



U.S. Immigration
and Customs
Enforcement

Language Access Principles, Services and Resources: A Tool Kit

Supplemental Training Resource
for ERO



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Key Terms

Limited English Proficient (LEP) Individuals: A person who does not speak English as his or her primary language and who has a limited ability to read, speak, write, or understand English. LEP individuals may be competent in English for certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing).

Meaningful Access: Language assistance that results in accurate, timely, and effective communication, and that is available at no cost to the LEP individual. For LEP individuals, meaningful access denotes access that is not significantly restricted, delayed, or inferior as compared to program or activity access provided to individuals who are not LEP.

Effective Communication: Communication sufficient to provide the LEP individual with substantially the same level of access to services received by individuals who are not LEP.



Language Access Statute and Other Mandates

Title VI of the Civil Rights Act of 1964: Prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving Federal financial assistance.

Executive Order 13166 (August 2000): Requires Federal agencies to examine the services they provide, identify any need for services to those individuals who are LEP, and develop and implement a system to provide those services so LEP individuals have meaningful access to the information. EO 13166 underscores that providers and offices receiving Federal financial assistance must ensure that the programs and activities they normally provide in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of Title VI of the Civil Rights Act of 1964.

U.S. Attorney General's February 2011 Memorandum: Established the Federal government's renewed commitment to language access obligations under EO 13166.



Department and ICE Language Access Plans (LAP)

DHS Language Access Plan (2012): Establishes DHS language access policy to set standards, operating principles, and guidelines to govern the delivery of language services to ensure meaningful access to programs and activities by LEP individuals. Department of Homeland Security (DHS)

ICE LAP (2015): Sets forth the standards, principles, and guidelines through which ICE will provide and improve meaningful access to Agency programs and activities to external LEP stakeholders. Language Access Plan (ice.gov)

ICE Supplement to the LAP (2020): The ICE Supplement provides an overview of the Agency's accomplishments in providing language services in FY19 and FY20 and a list of priorities being worked on to continue to improve the provision of language access services across the Agency. The ICE Language Access Plan - Supplemental Update FY2019 and FY2020 (sharepoint.com)



ERO Language Access Plans (LAP)

ERO LAP (2017): Gives an overview of the means in which ERO provides language services to its stakeholders and an overview of the overall priorities to continue to augment the services provided. [eroLanguageAccessPlan.pdf](#) ([sharepoint.com](#))

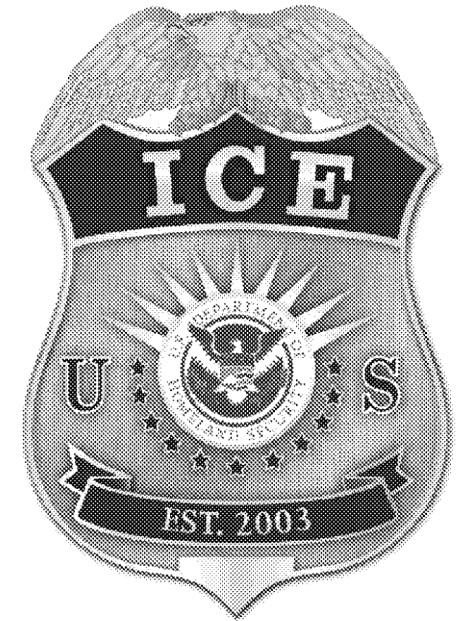
ERO Update to the LAP (2020): The first biennial assessment and update to ERO's LAP gives an overview of ERO's ongoing language access programs and initiatives in FY19 and FY20 and a list of priorities being worked on to continue to improve the provision of language access services across the Agency. [The ERO language Access Plan- Assessment and Update \(2020\)](#) ([sharepoint.com](#))

NOTE: Unlike the DHS and ICE LAPs, the ERO LAPs are internal documents and not posted publicly.



ICE Language Access Policy

It is ICE policy to ensure that external LEP stakeholders have meaningful access to its programs and activities by providing quality language assistance services in a timely manner, and at no cost to the LEP individual. This includes providing timely and effective communication to members of the public who are seeking access to ICE's programs and activities, as well as LEP individuals subject to ICE enforcement actions and LEP individuals in ICE custody. This also includes identifying and translating vital documents into the most frequently encountered languages, providing interpretive services where appropriate, and educating personnel about language access responsibilities and how to utilize available language access resources.





Four Factor Analysis

As each ICE Directorate and Program Office determines when interpretation and translation are appropriate, the Four Factor Analysis should be considered to prioritize resources:

As outlined in the DHS LAP, these four factors are:

1. Number or proportion of LEP individuals encountered or likely to be encountered;
2. Frequency of contact with LEP individuals (and what languages they speak);
3. Nature and importance of the program, activity or service provided; and
4. Resources available and costs to provide the meaningful access.



Identifying LEP Individuals

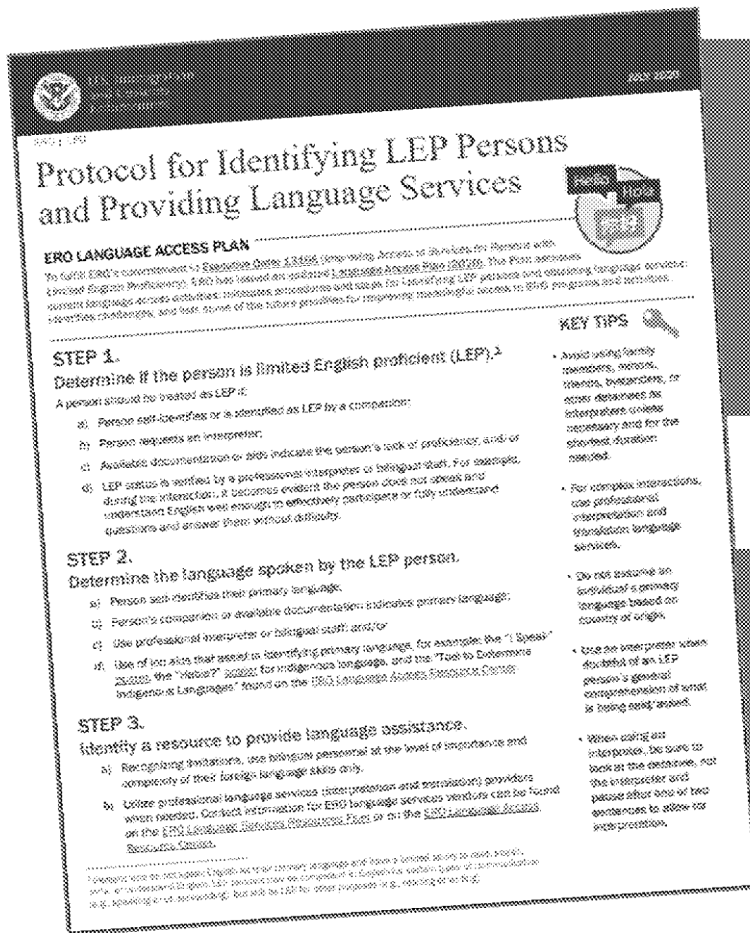
1. Determine if the individual is LEP:

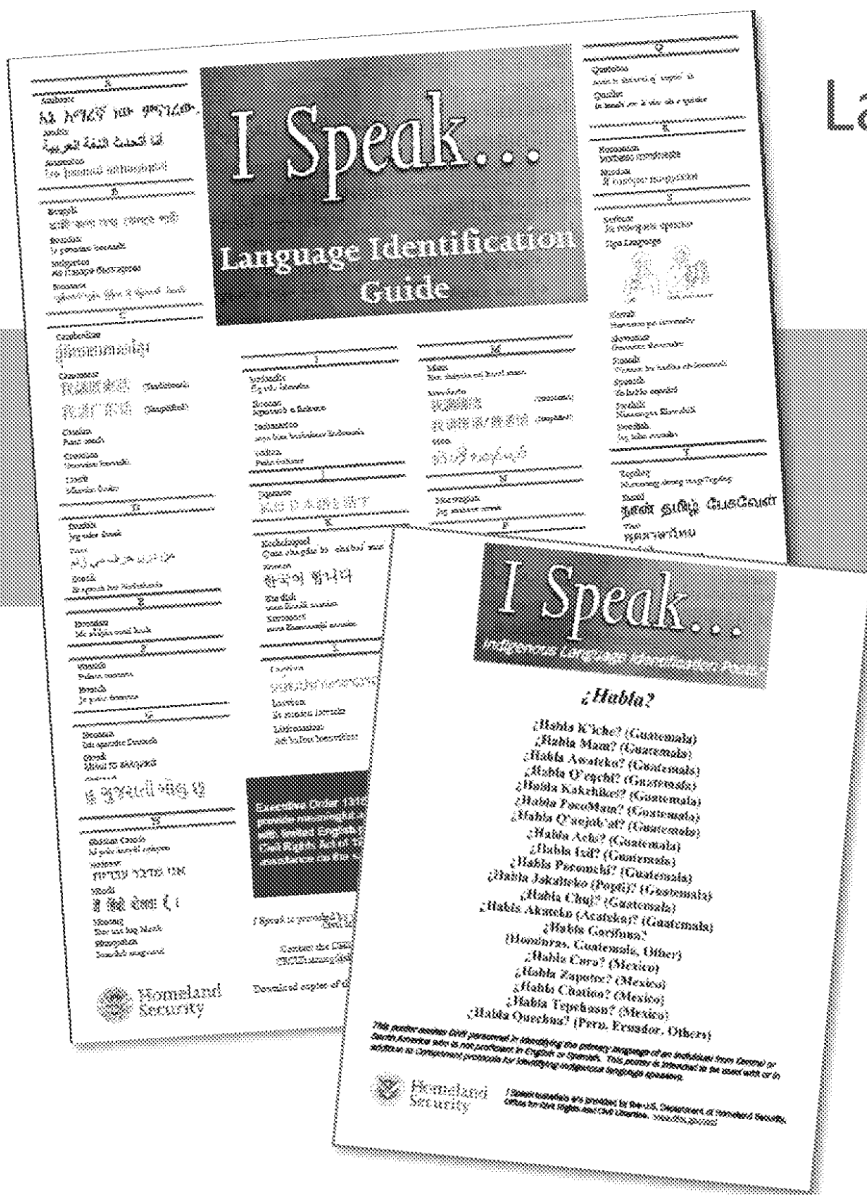
- Person or companion(s) self-identify as LEP;
- Person requests an interpreter;
- Inquiring if it appears the person is having difficulty understanding the communication in English;

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

3. Request an interpreter or bilingual staff assistance





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)** ce.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:

- Contracts for professional interpretation and translation;
- Agreements with other agencies; and
- Use of qualified bilingual staff

**In situations involving suspects, witnesses, or victims, staff should use professional language services.*



Key Things to Know

- Responsibilities to asylum seekers
 - When interviewing or interacting with an asylum seeker, correspondence (written and oral) should be provided in a language the asylum seeker can understand. U.S. Citizenship and Immigration Services (USCIS) may already have the forms or information translated.
- How is proficiency determined for many government agencies?
 - The Interagency Language Roundtable (ILR) standards are the primary standards against which many government agencies, including DHS and ICE, benchmark their language assessment tests. Individuals are ranked on a scale of 0 (No Performance or ability to transfer information) to 5 (Master Professional Performance).
- Quality assurance and consistency for translations
 - For ICE's Lionbridge 24/7 Language Line, the vendor monitors between 1-2% of the call volume to rate an interpreter's performance which may include accuracy or professionalism.
- Examples of Other ICE services utilizing language line services
 - HSI Tip Line
 - Detention Reporting and Information Line (DRIL)
 - Joint Intake Center (JIC)



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

The thumbnail shows the title page of a reference guide. At the top left is the U.S. Department of Homeland Security logo and the text 'U.S. Immigration and Customs Enforcement'. The main title is 'QUICK REFERENCE GUIDE FOR WORKING WITH TELEPHONE INTERPRETERS'. Below the title are three columns of instructions:

- 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.

At the bottom of the guide, a definition states: **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*



Additional Tips for Working with an Interpreter

It is the responsibility of ICE employees and contract staff to provide LEP individuals with meaningful access to ICE programs and activities, including detention-related services. An interpreter may be required to ensure effective communication occurs with an LEP individual. Below are best practice suggestions to consider when working with interpreters.

1. Talk directly to the LEP individual, not to the interpreter.
 - Correct: "What is your name?"
 - Incorrect: "Please ask the noncitizen/witness for his/her name."
2. Speak clearly, but not too fast, and pause after one or two sentences to allow for interpretation.
3. Ask one question at a time and refrain from using technical language. This includes use of idiomatic expressions or acronyms (e.g., "You seem down in the dumps" or "Has the AFOD [Assistant Field Office Director] spoken with you yet?").



General Language Access Tips

Below is a summary of important tips regarding language access:

1. When doubtful of an LEP individual's general comprehension of what is being said, request an interpreter. An interpreter must be utilized to communicate with LEP individuals if they request one (when staff inquire about communication preference), or if determined to be necessary.
2. An individual's primary language should never be assumed.
3. Absent exigent circumstances, ICE staff will avoid using family members (including children), friends, acquaintances, or bystanders to provide interpretation to stakeholders, including noncitizens in detention, witnesses, and victims.
4. Should clarification be needed regarding language access resources and/or responsibilities, contact . Facility partners, please contact your field office POC.
5. If there are vital documents or forms frequently requested in languages other than English, check with your management/field office to determine if the document has already been translated or needs to be.



Other Resources

There are a wide array of resources available to keep ICE apprised of LEP initiatives by DHS and other agencies. These resources can be found at:

1. www.lep.gov
 - This site contains abundant information regarding language access initiatives across the Federal government and [video training](#) for employees who interact with LEP individuals.
2. [ICE Language Access Program \(sharepoint.com\)](#)
 - This site links to the ICE Office of Diversity and Civil Rights' Language Access Resource Center and provides information and resources to support ICE's responsibilities under the Language Access Mission.
3. [ERO Language Access Resource Center \(sharepoint.com\)](#)
 - This site links to the ERO Language Access Resource Center and provides guidance, job aids, and other information to support ERO's responsibilities under the Language Access Mission.
4. <http://www.dhs.gov/language-access>
 - This site contains DHS guidance on language access-information and resources.