



Homeland Security

U.S. Department of Homeland Security
Office for Civil Rights and Civil Liberties

Draft

Indigenous Languages Plan

February 2023

DHS Indigenous Languages Plan

I. Introduction and Purpose

The U.S. Department of Homeland Security (DHS) Indigenous Languages Plan is a vehicle for strengthening language services for Indigenous migrants who are encountered and served in DHS programs, activities, and operations.

DHS recognizes the importance of effective communication with persons who are limited English proficient (LEP) across its many missions and functions and is committed to meeting the requirements of Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency* (August 11, 2000).¹

Executive Order 13166 requires that DHS provide meaningful access² to its programs, services, and activities to LEP persons, consistent with and without unduly burdening the Department's fundamental missions. While DHS has developed sound policies and practices over the years to provide such meaningful access to all LEP persons, DHS is reviewing these policies and practices to ensure that they are adequate and consistently implemented to serve all LEP persons.

This plan focuses on strengthening DHS's ability to communicate effectively with Indigenous migrant populations from Latin America. Migration levels in the U.S. from Guatemala and other countries with large Indigenous populations have increased significantly. Reports from various sectors and civil rights complaints from the public in recent years also pointed to the need to examine how DHS can strengthen the provision of Indigenous languages services.

II. Plan Development

To develop this plan, DHS convened an internal committee on Indigenous migrant languages³ and examined current demographic data and efforts across DHS to provide meaningful access to Indigenous migrants. DHS also engaged with Indigenous migrant leaders to receive individual input on effective practices for strengthening language access for Indigenous migrants.

DHS also reviewed recommendations from Indigenous migrant organizations to the DHS Family Reunification Task Force; conducted a review of Non-Governmental Organizations' (NGO) reports and international human rights documents; analyzed language access complaint data from the Office for Civil Rights and Civil Liberties (CRCL); surveyed the practices of other federal agencies to provide language access to Indigenous migrants; and reviewed materials from two previous DHS Indigenous language roundtables, including one roundtable with frontline

¹ The Office for Civil Rights and Civil Liberties has delegated authority from the Secretary to ensure compliance with Executive Order 13166 throughout DHS.

² Meaningful access is language assistance services that result in accurate, timely, and effective communication at no cost to the LEP person.

³ The committee representatives are from U.S. Customs and Border Protection (CBP), Federal Emergency Management Agency (FEMA), U.S. Immigration and Customs Enforcement (ICE), U.S. Citizenship and Immigration Services (USCIS), Office for Civil Rights and Civil Liberties (CRCL), Office of the Immigration Detention Ombudsman (OIDO), Office of Public Engagement (OPE), Office of Citizenship and Immigration Services Ombudsman (CISOMB) and the Blue Campaign program office.

personnel from U.S. Customs and Border Patrol (CBP), U.S. Immigration and Customs Enforcement (ICE), and U.S. Citizenship and Immigration Services (USCIS).

DHS also examined capabilities of its language vendors and minimum requirements for linguists under these contracts and reviewed language access issues raised during DHS equity assessments conducted pursuant to Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (January 20, 2021).

Finally, in developing this plan, DHS sought to examine language access considerations for Indigenous migrant women and girls in support of DHS goals to advance gender in the immigration system.⁴

III. Demographic Data

DHS Components that interact most with Indigenous migrants identified the most frequently encountered Indigenous languages in their programs and activities (lists are not ranked):

U.S. Customs and Border Protection (CBP)	Federal Emergency Management Agency (FEMA)	Immigration and Customs Enforcement (ICE)	U.S. Citizenship and Immigration Services (USCIS)
Mixteco	Awakateko	K'iche'	Q'anjob'al
Q'anjob'al	Quiché/K'iche	Mam	Mam
Quwchua/Kichwa	Mam	Q.eqchi	K'iche'
Poqomchi	Q'anjob'al	Quichua/Kischwa Cañar Highland	
Enawene-Nawe	Zapotec	Quechua	
Chuj	Quechua/Kichwa	Akateko	
Mam		Q'anjob'al	

Other Indigenous languages encountered include: Ixil; Quwchua (Chimborazo Highland variant); Achi; Mixteco; Quechua (Salasaca Highland variant) ; Triqui; Tzotzil; Achi (Cubulco variant); Chuj de San Mateo (Ixtatán variant).

IV. Current DHS Practices

Among the steps that DHS has taken to provide language access for Indigenous migrants in its programs and activities are:

Language Access Plans, Policies, and Procedures

- DHS Component Language Access Plans describe requirements and processes for effective communication with all LEP persons. Several Component plans have

⁴National Strategy on Gender Equity and Equality [Fact Sheet: National Strategy on Gender Equity and Equality - The White House.](#)

specific information about efforts to strengthen language access for Indigenous migrants.⁵

- CRCL has requested that all Components review and update their Language Access Plans in Fiscal Year 2023. These updated plans must describe the steps the Components will take to ensure that their policies and practices consider the language needs of Indigenous and rare language speakers.
- In July 2022, U.S. Border Patrol issued an internal procedure to its employees regarding communication with LEP persons that includes guidance to make reasonable efforts to ascertain an individual's primary language to ensure effective communication. Additionally, the procedure explains that, for example, not all individuals from Central America speak Spanish fluently, but rather may speak an Indigenous language as their primary language.
- In July 2022, the USCIS Refugee, Asylum, and International Operations Directorate issued a memorandum on *Language Access in Credible Fear Screenings*. The memorandum provides new guidance to Asylum Officers on determining which language to use during credible fear interviews and actions they should take if an interpreter cannot be provided in the preferred language and tracking of languages.
- ICE Enforcement and Removal Operations (ERO) issued guidance to its employees reminding them they must provide language assistance to LEP persons, including those who speak indigenous languages. The guidance also highlighted existing job aids to assist in identification of indigenous language speakers.

Contracts

- DHS has a Blanket Purchase Agreement (BPA) to meet the language requirements of all DHS Components. Vendors on the BPA are expected to be able to provide language services in more than a dozen Indigenous languages.
- In 2022, ICE ERO awarded a contract for language services to a leading indigenous led organization. This contract, which is intended to supplement ERO's primary 24/7 telephonic interpreter line, is a first of its kind for ICE in that it provides for cultural awareness and sensitivity consultation and assistance with development of training and job aids. ERO is actively working with the organization and ICE's Personnel Security Division to submit and clear linguists under the new contract so that employees can begin utilizing these services in the near future.

⁵ More information about these plans, polices, and procedures can be found on the DHS Language Access webpage: www.dhs.gov/language-access.

Resources for Language Identification

- DHS has developed language identification posters and booklets to help frontline personnel identify the languages of Indigenous and other LEP populations. These are posted throughout ICE detention facilities and CBP ports of entry and stations.⁶
- ICE has developed a tool to assist employees to identify Indigenous languages. The tool has audio files for Indigenous language speakers to identify their primary language. The tool was recently updated to include three languages: Garifuna,⁷ Amharic, and Tigrinya.⁸ Additionally, with ICE's permission, CBP issued the updated version of this tool as a resource to its employees.
- ICE developed a *Tip Sheet* of best practices for identifying and communicating with indigenous speaking noncitizens, and a *language (and indigenous) ID card* with the "I speak" phrase in 10 languages on one side, and phonetic listing of commonly encountered indigenous languages on the other side. All tools and job aids are typically disseminated to employees electronically and uploaded on ICE ERO's internal webpage. ICE also collaborated with Comunidades Indígenas en Liderazgo (CIELO), to host an Indigenous Cultural Awareness training for ICE staff and informally consulted with the organization on development of Indigenous-focused job aids.

Monitoring

- In September and December 2022, CBP traveled to several facilities along the Southwest border to observe language access procedures, including for Indigenous languages speakers, and met with non-profit organizations regarding language access for Indigenous migrants.

COVID-19 Response

- FEMA procured over-the-phone interpretation services to provide access to Indigenous migrants during the COVID response, multi-state Hurricane Ida response and recovery operations, and Kentucky tornadoes. These language services are made available to FEMA staff in the field and shared with inter-agency, state, and local government and NGO/voluntary agencies partners. FEMA provided K'iche written translations in support of Washington Wildfires disaster operations. As part of its over-the-phone interpretation service, FEMA provided interpretation in Awakateko, K'iche', Mam, Q'anjob'al, Zapoteco, and Quechua/Kichwa.
- ICE developed a COVID-19 informational video to provide basic information to non-citizens in detention on COVID-19 care/precautions. The video is voiced in seven indigenous languages: Chuj, Mixteco

⁶ These materials can be found on the [DHS Language Access webpage](#) and current examples are included in the appendix.

⁷ Garifuna is an Indigenous language spoken primarily in Honduras, Belize, and Guatemala.

⁸ Both Amharic and Tigrinya are languages widely spoken in Ethiopia and Eritrea.

(Guerrero variant), K'iche', Me'Phha, Mixteco, Q'eqchi, and Zapoteco, with Spanish subtitles.

Complaint Processes

- CRCL receives and investigates complaints alleging a denial of meaningful access to LEP persons in DHS programs and activities.⁹ CRCL's Compliance Branch has investigated allegations regarding language access for Indigenous language speakers in recent years and issued recommendations to several DHS Components. For example, following an investigation related to ensuring meaningful access for an Indigenous language speaker during CBP's processing of this individual, CRCL recommended in September 2019 that CBP review all existing protocols to ensure that Border Patrol agents and Office of Field Operations officers can accurately and properly identify the primary language of individuals in CBP custody, especially Indigenous language speakers.

Language Access Working Group and Committee on Indigenous Languages

- CRCL leads a DHS-wide Language Access Working Group to foster collaboration across the Department and exchange information about language access requirements and best practices. In 2022, CRCL convened a subgroup — a committee on Indigenous languages — to begin work on this Indigenous languages plan and to monitor its implementation.

Native Language Memorandum of Agreement on Native Languages

- On November 8, 2022, DHS signed the Memorandum of Agreement on Native Languages (Native Languages MOA), first executed in November 2021, as a supporting agency, thereby agreeing to support the Native Language MOA by recognizing and promoting the use of Native American languages, to the extent practicable. The DHS Addendum to the Native Language MOA states in part:

DHS...recognizes the importance of providing language access to indigenous migrant communities to its programs, services, and operations consistent with Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (August 11, 2000). DHS is developing a plan, in consultation with indigenous migrant communities, to strengthen the provision of language services for indigenous migrant communities throughout DHS mission areas. In so doing, DHS will not only advance civil rights but honor and respect the rich linguistic and cultural heritage of these indigenous communities.

⁹ Information on filing complaints with CRCL and other Components can be found at [Provide Feedback or Make Complaints to DHS | Homeland Security](#) or <https://www.dhs.gov/file-civil-rights-complaint>. CRCL accepts civil rights allegations in all languages.

V. Engagement with Indigenous Migrant Organizations

To receive input for this plan, DHS met with Indigenous migrant community members in Los Angeles, California on July 26-27, 2022, conducted virtual meetings with Indigenous migrant community leaders on August 24 and September 9, 2022, and held several additional meetings with Indigenous community members through December 2022.¹⁰

DHS asked community members to provide individual input in the areas in which they believed DHS could improve language access for Indigenous migrants, how DHS could improve language access, and any considerations for providing language access for Indigenous women and girls. The engagement with these organizations, many of which work directly with Indigenous migrants and champion language access rights, was essential to the development of this plan.

Input and Recommendations from Indigenous Migrant Community Leaders under Review

Input was provided in these and other areas:

Languages and Literacy

- Only about one percent of Indigenous people have access to higher education in their home countries and those who do read and write these languages tend to be academic. Thus, in most instances, DHS should be prepared to provide interpretation (oral language services), rather than translation (written language services) in these languages.
- In Guatemala alone, there are 24 different Indigenous communities; 22 of them are Mayan languages. Some Indigenous languages like Mixtec and Zapotec have many variants. Finding out where the migrant is from within their country, such as which *aldea* (or village), will help DHS pinpoint the language needed.
- It is important to work with Indigenous migrant leaders to compare and identify variants of languages in order to identify a given language.

Interpreter Qualifications

- There is no official certification for linguists in Indigenous migrant languages; however, organizations like Comunidades Indígenas en Liderazgo (CIELO) train individuals to become interpreters. CIELO holds a two-day conference annually to train interpreters to serve the population of Indigenous migrants from Mexico and

¹⁰ Representatives from the following organizations participated in one or more of these meetings: Comunidades Indígenas en Liderazgo (CIELO), Organización Regional de Oaxaca (ORO), Frente Indígena de Organizaciones Binacionales (FIOB), Centro Binacional del Desarrollo Oaxaqueño, Asociación Mayab, Mayan League, Mixteco/Indigenous Community Organizing Project (MICOP), Binational Center for the Development of Oaxacan Indigenous Communities (CBDIO), Authority of Consejo Nacional de Pueblos Indígenas en la Diáspora-Centro Cultural Techantit, Alianza Indígena Sin Frontera, Indigenous Alliance Without Borders (AISF), Indigenous Languages Office (ILO), AmaConsultants.org. LLC, and Comunidad Maya Pixan Ixim.

Guatemala and offers a variety of workshops tailored to Indigenous interpreters in real-life interpreting settings.

- Interpreters need to understand the cultural reality of the Indigenous people, as well as consider the gender of the interpreter. Many women do not want to have male interpreters. LGBTQI+ persons who have already been discriminated against should also have interpreters who are qualified and aware of challenges LGBTQI+ migrants may face.
- Many Indigenous interpreters do not have the proper legal status to provide language services to private or governmental agencies. DHS should consider offering a special visa for Indigenous interpreters.

Partnerships with Indigenous Migrant Organizations

- Indigenous community leaders should be included as equal partners in DHS's future work to improve language access for Indigenous migrants in DHS programs and activities. It is important to bring in Indigenous community leaders to be part of the DHS committee on Indigenous languages in order to protect migrants' civil and due process rights. DHS should take feedback from Indigenous community leaders into consideration since they know how to speak directly to their communities and have knowledge of their customs.

Language Identification

- DHS should establish a protocol for identifying the language from the moment an Indigenous migrant is encountered at the border, not when interviews begin, and track the migrant's language throughout the process.
- Indigenous migrants will sometimes not request interpreters even if they are available. They will not readily identify as Indigenous. For many Indigenous language speakers in Guatemala or other Central American countries, they are expected to speak the dominant language of Spanish even if they are not proficient in it. As a result, many Indigenous persons may say they speak Spanish even if they are not proficient in the language. Many Indigenous migrants have feared their own governments; they have experienced exploitation and violence and have been denigrated for being Indigenous or speaking an Indigenous language in their home countries.
- Many Indigenous language speakers do have some knowledge of Spanish, but they are not proficient. There can be profound consequences when they are not proficient in Spanish and continue with the process in Spanish due to stresses related to the journey and fear.
- DHS officials should ask open-ended questions to properly assess language needs. This applies to adults as well as children.

Other Means of Communication

- The best way to communicate with Indigenous speakers is through interpretation, including relay interpretation, but if that is not possible another option is to use pre-recordings (for one-way communication, not interviews).

Detention

- DHS should make it less restrictive for Indigenous migrant community leaders to enter detention centers to meet with Indigenous migrants to assist. ICE detention centers do not have trained and capable Indigenous language interpreters available to gather needed information from the Indigenous migrants there.

Information on Becoming Language Vendors

- Organizations are interested in learning more about how their organizations can become a language service provider for CBP and ICE.

Recognition of Migrant's Indigeneity

- When individuals are only identified by their country of nationality (e.g., Guatemalan, and as Spanish speaking, Indigenous representation is not recognized and this impacts due process.

Cultural Awareness Training for Local Law Enforcement Agencies

- CIELO has provided cultural awareness training to the Los Angeles Police Department over the years since a fatal interaction between a law enforcement officer and an Indigenous migrant. Similar training for DHS personnel about indigenous languages and cultures can help strengthen language access for Indigenous migrants in DHS programs.

DHS Support for Migrant Organizations

- The government should recognize and support organizations that are already helping Indigenous people at the border.

Monitoring

- CRCL should have personnel at CBP sites, processing centers, and detention centers at the border to monitor language access.
- Members of the Indigenous migrant community groups should be included in the monitoring of DHS's 2022 Equity Action Plan¹¹ as well as this Indigenous Languages Plan.

¹¹ DHS released its Equity Action Plan in April 2022, <https://www.dhs.gov/publication/equity>.

Other Gaps

- While interpretation in some Indigenous languages is being offered at credible fear interviews, there are over 30 Indigenous languages that are not currently provided and this can affect due process.

Indigenous Migrant Women and Girls and LGBTQI+ Indigenous Migrants

- Indigenous women and girls from Central America and Mexico are especially vulnerable during the migration process. Women, girls, and LGBTQI+ individuals must be especially protected. Below are some important considerations:
 - They may have been sexually assaulted.
 - Victims of sexual assault need interpreters who speak their own languages so they can communicate what they are feeling and what has occurred.
 - Due to the nature of sexual assault, they are ashamed and embarrassed and may be less likely to express what happened and may show resistance when they need to present themselves.
 - Interpreters should be of the same sex or gender as the migrant.

Language Services Companies

- Indigenous organizations have run across companies that claim to have speakers of Indigenous languages and that know their communities, but they do not know them and cannot accurately convey what the Indigenous people are trying to communicate.

Lawyers Representing Indigenous Migrants

- Lawyers representing Indigenous migrants are making decisions about what languages are needed, but they are also not qualified to make these determinations.

Rights of Indigenous Persons

- In addition to the need for identifying and documenting the language of Indigenous migrants, it is also important to identify migrant individuals' indigeneity and/or membership or citizenship in Indigenous Nations. There is a need for a broader discussion and should include Indigenous leadership from those Nations just as the U.S. would speak with representatives from other Nations.
- DHS should act consistently with the rights of Indigenous persons under U.S. domestic and international law and as members of Indigenous Nations. U.S. engagement with Indigenous Nations is recommended to enhance Nation-to-Nation relations and internal human rights declarations, including the American Declaration on the Rights of Indigenous Peoples.
- The National Congress of American Indians (NCAI) passed a resolution on "Calling to Protect and Advance the Human Rights of Indigenous Peoples Migrating to the U.S.," which, among other things, calls upon DHS to create an Indigenous Language Advisory Commission, comprised of tribal and indigenous language and cultural experts, to establish an intake process to count Indigenous peoples, develop Indigenous language resources, and develop required trainings for DHS and other Federal agency personnel.

- There are a number of historical issues that have led to a lack of trust between Indigenous groups and the U.S. government. This includes colonialism, involvement in wars in Central America, and abuses by government officials. There is a need to rebuild this trust for any of these efforts to be effective.

VI. DHS Activities (Fiscal Year 2023-2024)

DHS commits to taking the following steps to strengthen languages access for Indigenous language migrants in Fiscal Years 2023 and 2024:

1. Develop improved protocols and methods for language identification

Among actions to ensure Indigenous migrants' languages are identified, DHS will develop improved protocols for identifying the language of Indigenous migrants as soon as practical during the first encounter (e.g., processing or intake) and throughout their processes. This includes questions to ask to determine primary language. In addition, CRCL will work with Components to explore mechanisms and protocols to identify and document indigeneity.

DHS will update the DHS Indigenous Languages Identification materials to include additional Indigenous languages, countries, and regions where the languages are spoken, along with the phonetic pronunciation of each language.

DHS is exploring the development of other language identification tools such as audio recordings that officers and agents can readily access from their mobile devices or desktop computers; adding culturally significant and colorful images to the Indigenous Language Identification Poster that would be recognizable to and representative of Indigenous peoples from Latin America; and creating or making available language maps for personnel who encounter Indigenous language speakers.

2. Document and track language data

DHS will review existing data systems to determine whether these systems support capturing and tracking of language data. To the extent they do not, DHS will explore what systemic changes are needed and ensure all relevant Component policies and/or practices require documenting the primary language of the migrant.

3. Develop and provide training to DHS personnel and partners

CRCL, in coordination with Components, will develop virtual or on-line training modules on Indigenous migrant languages and cultures that Components can adapt to their unique programs and operations. CRCL will also seek to leverage its relationship with other law enforcement agencies to offer training or resources on communicating with Indigenous migrants.

4. Develop guidance or instructions for interpreters in DHS programs

CRCL will develop guidance or instructions for interpreters who interpret for Indigenous migrants across DHS programs and activities. This guidance will include information on human and civil rights issues facing Indigenous persons; considerations for interpreting

for Indigenous women, girls, LGBTQI+ persons; unaccompanied children; background on DHS programs and activities, and DHS terminology.

5. Examine barriers to access to qualified Indigenous language interpreters

DHS will continue to examine barriers to access to qualified Indigenous language interpreters in DHS programs and consider appropriate solutions. For example, DHS will continue to review DHS requirements for linguists, including requirements for U.S. Citizenship, as well as forms of certification and/or qualifications of Indigenous language linguists. DHS will also consider examining Indigenous language skills within its own workforce and opportunities to leverage the language skills of those who are proficient in Indigenous languages.

6. Strengthen engagement with Indigenous migrant organizations

DHS will continue engagement with Indigenous migrant community leaders and community members, seeking input on this plan and other efforts to improve language services for Indigenous migrants at DHS and for support on the provision of language services. DHS will also consider the formation of a formal advisory committee and provide information to Indigenous migrant organizations about the requirements of such a committee. DHS will engage with Indigenous migrant organizations on these and other efforts to strengthen language access for Indigenous migrants in DHS programs, activities, and operations.

7. Increase language monitoring and compliance activities

CRCL has requested that in Fiscal Year 2023 each DHS Component that interacts with the public provide detailed information about how it will monitor implementation of its updated Language Access Plans. DHS will also develop metrics to evaluate implementation of this Indigenous Languages Plan.

VII. Accountability

CRCL and DHS Components will report to the Secretary on implementation of this plan, including metrics established and outcomes, within one year of finalizing the plan. DHS will also provide community members information on accomplishments and offer opportunities for community members to provide feedback on DHS actions during the period of implementation.

VIII. Periodic Review

DHS will review and update this plan every two years taking into account changed migration patterns, lessons learned, and Components' evolving language needs.

IX. Contact Information and Assistance

Questions about this plan may be sent to the DHS Office for Civil Rights and Civil Liberties at Languageaccess@dhs.gov.