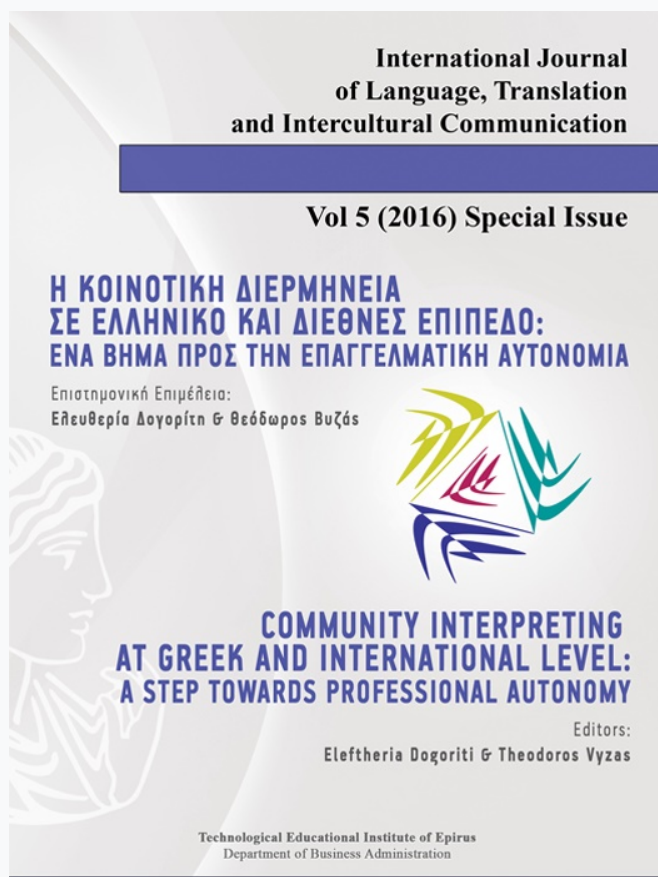


# International Journal of Language, Translation and Intercultural Communication

Vol 5 (2016)

Community Interpreting at Greek and International Level: A Step Towards Professional Autonomy



## Community interpreting in Poland. Formal legislation, role and opportunities.

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doi: [10.12681/ijltic.10657](https://doi.org/10.12681/ijltic.10657)

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### To cite this article:

Krysztofowicz, D., & Krupienicz, Z. (2016). Community interpreting in Poland. Formal legislation, role and opportunities. *International Journal of Language, Translation and Intercultural Communication*, 5, 84–93. <https://doi.org/10.12681/ijltic.10657>

## Community interpreting in Poland. Formal legislation, role and opportunities.

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### Abstract

*Community interpreting is a new and still developing field of research in Poland. With the outbreak of the Ukrainian Crisis in 2014, followed by the Refugee Crisis in 2015, its role has become especially crucial and apparent. However, more detailed formal legislation in that regard is still lacking. There are also many complex issues connected with the perception of community interpreting in Poland. The paper will focus on the actual status of community interpreting in Poland, in connection to already existing formal legislation, role and possible work opportunities in the field of community interpreting.*

**Keywords:** *community interpreting in Poland*

### 1. Community interpreting in Poland – a new field of study

Community interpreting in Poland became a specialized field of research only in 2006, with the publication of a monography titled *Przekład ustny środowiskowy* by Małgorzata Tryuk<sup>4</sup>. Up to that point, the general discourse devoted to interpreting services had approached this phenomenon primarily without a coherently used term. E.g. Dąbska-Prokop (2000) referred to a very general term of *bilateral interpreting* while discussing interpreting services, including the ones provided for diplomacy, tourists and the immigrants in various situations.

As it was the case in many other languages, the process of finding a proper Polish equivalent for this kind of interpreting services was described by many as questionable (Kruk-Junger, 2013: 48-51). After Tryuk's publication in 2006, *Przekład ustny środowiskowy* or simply *przekład środowiskowy* has become acknowledged as the commonly used term. It encompasses a combination of two words – the appellative *przekład*, meaning *translation* or *interpreting*<sup>5</sup>, and the adjective *środowiskowy*, associated with the word *environment*. Thus, the Polish term seems slightly misleading, as it does not refer to the Polish word *community* in the meaning of a group of people with similar interests, nationality and/or cultural background, i.e. *społeczność*, with the adjective being *społeczny*. It is therefore advisable to consider a redefinition of this term in the nearest future. However, these struggles reflect only the very same problems that have been already signaled while defining the scope of English terms such as *community interpreting*, *public service interpreting* or *cultural interpreting* (Roberts, 1995).

<sup>4</sup> Tryuk, M. (2006). *Przekład ustny środowiskowy*. Warszawa: PWN

<sup>5</sup> The terms such as *przekład* or *tłumaczenie* in Polish can mean both, *translating* and *interpreting*.

Community interpreting is still not recognized as a standard subject worth mentioning in the academic curriculum. However, last years display some visible attempts to implement it in translating and interpreting studies in Poland. These apply especially to the academic syllabuses offered by the biggest Polish universities. Warsaw University introduced *Przekład środowiskowy* as an obligatory subject taught on the Institute of Applied Linguistics in 2015<sup>6</sup>. The Institute of Applied Linguistics of Adam Mickiewicz University in Poznań has been offering a course in *Community and consecutive interpreting* since 2013<sup>7</sup>. Adam Mickiewicz University in Poznań was also the only university in Poland that conducted postgraduate studies in English devoted solely to community interpreting, introduced in 2009<sup>8</sup>. However, these studies have not yet been continued later on. On the other hand, Gdańsk University offers community interpreting within the curriculum of postgraduate studies in medical translation and interpreting<sup>9</sup>.

It is worth mentioning that not only public universities seem to identify community interpreting as an important educational asset. Tischner European University, a private college based in Kraków, offers postgraduate studies in translation and interpreting, in frames of which community interpreting is taught as well<sup>10</sup>.

Consequently, there are not many opportunities to specialize, and even less up-to-date publications in Polish language that directly discuss community interpreting. This situation may be partially caused by the fact that community interpreting in Poland still lies in its pre-professional phase, which is characterised by a lack of recognition of interpreting as a professional activity (Tryuk, 2012: 198).

Within many years following Poland's entrance into European Union the country did not have to struggle with any serious demographical changes. According to the Polish Central Statistical Office (2011), 93.9% citizens of Poland were of Polish national-ethnic identity. This national homogeneity remained even in spite of flourishing international cooperation and multicultural work environments, that became more and more apparent on the Polish market. A need for new professions, which have already been established and functioning in Western European countries, emerged in Poland slowly, fuelled mainly by such issues as international cooperation and business.

## 2. Formal legislation and lack of professionalization

The profession of a community interpreter as a formal occupation has no tradition in Poland. The only kind of interpreting that is highly professionalized, recognized and legally regulated is legal interpreting together with legal translating, also in relation to actual community interpreting services provided in the courts or within administrative proceedings. The profession of a *tłumacz przysięgły* (*sworn translator and interpreter*), who traditionally specializes in legal and court translations, was constituted as a distinct profession in 2004, with the adoption of *The Polish Sworn Translators and Interpreters Act* dated 25.11.2004 (Journal of Laws No. 273, item 2702 with further amendments).

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<sup>6</sup> [http://informatorects.uw.edu.pl/pl/courses/view?prz\\_kod=3201-1PRZSRH](http://informatorects.uw.edu.pl/pl/courses/view?prz_kod=3201-1PRZSRH)

<sup>7</sup> [https://usosweb.amu.edu.pl/kontroler.php?\\_action=katalog2/przedmioty/pokazPrzedmiot&kod=09-T%C5%9AIAK-ILS-z-12](https://usosweb.amu.edu.pl/kontroler.php?_action=katalog2/przedmioty/pokazPrzedmiot&kod=09-T%C5%9AIAK-ILS-z-12)

<sup>8</sup> [http://wa.amu.edu.pl/wa/studium\\_podyplomowe\\_tlumaczenia\\_srodowiskowego\\_ifa\\_uam](http://wa.amu.edu.pl/wa/studium_podyplomowe_tlumaczenia_srodowiskowego_ifa_uam)

<sup>9</sup> [http://ug.edu.pl/33609/translatoryka\\_-\\_przeklad\\_medyczny](http://ug.edu.pl/33609/translatoryka_-_przeklad_medyczny)

<sup>10</sup> <http://www.podyplomowe.wse.krakow.pl/tlumaczenie-przysiegle-i-specjalistyczne>

In order to become a sworn translator and interpreter in Poland, several requirements have to be fulfilled. A possibility to practice this profession is given to every person who knows Polish, has full legal capacity and has not been convicted of an intentional offence prosecuted by public indictment, a fiscal offence or for an unintentional economic and trade related offence. It is also necessary to hold a university degree (in any field of specialization). Fulfilling these criteria allows one to apply for admission to the official state exam that shall prove language skills and the knowledge of specialized terminology of the applicant.

The state exam is performed by the State Examinations Commission appointed by the Minister of Justice. It consists of two parts:

1. translation from Polish into a foreign language and from the foreign language into Polish;
2. interpreting from Polish into a foreign language and from the foreign language into Polish.

The formula of the exam has not changed much since its establishment in 2004 and the pass rate stays very low, as it amounts only to 24% (Zieliński, 2011: 118). The examinees have to write the translation part by hand, however, they may use printed dictionaries. The material scope of the exam covers legal and financial matters. It should be noted that it does not reflect the fact that the sworn translators and interpreters in Poland are authorised to work in all possible fields where translating and interpreting is needed, which does not limit only to legal translating and interpreting.

However, only sworn translators and interpreters are qualified to officially take part in court proceedings and translate legal documents used in various administrative proceedings. There is no guarantee that a sworn interpreter can automatically fit into the role of a community interpreter, which requires specific skills and knowledge. The curricula of postgraduate studies offered for future sworn translators focus mainly on problems connected with legal translation and interpreting.

It is also controversial whether the definition of community interpreting should include such specific field of interpreting as court interpreting. Roberts (2002: 162) argues that community interpreting differs from court interpreting, as there are (i) different objectives, (ii) different types of parties involved, (iii) different number of parties, (iv) different discourse used, (v) different mode of interpreting, and (vi) differences in the directionality of interpreting. Some researchers argue that this kind of interpreting can be understood as a special type of community interpreting (see Garber, 2000: 14; Apfelbaum, 2004: 32; Tryuk, 2006: 25). Typical community interpreters, however, usually have to fulfil a different role than this of a court interpreter. The degree of responsibility varies as well. Because of this, community interpreters are often related to non-professional interpreting services rendered by whoever is available as possible *ad hoc* service provider, including medical hospital staff or family members.

The issue of professionalization has been one of the main issues raised by researchers studying the theory and the practice of interpreting for public services (see Angelelli, 2004; Gentile et al., 1996; Kadric, 2000; Pöchhacker & Kadric, 1999; Valero Garcés, 2008; Wadensjö et al., 2007).

The community interpreter must work in both languages and often must overcome cultural barriers that block communication. Usually, the environment is one of high emotion where misunderstanding will expose the parties to some serious risk. For example, it may result in

improper diagnosis, unneeded tests, loss of income, criminal charges being wrongfully laid or the failure to lay criminal charges when warranted. Unfortunately, most community interpreting is done by volunteers, often family members, who have had no training, whose competence is unknown, and who have had no exposure to the ethical issues inherent in this type of interpreting (Pym, 2003: 42).

Hale (2007) suggested that one way of obtaining a high degree of professionalism in translating and interpreting would be a strict obedience to rules and norms, which generally are presented as a set of recommendations or codes of good practices.

Therefore, sworn translators and interpreters are suggested to follow *The Polish Code of Sworn Translator and Interpreter (Kodeks Tłumacza Przysięgłego)*, being a set of good practices published by the Polish Society of Sworn and Specialised Translators and Interpreters (TEPIS) in 2004. According to the Code, there are three principal norms of legal translation and interpreting: accuracy, impartiality and discretion. These three rules constitute the pillars of professionalism and indicate the quality of the translator's and interpreter's performance (Tryuk, 2012: 119). The rules proposed by TEPIS can serve as guidelines also for non-sworn translators and interpreters.

Only legal and court translating and interpreting, including community interpreting, are formally stipulated by a legal act. Such legislation is lacking in regard to other organisational situations and fields of work of community interpreters, such as medical or immigration areas.

In other settings, like health or immigration, legal we can observe a total absence of mechanisms of professionalisation. As a consequence, the recruitment of (professional) interpreters is an exception, and, other than in the legal environment, ad hoc solutions are the order of the day. The person of the interpreter is largely ignored by the different institutions, but most noticeably by the healthcare sector and the immigration services, which is astonishing, considering the fact that their personnel are assigned to work with foreign patients and refugees who, as a rule, do not speak Polish. If the institutions recruit anyone, they tend to prefer "bilingual and bicultural" clerks, doctors or nurses who double up as translators/interpreters. In Poland, we still have neither certification nor accreditation procedures for professional interpreters (Tryuk, 2012: 117).

The roots of this problem are, however, more complex. As Garber (2000: 13) notices, community interpreting has arisen from a completely different tradition than conference and diplomatic interpreting, and consequently, community interpreters often have no formal education in translation and interpretation. In countries where this tradition is longer, the process of professionalization takes place on a whole different level than in Poland.

It should be emphasized that lack of specialization may be connected to the lacking access to the professionalized community interpreters in Poland, especially for refugees and poorer immigrants. The country does not offer many positions for community interpreters, as such services are not always covered by the state. The help offered to the foreigners with refugee status or subsidiary protection does not, in general, cover the translation and interpreting costs. According to the Law on Social Assistance dated 12.03.2004 (Journal of Laws from 2008, No. 115, item 728 with further amendments) and the Ordinance of the Minister of Labour and Social Policy of 9.03.2009 on granting assistance to the foreigners with refugee status or subsidiary protection in Poland (Journal of Laws from 2008, No. 45, item 366), the assistance is granted only for the period of 12 months upon an application that shall be submitted within 60 days after obtaining the status of a refugee or subsidiary protection and includes:

1. cash benefits for the coverage of accommodation costs and the costs connected to learning Polish language (about 100-260 € per person a month);

2. coverage of the health insurance contributions;
3. specialized social counselling.

In addition, in most cases even during administrative procedures for granting a refugee status or subsidiary protection there is no interpreter present. This role is usually fulfilled by a Polish official who knows the language of the applicant, but has no professional qualifications in the field of interpreting. Sometimes these language competences are very basic or even deficient. As the officials admit, they usually do not possess knowledge of the appropriate terminology (Tryuk, 2006: 164-166). In spite of the fact that every foreigner has the right to ask for a qualified interpreter during the official procedures, it is rarely done so.

Tryuk (2006: 159-168) researched the attitude of refugee camps' workers in Poland towards specialized interpreting services. She determined that it is quite common for them to find an interpreter lacking skills needed for successful communication with a foreigner. The officials disbelieve in interpreters' qualifications and competences. Workers of one of the biggest refugee camp in Poland, located in Warsaw, agreed that interpreters cannot fit into specific relations in refugee camps. They emphasize that intervention of a specialized interpreter may disadvantage the actual communication and pose a threat to the direct form of communication. Some officials suggest that interpreters do not know how to behave towards aggressive migrants. They tend to especially appreciate the psychological rather than linguistics aspects of communication with foreigners seeking official help. The majority of the interviewees are convinced that the presence of a professional community interpreter is not needed in everyday work of the refugee camp or immigration office.

At present, the help of voluntary translators and interpreters to the refugees is offered by the Polish Foreigners' Office upon application. The range of such help is determined individually<sup>11</sup>. People providing those services are not obliged to prove any prior preparation and usually lack professional education, as their only value is the knowledge of a foreign language.

The situation seems slightly more preferable for interpreting practices within court proceedings, where the presence of an interpreter is sometimes required by law. According to Art. 265 § 1 of Polish Civil Procedure Code, the court may summon an interpreter for the purpose of hearing a witness who does not provide a sufficient command of the Polish language. Art. 204 § 1 of Polish Criminal Procedure Code regulates that an interpreter is summoned if there is a need for the examination of (i) a person who is deaf or mute and for whom written communication is not sufficient, (ii) a person who has no command of Polish language. An interpreter should also be summoned if there is a need to translate a document drawn up in a foreign language into Polish or vice versa, or to familiarize the party with the content of the evidence. It is to be noted that the civil court may, but does not have to, summon an interpreter. It can be avoided if the court knows the language spoken by the witness. On the other hand, such solution remains impossible within criminal procedure, where the participation of an interpreter is always obligatory (Pieńkos, 1999: 132-133).

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<sup>11</sup> <http://udsc.gov.pl/formularz-pomoc-uchodzcom/>, as accessed on 25.05.2016.

### 3. Role of community interpreters in Poland

The role of community interpreters in Poland has been the subject of a vast questionnaire survey conducted by Tryuk. The data was collected in Warsaw in 2008 and 2009 concerning the way in which the interpreter's role is perceived by professionals working in courts and hospitals (Tryuk, 2012: 117).

The questionnaire survey conducted in legal setting consisted of three general questions on norms in legal interpreting, interpreting practice and interpreters' influence on the course of the trial. First of all, the judges and attorneys at law strongly agreed that interpreters should not simplify legal language for their recipients. Adversely, they had problems deciding if the interpreter should explain legal terms to the foreigners as the answers were not very precise. It might be so due to the fact that legal professionals are not able to verify and assess the interpreter's work due to their lack of skills in foreign languages.

Question 3 concerned summarising long and clumsy utterances for the client during the proceedings (...). Almost 80% of the responses to the first part of the survey were negative, which means that, in the eyes of judges and attorneys at law, utterance summarising is unacceptable. This also reflects a more intuitive approach to standards in court interpreting rather than a real knowledge of and adherence to professional norms. This assumption is also proven by the results of the second part of the survey which was to determine the reality of professional practice. It shows discrepancies between norms, i.e. actions that the interpreter should undertake, and real life practice, i.e. actions that the interpreter actually performs (Tryuk, 2012: 122).

The respondents were asked to judge if the interpreters explain cultural differences. The question about cultural differences turned out to be the most problematic for respondents, with a relatively high percentage of "Difficult to say" responses (17%). What is more, the large number of negative answers (about 22%) demonstrated that many respondents did not perceive the issue of cultural differences as potential obstacles for communication processes, suggesting that this phenomenon is of minor importance and as such rarely attracts their attention. However, the majority of the respondents answered favourably to the need to explain cultural differences. The respondents were also in favour of interpreters informing clients of misunderstandings. Legal professionals commonly recognise the importance of the role played by the interpreter in the courtroom, with more than 75% positive answers. This result is even more important, as the situation is perceived differently in the medical setting, where the interpreter is perceived as an unnecessary intruder or element. (Tryuk, 2012: 121-124).

Tryuk's other study was devoted to community interpreting in medical setting. It consisted of a questionnaire and a series of interviews and observations carried out in Polish public and private healthcare centres in order to discover the reality (or the non existence) of medical interpreting.

The aim of the survey was first of all to examine the way in which communication between medical staff and foreign language patients is carried out. The analysis was to determine whether, and in what ways, healthcare institutions hire or in any way cooperate with professional interpreters or other figures who ensure the necessary language assistance. In addition, the survey made it possible to examine the way in which a patient is asked to give his/her consent for surgery and whether the terms of consent are always translated/interpreted and, if so, by whom (Tryuk, 2012: 131).

It is of great importance that the vast majority of answers reflected on a growing number of non-Polish speaking patients in both public and private hospitals. However, it is not

common for hospitals and clinics in Poland to use the services of professional community interpreters in this area. Only 8% of hospitals indicated that they cooperate with interpreters on a regular basis. What is more, almost 68% of respondents admitted that it was mainly the healthcare staff who interpret during medical consultations. Most medical staff workers admit to be rather against introducing interpreting services while dealing with the patients (Tryuk, 2012: 131-134). The following opinion of a hospital manager depicts the discussed problem in a very clear manner:

In our clinic, it is the doctor who's responsible for bilingual communication. I'm convinced that it's the best solution. The presence of the interpreter could only unnecessarily complicate the whole situation. Firstly, the patient would undoubtedly be distrustful of a strange additional person present during the consultation. You can't forget that the appointment concerns very delicate matters. How would a woman undress? It is difficult enough for her even in the doctor's presence! So far we haven't had any problems connected with the breakdown of communication between a doctor and a patient. Let's not forget that medicine is based not only on communication. Still, there is the examination. Touch, eye contact. Very often it is sufficient for a proper diagnosis of the patient (Tryuk, 2012: 134).

The results of Tryuk's survey show that the practice of medical interpreting in Poland functions quite the opposite of what may be observed in many other countries (see Angelelli, 2004). We have no adequate legislation concerning language assistance for foreigners in healthcare sector. This means that bilingual communication is ensured by persons lacking proper competences, such as medical staff, patients' family members, friends and volunteers. Medical interpreting as such is practically non-existent (Tryuk, 2012: 135).

#### **4. Opportunities for community interpreting in Poland**

Professional community interpreting has not been perceived as an important asset in communication with foreigners up until now, as the Polish community did not have to face problems connected to mass migration. Therefore, the possibilities of taking advantage of serious interpreting services have been underappreciated.

This situation should have changed with the breakout of the Ukrainian Crisis in April 2014. As the United Nations Office for the Coordination of Humanitarian Affairs (2014) notices, among the European Union member states, Poland is the country that registered the highest number of applications for international protection from Ukrainian citizens. As of 26 November 2015, Poland had the highest number of asylum applications from Ukrainians, after the Russian Federation and Belarus. Not only 2043 Ukrainian citizens have applied for international protection in Poland, but other 25,816 individuals have chosen other forms of legal stay, such as applications for temporary and permanent residence permits in Poland, and also EU long-term residence permits. This trend changed drastically as a sharp increase in fighting forced people to avoid travelling over the frontline and Polish government changed its policy towards migrants. Since the outbreak of the Ukrainian Crisis, Poland has granted asylum to only three Ukrainian refugees. As of March 2016, with about 13% of all submitted applications, Ukrainians constitute the third biggest group among all applicants in Poland; with the first and second being Russian Federation and Tajikistan.

The Polish National Office for Foreigners reports in 2013 about 80 decisions that concerned granting subsidiary protection and international protection from Ukrainian refugees. In September 2014 there were 350 decisions given, what shows an increase in applications at least by 337.5%. According to the newest statistics prepared by Polish



National Office for Foreigners (as of 23.12.2015), in years 2013-2014 there were 2881 people from Ukraine that applied for refugee status in Poland, while in 2013 there were only 46 Ukrainians who have asked for it. From all the Ukrainians that asked for refugee status in Poland in 2014, only 21 people were granted protection or permit of tolerated stay (*zgoda na pobyt tolerowany*), 634 decisions were negative and 361 proceedings declined. According to Polish officials, Ukrainians have so called internal flight alternative – they can always migrate to the Western parts of the country as Internally Displaced Persons (IDPs).

The numbers illustrate how dynamically the migration from Ukraine into Poland is changing. In order to get to Poland, Ukrainians are also trying to obtain work permits or the so called Pole's Card (Karta Polaka). In the first half of 2014 Poland issued the record number of over 183 000 work permits to Ukrainian citizens (over 30% more than in previous year), which makes the first time in modern history of Poland when more people migrate to Poland instead of leaving the country. Of course, the most popular way out of Ukraine was always and still is illegal immigration. There are no official estimates of the total number of illegal immigrants in Poland, but according to all known information, they remain the highest. In 2013 the Proksenos Foundation approximated the number of Ukrainians residing in Poland – legally and illegally – between 180,000 and 300,000. It is supposed that way more than the half of them crossed the border illegally.

The following Refugee Crisis caused by the war in Syria made the situation even more complex and is still an important topic due to its prolonged duration and a difficult state of affairs that affects Poland, as well as other European countries. As a EU member state, Poland shall take 2000 refugees from their redistribution quotas this year, divided in two parts. The first part of relocated refugees entered the country in April 2016, and the second part of resettled refugees is anticipated from June 2016, coming in groups no bigger than 150 people at once. This situation caused multiple formerly unknown problems to arise and revealed that proper legal and institutional solutions are still lacking in Poland. With the new problems, however, new opportunities arise. The increasing workload with foreigners in various fields may show clearly the need of professionalization of community interpreting services and provoke the officials to take advantage of them.

## Conclusion

Community interpreting services in Poland prove to be strongly polarized. On one hand, they are provided in a semi-professionalized form in the courts. On the other hand, the role of community interpreters in immigration offices, medical care sector and other fields strictly connected with everyday work with foreigners seem not only to be depreciated, but also perceived as obstacle. It is to be noted that court interpreters may lack proper intercultural competences and communicative qualifications that are specific for operating in culturally or ethnically heterogeneous contexts.

In the face of such problems as the Ukrainian Crisis or the Refugee Crisis and their massive scale, in comparison to the previous experiences of Polish offices dedicated to cope with applications made by foreigners, the assets of introducing help of a specialized community interpreter may prove crucial, as such professionals have both language knowledge and intercultural competence that are essential in resolving complex matters in multicultural communication situations. However, Poland still lacks certification and accreditation procedures for professional interpreters (see Tryuk 2007, 2008). Moreover, in many fields there is no regular cooperation with translator/interpreter agencies or, if there is

any, it is an exception rather than the rule. Another problem constitutes the absence of academic training for community interpreters, except for legal interpreters and translators. Therefore, it seems important for educational institutions engaged in translation and interpreting training in Poland to change the curricula in a way that would enable further development of competences needed for community interpreting.

It is to be hoped that the growing demand for legal and medical services provided for foreigners, including refugees, legal residents and other immigrants, will be an incentive to undertake more efforts on the road to the professionalization of community interpreting in Poland.

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