



U.S. Immigration  
and Customs  
Enforcement

ICE | ERO

U.S. Immigration and Customs Enforcement (ICE)

Enforcement and Removal Operations (ERO)

# Language Access and Cross- Cultural Communication

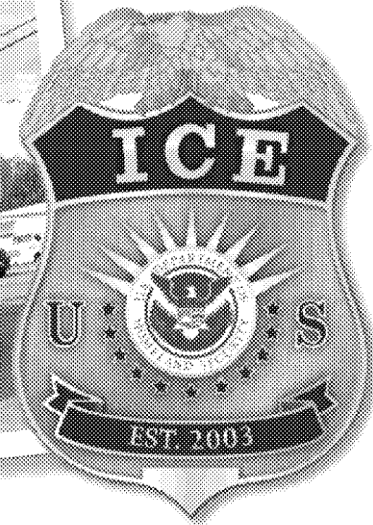




# What is Limited English Proficiency (LEP)?

## Limited English Proficient (LEP) person:

Does not speak English as their primary language and has limited ability to read, write, or understand English.



- *May be competent in English for certain/basic communication, but still be LEP for other purposes.*
- *A person who learned English as a second language or speaks another language fluently may not necessarily be LEP.*
- ICE personnel encounter LEP individuals every day in the course of carrying out duties.





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Authority





## Statutes and Mandates

- Title VI of the Civil Rights Act of 1964: Prohibits discrimination on the basis of national origin in programs and activities receiving Federal financial assistance.
- Executive Order (EO) 13166, *Improving Access to Service for Persons with Limited English*: Established government's commitment to language access obligations (August 2000).

The Order requires Federal agencies to:

- Examine the services they provide;
- Identify any need for services to LEP individuals; and
- Develop and implement a system to provide meaningful access to those services.





## Meaningful Access:

- Results in accurate, timely, and effective communication; and
- Is available at no cost to the LEP individual.

## Four-Factor Test:

- Balancing test- determine reasonable steps to providing meaningful access.

- 1) *The number or proportion of LEP persons eligible to be served or likely to encounter program, activity, or service;*
- 2) *The frequency with which LEP persons come in contact with the program, activity, or service;*
- 3) *The nature and importance of the program, activity, or service; and*
- 4) *The resources available to the agency and costs.*





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# DHS/ICE Language Access Initiatives





## Department of Homeland Security Initiatives

- The Department of Homeland Security issued a Language Access Plan (LAP) in February 2012, establishing a system for implementing EO 13166 across the Department.
  - The plan requires individual components to:
    - *Develop individual language access plans and*
    - *Develop procedures for staff as to how to identify individuals with LEP, gather data, and obtain available language services.*

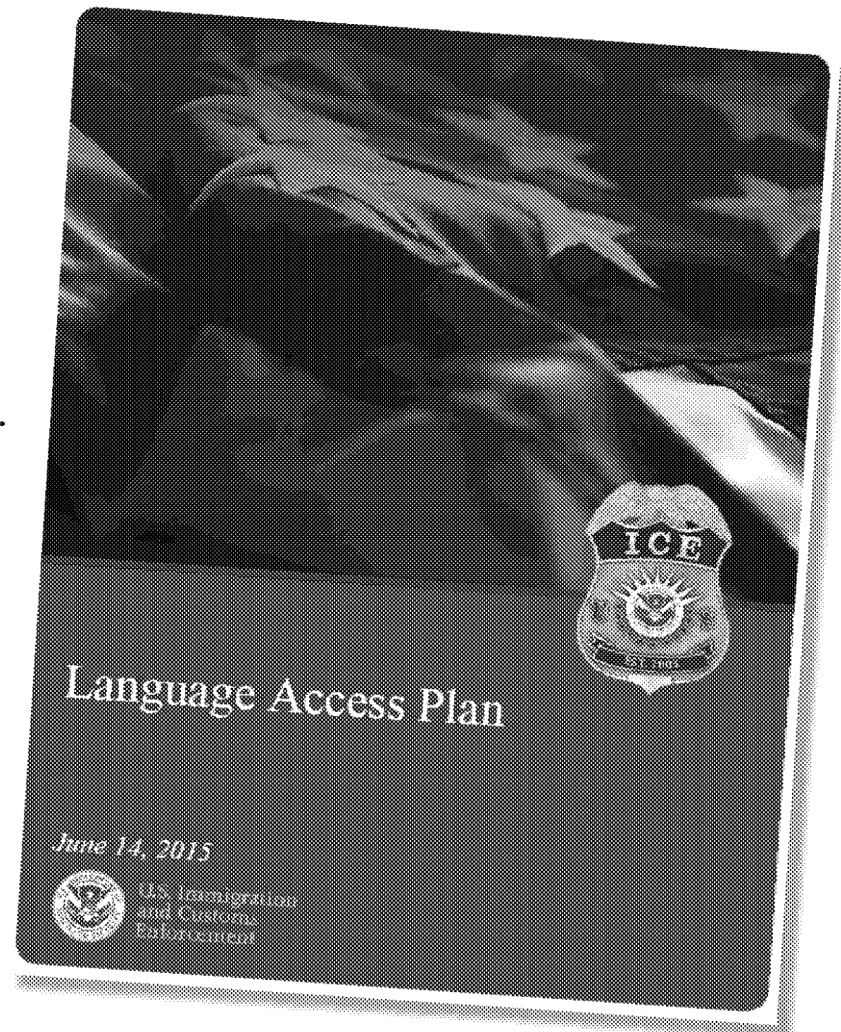






## ICE Language Access Plan (LAP)

- Issued in 2015.
  - *Sets forth the standards, principles, and guidelines through which ICE provides meaningful access to Agency programs and activities to external LEP stakeholders.*
  - Each Directorate within ICE must draft an LAP.
- Assessment and update issued in 2020.
  - *Details progress on implementation, and improvements to ICE policy and procedures in language access activities.*
- The ICE Office of Diversity and Civil Rights (ODCR) provides oversight of ICE-wide language access matters.

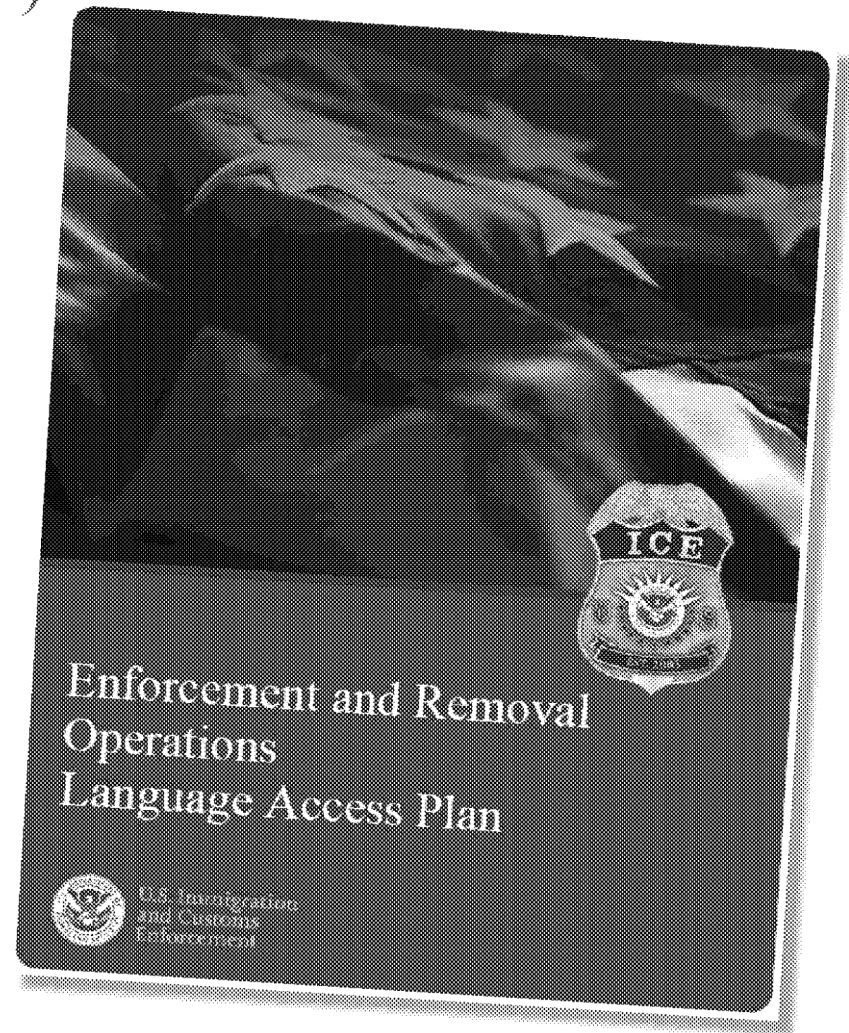






## ERO Language Access Plan (LAP)

- Issued in 2017.
    - *Describes the various means ERO uses to provide LEP persons with access to its programs and activities.*
  - Update issued in 2020.
    - *Assesses ERO's current language access activities; identifies challenges; and lists some of the future priorities for improvement.*
  - Key tenants:
    - *ERO personnel are responsible for providing language assistance services, when necessary and available.*
    - *Assistance can be through language line or bilingual staff.*
- *If an LEP person does not appear to understand the language/manner in which ERO personnel are communicating, language assistance services should be obtained.*







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# ICE Standards





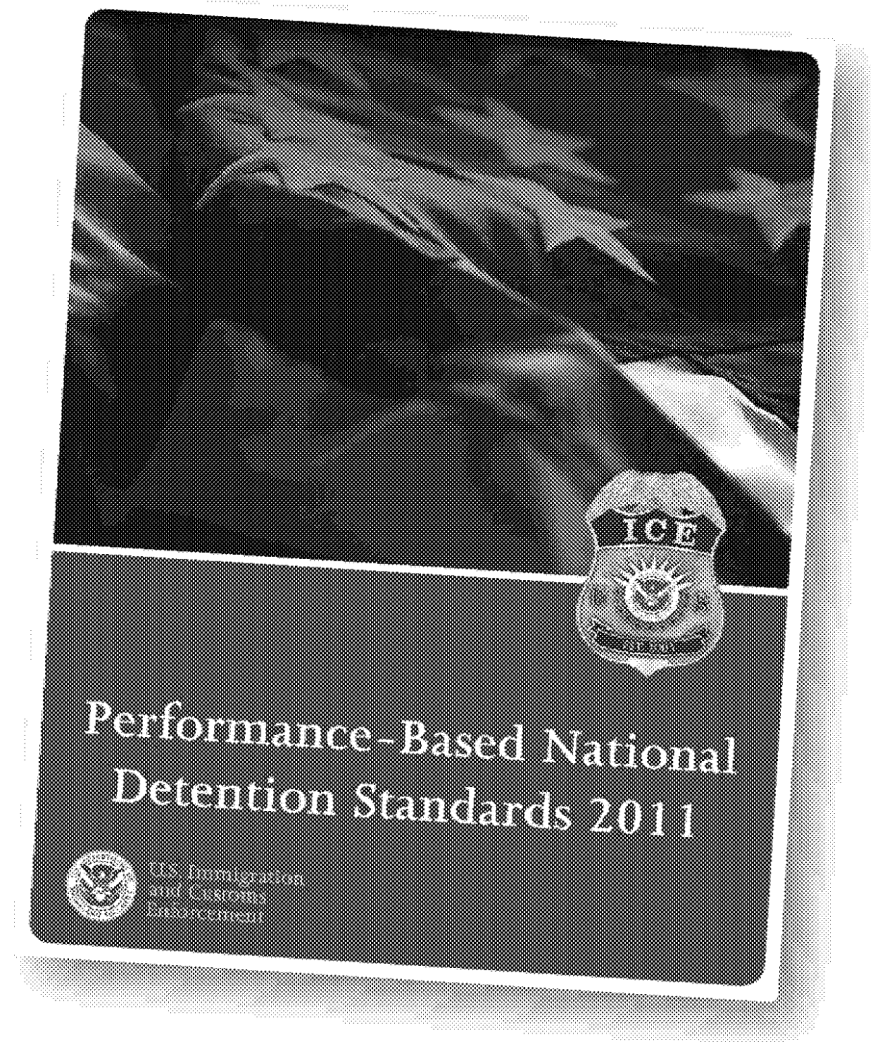
- ICE Standards establish benchmarks of care and expected practices and outcomes when personnel communicate with LEP persons.
  - Encompass language assistance services that must be offered in Service Processing Centers (SPC), Contract Detention Facilities (CDF), and Inter-Governmental Service Agreement (IGSA) facilities.
  - No specific section/chapter
  - All Standards (NDS 2019 and 2000, 2008, 2011 (2016) PBNDS) require **information to be provided to LEP persons in a language or manner they can understand throughout the detention process (e.g., during admission/intake, medical, classification, grievance system, discipline, legal rights group presentations, telephone access, transfer, and visitation).**





## 2011 (2016) Performance-Based National Detention Standards

- The facility will provide detainees who are LEP with language assistance, *including bilingual staff or professional interpretation and translation services*, to provide them with meaningful access to its programs and activities.
- Applicable content and procedures concerning the facility shall be *communicated to the detainee in a language or manner the detainee can understand*.
- All written materials provided to detainees shall generally be **translated into Spanish**. Where practicable, provisions for written translation shall be made for *other significant segments of the population* with limited English proficiency.
- *Oral interpretation or assistance* shall be provided to any detainee who speaks another language in which written material has not been translated or who is illiterate.







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# Language Access Processes and Resources





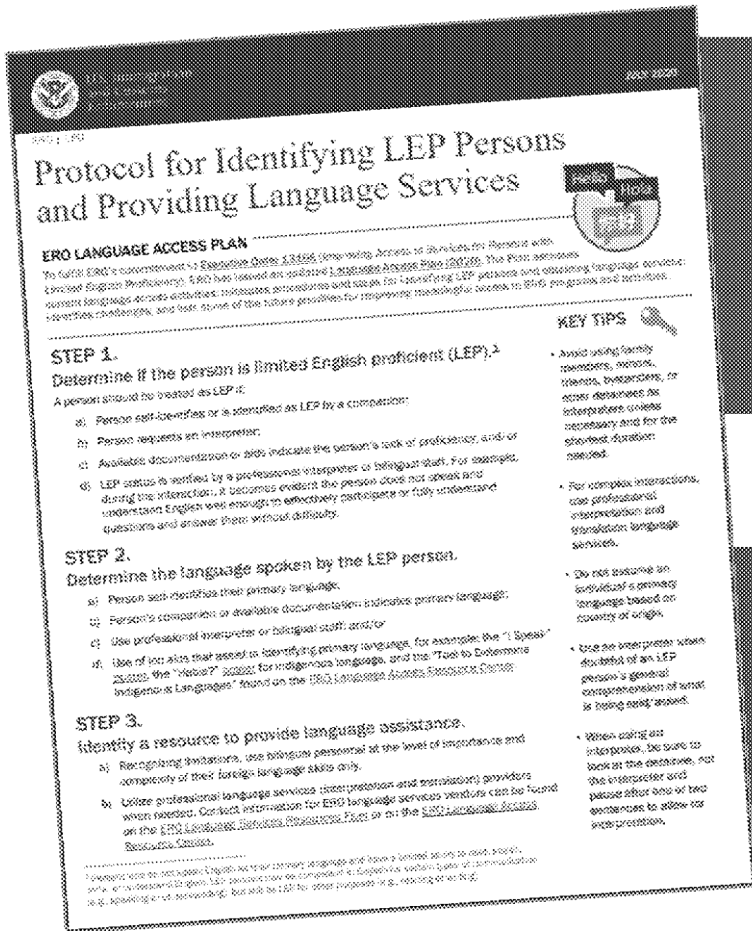
## LEP status and language:

### 1. Determine if the individual is LEP:

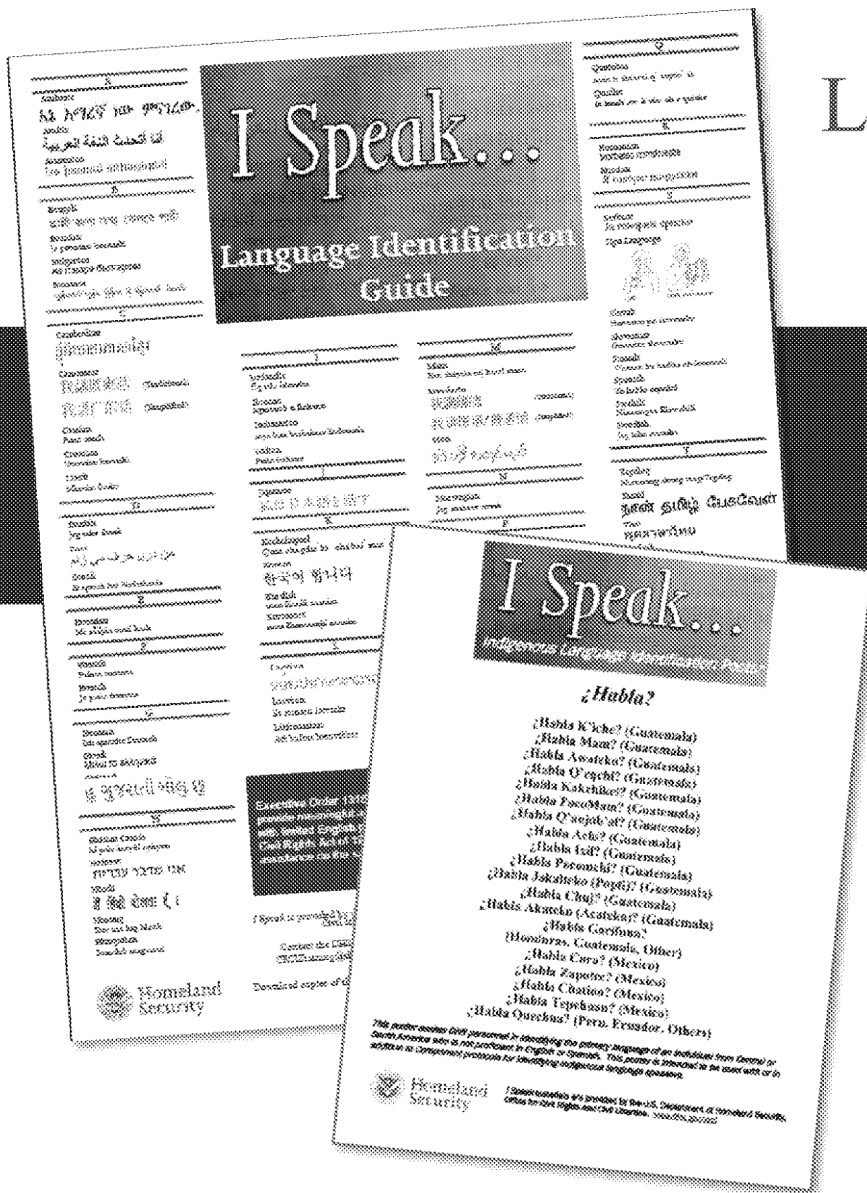
- *Person or companion(s) self-identify as LEP;*
- *Person requests an interpreter;*
- *Inquiring if it appears the person is having difficulty understanding the communication in English;*

### 2. Determine the language spoken:

- *Person or companion(s) self-identify language;*
- *Use a language identification guide or other aid;*
- *Use bilingual staff or a professional interpreter to verify the person's primary language*







## Language Identification Guides

- For example: “I Speak” poster used to determine a person’s language need.
  - *The posters are generally visible throughout detention facilities.*
  - *The information is now also available in a small booklet.*
- *Intake Office Tools to Determine Indigenous Languages, an audio/visual presentation in over 10 Indigenous dialects.*
- Materials can be requested through ERO Filed Office (and Custody Programs (b)(7)(E) [dice.dhs.gov](http://dice.dhs.gov)) on an as-needed basis.





## Types of language assistance services:

- Interpretation is **ORAL**
  - *Render speech from one language to another*
- Translation is **WRITTEN**
  - *Render text from one language to another*



Language Services may be provided in several ways, including through:

- Contracts with professional interpretation and translation vendors;
- Qualified bilingual staff





The reference guide serves as a quick tool to use when securing telephonic interpretation

**SETTING UP THE CALL**

- Identify the target language for interpretation ahead of time.
- Familiarize yourself with telephone features, including volume, speakerphone, and conferencing.
- Ensure the interview location is private.
- Be sure to provide the interpreter pertinent documents ahead of time, and that any documents provided to the interviewee have been translated.

**INITIATING THE CALL**

- Brief the interpreter in advance.
  - Provide general background on interviewee.
  - Provide specific instruction on information that needs to be obtained.
  - Verify the interpreter is familiar with any specialized terminology.
- Direct the interpreter to avoid paraphrasing, and to let you know if you need to repeat or slow down.

**CONDUCTING THE CALL**

- Introduce yourself and the interviewee, and explain the interpreter's role.
- Speak directly to the interviewee in first person, e.g. "What is your name?" instead of "Ask the individual his/her name."
- Speak clearly; ask one question at a time, and be brief and basic.
- Allow enough time for the interpreter to interpret the information.
- Periodically verify the interviewee understands you through the interpreter.
- Do not ask the interpreter for his/her opinion.
- Interrupt any side conversations occurring between the interpreter and interviewee, or if they appear confused.
- Announce "End of Call" to the interpreter upon completion of the call.

**An INTERPRETER listens to communication in one language and orally converts to another language.**

- The reference guide is divided into 3 stages:

- 1) *Setting up the Call*
- 2) *Initiating the Call*
- 3) *Conducting the Call*





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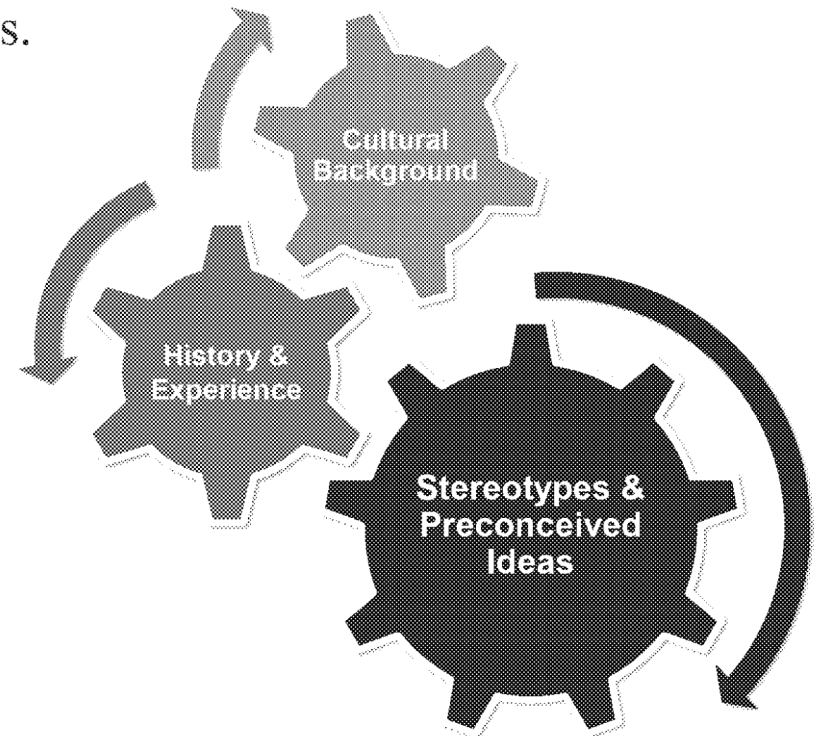
# Culture and Communication





## Differences in cultures affect Communication

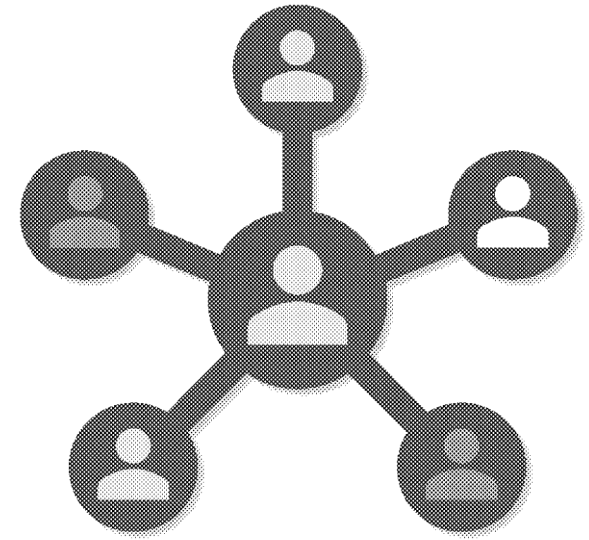
1. Detainees are from many different cultural backgrounds.
2. You bring your own history/experience that shape expectations of how you think the other person should think/act.
3. Can result in stereotypes and preconceived ideas.
4. Examples of cultural differences affecting communication:
  - *Body language*
  - *Physical distance and contact*
  - *Time*
  - *Gender roles*
  - *Eye contact*
  - *Reactions to grief or stress*







Additional factors that may affect communication and/or noncitizen's ability to process information or instructions

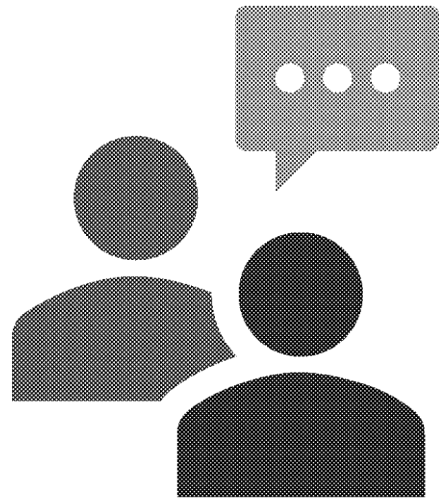


1. Past trauma
2. Physical or cognitive difficulties
3. Interacting with opposite gender/sex
4. View of authority figures





## Tips for Effective Communication



1. Avoid disrespectful terms/names
2. Minimize technical language
3. Reinforce verbal interaction with visual aides and translated written materials
4. Repeat important information more than once
5. Check for signs of comprehension/understanding