



U.S. Department of Homeland Security

Equity Action Plan

Pursuant to Executive Order 13985

January 25, 2022



Homeland
Security

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Executive Summary

Pursuant to Executive Order (EO) 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, the Department of Homeland Security (DHS) identified key programs with the greatest potential for advancing equity in DHS operations and activities. Six program areas were selected based on input from the DHS Equity Task Force and in consultation with the Office of Management and Budget. The DHS Equity Task Force, in conducting equity assessments of the Department's programs, relied heavily on public feedback and input from stakeholder organizations representing underserved communities. Since those engagements, DHS has added a seventh program area to this effort, countering domestic violent extremism. This plan does not include an exhaustive list of programs where DHS is working to advance equity. For example, this plan does not focus on programs managed by the Federal Emergency Management Agency (FEMA), which will be addressed in a separate report regarding reducing systemic barriers in FEMA programs, including the agency's grant programs and public- and individual-assistance programs.

This document highlights several of DHS's early accomplishments in building more equitable programs, details DHS's initial plan to advance equity in the selected program areas, and sets forth a commitment to ensure that DHS's civil rights offices have the resources they need to carry out their critical mission.

EO 13985 defines equity as:

the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.

In DHS's 200-day equity assessment report, DHS reported its findings on: (a) potential barriers that underserved communities and individuals may face to enrollment in and access to benefits and services in the programs selected for inclusion in this effort; (b) potential barriers that underserved communities and individuals may face in accessing contracting opportunities; (c) whether new policies, regulations, or guidance documents may be necessary to advance equity in agency actions and programs; and (d) the operational status and level of institutional resources available to offices or divisions within the agency that are responsible for advancing civil rights.

Consistent with EO 13985, DHS developed this equity action plan setting forth DHS's plans to advance equity in the following seven key program areas:

1. **Applying for naturalization:** Conduct a comprehensive review of policies, regulations, forms, and operations to identify barriers that may impede access to naturalization by underserved communities and make recommendations on how to remove these barriers, as appropriate and consistent with applicable law.

2. **Accessing humanitarian protection during immigration processing:** Improve access to humanitarian protection during immigration processing by addressing language and disability-access gaps and enhancing access to legal information and resources.
3. **Bidding on a DHS contract:** Improve engagement with small businesses owned by or supporting members of underserved communities through outreach activities and, as appropriate, monitor and increase small business goals.
4. **Countering Domestic Violent Extremism (DVE) and targeted violence:** Augment efforts to equitably provide communities with the tools and resources they need to prevent targeted violence and terrorism, build resilience, and improve the efficiency and effectiveness of ongoing DVE programs.
5. **Filing complaints and seeking redress in DHS programs and activities:** Enhance communication with the public regarding the right to file complaints and seek redress without retaliation in DHS programs and how those processes work.
6. **Airport screening:** Enhance and standardize training for Transportation Security Officers and improve screening-technology capabilities to advance equity for members of underserved communities.
7. **Accessing Trusted Traveler Programs:** Improve access to the Transportation Security Administration (TSA) PreCheck® Application Program for LGBTQ+ persons by expanding gender-identification options so they are no longer binary, ensuring that TSA PreCheck® lanes at airports are consistently accessible, enhancing access to U.S. Customs and Border Protection Trusted Traveler Programs for limited English proficient persons, and addressing concerns about inequities in membership revocations.

With respect to each focus area, DHS’s plan outlines barriers to equity; specific remedial activities DHS agencies and offices are undertaking or will undertake to address those barriers; and a methodology for tracking progress in determining whether those activities, once undertaken, have substantially reduced or eliminated the barriers. It also includes a commitment to ensuring that the steps necessary to implement those changes – and to provide for equity generally – are, in fact, carried out (e.g., through incorporation into a strategic plan, embedding equity-related goals into performance plans, and receiving regular feedback from stakeholders) according to transparent, measurable goals.

Summary of Early Accomplishments

Since January 2021, DHS has prioritized efforts to promote equity throughout the Department. Below are examples of some of the impactful changes in policy and operations that have advanced equity for members of underserved communities.

Notable Changes in Policy

- **Public Charge:** On March 9, 2021, after a vacatur of the 2019 Public Charge Final Rule went into effect, U.S. Citizenship and Immigration Services stopped applying the final rule to pending applications and petitions. The 2019 rule had a chilling effect on immigrants of color and individuals with disabilities with respect to their willingness to seek various forms of assistance from the federal government. On August 23, 2021, DHS published an Advanced Notice of Proposed Rulemaking (ANPRM) to seek public feedback on the public charge ground of inadmissibility to inform the development of a future regulatory proposal. USCIS also hosted two listening sessions on September 14 and October 5, 2021, on the Public Charge ANPRM for intergovernmental stakeholders and community-based organizations. On February 24, 2022, DHS published a Notice of Proposed Rulemaking (NPRM) with a 60-day public comment period.
- **Updated Personal Search Handbook:** On April 19, 2021, the U.S. Customs and Border Protection (CBP) Office of Field Operations (OFO) promulgated an updated Personal Search Handbook and issued an accompanying memorandum to law enforcement personnel summarizing the substantive changes, including new guidance on searches of gender nonconforming, intersex, and transgender individuals; addressing the needs of travelers with mental, physical, and/or developmental disabilities; utilizing technology in personal searches; and accommodating religious beliefs.
- **Employment Authorization for Noncitizens Seeking U Visa Status:** On June 14, 2021, USCIS issued new policy guidance on employment authorization and deferred action for noncitizens seeking U nonimmigrant status (U visa) with pending, bona fide petitions. USCIS anticipates that the new policy guidance will reduce the amount of time U visa petitioners living in the United States wait before receiving deferred action and employment authorization. U visa petitioners are often members of underserved communities.
- **Nondiscrimination based on Disability:** On July 8, 2021, CBP issued Directive No. 2130-033, *Nondiscrimination for Individuals with Disabilities in CBP-Conducted Services, Programs, and Activities (Non-Employment)*. The new Directive defines roles and responsibilities for CBP offices and personnel under Section 504 of the Rehabilitation Act of 1973, as amended, to ensure nondiscrimination in CBP-conducted services, programs, and activities for members of the public with disabilities. CBP also launched a communication plan to notify all CBP offices and personnel of this Directive, announced resources for delivery of muster-module training, and disseminated a new job aid titled *Engaging in the Interactive Process with Individuals with Disabilities in CBP-Public Facing Programs*.

- **Law Enforcement Coordination Council:** On September 29, 2021, Secretary Mayorkas announced the establishment of the DHS Law Enforcement Coordination Council (LECC) – the Department’s first unified law enforcement coordination body – to promote best practices in its law enforcement activities. DHS is the largest law enforcement agency in the federal government and the LECC will build on the Department’s long-standing commitment to ensure more fair, equitable, and impartial policing, as well as officer and community safety. Central to the LECC’s efforts are equity considerations, including adhering to rigorous protection of civil rights and civil liberties. The LECC will also employ a data-driven focus on preventing implicit bias, assessing use of force, and advancing policies that support mental health and increased community trust.
- **Civil Immigration Enforcement Guidelines:** On September 30, 2021, Secretary Mayorkas issued *Guidelines for the Enforcement of Civil Immigration Law* to better focus DHS’s resources on the apprehension and removal of noncitizens who pose a threat to our national security, public safety, and border security, and to advance the interests of justice by ensuring a case-by-case assessment of the individual, which takes into account the totality of the facts and circumstances. The Guidelines emphasize that an individual’s “race, religion, gender, sexual orientation or gender identity, national origin, or political associations shall never be factors” in enforcement action decisions.
- **Combating Gender-Based Violence:** On October 18, 2021, DHS issued a revision to Directive 002-01, *Council on Combating Gender-Based Violence* (formerly the Council on Combating Violence Against Women). In addition to renaming the Council in gender-neutral terms, the revised Directive provides a definition for gender-based violence, updates the purpose and requirements of the Council, and designates the Officer for Civil Rights and Civil Liberties as a co-chair of the group. The Directive will serve as a foundational document as DHS moves forward with rebuilding the Council.
- **Victim-Centered Approach:** On October 20, 2021, Secretary Mayorkas issued a memorandum directing DHS agencies and offices to integrate a victim-centered approach into all Department policies and activities involving victims of crimes. A disproportionate number of victims of human trafficking are racial minorities or belong to other underserved communities.
- **T Visa Policy Guidance:** On October 20, 2021, USCIS issued comprehensive guidance regarding the adjudication of applications for victims of trafficking seeking T nonimmigrant status (T visa). This guidance clarifies agency policies for victims of trafficking, while emphasizing a victim-centered approach, and eliminates barriers for noncitizen victims of trafficking seeking immigration relief.
- **T Visa Law Enforcement Agency Resource Guide:** On October 20, 2021, USCIS published the first ever standalone T Visa Law Enforcement Agency (LEA) Resource Guide for certifying officials. The T Visa LEA Resource Guide emphasizes that completing the Supplement B is consistent with a victim-centered approach.
- **Protected Areas Memo:** On October 27, 2021, Secretary Mayorkas issued a new comprehensive policy limiting enforcement actions by Immigration and Customs Enforcement (ICE) and CBP in or near certain protected areas, expanding on and superseding

the April 27, 2021, courthouse guidance. The memorandum explains, “We can accomplish our enforcement mission without denying or limiting individuals’ access to needed medical care, children access to their schools, the displaced access to food and shelter, people of faith access to their places of worship, and more.” Under this first-ever policy for both CBP and ICE, which provides an expanded and non-exhaustive list of protected areas, enforcement actions should not be taken in or near a location that would restrain people’s access to essential services or engagement in essential activities.

Notable Changes in Operations

- **Protection of Communities Against DVE and Targeted Violence:** Although racially and ethnically motivated violent extremism (RMVE) has existed for a long time, it has manifested in new and terrible ways in recent years and has become one of the most lethal threats to the homeland. The Office for Civil Rights and Civil Liberties (CRCL) has worked closely with DHS intelligence, policy, and law enforcement agencies and offices to ensure that DHS’s resources can achieve this mission. For example, the series of National Terrorism Advisory System (NTAS) Bulletins issued by DHS since January 2021, including most recently on November 10, 2021, have each addressed the RMVE threat and recommitted DHS to preventing violent acts meant to intimidate or coerce specific populations on the basis of race, ethnicity, national origin, religion, gender, sexual orientation, gender identity, or political views.
- **DVE Equity Task Force:** In March 2021, DHS constituted the DHS Asian American, Native Hawaiian, and Pacific Islander (AANHPI) Task Force, led by CRCL, in response to concerns raised during an Incident Community Coordination Team call and an AANHPI community roundtable with Secretary Mayorkas after the Atlanta spa shootings. Now known as the DVE Equity Task Force, it is composed of senior-level officials from across DHS. The task force developed a package of 16 deliverables that addressed the concerns of the AANHPI community related to DVE, immigration, grant opportunities, and outreach. On September 17, 2021, CRCL and the DHS Office of Strategy, Policy, and Plans hosted a follow-up AANHPI community roundtable with Secretary Mayorkas and 28 AANHPI community organizations where the Secretary reported out on the deliverables of the task force and responded to community concerns. The task force will continue to address the concerns of communities facing the largest threats from DVE.
- **Prison Rape Elimination Act (PREA) Implementation:** To support ongoing compliance with the DHS Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities (6 C.F.R. Part 115) and to streamline communications between Headquarters and the field, CBP has established PREA Field Coordinators in each Field Office and Sector and has provided training to enable them to fulfill their duties, including information on how to communicate effectively with individuals who identify as LGBTQ+.
- **PREA Risk Assessment:** Recognizing the particular risks faced by LGBTQ+ detainees, CBP developed an instrument for use at CBP holding facilities nationwide to assess detainees for risk of sexual abuse *by* other detainees (victimization) or *toward* other detainees (abusiveness).

- **Revised National Detainee Handbook:** ICE issued a new 2021 National Detainee Handbook, available in 14 languages. The revised handbook informs detained noncitizens of their rights and responsibilities and now includes a language-access section, notifying detainees that they are entitled to language services, free of charge, for medical and detention-related matters, or other matters related to ICE programs, if they do not speak or understand English, or cannot read or write English. The handbook also informs individuals of their right to request an accommodation based on a disability, how to request assistance, and how to file a complaint.
- **Legal Access Webpage:** ICE recently developed a new legal-access page on the public-facing ICE webpage, “Attorney Information and Resources.” This webpage showcases some of the legal-access initiatives ICE has implemented, provides answers to frequently asked questions regarding legal representation and resources, and serves as a centralized location for essential legal access information. This resource advances equity for detained noncitizens, many of whom are people of color or members of other underserved communities.
- **Preventing COVID-19 in Detention:** The ICE Office of Diversity and Civil Rights led an intra-agency team to provide informational videos in seven indigenous languages with Spanish captions for noncitizens in detention. The short videos provide an overview of steps to take, such as washing hands and wearing face masks, to protect persons from COVID-19 while in a congregant setting.
- **Gender-Neutral Screening:** TSA has piloted gender-neutral algorithms to collect data and determine the feasibility of incorporating these algorithms into existing technology at screening checkpoints. TSA intends to broadly deploy these algorithms, pending requested funding, by the first quarter of Fiscal Year (FY) 2023. This new technology will improve the accuracy and efficiency of screening technologies and no longer employ a binary gender construct.
- **Travel Documents for Asylees and Refugees:** TSA has collaborated with CBP and ICE to ensure a more seamless travel and screening experience for asylees and refugees, many of whom are members of underserved communities. Discussions among these agencies helped determine what was needed to ensure individuals released from detention have acceptable documents for travel verification.
- **Promoting Equity in Passenger Screening:** Since January 2021, TSA has published National Shift Briefs and shared content via operational bulletins that provide additional refresher training for the screening workforce on multiple topics, including unconscious bias and appropriate screening of:
 - Medically necessary liquids, gels and aerosols;
 - Travelers with different disabilities and medical conditions (at least one topic a month);
 - Travelers wearing prostheses;
 - Acceptability of federally recognized Tribal IDs;
 - Travelers with service animals;
 - Travelers with diverse gender expressions and gender identities;
 - Travelers wearing loose-fitting clothing;
 - Travelers with limited English proficiency; and,

- Religious objects in a respectful manner.
- **Engagement with Diverse Communities and Other Stakeholders:** CRCL's Community Engagement section routinely engages with diverse racial, ethnic, and religious communities whose civil rights and civil liberties may be affected by Department activities. For example:
 - On June 24, 2021, CRCL led a national roundtable on racial equity, community policing, and supporting underserved communities. The goal was to address ongoing and systemic issues with disproportionate impacts of policing on Black communities and other communities of color. In response to concerns raised by community stakeholders, the CRCL Officer highlighted the Biden Administration's prioritization of addressing targeted violence and violent extremism against Black and Brown communities and noted existing lines of effort by DHS agencies and offices to address these concerns.
 - On July 29, 2021, CRCL led a national listening session on racial profiling with community stakeholders. Issues raised included policies, oversight, training, and programs as they relate to community stakeholders' concerns about racial profiling. The CRCL Officer welcomed suggestions from participants and noted the status of existing lines of effort to address some of the issues.
 - Between March and October 2021, the CRCL Officer participated in two public hearings and two closed-to-press working-group meetings convened by the Inter-American Commission on Human Rights. Issues raised involved DHS's care and custody of immigrant populations, including ICE's COVID-19 detention precautions, the provision of medical care in ICE detention, policies that have resulted in family separations, and DHS's assistance in implementing the Centers for Disease Control and Prevention's Title 42 authority.
 - To commemorate the 20th anniversary of September 11, 2001 terrorist attacks, CRCL hosted a virtual discussion with DHS leaders and civil rights experts to discuss DHS's efforts to protect civil rights and civil liberties in a post-9/11 society, as well as the challenges that remain and suggestions for improving policies related to screening and vetting, nondiscrimination, immigration detention, and meaningful redress mechanisms.
 - On November 9, 2021, the CRCL Officer met with the United Nations (U.N.) Special Rapporteur on Minority Issues on DHS's approach to combating DVE and ensuring it does not target but instead protects, religious, ethnic, and racial minority communities.
 - On November 17, 2021, the CRCL Officer participated in an interagency meeting on racial justice and equity with the U.N. Assistant Secretary General for Human Rights and representatives from the Departments of State and Justice, and the Domestic Policy Council. The CRCL Officer reaffirmed DHS's commitment to advancing equity across all DHS programs and activities.

Equity Action Plan

I. Applying for Naturalization

Naturalization is the most significant immigration benefit the United States offers. Over the last decade, USCIS welcomed more than 8 million naturalized citizens. Naturalization and citizenship encourage full participation in our civic life and democracy and promote integration and inclusion. Rights associated with citizenship include the right to vote, the right to run for elected office, the right to apply for federal employment, and, with limited exceptions, the right to live the rest of one's life in the United States and to sponsor immediate family members for immigration benefits.

Overarching action to advance equity:

To promote equity, USCIS will conduct a comprehensive review of policies, regulations, forms, and operations to identify barriers that may impede access to naturalization by underserved communities and make recommendations on how to eliminate these barriers, as appropriate and consistent with applicable law.

A. Barriers to Equitable Outcomes

- USCIS identified key factors that may be potential barriers for underserved communities and affect otherwise-eligible individuals' ability to access the program/service, including lack of sufficient resources for LEP persons or individuals with disabilities, limited financial resources, gender-binary form fields, and the complexity and length of requisite forms.
- In reviewing data regarding eligible naturalization applicants and public comments obtained through USCIS engagements and Federal Register notices, USCIS has identified potential barriers to the naturalization process for specific underserved communities, including individuals of certain national origins, transgender or gender-nonconforming persons, individuals with disabilities, and people who live in underserved geographic areas, including rural areas.
 - Some stakeholders have raised concerns about the complexity of forms (including Form N-648 for certain individuals with disabilities who need to request a testing exception), the use of gender-binary terminology in forms and secure documents, the lack of availability of testing and training materials in some languages, and difficulty in obtaining disability accommodations for appointments. These barriers may prevent otherwise-eligible lawful permanent residents from applying for naturalization, depriving them of the benefits naturalization affords.
- Some barriers involve statutory limitations that are not within the purview of USCIS to remove and instead require congressional action. Others involve regulatory limitations that require amending regulatory text. The time requirements associated with the clearance and regulatory processes may slow implementation of changes.

B. Action and Intended Impact on Barrier

- Continue to implement the DHS Plan to Improve the Citizenship and Naturalization Process, issued April 21, 2021. The plan outlines both short-term initiatives that can be accomplished within 12 months and long-term initiatives, in compliance with the

directive under EO 14012, *Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans*, Section 5(a), Improving the Naturalization Process.

- Review and analyze comments received pursuant to the Request for Public Input (RPI) regarding barriers to USCIS benefits and services, published in the [Federal Register](#) on April 19, 2021, and identify actions to address any barriers found.
- Enhance and translate, as necessary, educational materials to assist applicants in preparing for naturalization, including self-study and training materials and other informational resources on the naturalization process and eligibility requirements.
- Update policies based on public feedback and comments to remove potential barriers to naturalization and citizenship, particularly for LEP persons, individuals with disabilities, and transgender or gender-nonconforming persons by reducing burdens on applicants and increasing accessibility to immigration benefits and programs/services:
 - Medical Certification for Disability Exceptions (Form N-648)
 - This form is used by applicants applying for U.S. citizenship who need to request an exception to the English and civics testing requirements for naturalization because of a disability. USCIS simplified and shortened this form in response to public feedback to the Federal Register notices issued on April 21, 2021 and October 6, 2021. Feedback included that doctors sometimes decline to fill out the form on behalf of patients because it is too long; that the form should allow for doctors to also certify when an oath waiver is needed; and that the form is confusing in places. The changes to the form address these and other concerns, reducing the burden for naturalization applicants with disabilities. The corresponding Policy Manual guidance is being updated to reflect the changes made to the form.
 - Eligibility for Naturalization and Legal Competency
 - USCIS plans to issue guidance to clarify the impact of a period of legal competency or confinement in a mental health facility on an applicant's ability to participate in the naturalization process; evidentiary standards to establish restoration of competency; and what information is needed to meet the good moral character requirements.
 - Eligibility for Oath Waivers Based on Religious Training and Belief or Deeply Held Moral or Ethical Code
 - To ensure naturalization applicants have the opportunity to express their sincere and meaningful beliefs, USCIS updated its Policy Manual on November 19, 2021, to clarify its oath-waiver process and the circumstances in which an applicant is eligible for a waiver.
 - Gender markers on USCIS forms and secure documents, including the Certificate of Naturalization and the Certificate of Citizenship
 - To advance LGBTQ+ equality, USCIS is reviewing gender marker information in forms and secure documents to incorporate the use of inclusive language that respects gender identities, including gender non-conforming and non-binary individuals.
 - Responding to public accommodation requests and engaging in the interactive process
 - In response to public feedback about obstacles to requesting and timely receiving disability accommodations for any appointments, USCIS successfully piloted, and is in the process of converting to, the centralized processing of accommodation requests by accommodation subject matter experts instead of

field offices. Additionally, USCIS is planning a national virtual outreach event targeting customers with disabilities and affording them the opportunity to provide feedback about this new approach. USCIS will also issue guidance to applicants on requesting accommodations and to USCIS officers on communicating with applicants and properly processing requests.

- Fee-waiver eligibility and exemption guidance for naturalization applications.
 - USCIS returned to adjudicating fee waivers based on the 2011 fee-waiver policy, which expands the ability of USCIS to waive fees for certain immigration benefit requests when the requesting individual is unable to pay.
- Engage with targeted communities and provide information regarding basic eligibility requirements for naturalization.

C. Tracking Progress

- Gather and assess stakeholder input to determine whether barriers have been addressed, such that:
 - individuals with disabilities report little to no difficulty in obtaining the accommodations they need or requesting an exception to the testing requirement;
 - LEP persons indicate that they have meaningful access to training and testing materials;
 - LGBTQ+ persons report that forms and documents allow them to indicate their gender identity without unnecessary burdens; and,
 - other members of underserved communities indicate that they do not feel there are barriers to applying for naturalization.
- Over the long term, examine both quantitative and qualitative data to assess whether barriers persist.

D. Accountability

- Promote accountability through tracking progress and related transparency with stakeholders and the public.
 - Continue to align actions with the *DHS Plan to Improve the Citizenship and Naturalization Process* in accordance with EO 14012.
 - Publicly publish Policy Manual updates in accordance with EO 14012 to eliminate barriers and improve naturalization processes to underserved communities.
 - Periodically publish a list of accomplishments relating to EO 14012 and the DHS Plan to Improve the Citizenship and Naturalization Process.

II. Accessing Humanitarian Protection during Immigration Processing

U.S. immigration law provides a number of different forms of humanitarian protection, allowing individuals who qualify and are approved to remain in the United States for certain periods of time and, in some cases, to apply for LPR status. These protections include, but are not limited to, asylum, statutory withholding of removal, withholding or deferral of removal under the regulations implementing the Convention Against Torture, parole, U visa status, and T visa status. For the noncitizens these protections serve, they afford protection from dangerous or life-threatening circumstances. CBP, ICE, and USCIS all have contact with noncitizens who may be eligible to seek some form of humanitarian protection.

Overarching action to advance equity:

DHS will improve access to humanitarian protection during immigration processing by addressing language and disability-access gaps and enhancing access to legal information and resources.

A. Barriers to Equitable Outcomes

- *CBP*
 - Despite tremendous strides, barriers in accessing humanitarian protection persist, particularly for individuals who speak an indigenous language as their primary language or who are deaf or hard-of-hearing. Such concerns have been raised in recent stakeholder engagements. CBP continues to recognize the importance of effective communication between CBP Officers (CBPOs) or Border Patrol Agents (BPAs) and individuals who may be seeking humanitarian protections.

- *ICE*
 - ICE continues to experience challenges in providing qualified interpretive and translation services for indigenous languages to noncitizens encountered by ICE employees and contractors. These issues were brought to the attention of ICE during outreach events in 2021. ICE conducted outreach with the following organizations: California Rural Legal Assistance, Binational Center for the Development of Oaxacan Indigenous Communities, Indigenous Communities in Leadership, and the International Mayan League. Primary concerns relayed to ICE include difficulties during initial processing after arrest at the border, and continuing difficulties when individuals remain in ICE detention.
 - Current government authorization and appropriations for legal representation and orientation programs for noncitizens limit legal representation and programming, resulting in gaps in services for noncitizens detained in ICE custody. Noncitizens with limited financial resources are those most impacted by this barrier.
 - Noncitizens detained in ICE custody who have disabilities (such as those who are deaf or hard of hearing) may not consistently be provided with reasonable modifications and auxiliary aids and services when interacting with ICE employees and contractors, or during interactions with USCIS such as for credible fear interviews.

- *USCIS*
 - Most detained noncitizens referred to USCIS for credible fear screenings are not fluent in English, may have limited education, and must be interviewed using a telephonic interpreter. If the individual speaks a language for which an interpreter cannot be procured, or if the individual is unable to effectively communicate due to mental health or capacity concerns, they may face additional barriers.
 - For example, conducting an interview with an individual who is deaf is more complicated due to the need to secure an appropriate interpreter through the contract interpreter service provider and coordinate the interpreter's appearance via video for the detained individual's interview. It is also challenging to elicit testimony and make credible fear determinations when individuals have mental health or capacity issues.

- Although individuals in the credible fear process are generally provided a list of legal service providers, they may face challenges or delays in obtaining legal representation. Few organizations serve the often-remote detention facilities, and those serving the facilities may be overburdened.

B. Action and Intended Impact on Barrier

- *CBP*
 - Language Access
 - Enhance the effectiveness of the language access program (including the CBP Language Access Plan and tools such as CRCL’s *I Speak* language identification tool) to enable CBP personnel to communicate with LEP persons who may be seeking access to humanitarian protections.
 - Develop Internal Operating Procedure defining responsibilities, policy, and procedures for U.S. Border Patrol and OFO personnel to ensure meaningful access to CBP’s operations, services, and other activities by LEP persons, including by providing language assistance to individuals who speak languages other than English or Spanish.
 - Continue to conduct annual reviews of language services to determine if resources are being allocated efficiently and effectively. The review will assess language services provided by contractors and employees, primary languages encountered, and resource expenditures.
 - These actions will help to ensure that CBPOs and BPAs are aware of their responsibilities to take reasonable steps to ensure that language assistance is provided to LEP persons with whom they engage or encounter while carrying out their job duties. The language access program will also be monitored to look for needed improvements.
 - Develop and issue a job aid to provide guidance to CBP employees on how to identify vital documents and ensure that such documents are translated into the languages most frequently spoken by LEP persons who require access to CBP programs and activities.
 - Disability Access
 - Better enable those who are seeking humanitarian protection to access such protections through program enhancements, particularly for persons who are deaf or hard-of-hearing.
 - Conduct periodic reviews to assess how well CBP policies and procedures for receiving and processing reasonable modification requests from members of the public based on disability needs are working and determine whether program offices need additional training and/or support with reasonable modification processing.
 - Develop a Performance and Learning Management System training course titled “Disability Access Training for Law Enforcement Professionals” to educate uniformed officers and agents about their roles and responsibilities for ensuring nondiscrimination in CBP-conducted services, programs, and activities for members of the public with disabilities. The uniformed officers and agents will complete the training on a biennial basis.
 - Develop and issue a new job aid titled “Commonly Asked Questions about Section 504 of the Rehabilitation Act of 1973 and Federal Law Enforcement” to provide uniformed officers and agents with information and examples of

how to comply with the requirements of Section when interacting and communicating with individuals with disabilities.

- Contract for services for video remote sign language interpretation for use when interacting with members of the public who may be deaf or hard of hearing.
- *ICE*
 - Expand education and resources for ICE field offices and facilities to meet obligations to assist underserved populations, particularly LEP persons and individuals with disabilities.
 - For example, ICE is developing a language access toolkit intended to serve as a summary of language access obligations and available resources. The kit can also be shared with facility partners as a reminder of their language access requirements, training needs, and necessary/suggested tools.
 - Expand legal resource information, programming, and access to legal representation for noncitizens encountered by ICE.
 - Build on recent accomplishments, including the recently issued 2021 National Detainee Handbook; a new legal access page on the ICE.gov webpage, “Attorney Information and Resources,” which serves as a centralized location for essential legal access information; and a partnership with the Department of Justice Executive Office for Immigration Review (EOIR) to expand the number of facilities with access to the EOIR Legal Orientation Program, which educates detained persons in immigration court proceedings.
 - Increase capacity to identify, accommodate, and effectively communicate with noncitizens who are deaf/hard of hearing, and noncitizens who speak rare and indigenous languages.
 - Expand existing indigenous language service resources and aids by coordinating with current vendors, soliciting feedback from indigenous-led organizations, and exploring future strategies for expanding the availability of indigenous language interpretation and translation.
 - Promote the availability of sign language interpretation and video relay services for detained noncitizens who are deaf or hard of hearing.
 - Provide training to all field offices on the identification, assessment, and available accommodations for individuals with disabilities in custody.
 - Continue to employ standard procedures to ensure USCIS is informed of individuals who may need accommodations during credible fear interviews.
 - Pursue initiatives to limit delays in credible fear interviews between noncitizens and USCIS asylum officers.
- *USCIS*
 - Update guidance on when offices may issue a Notice to Appear (NTA) to individuals whom it cannot interview due to language access issues and guidance on when offices may issue an NTA to individuals whom it cannot interview due to mental health or capacity concerns.
 - The updated guidance will reduce the barrier to equitable outcomes by ensuring that individuals who cannot be interviewed in the credible fear screening process are placed into removal proceedings where they can apply for asylum or other protections from removal, and where an immigration judge can apply appropriate

safeguards if the individual is not sufficiently competent to proceed with a hearing.

- Inform individuals who are entitled to accommodations of their rights and available services. This transparency will enable individuals in underserved communities to better understand when an NTA is issued for language-access or mental health/capacity reasons.
 - Partner with ICE to ensure that individuals have access to appropriate legal service provider lists and attorneys/consultants.
 - Continue to enhance language access efforts for LEP persons.
 - For example, USCIS published a temporary final rule on September 17, 2021, as part of USCIS's precautions to prevent the spread of COVID 19, to allow affirmative asylum applicants to use USCIS-provided contract interpreters who are available to interpret in 47 languages. The effective period of this temporary rule has been extended until March 16, 2023.
 - USCIS prioritized these actions after examining its credible fear process and considering past stakeholder and field office feedback and data. USCIS tracks when asylum offices are unable to complete a credible fear screening interview because the individual speaks a language for which an interpreter cannot be procured. USCIS also tracks when asylum offices are unable to complete a credible fear screening interview because the individual is unable to effectively communicate due to a physical or mental condition. Finally, USCIS has guidance that indicates that NTAs are issued in such scenarios and tracks when an attorney or consultant participates in the credible fear interview.
- *CRCL*
 - Monitor agencies and offices efforts to address language- and disability-access gaps.
 - Coordinate with agencies and offices to develop a plan, in consultation with indigenous communities, to address deficiencies in the provision of indigenous language services, with an emphasis on services for indigenous women and girls. Because indigenous women and girls often have had less access to education in their home countries, they are often less likely to speak English or Spanish (the languages DHS typically provides).

C. Tracking Progress

- *CBP*
 - Review vendor-provided language access reports to determine usage of telephonic language interpretation services, including the language in which the service was provided and the duration of calls.
 - Add fulfillment reporting data for future contracts to improve capability to assess the language services' effectiveness.
 - Add a survey querying users of CBP.gov for feedback on foreign language interpretation needs for CBP.gov content.
 - Consistent with CBP's Disability Access Plan, continue to evaluate current policies and procedures to develop and implement best practices to strengthen access to CBP-conducted programs and activities by qualified individuals with disabilities.
 - Over the long term, assess whether complaints from members of the public decline; CBPOs and BPAs are well versed in the protocols for identifying LEP persons and providing language services, including use of *I Speak* posters, pocket guides, and the indigenous-languages identification tool; and LEP persons and individuals with

disabilities indicate they are able to communicate their intention to seek humanitarian protection and participate in the process in a meaningful way.

- *ICE*
 - Assess whether and to what extent stakeholder groups report that language and disability access efforts allow LEP persons and individuals with disabilities to pursue humanitarian protections without barriers to access.
 - Track progress and outcomes for the above initiatives through regular outcome reporting to ICE leadership, including quarterly reports presented to ICE's Detention Monitoring Council.
 - Continue to monitor interpretation and translation services utilized, including fulfillment rates, and evaluate (including via stakeholder feedback) the effectiveness of service providers in connecting with and providing language services to those in need.

- *USCIS*
 - Continue to track the number of credible fear interviews where accommodations are provided, as well as the number of individuals in credible fear interviews who have the assistance of consultants or attorneys.
 - Host stakeholder engagement events to hear from members of underserved communities regarding whether effective accommodations are being provided, such that LEP persons and individuals with disabilities are able to participate effectively in the process, and whether other access issues present challenges.

- *CRCL*
 - Conduct community engagement to assess whether and to what extent gaps in language and disability access have been addressed, such that individuals who speak rare languages and individuals with disabilities are able to seek humanitarian protection and meaningfully participate in the process.

D. Accountability

- *CBP*
 - Include metrics tied to the implementation of the action items described in this plan in the performance plans of relevant CBP officials.
 - Use the Self Inspection Program to monitor compliance with key provisions of CBP Directive 2130-033, *Nondiscrimination for Individuals with Disabilities in CBP-Conducted Services, Programs, and Activities (Non-Employment)*, July 8, 2021, Section 14.
 - Provide periodic progress updates to stakeholders.

- *ICE*
 - Review progress and outcomes at quarterly ICE Detention Monitoring Council meetings and sub-committee meetings chaired by ICE leadership.
 - Continue to conduct regular outreach with stakeholders representing speakers of indigenous languages, including direct communication with ICE leadership, to aid in future policy development.
 - Monitor language services to confirm the quality and effectiveness of language services provided and track complaint resolution outcomes.

- Report to ICE leadership on an annual basis ICE’s overall compliance with its Language Access and Disability Access Plans.
- *USCIS*
 - Meet with stakeholders to provide progress updates and seek feedback on the extent to which barriers have been addressed or remain.
 - Develop a systematic approach to incorporating stakeholder feedback into policymaking, including the establishment of an internal site to track incoming feedback and outcomes/resolution.
- *CRCL*
 - Publicly report progress during community engagements and seek feedback regarding DHS’s efforts to make the process of seeking humanitarian protection more accessible.

III. Bidding on a DHS Contract

DHS is a leader in federal procurement innovation, industry engagement, and providing procurement opportunities to small businesses. Preliminary FY 2021 data indicate the total small business-eligible dollars obligation was nearly \$8 billion, the highest in DHS’s history. In FY 2020, DHS obligated over \$7.6 billion of the eligible \$21 billion of contract expenditures to contracts with small businesses. These include awards to firms owned by members of underserved communities, including service-disabled veteran-owned businesses; women-owned businesses; small-disadvantaged businesses (SDBs), including 8(a) Program certified businesses; and HUBZone small businesses.¹

DHS prioritized procurement in its equity plan because of the large amount of money DHS expends to purchase goods and services from the private sector. This represents a significant potential impact on firms owned by members of underserved communities who may face barriers in bidding on these opportunities.

Overarching action to advance equity:

DHS supports federal small business contracting programs and aims to expand federal contracting opportunities for companies that are owned by members of underserved communities, including women, minorities, and individuals with disabilities. DHS will prioritize enhancing efforts to engage these firms through various outreach activities, in addition to monitoring and increasing small business goals as appropriate.

A. Barriers to Equitable Outcomes

- During an engagement session held in 2021, stakeholders reported they perceived several barriers to bidding on a contract at DHS, including:
 - goals for SDBs do not take into account the needs of specific minority groups;

¹ Section 8(a)-certified businesses are SDBs that have been accepted for a special government contracting program run by the Small Business Administration. Historically Underutilized Business Zones (HUBZones) are designated areas in which the median income level is below a certain threshold. To participate in the HUBZone Program, a business must have a principal office in a HUBZone, and at least 35 percent of employees must live in a HUBZone.

- inability to break into areas where there are existing contracts; and,
- limited awareness in some sectors of how to navigate the contracting process.

B. Action and Intended Impact on Barrier

- Focus additional outreach efforts on underserved communities for whom statutory set-aside authorities may not exist.
 - The Office of Small and Disadvantaged Business Utilization (OSDBU), working in partnership with the DHS Office of the Chief Procurement Officer, manages the DHS small business program. OSDBU oversees the Vendor Outreach Sessions Program (VOS), a government-wide best practice.
 - Vendor outreach sessions are a series of pre-arranged 15-minute appointments, currently virtual in the COVID-19 environment, involving small businesses, DHS Small Business Specialists, and several large prime contractors seeking small businesses for mentoring and subcontracting opportunities.
 - These sessions, held 10 times each fiscal year, provide a platform for the small business community to discuss their capabilities and to learn more about doing business with DHS. Several of the sessions target firms that are considered underserved.
 - DHS will expand vendor outreach and engagement by hosting additional “How to Do Business with DHS” sessions, targeted specifically to underserved communities.
- Increase awareness of procurement opportunities, requirements, and guidelines among groups that may have thought those opportunities were out of reach or were unaware of DHS’s commitment to small businesses.
- These actions aim to address the identified barriers by improving awareness of available opportunities and navigating the contracting process in general, particularly for underserved communities for which there is no statutory procurement program.

C. Tracking Progress

- Track achievement of Small Business Administration (SBA) goals at the Department and agency/office levels. (Annually, small business goals are negotiated between DHS and the SBA. Separate goals are negotiated between the OSDBU and each DHS agency/office).
 - Expansion of outreach efforts and the President’s management agenda should generate an increase in small business goal achievement throughout DHS.
- Expand current VOS surveys to include additional demographic questions that enable assessment of the effectiveness of these efforts with respect to particular underserved communities. This information will provide DHS with disaggregated data on the types of firms that are benefitting from outreach opportunities and whether they found that the sessions reduced barriers and increased transparency.
- Monitor and increase DHS small business goals as appropriate. The OSDBU and SBA monitor contract awards to businesses owned by individuals identifying as eligible for federal statutory set-aside contracting. These include women-owned, service-disabled veteran-owned, and Historically Under-Utilized Business Zone (“HUBZone”) programs with various and highly specific criteria. However, businesses that are not eligible to compete in these programs may be able to compete as a small business under SBA programs, based on company revenue or number of employees. Even though the SBA programs are likely to benefit underserved communities, there is currently no separate numerical goal for underserved communities in federal small business contracting

programs. OSDDBU will therefore monitor and establish or increase these goals as appropriate.

D. Accountability

- Increase accountability for DHS leadership and the acquisition community in assessing DHS's commitment to small business participation. This commitment is currently measured in part by the SBA Annual Procurement Scorecard (Scorecard). The Scorecard provides accountability for DHS's small business, socioeconomic, and subcontracting-goal accomplishments in federal contracting. The current Scorecard also measures DHS's adherence to the Small Business Act and changes in the size of DHS's small-business vendor pool. DHS has received a grade of "A" or "A+" on the Scorecard for the past 12 fiscal years and will continue to strive for this level of excellence.
- Provide VOS survey data and feedback quarterly to DHS leadership with analysis of participation by underserved communities. This information will be used to better target outreach efforts.

IV. Countering Domestic Violent Extremism and Targeted Violence

U.S.-based lone actors and small groups, including homegrown violent extremists and domestic violent extremists (DVEs) who are inspired by a broad range of ideological motivations, pose the most significant and persistent terrorism-related threat to our country. DVEs are motivated by various factors, including racial bias, perceived government overreach, conspiracy theories promoting violence, and false narratives about unsubstantiated fraud in the 2020 presidential election. Among DVEs, racially or ethnically motivated violent extremists, including white supremacists (RMVE-WS), will likely remain the most lethal DVE movement in the Homeland.

DVE threatens not only life and property, but also the ability of persons in the United States to safely exercise their civil rights and civil liberties, especially for religious, ethnic, and racial minority communities. DHS is committed to combatting all forms of terrorism and targeted violence, including terrorism and targeted violence meant to intimidate or coerce specific populations on the basis of their ethnicity, national origin, religion, gender, sexual orientation, gender identity, or political views.

Overarching action to advance equity:

DHS will augment efforts to address domestic violent extremism and targeted violence by enhancing programs to empower communities to prevent targeted violence and terrorism, build resilience among communities, and improve the efficiency and effectiveness of ongoing domestic violent extremism programs.

A. Barriers to Equitable Outcomes

- Domestic Violent Extremism and targeted violence are barriers to underserved communities' full participation in society at large. They pose not just a threat to life and property, but also to the ability of persons in the U.S. to safely exercise their civil rights and civil liberties, especially for religious, ethnic, and racial minority communities. For example, there has been a troubling increase recently in violence toward the AANHPI

community, the Jewish community, African Americans, and other racial minorities. Similarly, synagogues, mosques, and Black churches have been targets of violent attacks.

- Combatting and preventing domestic violent extremism and targeted violence is a critically important equity issue, especially since prominent DVE movements often target communities of color and others based on their perceived race, ethnicity, or religion. This also often interferes with these communities' exercise of their civil rights and civil liberties, including the exercise of their First Amendment rights to engage in free speech and to freely exercise their faith.

B. Action and Intended Impact on Barrier

- Continue implementing a whole-of-society approach to preventing terrorism and targeted violence.
 - Moving away from previous “countering violent extremism” approaches that targeted specific communities, this approach provides communities with the tools to help prevent individuals from radicalizing to violence.
- Enhance support for local efforts to build violence prevention frameworks.
 - The DHS Center for Prevention Programs and Partnerships (CP3), which is leading DHS's efforts in this critical space, supports communities with representatives in the field across the United States, providing both resources and knowledge to build the capacity to identify individual behavioral indicators that may lead to violence regardless of motive or ideology.
 - For example, in October 2021, CP3 held a Digital Forum on Prevention that focused on civil rights and civil liberties. This Forum built off extensive engagement with a variety of community advocacy and civil rights and civil liberties organizations that CP3 held throughout 2021. These included representatives from the Black, Latino, AANHPI, Arab/Middle Eastern, and LGBTQ+ communities as well as faith-based organizations. CP3 recently began a rotational detail of its personnel into CRCL to further enhance this approach.
- Promote greater interest in and awareness of CP3 and the Cybersecurity and Infrastructure Security Agency's resources for faith-based organizations among underserved communities.
- Improve underserved communities' access to grant programs that counter domestic violent extremism.
 - The Targeted Violence and Terrorism Prevention Grant Program provides funding for state, local, tribal, and territorial governments, nonprofits, and institutions of higher education to establish or enhance capabilities to prevent targeted violence and terrorism. In FY20, CP3 awarded approximately \$20 million in grant funding through this program.
 - Design a communications plan that will not only seek to reach more local and underserved communities, but also provide technical assistance and support to those stakeholders. For example, CP3 will host webinars on the application process, ensure deadlines and program requirements are communicated effectively to underserved communities, connect stakeholders from underserved communities to CP3 Regional Prevention Coordinators, and provide one-on-one calls to those interested stakeholders.
 - Leverage existing digital communication plans (e.g., website, newsletter, GovDelivery, etc.) to make content easily accessible and searchable to key audiences; provide easy-to-understand content that outlines the application

process and tips for preparing a successful application; use live virtual events to promote resources and authentically engage with and receive feedback and insights from key audiences; and build upon partner relationships to amplify messaging.

- Nonprofit Security Grant Program (NSGP).
 - The NSGP is a competitive grant program that provides funds to nonprofit organizations at risk of a terrorist attack, including attacks perpetrated by DVEs, for physical security enhancements and other security-related activities. This program is currently allocated \$180 million annually.
 - Capture information on who applied and who was or was not awarded funding and assess the history of awards by applicant type/entity, state, zip code, and region.
 - Determine whether particular entities, communities, or geographic areas have been excluded from the program.
 - Identify barriers to applying or otherwise participating in NSGP.
- Prevent, detect, and respond to potential DVE threats internal to DHS.
 - Establish clear policies and guidance to prevent, detect, and respond to potential domestic violent extremists within DHS, while protecting employees' privacy rights, civil rights, and civil liberties.
- Augment intelligence analysis and information-sharing capabilities with a priority focus on developing and sharing objective and timely intelligence with federal, state, tribal, territorial, and local partners.
 - Provide actionable and timely intelligence to the broadest audience at the lowest classification level possible.
 - Publish and disseminate intelligence bulletins that provide our partners with greater insight into evolving threats and situational awareness that can inform public safety and security planning efforts to identify and prevent violence.
 - Continue to increase collaboration with the Federal Bureau of Investigation, the Intelligence Community, and other federal partners to better understand and assess the extent of operational relationships between violent extremists in the United States and those operating in other parts of the world.
- Continue to conduct robust engagement with members of underserved communities to understand their concerns related to domestic violent extremism and targeted violence.

C. Tracking Progress

- Assess the degree to which members of underserved communities, particularly religious, ethnic, and racial minority communities, report that they feel that DHS, and the government generally, has taken action that makes them feel that the DVE threat against them has diminished.
- Regularly review program effectiveness. For example, DHS recently conducted a Counterterrorism and Targeted Violence Posture Review to identify opportunities and gaps across DHS to address all forms of foreign and domestic terrorism and targeted violence, consistent with privacy protections, civil rights, civil liberties, and legal requirements. The findings of this review, combined with the strategic guidance set forth in the *National Strategy for Countering Domestic Terrorism* (June 2021), are being used to prioritize, update, and modify existing goals, objectives, roles, responsibilities, and timelines for all actions across DHS, including those that advance equity.

D. Accountability

- Continue to meet regularly with members of underserved communities and other stakeholders to report on DHS's efforts to counter DVE and acts of targeted violence, and to welcome feedback on the effectiveness of those efforts.

V. Filing Complaints and Seeking Redress in DHS Programs and Activities

DHS has procedures in place that enable members of the public to file complaints and seek redress without retaliation regarding DHS programs, including allegations of unlawful discrimination in a departmental activity or profiling on the basis of race, national origin, language proficiency, gender, gender identity, disability, or religion. DHS selected this area for inclusion in the equity plan because of its importance in promoting equity across all other programs. Strong, transparent, and accessible complaint and redress procedures provide DHS an opportunity to make improvements in policies and procedures and take corrective action, help build trust between the public and DHS, ensure underserved communities are treated equitably in DHS programs and activities, and address allegations of misconduct, mistreatment, and/or discrimination.

Overarching action to advance equity:

To advance equity within its complaint and redress programs, DHS will enhance communication with the public regarding the right to file complaints concerning DHS programs and seek redress without retaliation, how these processes work, and what individuals can expect from these processes. In implementing these changes, DHS will work toward providing seamless and comprehensive language access to complaint and redress procedures, as well as greater transparency in complaint and redress mechanisms. DHS will also conduct robust and inclusive stakeholder engagement.

A. Barriers to Equitable Outcomes

- In interacting with an agency as large as DHS and with such diverse and wide-ranging programs, members of the public may be confused or have insufficient information about their options for filing complaints and seeking redress in DHS programs. They may also fear retaliation. Because of this, as well as other potential barriers, members of the public may be discouraged from filing complaints and seeking redress, delay in submitting complaints, or provide incomplete information.
- Populations disproportionately impacted may include migrant and immigrant communities, LEP persons, disaster survivors, persons with disabilities, persons who are unfamiliar with government processes, those with limited access to technology, noncitizens in detention or otherwise in DHS custody, or those who may fear retaliation or other negative impact from filing a complaint.
- DHS lacks sufficient quantitative data to conclude that there are ethnic, racial, or other disparities as a result of this barrier; however, information from a stakeholder engagement session that DHS held on this topic included feedback that lack of clarity on how and where to file complaints, including complaints about disability-access concerns, is impacting members of underserved populations.

B. Action and Intended Impact on Barrier

- Enhance systems for informing members of the public of their options and right to file complaints and seek redress in DHS programs, how those options work, and what they can expect from these processes. Specific actions items include:
 - Update and enhance the DHS webpage at <https://www.dhs.gov/how-do-i/provide-feedback-dhs>, which has information about avenues for filing complaints and seeking redress in DHS, and create associated fact sheets. Information on the webpage will be in plain language and available in most commonly spoken languages in the United States. Each DHS agency and office operating relevant programs will be expected to link to this webpage from its homepage.
 - Expand avenues for disseminating information about how to file complaints and seek redress (e.g., stakeholder engagements, press releases, and roundtable or individual meetings between DHS officials and community members). These efforts should include outreach targeted to LEP persons, immigrant communities, and other underserved communities who may be disproportionately impacted by inequities in DHS programs and reluctant—potentially due to access barriers or fear of retaliation—to file a complaint with DHS.
- Review and consider options for improving System of Record Notices (SORNs) concerning redress requests or complaint investigations to ensure that any dissemination and retention of a complainant’s personally identifiable information (PII) is limited to what is relevant to such request or investigation, as appropriate and consistent with the law.
- Create clear policies that insulate complainants from retaliation and make clear that retaliation will not be tolerated.

C. Tracking Progress

- Create measurable progress goals that will enable the actions described above to be completed within two years.
- Conduct robust stakeholder engagement to evaluate whether barriers have been reduced or eliminated.
 - Assess the degree to which relevant stakeholders report that members of underserved communities are aware of how to file a complaint and feel comfortable doing so without fear of retaliation. For example, assess whether detained noncitizens report that they understand how to file a complaint about the conditions of their detention and feel comfortable doing so without fear of retaliation.

D. Accountability

- Promote accountability through stakeholder engagement and reporting to Congress.
 - Hold regular meetings to share information about implementation of this action with stakeholders and receive input on the impact and effectiveness of DHS actions.
 - Ensure that performance plans for executives responsible for complaint and redress mechanisms address these aims.
 - Report progress on these efforts in CRCL’s statutorily mandated yearly report to Congress.

VI. Airport Screening

Airport security screening is the largest public-facing program for TSA. Notably, TSA's security screening was identified as one of the high-impact service programs delivered by the federal government under the OMB Circular A-11 guidance. Each day, TSA encounters and serves more than two million travelers in TSA's security screening process.

Overarching action to advance equity:

In furtherance of TSA's mission to equitably protect the nation's transportation systems and facilitate lawful travel, TSA will enhance and standardize training for its screening officers and improve screening technology capabilities.

A. Barriers to Equitable Outcomes

- Members of the public, especially those from underserved communities, continue to report concerns regarding racial and ethnic profiling during the screening process at airport screening checkpoints. TSA has learned of these concerns in regular meetings with stakeholders through TSA's Disability and Multicultural Coalition and traveler complaints. Stakeholders have expressed, for example, that the items below are important areas of concern. TSA is urgently working to assess and address these claims.
 - Limitations in current screening technology sometimes result in the need for additional screening for individuals wearing religious headwear or with certain hairstyles, and individuals with disabilities who are carrying medically necessary liquids.
 - Stakeholders have reported that interactions with some Transportation Security Officers (TSOs) seem to reflect insufficient training in procedures for handling these situations in alignment with cultural competency best practices, including best practices for how to communicate the need for additional screening.
 - Tribal Nations continue to report that their federally recognized tribal IDs are not consistently accepted by TSOs, and that TSOs may need to complete additional related training.
- LGBTQ+ persons and individuals with disabilities face challenges as a result of current screening-technology limitations and security-screening procedures. Currently, on-person screening technology is limited to the binary-gender construct, which may lead to additional—and sometimes more invasive—screening for transgender or gender-nonconforming individuals. Depending on the individual's needs, physical screening may be required due to capability limitations of existing screening technology; for example, individuals with disabilities who are unable to stand or walk, or otherwise unable to proceed through existing screening technology (e.g., due to internal or external medical devices on their person), are subject to more time-consuming and invasive physical screening (e.g., pat-downs).

B. Action and Intended Impact on Barrier

- Enhance Officer Training
 - TSA Gender Diversity Awareness training is provided to TSOs during their initial Basic Training Program and required annually thereafter. TSA will modify the training to reflect any changes to Standard Operating Procedures or updates to equipment functionality. TSA will continue to improve training based on trends,

- questions, and issues identified by travelers and members of the screening workforce. TSA will include training around use of X as gender marker in passports and use of gender-neutral language in communications.
- In addition, Lead, Expert, and Supervisory TSOs, as well as Security Training Instructors, Training Managers, and Passenger Support Team members are required to complete an *Introduction to Passenger Support Specialist* training, which includes best practices for effective engagement and screening of travelers who may need assistance when going through airport screening (e.g., travelers with disabilities and medical conditions, travelers from diverse cultural backgrounds, etc.).
 - TSA will develop additional scenario-based trainings for areas of concern for racial and religious minorities, LGBTQ+ persons, individuals with disabilities, and members of Tribal Nations. This training will cover nondiscriminatory screening principles, proper procedures for situations requiring additional screening, and how to recognize and process Tribal-identification documents.
- Update Machine Algorithms
 - TSA has tested and collected data on a gender-neutral algorithm that increases the accuracy and efficiency of screening procedures. While implementing technological changes can take time, TSA is committed to deploying this technology as quickly as possible to increase security and improve the airport screening experience for transgender and gender-nonconforming passengers.
 - TSA is working to develop technologies that will facilitate the screening of headwear and face coverings that travelers cannot remove in public for religious reasons.
 - TSA has partnered with the DHS Science and Technology Directorate to explore new technologies for screening medical items, whether on-person or in accessible property.
 - Sustain Engagement
 - To enhance the airport screening experience, TSA continues to engage disability and multicultural advocacy and community-based organizations through the TSA Disability and Multicultural Coalition by:
 - gathering firsthand accounts of diverse travelers' concerns;
 - incorporating subject-matter expertise from the Coalition into related workforce training;
 - facilitating organizational leadership discussions; and,
 - ensuring equitable access to TSA programs among underserved communities.
 - To promote transparency and help travelers understand what to expect during the screening process, all policy changes will be announced on TSA.gov, available through the TSA Contact Center, and shared with the TSA Disability and Multicultural Coalition.

C. Tracking Progress

- Regularly track and monitor training compliance across the Agency to ensure requirements are met.
- Assess the degree to which stakeholders from the Disability and Multicultural Coalition and other minority groups indicate that barriers have been addressed (e.g., whether individuals who wear religious headwear report that they are experiencing a respectful and efficient screening process).

- Review complaint volume—particularly from members of racial, ethnic, and religious minority groups, limited English proficient (LEP) persons, women of color, LGBTQ+ persons, and travelers with disabilities and medical conditions—to determine whether traveler complaints submitted to TSA decline in response to the above actions.

D. Accountability

- Promote accountability through management controls and stakeholder feedback.
 - TSA’s Management Control Objective Plan (MCOP) requires complaints to be resolved within specific timelines and calls for continuous engagement through the TSA Disability and Multicultural Coalition.
 - Performance plans for several TSA leaders and staff include MCOP performance goals.
 - TSA will communicate progress in implementing changes through the Disability and Multicultural Coalition and seek feedback on their effectiveness on at least a quarterly basis.
- Communicate progress to the public at large, including through TSA.gov and the TSA Contact Center.

VII. Access to Trusted Traveler Programs

DHS selected Trusted Traveler Programs (TTPs) for inclusion in the equity plan based on the large number of customers and potential customers, as well as the importance of the programs to the agency and members of the traveling public who benefit from reduced wait times and streamlined processing. Millions of travelers pass through U.S. airports of entry every day. Over 10 million travelers are currently enrolled in TSA PreCheck®, and 9.6 million are enrolled in CBP’s four TTPs. Many more are eligible to participate in these programs. DHS has identified several actions to improve equity in these programs, while continuing to ensure the safety and security of the traveling public.

Overarching action to advance equity:

To promote equity in these programs, DHS will undertake the following actions:

- TSA will continue to take steps to improve equitable access to the TSA PreCheck® Application Program writ large and especially for LGBTQ+ persons by expanding gender-identification options so they are no longer only binary, and for individuals with disabilities by ensuring that TSA PreCheck® lanes at airports are consistently accessible.
- CBP will enhance access to its TTPs for LEP persons and address concerns about inequities in TTP membership revocations.

A. Barriers to Equitable Outcomes

- *TSA PreCheck®*
 - The current application process may cause confusion or limit access for some LGBTQ+ persons. Presently, the form allows for male (M) or female (F) gender options only. The gender indicated on the application must match the identification documents provided by the applicant, presenting a challenge for those travelers unable to obtain official documents consistent with their gender identity. Additionally, if an individual with TSA PreCheck® wishes to change their gender, they must submit supporting documentation that shows gender change.

- TSA has received complaints regarding this policy from applicants who have transitioned genders or are non-binary. Similarly, TSA has received congressional inquiries about individuals who have non-binary values on their identity or citizenship documents and are unsure how to enroll in TSA PreCheck® with legal identity or citizenship documentation that was not accepted by TSA and its enrollment provider.
 - TSA considered removing the gender field on the PreCheck® application entirely. However, gender has been a key piece of biographic data used for vetting and continues to be required by numerous vetting systems on which TSA relies. See 49 C.F.R. §§ 1572.9(a)(4) and 1572.17(a)(4). Historically, many of these vetting systems have not allowed for non-binary genders.
 - TSA has received stakeholder concerns about the mental health-related questions in TSA PreCheck® application forms.
 - TSA has also received complaints from stakeholders about the lack of accessible PreCheck® lanes at some airports, preventing PreCheck® members who have disabilities from utilizing the streamlined screening procedures.
- *CBP Trusted Traveler Programs*
 - CBP’s online TTP application process, currently viewable in English, Spanish, and French, may present difficulties for LEP persons, especially those whose primary language is not Spanish or French. In addition, the website defaults to English, and navigating to Spanish or French may be difficult for some LEP persons.
 - Based on comments received from the public, CBP is aware of ongoing concerns about inequities in the granting, denial, and revocation of Global Entry membership.
 - More specifically, there are concerns that CBP has denied or revoked Global Entry membership based on race, national origin, and/or religion.
 - As an example, community stakeholders point to the revocation of hundreds of Global Entry Memberships in 2017 after the implementation of EO 13780.
 - Moreover, the public has expressed concerns about inequities in the Global Entry redress process, asserting that CBP does not provide meaningful information regarding the substantive reason for the denial or revocation.

B. Action and Intended Impact on Barrier

- *TSA*
 - In the near term, recognizing that gender verification is not needed for the PreCheck® security-screening process, TSA will allow for self-reporting/attestation of gender without the need for supporting medical documentation, even if gender differs on identity documents. Over the long term, the agency will update front-end and back-end systems to allow for selection of an additional gender marker that aligns with the Department of State’s incorporation of “X” gender markers on U.S. passports. Due to the complexity of the technology systems involved, this process will take time. To carry out these efforts, TSA will:
 - Notify all entities collecting applicant data (e.g., enrollment providers) that verification of gender is not required during enrollment and to allow applicants to self-report gender, even if the gender selected does not match the gender on the applicant’s supporting documentation.
 - Establish procedures consistent with this approach.
 - Work with internal vetting systems to allow for inclusion of an additional gender option, if the vetting system does not already do so. This will be available on

enrollment forms and easily incorporated into the backend systems for routing to the applicable vetting programs.

- TSA cannot provide an exact timeline for beginning to offer a gender option for non-binary, intersex, and gender non-conforming persons, as this change affects numerous systems. TSA is aiming to introduce this change, however, by the first quarter of FY 2023.
- These actions reflect internal awareness that there is a population that is not being equitably served and the realization of a burdensome process for individuals wishing to change their gender. These actions will reduce the stress, cost, and time burden on applicants to provide supporting documentation for gender change and reduce TSA's case management workload. They will also allow for inclusion of an additional gender option for those who do not identify with a binary gender, without having a negative impact on vetting results or approval of TSA PreCheck® benefits.
- In addition, while TSA's Checkpoint Design Guide incorporates the U.S. Access Board's guidelines to ensure design of accessible checkpoints and checkpoint lanes, including the TSA PreCheck® lanes, TSA continues to monitor stakeholder concerns and traveler complaints where, for purposes of traveler volume, local airport management may make adjustments to the checkpoints that create barriers for individuals with disabilities. When TSA is made aware of these circumstances, it engages with local airport leadership to take corrective actions in compliance with accessibility requirements.
- *CBP*
 - CBP will take steps to improve language assistance services to help LEP persons with the TTP application process. Among those efforts, it will:
 - Seek opportunities to expand language assistance services through multiple resources. Depending on the situation, these resources may include a contract provider for foreign language interpretation or the use of staff, such as bilingual personnel and CBP Officers who receive a proficiency rating pursuant to CBP Directive No. 51451-004B, *Foreign Language Awards Programs*. Additionally, where the relevant language assistance services are provided in Spanish, CBP Officers who receive Spanish language training during basic academy training may also be used.
 - Issue Internal Operating Procedures to define responsibilities, policy, and procedures for OFO personnel to ensure reasonable steps to provide LEP persons meaningful access to CBP's operations, services, and other activities.
 - Engage with LEP communities and other external stakeholders to assess effectiveness of language services.
 - CBP will expand web content and issue mission-specific operating procedures to reduce and eventually eliminate barriers to effective communication during the TTP online application process; and,
 - Promote greater transparency in the CBP Ombudsman review process for travelers whose TTP membership has been denied or revoked.
 - CBP will continue to utilize a CBP Ombudsman Team to review reconsideration requests to determine whether to exercise discretion and allow denied/revoked TTP applicants/members who fall outside the strict standards of TTP eligibility to attain/retain membership despite a failure to meet the strict criteria. The reconsideration review process allows the applicant/member to directly address

their reason for denial or revocation by providing expanded details and explanations of why they should be allowed to participate in the program.

- CBP is unable to provide applicants information that is law enforcement sensitive or part of an ongoing investigation regarding applicants. To promote greater transparency, consistent with this limitation, CBP will update the response letter to advise applicants or members whose memberships are denied or revoked of the opportunity to submit additional documentation for further consideration by the Ombudsman, to include civil or criminal court documentation demonstrating resolution of otherwise disqualifying factors.

C. Tracking Progress

- *TSA*
 - In the near term, track feedback received from TSA Disability and Multicultural Coalition members, as well as customers (through complaints), regarding the extent to which the barriers have been addressed.
 - Ensure that applicants can self-report gender with binary and non-binary options without the need for supporting documentation to match what is indicated on their identification documents. TSA is currently implementing this policy change.
- *CBP*
 - Measure whether there is increased participation in TTPs and a reduction in complaints from members of the public regarding provision of language-assistance services.
 - Assess whether there are increased membership applications and fewer complaints of discrimination from members of the public, particularly from members of racial or religious minority groups.
 - Measure the effectiveness of language access initiatives.
 - In FY 2021, CBP issued contracts for language-assistance services. CBP's Office of Field Operations (OFO) recently launched a communication plan to notify its workforce of the availability of the language-assistance services. To determine whether the agency's actions have eliminated or substantially reduced the communication barriers, the contract vendor will provide CBP with reports, which will allow CBP to determine the scope and continued need for language services. CBP will also add a survey, querying users of CBP.gov, for feedback on foreign language interpretation and translation needs of CBP.gov content.

D. Accountability

- *TSA*
 - Promote accountability through robust stakeholder engagement and communication with the public.
 - Develop a defined communication plan to inform all impacted internal and external stakeholders of progress in implementing these changes.
 - Provide information to the public to manage expectations and message updates through the agency website and communications (e.g., e-broadcasts, teleconferences, FAQs) with the TSA Disability and Multicultural Coalition.
- *CBP*
 - Promote accountability through management controls and respond to customer concerns.

- Ensure customer service remains embedded in the performance plans of the Director and Branch Chiefs for CBP's TTPs. This core competency defines performance standards associated with communication with customers to understand their needs and the provision of timely, flexible, and responsive services to customers.
- Provide a Traveler Communications Center that is available and responsive to the public and ensure applicants are able to submit any questions or concerns about CBP TTP applications and processing.
- Promote accountability through robust stakeholder engagement and communication with the public.
 - Participate in CRCL Community Engagement Roundtables to provide information and publicize the TTP process to attendees.

Operational Status and Level of Institutional Resources Available to Offices with a Civil Rights Mission

With current resources, DHS's civil rights offices are able to undertake efforts in furtherance of each of their mission areas. However, additional resources are necessary to carry out all mission areas fully and effectively. Safeguarding civil rights and civil liberties is fundamental to all the work we do at DHS, and we will continue to examine options for ensuring that all of DHS's dedicated civil rights offices have the resources they need to carry out and uphold this mission.