



# Enforcement and Removal Operations Language Access Plan



U.S. Immigration  
and Customs  
Enforcement

# Message from the Executive Associate Director

January 17, 2017

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

The ICE 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. ERO oversees programs and conducts operations to identify and apprehend removable aliens, to detain these individuals when necessary, and to remove illegal aliens from the United States. In carrying out the ICE mission, it is vital for ERO to communicate effectively with a broad-spectrum of persons, including those who are Limited English Proficient (LEP).



This program-specific LAP assesses ERO's current language access activities, through which ERO provides meaningful access to Agency programs and services to LEP persons; reiterates language access procedures and steps for identifying LEP persons and obtaining interpretation and translation services; and lists some of the priorities for improving access to ERO programs and activities for LEP persons in the next Fiscal Years.

Inquiries related to this Plan may be directed to the ERO Language Access Coordinator at [ERO.LanguageAccess@ice.dhs.gov](mailto:ERO.LanguageAccess@ice.dhs.gov).

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Sincerely,

A handwritten signature in blue ink, appearing to read 'Thomas Homan', followed by a horizontal line.

Thomas Homan  
Executive Associate Director for Enforcement and  
Removal Operations



# Language Access Plan

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# I. Background

U.S. Immigration and Customs Enforcement (ICE) Office of Enforcement and Removal Operations (ERO) identifies, arrests, detains, and removes foreign nationals who present a danger to national security, are a risk to public safety, enter the United States illegally, or otherwise undermine the integrity of our immigration laws and our border control efforts. Ensuring limited English proficient (LEP) persons are provided access to language assistance services is vital to the success of ERO operations.

Consistent with [Executive Order \(EO\) 13166](#), *Improving Access to Services for Persons with Limited English Proficiency* (August 11, 2000), ERO's Language Access Plan (LAP or Plan) builds upon the [ICE LAP](#) released in August 2015, by describing the various means ERO uses to provide LEP persons with meaningful access to its programs and activities. The LAP covers current language access activities and language access procedures. The Plan also identifies future priorities for ERO to improve the efficiency and effectiveness of its LAP and to develop new methods of providing language assistance services to LEP persons.

To develop the ERO LAP and assess language access activities, ERO convened a working group of representatives from various program offices. As part of its efforts, the working group studied information concerning ICE's interactions with LEP persons and began the LAP drafting process. The ERO Plan also incorporates feedback from other U.S. Department of Homeland Security (DHS) and ICE offices.

## II. Policy

ERO adheres to policies on language access set forth in the DHS and ICE LAPs, including, “to ensure that external LEP stakeholders have meaningful access to its programs and activities by providing quality language assistance services in a timely manner.”<sup>1</sup> It is the responsibility of ERO personnel to take reasonable steps to provide language assistance services to LEP persons with whom they engage or encounter in the course of ERO functions,<sup>2</sup> including, but not limited to, interactions with members of the public, persons detained in ICE custody, and persons subject to reporting requirements with ICE (e.g., orders of recognizance or orders of supervision).

Moreover, the 2000 National Detention Standards (NDS), 2008 and 2011 Performance Based National Detention Standards (PBNDS); and 2008 Family Residential Standards establish standards of care and expected practices and outcomes for detention facilities and family residential centers (FRCs) when personnel communicate with LEP persons. These standards encompass language assistance services that must be offered in Service Processing Centers (SPC), Contract Detention Facilities (CDF), and Inter-Governmental Service Agreement (IGSA) facilities. Similar to obligations under EO 13166, the standards require information to be provided to LEP persons in a language or manner they can understand throughout the detention process (e.g., during admission/intake, medical, classification, grievance system, discipline, legal rights group presentations, telephone access, transfer, and visitation).

When conducting its business and strategic planning, ERO will consider processes for enhancing language access services such that LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of ICE.

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<sup>1</sup> See U.S. Department of Homeland Security (DHS) *Language Access Plan* (Feb. 28, 2012), <https://www.dhs.gov/xlibrary/assets/crcl/crcl-dhs-language-access-plan.pdf> and U.S. Immigration and Customs Enforcement (ICE) *Language Access Plan* (Aug. 7, 2015), <https://www.ice.gov/sites/default/files/documents/Document/2015/LanguageAccessPlan.pdf>.

<sup>2</sup> ERO functions also include supervising the performance of delegated immigration enforcement functions performed by state and local 287(g) designated immigration officers (DIOs) pursuant to a signed Memorandum of Agreement (MOA) between ICE and the partnering state or local law enforcement agency. As 287(g) DIOs must follow applicable ICE policies when performing delegated immigration enforcement functions, requirements set forth herein for ERO personnel shall apply to 287(g) DIOs.

### 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 persons 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 fluent in two languages. For purposes of this Plan, bilingual personnel should be able to verbally conduct the business of the workplace in English and the other language spoken.

Interpretation – Involves *oral* 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 competency 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.

External Stakeholder – A person who is not an ERO employee or contractor and who has contact with, or is seeking information or services from, ERO programs or activities. External stakeholders include, but are not limited to, members of the general public; detainees or FRC residents; and friends, family members, and visitors of detainees and residents.

Meaningful Access – Language assistance that results in accurate, timely, and effective communication and that is available at no cost to an 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. However, meaningful access does not require that every document and communication must be provided to an LEP person in his or her primary language.

Language Assistance Services – Oral and written language services needed to enable LEP persons to meaningfully access ERO's programs and activities.

Multilingual Person – A person who is fluent in several languages. For purposes of this Plan, multilingual personnel should be able to verbally conduct the business of the workplace in English and the other languages spoken.

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

Translation – Involves *written* communication. Translation is the process of transferring text from one language into another. Translation is thereby distinct from interpretation, which produces a spoken equivalent between two languages. A successful translation is one that conveys the explicit and implicit meaning of the source language into the target language as fully and accurately as possible.<sup>3</sup>

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<sup>3</sup> See Interagency Language Roundtable (ILR) *Skill Level Descriptions for Translation Performance*, <http://www.govtilr.org/skills/AdoptedILRTranslationGuidelines.htm>.

## **IV. ERO Current Language Access Policies/Procedures and Activities, Tracking, and Training**

DHS and ICE policy is to afford LEP persons meaningful access to programs and activities by providing quality language assistance services in a timely manner as long as it does not unduly burden ICE. In turn, ERO recognizes the importance of effective and accurate communication between its personnel and LEP persons. ERO is committed to ensuring personnel take reasonable steps to provide language assistance services to LEP persons who they encounter in the course of their duties, consistent with applicable detention standards, EO 13166, and the DHS and ICE LAPs.

In developing this Plan, ERO participated in the ICE Language Access Working Group (LAWG), made up of representatives from various ICE program offices, as well as the DHS LAWG consisting of representatives from various DHS components. ERO also created its own LAWG in November 2015, comprised of representatives from several ERO program offices. The ERO LAWG collected information on ERO's interactions with LEP persons, evaluated language access needs and priorities, and explored vital documents for translation. ERO LAWG members also used resources provided by the Departments of Justice (DOJ), as well as other government entities, and applied the four-factor analysis set forth in DOJ and DHS materials and LAPs issued in response to EO 13166.<sup>4</sup> The four-factor analysis is an adaptable and fact-dependent standard used to determine the appropriate language assistance services needed to ensure LEP persons have access to ERO's programs and activities. The four-factors are:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee;
2. The frequency with which LEP persons come in contact with the program;
3. The nature and importance of the program, activity, or service provided by the program to people's lives; and
4. The resources available to the grantee/recipient or agency, and costs. As indicated above, the intent of this guidance is to find a balance that ensures meaningful access to LEP persons for critical services while not imposing undue burdens on agencies or their grant recipients.

ERO personnel interact with LEP persons in a variety of ways, including, but not limited to, during in-person conversations at a person's home or place of business, while in ICE custody at a detention facility or FRC, in the course of an ICE apprehension, at ERO field offices,

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<sup>4</sup> See for example U.S. Department of Justice *Language Access Plan* (Mar. 2012), <https://www.justice.gov/sites/default/files/open/legacy/2012/05/07/language-access-plan.pdf>; and LEP.gov *Frequently Asked Questions*, <https://www.lep.gov/faqs/faqs.html>.

telephonically, electronically, through written correspondence, and during repatriation. The accuracy of the communications between an LEP person and ERO personnel is important, as the information exchanged can affect the LEP person's detention, medical care, and/or immigration processes.

## **A. Policies/Procedures and Activities**

ERO personnel are responsible for providing language assistance services, when necessary and available, to LEP persons they encounter. If an LEP person does not appear to understand the manner in which ERO personnel are communicating, language assistance services should be obtained to ensure effective communication occurs.

### **1. Identifying LEP Persons**

When necessary and available, at the point of first contact with an individual, ERO personnel should make reasonable efforts to assess the need for language assistance services, and to obtain such services.

- ERO personnel can determine whether a person is LEP and whether the person needs language assistance services, as well as ascertain the person's primary language through:
  - Self-identification by the LEP person, or by his or her relative, friend, or acquaintance;
  - Inquiring if it appears the person is having difficulty understanding the communication in English;
  - Using a language identification guide;
  - When necessary and available, asking a professional interpreter or bilingual/multilingual personnel to verify the person's primary language; and/or
  - Utilizing ERO personnel who are proficient in that person's primary language.
- If an individual is physically present with ERO personnel and is not able to communicate, ERO personnel may use language identification tools to determine the person's language need. Such tools include, but are not limited to, the *I Speak...Language Identification Guide* posters or booklets developed by the DHS Office for Civil Rights and Civil Liberties (CRCL) (<http://www.dhs.gov/xlibrary/assets/crcl/crcl-i-speak-booklet.pdf>) or the Juvenile and Family Residential Management Unit's (JFRMU) *Intake Office Tools to Determine Indigenous Languages* (<https://insight.ice.dhs.gov/ero/custody/Pages/officePresenterOutput/presentationOffice.htm>).
  - ERO personnel who may reasonably expect to have contact with LEP persons should keep a copy of such language identification materials readily available. To request copies of the *I Speak...Language Identification Guide* posters and booklets, please contact the ERO Language Access Coordinator at [ERO.LanguageAccess@ice.dhs.gov](mailto:ERO.LanguageAccess@ice.dhs.gov).
- To the extent possible, prior to conducting enforcement operations, ERO personnel should determine whether language assistance services may be needed by identifying the

language(s) expected to be encountered and obtain necessary interpretation services in advance.

- If relatives, friends, or acquaintances are present with an LEP person, ERO personnel may ask the accompanying party about the primary language of the LEP person, but should not generally request interpretation assistance from them.
- If the LEP person's primary language cannot be identified, ERO personnel should access contracted telephonic interpretation services to seek assistance in identifying the non-English language, if available.

## 2. **Language Assistance Services**

- It is a critical and frequent ERO function to conduct interviews with detained and non-detained persons. ERO personnel can and must be able perform this function in order to fulfill their mission. Generally, family members, friends, acquaintances, bystanders, minors, and other detainees should not be used as interpreters. However, ERO operations are fluid and dynamic. Hence, use of such nonprofessional interpreter assistance in the course of ERO operations will be for the shortest duration necessary.

### **a. Professional Interpretation and Translation**

Through various contracts with language assistance services companies and an Interagency Agreement with U.S. Citizenship and Immigration Services Language Services Section (USCIS LSS), ERO uses professional interpretation services to provide meaningful access to LEP persons. These contracts also generally support translation of ERO correspondence, printed information, and other written communication. The information specified below does not necessarily represent the totality of ERO's language access capabilities, but lists many of the available options.

Determining if language assistance services need to be provided will be decided on a case-by-case basis depending on the nature of the interaction or communication, and looking at the totality of the circumstances, including: the number of LEP persons eligible to be served; the frequency with which LEP persons come in contact with the particular program, activity, or service; the nature and importance of the program, activity, or service; and the costs and resources available to ERO. For example, language assistance services are considered necessary where a detainee is communicating with medical staff regarding a medical issue.

- In furtherance of the ERO mission, ERO Custody Management (CM) developed a [Language Services Resource Flyer](#) (Appendix C), a user-friendly tool cataloguing some available interpretation and translation resources. This document and other language access resources can be found on the *ERO Language Access Resource Center* on CM's internal ICE webpage at <https://insight.ice.dhs.gov/ero/custody/Pages/larc.aspx>. The flyer and Resource Center do not represent the totality of ERO's language access capabilities, but include several of the language access tools (i.e., language lines) referenced below.

- The flyer currently instructs ERO offices to contact the ERO Language Access Coordinator at [ERO.LanguageAccess@ice.dhs.gov](mailto:ERO.LanguageAccess@ice.dhs.gov), for further assistance or general language access questions. Once contacted, the ERO Language Access Coordinator will investigate options via other available language assistance services to fulfill the ERO office's need. Any responses to such requests will be forwarded to the requestor for selection; arrangement of services; and payment through the requestor's designated purchase card holder or Office of Acquisition Management (OAM), as applicable.
- ERO personnel may directly access a phone line staffed and operated by Lionbridge, Technologies, Inc. (Lionbridge) available 24 hours a day, 7 days a week, and 365 days a year for language assistance services, including interpretation (oral), translation (written), and transcription (audio to text). For interpretation services, ERO personnel contact 1-844-717-2499 and enter the PIN corresponding to their Field Office or headquarters, as applicable. Further instructions and designated PINS can be found on [Language Services Resource Flyer](#) (Appendix C).
- For translation and transcription services through Lionbridge, ERO personnel can access the Lionbridge Translation Request Form on the ERO *Language Access Resource Center* on CM's internal ICE webpage at <https://insight.ice.dhs.gov/ero/custody/Pages/larc.aspx>. ERO personnel must then create an account/log in to the Lionbridge portal at <https://ice.liondemand.com> or <https://insight.ice.dhs.gov/Pages/leaving.aspx?url=https://ice.liondemand.com/>, and upload the completed request form along with all related documents or files.
- ERO personnel may also directly access a phone line staffed and operated by USCIS LSS by contacting (212) 264-6831. USCIS LSS operates Monday through Friday from 7:30 a.m. to 5:00 p.m. Eastern Time (ET). To schedule interpretation ahead of time, especially for less frequently encountered languages, ERO personnel can contact [LSSinterpreters@uscis.dhs.gov](mailto:LSSinterpreters@uscis.dhs.gov).
- ERO personnel can use USCIS LSS to translate documents by accessing the USCIS LSS Request for Language Services Form on the ERO *Language Access Resource Center* on CM's internal ICE webpage at <https://insight.ice.dhs.gov/ero/custody/Pages/larc.asp>. Upon completion, the request form must be signed and emailed to [Linda.V.Gonzalez@uscis.dhs.gov](mailto:Linda.V.Gonzalez@uscis.dhs.gov) (for Spanish) or [Elizabeth.ShalerosSantos@uscis.dhs.gov](mailto:Elizabeth.ShalerosSantos@uscis.dhs.gov) (for all other languages).
- Where neither of the options above can fulfill the request, ERO personnel can utilize vendors through a Federal Emergency Management Agency (FEMA) led DHS-wide Language Services Blanket Purchase Agreement (BPA) awarded in February 2016. This BPA covers two functional category (FCs) services: FC1, for translation, interpretation, and website localization, and FC3, for services such as sign language interpretation and Braille transliteration. The DHS BPA is valid until February 2021. For additional information on the DHS BPA and a list of vendors, see <http://dhsconnect.dhs.gov/org/comp/mgmt/cpo/oss/Documents/Strategic%20Sourcing/Department-wide-Component-wide%20Contract%20Vehicles%20->

[%20Currently%20In%20Place/Language%20Services/FC1%20Info.html](#) for FC1, and <http://dhsconnect.dhs.gov/org/comp/mgmt/cpo/oss/Documents/Strategic%20Sourcing/Department-wide-Component-wide%20Contract%20Vehicles%20-%20Currently%20In%20Place/Language%20Services/FC3%20Info.html> for FC3.

- Further, ERO personnel may obtain necessary language assistance services through any of the vendors listed in ICE’s Translation, Transcription and Interpretation (TT&I) Services BPA. The ICE BPA is valid until August 22, 2017. For additional information on the ICE BPA and a list of vendors, see <https://insight.ice.dhs.gov/mgt/oaq/Documents/pdf/translation-transcription-interpretation.pdf>.
- If the interpretation or translation language assistance services requested through these BPAs are expected to exceed \$2,500, OAQ must be contacted by the requestor, as the requirement will need to be competitively bid. OAQ has an [OAQ Service Locator](#) on its internal ICE webpage to help assist in locating the correct acquisition office. For further assistance with this process, please contact the ERO Language Access Coordinator at [ERO.LanguageAccess@ice.dhs.gov](mailto:ERO.LanguageAccess@ice.dhs.gov).

#### **b. Personnel with Foreign Language Skills**

- Many ERO personnel have some level of proficiency in one or more languages other than English. This includes native speakers and those who learned a language through education and/or professional experiences. When necessary and appropriate, ERO personnel who have some level of proficiency in one or more languages other than English may choose to communicate with LEP persons in their primary language.

### **3. Public Interaction and Activities**

Below are some examples of how ERO provides meaningful access to LEP persons.

#### **a. In-Person (Non-Written/Telephonic/Electronic) Contact**

- Upon admission to a detention facility, ERO provides each detainee a National Detainee Handbook in either English or Spanish. The Handbook includes a summary of important information regarding the detainee’s rights; available programs and services; rules and procedures; and the process for reporting concerns and complaints. The Handbook was revised in Fiscal Year (FY) 2016; the English and Spanish versions of the Handbook can be accessed on Detention Management Division’s (DMD) internal ICE webpage at <https://insight.ice.dhs.gov/ero/custody/Pages/dmd.aspx>.
- CM makes available a “Know Your Rights” video developed by the American Bar Association in English, Spanish, and French to detention facilities. In addition, a “Know Your Rights” manual is translated into Spanish, Chinese (Simplified), Portuguese, French, Arabic, and Vietnamese. The Spanish translation of the manual has been made available to facilities and is generally maintained along with the English version in each

facility's law library. All translations can also be accessed on DMD's internal ICE webpage at <https://insight.ice.dhs.gov/ero/custody/Pages/dmd.aspx>.

- Detainees have access to resources and notices related to sexual abuse and assault awareness. These materials and posters are typically available in English and Spanish and are displayed in various locations in SPCs, CDFs, and IGSA's. The materials and translations can also be accessed on DMD's internal ICE webpage at <https://insight.ice.dhs.gov/ero/custody/Pages/dmd.aspx>.
- While LEP persons who speak indigenous dialects may be found in any detention facility, since August 2015, thirteen indigenous language dialects continue to be heavily represented within ICE FRCs. These languages include, but are not limited to Ethiopian dialects of Amharic and Tigrinya; Spanish and Mayan derived dialects of Quiche (K'iche), Mam, Achi, Ixil, Awakatek, Jakaltek (Popti), Qanjobal (K'anjob'al), Quechua, Q'eqchi, Chuj and Mixteco. As of December 2015, JFRMU has produced indigenous language resources to help FRC personnel identify a person's primary language; implemented various tools; and obtained indigenous language assistance services contracts to provide language assistance to LEP residents. Such tools and resources can be accessed on JFRMU's internal ICE webpage at <https://insight.ice.dhs.gov/ero/custody/Pages/jfrmu.aspx>.
  - As part of JFRMU's efforts to improve language access at its FRCs, FRC personnel now use several procedures during the intake process to determine a resident's primary language and assess his or her understanding of the English language. For instance, upon arrival of a resident, FRC personnel utilize a standard script in Spanish to address all Mexican, Central, and South American residents to determine if Spanish is the resident's primary language. If the resident appears to have no understanding of Spanish, FRC personnel utilize an intake PowerPoint to determine the appropriate language. When an indigenous speaker is identified, intake personnel seek language assistance services from one of JFRMU's available language lines. The resident's primary language is subsequently listed on his or her FRC identification to aid communication while he or she is at the FRC.
- Some LEP persons are required to routinely report to one of the various ICE Field Offices or sub-offices as part of their conditions of release from immigration detention. During these periodic reports, ERO personnel who need to meet with an LEP person use bilingual/multilingual personnel and/or language assistance services to communicate.
- ERO uses DHS Form I-247D, *Request for Voluntary Action*, to ask a receiving Law Enforcement Agency (LEA) to maintain custody of a priority foreign national for a period not to exceed 48 hours. The LEA must also serve a copy of the request on the foreign national in order for it to take effect. Form I-247D provides several avenues for the foreign national to contact ICE if he or she has a question or complaint regarding the action, related to alleged violations of civil rights or civil liberties connected to DHS activities, and/or if he or she believes he or she is a United States citizen or victim of a crime. Form I-247D advises the foreign national of the complaint process in English, Spanish, Vietnamese, Chinese, French, and Portuguese. The various ICE hotlines listed

on the form use language assistance services to provide interpretation services to callers.

#### **b. Written/Telephonic/Electronic Contact and Outreach**

- Detainees may submit written questions, requests, or concerns to their Deportation Officer (DO) and other ERO personnel using designated detainee request forms or acceptable substitutes. Any written communication received in a language other than English will be translated via bilingual/multilingual personnel and/or available language assistance services; thereafter, the written response will also be translated and provided back to the detainee in the non-English language.
- CM's Alternatives to Detention (ATD) program uses technology and case management to increase compliance with release conditions and facilitate compliance with court hearings and final orders of removal while allowing foreign national participants to remain in their communities. The ATD program supervises participants with contractor support, utilizing a combination of home visits, office visits, alert response, court tracking, and technology. The current government contractor for ATD operates under the Intensive Supervision Appearance Program (ISAP). Language information on each participant is included in the enrollment sheet submitted to the contractor; contractors and ATD officers use bilingual/multilingual personnel and/or language assistance services to communicate with LEP persons.
- CM operates the Detention Reporting and Information Line (DRIL), a toll-free service that allows detainees and external stakeholders to communicate directly with ERO regarding questions and concerns by dialing 1-888-351-4024 or through the pro-bono telephone platform in all ICE detention facilities. English and Spanish speaking operators are available to respond to inquiries Monday through Friday (excluding holidays) from 8:00 a.m. to 8:00 p.m. (EST). The DRIL also uses available language assistance services for callers who are unable to communicate in English or Spanish.
- CM operates the Online Detainee Locator System (ODLS), a public system available on the Internet 24 hours a day, seven days a week. ODLS allows family members, legal representatives, and other external stakeholders to locate immigration detainees who are in ICE custody. In addition to English, the system is also available in Arabic, Spanish, French, Portuguese, Russian, Chinese (simplified), Somali, and Vietnamese. The ODLS can be found at [www.ice.gov/locator](http://www.ice.gov/locator).
- CM operates the ERO Non-Telephonic Reporting (ENTR) program, launched in February 2015. The electronic ENTR process helps streamline communication among CM personnel, Field Offices, and external stakeholders. Non English language inquiries are translated through available translation language assistance services.
- CM provides external stakeholders an opportunity to request case information through [ERO.INFO@ice.dhs.gov](mailto:ERO.INFO@ice.dhs.gov) or submit inquiries related to prosecutorial discretion through [EROProsecutorialDiscretionInquiries@ice.dhs.gov](mailto:EROProsecutorialDiscretionInquiries@ice.dhs.gov). Upon the receipt of an inquiry, CM personnel coordinate with internal resources, such as the Field Office, to determine

appropriate case resolution, and communicate the resolution to the requestor. While almost all inquiries are submitted in English, non-English language inquiries submitted to these email boxes are translated through bilingual/multilingual personnel and/or available language assistance services.

## **B. Tracking**

- USCIS LSS tracks language service requests from ERO and other ICE Directorates and program offices. USCIS LSS produces a monthly report to ERO that provides the number of service requests received and hours expended on these requests, by location (city and state) of where the request originated.
  - According to USCIS LSS's statistics of ERO's utilization of its services:
    - During FY 2013, ERO used 23,835 interpretation/translation hours.
    - During FY 2014, ERO used 28,291 interpretation/translation hours.
    - During FY 2015, ERO used 22,571 interpretation/translation hours.
    - The total number of interpretation/translation hours billed by USCIS during the three FYs was 74,697, which accounted for 41% of all total interpretation/translation hours billed by USCIS LSS and paid by ICE (as compared to 54% utilized by Homeland Security Investigations and 5% by the Office of the Principal Legal Advisor).
  - Upon request, USCIS LSS also submits a report to ERO that identifies the languages requested, the number of service requests per language, and the hours expended on these requests, by location (city and state) of where the request originated.
- Using the electronic Health Record (eHR), ICE Health Service Corps (IHSC) has the capability to track interpretation services provided to LEP detainees by running an Enterprise Business Optimizer report for languages spoken and when interpreter language assistance services were utilized.
- ERO continues to ensure compliance with the DHS Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities (<https://www.gpo.gov/fdsys/pkg/FR-2014-03-07/pdf/2014-04675.pdf>), 6 CFR Part 115 (Mar. 7, 2014) (PREA regulation), including sections 115.16 and 115.116, which require 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 LEP detainees, 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." ERO is actively engaged in PREA implementation, and regularly provides technical assistance and advice to detention facilities and the Field on compliance and understanding of these requirements. Further, compliance with PREA regulations will be evaluated as part of required third-party independent audits.

### C. Training

- IHSC provides general language access training during orientation and annually to its personnel and contractors on language access responsibilities and procedures. A formalized training, specific to healthcare services, was developed in FY 2015 and is pending ICE approval. This training, which covers key definitions, identification of LEP persons, risk management, and quality monitoring, will be available to IHSC personnel upon hire and annually, thereafter.
- Current practice is that all entry-level DOs (1801s) are required to successfully complete a basic Spanish program at the Federal Law Enforcement Training Center (FLETC) as part of their basic training at the Academy. The course consists of 200 hours of in-depth Spanish Language instruction and is designed to provide the new officer with a minimum Level 1 Spanish proficiency against the Interagency Language Roundtable (ILR)<sup>5</sup> Scale. ERO maintains an electronic database of those individuals who have completed the program.
- Pursuant to section 287(g) of the Immigration and Nationality Act, ICE has entered into Memorandums of Agreement (MOAs) with state and local LEAs that delegate to Designated Immigration Officers (DIOs) the authority to perform certain immigration enforcement functions under ICE supervision. DIOs are provided initial and refresher training at the ICE Academy. This training includes a reiteration of ICE's commitments under EO 13166; instruction on identifying LEP persons and their primary languages, and obtaining/documenting interpretation services when appropriate. Additionally, the ICE LAP is currently disseminated to training attendees as a handout for reference.

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<sup>5</sup> For information on the ILR, see <http://www.govtilr.org/>.

## V. Future Priorities

To implement this Plan, ERO will maintain the ERO LAWG, as necessary, wherein participants will serve as language access representatives for their respective offices. Each language access representative will help identify goals that further the objectives of ERO's LAP. The ERO LAWG will continue to look for ways to improve the productivity and usefulness of ERO's LAP, monitor implementation by respective offices, and develop new methods of providing language assistance services to encountered LEP persons. In addition to developing its LAP, ERO is committed to undertaking a number of activities aimed at providing LEP persons with meaningful access to ERO programs and services.

### A. ERO Goals

#### 1. Identify and translate vital documents and outreach materials into Spanish and other frequently encountered languages

Documents are considered vital if they contain information that is critical for obtaining federal services and benefits, or are required by law.<sup>6</sup> Vital documents include, but are not limited to, applications, forms, notices of rights and disciplinary actions, detainee handbooks, and letters or notices that require a response from LEP persons. Vital documents must be translated when it is determined a significant number of LEP persons will be directly affected by ERO programs and activities, and, therefore, need services or information in a language other than English to communicate effectively. For many larger documents, translation of vital information contained within the document will suffice and the documents need not be translated in their entirety.

- ICE Forms Management (FM) is responsible for ensuring ICE forms conform to applicable laws, Executive Orders, Circulars, Regulations, policies, and directives. In order to have an approved form translated, ERO must provide FM the translated version, including a translation certificate by a vendor or in-house linguist, for conversion and branding.
- ERO has recently updated the National Detainee Handbook. In FY 2017, the revised version will be translated into Spanish and other frequently encountered languages, including, but not limited to: Hindi, Chinese (Simplified), Portuguese, Creole French, Arabic, and Vietnamese.
  - ERO is also drafting a proposal, cost estimate, and script for creating a video that will highlight important information in the Handbook. The video is intended to be played at detention facility areas such as intake and processing. The video will likely be produced in English and Spanish, with subtitles, and then dubbed in various other languages, as needed.

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<sup>6</sup> See LEP.gov *Frequently Asked Questions*, <https://www.lep.gov/faqs/faqs.html>.

- ERO will conduct an inventory of forms and materials already translated, identify other languages in which translations are needed, and establish a schedule for translations.

## **2. Provide professional interpretation and translation services**

- ERO will continue to seek timely professional language assistance services, by exploring new providers and mechanisms for obtaining these language assistance services.
  - While the aforementioned ICE and DHS Language Service BPAs strive to provide critical language assistance services to ERO personnel, respective ordering guidelines have proven to be a significant challenge. ERO personnel typically require immediate or real-time use of an interpreter. In order to utilize the DHS or ICE BPAs, a series of protocols and approvals must be met before being assigned a linguist, including securing interested BPA vendors via email, working through a designated purchase card holder and/or contracting officer (depending on the estimated cost of the service being requested), and obtaining security clearance for individual linguists prior to using them.
    - To that end, ERO will continue evaluating options for how best to coordinate language assistance services for ERO personnel to use during interaction with LEP persons.
- As discussed earlier, the DRIL provides nationwide telephone assistance to external stakeholders calling about case inquiries and concerns. Spanish operators are available through the DRIL. ERO is actively seeking operators who speak other frequently encountered languages spoken by external stakeholders.
  - ERO is also exploring ways the DRIL can be used as a platform to connect external stakeholders and ICE personnel to professional language assistance services available to ERO, and/or to provide direct interpretation services, where available and appropriate.

## **3. Provide training, technical assistance, and resources for ERO personnel**

- In an effort to provide already available tools to ERO personnel, ERO will facilitate dissemination of CRCL *I Speak...Language Identification Guide* booklets to all Field Offices. Further, ERO will coordinate with JFRMU to disseminate *Intake Office Tools to Determine Indigenous Languages* to all Field Offices.
  - In conjunction, or in the alternative, ERO will create and disseminate an ID-sized quick reference language identification card. This will be an abbreviated version of the *I Speak...Language Identification Guide* booklet, listing only the top 10 to 20 languages frequently encountered by ERO personnel. This card will assist ERO personnel in identifying an LEP person's primary language.
- ERO, in coordination with ICE's Office of Diversity and Civil Rights (ODCR), which serves as ICE's Language Access Coordinator, will create and deploy training materials and technical assistance tools to its personnel who interact, or are likely to interact, with LEP persons. The materials will cover subjects such as: language access responsibilities;

procedures for identifying LEP persons interviewed and/or encountered; and avenues for obtaining appropriate language assistance services within ERO operations and programs.

- CM will regularly update information contained in the *ERO Language Access Resource Center* on CM's internal ICE webpage at <https://insight.ice.dhs.gov/ero/custody/Pages/larc.aspx>, where personnel can access tools, resources, and policies, as well as the [Language Services Resource Flyer](#) (Appendix C), as needed, to reflect available language assistance service providers.

#### **4. Identify and assess bilingual/multilingual ERO personnel**

- The ERO LAWG will examine ways of identifying bilingual/multilingual personnel, and specific criteria for assessing proficiency and the use of such personnel. To the extent permissible, the working group will explore tracking bilingual/multilingual personnel who can provide language assistance; developing quality control procedures to govern the use of bilingual/multilingual personnel in providing language assistance services; and creating recommendations for offering bilingual/multilingual personnel language assessment testing and training on foreign language skills. ERO will also consult DOJ, CRCL, and other ICE offices to explore and develop best practices.

#### **5. Track encounters with LEP persons and frequently encountered languages to identify current and future needs**

- ERO uses its case management system to track persons encountered through investigatory, apprehension, enforcement, and detention processes. An external stakeholder's primary language is able to be captured in the ICE EID Arrest GUI for Law Enforcement (EAGLE)<sup>7</sup> application, but the field is not mandatory, and therefore, not consistently filled. ERO will continue to collaborate with ICE's Law Enforcement Systems and Analysis (LESA) division to revise requirements so that ERO personnel capture a person's LEP status in data systems; making it also mandatory to select the individual's primary language. In addition to being reflected in EAGLE and Form I-213, *Record of Deportable Alien*, this information will also be visible in the ICE Enforcement Apprehension Removal Module (EARM)<sup>8</sup> application.
  - ERO will then develop a process to track and report on LEP persons and frequently encountered languages.
    - This data will be analyzed for trends and to identify current and future necessary additional language assistance services.
- At this time, ERO has the ability to identify frequently encountered languages via USCIS LSS and IHSC reports. ERO is not currently requesting or producing such reports with regularity. ERO will establish processes for obtaining/producing these types of reports

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<sup>7</sup> EAGLE is a universal booking system that supports criminal and administrative arrests, with improved biometric capabilities for fingerprints, and continued expansion of biometric identification.

<sup>8</sup> EARM provides ERO Detention and Deportation Officers an automated workflow flow for managing detainees from apprehension, detention, and removal.

quarterly, in order to compare the data and enhance its monitoring of frequently encountered languages. This information will also help ERO further assess needs for additional language assistance services and support.

- In recognizing frequently encountered languages, ERO will also explore and develop processes, as needed, for handling communication with LEP persons who speak less frequently encountered languages. Such a determination is typically made on a case-by-case basis, looking at the totality of the circumstances, including: the number of LEP persons eligible to be served; the frequency with which LEP persons come in contact with the particular program, activity, or service; the nature and importance of the program, activity, or service; and the costs and resources available to ERO.

#### **6. Initiate ERO's web presence in Spanish**

- ERO disseminates information on its programs and activities in English on its public-facing webpage at <https://www.ice.gov/ero>. Unlike the ICE webpage, ERO's main page does not currently provide information in Spanish or other frequently encountered languages. ERO will coordinate with the Office of Public Affairs (OPA) to include a link on the ERO main webpage that would provide LEP persons with access to this information in Spanish.

#### **7. Monitor implementation of ERO's Language Access Plan**

- ERO's LAWG will be responsible for monitoring implementation of this Plan by each of their respective offices. The LAWG will coordinate review of the ERO LAP biennially (i.e., every two years) to identify and facilitate any required updates and revisions.
- Under ICE standards, SPCs, CDFs, and IGSA's are expected to offer language assistance services, including accessing language service lines when needed to communicate with LEP detainees. ERO will explore ways to identify facility, FRC, and Field Office language assistance service procedures, providers, and gaps requiring further ERO support.

#### **B. Notice to ERO Personnel**

- This ERO Language Access Plan, as well as an accompanying broadcast explaining ERO's commitment to providing language assistance services to encountered LEP persons will be posted on ERO's internal ICE webpage.

## VI. Contact Information and Assistance

ERO can be contacted by email ([ERO.Languageaccess@ice.dhs.gov](mailto:ERO.Languageaccess@ice.dhs.gov)) for more information about ERO's LAP.

## VII. Appendices

### A. Languages Frequently Requested by ERO personnel and Contractors through USCIS LSS

ERO employees and contractors interact with LEP persons who speak a variety of languages. *Spanish* is the predominant non-English language spoken by these external stakeholders. Pursuant to a report provided by USCIS LSS from 10/1/2014 to 9/30/2015, ERO frequently requested language assistance services for several other languages, including, but not limited to:

- Chinese (Mandarin)
- Punjabi
- Portuguese
- French
- Arabic
- Bengali
- Russian
- Haitian Creole
- Vietnamese

### B. Acronyms

ATD	Alternatives to Detention
BPA	Blanket Purchase Agreement
CDF	Contract Detention Facilities
CM	Custody Management
CRCL	Office for Civil Rights and Civil Liberties
DHS	Department of Homeland Security
DIO	Designated Immigration Officers
DMD	Detention Management Division
DO	Deportation Officer
DRIL	Detention Reporting and Information Line
EAGLE	EID Arrest GUI for Law Enforcement
EARM	Enforcement Apprehension Removal Module
eHR	electronic Health Record
ENTR	ERO Non-Telephonic Reporting
EO	Executive Order
ERO	Enforcement and Removal Operations
FC	Functional Category
FEMA	Federal Emergency Management Agency
FLETC	Federal Law Enforcement Training Center
FM	Forms Management
FRC	Family Residential Center

FY	Fiscal Year
ICE	U.S. Immigration and Customs Enforcement
IGSA	Inter-Governmental Service Agreement (IGSA)
IHSC	Health Service Corps
ILR	Interagency Language Roundtable
ISAP	Intensive Supervision Appearance Program
JFRMU	Juvenile and Family Residential Unit
JIC	Joint Intake Center
LAP	Language Access Plan
LAWG	Language Access Working Group
LEA	Law Enforcement Agencies
LEP	Limited English Proficiency
LESA	Law Enforcement Systems and Analysis
MOA	Memorandums of Agreement
NDS	National Detention Standards
OAQ	Office of Acquisition Management
ODLS	Online Detainee Locator System
OPA	Office of Public Affairs
PBND	Performance-Based National Detention Standards
PREA	Prison Rape Elimination Act
SPC	Service Processing Centers
TT&I	Translation, Transcription and Interpretation
USCIS LSS	U.S. Citizenship and Immigration Services Language Services Section