

**DEPARTMENT OF HOMELAND SECURITY
U.S. CUSTOMS AND BORDER PROTECTION DIRECTIVE**

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**ROLES AND RESPONSIBILITIES OF U.S. CUSTOMS AND BORDER PROTECTION
OFFICES AND PERSONNEL REGARDING PROVISION OF LANGUAGE ACCESS**

- 1. PURPOSE.** This directive defines the roles and responsibilities of U.S. Customs and Border Protection (CBP) personnel in providing limited English proficient (LEP) persons with meaningful access to the agency’s programs and activities. CBP has long recognized the importance of effective and accurate communication between CBP personnel and the public CBP serves. Language barriers can negatively impact interactions with the public, provision of services, and law enforcement activities. Ensuring effective communication with all persons, including LEP persons, facilitates the CBP mission.
- 2. SCOPE.** This directive applies to all CBP offices and personnel.
- 3. POLICY.** It is the policy of CBP to take reasonable steps to provide LEP persons with meaningful access, free of charge, to its operations, services, and other conducted activities and programs without unduly burdening the Agency’s fundamental mission. This policy applies to all methods of communication (e.g., verbal (including telephone); correspondence (including emails); websites; newsletters; community engagement activities; and flyers, posters, pamphlets, and other documents explaining CBP programs). This policy also applies to interactions with the public, including but not limited to, law enforcement encounters (e.g., questioning, processing, etc.).
- 4. AUTHORITIES/REFERENCES.**

 - 4.1.** [Executive Order \(E.O.\) 13166](#), “Improving Access to Services for Persons with Limited English Proficiency” (August 16, 2000).
 - 4.2.** [DHS Language Access Plan](#) (February 28, 2012).
 - 4.3.** [CBP Language Access Plan](#) (November 18, 2016).
 - 4.4.** [U.S. Customs and Border Protection, National Standards on Transport, Escort, Detention and Search](#) (October 2015).

5. DEFINITIONS.

- 5.1. Bilingual:** Persons who are fluent in two languages and are able to conduct the business of the workplace in either of those languages. This is to be distinguished from proficiency in more than one language. An individual who is proficient in a language may, for example, be able to greet an LEP person in his or her language, but may not be able to conduct agency business in that language. Interpretation and translation require the interpreter or translator to be bilingual, and also require additional specific skills.
- 5.2. Effective Communication:** Communication sufficient to provide an LEP person with substantially the same level of access to services received by individuals who are not LEP.
- 5.3. Interpretation:** Interpretation involves oral communication – the immediate communication of meaning from one language into another language.
- 5.4. Language Access Coordinator:** An agency-wide CBP official designated to develop, modify, and oversee the implementation of the CBP Language Access Plan.
- 5.5. Language Assistance Services:** Oral and/or written language services needed to enable LEP persons to effectively communicate with staff and gain access to, and an equal opportunity to participate fully in the services, activities, or other programs conducted by CBP.¹
- 5.6. LEP Persons:** Persons who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.
- 5.7. Meaningful Access:** Language assistance that results in accurate, timely, and effective communication at no cost to the LEP person.
- 5.8. Primary Language:** The language in which a person communicates most effectively.
- 5.9. Translation:** The replacement of written text from one language with written text in another language.

¹ Staff who may provide language assistance services include, depending on the situation, bilingual personnel, CBP Officers and Agriculture Specialists who are tested and receive a proficiency rating pursuant to [CBP Directive Number 51451-004B](#), “Foreign Language Awards Program,” and if the relevant language assistance services are being provided in Spanish, CBP personnel, such as Air and Marine Interdiction Agents, Border Patrol Agents, CBP Agriculture Specialists, and CBP Officers who receive Spanish language training during basic academy training. While staff who complete CBP language training and/or obtain a proficiency rating under the Foreign Language Awards Program may provide language assistance services in certain situations, these staff are not necessarily bilingual. CBP personnel who have only a rudimentary familiarity with a language other than English will not be considered a “bilingual staff member.” A contract interpreter or bilingual personnel may be required when the encounter involves complex information or the encounter lasts for a long period of time, and when rights, health, and safety are implicated. However, a contract interpreter or bilingual staff member is not always required for all situations.

5.10. Language Access Plan: A plan that establishes language access policy and creates a system to provide meaningful access to homeland security programs and activities to LEP persons.

5.11. Vital Document: A document, either written or electronic, that contains information that is critical for obtaining federal services and/or benefits, or is required by law.²

6. RESPONSIBILITIES.

6.1 Privacy and Diversity Office (PDO). PDO shall designate an agency-wide Language Access Coordinator to oversee CBP's efforts to implement the CBP Language Access Plan; work with the relevant program offices to facilitate the identification of the principal languages encountered by CBP; provide assistance to the program offices in the identification of CBP materials, forms and other documents that may require translation; and periodically monitor, evaluate, and update the CBP Language Access Plan and language access policies.

6.2 Office of Public Affairs (OPA). OPA shall communicate CBP policies and procedures regarding language access to the public through signage, public announcements, posting of multilingual information to the CBP public website, and/or other written communications.

6.3 Office of Acquisition (OA). OA shall establish contracts for use of language interpreter services, track interpreter usage from the contract language service companies, and ensure that all contractor procurement documents include appropriate language access requirements.

6.4 Office of Human Resources Management (HRM). HRM shall assist in the development and implementation of staffing and recruitment plans, when requested by the staffing and/or recruiting office and where appropriate, to attract and identify eligible applicants for employment with desired language proficiency.

6.5 Office of Information and Technology (OIT). OIT shall assess existing and future technologies that can assist CBP personnel with provision of language assistance services; and deploy technologies approved for use at CBP.

6.6 Office of Training and Development (OTD). OTD shall work with PDO to assess and, if necessary, develop training strategies to address training needs in the workforce regarding: the identification of language needs of an LEP person, accessing necessary language assistance services, working with interpreters, requesting document translations, and

² Whether or not a document (or the information it solicits) is "vital" may depend on the importance of the program information, encounter, or service involved, and the consequence to the LEP person if the information in question is not provided accurately or in a timely manner. Each program office is responsible for determining which of its documents are vital documents and therefore may require translation in accordance with Section 8.2 below. For additional guidance in determining which documents are vital, access the [Commonly Asked Questions and Answers Regarding LEP Individuals](#) on the Federal Interagency Limited English Proficiency website at LEP.gov.

recording the use of language assistance services. OTD shall coordinate with OFO, USBP, and AMO, as applicable, to develop and roll-out any necessary LEP training programs.

6.7 Office of Intergovernmental Public Liaison (IPL). IPL shall conduct outreach to the LEP community to notify the public of CBP’s language access policies and procedures; and solicit feedback on CBP’s provision of language services. Through the CBP Information Center, IPL shall receive and process foreign language questions, comments, and complaints from the public.

6.8 Executive Assistant Commissioners, Assistant Commissioners, and the Chief, U.S. Border Patrol (USBP). The Executive Assistant Commissioners, Assistant Commissioners, and the Chief, USBP, shall ensure that their personnel provide language assistance to LEP persons who require access to CBP programs and activities; identify and translate vital documents in accordance with Section 8.2 below into the most frequently encountered languages; ensure language assistance services are provided where appropriate; and educate personnel about language access responsibilities and how to utilize available language access resources.

6.8.1 The Executive Assistant Commissioner, Office of Field Operations, and Chief, USBP, shall also establish and implement mission-specific written procedures for interacting with LEP persons; record in the appropriate electronic system language assistance services provided and language spoken by LEP persons to whom such services are provided consistent with CBP policy; and display the “I Speak” [poster](#) and “Habla” [poster](#) nationwide at operational locations.

6.9 Local CBP Managers and Supervisors. Local CBP managers and supervisors shall ensure that employees under their supervision have current contact information for internal CBP language resources, the USCIS Language Line in Field Offices where available, and available authorized contractors to provide language assistance, as applicable.

6.10 CBP Employees. All CBP employees shall take reasonable steps to ensure that language assistance is provided to LEP persons whom they engage with or encounter in the course of carrying out their duties.

7. IDENTIFYING PRIMARY LANGUAGES.

7.1 CBP personnel will attempt to identify the primary language of an LEP person through self-identification by the LEP person; identification by an individual accompanying the LEP person; asking a CBP employee able to provide language assistance services or a contract interpreter to verify an individual’s primary language; and/or through use of job aids, such as the “I Speak” [poster](#), the “Habla?” [poster](#) for indigenous languages, the “I Speak” [booklet](#), and the indigenous languages identification [tool](#).

8. PROVIDING LANGUAGE ASSISTANCE SERVICES.

8.1 Oral Language Assistance. Oral language assistance shall be provided in person, by videoconference, or telephone, as operationally feasible.

8.1.1 When a CBP employee able to provide language assistance services is unavailable, interpretive services shall be obtained from one or more of the following: the USCIS Language Line; contracts with language service companies; transportation authority employees, and/or commercial conveyance employees (the latter two providers to be used only for basic communication on a case-by-case basis).

8.1.2 Language assistance should not be sought from foreign consulate officials due to potential conflicts of interest and possible disclosure of sensitive information.

8.1.3 Requesting language assistance from a friend, minor child, or family member traveling with or held with an LEP person should ordinarily be avoided or reserved for brief, straightforward contexts when approved resources are not readily available, or in emergency situations.

8.2 Translation of Written Materials. Any time CBP is communicating with an LEP person about a vital document, CBP will procure language assistance services to ensure effective communication with the LEP person. And, if there is a vital document related to an activity where a significant number or percentage of the population eligible to be served, or likely to be directly affected by the program or activity, are LEP, CBP will proactively seek to translate the document.

8.2.1 For some larger documents, translation of vital information contained within the document will suffice and the documents need not be translated in their entirety.

8.2.2 When translations of documents are required, they may be obtained through contracted language service providers. Supervisors should be contacted for specific information on available resources.

9. TRAINING AND EDUCATION.

9.1 All managerial and frontline staff shall receive training as required under CBP's Language Access Plan.

9.1.1 Training shall be completed by all newly hired frontline staff within one year of their entrance on duty.

10. ADDITIONAL INFORMATION. For additional material or resources to provide language assistance, please visit the PDO website at http://cbpnet.cbp.dhs.gov/OC/Pages/cscd_abstract.aspx and/or the Federal Interagency Limited English Proficiency website at LEP.gov.

11. RECORD KEEPING: This policy does not have new, significant, or substantial changes to existing records management requirements.

12. MEASUREMENT: Measures to assess compliance with the directive include:

12.1 Performing annual self-assessments and reporting through CBP's Self-Inspection Program;
and

12.2 Conducting periodic monitoring and evaluation of CBP Language Access Plan implementation.

13. POINT OF CONTACT: For policy-specific questions or to suggest changes to this directive, please contact the Privacy and Diversity Office at 1300 Pennsylvania Avenue, NW, Room 3.3D, Washington, D.C., 20229 or via (b) (7)(E)

14. BARGAINING UNIT EMPLOYEES. This policy does not supersede any procedures contained in existing collective bargaining agreements covering bargaining unit employees within CBP.

15. NO PRIVATE RIGHTS CREATED. This document is an internal policy statement of CBP and does not create or confer any rights, privileges, or benefits on any person or party.



Kevin K. McAleenan
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