



Language Access Plan

June 14, 2015



U.S. Immigration
and Customs
Enforcement

Message from the Assistant Secretary

August 7, 2015

I am pleased to present the following Language Access Plan (LAP or Plan), which was prepared by U.S. Immigration and Customs Enforcement (ICE or Agency).

ICE's mission is to promote homeland security and public safety through the criminal and civil enforcement of federal laws governing border control, customs, trade, and immigration. In carrying out this important mission, it is vital for ICE to communicate effectively with a broad-spectrum of individuals, including those with Limited English Proficiency (LEP).



The ICE LAP 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. The ICE Office of Diversity and Civil Rights (ODCR) is responsible for coordinating, overseeing, and providing guidance to ICE Program Offices to ensure compliance with this Plan, and to assist in the overall improvement of language access services for external LEP stakeholders.

Inquiries related to this plan may be directed to Mr. Scott Lanum, Assistant Director, ICE Office of Diversity and Civil Rights, at (202) 732-0190.

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These guidelines, which may be modified, superseded, or rescinded at any time, are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Saldana', written over a light blue horizontal line.

Sarah R. Saldana
Assistant Secretary

U.S. Immigration and Customs Enforcement



Language Access Plan

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I. Background

Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency* (Aug. 11, 2000), requires federal agencies to examine the services they provide, identify any need for services to those persons who are limited English proficient (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them without unduly burdening the fundamental mission of the agency. In 2011, the Attorney General issued a memorandum to the heads of all federal agencies reestablishing the Federal Government's commitment to ensuring the provision of language access services titled, "Federal Government's Renewed Commitment to Language Access Obligations Under Executive Order 13166" (Feb. 17, 2011).

To fulfill this commitment, in February 2012, the U.S. Department of Homeland Security (DHS or Department) issued its Language Access Plan (LAP), which establishes a system for implementing Executive Order 13166 throughout the Department, describes current language access initiatives, and instructs each DHS component to develop its own LAP. The DHS Office for Civil Rights and Civil Liberties (CRCL) is responsible for overseeing implementation of the DHS LAP.

As required by Executive Order 13166, the Department also issued *DHS Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*, 76 Fed. Reg. 21755 (Apr. 18, 2011), which provides guidance to its recipients of federal financial assistance regarding their legal obligations to ensure meaningful access for LEP individuals under the national origin nondiscrimination provisions of Title VI of the Civil Rights Act of 1964. ICE offices that provide federal assistance to state and local governments and other entities, whether by way of funding, in-kind assistance, training, detail of personnel, or other assistance, should ensure that these recipients of federal assistance take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

Consistent with Executive Order 13166 and the Department's LAP, this Plan implements ICE's language access policy and describes the various means ICE uses to provide LEP persons with meaningful access to its programs, services, and activities, including: translation of materials, forms, and other documents; contracts for interpretation and other language services; an Inter-Agency Agreement with the U.S. Citizenship and Immigration Services (USCIS) Language Services Section (LSS) to provide interpreter services; and ICE's Foreign Language Award Program.

The Plan also identifies priorities in Fiscal Year 2015 and 2016 for the agency to improve the efficiency and effectiveness of its LAP and to develop new methods of providing language services to external stakeholders.

To develop the ICE LAP and assess language access, ICE convened a working group of representatives from ICE Program Offices. As part of its efforts, the working group collected information concerning ICE's interactions with LEP persons and began the LAP planning

process. The draft ICE LAP was also posted by CRCL for public comment. ICE received comments representing the views of numerous non-governmental organizations, including national civil rights and civil liberties organizations, national associations of interpreters and translators, and the New York City Mayor's Office of Immigrant Affairs. ICE considered these comments in developing the plan and will continue to engage with external stakeholders on language access.

Ensuring external LEP stakeholders are provided access to language services is vital to the success of ICE's operations. ICE consists of four directorates: Office of Assistant Secretary (OAS); Management and Administration (M&A); Homeland Security Investigations (HSI); and Enforcement and Removal Operations (ERO). OAS is the principal staff element responsible for overseeing the Agency's operations and serves as ICE's primary advisor to the Secretary of Homeland Security and other Federal agencies. M&A coordinates ICE's administrative and managerial functions to address the needs of the ICE mission, while helping to guide the dynamic growth and future of the Agency. ICE is the principal investigative arm of DHS. HSI conducts criminal investigations of terrorist and other criminal organizations which threaten national security, and other investigations, including human trafficking, financial crimes, compliance with customs laws, and the knowing hire or employment of persons who are not authorized to work in the United States. ERO identifies, arrests, detains, and removes noncitizens who present a danger to national security, are a risk to public safety, or who are in the United States in violation of the immigration laws.

Each ICE Directorate will play a vital role in implementing the ICE LAP. In particular, the Office of Diversity and Civil Rights (ODCR) within M&A will be responsible for: (1) leading the Agency's efforts to enhance the language access services provided to ICE's external LEP stakeholders; and (2) ensuring programmatic compliance with ICE's established milestones, guidelines, and procedures. The Chief of the Civil Liberties Division within ODCR serves as ICE's Language Access Coordinator.

II. Policy

ICE adheres to the DHS policy on language access set forth in the DHS LAP.^[1] It is ICE policy to ensure that external LEP stakeholders have meaningful access to its programs, services, and activities by providing quality language assistance services in a timely manner. This includes providing timely and effective communication to members of the public who are seeking access to ICE’s programs, activities, and services; 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. When conducting its business and strategic planning, ICE will consider processes for enhancing language access services for programs and activities that include external stakeholders, provided that such processes do not unduly burden the Agency mission.

The ICE LAP applies to the Agency functions in which ICE employees and contractors interact with members of the public, persons involved in law enforcement exchanges, persons detained in ICE custody, and persons subject to reporting requirements with ICE (e.g., orders of recognizance, orders of supervision). This includes, but is not limited to, websites, blogs, social media, email, telephone, and in-person contact.

[1] Pursuant to the U.S. Department of Homeland Security’s Language Access Plan, “[i]t is the policy of DHS to provide meaningful access for individuals with limited English proficiency to operations, services, activities, and programs that support each Homeland Security mission area by providing quality language assistance services in a timely manner. DHS Components, therefore, should incorporate language access considerations into their routine strategic and businesses planning, identify and translate crucial documents into the most frequently encountered languages, provide interpretive services where appropriate, and educate personnel about language access responsibilities and how to utilize available language access resources.” U.S. Department of Homeland Security, *Language Access Plan* (Feb. 28, 2012), <http://www.dhs.gov/xlibrary/assets/crcl/crcl-dhs-language-access-plan.pdf>

III. Key Terms

The following definitions apply for purposes of this Plan.

Limited English Proficient (LEP) Person – 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).

Primary Language – The language in which a person communicates most effectively.

Bilingual Person – A person who is bilingual is fluent in two languages and is able to conduct the business of the workplace in either of those languages. This is to be distinguished from proficiency in more than one language. An individual who is proficient in a language may, for example, be able to greet an LEP individual in his or her language, but not conduct agency business in that language. Interpretation and translation require the interpreter or translator to be fluently bilingual, and also require additional specific skills for interpretation and translation as described below.

Interpretation and Translation – Interpretation involves *oral* communication. Translation involves *written* communication. Interpretation involves the immediate communication of meaning from one language into another. An interpreter conveys meaning orally; as a result, interpretation requires skills different from those needed for translation. Interpreting is a complex task that combines several abilities beyond language competence in order to enable delivery of an effective professional interpretation in a given setting. From the standpoint of the user, a successful interpretation is one that faithfully and accurately conveys the meaning of the source language orally, reflecting the style, register, and cultural context of the source message, without omissions, additions, or embellishments on the part of the interpreter. Professional interpreters are subject to specific codes of conduct and should be trained in interpretive skills, ethics, and subject-matter language. ICE offices utilizing the services of interpreters should request information about certification, assessments taken, qualifications, experience, and training.

Interpreters may be physically present, or, in appropriate circumstances, may appear via videoconferencing or telephonically. When videoconferencing or telephonic interpretation are used, options include connecting directly to a specific professional interpreter with known qualifications, or using a company that provides telephonic interpretation services and has in place quality control and privacy safeguards.

Bilingual employees who serve as translators or interpreters should be qualified to do so. ICE Program Offices should take reasonable steps to ensure that bilingual staff who serve as translators or interpreters are competent to do so by assessing the employees' proficiency in a language other than English. Bilingual employees who communicate with LEP individuals should be trained on policies, standards and ethics applicable to interpreters and translators.

Direct Communication – Monolingual communication in a language other than English between a qualified bilingual employee or representative and an LEP individual (e.g., Spanish to Spanish).

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. For example, staff must take reasonable steps to ensure communication with an LEP individual is as effective as communications with others when providing similar programs and services.

External Stakeholder – A person who is not an ICE employee or contractor and who has contact with, or is seeking information or services from, ICE programs or activities. External stakeholders include, but are not limited to, members of the general public; detainees; friends, family members or visitors of detainees; and individuals subject to ICE enforcement operations (e.g., suspects, witnesses, and victims of crime).

Meaningful Access – Language assistance that results in accurate, timely, and effective communication and that is available at no cost to the LEP person. For LEP persons, meaningful access denotes access that is not significantly restricted, delayed, or inferior as compared to program or activity access provided to English proficient persons.

Language Assistance Services – Oral and written language services needed to enable LEP individuals to communicate effectively with staff and to gain access to, and an equal opportunity to participate fully in the services, activities, or other programs administered by ICE.

Proficiency – The ability of a person to speak, read, write, and understand a language.

IV. ICE's Current Language Access Activities, Policies/Procedures, Tracking, and Training

Across the Agency, ICE has dedicated human and financial resources to provide critical information to external LEP stakeholders in their primary languages. Examples of ICE's current efforts include the following:

A. Activities

- ICE, through ERO Custody Management (CM), provides ICE detainees with appropriate translation and interpretation services consistent with applicable detention standards and the requirements of Executive Order 13166.
- ICE provides a Detainee Handbook, in either English or Spanish, to every ICE detainee during the intake process. The Handbook has been translated into Chinese (Simplified), Portuguese, French, Arabic, and Vietnamese, and is made available to detention facilities upon request. Orientation materials, such as the Detainee Handbook, are read to detainees who cannot read. Interpretive services are also provided to LEP detainees who do not comprehend the languages of the orientation materials.
- ERO, through CM's Custody Programs Division, has made the Know Your Rights video developed by the American Bar Association available in English, Spanish, and French to detention facilities. In addition, the Know Your Rights written material, which is available to detention facilities, has been translated into Spanish, Chinese (Simplified), Portuguese, French, Arabic, and Vietnamese. Detainees also have access to other materials and flyers (e.g., disciplinary rules, sexual assault awareness materials, law library rules and procedures governing access to legal material, and visitation rules and procedures) in English and Spanish.
- ICE offices may access a phone line staffed and operated by USCIS LSS Interpretation services, available Monday through Friday from 7:30 a.m. to 5:00 p.m. (EST). Outside of these operational hours, a separate USCIS LSS phone line is available Monday through Friday from 5:30 p.m. to 12:00 a.m. (midnight), and 7:30 a.m. to 12:00 a.m. on weekends and holidays. HSI, in conjunction with the Office of Acquisition Management, now maintains and manages ICE's worldwide language translation, transcription, and interpretation contract to provide language access services, or uses the USCIS LSS for interpretations. All HSI interpreters are required to pass a background check prior to working on the contract. The current HSI contract is available for use by other ICE offices and facilities requiring language services.
- Due to unique mission needs, ICE Health Service Corps (IHSC) will continue to use its own separate language services contract, which is available 24/7 for use by healthcare staff.

- ICE has distributed an “I Speak...Language Identification Guide” poster to assist ICE personnel in identifying the languages spoken by LEP individuals. The poster helps ICE personnel, including Detention Service Managers, identify over 70 languages and dialects. The poster should be visible to detainees and staff at the detention facilities. The poster was also added to the Detainee Handbook in 2013.
- In December 2011, ICE began using a revised DHS Form I-247 (Immigration Detainer – Notice of Action) to notify noncitizens that are in the custody of another law enforcement agency, of their legal rights. The DHS Form I-247 also advised the noncitizen of the complaint process in English, Spanish, Vietnamese, Chinese, French, and Portuguese. The recently released Form I-247D – Request for Voluntary Action continues to include notifications and advisals in those languages.
- ERO has operational procedures in place for communicating with LEP individuals who call the hotline number on DHS Form I-247N. If the caller does not speak English or a Law Enforcement Specialist (LES) is unable to understand the caller due to a language barrier, the LES is instructed to call USCIS LSS. The call starts by advising the language interpreter that: (1) the call is coming from the Law Enforcement Support Center in Burlington, Vermont; (2) the call concerns a detainee; and (3) that confidential information may be revealed during the interpretation process.
- ERO designed, developed, and deployed a hotline for persons against whom ICE has issued DHS Form I-247N who believe they are U.S. citizens or victims of a crime. Staff operates the hotline and uses the USCIS LSS phone line to provide interpretation services to callers who are LEP.
- ERO, through CM’s Custody Programs Division, launched the Detention Reporting and Information Line (DRIL). DRIL is a toll-free service that allows detainees and other stakeholders to communicate directly with ERO regarding questions and to resolve concerns. Stakeholders may reach the DRIL by dialing 1-888-351-4024. Detainees may reach the DRIL through the pro-bono telephone platform in all ICE detention facilities. Live trained operators are available Monday through Friday (excluding holidays) from 8:00 a.m. to 8:00 p.m. (EST) to respond to inquiries from those in ICE detention and from community members. Spanish speaking operators are available through the DRIL. The DRIL uses an interpretation service for callers who are unable to communicate in English or Spanish.
- Per the Inter-Agency Agreement, ERO uses the USCIS LSS for translations of flyers and posters that will be placed in ICE detention facilities. Most of the ERO-requested translations are for text from English to Spanish, but USCIS LSS can translate into many other languages; ERO has also requested translations of text from English to Mandarin. Such translated flyers include the Child Facility “Es Tu Cuerpo” flyer, the “Know Your Rights” Medical Services Overview flyer, the “Notice of Rights of Immigration Detainees with Serious Mental Disorders or Conditions” posting (in Spanish and Mandarin), the Alien Reporting flyer for individuals crossing the southwest border, and the ICE DRIL poster. ERO also relies on USCIS LLS to translate the investigative

findings and responsive actions notification into Spanish. The responsive actions notification is provided to detainees as appropriate following investigation of a reported sexual abuse or assault allegation.

- ERO Custody Programs launched the ERO Non-Telephonic Reporting (ENTR) program in February 2015. The ENTR team members receive non-telephonic correspondence and information from different sources that are managed through the ERO.JIC (Joint Intake Center) mailbox. These inquiries include non-misconduct and detention related concerns. The ENTR process aids Custody Programs in streamlining the communication channel between Custody Programs, ICE ERO Field Offices, and ICE ERO Stakeholders. Custody Programs achieves this efficiency by evaluating the incoming information, processing it through the appropriate communication channels, and confirming resolutions in the ENTR system. Similarly, inquiries received through the ERO.INFO (Information) and the ERO.PDI (Prosecutorial Discretion Inquiries) email addresses are distributed and reported accordingly.
- ICE enters into partnerships with state and local law enforcement agencies (LEAs) to perform certain immigration officer functions, as outlined within section 287(g)(1) of the Immigration and Nationality Act. Under the terms of a joint Memorandum of Agreement, the state or local entity receives training, which includes instruction to provide interpreters as needed. Participating LEA personnel are required to document the use of an interpreter.
- In addition to ICE's language contract, HSI Special Agents use a variety of other resources to provide language services to the LEP persons they encounter daily. These resources include: temporary reassignment of a Special Agent proficient in the language; identification of a bilingual officer or Special Agent amongst partner local, state or federal LEAs; or use of the ICE Tip Line that is staffed with personnel proficient in many languages.
- ICE uses in-person bilingual HSI Special Agents whose foreign language competency has been assessed, or, in the alternative, contracted interpreters for law enforcement interviews when possible and practicable.
- ICE uses in-person bilingual HSI Special Agents, Forensic Interviewer Specialists, or contracted interpreters when interviewing victims and/or minors if possible and practicable.
- HSI Special Agents and officers are instructed to prepare to communicate in the subject's expected language during the course of an ICE investigation requiring ICE to approach and seek entry into a home.
- HSI victim specialists and victim coordinators assist HSI Special Agents in planning for any potential language needs identified during the course of an ICE investigation.

- Office of Professional Responsibility (OPR) Special Agents are instructed to prepare to communicate in the victim and subject's expected language during the course of an ICE investigation.

B. Policies / Procedures

ICE staff should take reasonable steps to provide LEP persons with meaningful access to programs and activities conducted by ICE and to ensure entities receiving federal financial assistance from ICE do the same.

Identifying LEP Individuals

- ICE staff should, at the point of first contact with an LEP individual, make reasonable efforts to make an initial assessment of the need for language assistance services, and reasonable efforts to obtain such services if they are needed to effectively communicate with the individual. ICE staff should avoid assumptions about an individual's primary language. ICE staff can determine whether a person needs language assistance in several ways:
 - Self-identification by the LEP individual, or by their relative, friend, or acquaintance;
 - Inquiring as to the primary language of the individual if they have self-identified as needing language assistance services;
 - Asking a qualified interpreter to verify an individual's primary language; and/or
 - Using an "I Speak...Language Identification Guide" language poster or guide developed by the DHS Office of Civil Rights and Civil Liberties (<http://www.dhs.gov/xlibrary/assets/crcl/crcl-i-speak-booklet.pdf>).
- When an LEP individual appearing in person is not able to convey his or her primary language, staff will use language identification cards to identify the person's language need. ICE staff and other employees who may reasonably expect to have contact with LEP persons will keep a copy of the "I Speak...Language Identification Guide" materials readily accessible.
 - If relatives, friends, or acquaintances, are present with an LEP person, the staff member may ask the accompanying party about the primary language of the LEP person. However, absent exigent circumstances, ICE staff will avoid using family members (including children), friends, acquaintances, or bystanders to provide interpretation services.
 - If the LEP person's language cannot be identified, staff will access telephonic interpretation services to seek assistance in identifying the non-English language.
- If ICE staff receive a telephone call and are unable to identify the language spoken by the caller, staff will access contracted telephone interpretation services to seek assistance in identifying the non-English language. ICE staff should access the USCIS LSS Interpretation services, or any other Agency approved language service line contract available to an ICE Program Office.

Indigenous Languages

- During initial processing, ICE, through ERO, identifies the LEP individuals in custody for whom language services are not readily available, as well as the points of interaction requiring language services. As of March 2015, the following Mayan dialects are represented within the ICE family residential facilities: Quiche (K'iche), Mam, Achi, Ixil, Awakatek, Jakaltek (Popti), and Qanjobal (K'anjob'al). Efforts are currently underway to improve the language services provided in ICE residential facilities including identifying vendors through ICE's existing Language Services Blanket Purchase Agreement that can provide interpretation services to indigenous speakers.

Language Access in Detention Facilities

- The 2000 National Detention Standards and the 2008 and 2011 Performance Based National Detention Standards establish standards of care, expected practices, and expected outcomes for detention facilities when staff members communicate with detainees who are LEP. The standards require that information be provided to a detainee in a language or manner the detainee can understand. To this end, the standards require that language services be offered in all detention facilities, including Service Processing Centers (SPC), Contract Detention Facilities (CDF), and Inter-Governmental Service Agreement (IGSA) facilities. The standards also require that language services be offered throughout the detention process (e.g., during admission/intake, medical, classification, grievance system, discipline, legal rights group presentations, telephone access, transfer, and visitation).
- To help ensure effective communication with LEP persons during detention, ERO routinely documents the noncitizen's LEP status and language spoken on DHS Form I-216, Record of Persons and Property Transferred, when transferring the noncitizen to a detention facility.
- ERO, through IHSC, uses open-ended questions as its operational practice when collecting medical information from detainees. If the detainee is unable to communicate in English, the medical provider may use the "I Speak...Language Identification Guide" materials to identify a detainee's language and the telephonic interpretation services to facilitate conversations. These services are available and utilized for medical consultations, during the intake process, and for other important communications between ICE employees/contractors and detainees. IHSC documents the LEP status, language spoken, and source of translation and/or interpretation services used in detainees' medical records.

C. Tracking

- ERO uses its case management system to track persons encountered through investigatory, apprehension, enforcement, and detention processes. A detainee's primary language is able to be captured in EAGLE.

- ERO, through USCIS LSS, tracks the use of language services at detention facilities through service contracts. The data reflects the languages requested; number of language requests; number of hours expended on the language requests; and the facility of origin of the requests.
- Using the electronic Health Record (eHR), IHSC has the capability to track interpretation services provided to LEP individuals by searching the Registry for the languages utilized.
- The USCIS LSS submit a report to ERO on request, reflecting the most recent languages requested. This report identifies language usage by facility and by location.
- HSI uses TECS, a case management system, to track language use of persons involved in an investigation. When opening or modifying cases, HSI Special Agents complete a “yes/no” field that asks whether a foreign language is required during an investigation. If the field is marked affirmatively, an additional field requests the two letter code for the foreign language. Based on the responses in these fields, HSI can determine the number of cases requiring foreign language services and the number of hours dedicated to those cases.
- HSI maintains a database of Special Agents who participate in the Foreign Language Award Program. These Special Agents are required to establish their foreign language competency in languages by means of independent testing conducted by an outside vendor. The testing is modeled on the U.S. Foreign Service language testing and rating standards, which are also used by the Interagency Language Roundtable. Any Special Agent who does not test at a high fluency level during initial screening must repeat independent testing every 5 years. Special Agents in the Foreign Language Award Program are financially compensated based on level of language speaking proficiency in conjunction with frequency of use.
- Office of Detention Oversight (ODO) verifies the availability of interpretation services in the detention facilities it inspects for compliance with applicable standards. ODO documents any deficiencies in its reports, which are available to the public on the ICE website at: <http://www.ice.gov/foia/library>.

D. Training

Below are examples of training that ICE Program Offices currently provided:

- ICE, through the 287(g) program, provides an initial training to Designated Immigration Officers (DIOs) at the ICE Academy in Charleston, South Carolina. The Office of Training and Development, using funding from the 287(g) program, instructs DIOs on language access responsibilities that include identifying LEP persons, accessing available language services, and working with interpreters.

- HSI Victim Assistance Program staff provides technical assistance and training to HSI Victim Specialists and Coordinators on working with interpreters and on identifying appropriate interpreters to assist in the provision of victim services.
- ERO, through IHSC, currently provides language access training during orientation and annually to IHSC personnel and contractors on language access responsibilities and procedures. A formalized training, specific to healthcare services, will be developed by the end of FY15 and implemented by the end of FY16. This training will be available to IHSC staff upon hire and annually, thereafter.

E. Outreach

- ICE, through the Office of Public Affairs (OPA), disseminates information in Spanish on www.ice.gov. ICE's website has a link on the main page that allows LEP individuals who read Spanish to access information about ICE at www.ice.gov/espanol.
- The Online Detainee Locator System (ODLS) is a public system available on the internet that allows family members, legal representatives, and members of the public to locate immigration detainees who are in ICE detention facilities. The website is available in English, Arabic, Spanish, French, Portuguese, Russian, Somali, Vietnamese, and Simplified Chinese. The ODLS can be found at www.ice.gov/locator.
- ICE's website includes information about the DRIL, which provides a direct channel for stakeholders to communicate with ERO to answer questions and resolve concerns. The website indicates that stakeholders may reach the DRIL by dialing 1-888-351-4024, and includes notice indicating that language assistance, including Spanish operators, are available. The website also includes copies of the DRIL flyer in English and Spanish.
- ERO provides information about the DRIL and associated flyers during meetings with nongovernmental organizations (NGOs) at ICE Headquarters, other external engagement meetings, and in responses to case inquiries from NGO representatives and attorneys. In addition, ERO, through CM's Custody Programs Division, responds to emails through a dedicated email account for inquiries (ERO.INFO@ICE.DHS.GOV) and an ERO Contact Form.
- HSI maintains informational brochures and outreach materials in multiple languages.
 - Human Smuggling/Trafficking Tip Cards are available in Arabic, Bengali, Burmese, Chinese, English, French, Indonesian, Khmer, Korean, Laotian, Malay, Portuguese, Russian, Spanish, Taiwanese, Thai and Vietnamese.
 - The "Information for Trafficking Victims" brochure is available in English and Spanish.
 - The "Human Rights Violators & War Crimes Unit Rwanda" brochure is available in English and French.

V. Priorities for Fiscal Year 2016

As ICE implements this plan, ICE will continue to look for ways to improve the efficiency and effectiveness of its LAP and to develop new methods of providing language services to external stakeholders.

A. Planning and Procedures

- ICE will formally establish an ICE Language Access Working Group (LAWG), consisting of representatives from each Directorate and Program Office. ODCR will continue to serve as Chair of the LAWG and as ICE's language access coordinator. The representatives will be responsible for a number of important tasks, including: (1) serving as Directorate or Program Office language access coordinators; (2) assessing component operations for LEP needs and gaps; and (3) assisting in developing individual plans, along with policies and protocols to implement the plan, in accordance with standards and guidance set forth by ICE. ODCR, in conjunction with the LAWG, will periodically assess LEP needs and component compliance with LEP policies. ODCR, in conjunction with the LAWG, will also review the ICE plan every two years, and update the ICE plan, as needed.
- The following Directorates and Program Offices having contact with, or responsibilities related to ICE's external stakeholders, will develop individual LAPs in coordination and consultation with ODCR:
 - HSI (to cover the following divisions: Domestic Operations, Intelligence, International Affairs, and the National Security Investigations Division)
 - ERO (to cover the following offices and programs: 287(g); Criminal Alien Program; Fugitive Operations; Detention Facilities (SPCs, CDFs, IGSA, Intergovernmental Agreements; Detention Management Unit; IHSC; ODL; Rapid REPAT; and the Repatriation, and Juvenile and Family Residential Management Unit).
 - Office of Public Affairs (OPA)
 - Office of Professional Responsibility (OPR)
 - Office of State, Local and Tribal Coordination

B. Compliance with the DHS PREA Regulations/Standards

- ICE will assure compliance with the DHS Regulation titled, Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities, 79 Fed. Reg. 13100 (Mar. 7, 2014) (PREA regulation), including § 115.16 and 115.116, which requires the agency and all detention facilities and holding facilities to "take steps to ensure meaningful access to all aspects of the agency's and facility's efforts to prevent, detect, and respond to sexual abuse to detainees who are limited English proficient, including steps to provide in-person or telephonic interpretive services that enable effective, accurate, and impartial interpretation, both receptively and expressively, using any necessary specialized vocabulary." These provisions will be primarily implemented by ERO for their own personnel and in their own holding facilities, and through working

with immigration detention facilities to provide guidance, technical support, and background on ICE's expectations of meaningful access. The Office of Professional Responsibility will also be responsible for implementing these requirements as they apply to OPR's investigations of sexual abuse and assault. For matters relating to allegations of sexual abuse, ERO and OPR will also ensure that interpretation provided meets the requirements listed in § 115.16(c) and 115.116(c).

- Monitoring, oversight, and compliance with the language access obligations in ICE detention standards and the DHS PREA regulations will be ensured through the ERO Annual Inspections process, and other on-site and ongoing monitoring initiatives. The ICE Agency Prevention of Sexual Assault (PSA) Coordinator, ERO PSA Coordinator, and OPR PSA Coordinator will conduct regular case monitoring and review cognizant of these requirements, providing technical assistance when necessary. Finally, compliance with the DHS PREA regulations will be evaluated in facilities as part of the audits required by the regulations.

C. Training, Technical Assistance, and Resources for Personnel

- ODCR will facilitate the deployment of training material, technical assistance, and resources for ICE personnel on: language access responsibilities; identifying LEP persons (including persons with disabilities who communicate through sign language); accessing available language services; and working with interpreters.
 - ICE-ODCR will develop a plan to integrate training on language access responsibilities within ICE's existing systems and training academies, including training on the ICE Virtual University. In April 2015, the Department of Justice released an interagency training series on communicating effectively with LEP members of the public. ICE will consider how to integrate the training series, which includes a training video focused on an immigration enforcement operation, in its ongoing and/or new training efforts.
 - ICE will post related language access materials to the ICE intranet library.
- ODCR will facilitate an Agency-wide plan to distribute and make available "I Speak...Language Identification Guide" materials, including "Tips on Working with Interpreters," to all appropriate ICE personnel to facilitate identification of the languages spoken by LEP persons encountered.
 - Electronic versions of the material are available on the CRCL LEP webpage at www.dhs.gov/crcl-lep.

D. Assessing Language Capabilities

- Each ICE Program Office will be responsible for coordinating assessments of ICE employees who indicate that they are proficient in a language other than English and volunteer to use that linguistic skill to meaningfully communicate with LEP persons.
- ODCR will assist the ICE Program Offices in developing policies and procedures to: (1) identify employees who are bilingual that can provide language assistance; (2) the parameters

of the language assistance that the employee can provide (e.g., speaking, writing, and reading); (3) the ethical responsibilities associated with providing such assistance; and (4) the associated training.

- When considering human resource and hiring policies, ICE Program Offices should assess the extent to which non-English language proficiency in particular languages is necessary for particular positions or to fulfill the Program Office's mission. Where appropriate, ICE Program Offices should include interpretation and translation responsibilities that fall within the scope of employees' duties in position descriptions. It is left to the discretion of the Program Office to identify and develop the language skills of its employees who could provide language assistance.
- ODCR will assist in the development of internal protocols to ensure that ICE employees and contractors are not used by local LEAs to provide interpretation services during interactions with suspects, witnesses, or victims.

E. Language Access/Detention

- ERO, through CM, is taking the following steps to improve language access to its program and mission responsibility.
 - All detention facilities, including IGSA's, will access the language service line using the telephone contact phone numbers provided in the Service Level Agreement.
 - Additional language line service providers or interpretation methodologies may be identified and utilized in the future.
 - "I Speak...Language Identification Guide" materials will be visible to detainees and staff at all detention facilities.
- The ICE Detainee Handbook has been translated into Spanish, Chinese (Simplified), Portuguese, French, Arabic, and Vietnamese. These translations will be made available to the Field Offices on the ICE intranet for downloading. ERO will also issue an ERO Broadcast alerting the Field of the availability of the translations, with instructions on their use and distribution to detention facilities and detainees. ICE will continue to assess the need to translate the handbook into other languages.
- ERO personnel will use telephonic interpretation for routine conversations with LEP detainees.
- ERO will develop an LEP assessment tool to assess language access procedures as well as the effectiveness of LEP interventions for the detainee.

F. Tracking

- EAGLE includes a field to identify a person's primary language.

- ODCR will facilitate the development of a process to track and report to headquarters the frequently encountered language needs, including indigenous languages, and language services usage throughout ICE. This data will be analyzed for trends and will help identify areas where additional language services may be necessary, as well as ICE’s current and future language service needs.
- ODCR will facilitate the designation of a point of contact for all activities impacting LEP stakeholders, including detention, field operations, and enforcement activities. This individual will be responsible for tracking document translations, reviewing telephonic interpretation data, inspection information, and ensuring that facilities, as well as field personnel, are utilizing appropriate telephonic or in-person interpretation services for LEP detainees.

G. Translation of Crucial Documents

- ODCR will facilitate the identification of ICE materials, forms and other documents to be translated and will develop a plan to complete the translations.
 - Consistent with the DHS policy on identifying and translating crucial documents into the most frequently encountered languages, ICE will conduct an inventory of documents and materials already translated, identify other languages in which translations will be accomplished, and establish a schedule for translations.
 - ICE will prioritize the translations of documents based on the importance of the ICE program, information, encounter, or service involved, frequency of use, and demographics.

H. Quality Assurance

- ODCR will facilitate the establishment of a plan for monitoring the quality and effectiveness of current language service programs and activities within ICE.
 - The plan will include assessing the effectiveness of the use of tools such as “Tips on Working with Interpreters” and training as needed based on the results of the monitoring.

I. Notice to the Public

- ODCR will facilitate the posting and other distribution of notices to external LEP stakeholders of the DHS and ICE LAPs.
- ODCR will facilitate the drafting of an appropriate notice to the public, to explain ICE’s commitment to providing language services and additional materials. This notice will be posted on ICE’s website in English, Spanish and other frequently encountered languages.

J. Outreach to LEP Communities

- ODCR will facilitate engagement with NGOs and external LEP stakeholders to assess the effectiveness of ICE’s language services.

K. Resources

- ODCR will facilitate the development of a plan for line-item funding for LEP resources to enable ICE to effectively serve external LEP stakeholders.
- ODCR will facilitate leveraging the DHS Efficiency Review Initiative on Language Services Acquisition to provide a shared services contract and other vehicles for language services.

L. Monitoring and Evaluation

- ODCR, in conjunction with the ICE LAWG, will be responsible for implementing this plan by coordinating, providing oversight, and facilitating programmatic compliance. In addition, ODCR, in conjunction with the ICE LAWG, will be responsible for coordinating biennial reviews of the ICE LAP to determine if updates and revisions are required, and if so, facilitate making the appropriate revisions to the LAP.

VI. Contact Information and Assistance

The Office of Diversity and Civil Rights, Civil Liberties Division may be contacted by email (ICECivilLiberties@ice.dhs.gov) or phone (202-732-0190) for more information about ICE's LAP.

Complaints about language access in ICE programs and activities may be filed with the DHS Office for Civil Rights and Civil Liberties (CRCL). For more information about filing complaints with CRCL, see www.dhs.gov/crcl, or call CRCL at (202) 401-1474 or 1 (866) 644-8360. Complaints may be filed in any language.

VII. Appendix

1. Languages Frequently Encountered by ICE Employees and Contractors

ICE employees and contractors interact with external LEP stakeholders who speak a variety of languages. *Spanish* is the predominant non-English language spoken by external ICE LEP stakeholders. Other languages encountered include, but are not limited to:

- Chinese (Simplified and Traditional, Mandarin and Cantonese)
- French
- Arabic (Modern Standard)
- Portuguese
- Russian
- Somali
- Sinhala
- Tamil
- Farsi
- Urdu
- Hindi
- Italian
- Korean
- Polish
- German
- K'iche
- Tigrinya
- Vietnamese
- Haitian Creole
- Punjabi
- Chaldean
- Gujarati
- American Sign Language (ASL)

2. Acronyms

CDF	Contract Detention Facilities
CM	Custody Management
CRCL	Office for Civil Rights and Civil Liberties
DHS	Department of Homeland Security
DIO	Designated Immigration Officers
DRIL	Detention Reporting and Information Line
eHR	electronic Health Record
ENTR	ERO Non-Telephonic Reporting
ERO	Enforcement and Removal Operations
HSI	Homeland Security Investigations
ICE	U.S. Immigration and Customs Enforcement
IGSA	Inter-Governmental Service Agreement
IHSC	Health Service Corps
LAP	Language Access Plan
LAWG	Language Access Working Group
LEA	Law Enforcement Agencies
LEP	Limited English Proficiency
LES	Law Enforcement Specialist
LSS	Language Services Section
M&A	Management and Administration
MOA	Memorandum of Agreement
NGO	Nongovernmental Organization

OAS	Office of Assistant Secretary
ODCR	Office of Diversity and Civil Rights
ODLS	Online Detainee Locator System
ODO	Office of Detention Oversight
OPA	Office of Public Affairs
OPR	Office of Professional Responsibility
PREA	Prison Rape Elimination Act
PSA	Prevention of Sexual Assault
SPC	Service Processing Centers
USCIS	U.S. Citizenship and Immigration Services