

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



## Draft Language Access Plan

September 3, 2014

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## Introduction

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The mission of the Office for Civil Rights and Civil Liberties (CRCL) is to support the U.S. Department of Homeland Security's (DHS) mission to secure the Nation while preserving individual liberty, fairness, and equality under the law.

CRCL integrates civil rights and civil liberties into all of the Department activities by:

- Promoting respect for civil rights and civil liberties in policy creation by advising Department leadership and personnel, and state and local partners;
- Communicating with individuals and communities whose civil rights and civil liberties may be affected by Department programs and activities, informing them about policies and avenues of redress, and promoting appropriate attention within the Department to their experiences and concerns;
- Reviewing and investigating civil rights and civil liberties complaints filed by the public regarding Department programs, policies or activities, or actions taken by Department personnel; and,
- Leading the Department's equal employment opportunity programs and promoting workforce diversity.

Consistent with the requirements of [Executive Order 13166](#), *Improving Access to Services for Persons with Limited English Proficiency* (August 11, 2000), this CRCL Language Access Plan (plan) builds upon the [DHS Language Access Plan](#) released in February of 2012 by establishing a system within CRCL for improving access to Limited English Proficient (LEP) persons to the full range of CRCL's programs, services, information, and activities (programs and activities).

This plan covers:

- **Current language access activities** (i.e., how CRCL provides meaningful access to LEP persons);
- **Language access procedures** (i.e., steps for identifying LEP persons and obtaining interpretation and translation services); and,
- **Priorities for improving access to CRCL programs and activities** for LEP persons in Fiscal Years 2014-16.

Under DHS Delegation 19003, CRCL is delegated the authority for ensuring that all federally conducted programs of the Department comply with Executive Order 13166. Accordingly, this plan also describes CRCL's priorities with regard to improving access for LEP persons to programs and activities across the Department.

The principles and guidelines in this plan are designed to be consistent with the standards in the DHS guidance to recipients of financial assistance from the Department, *Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons With Limited English Proficiency*, 76 Fed. Reg. 21755-21768 (April 18, 2011) ([DHS Recipient Guidance](#)).

Additional materials and resources related to language access in DHS programs and activities are available at [www.dhs.gov/crcl-lep](http://www.dhs.gov/crcl-lep).

## Key Terms

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### 1. **Limited English Proficient (LEP)**

Persons who are limited English proficient do not speak English as their primary language and have a limited ability to read, speak, write, or understand English. LEP individuals may be competent in English for certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing). (*DHS Language Access Plan*)

### 2. **Bilingual**

Persons who are bilingual are fluent in two languages and are able to conduct the business of the workplace in either of those languages. This is to be distinguished from proficiency in more than one language. An individual who is proficient in a language may, for example, be able to greet an LEP individual in his or her language, but not conduct agency business in that language. Interpretation and translation require the interpreter or translator to be fluently bilingual, and also require additional skills for interpretation and translation as described below. (*DHS Language Access Plan*)

### 3. **Interpretation and Translation**

Interpretation involves oral communication. Translation involves written communication. Interpretation involves the immediate communication of meaning from one language into another. An interpreter conveys meaning orally; as a result, interpretation requires skills different from those needed for translation. Interpreting combines several abilities beyond language competence in order to enable delivery of an effective professional interpretation in a given setting. From the standpoint of the user, a successful interpretation is one that faithfully and accurately conveys the meaning of the source language orally, reflecting the style, register, and cultural context of the source message, without omissions, additions, or embellishments on the part of the interpreter. Professional interpreters are subject to specific codes of conduct and should be trained in interpretive skills, ethics, and subject-matter language. (*DHS Language Access Plan*)

### 4. **Meaningful Access**

Language assistance that results in accurate, timely, and effective communication is available at no cost to the LEP individual. For LEP individuals, meaningful access denotes access that is not significantly restricted, delayed or inferior as compared to programs or activities provided to English proficient individuals. (*U.S. Department of Justice, Language Access Plan, March 2012*)

## Policy

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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 routine strategic and businesses 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.

*DHS Language Access Plan, February 2012*

It is CRCL policy to take reasonable steps to effectively inform the public of the availability of language services in CRCL programs and activities. Furthermore, it is the responsibility of all CRCL personnel to take reasonable steps to provide language services to LEP individuals whom they engage with or encounter in the course of carrying out their duties.

Timeliness and quality of language services are of paramount importance in carrying out the CRCL mission particularly when communicating vital information or providing access to specific activities and programs such as the civil rights and civil liberties complaints process. Because of the need for confidentiality and accuracy, and to avoid conflicts of interest, CRCL personnel should ordinarily not rely on family members, friends, or other persons associated with LEP persons for language services in the course of carrying out their duties.

CRCL will incorporate language access considerations into its business and strategic planning and in routine efforts that involve communication, outreach, and other activities designed for the general public.

## Scope

The requirement to provide meaningful access to LEP persons applies to any medium of communication and to most interactions<sup>1</sup> CRCL has with the public, including, but not limited to:

- In-person or telephonic contact;
- Written correspondence, including email;
- Use of websites, newsletters, and social media;
- Community engagement events and activities; and,
- Documents explaining CRCL or other DHS programs.

All CRCL employees, detailees, contractors, and interns are covered by this plan.

## Current Language Access Activities within CRCL

### **1. Language Assistance Services**

#### ***A. Professional Interpretation and Translation Services***

Through a contract with a language services company, CRCL regularly uses professional interpreter services to provide meaningful access to LEP persons to CRCL programs and activities. The contract also supports translations of CRCL correspondence, print media, and other written communications.

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<sup>1</sup> CRCL programs and activities related to the Department's equal employment opportunity programs and workforce diversity will not ordinarily require providing meaningful access to LEP individuals.

The procedures in section VI, Language Access Procedures, explain how staff can request these services through the Contracting Officer's Representative (COR) for this contract. (Sign language interpreting and other services to assist in communicating with persons with disabilities are provided through a separate contract.)

**B. *Personnel with Foreign Language Skills***

A number of CRCL staff members have foreign language skills. This includes native speakers as well as those who have acquired language skills through education and professional experiences. Most of these staff members have not received formal training in interpretation or translation, nor has CRCL assessed and documented their proficiency in the foreign language. Accordingly, for vital interactions, such as interviewing LEP complainants or witnesses, and conducting presentations at community engagement events with LEP persons, CRCL will continue to rely on professional interpreters.

Before relying on any of these staff members for communicating with LEP persons, CRCL staff should consult with their supervisors and the LEP coordinator for CRCL on whether it is appropriate for the staff member to provide the needed language services in a given situation.

CRCL will be developing quality control procedures to govern the use of bilingual staff members in providing language services in support of CRCL programs or activities. These procedures will cover language assessment, training, and the use of bilingual staff in specific activities.

**2. Major Program Activities Involving Public Interactions**

**C. *Civil Rights and Civil Liberties Complaints Process***

The CRCL Compliance Branch provides language services to ensure meaningful access to LEP complainants and other individuals throughout the complaints process, from intake through the conclusion of an investigation. This includes translation of correspondence from the public, translation of letters to complainants, and the use of professional interpreter services when communicating with complainants, witnesses, and other individuals during the course of an investigation. Translation and interpreter services are provided through the CRCL language services contract.

The civil rights complaint document is available on the CRCL website in English and the following languages:

- Arabic
- Chinese (Simplified)
- French
- Haitian Creole
- Portuguese
- Russian
- Somali
- Spanish
- Vietnamese

Individuals may file complaints with CRCL in these or any other language. The document states:

*This document is available in other languages at [www.dhs.gov/file-civil-rights-complaint](http://www.dhs.gov/file-civil-rights-complaint). Complaints are accepted in languages other than English. If you do not speak or write English, CRCL has access to interpreters and translators and can communicate with you in any language.*

As part of the responsibility of the Compliance Branch to review information alleging violations of civil rights and civil liberties in DHS programs and activities, CRCL reviews complaints that raise concerns about the denial of meaningful access for LEP persons in DHS programs and activities. These types of complaints are tracked in a complaints management system, which contains a category identifying LEP complaints.

#### ***D. CRCL Telephone Information Line***

CRCL uses telephonic interpreter services to communicate with LEP callers in real time. The protocol for staff to access the telephonic interpreter services is included in section VI, Language Access Procedures. The voicemail greeting is recorded in English, Arabic, Spanish, and Vietnamese and allows for members of the public who speak these and other languages to leave messages, which are forwarded to the contractor for interpretation.

#### ***E. Community Engagement***

CRCL engages regularly with the public and this engagement is an important part of CRCL's effort to provide meaningful access to LEP persons. For example, the Community Engagement Section, through its participation in roundtables that bring together federal, state, and local government officials, nongovernmental organizations, and community leaders, communicates directly with community leaders and LEP individuals to provide information about Department programs and policies and obtain feedback about community concerns and the potential impact of Department activities. Because of the trust many community leaders have established within their communities, community leaders facilitate dialogue between Department officials and community members and disseminate information. Nevertheless, CRCL also engages the services of interpreters and translators when planning and conducting community events.

#### ***F. CRCL Website***

The CRCL website contains information about the entire range of CRCL programs and activities. Currently the following information and materials are available on the website in multiple languages:

- CRCL mission statement: nine languages in addition to English;
- Materials related to Title VI of the Civil Rights Act of 1964 and Executive Order 13166: 10 languages in addition to English; and,
- Complaint document: nine languages in addition to English.

In Fiscal Years 2014-16, CRCL will translate additional select documents and make them available through the website, newsletter, and/or community engagement meetings and other events.

CRCL will periodically review the CRCL webpages with the goal of improving its accessibility to LEP persons. This includes identifying the most important information to be translated and the best means for disseminating translations to LEP communities.

***G. Notice to the Public***

As noted above, CRCL's civil rights complaint document, which is translated into numerous languages, includes a notice on the availability of interpreter and translation services when communicating with CRCL. Additional efforts to notify the public about the availability of language services within CRCL are included below in section XI, Priorities for Fiscal Years 2014-16.

## Language Access Procedures

CRCL staff should use the following procedures for identifying LEP persons and obtaining interpretation and translation services:

1. [CRCL Protocol for Identifying LEP Persons and Providing Language Services](#); and,
2. [How to Request Language Services \(e.g., Interpretation and Translation\)](#).

## Procedures for Quality Assurance

Quality assurance is a critical part of the CRCL's efforts to provide meaningful access to LEP persons to the Office's and other Components' programs and activities. Through the DHS Language Access Working Group and the Efficiency Review Initiative on Language Services Acquisition, CRCL is collaborating with DHS Components to identify best practices for ensuring quality in language services and establish proposed standards for quality control across the Department.

CRCL's current efforts and practices are as follows:

- CRCL's contract for language services includes specific requirements for providing high quality translation and interpretation services and for conducting quality assurance. For translations, the contractor conducts an internal quality review of each translation before delivering the translation to CRCL. For interpretation, the CRCL COR requests feedback from CRCL personnel about the interpretation session.
- Translations: In addition to internal quality control CRCL requires of its contractor, once the COR receives a translated document from the contractor, the COR may provide the translation to a CRCL staff member with foreign language skills to informally assess whether the translation appears to communicate the intended information. The COR sends the contractor any questions or comments and notifies the contractor of language preferences for future translation work. Occasionally, CRCL will also use a second vendor as a step in the quality assurance process.

- **Interpretation:** In addition to internal quality control CRCL requires of its contractor, CRCL personnel using the interpreter are asked to provide feedback to the COR regarding the interpreted session. As in the case with translations, the COR communicates any issues to the contractor.

## **Training**

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### **1. Training for Staff**

CRCL supervisors are responsible for ensuring their staff and any contractors have reviewed and are familiar with the contents of this plan, including the policy on language access, key terms, and language access procedures.

In Fiscal Year 2013, CRCL provided training to staff on language access principles, legal and policy requirements, identifying LEP persons, accessing available language services in CRCL, and working effectively with interpreters. CRCL staff can familiarize themselves with these topics by reviewing the Power Point presentation, [“Language Access Responsibilities: Overview for DHS Employees,”](#) which has been modified to include specific CRCL procedures.

Through the Federal Interagency Working Group on LEP, CRCL, Immigration and Customs Enforcement (ICE), and the Federal Emergency Management Agency (FEMA) are working with the U.S. Department of Justice and other federal agencies on the development of a series of training videos covering various aspects of providing meaningful access to LEP persons to federal government programs and activities. CRCL will incorporate this and other training resources in new employee orientation and ongoing employee training.

### **2. Assessment and Training for Staff with Language Skills**

CRCL is also committed to offering training to its bilingual staff who use their language skills in supporting the mission of the office. In Fiscal Year 2013, CRCL piloted a training course for bilingual staff at CRCL and in other Components on the skills and ethics of interpretation entitled: “Workshop and Basic Training: The Art of Interpretation for Bilingual Employees.”

CRCL will be developing guidelines for offering staff language proficiency assessments and training to enhance foreign language skills as well as skills of interpretation and translation.

## **Notice to the Public and Outreach**

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### **1. Notice to the Public about Language Services**

The provision of meaningful access also involves providing notice of language assistance services. CRCL’s civil rights complaint document notifies persons who wish to file complaints that if they are not proficient in English CRCL has access to interpreters and translators for communication in any language. CRCL also provides notice to the public of the availability of interpreter and translation services through a statement on its website, which is translated into nine languages. CRCL will also include this notice in CRCL’s newsletter.

## 2. Outreach

In Fiscal Years 2012-14, CRCL conducted outreach to inform the public about the DHS Language Access Plan and its implications for LEP communities through:

- Presentations at community engagement roundtables throughout the U.S;
- Translations of a summary of the DHS plan in 10 languages, which were posted online and distributed at community engagement roundtables;
- Distribution of the DHS plan to CRCL's network of stakeholders across the country via the CRCL newsletter;
- Posting of a leadership blog by former Acting Officer Tamara Kessler on the DHS website;
- Posting of the plan and related resources on the CRCL website and LEP.gov, the website of the Federal Interagency Working Group on LEP; and,
- Receiving and incorporating recommendations from the public on the DHS plan.

## Monitoring and Evaluation

CRCL routinely and continuously monitors the quality of language services provided through its language services contract. It is also important to evaluate the effectiveness of this plan in ensuring that LEP individuals have meaningful access to CRCL's programs and activities. CRCL intends to evaluate the effectiveness of the plan by, among other things:

- Requesting feedback from external stakeholders; and,
- Requesting feedback from CRCL staff on the availability of language services, the quality and sufficiency of language services, and how these services impact their work.

The evaluation will occur at the end of the Fiscal Year 2015 and at least every two years thereafter. A report on the status of language access within CRCL, including any recommendations for improvements and modifications to the plan, will be provided to the Officer following each evaluation period.

## Priorities for Fiscal Years 2014-16

### 1. Improvements in Access to CRCL Programs and Activities

In developing this plan, CRCL conducted an assessment of its language needs and priorities, as well as its current capacity to meet these needs. CRCL's assessment took into consideration the four-part analysis CRCL has asked DHS recipients of federal financial assistance to use when assessing their own obligations to provide meaningful language access.<sup>2</sup> In addition, CRCL also identified vital documents and key interactions with the

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<sup>2</sup> These four factors are:

- 1) The number or proportion of LEP individuals encountered or likely to be encountered;
- 2) The frequency of contact with LEP individuals;
- 3) The nature and importance of the program, activity or service provided; and,
- 4) The resources available and costs to provide the meaningful access.

public, based on the importance of the activity, information or encounter, the frequency of the interaction, and the demographics in particular sites or programs. The following priorities are based on this assessment.

#### ***A. Vital Interactions***

CRCL has determined that the following functions are vital interactions with LEP persons and as such are a priority for obtaining interpretation:

- In-person presentations at community engagement and other outreach events aimed at community groups and the general public;
- Access to the complaints process;
- Interviews and other interactions with complainants and witnesses, including detainees or other persons in DHS custody; and,
- Access to the CRCL telephone information line.

#### ***B. Vital Documents and Information***

CRCL has determined that the following are vital documents and as such are a priority for obtaining translations:

- Incoming correspondence and other information in languages other than English, particularly as they relate to complaints;
- CRCL correspondence prepared in response to non-English language information, particularly that which pertains to complaints;
- Information about CRCL's role and responsibilities, as well as information on some of its functions and activities; and,
- Information for the public about Homeland Security programs related to disasters.

#### **Specific Activities include:**

##### ***i. Interpretation and Translation***

- Translate select documents that are regularly distributed at CRCL roundtables, events, and other community engagement activities;
- Translate the *DHS Complaints Avenues Guide* into several languages following consultation with Components;
- Develop a plan and protocol for the use of in-person interpreters for on-site investigations to supplement the use of telephonic interpretation (Compliance Branch);
- Develop plans and protocols for use of in-person interpreters for specific community engagement events (Community Engagement Section/Programs Branch);
- Create a glossary of CRCL key terms and translations to be provided to the language services contractor for use in translations;
- Review the CRCL webpage, identifying the most important information to be translated and the best means for informing LEP communities and organizations serving LEP communities about the availability of these translations;
- Develop a framework for a new CRCL and DHS webpages with multilingual content similar to the Social Security Administration's "multilingual gateway" at

<http://www.ssa.gov/multilanguage/> and the USCIS Multilingual Resource Center at <http://www.uscis.gov/tools/multilingual-resource-center>;

- Identify and catalogue vital documents throughout DHS—and the status of translations—and collaborate with Components to establish a plan for translating documents in additional languages, including languages spoken by Asian American and Pacific Islander populations;
- Complete additional translations of E-Verify video for workers (in multiple languages in addition to Spanish);
- Collaborate with ICE on translating the ICE Detainee Handbook and the Sexual Assault Awareness materials into additional languages; and,
- Collaborate with ICE and the American Bar Association (ABA) Commission on Immigration on translating the “Know your Rights” materials into additional languages. The “Know Your Rights” Video is currently available in English, Spanish, and French in immigration detention facilities.

**ii. Notice to the Public**

- Provide additional notice to the public, in multiple languages, on the availability of language services in communicating with CRCL staff by adding a notice on the website in multiple languages, and include this information in the CRCL newsletter.

**iii. Training**

- Provide training and technical assistance to staff on language access principles, policy, and procedures;
- Supervisors report that their staff have received training or instruction on language access requirements, how to access available language services, and how to work with interpreters; and,
- Develop guidelines for offering bilingual staff language assessment testing and training on foreign language skills and begin implementing these guidelines;

**iv. Collaboration with Other Federal Agencies and Other Organizations**

- Collaborate with the Federal Interagency Working Group on LEP (IWG) on implementation of Executive Order 13166 across the federal government through participation in the federally conducted subgroup and other related activities; and,
- Participate in the IWG federally conducted subcommittee initiative to develop training modules on language access that can be used and/or adapted by agencies across the federal government to meet agency training requirements.

**v. Outreach**

- Continue to provide information on language access and obtain input from external stakeholders on improving language access in CRCL and across DHS through Community Engagement Section roundtables and other events; and,
- Focus one of these outreach events on Asian American and Pacific Islander communities and collaborate with the White House Initiative on Asian American and Pacific Islanders.

vi. ***Tracking, Evaluation, and Monitoring***

- Identify effective methods for collecting and tracking the languages of callers to the CRCL telephone information line and other interactions with LEP persons to assist CRCL in planning for future language services;
- Review the CRCL website with the goal of improving its accessibility to LEP persons; and,
- Obtain feedback from external stakeholders on CRCL's improvements in providing language access for use in the evaluation report.

**2. Improvements in Access to Programs and Activities across DHS**

CRCL will continue to carry out the following activities to strengthen civil rights compliance related to language access in programs and activities across DHS:

**A. *Chair the DHS Language Access Working Group***

The Working Group consist of representatives across DHS to implement the DHS Language Access Plan and finalize individual Component plans. Among other activities that promote coordination and efficiency, the working group will propose agency-wide standards for ensuring quality assurance of language services, serve as a clearinghouse of best practices and opportunities for leveraging resources across DHS, and research and disseminate information on existing language technologies and the appropriate use of these technologies.

**B. *Serve as technical co-lead of the Efficiency Review Initiative Cross-Component Integrated Project Team (IPT)***

The IPT is developing a portfolio of DHS-wide strategically sourced contracting vehicles and other vehicles, such as interagency agreements for language services. The purpose of the initiative is to leverage DHS's buying power to receive lower prices and improved services when acquiring language services. The initiative is also expected to make language services more readily available to DHS Components that have no contracts or other means to meet their evolving language access needs.

**C. *Monitor Components' Progress in Carrying Out Language Access Activities***

CRCL will monitor the activities outlined in the DHS Language Access Plan and provide ongoing technical assistance to Components in providing language access in these and other programs and activities. Among other efforts:

- Collaborate with the Office of Public Affairs (OPA) and Office of Operations Coordination and Planning (OPS) on integrating language access in planning and execution of the National Terrorism Advisory System (NTAS);
- Provide training, technical assistance, and resources for personnel in the immigration enforcement and detention contexts;
- Improve access to customer information lines across the Department; and,
- Support Components' efforts as described above under Interpretation and Translation.

***D. Review Language Access Complaints***

CRCL will review language-related complaints filed by the public alleging denial of meaningful access to DHS programs and activities due to language barriers and, where appropriate, make recommendations to remedy deficiencies and/or improve the provision of language services.

***E. Training Support***

Support Components' efforts to train managerial and front-line employees on language access responsibilities and protocols.

***F. Facilitate Access to Federal LEP Resources***

Existing federal resources including the National Virtual Translation Center (NVTC), which offers qualified translators in support of national security; the FBI's Language Services Unit, which offers language skills testing and interpreter certification; and the National Language Service Corps within the Department of Defense (DOD), established by Congress to address surge language requirements and the National Security Language Initiative (NSLI).

## Acronyms

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ABA	American Bar Association
COR	Contracting Officer's Representative
CRCL	Office for Civil Rights and Civil Liberties
DHS	U.S. Department of Homeland Security
DOD	U.S. Department of Defense
FEMA	Federal Emergency Management Agency
ICE	U.S. Immigration and Customs Enforcement
IPT	Integrated Planning Team
IWG	Interagency Working Group
LEP	Limited English Proficiency
NSLI	National Security Language Initiative
NTAS	National Terrorism Advisory System
NVTC	National Virtual Translation Center
OPA	Office of Public Affairs
OPS	Office of Operations, Coordination, and Planning