Language Access Responsibilities

Overview for DHS Employees

Presented by:
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
Limited English Proficiency

- DHS personnel across the agency encounter and serve Limited English Proficient (LEP) individuals every day in the course of carrying out their duties.

- An LEP person is someone who does not speak English as his or her primary language and has a limited ability to read, speak, write, or understand English. *A person who learned English as a second language or speaks another language fluently may not necessarily be LEP.*
LEP in the U.S.

• According to the U.S. Census Bureau’s American Community Survey, 20.6% of the population in the U.S speaks a language other than English. Of that percentage, 42.4% speak English less than “very well.”

• DHS personnel also routinely encounter LEP individuals arriving in the U.S. (e.g., at the airports and land borders).
Languages Other Than English

• Languages other than English most frequently encountered vary greatly by Component, within divisions, and by activity and region.

• Examples of languages encountered across various DHS Components include:
  - Arabic
  - Chinese (Simplified, Cantonese, and Mandarin)
  - French
  - Haitian Creole
  - Korean
  - Portuguese
  - Russian
  - Spanish
  - Vietnamese
Title VI of the Civil Rights Act and Executive Order 13166


DHS and those receiving assistance from DHS must take reasonable steps to ensure that eligible LEP persons have meaningful access to the programs, services, and information provided.
It is the policy of DHS to provide meaningful access for individuals with limited English proficiency to operations, services, activities, and programs that support each Homeland Security mission area by providing quality language assistance services in a timely manner.

DHS Components, therefore, should incorporate language access considerations into their strategic and business planning, identify and translate crucial documents into the most frequently encountered languages, provide interpretive services where appropriate, and educate personnel about language access responsibilities and how to utilize available language access resources.

The DHS Language Access Plans and Procedures

DHS Language Access Plan Requirements:

- **Individual Component Plans:** Components will develop individual language access plans that reflect their own needs and priorities as well the populations they encounter or serve and are likely to encounter and serve.

- **Procedures:** Components are also required to develop procedures for staff as to how to identify individuals with LEP, gather data, and to obtain available language services.

Component plans must be drafted in 2012.
When Should Interpretation and Translation Be Provided?

In developing individual Language Access Plans and establishing priorities for language access, Components should consider using the following four-factor analysis:

1. The number or proportion of persons with LEP eligible to be served or likely to be encountered;
2. The frequency with which persons with LEP come in contact with the program (and what languages they speak);
3. The nature and importance of the program, activity, or service provided; and,
4. The resources available and the costs of providing language services.
Examples of DHS Activities that Support Meaningful Access to persons with LEP

• Increasing the provision of interpretation and translation services as a regular part of conducting programs and operations

• Increasing outreach to populations with LEP to provide information on homeland security programs

• Tracking encounters with individuals who have LEP to identify current and future needs for language services

• Utilizing CRCL “I Speak” materials to facilitate identification of the languages spoken by LEP persons encountered
Types of language assistance services

There are two primary types of language assistance services: **oral** and **written**.

**INTERPRETATION** is an **ORAL** language assistance service.

**TRANSLATION** is a **WRITTEN** language assistance service.
Language Services at DHS (i.e., interpretation and translation):

Language services may be provided in a number of ways, including:

- Use of qualified bilingual staff
- Contracts for interpretation and translation
- Agreements with other agencies for interpretation and translation
Principles for Use of Bilingual Staff

Among the principles that will help ensure quality language services:

When using bilingual staff for **interpretation**:

- Assess staff language ability
- Provide staff training on interpreter ethics and standards

When using bilingual staff to **communicate directly** with LEP persons:

- Obtain information that demonstrates proficiency in the language
- Use staff who have knowledge in both languages of specialized DHS/Component terms or concepts specific to the program or activity

Familiarity with the culture of the LEP person may also be helpful in many cases.
The First Step in Providing Meaningful Access: Identifying LEP Persons

Identifying a person with LEP can be accomplished in a number of ways, including the following:

- Self-identification by the LEP individual or identification by a companion
- Documents available to DHS that indicate that the individual has LEP
- Verification of foreign language proficiency by qualified bilingual staff or interpreter (in-person, telephonically, or through video interpretation services)
“I Speak” Materials

- **I Speak**...Language identification Poster and Pocket guide allow DHS personnel to readily identify the languages spoken by literate individuals who are not proficient in English, and then obtain available language services.

- An **I Speak** Job Aid is also available. This includes country flags and a map of the world cross-referenced to the country’s major languages.
Considerations for Using Interpreters

- Confidentiality
- Competency
- Impartiality
- Accuracy
- Sensitivity to Potential Conflict
Ways to Facilitate Interpretation
Through an Interpreter

- Address the LEP person directly, not the interpreter.
- Choose your words carefully and avoid idioms.
- Speak clearly, and when necessary, speak slowly.
- Ask straightforward questions and avoid making statements disguised as questions.
- Keep questions clear and simple, asking specific questions one at a time.
- Break down what is to be said into reasonable amounts of information.
- Ask the LEP individual to break his or her statements into short segments so the interpreter can interpret accurately.
- Repeat the question/statement slowly or rephrase it if the interpreter does not appear to understand.
- Speak with both the interpreter and the LEP person as soon as it appears that there is a problem in interpretation.
- Remind the interpreter of his or her role when necessary during the interview.
Tips for Facilitating Interpretation (cont.)

When possible, before the meeting/interview using an interpreter:

• Familiarize the interpreter with the context or purpose of the meeting/interview with the LEP person.
  - If there is written material, consider providing it in advance to the interpreter.

• Familiarize the interpreter with DHS/Component terms.
Other Resources

• LEP.gov ([www.LEP.gov](http://www.LEP.gov)): the website of the Federal Interagency Working Group on LEP

• US Census Bureau Information on Language Use and Quick Facts
  
  [http://quickfacts.census.gov/qfd/states/19000.html](http://quickfacts.census.gov/qfd/states/19000.html)

• Questions or More Information: CRCL@dhs.gov ([CRCL@dhs.gov](mailto:CRCL@dhs.gov))