# Table of Contents

Introduction................................................................................................................................... 2  
Key Terms...................................................................................................................................... 4  
Languages Frequently Encountered by ICE Employees and Contractors ............................. 4  
ICE’s Current Language Access Activities, Policies/Procedures, Tracking, and Training... 5  
Notice to the Public and Outreach .............................................................................................. 9  
Priorities for Fiscal Year 2014 and 2015................................................................................... 10  
Contact Information and Assistance............................................................................................ 14  
Signatory ...................................................................................................................................... 14  
Acronyms ..................................................................................................................................... 15
Introduction

The U.S. Immigration and Customs Enforcement’s (ICE or Agency) mission is to promote homeland security and public safety through the criminal and civil enforcement of federal laws governing border control, customs, trade, and immigration. This Language Access Plan (LAP or Plan) sets forth the standards, principles, and guidelines through which ICE will provide and improve meaningful access to Agency programs and activities to external limited English proficient (LEP) stakeholders. The ICE Office of Diversity and Civil Rights (ODCR) is responsible for coordinating, overseeing, and providing guidance to ICE program offices to ensure compliance with this Plan and to assist in the overall improvement of language access services to external LEP stakeholders.

A. Background

On August 11, 2000, the President signed Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency. The Executive Order requires federal agencies to examine the services they provide, identify any need for services to those persons who are LEP, and develop and implement a system to provide those services so LEP persons can have meaningful access to them. Agency plans are expected to provide for such meaningful access consistent with, and without unduly burdening, the fundamental mission of the Agency. Attorney General Eric Holder issued a memorandum to the heads of all federal agencies reestablishing the Federal Government’s commitment to ensuring the provision of language access services titled, “Federal Government’s Renewed Commitment to Language Access Obligations Under Executive Order 13166” (February 17, 2011).

To fulfill this commitment, in February 2012, the U.S. Department of Homeland Security (DHS or Department) issued its LAP, which establishes a system for implementing Executive Order 13166 throughout the Department, describes current language access initiatives, and instructs each DHS component to develop its own LAP. Aligned with DHS’s LAP, this Plan outlines ICE’s programs and initiatives to provide LEP persons with meaningful access to programs, services, and activities without creating an undue burden on the Agency.

Ensuring external LEP stakeholders are provided access to language services is vital to the success of ICE’s operations. ICE is the principal investigative arm of DHS. ICE consists of four major directorates: Office of Assistant Secretary (OAS); Management and Administration (M&A); Homeland Security Investigations (HSI); and Enforcement and Removal Operations (ERO). OAS is the principal staff element responsible for overseeing the Agency’s operations and serving as ICE’s primary advisor to the Secretary of Homeland Security and other Federal agencies. M&A coordinates ICE’s administrative and managerial functions to address the needs of the ICE mission, while helping to guide the dynamic growth and future of the agency. HSI conducts criminal investigations of terrorist and other criminal organizations who threaten national security, and other investigations, including human trafficking, financial crimes, compliance with customs laws, and the knowing hire or employment of persons who are not authorized to work in the United States. ERO identifies, arrests, detains, and removes aliens who present a danger to national security, are a risk to public safety, or who are in the United States in violation of the immigration laws.
ICE generally provides meaningful access to its programs and activities to LEP persons through a variety of methods, including translation of materials, forms, and other documents; contracts for interpretation and other language services; an Inter-Agency Agreement with the U.S. Citizenship and Immigration services (USCIS) Language Services Section (LSS) to provide interpreter services; and the Foreign Language Award Program. In addition, ICE provides language identification tools (“I Speak” pocket guides and posters) to ICE personnel to facilitate the effective use of interpretation services. Across the Agency, ICE currently has processes in place, without unduly burdening the mission of the Agency, facilitating interactions between its employees and LEP stakeholders. Through this Plan, ICE will continue to develop policies, priorities, and procedures for augmenting the language access services it provides to external LEP stakeholders.

In this regard, ODCR is responsible for: (1) leading the Agency’s efforts to enhance the language access services provided to ICE’s external LEP stakeholders; and (2) ensuring programmatic compliance with ICE’s established milestones, guidelines, and procedures.

B. Scope

ICE’s LAP applies to the Agency functions in which ICE employees and contractors interact with members of the public, persons involved in law enforcement exchanges, persons detained in ICE custody, and persons subject to reporting requirements with ICE (e.g., orders of supervision, bond). This includes, but is not limited to, websites, blogs, social media, email, telephone, and in-person contact.

C. Policy

ICE adheres to the DHS policy on language access set forth in the DHS LAP.1 Further, it is ICE policy to ensure language access services for external LEP stakeholders to its programs, services, and activities. This includes providing effective communication to members of the public seeking access to ICE’s programs, activities, and services, and LEP individuals subject to ICE enforcement actions, and all aspects of detention in ICE custody. Furthermore, it is ICE’s policy to take reasonable steps to inform external stakeholders of the availability of language access services in its programs, activities, and services. ICE considers processes for enhancing language access services in its business and strategic planning efforts on programs and activities which include external stakeholders, provided that such processes do not unduly burden the fundamental Agency mission.

1 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 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.
**Key Terms**

The following definitions apply for purposes of this Plan.

**Bilingual** – A person who is fluent in speaking, reading, and writing two languages and is able to conduct the business of the workplace in either of those languages.

**Direct Communication** – Monolingual communication in a language other than English between a qualified bilingual employee or representative and an LEP individual (e.g., Spanish to Spanish).

**External stakeholder** – A person who is not an ICE employee or contractor and who has contact with, or is seeking information or services from, ICE programs or activities. External stakeholders include, but are not limited to, members of the general public, detainees, friends and families or visitors of detainees, and individuals subject to ICE enforcement operations (e.g., suspects, witnesses, and victims of crime).

**Interpretation** – The act of listening to communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

**Limited English Proficient (LEP) Person** – A person who does not speak English as his or her primary language and who has 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).

**Meaningful Access** – Language assistance that results in accurate, timely, and effective communication and that is available at no cost to the LEP person. For LEP persons, meaningful access denotes access that is not significantly restricted, delayed or inferior as compared to programs or activities provided to English proficient persons.

**Primary Language** – The language in which a person communicates most effectively.

**Proficiency** – The ability of a person to speak or write in an acquired language.

**Translation** – The conversion of written text from one language (source language) into an equivalent written text in another language (target language).

**Languages Frequently Encountered by ICE Employees and Contractors**

ICE employees and contractors interact with external LEP stakeholders who speak a variety of languages. **Spanish** is the predominant language spoken by external ICE LEP stakeholders. Other languages encountered include but are not limited to:
ICE’s Current Language Access Activities, Policies/Procedures, Tracking, and Training

Across the Agency, ICE has dedicated human and financial resources to providing critical information to external LEP stakeholders in their primary languages. Examples of ICE’s current efforts include the following:

A. Activities

- ICE, through ERO Custody Management (CM), provides ICE detainees with appropriate translation and interpretation services consistent with applicable detention standards and the requirements of Executive Order 13166.

- ICE provides a Detainee Handbook to every ICE detainee during the Intake process. The Handbook is provided either in English or Spanish, or a number of other languages. Orientation materials are read to detainees who cannot read, or they are provided via audio or video recordings. Interpretive services, including American Sign Language interpreters, are also provided to LEP detainees who do not comprehend the languages of the orientation materials.

- ICE offices and facilities may access a phone line staffed and operated by USCIS LSS Interpretation services, available Monday through Friday from 7:30 a.m. to 5:00 p.m. (EST). Outside of these operation hours, the current HSI contract is available for use by other ICE offices and facilities requiring language services. The HSI contracted phone language line is available 24/7 for immediate three-way interpreter services in more than 300 languages and dialects. The interpreter typically comes on the line within seconds. All interpreters are required to pass a background check prior to working on the contract.

- ICE has distributed an “I Speak” poster, assisting ICE personnel to identify the language spoken of LEP persons, to several ERO field offices and custody management staff. The “I Speak” poster helps ICE personnel, including Detention Service Managers, identify
over 70 languages and dialects. The poster was added to the 2013 Detainee Handbook and ICE will soon require the large posters be posted in all ICE facilities.

- ERO, through the ICE Health Service Corps (IHSC), has customized the “I Speak” materials for use by health care providers in detention facilities. IHSC staff understands the importance of accurately communicating with detainees when providing health care.

- ICE revised the Immigration Detainer – Notice of Action form (DHS Form I-247) to advise aliens, in the custody of another law enforcement agency, with notice of legal rights. The DHS Form I-247 also advises the alien of the complaint process in English, Spanish, Vietnamese, Chinese, French, and Portuguese.

- ERO designed, developed, and deployed a hotline for persons who believe they are United States citizens or victims of a crime and against whom ICE has issued a DHS Form I-247. Staff operates the hotline and use the USCIS LSS phone line to provide interpretation services to callers who are LEP.

- ERO, through Custody Programs, launched the Detention Reporting and Information Line (DRIL). DRIL is a toll-free service that provides a direct channel for detainees and other stakeholders to communicate directly with ERO to ask questions and resolve concerns. Stakeholders may reach the DRIL by dialing 1-888-351-4024. Detainees may reach the DRIL through the pro-bono telephone platform in all ICE detention facilities. Live trained operators are available Monday through Friday (excluding holidays) from 8:00 a.m. to 8:00 p.m. (EST) to respond to inquiries from those in ICE detention and from community members. Spanish speaking operators are available through the DRIL. The DRIL uses an interpreter service for non-English speaking callers.

- ERO, through the 287(g) program, enters into partnerships with state and local law enforcement agencies (LEA) and delegates authority for immigration enforcement within their respective jurisdictions. Under the terms of a joint Memorandum of Agreement (MOA), the state or local entity receives training that includes the requirement to request and provide interpreters as needed. Participating LEA personnel are required to document each use of an interpreter by name.

- HSI, in 2012, coordinated and consolidated multiple contracts into one contract for language translation, transcription, and interpretation services at the ICE level. HSI in conjunction with the Office of Acquisition Management maintains this language services contract which enables any entity under ICE to access language translation, transcription, and interpretation services worldwide.

- HSI now maintains and manages ICE’s worldwide language translation, transcription, and interpretation contract to procure language access services, or uses the USCIS LSS for interpretations. This HSI contract is available for use by other ICE offices requiring language services. All HSI interpreters are required to pass a background check prior to working on the contract. The USCIS LSS contracted phone language line is available 24/7 for immediate three-way interpreter services in more than 300 languages and dialects. The interpreter typically comes on the line within seconds.
In addition to using ICE’s language contract, HSI Special Agents use a variety of resources to provide language services to LEP persons encountered in their daily activities. This may include temporary reassignment of a Special Agent proficient in the language, identification of a bilingual officer or Special Agent amongst partner local, state or federal LEAs, or use of the ICE TIP Line is staffed with personnel proficient in many languages.

ICE uses in-person bilingual HSI Special Agents or screens for contracted court certified interpreters for law enforcement interviews when possible and practicable.

ICE uses in-person bilingual HSI Special Agents, Forensic Interviewer Specialists, or contracted court certified interpreters when interviewing victims and/or minors if possible and practicable.

HSI Special Agents and officers are instructed to prepare to communicate in the subject’s expected language during the course of an ICE investigation requiring ICE to approach and seek entry into a home.

HSI victim specialists and victim coordinators assist HSI Special Agents in planning for any potential language needs identified during the course of an ICE investigation.

B. Policies / Procedures

The 2000 National Detention Standards and 2008 and 2011 Performance Based National Detention Standards establish standards of care, expected practices, and expected outcomes for detention facilities when staff communicate with detainees who are LEP. The standards require information be provided to a detainee in a language or manner the detainee can understand. The standards require that language services be offered in all detention facilities, including Service Processing Centers (SPC), Contract Detention Facilities (CDF), and Inter-Governmental Service Agreement (IGSA) facilities. The standards also require that language services be offered throughout the detention process.

ERO, through IHSC, uses open-ended questions as its operational practice when collecting medical information from detainees. If the detainee is unable to communicate in English, the medical provider may use the “I Speak” materials to identify a detainee’s language and the telephonic interpretation services to facilitate the conversations. These services are available and utilized for medical consultations, during the book-in process, and for other important communications between ICE employees/contractors and detainees. IHSC documents within the detainees’ medical record the LEP status, language spoken, and source of translation and/or interpretation services used.

ERO has operational procedures in place for communicating with LEP callers to the hotline located on DHS Form I-247. If the caller does not speak English or a Law Enforcement Specialist (LES) is unable to understand the caller due to a language barrier, the LES is instructed to call USCIS LSS. The call is started by advising the language interpreter that: (1) the call is coming from the Law Enforcement Support Center in
Burlington, Vermont; (2) the call concerns a detainee; and (3) that confidential information may be revealed during the interpretation process. The USCIS LSS is not a 24/7 operation; if the detainee is calling after hours, the HSI language services contract is available for use by other ICE offices and facilities requiring language services. This contracted phone language line is available 24/7 for immediate three-way interpreter services in more than 300 languages and dialects. The interpreter typically comes on the line within seconds. All interpreters are required to pass a background check prior to working on the contract.

C. Tracking

- ERO uses its case management system to track persons encountered through investigatory, apprehension, enforcement, and detention processes. The system now captures data about whether a detainee is LEP and identifies the primary language which the detainee speaks.

- ERO, through USCIS LSS, tracks the use of language services at detention facilities through service contracts. The data reflects the languages requested; number of language requests; number of hours expended on the language requests; and that facility that the requests originate. The current LSS provider submits data to ERO upon request. With the deployment of the electronic health record (eHR), IHSC will be able to directly track this data in the eHR database.

- If requested by ERO, the USCIS LSS provider will submit a report to ERO reflecting the most recent languages requested. This report identifies language usage by facility and by location.

- HSI uses TECS, a case management system, to track language use of persons involved in an investigation. When opening or modifying cases, HSI Special Agents complete a “yes/no” field that asks whether a foreign language is required during an investigation. If the field is marked affirmatively, an additional field requests the two letter code for the foreign language. This also includes a “Help” field for ICE personnel and a hyperlink to the SharePoint site with the DHS “I Speak” materials. Based on the responses in these fields, HSI can determine the number of cases requiring foreign language services and the number of hours dedicated to those cases.

- HSI maintains a database of Special Agents who participate in the Foreign Language Award Program. These Special Agents are required to establish their competency in languages by means of independent testing conducted by an outside vendor. The testing is modeled on the U.S. Foreign Service language testing and rating standards, which are also used by the Interagency Language Roundtable. These agents are financially compensated based on level of language speaking proficiency in conjunction with frequency of use. Any Special Agent not testing at a high fluency level must repeat independent testing every 5 years.
Office of Detention Oversight (ODO) verifies the availability of interpretation services in detention facilities it inspects for compliance with detention standards, including reviewing interpretation records and verifying the availability of “I Speak” materials and facility-specific information in languages other than English. ODO documents any deficiencies in its reports, which are available to the public.

D. Training

- ERO, through 287(g), provides an initial training to Designated Immigration Officers (DIO) at the Federal Law Enforcement Training Center in Charleston, South Carolina. The Office of Training and Development, using funding from the 287(g) program, instructs DIOs on language access responsibilities that include identifying LEP persons, accessing available language services, and working with interpreters.

- HSI Victim Assistance Program staff provides technical assistance and training to HSI Victim Specialists and Coordinators on working with interpreters and on identifying appropriate interpreters to assist in the provision of victim services.

- ICE and the DHS Office for Civil Rights and Civil Liberties (CRCL) collaborated on the development of a series of briefings, including a briefing on language access, for local and state LEAs with regard to Secure Communities. The language access video, “Working with Individuals with Limited English Proficiency” and related materials are designed to be presented at LEAs daily briefings, as well as through in-service training for front line officers and law enforcement leadership. The materials are available at [http://www.ice.gov/secure_communities/crcl.htm](http://www.ice.gov/secure_communities/crcl.htm).

Notice to the Public and Outreach

A. Website Materials

- ICE, through the Office of Public Affairs (OPA), disseminates information in Spanish on [www.ice.gov](http://www.ice.gov).

- The Online Detainee Locator System (ODLS) is a public system available on the internet that allows family members, legal representatives, and members of the public to locate immigration detainees who are in ICE detention. The website is available in English, Arabic, Spanish, French, Portuguese, Russian, Somali, Vietnamese, and Simplified Chinese. The ODLS can be found at [www.ice.gov/locator](http://www.ice.gov/locator).

B. Community Outreach

- ERO staffs its DRIL with Spanish speakers to respond to inquiries from the public. Additionally, Custody Programs receives daily emails through a dedicated email account for inquiries (ERO.INFO@ICE.DHS.GOV) and an ERO Contact Form.

- HSI maintains informational brochures and outreach materials in multiple languages.
Human Smuggling/Trafficking Tip Cards are available in Arabic, Bengali, Burmese, Chinese, English, French, Indonesian, Khmer, Korean, Laotian, Malay, Portuguese, Russian, Spanish, Taiwanese, Thai and Vietnamese.

- Information for Trafficking Victims available in English and Spanish
- The Human Rights Violators & War Crimes Unit Rwanda available in English and French

**Priorities for Fiscal Year 2014 and 2015**

ICE continues to looks for ways to improve the efficiency and effectiveness of its LAP and develop new methods to provide language services to external stakeholders.

**Current Priorities:**

A. **Planning and Procedures**

- Developing individual LAPs by each of the following Directorates and Program Offices having contact with, or responsibilities related to, ICE’s external stakeholders:
  - HSI (to cover the following divisions: Domestic Operations, Intelligence, International Affairs, and the National Security Investigations Division)
  - ERO (to cover the following offices and programs: 287(g), Criminal Alien Program, Fugitive Operations, Detention Facilities (SPCs, CDFs, IGSAs, Intergovernmental Agreements, Detention Management Unit, IHSC, ODLS, Rapid REPAT, Repatriation, and Juvenile and Family Residential Management Unit.
  - OPA
  - OPR
  - Office of State, Local and Tribal Coordination

B. **Compliance with the DHS PREA Regulations/Standards**


- Monitoring compliance with language access obligations in ICE detention standards consistent with the DHS PREA regulations.

C. **Training, Technical Assistance, and Resources for Personnel**

- ODCR will facilitate the deployment of training material, technical assistance, and resources for ICE personnel on: language access responsibilities, identifying LEP persons (including persons with disabilities who communicate through sign language), and accessing available language services, and working with interpreters.
ICE-ODCR will develop a plan to integrate training on language access responsibilities within ICE’s existing systems and training academies, including training on the ICE Virtual University.

- Related language access materials will be posted to the ICE intranet library.

ODCR will facilitate an agency-wide plan to distribute and make available “I Speak” materials, including “Tips on Working with Interpreters,” to all appropriate ICE personnel to facilitate identification of the languages spoken by LEP persons encountered.

- Electronic versions of the material are available on the CRCL LEP webpage at www.dhs.gov/crcl-lep.

D. Bilingual Staff

- ODCR will review policies and procedures for assessing and/or verifying the foreign language skills of ICE personnel who use their foreign language skills in carrying out specific duties.

- ODCR will assist in the development of internal protocols to ensure that ICE employees and contractors are not used by local LEAs to provide interpretation services during interactions with suspects, witnesses, or victims.

E. Language Access/Detention

- ERO, through CM, is taking the following steps to improve language access to its program and mission responsibility.
  - All detention facilities, including IGSAs, will access the language service line using the telephone contact phone numbers provided in the Service Level Agreement
  - Additional language line service providers or interpretation methodologies may be identified and utilized in the future.
  - “I Speak” materials will be visible to detainees and staff at all detention facilities. The “I Speak” health care poster, already used by IHSC, will be posted in non-IHSC staffed health care facilities.

- ERO monitors compliance with language requirements in detention standards, as part of ERO and OPR detention inspection processes.
ERO, through Custody Programs, has made the Know Your Rights video developed by the American Bar Association available in English, Spanish, and French to all detention facilities. The Know Your Rights written material has been translated into Spanish, Chinese (Simplified), Portuguese, French, Arabic, and Vietnamese and made available to all detention facilities.

The ICE Detainee Handbook has been translated into Spanish, Chinese (Simplified), Portuguese, French, Arabic, and Vietnamese. These translations will be made widely available to detention facilities across the country with instructions on their use and distribution to detainees. ICE will continue to assess the need to translate the handbook in other languages.

ERO, through IHSC, is developing a training plan to provide language access training during orientation and annually thereafter to IHSC personnel and contractors on language access responsibilities and procedures.

ERO personnel will use telephonic interpretation for routine conversations with LEP detainees on their ability to access services and programs.

ERO, through IHSC, is developing an LEP assessment tool to assess language access procedures as well as the effectiveness of LEP interventions for the detainee.

F. Tracking

EAGLE includes fields to identify whether a person is LEP and to identify the person’s primary language.

ODCR will facilitate the development of a process to track language needs and language services usage throughout ICE. This data will be analyzed for trends and will help identify areas where additional language services may be necessary as well as ICE’s current and future language service needs.

ODCR will facilitate the designation a point of contact for all activities impacting LEP stakeholders, including detention, field operations, and enforcement activities. This individual will be responsible for tracking document translations, reviewing telephonic interpretation data, inspection information, and ensuring facilities as well as field personnel are utilizing appropriate telephonic or in-person interpretation services for LEP detainees.

G. Translation of Crucial Documents

ODCR will facilitate the identification of ICE materials, forms and other documents to be translated and establishing a plan to accomplish these translations in the identified languages.

Consistent with the DHS policy on identifying and translating crucial documents into the most frequently encountered languages, ICE will conduct an inventory of
documents and materials already translated, identify other languages in which translations will be accomplished, and establish a schedule for translations.

- ICE will prioritize the translations of documents based on the importance of the ICE program, information, encounter, or service involved.

**H. Quality Assurance**

- ODCR will facilitate the establishment of a plan for monitoring the quality and effectiveness of current language service programs and activities within ICE.
  - The plan will include assessing the effectiveness of the use of tools such as “Tips on Working with Interpreters” and training as needed based on the results of the monitoring.

**I. Notice to the Public**

- ODCR will facilitate the posting and otherwise distributing to external LEP stakeholders of the DHS and ICE LAP.

- ODCR will facilitate the drafting of an appropriate notice to the public, explaining in English, Spanish and other top languages encountered ICE’s commitment to providing language services and additional materials on ICE’s website.

**J. Outreach to LEP Communities**

- ODCR will facilitate the engagement with NGOs and external LEP stakeholders to assess the effectiveness of ICE’s language services.

**K. Resources**

- ODCR will facilitate the development of a plan for line-item funding for LEP resources to enable ICE to effectively serve external LEP stakeholders.

- ODCR will facilitate leveraging the DHS Efficiency Review Initiative on Language Services Acquisition to provide a shared services contract and other vehicles for language services.

**L. Management of the ICE LAP**

ODCR will be responsible for coordinating, providing oversight, and facilitating programmatic compliance with the ICE LAP. As internal processes and plans are developed and improved, ODCR will be responsible for revising, updating, and publishing the amended and public version of the ICE LAP.
Contact Information and Assistance

The Office of Diversity and Civil Rights, Civil Liberties Division may be contacted by email (ICE.Civil.Liberties@ice.dhs.gov) or phone (202-732-0190) for more information about ICE’s Language Access Plan.

Signatory

No Private Right

These guidelines and priorities are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

________________________
Thomas S. Winkowski
Principle Deputy Assistant Secretary
U.S. Immigration and Customs Enforcement
### Acronyms

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<th>Full Form</th>
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<td>CDF</td>
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<td>Detention Reporting and Information Line</td>
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