



ILLITERACY: Disability vs. Language Access

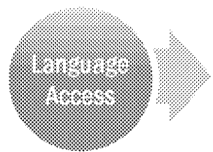
Field Office and facility staff must provide communication assistance to illiterate noncitizens. The type of assistance varies depending on the underlying reason(s) for the illiteracy.

An **illiterate person** is generally someone who can't read or write in any language. Illiteracy may be caused by several factors. To better identify detained illiterate noncitizens and to ensure appropriate assistance is provided as required by federal law, Department of Homeland Security (DHS) and U.S. Immigration Customs and Enforcement (ICE) policy, and ICE detention standards, ICE Enforcement and Removal Operations (ERO) offers the following guidance:

1. Determine the Reason(s) for Illiteracy:



- Is illiteracy the result of a **physical impairment** (e.g., blind, low vision, deaf, hard of hearing, or nonverbal)?
- Is illiteracy the result of a **cognitive impairment** (e.g., ADHD, dyslexia, autism, severe mental illness, brain injury, stroke, dementia)?
- Is illiteracy the result of a **developmental impairment** (e.g., cerebral palsy or Down syndrome)?



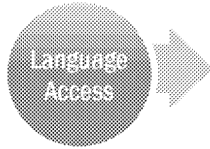
- Is illiteracy solely the result of **social, cultural, or economic disadvantages**, including limited to no schooling?

2. Identify Applicable Requirements:



If illiteracy is the result of a physical, cognitive, or developmental impairment, the noncitizen may have a communication disability.

- Field Office and facility staff must comply with all requirements under [ERO Directive 11071.1: Assessment and Accommodations for Detainees with Disabilities](#), including facility notification to the Field Office and Field Office notification to the ERO Disability Access Coordinator (EDAC) in ICE headquarters.
 - To facilitate notifications required under the ICE Directive, ERO developed the [Disability Accommodation Notification \(DAN\)](#). A completed DAN should be emailed to the headquarters' EDAC at [\(b\)\(7\)\(E\)@ice.dhs.gov](mailto:(b)(7)(E)@ice.dhs.gov).
 - Any temporary communication impairment that is expected to be medically resolved within 21 calendar days does not need to be reported. However, an expectation that a detained noncitizen will be removed, transferred, or released within 21 days is not a basis to delay the reporting of their communication impairment.
 - If a detained noncitizen has a communication impairment and is expected to have a credible fear interview, the headquarters' EDAC should be informed, so they can notify the U.S. Citizenship and Immigration Services.
- If the facility is unable to ensure effective communication with the detained noncitizen as required by the ICE Directive, the Field Office should consider transferring the noncitizen to a facility that is able to ensure effective communication or consider whether the continued use of detention resources is warranted.



If illiteracy is the result of social, cultural, or economic disadvantages, this is not considered a disability and a DAN is not required.

- Field Office and facility staff must assist the noncitizen by reading any written information to them.
- If the illiterate noncitizen is also limited English proficient (i.e., does not read, write, speak, or understand English), Field Office and facility staff must orally interpret any written information in the noncitizen’s primary language using bilingual staff or a professional language line.
- If the noncitizen speaks a language for which there is an ongoing inability to provide language assistance (e.g., an uncommon or indigenous language), the Field Office should consider whether the continued use of detention resources is warranted.

3. Available Assistance/Resources



- ERO has a nationwide contract that provides sign language interpretation in many sign languages (e.g., American Sign Language, Spanish Sign Language, Mexican Sign Language, Russian Sign Language, etc., and Certified Deaf Interpretation (CDI) for instances in which a noncitizen may use an unidentifiable sign language).
 - To access sign language interpretation services, please refer to the ERO [Broadcast: Announcement of Nationwide Sign Language Services Contract](#) for detailed instructions, or contact the headquarters’ EDAC at [\(b\)\(7\)\(E\)@ice.dhs.gov](mailto:(b)(7)(E)@ice.dhs.gov).
- ERO developed Communications Boards, available in [Haitian Creole](#), [Mandarin](#), [Portuguese](#), [Punjabi](#), [Spanish](#), and [Turkish](#), that can be used as interim accommodation tools until longer-term effective communication can be established. These and other tools can be accessed on the [ERO Disability Accommodations Resource Center](#) on inSight.



- ERO has a nationwide contract (i.e., language line) that provides interpretation (oral) and translation (written) services in over 200 languages, including indigenous languages.
 - To secure over-the-phone interpretation through the ERO language line, please see vendor contact and PIN information on the [ERO Language Services Resource Flyer](#). Please note: In some instances, such as for uncommon languages, you may have to make a future appointment for over-the-phone interpretation through the language line operator.
- Facility staff should use their facility language line, as needed, to communicate with LEP noncitizens. Where a facility does not have its own language line or there is an issue finding an interpreter for a certain language via the facility’s language line, staff may utilize the ERO language line.
- ERO developed several job aids to help staff identify and communicate with LEP and illiterate noncitizens. These materials can be accessed on the [ERO Language Access Resource Center](#) on inSight.



DISABILITY: For additional information or questions related to Disability Accommodations, please contact the ERO Disability Access Coordinator at [\(b\)\(7\)\(E\)@ice.dhs.gov](mailto:(b)(7)(E)@ice.dhs.gov).

LANGUAGE ACCESS: For additional information or questions related to language access, please contact the ERO Language Access Coordinator at [\(b\)\(7\)\(E\)@ice.dhs.gov](mailto:(b)(7)(E)@ice.dhs.gov).