced by minority participants in overcoming or challenging dominant discourse: they are not confronted with

pieces of problematic discourse in isolation, rather it pervades every facet of their representation. Understanding institutional and political discourse helps uncover the limitations or influences at play in the individual examples of Abyan's situation and the Tribunal decision case studies. And vice versa: these individual examples help reveal the shortcomings of the assumptions and ideologies present in the official discourses.

This last point became particularly clear with the exploration in Chapter 5. The analysis of the media discourse in Chapter 4 revealed an assumption that Abyan was an equal participant or speaker in a public debate with the Australian Immigration Minister. Rather than simply flagging this construction as obviously problematic, the research extended to exploring the participants' respective communicative resources, once again across multiple levels: from the written statements that formed the central focus of the media reporting, to the policy and legal structures aimed at controlling refugee mobility and political participation. The findings of this multi-level sociolinguistic analysis provide support to challenge the assumption uncovered in the CDA. The same can be said for the analysis of individual review decisions in Chapters 2 and 3: by comparing individual decisions with the institutional guidance, the analysis considers how institutional discourse actually influences the actors it targets. The communicative realities flagged by the applicants in the case studies demonstrate some of the difficulties created by how the institutional guidance conceptualizes credibility, communication and diversity. Their lack of success indicates how difficult it is to challenge hegemonic discourse.

Therefore, this research demonstrates the benefits of adopting a sociolinguistic ethnographic approach when examining credibility in refugee-related settings. The methods adopted allowed the research to uncover not only the individual challenges refugees and asylum seekers face when attempting to communicate or perform credibility. It also identified the contextual forces – political, legal and discursive – that impact these performances.

6.3.2 Rethinking credibility

The research involved two main elements. Firstly, it identified mainstream discourse on refugee credibility in various settings. It found that this discourse presents credibility as a phenomenon or attribute that attaches to individual refugees and can be assessed through an examination of their communication in specific contexts. Meanwhile, both the impact of other participants' involvement and structural forces are largely erased or invisible in this discourse.

Secondly, however, it problematized these constructions, uncovering the way contexts – both immediate interactional context as well as institutional, legal and socio-political contexts – impact how refugees and other speakers are able to communicate, and ultimately how

credibility is produced. It thus highlighted the invisibility in the discourse of other participants' contributions, and broader structures, in both the way refugees and asylum seekers communicate and whether they are considered credible.

Therefore, the research findings encourage a shift in the way we conceptualize credibility. Credibility cannot be understood solely as a characteristic inherent to particular individuals. Instead, it is to a significant degree a phenomenon that is based in discourse rather than objective fact. Like any other discursive construction, it is produced and reproduced by and through social interactions and structures.

However, this construction of credibility contributes to creating and preserving a dominant discourse which is politically expedient for its creators. It thus echoes a Gramscian conceptualization of language as a tool for hegemony: "dominant social groups can solidify their hold on elite positions within society by using their language to exclude" (Ives, 2009, p. 672). This applies not only in the immediate sense of social inclusion, but also exclusion "from the type of knowledge and skills required to grapple with questions of national politics and power" (Ives, 2009, p. 672).

Reframing credibility in the way proposed above acknowledges that individuals navigating government procedures or engaging in public "debate" do not simply produce a credible text or identity in isolation. It means that a significant recalibration is required in terms of how government, policy makers, and indeed society, think about and respond to refugees. Continuing to assess and discuss refugee credibility the way it has been done is simply untenable or, put another way, lacks credibility.

When it becomes clear that the texts from which we assess "their" credibility are actually the product of a combination of factors, many of which have nothing to do with the individual and are beyond their control, placing responsibility for the end product on the individual asylum seeker or refugee is no longer reasonable. This requires a radical reconsideration of responses to those seeking asylum. The implications of this reconceptualization are set out in greater detail below.

6.4 Implications

This study has focused on dominant discourses of refugee credibility in two key settings impacting asylum seekers and refugees in Australia. It has found that these discourses create sometimes insuperable challenges for those seeking protection in Australia. It has uncovered how conceptualisations of language and diversity contribute to these challenges, by linking

refugee credibility to supposedly individual and isolated performances of identity and communication. In contrast, it has demonstrated how producing credibility is a discursive, interactive process, in which a variety of actors may participate, both directly, as interlocutors, or as readers or evaluators of texts, or indirectly through contributing to broader discourse, laws and policies that influence the communication and interpretation of credibility.

The findings of the research present significant implications for the incorporation of credibility assessments in refugee status determination processes. When credibility is reconceptualised as discursive and the communication based on which it is assessed is shown to result from interactive processes and structural influences, the current approach loses legitimacy. This is of particular consequence, given that establishing credibility as an applicant seems to be a prerequisite to a positive decision, even though honesty should not equate to merit in refugee status determination (Hathaway & Foster, 2014, 2.6). Further, judicial review of Tribunal decisions is greatly restricted, especially in decisions involving credibility assessments, which are generally regarded a form of fact finding. This means that success may often closely depend on how the Tribunal deals with credibility.

In the first instance, uncovering the institutional discourse's differential treatment of decision makers and applicants leads to the conclusion that decision makers need to be encouraged to reflect on their own "diversity" or socialization, and how this affects their perception of others. Further, it could be suggested that they require greater sensitisation regarding the challenges of intercultural communication for minority participants and encouraged to take on a greater share of the communicative burden. Both of these steps would undoubtedly assist in improving the accessibility of procedures.

Similarly, acknowledging the effects that legal representatives and interpreters have on communication in these processes at least prompts a review of their involvement. It would likely also lead to the conclusion that procedural fairness requires access to high quality legal assistance and interpreting and translation (if required) throughout the entire application process, including during application preparations. These actors may equally benefit from increased sensitisation regarding the interactive nature of communication in this setting, and other issues identified in this research, to inform the way in which they conduct their work.

However, such conclusions may be too simple by themselves and require further interrogation. Framing this as an issue of individual attitude or action can obscure and reinforce the broader structural, and indeed discursive, forces that disadvantage refugees and asylum seekers by holding them individually responsible for communicating a credible identity, through processes of which they are actually not in control. Even with high quality assistance,

communication remains the result of multiple parties' contributions and interactions. Further, crucially its content and form do not exist in isolation: rather, they are shaped by procedural and legal requirements, and reflect the order of discourse of the legal and institutional contexts in which they take place. Thus, for example, those seeking a protection visa are viewed as applicants, given the centrality of this facet of their identity in this context, and similarly decision makers are conceptualized primarily as thinkers.

In this setting, communicative inequality results not so much from interpersonal communication, but rather from law and policy that dictate the operation and implementation of these assessments. Regardless of the individual attributes, intentions and skills of the other participants involved, the fundamental issue remains that such evaluations rely on an understanding of credibility as an individual attribute or product of one person's communication.

Since the research has demonstrated that credibility is discursively constructed and has uncovered the various communicative inequalities, interactive processes and structures influencing its production, it may be argued that designing assessments to objectively and fairly test a *person's* "general" or "overall" credibility is an impossible task. At the very least, this conclusion points to the need for institution-level change.

The research findings offer sociolinguistic-based support for existing studies from other disciplines that advocate for a modified application of credibility assessments, invoking changes to legislation and procedural guidance. For example, these mechanisms should more explicitly acknowledge the shortcomings inherent in evaluations of credibility (as suggested by Coffey, 2003). Instructions should insist on more thorough inclusion and examination of expert evidence relating to credibility that provides insight into some of the issues highlighted in this research (Coffey, 2003). Guidance could also mandate for more systematic and comprehensive opportunities for applicants to meaningfully respond to adverse credibility-related evidence, another key challenge uncovered in the current study (and also suggested by Coffey, 2003).

Increasing or clarifying the inquisitorial role of Tribunal decision makers could help shift the onus onto them to more critically explore the reasons for an apparent inconsistency or plausibility before arriving at a decision (Byrne, 2007; Coffey, 2003). In particular, by understanding that narrative and credibility construction are interactive processes, influenced by a range of participants and the broader institutional, political and discursive contexts, decision makers may be more likely to adduce expert evidence related to language and communication. Specialised training or guidance drawing on the findings of this study (and on

other research on narrative construction) could assist in developing this understanding. This would mean that decision makers could fulfil their inquisitorial role and be less reliant on applicants (or their representatives) to introduce this type of evidence, and more receptive to its inclusion than seemed to be the situation in the case studies in Chapters 2 and 3. Finally, credibility assessment may also be improved by increasing the currently very limited scope for judicial review and thus providing increased incentive for decision makers to more comprehensively justify their evaluations; however, this would involve substantial legislative amendment in Australia (Coffey, 2003).

Fundamentally, however, given the problems highlighted by this study regarding the discursive construction of credibility as something pertaining to the applicant, the above suggestions would likely be ineffective without a substantial change in how credibility is defined or conceptualized in procedural guidance and legislation. This conclusion echoes calls for a “narrow” approach to credibility (Kagan, 2003; Sweeney, 2009). Deciding on the facts of a refugee claim is a difficult but necessary step in granting protection to asylum seekers. However, to achieve this, credibility assessment can be limited to deciding on the admissibility of pieces of evidence rather than making evaluations of when a particular applicant is credible as a person. This conceptual shift would arguably help separate the task of determining an applicant’s refugee status away from their (perceived or actual) honesty, which should not be a prerequisite to meriting protection. Explicit instructions regarding credibility assessments applying to pieces of evidence, and strictly excluding the assessment of a person’s (or the person’s refugee claim’s) overall or general credibility would go some way to addressing some of the key issues raised in the research findings. Even then, however, the types of discursive issues, power imbalances and broader structural factors highlighted throughout this study that affect credibility assessments would still need to be acknowledged and taken into account. Otherwise there would still be a risk of pieces of evidence being excluded for the same reasons as have been discussed in the research.

However, the changes to legislation and institutional guidance suggested here require political will. As discussed throughout this thesis, successive Australian governments have benefited politically from promoting a discourse that calls into question refugees’ credibility. This discourse then justifies, or even requires, a range of laws and policies that reflect a distrust of refugees, seek to “test” them and make them prove their credibility as a prerequisite to gaining acceptance into Australian society. Therefore, this means that these types of changes on a legislative or institutional level are highly unlikely unless the public discourse first undergoes substantial change.

The question then is whether such change is possible or likely. The findings of the media and public debate case study in Chapters 4 and 5 suggest that while refugees are attributed identities and are held responsible for actions that damage their credibility, individual refugees or asylum seekers attempting to challenge these harmful characterisations may lack the communicative resources needed to do so successfully, even when they seem to have a platform to challenge them. In part this lack of resources stems from the fact that laws and policies have acted to exclude and control refugee and asylum seeker participation in Australian society, undermining their ability to communicate and access legal redress and limiting transparency and government accountability.

Moreover, both this lack of communicative resources and the fact that this lack partly results from concerted government efforts are often invisible in the discourse. This is unsurprising given that those in positions of power will seek to preserve favourable discourse through the range of resources they have at their disposal. They thus shape law, policy, and also discourse itself, to retain control over discourse about refugees and continue to benefit politically from the conceptualizations of refugees and their credibility that it promotes.

Directing attention to those parts of existing discourse, law and policy which undermine participation may assist in creating a larger platform for refugees and asylum seekers to advocate for themselves, both within media and political debates and in other forms of policy reform and social participation. However, the power-driven nature of discourse production and the structural forces limiting refugees' participation in this process leads to the conclusion that others must also engage in challenging the dominant discourse. To achieve this effectively, the contradictions and difficulties behind refugee credibility evaluations in public and institutional settings must continue to be highlighted and undergo critical examination. This conclusion leads me to echo Michael Clyne's (2003, p. 5) call to "encourage vigilance" as a matter of social justice, both within academia and beyond. Developing guidance or training for those in positions of power in the settings included in this study, such as decision makers, journalists and advocates, may help draw attention to the issues highlighted in this study. Even if such guidance were not officially adopted by the Tribunal or other relevant bodies, its publication and circulation could help to challenge dominant discourse and offer an alternative view that could prompt critical self-reflection

While this study focused on discourse produced by dominant participants, and explored the communicative resources of government officials and refugees, it also highlighted the large absence of third-party participants within discourse in and about these settings. Whereas the literature review uncovered ample sociolinguistic research on the role of interpreters in asylum

procedures, other actors have received less attention. Future research would therefore benefit from exploring the roles of other actors, such as lawyers and other advocates. This would assist not only in better understanding the effects these participants have on the types of processes discussed in this research. It would also contribute to a paradigmatic shift away from problematizing minority participants; an exercise that may inadvertently reinforce their difference and reify their diversity vis-à-vis an unspoken norm, as is the case in the dominant discourse on refugees uncovered in this research. This approach would help fulfil sociolinguists' responsibility to approach dominant discourse critically, and challenge its reproduction within research and beyond.

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Appendix A: Timeline of events in the Abyan debate

Date	Event
1/9/2015	Health staff in Nauru treating Abyan for illness ascertain she is pregnant. She tells them this is due to rape.
17/9/2015	Health authority requests Australian immigration authorities arrange medical trip to Australia
6-7/10/2015	George Newhouse, presenting himself as Abyan's Australian lawyer, approaches media and launches public petition to encourage Government action
9/10/2015	Immigration Minister makes first public acknowledgement of the case, as does Prime Minister Malcolm Turnbull
11/10/2015	Abyan flown to Brisbane, Australia
12/10/2015	Abyan transferred to Villawood Detention Centre (Sydney).
	She is seen by mental health nurse and primary care nurse (with interpreting) (Government claim)
13/10/2015	Abyan again reviewed by medical professionals & doctor, with an interpreter (Government claim)
14/10/2015	Abyan seen by nurse and doctor (Government claim)
	Abyan taken to clinic and termination procedure explained, but not seen by doctor (advocates'/Abyan's claim)
15/10/2015	Abyan sees a doctor (Government claim)
	Abyan only sees in-house nurse (advocates'/Abyan's claim)
	No interpreter present (agreed)
16/10/2015	Abyan's Australian lawyers seek injunction to prevent her removal from the country. In court, Government reveals she is already out of the country en route to Nauru in RAAF jet.
17/10/2015	Minister releases statement regarding Abyan's experiences in Australia and subsequent removal.
18/10/2015	Lawyers share handwritten statement from Abyan with the media
19/10/2015	Protests outside Immigration offices in Melbourne & Sydney
20/10/2015	Chris Kenny (from <i>The Australian</i>) interviews Abyan in Nauru. Abyan reports media harassment at medical clinic and spends the night in detention centre instead of returning home.
21/10/2015	Chris Kenny follows Nauruan police to Abyan's house where they ask her to report the rape. She declines and Kenny publishes article on this.
27/10/2015	UN issues statement urging Australia to offer appropriate support to Abyan.
28/10/2015	Minister announces Abyan will be returned to Australia for further treatment, but gives no further details.
1/1/2016	Freedom Of Information request released and shared with media.
2016	Reports suggest Abyan was returned to Australia for medical treatment and remained in Australia as of January 2016.

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