# Exclusion of Indigenous Language Speaking Immigrants in the US immigration System, a technical review

# Summary of
# Indigenous Language Exclusion in the US Immigration System, a technical review

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**Overview**

The full document, Exclusion of Indigenous Language Speaking Immigrants (ILSI) In the US Immigration System, a technical review illustrates language exclusion contacts for immigrants who speak indigenous languages: during their arrest at the border or in the interior, in short and long term detention, in immigration and Streamline courts, and in shelters for unaccompanied children. As depicted in four separate processes, indigenous language speaking immigrants encounter a minimum of 35 and at least a maximum of 54 language exclusion contacts from arrest to deportation or release from detention. Programmatic failures to implement an equitable Limited English Proficiency Protocol in three federal departments and their relevant agencies are outlined in the Appendix: ILSI Language Exclusion in the US Immigration System.

Executive Order 13166 established in 2000 a Federal Limited English Proficiency (LEP) policy which called for equal language access to services under federal law. Denying such access is a violation of Title VI of the 1964 Civil Rights Act which prohibits discrimination based on national origin or race. Subsequent LEP Guidance issued subsequently for implementation of LEP policy by the Departments of Justice, Homeland Security, and Health and Human Services suffers from five major deficits: 1) It does not implement a mechanism for baseline language assessments of encountered language populations at the border; 2. It does not create language assessment tools for individual assessment based on assessed language needs; 3 It has not planned for nor trained front line personnel for individual language assessment; 4. It does not measure language transmission and makes gross assumptions about human communication; 5. It does not recognize Indigenous language speakers as a vulnerable population which facilitates their prolonged incarceration in the world's largest prison system without redress against language exclusion.

**Gap in the LEP Policy Scope**

Fifteen years after the issuance of the Executive Order for LEP, the true scope of language exclusion for ILSIs in the US immigration system remains unmeasured by the same three federal departments, However, ICE identified 94.5% of immigrants they removed in 2014 as coming from the three North Triangle countries of Central America and México[1]; none of which were Russian or Chinese. Customs and Border Patrol officers and agents, as well as ICE ERO Officers are often unaware, unknowledgeable, and often uncomprehending that the indigenous peoples they encounter - speak primary languages other than Spanish.

Some 36%- 42% of adults in immigrant families released by ICE in Southern Arizona in spring 2015 spoke an indigenous language. When applying the 42% proxy measure to Guatemalans removed in 2014 nationwide, between 18,819 and 22,858 indigenous language speaking adults were deported in FY 2014. For unaccompanied children it was between 6,697 and 7,727 held by ORR in 2014.

Given the 34,000 detained population mandatory bed count, ILSIs in long term detention would add a few thousand more indigenous language speakers. A better methodology than such a sample estimation would be for DHS to actually assess the language populations.

Detained ILSIs without proper indigenous language interpretation demonstrated that a diffuse federal LEP policy affected ILSIs far beyond the confines of the border. Because the scope of ILSIs as a LEP population is systematically not recognized, the magnitude of the problem remains undefined. Because it remains undefined, it is never officially measured.

**First Contact**

DHS's LEP Policy fails to grasp major gaps in the first contact phase of its LEP practice. CBP complete ILSI's initial legal dispositions as recorded on I-213 and I-831 forms without recording their indigenous language identification, therefore leaving such identification unknown. Neither CBP personnel nor ICE field staff are trained to assess primary languages of indigenous language speakers. According to the GAO, neither the Office of Border Protection nor the Office of Field Operations rose to the level of the National Defense's Foreign Language Proficiency assessment exam. Customs officers and Border Patrol agents were not administered that five scale test to determine their Spanish language competency. [2] By default, CBP and ICE officers often make erroneous assumptions about ILSI's Spanish language capacity for communication. The GAO's review of CBP and ICE Spanish language training level indicates a limited Spanish language capacity among Task Oriented Spanish Language trained CBP staff. Both the low level of Spanish language capacity among its personnel and the lack of a practical oral language tool to assess for indigenous languages for all CBP and ICE personnel disqualifies many agents and officers from a making an accurate LEP assessment of an immigrants' capacity to speak Spanish, let alone to accurately record their indigenous language.

Coercive behavior on the part of Border Patrol has produced abuses against indigenous language speakers. Ordering detainees to sign deportation papers when detainees do not understand English or Spanish is illegal. Separation of adult males from their ILSI families at the US border traumatizes children and spouses; it can often leave them without any means to communicate with authorities.

**In Detention**

Despite Limited English Proficiency Program Guidance to the contrary, ICE ERO detention Officers and detention intake staff do not routinely assess ILSIs' languages while in detention, or at intake. There are also no language competency standards in the 2014 Guidance for oral interpretation either for due process or for services that provide legal information. ICE ERO officers' exercise of discretion when interviewing ILSIs is broad and deep. Their use of discretion when coupled with their disregard for the vulnerability of indigenous language speakers as a social class of people produces adverse and disproportionate outcomes for ILSIs: when setting bonds, in deciding the conditions of detention or release (parole), and when informing asylum officers in immigration court about immigrants' intention to apply for asylum, their expression of fear of persecution or of torture - upon return to his or her home country.

> *On June 2nd, 2015, a 24 year old Indigenous Mam speaker was interviewed by an interpreter in Spanish with considerable difficulty. The young woman entered Texas the first week of April, 2015. After six weeks in detention, she and her child were taken by the Border Patrol to a cold cell where they were held temporarily until sent to the facility at Dilley. The imprisoned immigrant reported she was not*

*asked what language she spoke when interviewed by the Border Patrol to inquire about whether she had a credible fear, nor by any official since then. When asked if she understood the legal information that was communicated to her, she replied "no".*

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*A monolingual male Ecuadorian Quichua speaking detainee, who was forcedly separated from his Quichua speaking family at the Arizona border in late May, 2015, languished for three weeks in detention at Eloy, Arizona without interpretation. Once contact was established from the outside and legal representation was obtained, the detainee was shipped abruptly to Washington State on the other side of the country away from the family's residence. The detainee's spouse and child demonstrated signs of trauma both at the time of separation, and once transferred, given the disappearance of their spouse and parent.*[3]

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*A monolingual Mam speaker, a male teenager from Guatemala was detained in Arizona after arrest by the US Border Patrol. He was incarcerated in long term detention in proximity to a bilingual Mam and Spanish speaker. The monolingual Mam Speaker told the bilingual speaker that he did not understand papers he signed. When the bilingual Mam speaker explained it was an order for his own deportation, he became extremely distraught, fearing his return to San Pedro Necta, Huehuetenango, Guatemala, to which he was deported in May of 2014.*[4]

For most ILSI's, the signage posted in Service Processing Centers about immigrants' outside communication rights - are linguistically inaccessible. Only video or audio recordings of the "I Speak "signage in common indigenous languages would credibly translate the terminology of due process into their languages. They do not currently exist in ICE facilities, whether federally administered or privately contracted.

After thirteen years of DHS operation, eight key documents remain untranslated into indigenous languages: Notice of Custody Determination, Notice of Rights, Voluntary Departure, Notice to Appear, Warrant of Arrest, Warrant of Deportation, Notice of Institution Disciplinary Panel Hearing, and the Parole Advisal. Oral interpretation of translated documents would assist most indigenous language speaking immigrants.

**In Federal Immigration Court**

Case examples of detained individuals cited from the National language Advocates Network (in 2010) and National Lawyers' Guild (in 2007) cited herein, plus additional cases reported in 2014-2015, found that court interpretation was insufficient, incorrect, or absent for speakers of indigenous languages. That practice disproportionally discriminates against ILSIs' equal access to immigration court. Given the current historic case level overload of some 445,607 backlogged cases reported federal immigration court in April of 2015, indigenous language speaking immigrants often experience

longer waits than the general immigrant population due to non-compliance with Limited English Proficiency Program mandates to identify and provide access in the language of the detainee.

> *One Mexican indigenous Mixtec speaker was held for four years before being released after his language was identified and the prosecutor then cited a lack of evidence. A Quiche speaking Maya woman lost her parental rights due to the Nebraska child protective services having judged her incompetent to care for her asthmatic child after she received instructions in Spanish from a doctor; instructions she could not understand.* [5]

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> *In the first hearing, the same judge identified the immigrant woman as a Maya Mam speaker, and then ordered a delay in the hearing until a Maya Mam interpreter was secured for the proceeding. The woman had no bond. The second hearing was delayed for six months. For six months the detainee awaited an interpreter for the anticipated proceeding. When the new hearing opened, there was still no Maya Mam interpreter secured for telephonic interpretation. However, upon further discussion, when the detainee was allowed to speak freely, she made it abundantly clear while speaking Spanish that she was bilingual in Mam and Spanish and could have readily responded to questions posed in court, six months before, in Spanish.*[6]

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> *A female monolingual Mam speaker reported to the local police repeated threats against her life before she fled Guatemala. As a monolingual Mam speaker during her first detention in Texas - she was never offered interpretation into her language. When she was told to sign papers put before her, she signed without knowing, or being able to ask, what they were for. She was then deported from Houston in September of 2013 after eleven months of incarceration. After a second entry at Nogales, Arizona later in September of 2013 she was arrested and then detained in Eloy, Arizona for another eight months until securing a bond for release in May of 2015. When detained the second time, she worked to learn to speak Spanish while in detention - though she had not completed third grade as a child.*
>
> *When shown the DHS "I Speak" phrase written in the Mam language, she could not read the "I Speak" phrase in Mam; though the transliteration matched her own dialect.* [7]

Mistaken language capacity for Spanish - among speakers of indigenous languages in court - is prevalent. An indigenous language immigrant with low or no literacy is an indication that only their primary language should be used to communicate with them in immigration court.

Without equitable access to language interpretation, ILSIs experience inequitable access to legal proceedings in immigration court. Streamline court allows for Spanish language interpreters

to screen for Spanish language speakers, but that practice does not appear to be operable in immigration court. Identification of indigenous languages from the onset, and not in the middle of court sessions, is a more viable path to equitable access.

**In Streamline Criminal Court**

Linguistically unassessed and unqualified attorneys are given discretion in requesting a language assessment for their clients. Fifty percent of attorneys were not capable of interpreting in Spanish, let alone an indigenous language, according to a Streamline Court interpreter. Attorneys are incentivized to not request language assessments given it delays court hearings for which they do not get paid. Detainees are not extended the right to interpretation during the crucial pre-trial interview by court services. Given the critical legal issues involved in criminal proceedings, without a language assessment for indigenous language speakers, the lack of gathered facts and the intimidating nature of the proceedings imposes inequitable treatment and adverse sentencing for ILSIs given their language exclusion at pre-trial, at pleading, and at sentencing. Identification of indigenous languages from the onset, and not once already in a Streamline Court session, is a more viable path to equitable access.

Reporting indigenous persons as "Hispanics" in Streamline Court is a direct violation of Title VI for LEP policy as it applies to ILSI individuals in Streamline Court masking indigenous language speakers as Spanish speakers - is a second violation of Title VI.

**In Shelters for Unaccompanied Children**

Linguistically unassessed and unqualified staff in the case management function of care for minors exemplifies a language exclusion practice that favors Spanish speakers for services mandated by DHHS in ORR contracted facilities. ORR does not monitor indigenous language speaking child populations for language needs. It allows contractors to exercise discretion; discretion that favors access for the majority Spanish speaking children over and above indigenous language speaking children. While this practice saves money and "serves" more children, it disregards the trauma that is present in indigenous children while they experience language exclusion in shelters. The population disregarded is substantial; the proxy measure of 42% of Guatemalan children as speakers of indigenous languages were applied only to Guatemalans, an estimated 7,727 indigenous language speaking youth were held by ORR in 2014. When a 95% confidence internal is applied, statically, a lower threshold of 36.4% or 6, 697 unaccompanied Guatemalan children were Indigenous language speaking immigrants.

This short sighted approach ignores the cultural differences and glosses over them much in the same manner as Streamline Court does not recognize indigenous as a race, but rather as Hispanic.

> *While visiting a shelter for unaccompanied children in Arizona in the first week of Feb. 2015, one observer recalled that the population reported by the director of the shelter on that day was 40 children; 38 from Guatemala and two from Honduras. During a group activity, the observer spoke with one youth in a Mayan Language and the youth answered in the same Maya language. Though admonished by the director for speaking with the indigenous youth,*

> *some 20-25 youth were subsequently identified by the same observer as indigenous youth who spoke the following indigenous languages: Quiche, Kanjobal, Kachiquel, and Mam.* [8]

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Limited English Proficiency programs were ordered by President William J. Clinton in 2000, but DHS, DHHS, and The DOJ's compliance unit failed to ensure equitable treatment for indigenous language speaking children by 2015. Indigenous language speaking children are indigenous children, they are not *Hispanics* as is often assumed by personnel from those agencies unless the come from racially mixed families. Young children may not identify racially, but their care without indigenous language speakers is culturally inappropriate.

The budget for DHS in the southern border region was an estimated 8.9 billion dollars in 2014. The $868 million 2014 ORR budget for unaccompanied children under DHHS did not translate into identifying indigenous language speaking children on the whole; even though $707 million was designated to shelter expenses, and $90 million for support services.[9]

**International Standards**

Language accessibility in legal proceedings of any kind is not an exceptional request. Denial of language rights under due process is an egregious practice in contravention to cited domestic law and that separates US jurisprudence from extant international standards. DHS's long acquiescence to this CBP practice, amounts to a policy of institutional racism tolerated on a daily basis against indigenous immigrants in violation of the UN Standard of Minimum Rules for the Treatment of Prisoners [10] (SMRTP: 1977), and more recently, articles 33 and 40 (cited herein) of the UN Declaration of the Rights of Indigenous Peoples (DRIP 2007)[11]; standards that the US Department of State and the Obama Administration publicly supported.

> *The United States underlines its support for the Declaration's recognition in the preamble that indigenous individuals are entitled without discrimination to all human rights recognized in international law . . . The United States reads all of the provisions of the Declaration in light of this understanding of human rights and collective rights.*[12]

Nevertheless, the executive power did not apply the standards of the UN DRIP to indigenous migrants. Within the human rights framework of the Americas, as a signatory to the American Declaration, Article XXVI obligated the United States Department of Homeland Security and Customs Border Protection to respect the right of a person held against their will to an interpreter or translator without charge.[13]

**LEP Policy Outcomes**

CBP's denial of due process in *short term holding facilities* in the Tucson Sector in 2014 included denial of two key rights for ILSIs'; the right to communicate with consular authorities[14], and to contact family members. Some 29% of the families interviewed were indigenous language speakers. Such denial violated the Convention of the Rights of Migrant Workers and their Families, DHS's Office of the Inspector General's own 2005 Review of DHS Responsibilities for Juvenile Aliens[15], and Article 36 (1) of

the Vienna Convention on Consular Relations. Those rights to outside contacts are held by Inter-American Council on Human Rights as minimal principles; principles denied to 61% and 47% of adult immigrants in short term detention in 2014 in the Tucson Sector of Southern Arizona. [16] Inter-American Principle 87 states that the right to due process is a right of every person. That recent record demonstrates undesirable outcomes from ineffective LEP policy.

The 2014 DHS Policy Guidance for Limited English Proficiency Programs did not address structural flaws in LEP policy for ILSIs. Twelve years after DOJ issued its LEP Guidance, DHS superficially recognized the existence of four indigenous languages, *albeit in the wrong form of language for oral indigenous language speaking immigrants* in the US immigration system. CBP and ICE practice in implementation of DHS policy related to the rights of immigrants has been notoriously unreliable in the past. DHS's internal monitoring mechanism, the Inspector General's Office, is still ineffective in bringing about changes in policy for short term detention[17] where first contact with ILSIs is most often made.[18]

The Office and Refugee Services and the Vera Institute report monthly on the adults and children they served, to DHHS and the EOIR division of the DOJ respectively. Neither federal department has instructed their agency contracted providers to carry out and publish a language assessment of detained populations. Streamline Court, under DOJ's jurisdiction, does not even recognize indigenous persons as race; such persons are only identified as Hispanics, Blacks, or Whites.

Without public monitoring or congressional reporting, implementation of a universal and equitable LEP policy will remain elusive. Without a multi-departmental executive level agreement on data sharing for language data, silo operational exceptions to the general pattern of accumulative of indigenous language exclusion will continue. Assessment of language populations of indigenous language speakers within immigrant populations is not possible by merely asking people in non-indigenous languages (i.e. Spanish) their primary language. It takes more than an "I Speak" card with a singular phrase or calling up an interpreter service which may or may not retain interpreters of an immigrants' language, or if needed - a specific dialect. Assessment of language populations prior to serving individuals is stipulated in the Executive Order for Limited English Proficient populations.

In a complex system such as the US immigration system, denial of access to substantive legal and contextual information about indigenous language speaking immigrants' legal status and social welfare effectively excludes them from being able to act on their own behalf. Language exclusion for individuals, families, and unaccompanied children often amounts to a denial of equitable treatment in the US immigration system; a system that purports to be not only about enforcement and detention, but that seeks:

> *. . . to adjudicate immigration cases by fairly, expeditiously, and uniformly interpreting and administering the Nation's immigration laws.*[19]

In other words, for tens of thousands of indigenous language speaking immigrants, Executive Order 13166 has yet to be substantially implemented.

## Endnotes

[1] ICE Enforcement and Removal Operations Report, Fiscal Year 2014, December 19,2014 http://www.dhs.gov/sites/default/files/images/ICE%20FY14%20Report_20141218_0.pdf

[2] GAO DHS Needs to Comprehensively Assess . . ., ibid, see table 4, footnote c, Components' and Offices' Foreign Language Programs and Activities, p.20

[3] Author's personal knowledge through contact with the family affected in late May, 2015.

[4] Author interview with an ICE released bilingual Maya Mam male in the first week of June, 2015 in Tucson, Arizona.

[5] Language Access Problems Among DOJ's State Court Grantees, National Language Access Advocates Network, Feb. 2, 2010. p.4. http://www.brennancenter.org/sites/default/files/legacy/Justice/LangAccess/FactSheet.LA-StateCourts.pdf

[6] The Arizona "Mam" case was reported to Blake Gentry by a social worker on March 2, 2015. The New York "Mam" case was reported by the Legal Access Advocates Network. See: https://www.prisonlegalnews.org/media/publications/national_language_access_advocates_network_problems_in_immigration_court.pdf , accessed 3-18-15.

[7] Author Interview with the immigrant occurred on 16 May, 2015 in Tucson, Arizona.

[8] Interview with the Mayan Language speaker was carried out in 9 May, 2015. Identification is withheld due to need for confidentiality of the detained unaccompanied children, and of the observer present.

[9] Caring for thousands of children crossing illegally into the U.S. to cost $868 million in 2014, Borderzine, Hecho Flores, June 4, 2014. http://borderzine.com/2014/06/caring-for-thousands-of-children-crossing-illegally-into-the-u-s-to-cost-868-million-in-2014/

[10] See Article 30. (3) *Where necessary and practicable the prisoner shall be allowed to make his defence through an interpreter of physical or mental health.* https://www.unodc.org/pdf/criminal_justice/UN_Standard_Minimum_Rules_for_the_Treatment_of_Prisoners.pdf accessed 2 October, 2014.

[11] See: UN DRIP, Article 13. 2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means. http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf accessed 2 October, 2014

[12] Announcement of U.S. Support for the United Nations Declaration on the Rights of Indigenous Peoples, undated by the US Dept. of State, http://www.state.gov/documents/organization/184099.pdf , See also the White House fact sheet on US interests at the UN, the DRIP statement was undated as well. See: http://www.whitehouse.gov/the-press-office/2011/09/20/fact-sheet-advancing-us-interests-united-nations For the actual date of Dec. 16, 2010, see the unofficial release from ACHP, http://www.achp.gov/docs/UN%20Declaration%20background%20info%20Mar%202013.pdf , all accessed 9-10-14.

[13] Furthermore, Article XXXVI was reaffirmed by Article 8 of the American Convention, IACHR Report, pp 20, and p 57.

[14] See: UN Convent on the Rights of Migrant Workers and Members of their Families. 7. *When a migrant worker or a member of his or her family is arrested or committed to prison or custody pending trial or is detained in any other manner: (a) The consular or diplomatic authorities of his or her State of origin or of a State, … if he or she so requests, be informed without delay of his or her arrest or detention . . .; (b) The person concerned shall have the right to communicate with the said authorities, and he or she shall also have the right to receive communications without delay; (c) The person concerned shall be informed without delay of this right . . .to correspond and to meet with representatives to make arrangements with them for his or her legal representation.* http://www2.ohchr.org/english/bodies/cmw/cmw.htm accessed 9-10-2014

[15] See under: A Review of DHS' Responsibilities for Juvenile Aliens, Office of the Inspector General, Department of Homeland Security, September 2005, pg. 12. http://www.oig.dhs.gov/assets/Mgmt/OIG_05-45_Sep05.pdf accessed 23 September, 2014.

[16] See; IACHR Report, pp79,p.26-27

[17] See: Ephemeral Standards for Short Term Detention, Deprivation, not Deterrence, Oct. 2104. Guatemalan Acupuncture and Medical Aid Project., http://www.guamap.net/uploads/544f3e9ad7ba4.pdf,
See also: Freezing cells and sleep deprivation: the brutal conditions migrants still face after capture, the Guardian. 12 Dec. 2014.

[18] For recent litigation related to inaction on conditions in short term detention, see: Unconstitutional Conditions in CBP Detention Facilities Challenged in Class Action Lawsuit http://www.legalactioncenter.org/litigation/unconstitutional-conditions-cbp-detention-facilities-challenged-class-action-lawsuit, accessed 16 June, 2015

[19] For DOJ's EOIR Mission statement, see: http://www.justice.gov/eo

## Appendix: ILSI Language Exclusion in the US Immigration System, p.1

| Department / Agency | DHS | | DOJ | | | DHHS |
|---|---|---|---|---|---|---|
| | CBP | ICE | Immigration Court | Streamline Court | LOP/Know your rights programs | ORR |
| **LEP Policy Mandates:** 1. Create a mechanism to "assess *on a regular and consistent basis"* the "language assistance needs of current and potential customers" and to create a mechanism to assess their "capacity to meet these needs…" | This is not normally carried out by CBP. DHS Instructs CBP to assess language at "First Contact"; but has no monitoring mechanism to validate assessment of ILSIs, no language reporting requirement in its Disposition Form, and has not published a public record of a BP Sector's language assessment survey. | ICE temporarily used a Risk Assessment Classification tool, but the tool contained no language assessment component, now again solely at the discretion of ICE ERO Officers. Health Corps may record ILSIs' foreign language but have no lang. protocol to determine if medical information is adequately interpreted. | ICE ERO officers, Attorneys, Asylum Officers, and Judges Do not have an indigenous language assessment tool to use, let alone on a consistent basis. | Contact attorneys given wide discretion in requesting Spanish language competency assessment from Spanish language interpreters. Requesting lang. assessment increases detention 2 wks. on average if interpretation service is arranged. | LOP Programs are contracted to serve detained immigrants. Limited access in detention restrains time for lang. assessment for adults; none is administered. UAC children are not restrained by time for access; but DOJ does not require a lang. assessment. | ORR assigns the language assessment of unaccompanied ILSI children to Case managers during intake at point of entry in contracted shelters. Case Managers are unqualified linguistically to complete a language assessment, and they have no tool to carry one out. |
| 2. To provide "*oral language assistance in response to the needs of LEP customers, in both face-to face and telephone encounters*". | CBP systematically does not provide language interpretation for ILSIs in Short Term Detention. On Line interpretation provided only at the discretion of linguistically unqualified CBP officers /agents; evidence suggests no lang. assess-ment protocol is used nor exists. | 1. Long term detention intake staff are instructed to note detainee language without any lang. assessment tool to identity foreign languages; 2 Left up to the Discretion of ICE ERO Officers w/out language assessment for indigenous languages. | Spanish interpreters often allowed to interpret in Spanish for primary speakers of indigenous languages. Interpretation requests made at the discretion of ICE ERO officers, Attorneys (private, Panel, and Pro bono) Asylum Officers, and Judges. Only Asylum Officers are trained to consider cultural practices including language. | Judges may request On - Line indigenous language interpreters but are also untrained in language assessment. No indigenous lang. interpreters are employed for regular Streamline court sessions despite high numbers of indigenous speakers in court. | LOP programs largely focus on Spanish speaking group presentations with smaller ILSI populations possibly receiving interpretation; or if an individual's language is detected in one-on-one mtgs. interpretation may or may not be offered. | For most ILSIs who speak an indigenous language, no interpretation (live or on-line) is provided. limited on- site interpretation provided only if a staff person speaks an indigenous language of an ILSI in custody. Use of other children as interpreters allowed except of psycho-logical assessment. |

## Appendix: ILSI Language Exclusion in the US Immigration System, p.2

| Department | DHS | | DOJ | | | DHHS |
|---|---|---|---|---|---|---|
| Agency | **CBP** | **ICE** | **Immigration Court** | **Streamline Court** | **LOP /Know your Rights programs** | **ORR** |
| LEP Policy Mandates: 3. To translate vital documents in languages other than English where a significant number or percentage of the customers they served or were eligible to be served had limited English proficiency. | Systematically issued only in English, occasionally in Spanish, but recently announced written "I Speak" poster and cards were ill - suited to oral language speakers illiterate in indigenous languages. | Key documents not translated into Indigenous languages; but oral translation is the most appropriate format given illiteracy in indigenous languages. | Key documents not translated into Indigenous languages; but oral translation is the most appropriate format given illiteracy in indigenous languages. | Key documents not translated into Indigenous languages; but oral translation is the most appropriate format given illiteracy in indigenous languages. | Oral live LOP Group presentations not translated into Indigenous language with translated visuals; no working documents translated nor presented with audio aids for illiterate ILSIs. | Generally N.A. to minors. Case managers use oral interpretation when UAC ILSI is identified while in custody. |
| 4. Translated materials may include paper and electronic documents such as publications, notices, correspondence, web sites, and signs. | None except for the single Phrase: "I Speak" | None. | None. | None. | None. | None. |