



Detainee Forms Translation

August 7, 2020

Fiscal Year 2020 Report to Congress



**Homeland
Security**

U.S. Immigration and Customs Enforcement

Message from the Deputy Director and Senior Official Performing the Duties of the Director

August 7, 2020

I am pleased to present the following report, “Detainee Forms Translation,” which has been prepared by U.S. Immigration and Customs Enforcement (ICE).

This report was compiled pursuant to direction in House Report 116-180 accompanying the Fiscal Year (FY) 2020 Department of Homeland Security (DHS) Appropriations Act (P.L. 116-93).

Pursuant to congressional guidelines, this report is being provided to the following Members of Congress:



The Honorable Lucille Roybal-Allard
Chairwoman, House Appropriations Subcommittee on Homeland Security

The Honorable Chuck Fleischmann
Ranking Member, House Appropriations Subcommittee on Homeland Security

The Honorable Shelley Moore Capito
Chairman, Senate Appropriations Subcommittee on Homeland Security

The Honorable Jon Tester
Ranking Member, Senate Appropriations Subcommittee on Homeland Security

Inquiries related to this report may be directed to me at (202) 732-3000.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Albence', written in a cursive style.

Matthew T. Albence
Deputy Director and
Senior Official Performing the Duties of the Director
U.S. Immigration and Customs Enforcement

Executive Summary

House Report 116-180, which accompanies the FY 2020 DHS Appropriations Act (P.L. 116-180), includes language directing ICE Enforcement and Removal Operations (ERO) to make all forms requiring a detainee signature available in a detainee's native language. It further directs ERO to report on a plan and timeline for achieving this goal.

Specifically, the report provides a summary of ERO's language access obligations and activities and discusses the steps that ERO will undertake to translate designated forms. Also provided in this report is a projected schedule for accomplishing the required goal.



Detainee Forms Translation

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I. House Report Language

This report was compiled in response to direction in House Report 116-180, which accompanies the Fiscal Year (FY) 2020 Department of Homeland Security (DHS) Appropriations Act (P.L. 116-180).

House Report 116-180 states:

Detainee Forms.—The Committee directs ICE to provide all forms that are required to be signed by a detained person in the detainee’s native language. ICE is directed to report to the Committee within 90 days of the date of enactment of this Act on a plan and timeline for achieving this goal, including an estimate of related resource requirements.

II. Background

Enforcement and Removal Operations' Language Access Policy

U.S. Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) identifies, arrests, detains, and removes foreign nationals who present a danger to national security, are a risk to public safety, enter the United States illegally, or otherwise undermine the integrity of our immigration laws and our border control efforts. Providing language assistance services for persons with limited English proficiency (LEP) is essential to the efficiency of ERO operations and to the accessibility of its procedures and services.

ERO adheres to the requirements set forth in [Executive Order 13166](#), *Improving Access to Services for Persons with Limited English Proficiency* (August 16, 2000), and related U.S. Department of Justice guidance, including the requirement to ensure that LEP stakeholders have meaningful access to ERO programs and activities by providing accurate and effective communication in a timely manner.

1. Language Assistance Services

Through contracts with language assistance services vendors and an interagency agreement with U.S. Citizenship and Immigration Services' Language Services Section, ERO uses professional oral interpretation services to provide LEP persons with meaningful access. Further, many ERO personnel have sufficient proficiency in one or more languages other than English with which they may communicate with LEP persons in their native language when appropriate. Because the overwhelming majority of LEP individuals in ICE custody speak Spanish, most of the ERO-requested interpretations are for text from English to Spanish. However, language services vendors used by ERO have the capability of providing oral interpretation into more than 200 languages.

2. Translation of Vital Documents

ERO has remained committed to undertaking several activities aimed at providing LEP persons with meaningful access to ERO programs and services, including identifying and translating vital documents into Spanish and other frequently encountered languages. A document is considered vital if it contains information that is critical for obtaining federal services and/or benefits or is required by law.¹ For ERO, this includes but is not limited to documents that convey detainee rights.

¹ See *DHS Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*, 76 Fed. Reg. 21755 (April 18, 2011), found at <https://www.govinfo.gov/content/pkg/FR-2011-04-18/pdf/2011-9336.pdf>, and LEP.gov, *Commonly Asked Questions and Answers Regarding Executive Order 13166*, <https://www.lep.gov/faq/faqs-executive-order-13166/commonly-asked-questions-and-answers-regarding-executive-order-13166>.

The ERO language assistance services contracts referenced above also support written translation of ERO correspondence, printed information, and other written communication.

III. Timeline

A. Form Translation Plan

1. Identification of ERO Forms and Detainee Languages

On the basis of instruction in House Report 116-180 accompanying the FY 2020 DHS Appropriations Act (P.L. 116-180) and through coordination across several ICE offices, including ERO Custody Management, Field Operations, and ICE Forms Management, ERO conducted an inventory of its forms and determined that nearly 40 of those used in the detention setting require a detainee's signature. ERO is in the process of translating the designated forms into Spanish and is having them all branded, formatted, and made available to the workforce.

Pursuant to ICE Performance-Based National Standards-2011 (revised 2016) (PBNS 2011):

All written materials provided to detainees shall generally be translated into Spanish. Where practicable, provisions for written translation shall be made for other significant segments of the population with limited English proficiency.

Oral interpretation or assistance shall be provided to any detainee who speaks another language in which written material has not been translated or who is illiterate.

To translate those documents to a selection of the most frequently encountered languages other than Spanish, ERO will review a snapshot of country of citizenship data for all individuals in ICE custody. ERO then will determine which of those populations is significant on the basis of the percentage of overall population in custody and will ascertain the primary language spoken in each country. ERO will reinforce to staff that oral interpretation must be provided to any detainee who speaks another language into which the forms have not been translated and will provide staff with the list of ERO resources available for such professional interpretation.

2. Translation of Identified ERO Forms

Designated forms will be submitted for translation to available language assistance services vendors. In general, existing contracts allow the vendors up to 7 business days, depending on the language, to complete a translation; this timeframe may shift depending on the volume of pending requests and linguist availability.

After the translation is received from the vendors, ICE Forms Management will ensure that the forms conform to applicable laws, executive orders, circulars, regulations, policies, and directives. ERO then will provide internal notifications of the translated forms, which will be accessible electronically, to all field personnel.

B. Form Translation Timeline

TASK	TIMEFRAME
Discern significant segments of the ICE detained population and the primary languages of their countries and designate languages for document translations.	June 1, 2020 – June 5, 2020
Submit forms in batches to vendors for translation into designated languages. <i>**Per ICE's language services contract, the vendor has at least 7 days to complete each form translation.</i>	June 8, 2020 – December 8, 2020
Coordinate with ICE Forms Management to format and brand translated forms, as applicable.	June 22, 2020 – January 4, 2021
Coordinate with the appropriate ICE office to upload translated forms onto electronically accessible platforms.	January 11, 2021 – March 12, 2021
Broadcast availability of translated forms to ERO field offices.	March 22, 2021

IV. Conclusion

Pursuant to Executive Order 13166, ICE strives to ensure that LEP stakeholders have meaningful access to ICE programs and activities. This includes, as noted in House Report 116-180, translating ERO forms requiring a detainee's signature into the detainee's native language, as applicable, and orally interpreting any forms that are not translated into an LEP detainee's language.

Appendix: Abbreviations

Abbreviation	Definition
DHS	Department of Homeland Security
ERO	Enforcement and Removal Operations
FY	Fiscal Year
ICE	U.S. Immigration and Customs Enforcement
LEP	Limited English Proficiency