

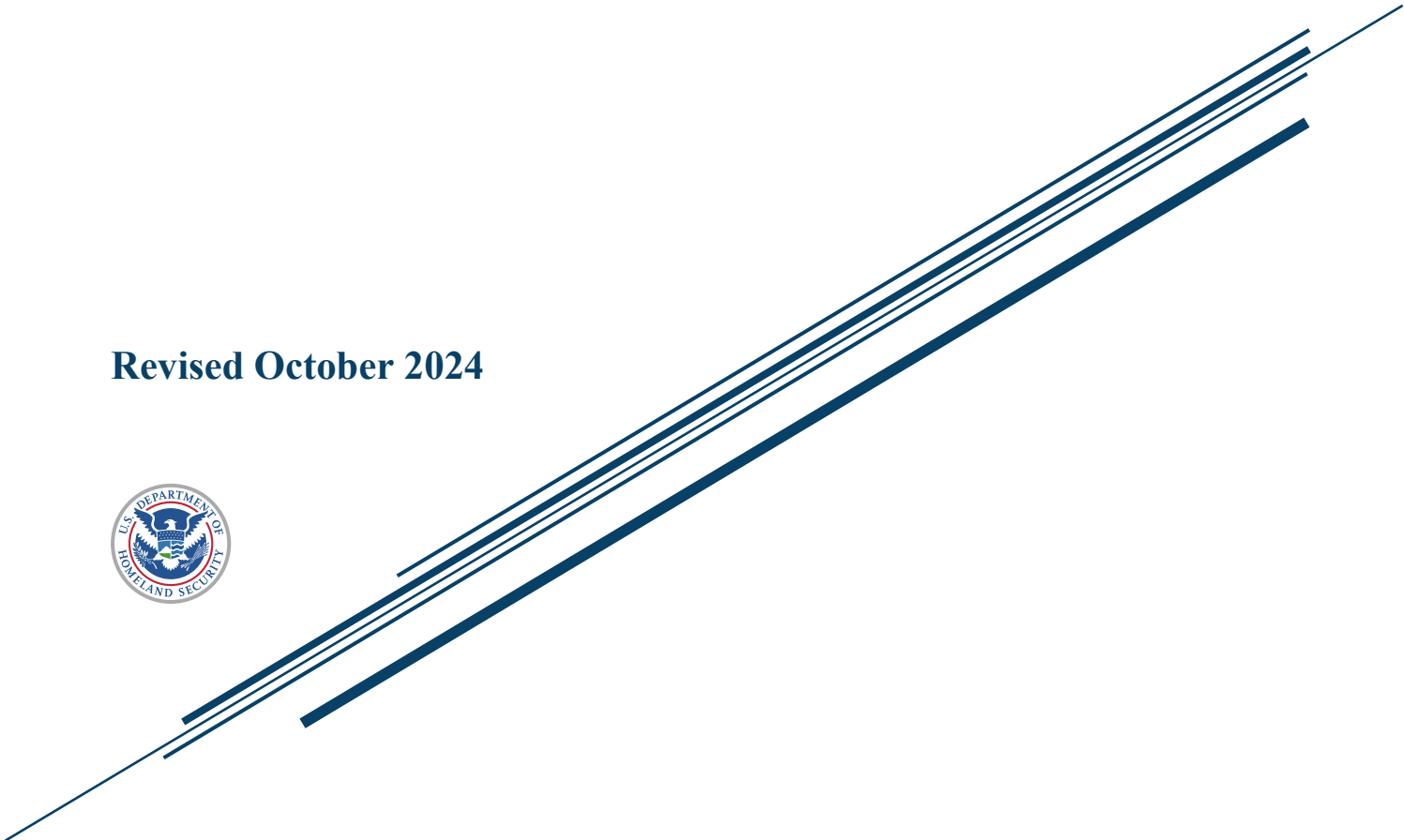


OIDO

Office of the Immigration
Detention Ombudsman

OIDO LANGUAGE ACCESS PLAN

Revised October 2024



Introduction

Under 6 U.S.C. § 205, the U.S. Department of Homeland Security (DHS) Office of the Immigration Detention Ombudsman (OIDO) was established to: administer an independent, neutral, and confidential process to receive, investigate, resolve, and provide redress for complaints relating to immigration detention facilities; conduct unannounced inspections; provide recommendations for immigration detention facilities and services; and review and resolve problems, including assisting individuals with complaints about the potential violation of immigration detention standards or misconduct by DHS personnel.

The mission of OIDO is to independently examine immigration detention to promote and support safe and humane conditions. OIDO's vision is to be recognized as an objective, credible resource for those impacted by immigration detention, creating a more effective and humane system.

As part of seeking improvements to the nation's immigration detention system, OIDO routinely engages directly with persons in immigration detention, many of whom are primarily limited English proficient (LEP), to identify and address individual complaints and inquiries, facility-level standards compliance, and enterprise-level issues. These communications are of particular importance given that they may pertain to legal rights and responsibilities, incidents of crime, mistreatment, medical and mental health, environmental health, or accommodation of disabilities and religious practices. Moreover, some persons who are LEP who migrate to the United States have suffered traumatic experiences that impair their trust in, or ability to verbalize to, OIDO personnel seeking to assist them. Accordingly, it is the policy of OIDO to establish an accessible and standardized process regarding complaints and to ensure that persons with whom OIDO communicates are provided professional interpretation and/or translation services to the extent possible.

Under DHS Delegation No. 19003, the Office for Civil Rights and Civil Liberties (CRCL) delegated authority for ensuring that all federally conducted programs of DHS comply with Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (August 11, 2000).

Consistent with the requirements of Executive Order 13166, this OIDO Language Access Plan builds upon the DHS Language Access Plan released in February 2012 and the DHS Updated Language Access Plan released in November 2023.¹ This plan establishes a system within OIDO for ensuring and improving access for persons who are LEP to the full range of OIDO's

¹ On November 21, 2022, U.S. Attorney General Merrick Garland published a *Memorandum for Heads of Federal Agencies, Heads of Civil Rights Offices, and General Counsels, on Strengthening the Federal Government's Commitment to Language Access*. The Department of Justice's *Commonly Asked Questions & Answers Regarding Executive Order 13166* contains additional context and resources. (Civil Rights Division. (2019, December 19). *Commonly Asked Questions & Answers to Executive Order 13166*. U.S. Department of Justice. Retrieved on November 30, 2022, from <https://www.justice.gov/crt/eo-13166>. See also, [DHS Language Access Plan \(2012\)](#) and [DHS Updated Language Access Plan \(2023\)](#).

programs, services, information, and activities. OIDO's plan conforms to CRCL's priorities for improving access for persons who are LEP to programs and activities across the Department.

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

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Key Terms

Bilingual

Persons who are bilingual are *fluent* in two languages and can 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 individual who is LEP in their language, but not conduct agency business in that language. Interpretation and translation require the interpreter or translator to be bilingual and require additional skills for interpretation and translation as described below.²

Certified Deaf Interpreter (CDI)

An individual who is deaf or hard of hearing (D/HOH) and has been certified by the Registry of Interpreters for the Deaf as an interpreter.³

Communication Access Real-Time Translation (CART)

Used to provide real-time captioning, CART provides for the instant translation of the spoken word into readable English text using a stenotype machine, notebook computer and real-time software. The text produced by the CART service can be displayed on an individual's computer monitor, projected onto a screen, combined with a video presentation to appear as captions, or otherwise made available using other transmission and display systems.⁴

Deaf/deaf (D/d)

Uppercase Deaf denotes a particular group of people who are deaf and share a language and a culture; lowercase deaf refers to the audiological condition of not hearing. An individual who is deaf or hard of hearing (D/HOH) may also have limited proficiency in spoken or written English and may not be proficient in American Sign Language (ASL) or any other recognized sign language.⁵

Direct in-Language Communication

Monolingual communication in a language other than English between a bilingual or multilingual staff person and person who is LEP or D/HOH (e.g., Korean to Korean).⁶

² From [DHS Language Access Plan](#), pages 3-5.

³ From [DOJ Language Access Plan](#), pages 18-20.

⁴ *Id.*

⁵ *Id.*

⁶ From [DHS Language Access Plan](#), pages 3-5.

Effective Communication

For communication disabilities, it refers to aids and services to ensure that communication with people with disabilities, such as people who are D/HOH, is as effective as communication as for people without disabilities.⁷

Indigenous Languages

Indigenous languages are languages native to a region and spoken by people native to the region that have the same cultural values and beliefs.⁸ Indigenous peoples have retained distinct characteristics that are clearly different from those of other segments of the national populations.⁹

Migration levels in the U.S. from Mexico, Guatemala, and other countries with large Indigenous populations have increased significantly. Reports from various sectors and civil rights complaints from the public in recent years demonstrated the need to examine how DHS offices such as OIDO can strengthen the provision of language services for Indigenous language speakers of Latin America and speakers of other rare languages¹⁰. For this reason, OIDO is working to strengthen its ability to communicate effectively with Indigenous migrant populations from Latin America.

There are an estimated 476 million Indigenous people worldwide.¹¹ Although DHS offices such as OIDO are focusing on the Indigenous peoples of Latin America (e.g., the Mayas in Guatemala, or the Aymaras in Bolivia), there are speakers of indigenous languages on a global level that are not in Latin America (e.g., the Lakota in the United States, the Inuit and Aleutians of the circumpolar region, the Saami of northern Europe, the Aborigines and Torres Strait Islanders of Australia, and the Maori of New Zealand).¹²

Hard of Hearing (HOH)

Someone experiencing hearing loss ranging from mild to profound. An individual who is deaf or hard of hearing (D/HOH) may also have limited proficiency in spoken or written English and may not be proficient in ASL or any other recognized sign language.¹³

⁷ From [DOJ Language Access Plan](#), pages 18-20.

⁸ From “Emerging Trends in Indigenous Language Media, Communication, Gender and Health,” by F. Falboli, 2020, page 18 ([What is Indigenous language | IGI Global \(igi-global.com\)](#)).

⁹ From United Nations Permanent Forum on Indigenous Issues. *Indigenous Peoples, Indigenous Voices*. United Nations. Retrieved October 3, 2024, from http://www.un.org/esa/socdev/unpfii/documents/5session_factsheet1.pdf.

¹⁰ From [DHS Indigenous Languages Plan](#), page 1.

¹¹ From The World Bank. (2023, April 6). *Indigenous Peoples*. The World Bank. Retrieved October 2, 2024, from <https://www.worldbank.org/en/topic/indigenouspeoples>.

¹² From United Nations Permanent Forum on Indigenous Issues. *Indigenous Peoples, Indigenous Voices*. United Nations. Retrieved October 3, 2024, from http://www.un.org/esa/socdev/unpfii/documents/5session_factsheet1.pdf.

¹³ From [DOJ Language Access Plan](#), pages 18-20.

Language Assistance Services

Oral and written language services used to provide individuals with LEP and/or those who are D/HOH meaningful access to, and an equal opportunity to participate fully in, the services, activities, and other programs that OIDO administers.¹⁴

Limited English Proficient (LEP)

Persons who are LEP do not speak English as their primary language. They also have a limited ability to read, speak, write, or understand the English language. Persons who are LEP 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). An individual who is D/HOH may also have limited proficiency in spoken or written English and may not be proficient in ASL or any other recognized sign language.¹⁵

Meaningful Access

DHS defines *meaningful access* as providing quality language assistance services that results in accurate, timely, and effective communication at no cost to the person who is LEP and/or D/HOH. For these individuals, meaningful access denotes access to programs or activities that is not significantly restricted, delayed, or inferior as compared to the access enjoyed by English proficient individuals. DHS Components are expected to incorporate language access considerations into their routine strategic and business planning, identify and translate vital 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.¹⁶

Methods of Communication

People who are D/HOH use a variety of ways to communicate. Some rely on sign language interpreters or assistive listening devices; some rely primarily on written messages. Many can speak even though they cannot hear.¹⁷

Primary Language

An individual's primary language is the language in which an individual most effectively communicates.¹⁸

¹⁴ From [DOJ Language Access Plan](#), pages 18-20.

¹⁵ From [DHS Language Access Plan](#), pages 3-5.

¹⁶ Id.

¹⁷ From [DOJ Language Access Plan](#), pages 18-20.

¹⁸ From [DHS Language Access Plan](#), pages 3-5.

Sight Translation

Oral rendering of written text into spoken language by an interpreter without change in meaning based on a visual review of the original text or document.¹⁹

Sign Language

Method of communication for people who are D/HOH in which hand movements, gestures, and facial expressions convey grammatical structure and meaning. There is no universal sign language. Different sign languages are used in different countries or regions. For example, British Sign Language (BSL) is a different language from ASL, and Americans who know ASL may not understand BSL.²⁰

Tagline

Taglines are short statements written in non-English languages that indicate the availability of language assistance services free of charge.²¹

Translation and Interpretation

Translation involves written communication. Translation is the process of converting written text from a source language into an equivalent written text in a target language as fully and accurately as possible while maintaining the style, tone, and intent of the text, while considering differences of culture and dialect.²²

Interpretation involves spoken communication. Interpretation is the act of listening, understanding, analyzing, and processing a spoken communication in one language (source language) and then faithfully orally rendering it into another spoken language (target language) while retaining the same meaning. For individuals who are D/HOH, this can include understanding, analyzing, and processing an OIDO spoken or signed communication in the source language and faithfully conveying that information into a spoken or signed target language while retaining the same meaning.²³

An interpreter conveys meaning through speech and/or sign language; as a result, interpretation requires skills different from those needed for translation. Interpretation combines several abilities beyond language competence to enable delivery of an effective professional interpretation in each setting. From the standpoint of the user, a successful interpretation is one that faithfully and accurately conveys the meaning of the source language, reflecting the style, register, and cultural context of the source message, without omissions, additions, or

¹⁹ From [DOJ Language Access Plan](#), pages 18-20,

²⁰ *Id.*

²¹ From [DHS Language Access Plan](#), pages 3-5.

²² From [DOJ Language Access Plan](#), pages 18-20.

²³ *Id.*

embellishments on the part of the interpreter. Professional interpreters are subject to specific codes of conduct and shall be trained in interpretive skills, ethics, and subject-matter language.²⁴

Vital Documents

In the context of this Language Access Plan, a vital document contains information that is critical for obtaining any aid, benefit, or service or is required by law. Vital documents can include: applications, consent and other forms that require signatures; complaint forms; notices of rights; notices of availability of free language assistance; and letters or notices that require a response from the beneficiary, customer, or noncitizen.²⁵

Vital Information

Any information, whether written or spoken (to include electronically), that is necessary for an individual to understand how to obtain any benefit, service, assistance, and/or orientation.

Vital Interactions

In-person interactions with persons in immigration detention facilities, including the ability of OIDO personnel to effectively apply OIDO's victim-centered and trauma-informed approach to such interactions, and the detained noncitizen's ability to participate fully in interviews and other interactions intended to understand the complaint. This includes access to the complaint submission processes, including the Case Intake Form (DHS Form 405).

Policy

Consistent with Executive Order 13166 and DHS policy, it is the policy of OIDO that all persons who are LEP (including D/HOH) are provided meaningful access to OIDO's programs, services, and activities with quality language interpretation and translation services in a timely manner regardless of subject. All OIDO divisions incorporate language access considerations into their policies, procedures, plans, and activities. These considerations include, but not be limited to, assessing language access needs, accessing interpretation and translation services, identifying most frequently encountered languages, identifying documents and print media for translation, and educating personnel about language access roles and responsibilities and how to access language resources.

It is OIDO policy to take reasonable steps to effectively inform persons in immigration detention, as well as members of the public seeking to advocate on their behalf, of the availability of language assistance in communications with OIDO. Furthermore, it is the responsibility of all OIDO personnel to take reasonable steps to provide language services to

²⁴ From [DHS Language Access Plan](#), pages 3-5.

²⁵ *Id.*

persons who are LEP and/or those who are D/HOH with whom they engage or encounter while carrying out their duties.

Timeliness and quality of language services are of paramount importance in carrying out the OIDO mission, particularly when communicating vital information or providing access to specific programs and activities, such as OIDO's complaint process and external engagement. Due to the need for confidentiality and accuracy regarding matters of health, safety, civil rights, and legal services, OIDO personnel avoid reliance upon other detained noncitizens, family members, colleagues, or others to provide language interpretation and translation, unless in urgent circumstances.

This Language Access Plan includes discussion of language access for individuals who are D/HOH. Many individuals who are D/HOH use ASL, a language separate and distinct from the English language, and other individuals use other types of sign language. Effective Fiscal Year (FY) 2025, OIDO endeavors to ensure effective communication for individuals who are D/HOH who use ASL, other sign language interpreting, or other auxiliary aids and services consistent with the requirements of Section 504 of the Rehabilitation Act of 1973.

OIDO incorporates language access considerations into its business and strategic planning and in routine efforts that involve communication, outreach, and other activities designed for the public or persons in immigration detention.

Scope

All OIDO personnel must comply with this plan. The requirement to provide meaningful access to persons who are LEP and/or those who are D/HOH applies to all OIDO case management, detention oversight, external engagement, and policy programs and activities, and any medium of communication, verbal and written, in-person, telephonic, or electronic.

Current Language Access Resources Within OIDO

Language Assistance Services

Professional Interpretation and Translation Services

OIDO has a contract for third party provision of language interpretation and translation services. The contract supports translations of OIDO correspondence, print media, and other written communications. The contract also includes on-demand telephonic interpretation services and in-person interpretation.

The procedures for how OIDO personnel request these services are available through the Contracting Officer's Representative (COR).

Personnel with Foreign Language Skills

OIDO personnel include bilingual persons fluent in both English and a foreign language, as well as persons who have acquired some level of foreign language proficiency through education and/or experience. These skills are valued, but OIDO neither currently offers training in interpretation or translation, nor does it have a program in place for testing language proficiency. Before relying on personnel for communications with persons who are LEP and/or those who are D/HOH in their own language, OIDO personnel consult with their supervisors on which situations are appropriate for them to provide needed language services using their own skills. When there is any doubt as to whether a communication involving health, safety, civil rights, or civil liberties is fully understood, OIDO personnel use the telephonic interpretation services for professional interpretation.

To enhance communications with detained noncitizens, OIDO currently lists a multi-lingual preference in job descriptions for Case Management Division (CMD) personnel.

Use of Automated or Machine Translation/Interpretation Tools

Although machine translation/interpretation tools can be fast and cost effective, OIDO personnel avoid using them alone without human review and quality control to the extent possible. Machine translation without human review should not be used when information communicated is vital to a person's rights or benefits; when accuracy is essential; or when the source materials use non-literal language (like slang or metaphors), have unclear grammar or structure, contain abbreviations or acronyms, or are complicated, technical, or wordy.

Language Identification Resources

OIDO personnel, at the point of first contact with an individual who is LEP and/or D/HOH, make reasonable efforts to conduct or arrange for an initial assessment of the need for language assistance services. OIDO personnel can determine whether a person needs language assistance in several ways:

- **They tell OIDO:** Voluntary self-identification by the individual or their companion.
- **OIDO asks them:** Inquiry regarding the primary language of the individual.
- **Professional language verification:** Engagement by qualified multilingual personnel or qualified interpreter to verify an individual's primary language.
- **Use of the DHS CRCL "I Speak" Language Identification Guide ("I Speak" Guide):** All OIDO personnel and contractors who perform case management, detention oversight, external relations, and policy activities are provided access to either the print or online versions of the DHS CRCL "I Speak" Language Identification Guide ("I Speak" Guide) to assist with prompt identification of languages to assist persons who are LEP.²⁶ OIDO

²⁶ See [I Speak . . . Language Identification Guide](https://www.dhs.gov/sites/default/files/publications/crcl-i-speak-booklet.pdf). Civil Rights and Civil Liberties. (2011). *I Speak . . . Language Identification Guide*. Department of Homeland Security, Office for Civil Rights and Civil Liberties. <https://www.dhs.gov/sites/default/files/publications/crcl-i-speak-booklet.pdf>.

personnel access the “I Speak” Guide at all locations where interactions with LEP persons are expected to occur and use the guide as appropriate.

- **Use of the MyCBP App Indigenous Language Identification Tool:** The myCBP app is a tool that can be downloaded by OIDO personnel to their government devices and leveraged to identify indigenous languages spoken by LEP persons. In 2023, U.S. Customs and Border Protection (CBP) created and launched a new feature in myCBP to assist CBP front-line employees in identifying over 20 Indigenous languages or variants of these languages. The app has pre-recorded audio files containing a phrase such as “do you speak [Indigenous language]?” recorded by native speakers of the language. The new feature in the myCBP app can be used online and offline (internet connectivity is not required).

In determining an individual’s primary language or preferred method of communication, it is important to allow the individual to convey the language in which they most effectively communicate, particularly in consideration of any potential sensitivity or trauma relating to a situation or subject matter discussed, the context in which the interaction is taking place, and the method of communicating (e.g., oral/signed versus written), among other factors. OIDO personnel do not make assumptions about an individual’s primary language based on race, color, national origin, or because they appear to be or are D/HOH.

Individuals who are D/HOH may not communicate using ASL and may have limited proficiency in written and spoken English. They may require support in a sign language from another region or country, the procurement of assistive aid, and/or the procurement of a CDI. ([DOJ Language Access Plan](#)).

Program Activities Involving Interactions with the Public and Persons in DHS Custody

OIDO consists of four operational divisions that engage with persons in DHS custody and the public, and two support divisions. To meet the OIDO mission, the activities implemented by these divisions are all supported by OIDO’s contract for third party provision of language interpretation and translation services.

Case Management Activities

OIDO’s CMD independently and objectively examines immigration detention concerns submitted by detained noncitizens and the public and works collaboratively with OIDO stakeholders and partners to efficiently and effectively provide assistance or redress. CMD ensures meaningful access for persons who are LEP and/or those who are D/HOH through the course of its work handling complaints, allegations, or inquiries relating to immigration detention conditions. Members of the public can submit complaints, allegations, and inquiries to OIDO through the myOIDO portal, on OIDO’s Case Intake Form ([DHS Form 405](#)), or via email. CMD case managers also make verbal presentations to groups of detained individuals that may include a substantial number of persons who are LEP and/or those who are D/HOH. Case managers obtain the services of an interpreter for such presentations, unless the case manager is competent

to make such presentations in the native language of an audience that is LEP and/or D/HOH. These interactions are managed by Regional Directors and Immigration Detention Case Managers, who are trained to identify and facilitate language services.

Detention Oversight Activities

OIDO's Detention Oversight Division (DO) ensures safe and humane conditions exist in immigration detention through independent, objective, and credible inspection and analysis of Immigration and Customs Enforcement (ICE) and CBP facilities throughout the United States, which result in reasonable and realistic recommendations. DO's inspections also include review to determine whether a facility has taken corrective action to resolve violations or concerns identified during another oversight office's prior inspection, audit, or investigation. DO may review facility programs to ensure meaningful access for persons who are LEP and/or those who are D/HOH through the course of its work in assessing outcomes of care, safety, justice, and administration.

External Relations Activities

OIDO's External Relations Division (EXTRA) engages directly with stakeholders and the public to build trust and provide information regarding OIDO's mission and activities. Through communication and connection, EXTRA also gains awareness and solicits information about stakeholder concerns as they relate to the conditions of immigration detention and works with other OIDO divisions to determine the appropriate method of resolution. EXTRA developed an array of marketing materials in many languages, which are available on the OIDO website.²⁷

Operations and Resource Management

OIDO's Operations and Resource Management Division (ORMD) is the primary focal point for office operations within OIDO. ORMD is responsible for coordinating, managing, and communicating to OIDO staff the status of a variety of operational projects and tasks aimed to deliver outcomes and benefits that align to the overall strategic mission and vision of OIDO. ORMD oversees all administrative, financial, contract and human resource functions of the office. ORMD personnel are trained on both Disability and Language Access so that they have an awareness of the policies and procedures related to both when they overlap. Additionally, as ORMD oversees recruiting and hiring personnel for OIDO, a goal is to increase multilingual personnel, and this would be accomplished through the inclusion of multilingual preferences in job announcements for OIDO.

Policy and Standards Activities

OIDO's Policy and Standards Division (POSTA) is responsible for addressing enterprise level issues in the nation's immigration detention system. POSTA accomplishes this mission through detention data analysis and proposal of solutions to systemic issues. During review or research of

²⁷ See Office of the Immigration Detention Ombudsman (OIDO) Publications. <https://www.dhs.gov/oido-publications>.

possible systemic issues, POSTA may have a need to conduct one or more interviews with detained noncitizens concerning their immigration detention experiences to further understand the impacts of certain issues on those in custody. Interactions with persons who are LEP and/or those who are D/HOH are managed by POSTA Policy Analysts.

Program Integration Division

The Program Integration Division (PID) facilitates the flow of information between OIDO divisions and supports Office leadership in developing priorities, executing program plans, responding to Department taskers and Freedom of Information Act (FOIA) requests, and implementing training curricula for all divisions. This includes training OIDO personnel on the Language Access Plan, everyone's responsibilities around language access, and available language resources.

OIDO Website

OIDO's public-facing website contains information about the entire range of OIDO programs and activities. Currently, all content is displayed in both English and Spanish. Marketing materials describing OIDO's work are available in multiple languages.²⁸ The Office's Case Intake Form is also available in multiple languages, including (but not limited to): English, Spanish, Portuguese, Haitian Creole, Russian, Turkish, Arabic, and Romanian. OIDO plans to expand the available languages for the Case Intake Form and other materials, as well as to develop multi-language access points for the information most likely to be of interest for persons seeking the services of OIDO. OIDO reviews website content on a routine basis with the goal of improving LEP and D/HOH accessibility. This includes identifying the most important information to be translated into other languages and the best means for disseminating translated content to communities that are LEP and/or D/HOH.

Language Access Procedures

OIDO personnel who need linguistic support are furnished with contact information for interpretation/translation services for communication with persons who are LEP and/or D/HOH. OIDO's proactive approach to understanding the needs of diverse populations that are LEP and/or D/HOH leads to more impactful interactions, engagements, and productive case resolutions.

When on-demand interpretation is needed to communicate with persons who are LEP, OIDO personnel shall contact OIDO's language service vendor directly to request a telephonic interpreter. Occasionally, arrangements may need to be made in advance when seeking interpreter services for rare languages, including indigenous languages.

²⁸ OIDO's marketing materials were available in 20 languages at the time this language plan was finalized.

When translation or interpretation is needed for documents, audio recordings, or in-person events, or for sign language interpretation for those who are D/HOH, OIDO personnel submit requests to the OIDO language services contract COR.

All services are rendered in function of funds availability. The COR serves as the point of contact for all work on the respective contract.

Quality Assurance Procedures

Quality assurance is a critical part of OIDO's efforts to provide persons who are LEP and/or those who are D/HOH with meaningful access to OIDO's programs and activities. Through the DHS Language Access Working Group, OIDO collaborates with the DHS Office for Civil Rights and Civil Liberties (CRCL) and other DHS Components to identify best practices for ensuring quality in language services and to establish proposed standards for quality control across the Department.

OIDO personnel provide routine feedback to OIDO's COR about the quality of interpretation or translation services received.

OIDO's contract for language services includes specific requirements for providing qualified linguists as specified in the DHS Language Services II strategic sourcing vehicle, and for conducting quality assurance. For translations, the contractor conducts an internal quality review of each translation before delivering the translation to OIDO. For interpretation, the OIDO COR requests feedback from OIDO personnel about the interpretation session. OIDO's current efforts and practices are as follows:

Translations: In addition to internal quality control procedures that OIDO requires of its contractor, upon receipt of a translated document, the translation may be given to OIDO personnel with relevant language competency to informally conduct secondary quality control. The end user and/or COR sends the contractor any questions or comments and notifies the contractor of language preferences for future translation work. OIDO may also use additional service providers in the quality assurance process.

Interpretation: In addition to internal quality control procedures that OIDO requires of its language services contractor, OIDO personnel using interpreters are asked to provide feedback to the COR regarding the quality of the interpreted session. As in the case with translations, the COR communicates any issues to the contractor.

Training

OIDO's PID is responsible for ensuring OIDO personnel are trained on the contents of this plan, including the policy on language access, key terms, and language access procedures. Effective FY 2025, OIDO PID must provide trainings on the following topics related to language access:

1. Executive Order 13166: Language Access Principles, Requirements, and Best Practices at OIDO
2. Working with Telephonic Interpreters
3. Cross-Cultural Sensitivity
4. Implicit Bias
5. Use of the MyCBP App's Indigenous Language Identification Tool
6. Best Practices for Effective Communication with Individuals Who Are D/HOH
7. Use of Machine Translation/Interpretation Tools
8. Indigenous Cultures and Languages (in coordination with CRCL)

These trainings must be included in OIDO's New Employee Orientation, and annual refreshers must be provided so that all personnel are kept abreast of new developments relating to the constantly evolving landscape of language access.

Notice to the Public about Language Services

The provision of meaningful access also involves providing notice of language assistance services. OIDO's homepage informs the public as to how they can obtain language services. One example of this is OIDO's Case Intake Form ([DHS Form 405](#)), which is available in multiple languages. Starting in FY 2025, OIDO's website will invite the public to contact EXTRA to obtain written translation or oral interpretation of any publicly available OIDO materials.

Outreach

OIDO EXTRA conducts outreach on the Language Access Plan through:

- direct engagement with stakeholders throughout the U.S., to include communities that are LEP and/or D/HOH;
- engagements with Indigenous migrant community leaders; and
- posting of this plan and related resources on the OIDO website, [DHS language access website](#) and [LEP.gov](#).

Monitoring and Evaluation

OIDO routinely and continuously monitors the quality and effectiveness of language services provided through its language services contract. OIDO evaluates the effectiveness of the plan by, among other things:

- soliciting feedback from persons it serves who are LEP and/or D/HOH; and
- soliciting feedback from OIDO personnel on the availability, quality, sufficiency, and impact of language services.

The OIDO Senior Policy Advisor to the Ombudsman (SPAO) serves as the primary point of contact for the OIDO Language Access Plan and coordinates review and revision of the Language Access Plan every two years. Additionally, the SPAO convenes the OIDO Language Access Working Group (LAWG) on a quarterly and as-needed basis. A minimum of one representative from each OIDO division is represented and establish and implement the activities listed in this Language Access Plan. The SPAO monitors language access on a routine basis and makes recommendations to the Ombudsman as appropriate.

Priorities for Fiscal Years 2025-2026

Improvements in Access to OIDO Programs and Activities

In developing this plan, OIDO assessed its priorities and language needs, as well as its current capacity to meet these needs. OIDO's assessment took into consideration the following:

- the number or proportion of persons encountered or likely to be encountered who are LEP and/or D/HOH;
- the frequency of contact with persons who are LEP and/or D/HOH;
- the nature and importance of the program, activity, or service provided; and
- the resources available and costs to provide meaningful access.

Depending on funding and resources, OIDO will continue to apply these factors and reassess language needs and priorities in response to changes in the language makeup of detained populations. OIDO recognizes that surges may cause sudden changes in demographics of the persons served or encountered who are LEP and/or those who are D/HOH, impacting the language needs and priorities of OIDO's stakeholders.

In assessing the first two factors, OIDO is cognizant of the fact that the proportion of persons who are LEP and/or those who are D/HOH in the entire DHS detained population (including the prevalence of particular languages) may not capture widely differing proportions from one facility to another, and may rapidly change due to surges caused by world events affecting the demographics of the detained population. Accordingly, using feedback OIDO receives from its personnel (via surveys, meetings, etc.), OIDO regularly monitors the sufficiency of this Language Access Plan and determines whether interpretation services must be enhanced and whether vital documents shall be translated into additional languages.

Finally, OIDO will identify vital documents and vital interactions with the public based on the importance of the activity, information, or encounter, the frequency of the interaction, and the demographics in particular locations or programs. The following priorities are based on this assessment, but subject to change as new data is received:

Leveraging Foreign Language Skills of OIDO Personnel

Foreign language proficiency may range from the ability to engage in very basic communications to fully bilingual. The following initiatives will help OIDO make the most effective use of those skills:

- the identification of reputable services for assessing the level of foreign language proficiency of OIDO personnel;
- determining the level of proficiency necessary to ensure meaningful access to different types of OIDO programs and services;
- identifying resources that can be made available to OIDO personnel seeking to improve their foreign language proficiency;
- developing basic language skills training to improve OIDO personnel's interactions with persons who are LEP and/or those who are D/HOH;
- exploring available language training and the potential to certify the language proficiency of OIDO personnel to ensure more accurate and effective communication with persons who are LEP and/or those who are D/HOH; exploring the feasibility of providing incentives or assistance for personnel with foreign language fluency to improve their level of proficiency or gain additional skill in interpretation;²⁹
- exploring the feasibility of reimbursing OIDO personnel for the cost of external foreign language courses; and
- including multilingual preferences in job descriptions across OIDO roles.

These initiatives recognize and demonstrate the appreciation OIDO has for its personnel with diverse skill sets and contributions while enhancing effective communication with persons who are LEP and/or those who are D/HOH.

Determining Priorities

In determining how to prioritize the use of language interpretation and translation services, OIDO will give special consideration to vital interactions and to vital documents and information. Additionally, OIDO monitors the frequently encountered languages in which OIDO personnel are using contracted language translation and interpretation as well as trends in complaints related to language access.

²⁹ See DOJ Languages Access Plan 11. Hiring Practices and Access to Multilingual Staff: <https://www.justice.gov/d9/2023-08/DOJ-Language-Access-Plan-August-2023.pdf>

Specific Activities

This OIDO Language Access Plan is not merely a static document, but also a guide for specific activities OIDO may undertake in the pursuit of improved language access. The following list of activities under this current Plan is resource-dependent and does not detract from the freedom to undertake additional activities.

Interpretation and Translation

- Maintain contractual services capable of providing an adequate number of interpreters and translators for Indigenous languages, as well as less frequently encountered languages.
- Explore the appropriate use of machine translations as an alternative when live interpretation is unavailable.
- Develop jobs aids such as a checklist to help OIDO personnel consistently gather the same essential language access information during interactions with detained noncitizens.
- Translate select OIDO documents that are regularly distributed in DHS facilities or at OIDO roundtables, events, and other community engagement activities.
- Develop a plan and protocol for the use of in-person interpreters for on-site services to supplement the use of telephonic interpretation.
- Develop plans and protocols for use of in-person interpreters for specific community engagement events.
- Provide the *OIDO Lexicon: Victim-Centered and Trauma-Informed Approach to Communications at Immigration Detention Facilities* to the language services contractor for use in translations and awareness in interpretations.
- Review the OIDO webpage, identifying the most important information to be translated and the best means for informing communities consisting of people who are LEP and/or those who are D/HOH, and organizations serving these communities, about the availability of these translations.
- Develop a framework for new OIDO webpages with multilingual content similar to the Social Security Administration’s “multilingual gateway” and the U.S. Citizenship and Immigration Services (USCIS) Multilingual Resource Center.
- Identify and catalogue vital documents throughout DHS—and the status of translations— and collaborate with DHS Components to establish a plan for translating documents most vital to persons in immigration detention into additional languages.

- Identify ways in which language access can be improved within immigration detention facilities, particularly where a DHS Component with detention responsibility is noncompliant with its applicable standards pertaining to language access.
- Because many speakers of Indigenous languages are unable to read or write in their native language or in Spanish, OIDO will develop audio recordings of informational documents in the most frequently encountered Indigenous languages.
- Develop a streamlined process for requesting contracted language translation and interpretation through the COR.

Training

- Continuously provide training and technical assistance to personnel on language access principles, policy, and procedures.
- In coordination with CRCL, OIDO shall provide trainings on Indigenous languages and cultures and language identification.
- Develop guidelines for offering bilingual personnel language assessment testing.
- Develop and host an annual OIDO Language Access Summit to provide personnel trainings related to Language Access and related topics. Potential training topics include OIDO Language Access Plan, utilizing telephonic translators including the CORs role in requesting services, and implicit bias training.

Collaboration with Other Federal Agencies and Other Organizations

- Collaborate with the Federal Interagency Working Group on Limited English Proficiency on implementation of Executive Order 13166 across the federal government through participation in the federally conducted subgroup and other related activities.
- Participate in the DHS Language Access Working Group.
- Consult with DHS/OCIO's Accessibility & Language Services Program and other Federal Language Access Plans at www.LEP.gov.

Outreach

- Continue to provide information on language access and obtain input from external stakeholders on improving language access in OIDO services and across DHS Components responsible for the care and safety of persons in immigration detention.

Tracking, Evaluating, and Monitoring

- Identify effective methods for collecting and tracking the languages of persons who are LEP and/or those who are D/HOH (including Indigenous and rare language speakers) in communication with OIDO to inform OIDO in planning for future language services.
- Review the OIDO website with the goal of improving its accessibility to persons who are LEP and/or those who are D/HOH.
- Solicit feedback from external stakeholders on OIDO’s provision of language access, for use in evaluating the sufficiency of OIDO’s Language Access Plan.
- Using the Immigration Detention Case Management System (IDCMS), track languages encountered through complainant contact, including whether the individual expresses concern about access to ICE and CBP’s programs and activities, in addition to access to OIDO’s programs and activities.
 - There is a designated field within IDCMS for “Preferred Language” and a “Utilized Translator” toggle. In the “Intake Information” section, there is a toggle for “Received in Foreign Language.” Case Managers also use the “Timeline” function to put notes regarding the interview with the detained noncitizen. Case Managers are encouraged to maintain timelines with detailed interview notes. This structured approach ensures comprehensive tracking of languages encountered with complaints, and this is reinforced with annual refresher trainings.
- Improve IDCMS data gathering capabilities, including but not limited to the addition of fields that capture the following:
 - detained noncitizen’s preferred language;
 - how OIDO personnel communicated with the noncitizen;
 - whether an interpretation or translation was used at any point during communication; and
 - what the communication was about.

Monitor OIDO’s Progress

OIDO monitors its progress in carrying out language access activities outlined in the OIDO Language Access Plan and provides ongoing technical assistance to personnel in providing language access to OIDO’s programs and activities.

DHS Language Access Working Groups

OIDO participates in the DHS Language Access Working Group comprised of various DHS Components and offices, administered under the leadership of CRCL. OIDO also participates in the Federal Language Access Working Group, an interagency effort that coordinates language access across the federal government, administered under the leadership of the U.S. Department of Justice. These working groups support OIDO's own efforts to strengthen language access in its programs and services as well as to carry out its detention oversight, case management, and policy development responsibilities relating to the DHS Components responsible for the care of persons held in DHS immigration detention facilities with respect to their language access plans.

New Technologies

DHS CRCL and several DHS Components have researched or explored the capabilities of “machine translation” for possible use in DHS operations and programs. Machine translation refers to the use of software that can translate source content into target languages. One such technology used within some DHS facilities are electronic tablets that allow detained noncitizens to communicate with facility staff, obtain legal information, and request an appointment with OIDO, and other services. Some of these electronic tablets include language translation software such that persons in immigration detention may select their preferred language.

OIDO continues to research and evaluate new technologies and assess their impact on language access and overall detention conditions as part of its oversight role.

Technical Assistance and Training

OIDO looks primarily to CRCL for technical assistance and training on language access requirements and resources for providing meaningful access to persons who are LEP and/or D/HOH in their programs and activities.

Evaluation Tools and Mechanisms

OIDO evaluates the effectiveness of its Language Access Plan by regularly monitoring the quality and effectiveness of its language services contract and by gathering feedback on the effectiveness of the plan through the OIDO Language Access Working Group.

Monitoring of language services contract

OIDO personnel contact the language services contract COR to discuss service quality, which can include input on the accuracy of linguistic support, timeliness and professionalism of service, new language support requirements, and any other relevant items. Feedback is critical to contract monitoring. Contract and workload adjustments are made with the combined feedback.

Demographic Assessment

OIDO evaluates the top languages and populations that it serves by reviewing the use of OIDO's language services contract and OIDO case complaint records. OIDO then identifies the top languages for which interpretation or translation is requested, both across the entire DHS immigration detention system and within each dedicated DHS detention facility.

Contact Information and Assistance

To inquire about language access in any OIDO program or activity, anyone may contact OIDO by email at OIDO_Outreach@hq.dhs.gov or OIDOPolicy@hq.dhs.gov, by writing to OIDO at the address listed below, or by filing a complaint (described below) concerning lack of language access. Senders may write in the language of their choice and, if necessary, OIDO will translate incoming correspondence as well as any OIDO response.

Complaints about immigration detention conditions may be filed using the optional Case Intake Form ([DHS Form 405](#)), submitting the electronic DHS 405 at myOIDO.dhs.gov, or by providing OIDO with a detailed written description of the allegations using the language of the sender's choice. More information about filing a complaint with OIDO can be found online ([DHS Form 405](#)).

The complaint and any supporting documentation can be sent to OIDO by one of the following means:

E-Mail: detentionombudsman@hq.dhs.gov

U.S. Mail and/or Expedited Delivery Services:

Office of the Immigration Detention Ombudsman (OIDO)

Mail Stop 0134

Department of Homeland Security

Washington, DC 20528-0134

ATTN: OIDO Case Intake Form (DHS Form 405)

Due to security measures with the U.S. Government mail system, cases mailed (even those sent by expedited delivery services) may be delayed.

Appendix

DHS Form 405

DHS Form 405 is available in the following languages:

- English,
- Arabic,
- Haitian Creole,
- Portuguese,
- Romanian,
- Russian,
- Spanish, and
- Turkish.

Sample Marketing Materials

[OIDO Wallet Card \(Spanish\).pdf \(dhs.gov\)](#)

[OIDO One Pager for Tablet Facilities \(Arabic\).pdf \(dhs.gov\)](#)

[OIDO Poster for Advocates \(Chinese\).pdf \(dhs.gov\)](#)