Analyzing Syntactic Problems in the Translation of Migrants and Refugees Legal Texts from English into Arabic

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Abstract

The purpose of this analysis is to investigate the syntactic problems while translating English legal texts from English into Arabic. Syntactic differences between English and Arabic result in many syntactic problems that hinder the translation process. To analyzed these problems, three models of translation are adopted; Nord's Model of translation (2005), Vinay and Darbelnet (2000), and Catford's theory of shift (1965). In order to analyze these problems, it is compulsory to investigate the syntactic features of legal texts. The syntactic features discussed in this study include sentence length, nominalization, passive, conditional phrases, prepositional phrases, unique determiners, impersonality, negatives, and the use of shall and may. The descriptive qualitative method is used in this study. 60 examples were analyzed in this study. The study finds that Syntactic features pose a real challenge for legal translators. Therefore, translators should pay more attention while translating legal texts between English and Arabic.

Keywords: *Legal Translation, Syntactic Problems, Migrants, Refugees.*

Introduction

The need for legal translation has been increasing in recent years because of globalization, the mobility of citizens and international relations between persons, organizations, and countries in addition to the rapid movement in the international trade and policies. The increasing number of migrants and refugees in the world also increased the need for international laws to manage their life outside their countries. Therefore, the need for legal translation has been increasing. According to Wagner (2003), legal translation plays a vital role as a way of communication that pave the way to the mechanism of the law— the legal reasoning and drafting—to work between languages. However, legal texts pose serious problems during translation process. These problems increase when translating between two languages that belong to different language families as English and Arabic. To illustrate, Arabic is a Semitic language while English goes back to the Indo- European languages. Each language is restricted to its specific culture. In addition, there are differences between language systems and legal systems between them. All these differences can create problems during the translation process and make the task more complicated. Any mistake could create loss in meaning which can create disputes between persons, organizations, companies, or even countries. Sarcevic (1997) explains that "Translation of legal texts leads to legal effects and may

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even induce peace or prompt a war". Translators of legal texts should achieve the aim of legal translation which is to create an equivalent legal text with equal legal effect from the SL into the TL "in terms of authority, function and legal status of the translated text, legal system and cultural settings within of which the translated text will be read and/or used" (Sierocka, 2014, p. 190).

The present study uses legal documents that are related to migrants and refugees. Migrants and refugees usually come from different countries and different origins. Arabs migrants and refugees are the TL audiences; consequently, different cultural backgrounds create many problems that can hinder the understanding of legal texts. Sarcevic (1997) discusses that differences in culture and legal systems between two languages can create challenges in translation. She explains that each local law creates its distinct legal system that has its terminology, structure categorization criteria, source of law, methodological techniques, and socio-economic principles.

Translation between English and Arabic creates syntactic problems due to structural differences between them. There is no correspondence between English and Arabic grammar. For example, the simple sentence structure is completely different between them; the order of the English sentence is SVO. On the other hand, Arabic uses two types of sentences the verbal sentence VSO and the nominal sentence that begins with a noun and can stand alone without a verb.

As a result, one of the major problems that translators have to take in consideration while translating legal texts is the syntactic differences between English and Arabic. This point has a vital role in transferring the meaning from one language into another since it is the foundation of translation, and any abuse or error will lead to erroneous information or misunderstanding.

By investigating the syntactic problems in translating legal texts, the present study aims at investigating the syntactic features of English legal texts based on Migrants and Refugees legal documents and their translation into Arabic. This study tries to result in accurate and comprehensive results, so it is based on three models of translation Nord's Model of translation (2005), Vinay and Darbelnet (2000), and Catford's theory of shift (1965).

Significance of the Study

The importance of this study stems from the fact that it gives a syntactic text analysis to the selected migrants and refugees legal texts. This analysis can help learners as well as trainers in the field of legal translation to understand the syntactic problems that may arise during the translation process then to find the appropriate strategy for each problem to produce natural and proper translations. The differences in languages and legal systems can also results in syntactic differences which may affect the quality of translation.

Research Questions

1.   How can the selected English and Arabic migrants and refugees' legal documents be syntactically analyzed based on Nord's Model of translation (2005)?

2.   What are the syntactic features of English migrants and refugees' legal documents that cause problems in achieving equivalence in translation into Arabic based on Vinay and Darbelnet (2000) model of translation and Catford's theory of shifts (1965)?

Literature Review

Legal texts and Legal Translation

A legal text is a component of the legal discourse. A legal text can be any text that is relevant to the law, for example, constitution, contracts, law, decree, judgments, etc. Legal texts are written in a unique language with its own set of syntactic, semantic, and pragmatic principles (Šarčevic, 2000, p.8). Legal texts can be classified into different genres; First, classification based on branches of law as Mattila (2013) and Varo and Hughes (2002) indicate. Second, classification based on the functions of legal texts as Sarcevic (2000) and Tiersma (1999) explain. Third, classification based on the situation of use according to Cao (2007), Trosborg (1997), and Maley (1994). Finally, there are other criteria for the classification of legal texts. For example, Danet (1980) takes into account the formality of legal texts and the type of media these texts use. He classifies legal texts as frozen written, frozen spoken composed, formal written, formal spoken-composed, consultative spoken composed, consultative spoken-spontaneous, and casual spoken spontaneous.

legal translation is a specialized translation in addition to sharing some characteristics with general translation. It requires from translators to have high level of accuracy and to have knowledge in both SL and TL legal language and legal systems. Many researchers and translators put in great effort in order to produce accurate legal translations to communicate laws, legal systems, legal ethics, and legal philosophy. Translators may face different types of translation problems while translating legal texts that require specific methods and strategies to follow. Cao (2007) recommends, "it is said that the legal translator requires both linguistic skills and some basic understanding of law" (p. 37).

Many scholars as Duranti, A. (1997), Northcott, J., and G. Brown. (2006), Bhatia, V.K., and A. Bhatia. (2011), Więcławska, E. (2020), and Wojtasik-Dziekan, E. (2020) indicate that legal discourse is usually archaic, complex, and ambiguous. Weisflog (1987) indicates that the difficulties of legal translation stem from three reasons: (1) the technical nature of legal language; (2) the specific nature of this technical language and (3) the legal language, which is not a universal language, but it is tied up with a national legal system (p. 203). Matulewska (2019) discusses the issue of equivalence in legal translation. He explains that for centuries, translators have struggled to find parallels between languages belonging to various language families. It goes without saying that the less isomorphic a language is, the more difficult it is to create equivalents for culture and system terminology.

A legal translator should possess qualifications such as proficiency and expertise over the SL and TL legal systems, and a good command of the two languages' terminology and linguistics. He/she should be able to choose the best strategies to overcome problems during the translation process. Therefore, there is a strong connection between legal translation and the translator's proficiency in choosing the best translation strategies. "A legal translator's credibility rests on his experience and knowledge of the field; in many jurisdictions, he must also be attested in using the target language" (Khaydarova, 2019).

Due to the obvious differences in legal systems and the language systems of English and Arabic, legal translation between them is more sophisticated. This gap between English and Arabic creates a serious challenge in syntax. Altarabin (2018) mentions an example about the translator's lack of knowledge of the target legal language can negatively affect the translation in the case of translating محام into lawyer and attorney, both are synonyms in the United States, while only the former is used in the United Kingdom to designate a person in the legal profession.

In translating migrants and refugees' legal texts, translators have to focus on transferring the legal meaning and the legal effect of the source legal text into the target legal text. However, the differences in languages and legal systems can also results in syntactic

differences which may affect the quality of translation. For example, word order between English and Arabic can pose a problem in translation specially with long legal sentences. Migrants and refugees' legal texts were written in long sentences which give them a distinctive feature than other texts.

Syntactic Problems in Legal Translation

Syntax poses a serious problem while translating legal texts between English and Arabic because they belong to completely different languages and legal systems. Therefore, translators should have syntactic knowledge in both languages. Words in translation never exist in isolation and their true meanings cannot be fully appreciated unless they are construed with reference to the ways they are structured. The syntactic problems arise when the translation equivalent does not have the same syntactic ordering properties of the source language word. Mathieu (2015) argues that syntactic parallels, the passive voice's direction, the emphasis (the point of view from which a tale is conveyed), and even rhetorical figures of speech like a hyperbaton (the inversion of the natural sequence of speech) or an anaphora can all cause syntactical issues (repetition of a word or segment at the beginning of a line or a phrase).

Sadiq (2008) states that "The various differences among languages cause many syntactic problems when translating the message of a given language into another. These problems increase or decrease according to the degree of relatedness between the SL and the TL" (p.11). If the SL and the TL belong to different language families, as in the case of Arabic and English, in this case more syntactic problems are likely to be found.

Legal texts have their own syntactic features that distinguish legal texts from other texts. These features can be classified as:

Sentence Length: the length and complexity of legal sentences are considered the most important features of legal texts. According to Cao (2007), This length is a result of using doublets, triplets, peculiar word order and repetition, long noun phrases with many modifications, prepositional phrases as well as coordinate and subordinate clauses. However, this length causes the lack of clarity and dullness. There were no patterns of spacing or indentation to show the bounds of the paragraphs or the relationship between them, and legal papers were frequently written as a united group of script with long lines from margin to margin. It was not uncommon for draftsmen to write an entire document in a single sentence (Crystal and Davy, 1986, p. 197).

Damova (2007) explains that the unique nature of legal papers determines sentence length and total grammatical complexity, as sentences can span multiple lines, make up an entire paragraph, and even a full document can be made up of just one sentence. This length hinders the understanding of the ST and creates difficulty in finding equivalent sentences in the TT.

Nominalization: nominal phrases are very common in legal texts. Instead of employing the verb itself, legal documents utilize nouns that are derived from verbs. This usage makes the sentence longer. In English grammar, nominalization is a sort of word formation in which a verb or an adjective is utilized as a noun. The verb form is nominalized. It is also called nouning.

Passive: another syntactic feature that adds formality to English legal texts is the use of passive voice. The use of passive voice in legal documents permits the focus to remain on the action, rule, or decision rather than on the doer's personality (Varo and Hughes, 2002, p. 20). Since legal texts tend to use a high formal language, legal texts use the passive voice instead of the active form in some contexts to add more formality. Passives present more authoritative mood than active. According to Varo and Hughes (2002), in legal documents, "using the passive voice keeps the focus on the action, rule, or decision rather than the doer's personality" (p. 20).

Complex conditionals: Complex conditionals and hypothetical formulations are common in English legal texts; for example, if, where, whenever, provided that, assuming that, so long as. Tiersma (1999) explains that in legal language, syntactic indicators of condition and hypothesis can be separated into two categories; positive (e.g., if, when, provided that, in the event of, etc.) and negative (e.g., unless, failing, except if, etc.). Čėsnienė, Ž., and Daračienė, R. (2014) state that "One more feature that distinguishes legal English is the conditional sentences. A conditional sentence is a type of sentence that expresses a condition that must be fulfilled, otherwise it causes the occurrence of another situation/the result in one situation" (p. 15). Hence, the simple structure on which most conditional sentences are based can be expressed as if this, then this, in the event of, in case of, etc. Arabic legal texts also use conditional structures introduced by (اذا \ if, when).

Prepositional phrases: Legal English is high in incidence of prepositional phrases (Prep. + Noun + Prep (e.g., for the purpose of, in accordance with, subject to, by virtue of, without prejudice to, in compliance with, etc.), and phrasal verbs (e.g., enter into force, called upon to adopt, etc.). Prepositional phrases can string out one after another, often being misplace (Damova, 2007, quoted Danet, 1985). Propositional phrases are widespread in legal texts. Prepositions constitute a closed system of non-inflectional function words, the main function of which is to link units and encode the relationship between them (Biber et al., 2007, p. 56).

Unique determiners: Crystal and Davy (1969) discussed that legal texts use unfamiliar determiners like 'such and said'. These determiners are used to add more emphasis on the noun preceding them. In addition, unique determiners add more formality to legal texts.

Impersonality: Legal texts use gender-neutral pronouns such as 'anyone, everyone, the party' instead of using pronouns like he/she to refer to unknown sex. Amadi (2020) explains that the style of legal language is impersonal; personal expressions are avoided. Depending on the party which the lawyers represent in court trials, they make frequent use of words and phrases that reduce the agent in his (the party) identity while emphasizing the action.

Negative: Negative is expressed in legal English by using not or never. Negative is also used in prefixes such as 'un' or some words like unless and except.

The use of shall and may: The use of 'shall' in legal English texts does not indicate future time. It is used to express obligation. It is also used in promises and declarations. Crystal and Davy (1969) explain the meaning of 'shall' in legal texts; "shall as that of obligation" (p. 99). 'May' is used in legal texts to express the meaning of permissive. 'shall' is the most common modal in legal texts especially in legislative texts. 'Shall' is considered stronger than 'must' in giving the meaning of guarantees that something will occur.

Tiersma (1999) explains that 'shall' "unambiguously indicates that something is intended to be legally binding" (p. 106). For example, 'all members shall fulfil'. Trosborg (1994) claims that the modal verb 'shall' has an imperative meaning in legal English, while Garzone (2000) claims that, depending on the context, this modal can also have a performative meaning in legal writings. In the following examples, the verb 'shall' states the obligation of the person concerned and his obligation to do so.

Finally, it is worth saying that translating migrants and refugees' legal texts is a challenging task for translators. This study tries to investigate the syntactic difficulty of translating migrants and refugees' legal texts; therefore, the presents study adopts three models of translation Nord's Model of translation (2005), Vinay and Darbelnet (2000), and Catford theory of shift (1965).

Methodology

The researchers in this qualitative study use the analytical descriptive method. The researchers collected the data from Migrants and Refugees UN legal documents. Then the syntactic features are classified and supported with examples from the chosen data. These examples are analyzed by adopting three models of translation; Nord's Model of translation (2005), Vinay and Darbelnet (2000), and Catford's theory of shift (1965).

The importance of Nord's model of translation lies in the fact that it gives a universal theoretical framework that helps translators to comprehend the functional elements and the structure of the ST. It helps to read and examine the texts as a whole then make an analysis of the syntactic problems. These examples are examined in light of the aims and objectives of this study.

As for Vinay and Darbelnet and Catford's models of translation, these models are considered suitable models because they provide many procedures to overcome syntactic problems. For example, Vinay and Darbelnet discuss seven procedures to create equivalence in translation as borrowing, calque, literal translation, transposition, modulation, reformulation or equivalence and adaptation. As for Catford, level shifts and category shifts will help to analyze the syntactic problems in translating the selected documents.

Data Analysis

This study chooses 60 examples from migrants and refugees legal document and analyzed them. These 60 examples and their translations are classified according to the syntactic features of legal texts mentioned before. The English examples and their Arabic translations were collected from the UN following documents:

-       Convention relating to the Status of Refugees Adopted on 28 July 1951 by the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons convened under General Assembly resolution 429 (V) of 14 December 1950.

-       Protocol relating to the Status of Refugees (1967).

-       International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Adopted by General Assembly resolution 45/158 of December 18, 1990.

The findings of the present study showed that there are many syntactic problems while translating between English and Arabic migrants and refugees' documents. The analysis of 60 examples taken from migrants and refugees legal documents indicates that the translator is source- text oriented and target text oriented at the same time. In other cases, the translator is a target- text oriented. It can be concluded that the translator is more target- text oriented as the following figure indicates:
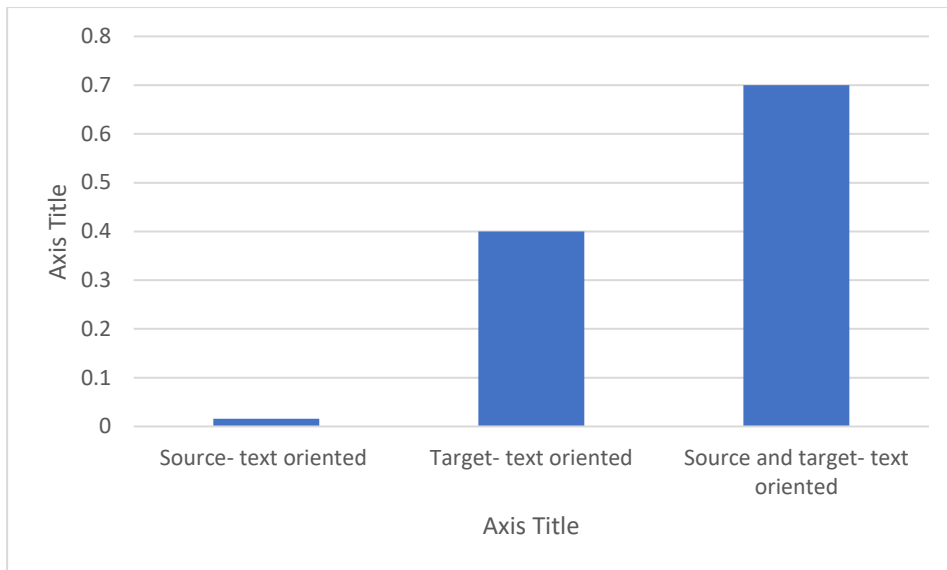
Figure 1. The frequency of occurrence of Macro strategies

The analysis of the syntactic problems in translating migrants and refugees' legal texts shows that the translator uses some strategies in order to overcome these problems. The following figure shows Vinay and Darbelnet's strategies used to overcome syntactic problems in translating migrants and refugees' legal documents from English into Arabic:
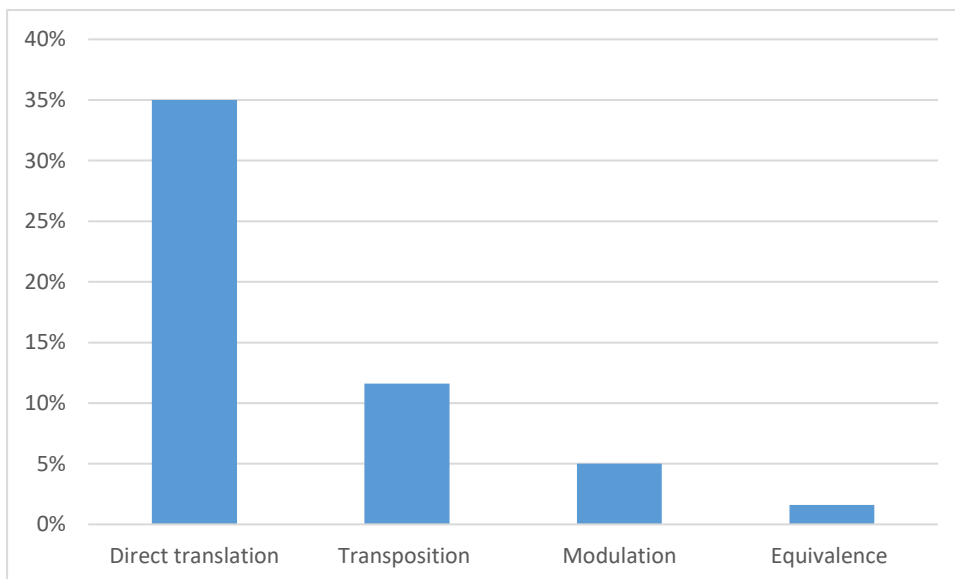

Figure 2. The frequency occurrence of Vinay and Darbelnet strategies

Figure 2 illustrates that the analysis of 60 examples taken from migrants and refugees legal documents indicates that direct translation is the most popular strategy used in translating migrants and refugees' legal documents which is 35%. After direct translation comes transposition with average 12% and then comes modulation, equivalence, and adaptation respectively.

As for Catford theory of shift, the following figure shows that the analysis of 60 examples of migrants and refugees legal documents indicates that the most frequently used shift is the structure shift with percentage 28% then comes unit shift 10%.
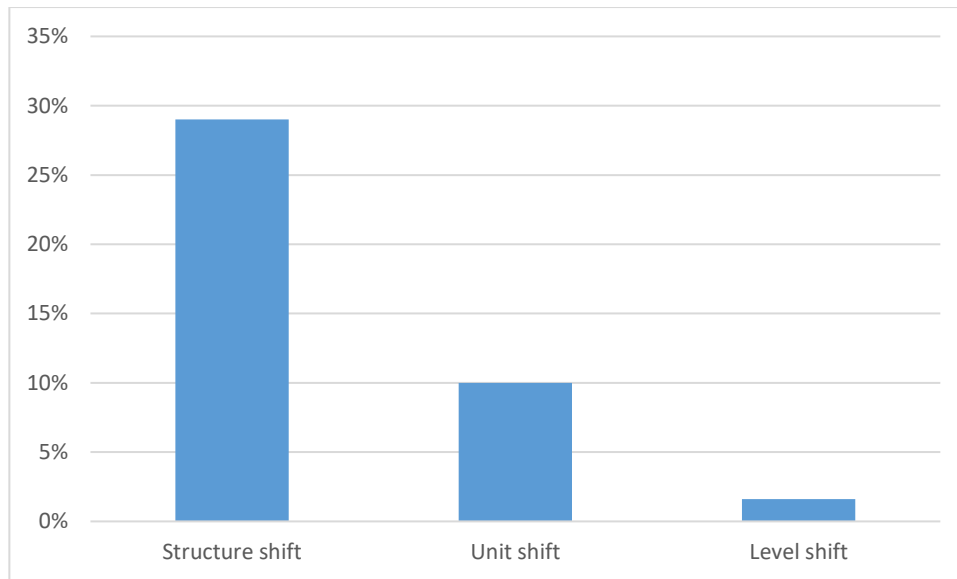
Figure 3. The frequency occurrence of Catford shifts

Sentence Length

Source Text: CRMW	Target Text
Before their departure, or at the latest at the time of their admission to the State of employment, migrant workers and members of their families shall have the right to be fully informed by the State of origin or the State of employment, as appropriate, of all conditions applicable to their admission and particularly those concerning their stay and the remunerated activities in which they may engage as well as of the requirements they must satisfy in the State of employment and the authority to which they must address themselves for any modification of those conditions.	من حق العمال المهاجرين وافراد اسرهم، قبل خروجهم من دولة المنشأ او، على الأكثر، وقت دخولهم الى دولة العمل، ان تبلغهم دولة المنشأ او دولة العمل، حسب الاقتضاء، تبليغا كاملا بجميع الشروط المنطبقة على دخولهم، وبوجه خاص بالشروط المتعلقة بإقامتهم والأنشطة التي يجوز لهم مزاولتها مقابل اجر. فضلا عن المتطلبات التي يجب عليهم استيفاؤها في دولة العمل، والسلطة التي يجب عليهم الاتصال بها لإدخال أي تعديل على تلك الشروط.
Transliteration	min haqi aleumaal almuhajirin wafrad asirihim, qabl khurujihim min dawlat almansha aw, ealaa al'akthara, waqt dukhuluhum ala dawlat aleiml, an tubalighuhum dawlat almansha aw dawlat aleamla, hasb alaiqtida'i, tablighan kamilan bijamie alshurut almuntabiqat ealaa dukhulihim, wabiwajh khasin bialshurut almutaealiqat bi'iiqamatihim wal'anshitat alati yajuz lahum muzawalatuha muqabil ajar. fadlan ean almutatalabat alati yajib ealayhim aistifawuha fi dawlat aleimla, walsultat alati yajib ealayhim alaitisal biha li'iidkhal 'ayi taedil ealaa tilk alshuruta.

At the micro level, the translator makes shifts in the TL to make the text clear for the target reader. It begins in translating the verb 'shall have the right to' by using the prepositional phrase من حق العمال المهاجرين وافراد اسرهم which is a structure shift from a verb into a prepositional phrase, and then it continues translating the sentence. It is a kind of

transposition to make the TT clear for the Arabic reader. The Arabic sentence uses eight commas to separate the phrases and sentences which make the Arabic text clearer than the English one. It also uses one period to separate between the sentences. The long English sentence, which consists of 96 words, is translated into a smaller one in Arabic, which is 69 words.

At the macro level, the Skopos guides the translator to reproduce a standard TT by using the commas and the period which make the target reader able to follow and understand the text. On the other hand, the English sentence makes the reader put more effort to break down the sentence in order to follow the meaning. The translator is target- text oriented.

To sum up, migrants and refugees legal documents are full of long sentences that exceed sixty words. Readers have to read the sentence more than one time to understand the meaning and to connect between phrases inside the sentence. Readers may also break the sentence down for better understanding. Arabic translation for long sentences tends to use commas and periods to separate between phrases. It also uses reordering of phrases of the source sentence. The Skopos of the ST makes the translator focuses on how to make the target sentence clearer and how to avoid losing the meaning.

Nominalization

Source Text: CRSR	Target Text
Every refugee has duties to the country in which he finds himself, which require in particular that he conform to its laws and regulations as well as to measures taken for the maintenance of public order.	على كل لاجئ إزاء البلد الذي يوجد فيه واجبات تفرض عليه، خصوصا، أن ينصاع لقوانينه وأنظمته، وأن يتقيد بالتدابير المتخذة فيه للمحافظة على النظام العام.
Transliteration	eali kulu laji 'iiza' albalad aladhi yujad fih wajibat tafrid ealayhi, khususa, 'an yansae liqawaninih wa'anzimatihi, wa'an yataqayad bialtadabir almutakhadhat fih lilmuhafazat ealaa alnizam aleami.
There may be appropriate arrangements for the maintenance of acquired rights and rights in course of acquisition;	ترتيبات ملائمة تهدف للحفاظ على الحقوق المكتسبة أو التي هي قيد الاكتساب،
Transliteration	tartibat mulayimat tahdif lilhifaz ealaa alhuquq almuktasabat 'aw alati hi qayd alaiktisabi,

The noun 'maintenance' is derived from the verb 'maintain'. The ST uses the noun instead of the verb 'maintain' preceded by the preposition 'for' and followed by the preposition 'of'. The previous sentence can be rewritten as '… to measures taken to maintain the public order. The translator uses a noun to translate the nominalized word المحافظة. At the macro level, the ST uses nominalization because it is a feature of legal texts that gives formality to legal texts. This feature is not used in Arabic legal texts. As a result, the translator can translate it into a noun as in this example, or to use a structure shift by using a verb.

Passive

English passive sentences in the selected migrants and refugees' legal documents are translated into Arabic in different ways as:

- Passive into Nominalization

Source Text: CRSR	Target Text

Everyone is entitled to all the rights and freedoms set forth in this Declaration.	لكل إنسان حق التمتع بكافة الحقوق والحريات الواردة في هذا الإعلان.
Transliteration	likuli insan haq atamatŭ bekafati alhuqŭqi wa al-alhuriat al-waridati fi hadha alîlani.

As observed in the example above, the translator is a mediator between the English and Arabic readers, so he focuses on the target reader by applying the suitable grammar. The strategy that is implemented in the translation of this sentence is a target-text oriented macro strategy. At the micro level, the translator uses structure shift obligatory to translate the passive into active Arabic nominal sentence. There are two shifts from passive to active and from verbal sentence into a nominal sentence. The English passive "is entitled" is translated into the nominal Arabic "لكل انسان حق التمتع" and adds the word "التمتع" which means "enjoy" making it more transparent. The translator also uses level shift to translate "everyone" into "لكل انسان," i.e., from pronoun into a content word "means every human", which sounds more acceptable in Arabic. It is a change from grammar into lexis in order to keep the function of the word in the ST "everyone".

- Passive into passive

Source Text: CRSR	Target Text
All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience.	يولد جميع الناس أحراراً متساوين في الكرامة والحقوق، وقد وهبو عقلا وضميرا
Transliteration	yulad jamie alnaas ahraraan mutasawin fi alkaramat walhuquqi, waqad wahabu eaqlan wadamir

The passive verb 'are endowed' is also translated into passive وقد وهبو. The TT does not shift into active because the doer is known from the context (Allah, God) is the only one who gives reason and conscience to human beings. It is not necessary to use, 'Allah endows them'. The same case is in Arabic. The translator keeps the same function of passive in the TL. The translator is source- text and target- text oriented.

- Passive into active

Example: 1	Source: CRSR
Source Text	Target Text
Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,	ولما كان من الضروري أن يتولى القانون حماية حقوق : الإنسان لكيلا يضطر المرء آخر الأمر إلى التمرد على الاستبداد والظلم
Transliteration	walamaa kan min aldarurii 'an yatawalaa alqanun himayat huquq al'iinsan: likayla yudtara almar' akhir al'amr 'iilaa altamarud ealaa aliastibdad walzulm

In this example, the sentence is rewritten in Arabic in a new order that does not affect the meaning. The change was on the sentences level, i.e., the translator translates "where it is essential" then "that human right should be protected by the rule of law", finally "if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression". A structure shift in sentence voice from passive into active is observed. The use of the active sentence in Arabic here is obligatory because the agent is mentioned in the ST.

At the macro structure, the passive sentence (human rights should be protected) in the ST was transferred into an active sentence in the TT (يتولى القانون حماية حقوق الانسان). The Arabic sentence prefers active because it suits with Arabic grammar more than passive, and the doer of the action is mentioned in the ST (the rule of law). The Skopos leads the translator to shift to an active sentence which is more suitable to the TT, so the translator uses a target-text oriented macro strategy.

Conditional phrases

Source Text: CRMW	Target Text
If a migrant worker or a member of his or her family is detained for the purpose of verifying any infraction of provisions related to migration, he or she shall not bear any costs arising therefrom.	إذا احتجز عامل مهاجر او أحد افراد اسرته بقصد التحقق من اية مخالفة للأحكام المتعلقة بالهجرة، لا يتحمل اية نفقات تترتب على ذلك.
Transliteration	'iidha auhtajiz eamil muhajir aw 'ahad afrad asirath biqasd altahaquq min ayat mukhalifat lil'ahkam almutaealiqat bialhijrati, la yatahamal ayatan nafaqat tataratab ealaa dhalika.
If a migrant worker claims that the terms of his or her work contract have been violated by his or her employer, he or she shall have the right to address his or her case to the competent authorities of the State of employment,	إذا ادعى عامل مهاجر ان رب عمله قد انتهك شروط عقد عمله، يحق له ان يرفع قضيته الى السلطات المختصة في دولة العمل
Transliteration	'iidha aidaeaa eamil muhajir an rabi eamalih qad aintahak shurut eaqd eamalihi, yahiqu lah an yarfae qadiatuh ala alsulutat almukhtasat fi dawlat aleamal

These two examples use the normal English conditional which is 'if'. They use the present simple in both if clause and main clause. It is worth to mention that 'shall' here does not have the meaning of future, but it is used to express present time in legal texts. The TT uses direct translation by using the conditional device اذا which is considered the most popular conditional device in Arabic. إذا is usually followed by a past verb to indicate present time while the main clause uses the present simple.

At the macro level, the conditional function in the ST leads the translator to create an equivalent conditional structure in the TT.

Prepositional phrases

Source Text: CRSR	Target Text
Migrant workers and members of their families shall have the right to hold opinions without interference.	للعمال المهاجرين وافراد اسرهم حق اعتناق الآراء دون أي تدخل.
Transliteration	lileumaal almuhajirin wafrad asirahum haqu aetinaq alara' dun 'ayi tadakhulin.

The previous sentence contains a polysyllabic preposition 'without'. The translator translates it as دون + اي 'without any interference'. The translator adds اي which is normally used with the adverb دون. Therefore, the translator uses an adverb in the TT to translate the preposition. It is a unit shift that can be considered according to Vinay and Darbelnet as transposition which includes the replacement of word category in the target

language without altering the meaning of the source text. At the macro level, the translation is considered a target-text oriented.

Unique determiners

Source Text: CRSR	Target Text
the Contracting States shall not apply such measures to a refugee who is formally a national of the said State solely on account of such nationality.	تمتنع الدول المتعاقدة عن تطبيق هذه التدابير على أي لاجئ يحمل رسميا جنسية تلك الدولة لمجرد كونه يحمل تلك الجنسية.
Transliteration	tamtanie alduwal almutaeaqidat ean tatbiq hadih altadabir ealaa 'ayi laji yahmil rasmiana jinsiatan tilk aldawlat limujarad kawnih yahmil tilk aljinsiata.

From the Skopos theoretical perspective, the function of the previous determiners 'such and said' is to focus on the nouns following the determiners. They also give formality to the legal texts. At the micro level, 'such' is translated two times in two ways. First, it is translated into the demonstrative noun هذه which is used to refer to the near feminine i.e., 'measures' which is translated into Arabic feminine التدابير. These 'measures' are considered near because they have already known them.

On the other hand, the second translation uses تلك which is used to refer to a far feminine 'nationality' جنسية. The translator considers the nationality far from the refugee. The same case is with 'said'. It is translated as تلك referring to the 'state'. It can be said that the purpose of the ST is rendered clearly in the TT. The TT also focuses on the nouns coming after the determiners which gives more formality to Arabic legal texts. The translation is source- text and target- text oriented.

Conclusion

This study is designed to analyze and investigate the syntactic problems in translating migrants and refugees' legal texts from English into Arabic. The data were collected from UN official resources and examined manually. The study finds that there are syntactic difficulties in translating these texts. These difficulties are due to the differences between language systems and legal systems between English and Arabic which create a syntactic gap between the to languages. The researcher suggests that the translator should have knowledge in legal systems and language systems for both Arabic and English.

Syntactic features of migrants and refugees' documents create a serious challenge for translators. Translators should give consideration to these problems in order to avoid any mistake or incorrect translation. The analysis shows that direct translation is the common strategy used in the syntactic level. As for shifts, it is noticed that structure shifts are more common than unit shifts. The differences in sentence structure between English and Arabic, the preference of active sentences instead of passive ones, and the use of nominal sentences in Arabic lead to the existence of structure shifts. Syntactic differences create difficulties while translating from English into Arabic. Therefore, translators have to put more effort during the translation process. These differences can lead to inaccurate translation as in the case of translating 'shall and may'.

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