Management and Administration
Language Access Plan
Message from the Executive Associate Director

September 23, 2016

I am pleased to present the U.S. Immigration and Customs Enforcement (ICE), Management and Administration (M&A) Language Access Plan (LAP).

M&A is responsible for various administrative and managerial functions crucial for ICE to accomplish its mission of protecting the United States and upholding public safety. M&A’s diverse area of responsibility includes the oversight of ICE’s budget, procurement, workforce recruitment, information technology systems, civil rights and civil liberties, physical assets, and training.

This LAP applies to the entire M&A Directorate and it focuses specifically on providing guidance to offices that may engage with Limited English Proficient (LEP) individuals. This LAP implements the ICE LAP by setting forth the standards, principles, and guidelines through which M&A will provide LEP individuals with meaningful access to its programs and activities. The ICE Office of Diversity and Civil Rights (ODCR) within M&A is responsible for coordinating, overseeing, and providing guidance to all ICE Program Offices, including those in M&A, to ensure compliance with the ICE LAP and this LAP.

These guidelines, which may be modified, superseded, or rescinded at any time, are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any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

Inquiries related to this Plan or language access services may be directed to the ICE Office of Diversity and Civil Rights by emailing ICE.Civil.Liberties@ice.dhs.gov.

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Executive Associate Director
Management and Administration
U.S. Immigration and Customs Enforcement
Management and Administration
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 LEP, and develop and implement a system to provide those services so LEP individuals 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). [1]

To fulfill this commitment, the U.S. Department of Homeland Security (DHS or Department) issued its LAP in February 2012. The DHS LAP establishes a system for implementing Executive Order 13166 throughout DHS, 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. On August 7, 2015, ICE issued its LAP[2]. ODCR, which falls under the M&A Directorate, is responsible for overseeing the implementation of the ICE LAP.

As required by Executive Order 13166, DHS issued *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. M&A 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 individuals.

Consistent with Executive Order 13166 and the DHS LAP, this LAP implements ICE’s language access policy and describes the various methods M&A (employees and contract personnel) uses to provide LEP individuals with meaningful access to its programs, services, and activities.

This Plan identifies the priorities for Fiscal Year 2017 and beyond for M&A to assess and improve the efficiency and effectiveness of its language services for LEP individuals.

To develop the M&A LAP and assess language access, M&A solicited feedback from a working group of representatives from its Program Offices that interact with external stakeholders. The

[1] The information from the Background section of this LAP was taken from the ICE LAP to ensure consistent messaging regarding the mandate for M&A to develop its own LAP.

M&A Front Office designated Language Access Representatives for the working group from: Freedom of Information Act (FOIA), the Office of Policy, Office of Information Governance and Privacy (IGP - formally the Privacy and Records Office), and ODCR. In addition to these Program Offices, M&A considered input from all other M&A Program Offices in developing its Plan and will continue to engage with these offices and external stakeholders on ways to ensure that LEP individuals have meaningful access to M&A’s programs and activities. The other M&A Program Offices include: the Office of Acquisition Management (OAQ); the Office of the Chief Information Officer (OCIO); the Office of the Chief Financial Officer (OCFO); the Office of Firearms and Tactical Programs (OFTP); the Office of Human Capital (OHC); and the Office of Training and Development (OTD).

Ensuring LEP individuals are provided with meaningful access to its programs and activities is an important part of M&A’s operations. M&A coordinates ICE’s administrative and managerial functions in order to assist other Directorates and Program Offices fulfill the ICE mission. M&A relies on language access as a crucial component of being able to communicate with LEP individuals and program participants.

Every M&A Program Office, including its employees and contract personnel, that interacts with external stakeholders will play a vital role in implementing this LAP. In particular, ODCR will be responsible for: (1) leading ICE and M&A’s efforts to enhance the language access services provided to LEP individual who interact with ICE; and (2) ensuring programmatic compliance with ICE’s established milestones, guidelines, and procedures. The Chief of the Civil Liberties Division within ODCR serves as M&A Language Access Coordinator.
II. Policy

M&A adheres to the ICE policy on language access as set forth in the ICE LAP. It is ICE policy to ensure that external stakeholders who are LEP 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 and activities. 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 best use those available resources.

When conducting its business and strategic planning, M&A will consider processes for enhancing language access services for programs and activities that include external stakeholders, provided that such processes do not unduly burden ICE’s mission. These assessments will also consider the four factor analysis, as defined by the DHS LAP, to determine language access needs. The four factors are: (1) demography - the number or proportion of LEP persons eligible to be served or likely to be encountered; (2) frequency of contact - the frequency with which LEP individuals come in contact with the program and/or activities; (3) importance - the nature and importance of the program or activity to people's lives; and (4) resources - the resources available and costs.

The M&A LAP applies to ICE functions in which M&A employees and contract personnel interact with ICE external stakeholders who are LEP, including: members of the public, persons involved in law enforcement activities or investigations, and persons detained in ICE custody. This includes, but is not limited to, websites, blogs, social media, email, telephone, and in-person contact.
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 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. M&A 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 or multilingual employees who use their language skills in the course of their official duties should be qualified to do so through agency programs such as the Homeland Security Investigations (HSI) and OPR Foreign Language Award Programs. M&A Program Offices should take reasonable steps to ensure that bilingual or multilingual 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 M&A employee or contractor and who has contact with, or is seeking information or services from, M&A 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).

Frequently Encountered Languages: Languages M&A employees and contract personnel encounter through both inquiries, interviews, and discussions with LEP individuals or requests for language services.

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 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 programs or activities administered by M&A.

Proficiency – The ability of a person to speak, read, write, and understand a language.
IV. M&A Language Access Activities, Policies/Procedures, Tracking, and Training

M&A has dedicated human and financial resources to provide critical information to external LEP stakeholders in their primary languages. Examples of M&A’s current efforts include the following:

A. Activities

- M&A Program Offices may access a phone line operated by Lionbridge, available 24 hours a day, seven days a week, and 365 days a year. All linguists are required to pass a Minimum Background Investigation (MBI) prior to working on the contract. The current contract is also available for use by ERO, HSI, OPLA, and OPR when language assistance services are needed, including: interpretation (oral), translation (written), transcription (audio to text), and website localization. For interpretation, simply email ICE.Civil.Liberties@ice.dhs.gov to receive your Program Office PIN for access to the Lionbridge language line. For all other services, you must fill out the ICE Lionbridge Translation Request Form located here on the ODCR Language Access Program page under the ICE Interpretation and Translation Resources tab and return it to the email address listed above.

- OAQ, in conjunction with Homeland Security Investigations (HSI), maintains and manages ICE’s worldwide language translation, transcription, and interpretation (TT&I) contract to provide language access services not available through the U.S. Citizenship and Immigration Services Language Services Section (USCIS LSS) or Lionbridge for translation, transcription, and interpretation. M&A employees and contract personnel may use this Blanket Purchase Agreement (BPA) to obtain language services.

- For language needs that cannot be met through the Lionbridge language line, ODCR is available to assist M&A Program Office obtain those language services through other means such as the TT&I BPA or through any other services available to ICE. For assistance, contact the Civil Liberties Division within ODCR via ICE.Civil.Liberties@ice.dhs.gov.

- IGP maintains an external facing email address, ICEPrivacy@ice.dhs.gov, and phone number, (202) 732-3300. Should a caller require language assistance, IGP staff will utilize the Lionbridge language line to provide interpretation or provide the Enforcement and Removal Operations (ERO) Detention, Reporting and Information Line (DRIL) number, (888) 351-4024, to the individual if he or she has detention related questions. There are trained operators available Monday through Friday (excluding holidays) from 8:00 a.m. to 8:00 p.m. (EST). The DRIL has an option for Spanish speaking callers to be connected with Spanish speaking staff.
• IGP provides the ICE Form 60-001: Privacy Waiver Authorizing Disclosure to a Third Party on its internal and public-facing webpages. This form is available in both English and Spanish.

• ICE Forms Management (FM), housed within OCIO, is responsible for ensuring ICE forms conform to applicable laws, Executive Orders, Circulars, Regulations, policies and directives. ERO, Homeland Security Investigations (HSI) and M&A work through FM to develop essential forms based on their business requirements.

To have an approved form translated, the requesting Program Office will need to request the translation from an ICE approved language service to provide FM the translated version, including a translation certificate by the vendor or in-house linguist, for conversion and branding.

• ODCR provided training for a class of the Office of Professional Responsibility’s (OPR) agents on civil rights considerations, including language access, in Prison Rape Elimination Act (PREA) investigations (July 2016).

B. Procedures

ICE M&A employees and contract personnel should take reasonable steps to provide LEP individuals with meaningful access to the programs and activities it conducts and ensure entities receiving federal financial assistance are aware of their obligations under Title VI of the Civil Rights Act of 1964.

Identifying LEP Individuals

• M&A employees and contract personnel 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. M&A employees and contract personnel should make every effort to ascertain an individual’s primary language to ensure effective communication without making assumptions based on race, color, or national origin. As M&A’s communication with LEP individuals is primarily conducted through telephonic and written communication, staff can determine whether a person needs language assistance in several ways:

  o Self-identification by the LEP individual;

  o Asking open-ended questions to determine an individual’s proficiency;

  o Inquiring as to the primary language of the individual if he or she has self-identified as needing language assistance services or if effective communication is not occurring because of a language barrier; and/or

  o Asking a qualified interpreter to verify an individual’s primary language.
• Absent exigent circumstances, M&A employees and contract personnel should avoid using family members including children, neighbors, friends, acquaintances, and bystanders to provide language assistance services.

Identifying Vital Documents

• M&A Program Offices shall use the four factor analysis to identify vital documents to be translated which includes:

  o Demography - the number or proportion of LEP persons eligible to be served or likely to be encountered;
  o Frequency of contact - the frequency with which LEP individuals come in contact with the program and/or activities;
  o Importance - the nature and importance of the program, activity, or service to people's lives; and resources - the resources available and costs.

C. Tracking

• ODCR currently tracks language utilization data on an ad hoc basis and for the purpose of assessing ICE’s overall language access needs.

• OTD manages recordation of training through several electronic systems. Training taken as part of ICE Academy Programs and ICE Career Development Programs is recorded in the Training Management Support System (TMSS). Online learning is available through the Performance and Learning Management System (PALMS) classroom courses, whose registration is handled through PALMS and is recorded within it. Training records by these systems (and some historic records) feed into a centralized data warehouse, the Training Reporting Repository (TRR).

D. Training

• ODCR, in collaboration with OTD, will facilitate the deployment of ICE-wide training materials, technical assistance, and resources for ICE personnel on: language access responsibilities, identifying LEP individuals, accessing available language services, and working with interpreters.

  o ODCR will develop a plan to integrate training on language access responsibilities within ICE’s existing systems and training academies, including training on PALMS. In April 2015, the U.S. Department of Justice (DOJ) released an interagency training series on communicating effectively with LEP members of the public.

    ▪ ODCR integrated the DOJ video training series, Communicating Effectively with Limited English Proficient Individuals, into its language access training which includes video vignettes focusing on the different
interactions U.S. agencies may have with LEP individuals, including an ICE operation.

- M&A will post related language access materials, including training, to its ICE intranet (inSight) library page.\[^3\]

- OTD operates through the ICE Academy Glynco at the Federal Law Enforcement Training Facility (FLETC), GA; the Federal Law Enforcement Training Facility (FLETC) in Charleston, SC; and the ICE Academy in Dallas, TX. ODCR will work with OTD and ERO to incorporate language access training into future Academy training courses.

E. Outreach

M&A’s outreach activities are in development and applicable information for external stakeholders who are LEP will be shared with through the ICE website (www.ice.gov) in Spanish and in other frequently encountered languages.

V. Priorities for Fiscal Year 2017 & Beyond

As M&A implements this LAP, it will continue to look for ways to improve the efficiency and effectiveness of its LAP and to develop new and enhanced methods of providing language services to LEP individuals.

A. Planning and Procedures

- ODCR will continue to chair the ICE Language Access Working Group (LAWG). The goal of the LAWG will be to monitor implementation of the Directorate and Program Office Plans and to ensure ICE makes substantial progress in providing LEP individuals with meaningful access to agency programs and activities. The LAWG will meet on a quarterly basis, as needed, starting in FY17, after the Directorate and Program Office Plans have been finalized.

B. Training, Technical Assistance, and Resources for Personnel

- ODCR will facilitate the development of a formalized PALMS ICE Language Access Training that will be mandatory for ICE law enforcement officers and agents, supervisors and managers. OTD will deploy the ICE Language Access Training 101, developed by ODCR and cleared at the EAD level by all Directorates. The language access training will be published in PowerPoint format and will be made available for employees in the first quarter of FY17.

- M&A employees and contract personnel can access free language training in various languages through the DOD Joint Language University.[4]

C. Assessing Language Capabilities

- ODCR will assist the M&A Program Offices in developing policies and procedures to identify: (1) employees who are bilingual who can provide language assistance; (2) the parameters of the language assistance that the bilingual employee can provide (e.g., speaking, writing, and reading); (3) the ethical responsibilities associated with providing such assistance; and (4) the associated training.

- IGP will ask its employees to voluntarily identify as being proficient in languages other than English at the time of hire and through a survey of current employees. The results will be documented in an Excel spreadsheet that will be maintained by the M&A Front Office and/or ODCR on the shared drive that is accessible to the appropriate M&A staff.

- When considering human resource and hiring policies, M&A Program Offices should assess the extent to which non-English language proficiency requirements in particular languages is necessary for vacant positions. Where appropriate, M&A Program Offices

should include language proficiency requirements that fall within the scope of employees’ duties in the position description of a vacancy announcement. 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 collaborate with the respective Program Offices to develop the language skills of its employees.

Although M&A does not currently assess its personnel’s proficiency, personnel are instructed to only use their language skills in situations they are both comfortable and competent to do so in, regardless of their fluency or level of proficiency as defined by the International Language Roundtable (ILR) levels.

D. Tracking

- ODCR will monitor M&A’s language usage to assess the resources being used and to identify opportunities to augment the resources available to employees and contract personnel to communicate with LEP individuals.

- Each Program Office should collect data regarding its provision of language assistance services and provide these data to the ODCR on a quarterly basis. ODCR will identify the data to be collected, which may include the number of cases, matters, or outreach initiatives in which language assistance services were provided; the primary languages of communication with the LEP individuals; the cost of any language assistance services provided; and the type of language assistance provided during a case or matter, if any.

E. Translation of Crucial Documents

- M&A translations shall be prioritized based on the four factor analysis listed in Section II of this LAP.

- ODCR will continue to facilitate the identification of ICE materials, forms and other documents to be translated and will develop a plan to complete the translations.

- Future translations needs should be requested following this guidance, as well as conform with the “ICE Program Name Translation (8 Top Languages)” document that must be provided with every translation to or from Spanish, Portuguese, French, simplified Chinese, Russian, Arabic, Korean, and Vietnamese.

F. Quality Assurance

- As stated in the ICE LAP, ODCR will facilitate the establishment of a plan for monitoring the quality and effectiveness of current language service programs and activities within ICE.

- Ensuring the quality and accuracy of language assistance services provided by ICE is critical to providing LEP individuals with meaningful access to ICE programs and
activities. M&A Program Offices should take reasonable steps to ensure that all employees or contract personnel who serve as translators, interpreters, or who have direct communication with LEP individuals, are competent to do so. Considerations of competency in light of particular tasks may include:

- Demonstrated proficiency in and ability to communicate information accurately in both English and the other language;
- Identifying and employing the appropriate mode of interpreting (e.g., consecutive, simultaneous, or sight translation), translating, or communicating fluently in the target language;
- Knowledge in both languages of any specialized terms or concepts particular to the Program Office’s programs or activities and of any particularized vocabulary used by the LEP individual;
- Understanding and following confidentiality, impartiality, and ethical rules to the same extent as all ICE personnel;
- Understanding and adhering to their role as interpreters, translators, or multilingual staff. Program Offices should also take reasonable steps to ensure that all staff or contracted personnel who serve as interpreters or translators are briefed by their program staff on the context and intended audience for the translated text. For example, Program Offices may elect to provide guidance with respect to style, technical word choice, phrasing, or reading level depending on the context or target audience.

G. Notice to the Public

- In collaboration with the Office of Public Affairs (OPA), 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.

H. Outreach to LEP Communities

- ODCR will facilitate engagement with non-governmental organizations (NGOs) and external stakeholders on an annual basis to assess the effectiveness of ICE’s language services. This work will be done in collaboration with the ICE LAWG, and in collaboration with DHS CRCL.

I. Resources/ Budget Allocation for Language Access

- M&A will continue to allocate monetary resources, such as those expended on the ICE-wide, 24/7 language services contract, expected to be available for use in early FY 2017, to fulfill language access obligations as directed in EO 13166 and the ICE LAP.

- ODCR will continue to identify resources such as handouts, flyers, and posters that can assist M&A and other ICE Directorates in accomplishing their essential job functions that include encountering LEP individuals.
J. Monitoring and Evaluation

- ODCR is responsible for overseeing the implementation of this M&A LAP. ODCR will continue to serve as a resource for the ICE Language Access Coordinators responsible for developing and implementing their Directorate or Program Office plans. In addition, ODCR, in conjunction with the ICE LAWG, is responsible for coordinating biennial reviews of the ICE LAP to determine if updates and revisions are required and, if so, to facilitate making the appropriate revisions to the LAP.

  o On an annual basis, ODCR, in conjunction with the ICE LAWG, will ensure that its contract language services, directory of translated documents, signs, notifications, and web services meet current language needs and requirements.
VI. Contact Information and Assistance

For more information about the M&A LAP, language access resources, or language access concerns, please contact ICE ODCR’s Civil Liberties Division by email at ICE.Civil.Liberties@ice.dhs.gov or by phone, 202-732-0190.

Official complaints about language access in ICE programs and activities may be filed with the DHS CRCL. For more information about filing complaints with CRCL, see http://www.dhs.gov/crcl, or call CRCL at (202) 401-1474 or 1 (866) 644-8360. Complaints may be filed in any language. Please consider contacting ODCR before reaching out to CRCL.
Appendix

1. Languages Frequently Encountered by M&A Employees and Contractors

M&A employees and contract personnel interact with LEP individuals and speak a variety of languages, however infrequent the contact may be. **Spanish** is the predominant non-English language spoken by M&A external stakeholders who are LEP. Other languages encountered through both interviews and discussions with LEP individuals or requests for language services include, but are not limited to:

- Arabic
- Bengali
- Chinese dialects
- French
- Karen
- K’iche
- Kinyarwanda
- Kirundi
- Korean
- Mam
- Mixteco
- Nepali
- Portuguese
- Russian
- Swahili
- Telugu
- Tigrinya
- Uzbek
- Vietnamese

2. Acronyms

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<td>Department of Justice</td>
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<td>Language Access Plan</td>
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<td>Language Access Working Group</td>
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