



Office for Civil Rights and Civil Liberties
Readout of DHS Language Access Listening Session
March 29, 2023

On March 29, 2023, the U.S. Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) held a national listening session to receive input for updates to the DHS Language Access Plan and for strengthening language access across DHS.

The listening session took place via Zoom with Spanish-English interpretation provided by the USCIS Language Services Section. CRCL offered interpretation in other languages upon request. Communication Access Realtime Translation (CART) and Sign Language Interpretation was available.

Over 200 individuals participated in the listening session, including representatives from local governmental organizations, community-based and nongovernmental organizations, and language industry professionals. Representatives from across DHS and its Components were also in attendance.

In announcing the listening session, CRCL had invited participants to review the current [DHS Language Access Plan](#) and the Attorney General's November 21, 2022 [Memorandum for Heads of Federal Agencies, General Counsels, and Civil Rights Offices regarding Strengthening the Federal Government's Commitment to Language Access](#) in advance of the engagement. CRCL requested feedback in the following areas:

- General input on the DHS Language Access Plan, e.g., identification of any gaps, what more CRCL and DHS Components can do to strengthen the plan
- Quality of DHS translations and interpretation
- Meaningful access for speakers of Indigenous languages and less common languages
- Meaningful access for Asian Americans, Native Hawaiians, and Pacific Islanders
- Effective methods for reaching LEP communities about DHS information, programs, and activities

The listening session begun with introductory remarks from Director of Programs Victoria Porto. Ms. Porto welcomed participants and explained CRCL's role to provide proactive policy advice to the Secretary and other leaders across the Department to integrate civil rights and civil liberties protections into all DHS activities and leading language access efforts for the Department. Ms.

Porto also welcomed representatives from the White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders to the listening session. She announced the draft DHS Indigenous Languages Plan, which DHS distributed publicly for informal comment by April 17, 2023, and credited DHS Component representatives and Indigenous migrant community leaders for efforts related to the development of the plan.

Following the opening remarks, the CRCL language access team provided a brief overview of the DHS Language Access Program:

- CRCL has overall responsibility in DHS for ensuring DHS-wide compliance with Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency (LEP)* (August 11, 2000).
- In 2012, DHS published its language access plan for providing meaningful access to homeland security programs and activities to persons who are LEP.
- DHS has a Blanket Purchase Agreement, a contract vehicle available to all DHS Components that provides a full array of language services. The contract vehicle establishes qualifications for linguists and requirements for quality control and supports DHS in dozens of languages.
- [DHS Components](#) have developed and published their own language access plans that reflect their specific missions and operations. Last year, CRCL requested that DHS Components review and update these plans in Fiscal Year 2023.
- Several DHS Components have appointed language access coordinators, developed training for front-line staff, and established intranet pages with resources and tools, documents in multiple languages, and information about how staff can request interpretation and translation services.
- CRCL's Compliance Branch receives and reviews allegations related to language access in DHS programs. The public can submit complaints alleging a violation of civil rights or civil liberties related to language access in DHS programs, services, and activities. Please visit [Make a Civil Rights Complaint | Homeland Security \(dhs.gov\)](#) to learn more about the different ways to file a complaint, the complaint process, and CRCL's complaint authorities. Complaints are accepted in languages other than English.
- CRCL is also responsible for ensuring that recipients of DHS financial assistance (e.g., grantees) meet their obligations under Title VI of the Civil Rights Act of 1964 to provide language access for limited English proficient persons in their programs and activities.
- Stakeholder input is a key part of the DHS Language Access Program. DHS welcomes hearing from the public as DHS fulfills its responsibilities to provide language access and invites the public to provide input by emailing LanguageAccess@hq.dhs.gov.

The remainder of the listening session was dedicated to hearing from stakeholders.

Stakeholder input included:

- Language Access plans should emphasize ensuring the quality of translation and interpretation services provided. Depending on the nature of the interaction, highly qualified and specialized interpreters or translators are needed and, in these cases, organizations should engage with certified language professionals.
- As Language Access plans are being developed, it is important to recognize that there are different levels of certification for legal interpreters, court interpreters, medical interpreters, and the nascent development of certification for educational interpreters. For most critical conversations, there is a need for certified professionals, not just what is usually defined as “qualified.” Meaningful language access depends on utilizing certified interpreters and translators.
- Do not assume that everyone coming from south of the U.S. Mexican border is a Spanish speaker. It is important to understand that people from Guatemala, Central America, and Mexico don't always speak Spanish as the first language, but instead an indigenous language. It is also important to recognize there may be different variants of the language.
- Indigenous languages are not dialects; they are languages.
- It is important to acknowledge the indigenous ethnicity of Indigenous migrants as well as their other nationality.
- In efforts to provide language access, it is also important to work with community leaders who know the historical context, language and culture.
- Organizations should always work with organizations that provide training to interpreters.
- Organizations can still validate interpreting qualifications when there is no formal certification in the language by using other criteria as the Oregon Health Authority has done, [Alternate Proof of Language Proficiency.pdf \(oregon.gov\)](#).
- Site translation of documents can be helpful for LEP persons, but organizations should consider recording audio versions of the information.
- DHS should consider offering a special visa to interpreters. For many interpreters, their immigration status may preclude them from serving as linguists.
- Interpreters of more common languages should be trained in how to provide relay interpreting services, since often the indigenous interpreter may be competent in interpreting to Spanish. There are misconceptions about how to work with relay interpretation. It takes patience. There can be technical complications when doing it remotely. Community members may have to wait a very long time for access because institutions do not want to provide relay interpreting, but relay may be the way to provide that language access.
- The DHS Language Access Plan should include definitions of relay interpreting, and video and virtual remote interpreting.

- The DHS Language Access Plan should include restrictions on the use of minors. The plan has no current restriction on the use of minors and this is a gap.
- It is important to re-evaluate the current concept of diversity, equity, and inclusion as it is right now because it does not include interaction with the LEP population.
- USCIS should change its rules to allow for the provision of interpreters at asylum and other interviews. The USCIS policy of requiring applicants to bring their own interpreters violates federal mandates.
- USCIS's failure to provide interpreters for most types of interviews cuts against Executive Order 13166 and Executive Order 13985 and feed into expansive industry and network of brokers and notarios who charge exorbitant fees and provide subpar services.
- USCIS should translate vital documents, especially into languages other than Spanish. This includes many USCIS forms. It's a great need and a key component of providing meaningful language access, particularly Form I-589 (Application for Asylum and for Withholding of Removal) and forms for other forms of humanitarian relief.
- Form I-589, in particular questions 23, 24, and 25 should be reviewed. These questions need to be re-worked to elicit what is the fundamental question, which is what is the best language for the individual to communicate. The intent is to get at the primary language, but it doesn't happen in practice, particularly when information is filtered through translators.
- The Muslim community goes under-represented in conversations about immigration and language access. Language access efforts should be inclusive and include languages from various different backgrounds. It's important to discuss language access from an intersectional point of view.
- New Jersey has seen a lot of successes with Language Access legislation. S2459 mandates that state government entities provide vital documents and translation services in the 15 most common non-English languages in the state.
- Language barriers and a failure to provide appropriate language services during immigration processing by ICE and CBP can result in adverse credibility findings.
- Because there are cascading impacts that start from the first interaction with the agency, there should be ways for individuals to undo the consequence of poor translation or interpretation at early stages. Specifically, the DHS Language Access Plan should incorporate some mechanism for people to be able to seek redress or undo the harm of poorly translated or incorrect information that was conveyed.
- Language Access efforts should always center around user experience and what people are going through. It's important to really think about who the users are.

- Another strategic approach for ensuring meaningful communication is to always think about plain language. Regardless of whether it is an indigenous language or more unique language, or even for more common languages, plain language is always beneficial and always a first step to consider.
- Another best practice is [team interpreting](#).
- The gender of the interpreter matters. Most interpreters are women, however, there is a need for interpreters who identify with LGBTQ persons, and a need for male interpreters. This will allow the LEP person to feel comfortable with the interpreter.
- Standards for interpretation and translation are important (for example, the American Society for Testing and Materials (ASTM) has standards for [interpretation](#) and [translation](#)). DHS has a standards executive (this is required under the National Technology Act of 1994) and this person should be able to assist.
- ICE officers are not providing documents to noncitizens in the languages best understood and ICE is not providing professional interpreters in detention. It is important for persons in detention to know how they can file complaints and that the complaint process be visible to the person filing the complaint. (Stakeholders requested information about how to submit complaints about language access issues arising in detention.)