



December 10, 2015

Megan Mack
Office of Civil Rights and Civil Liberties
Department of Homeland Security
Washington, DC 20528

John Roth
Office of Inspector General
Department of Homeland Security
Washington, DC 20528

Re: Family Detention – Challenges Faced by Indigenous Language Speakers

Dear Ms. Mack and Mr. Roth:

We write to share our collective concerns regarding the challenges that indigenous language-speaking mothers and children in family detention centers face in procuring access to justice. These challenges include: (1) inadequate screening at the border and within family detention centers; (2) a lack of interpreting assistance for other interactions with government officials, subcontractors (including medical staff) and service providers; and (3) a lack of translated written materials. Our concerns are broken down by interaction with each agency that these mothers and children encounter: U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), and U.S. Citizenship and Immigration Services (USCIS).

Since April 2015, the CARA Family Detention Pro Bono Project (“CARA Project” or “CARA”)¹ has provided legal counsel and representation to several hundred indigenous mothers and children detained at the South Texas Family Residential Center (STFRC) in Dilley, Texas and the Karnes County Residential Center in Karnes City, Texas. In preparing this complaint, the CARA Project identified over 250 indigenous families represented by the Project staff and volunteers in the Dilley and Karnes detention centers.

¹ The CARA Family Detention Pro Bono Project is a partnership of four organizations: Catholic Legal Immigration Network, Inc.(CLINIC), American Immigration Lawyers Association (AILA), Refugee and Immigrant Center for Education and Legal Services (RAICES), and the American Immigration Council (Council).

Background

A significant number of families seeking protection at the U.S. border with Mexico speak indigenous languages. The over 250 indigenous language speaking families represented by the CARA Project since April 2015, who are primarily from Guatemala, speak variations of Akateco, Kanjobal, Quiche, Kekchi, Mam, Maya, Popti, Achi, Garifuna, Kaqchikel, Chuj, Ixil, Lenca, and other Mayan languages.

Indigenous peoples are among Central America's most vulnerable, impoverished, and illiterate citizens.² Indigenous women, in particular, have less access to education and are less likely to work outside the home than their male counterparts; as a consequence, indigenous women are less likely than indigenous men to be proficient in Spanish.³

The U.S. government is obligated to ensure that indigenous language speakers have meaningful access to federal programs and activities.⁴ CBP, ICE, and USCIS, in coordination with CRCL, have each developed their own individual plans to accommodate limited English proficient (LEP) individuals.⁵ Despite the existence of such plans, the Government Accountability Office criticized DHS's LEP engagement in 2010.⁶ To date, these agencies' LEP plans remain inadequate and the implementation of those plans, which do not even provide minimal protection for non-English speakers, remains incomplete.⁷

² Kelly Hallman et al., *Indigenous Girls in Guatemala: Poverty and Location*, in EXCLUSION, GENDER AND SCHOOLING: CASE STUDIES FROM THE DEVELOPING WORLD, ed. Maureen A. Lewis and Marlaine E. Lockheed 146 (Washington, DC: Center for Global Development, 2007); Luis Enrique Lopez, *Reaching the Unreached: Indigenous Intercultural Bilingual Education in Latin America*, UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION 4 (2010); see also *Caracterización Sociolingüística y Cultural de Comunidades y Escuelas*, Gobierno de Guatemala, Ministerio de Educación, 10-11 (2015), available at http://www.mineduc.gob.gt/DIGEBI/documents/Investigaci%C3%B3n/PRESENTACI%C3%93N_RESULTADOS_CHARACTERIZACI%C3%93N_2010_a_2014.pdf (showing that based on a 2010-2014 national survey of 60% of schools in Guatemala, 64% of indigenous students are monolingual or non-Spanish speaking)(last visited Nov. 25, 2015).

³ See e.g. *Indigenous Women & U.N. System Good Practices & Lessons Learned*, Secretariat of Permanent Forum on Indigenous Issues for Taskforce on Indigenous Women/Interagency Network on Women and Gender Equality, chp 3, (2007); Hallman, *supra* note 3, at 146.

⁴ 42 U.S.C. 2000d *et seq.* (prohibiting discrimination on the basis of race, color, or national origin in any program or activity that receives federal financial assistance); Executive Order 13166 Improving Access To Services For Persons With Limited English Proficiency, <http://www.lep.gov/13166/eo13166.html> (last visited Nov. 25, 2015) (requiring each federal agency to “examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening the fundamental mission of the agency.”). See also *Lau v. Nichols*, 414 U.S. 563, 569 (1974) (interpreting “national origin discrimination” to include failure to provide information in languages other than English to persons with limited English proficiency).

⁵ For links to federal agency LEP guidance documents and language access plans, see Federal Agency LEP Guidance, http://www.lep.gov/guidance/guidance_Fed_Guidance.html#DHS (last visited Dec. 10, 2015).

⁶ See DHS Needs to Comprehensively Assess Its Foreign Language Needs and Capabilities and Identify Shortfalls, GAO Report to the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, Committee on Homeland Security and Governmental Affairs, U.S. Senate, 2010, pgs. 32, 40, 41. <http://www.gao.gov/assets/310/305850.pdf> (last visited Nov. 16, 2015).

⁷ See e.g. Blake Gentry, *Exclusion of Indigenous Language Speaking Immigrants in the U.S. Immigration System*, A Technical Review (2015) available at http://www.amaconsultants.org/uploads/Exclusion_of_Indigenous%20Languages_in_US_Immigration_System_19.

U.S. Customs and Border Protection (CBP)

Misidentification of indigenous women as Spanish speakers

CARA Project staff and volunteers regularly conduct intake interviews with mothers and children detained at the family detention centers in Dilley and Karnes. During those intake interviews, we review a family's immigration documents and discuss the circumstances of their entries into the United States. These interviews have revealed that CBP agents routinely misidentify indigenous women's primary language as Spanish and incorrectly report that indigenous women understood interrogations conducted in Spanish. Moreover, CBP officials routinely record admissions allegedly made by indigenous women who could not possibly have understood questions asked in Spanish – statements that can undermine their ability to obtain relief in the United States. As discussed further below, this misinformation has, in some cases, resulted in the erroneous removal of bona fide asylum seekers.

Lack of written materials in indigenous languages

While DHS's Language Access Plan (LAP) obligates it to "translate crucial documents into the most frequently encountered languages,"⁸ CBP officers only have materials in four indigenous languages (Kanjolal, Quiche, Kachiquel, and Mam),⁹ making it virtually impossible for them to communicate with speakers of over twenty-five other regional languages including Q'eqchi and Yucatec Maya (the second and third most commonly spoken indigenous languages in the region). Notably, CBP's own Limited English Proficiency plan makes no mention of any materials being available in indigenous languages.¹⁰ Consequently, during their first interaction with the U.S. government, many indigenous language speakers do not receive written materials that they can understand. Additionally, many of the written materials currently utilized by CBP, including the "I Speak" series, do not account for educational norms of indigenous language speakers, many of whom do not read or write their language.¹¹

Erroneous deportations of indigenous mothers and children who are unable to communicate their fear to officials.

CBP's failure to correctly identify the primary language spoken by indigenous asylum seekers, along with its practice of conducting interrogations in a language these women do not fully understand, has led to the erroneous deportation of families seeking protection in the United States, returning them to life-threatening situations in their home countries.

[June2015version_i.pdf](#) (last visited Nov. 16, 2015) [Hereinafter "Exclusion of Indigenous Language Speaking Immigrants"].

⁸U.S. Department of Homeland Security, Language Access Plan, 3 (Feb. 28, 2012), available at <http://www.dhs.gov/sites/default/files/publications/crcl-dhs-language-access-plan.pdf> (last visited Dec. 5, 2015).

⁹See e.g., Exclusion of Indigenous Language Speaking Immigrants at 13.

¹⁰See U.S. Department of Homeland Security, Customs and Border Protection, Draft Language Access Plan (Sept. 2014), available at https://www.dhs.gov/sites/default/files/publications/draft-cbp-lep-plan_0.pdf (last visited Nov. 25, 2015).

¹¹See Exclusion of Indigenous Language Speaking Immigrants at 8.

For example, CARA Project client **Inez** never told CBP agents she was afraid to return to Guatemala because officials never asked her this question in a language she understood. An indigenous speaker of Akateco, Inez was detained for twenty days in September 2005. Not once in those twenty days did a CBP official or interpreter speak to her in Akateco, her primary language. As Inez reported to CARA in a sworn statement, CBP officials instead spoke to her only in Spanish. Not one CBP official told her she could ask for an Akateco interpreter, and she was never interviewed about the circumstances that led her to flee Guatemala. After twenty days, Inez was summarily deported.

In 2015, when Inez was forced to return to the U.S. because she faced gender-based threats, the language access issues affected not only her, but her children who were detained alongside their mother at the Dilley detention center.¹² When Inez re-entered the United States, her prior removal order was reinstated. Although she passed her reasonable fear interview and thus became eligible for withholding of removal, current U.S. policy categorically denies eligibility for asylum to individuals subject to reinstatement. This policy is problematic for a number of reasons. Asylee status, unlike withholding of removal, which is the only relief available through the reasonable fear process, allows for family reunification, social services, and financial assistance for a temporary period, along with a path to permanent residence and eventually, U.S. citizenship. Many women are forced to flee their home countries without all of their children, and those who receive withholding rather than asylum may face lifelong separation from the children left behind in the country of origin.

Another mother, CARA Project client **Mabelle**, a Kanjobal speaker from Guatemala, was able to communicate only her name and country of origin in Spanish when CBP apprehended her at the border in October 2015. However, CBP officials proceeded to interview her, incorrectly transcribed the interview, and concluded that she had no fear of return to Guatemala. After being in CBP custody for three days and two nights, Mabelle and her daughter Sara were taken to the Dilley detention center.

U.S. Immigration and Customs Enforcement (ICE)

Inconsistent access to indigenous-language interpreters and failure to translate written documents into indigenous languages

Without consistent access to interpreters and translations of written documents, detained indigenous mothers are forced to communicate in poorly-understood Spanish or to pantomime with ICE officials, other detention personnel, and medical staff charged with their family's physical well-being. Moreover, their children do not understand the classes taught at the centers' schools. Such language barriers cause confusion, intensify suffering, and may prolong these families' stay in the detention centers, which can harm them both physically and emotionally.¹³ Linguistically speaking, these women and children live in virtual solitary confinement.

¹²Other women like Inez often return to the U.S. within days, weeks, or months of their deportation due to the continuing life-threatening situations in their home countries. After a second (or third) interaction with CBP proves more productive, their prior removal orders are generally reinstated. See 8 U.S.C. § 1231(a)(5).

¹³The American Immigration Council, the American Immigration Lawyers Association, and the Women's Refugee Commission filed a [complaint on June 30, 2015](#), detailing the negative mental health ramifications of detention for both mothers and children fleeing violence in Central America. American Association of Pediatrics letter to DHS

Elana's story is emblematic of this problem. When Elana and her two-year-old son first arrived at the Dilley detention center after being detained on August 26, 2015, she informed officials that she spoke Mam, an indigenous Mayan language spoken by half a million Guatemalans, and that her religion was Mam. But during the three weeks that she and her two-year-old son spent in detention, neither ICE nor Corrections Corporations of America (CCA) (the private prison contractor operating the Dilley detention center) staff communicated with her in Mam. ICE never found a Mam interpreter for Elana or gave her any documents written in Mam. Instead, ICE officers explained the immigration process to her in Spanish, which she could barely understand. She communicated with her deportation officer largely through pantomime. ICE officials, in turn, did not understand Elana when she asked them in Mam for her immigration documents, and so she went without this important paperwork for days. This delay impeded her attorney's ability to represent her and extended her time in detention.

Even when interpretation is available, indigenous language speakers are often detained longer than Spanish speakers. **Noemi** and her eleven-year-old child were detained at the Karnes detention center in late September 2015. After this, she was given a credible fear interview in her native language, K'iche. However, she had to wait longer for the results than her Spanish-speaking counterparts. When ICE finally called Noemi into a meeting to discuss the positive results of her interview and the terms and conditions of her release, no interpretation was available. Consequently, the meeting was adjourned and she was forced to wait five additional days, until interpretation became available, for the results of her credible fear interview.

In some instances, CARA Project staff and volunteers witnessed or received reports of the use of children or other residents in communications between ICE or CCA officials and detained indigenous language speakers. Of course, such interpretation in the context of individuals applying for asylum, withholding of removal, or protection under Convention Against Torture are completely inappropriate. Mothers resist sharing details of abuse, torture, sexual assaults, and humiliation with their children; children and teenagers withhold such information from their parents. It is also possible that members of one family may be, or have been, involved in the persecution of another family's members, who are detained in the same ICE detention center. Confidentiality must be an essential aspect of claims for asylum or related claims for refugee status.¹⁴ Although USCIS has made very clear that family members or friends will be used as interpreters only as a very last resort, this arrangement is very problematic. If no other interpreter is available, DHS should issue Notices to Appear rather than subjecting these families to the expedited removal process without adequate interpretation.

Additional barriers in accessing medical treatment

Secretary Jeh Johnson, July 24, 2015, available at <https://www.aap.org/en-us/advocacy-and-policy/federal-advocacy/Documents/AAP%20Letter%20to%20Secretary%20Johnson%20Family%20Detention%20Final.pdf> (last visited Dec 7, 2015); Luis Zayas and Aimee Miller, Special to the Statesman, *Immigrant Detention Centers Harm Childrens' Mental Health*, The Statesman (Aug. 13, 2015), available at <http://www.statesman.com/news/news/opinion/immigrant-dentention-centers-harm-childrens-mental/nnJQp/> (last visited Nov. 11, 2015).

¹⁴See 8 C.F.R. § 1208.6(a).

Indigenous women and children have sometimes had difficulty communicating their symptoms to medical personnel and understanding prescriptions or medical instructions. Access to medical care in family detention centers is already inadequate,¹⁵ and these problems are compounded with indigenous families because few medical staff speak indigenous languages.

Elana and her toddler son were detained at the Dilley detention center from August 26 to September 14, 2015. When she brought her toddler son to Dilley's medical center, medical staff conducted her and her toddler son's medical check-ups in Spanish, a language that neither of them understood. The staff administered five shots to Elana's son without her consent, explaining the name and purpose of these vaccinations only in Spanish. On a separate occasion, when Elana went to the clinic to ask if her son was sick, the staff responded in Spanish that her son was fine; if they offered any more details, she did not understand them.

Noemi, a woman detained at the Karnes detention center from late September until mid-November 2015, was never provided a K'iche interpreter and relied entirely on her eleven-year-old son to interpret her conversations with the medical staff. Noemi had her blood drawn upon entering Karnes and was later told that the medical staff needed to draw her blood again, but she never understood why. The medical staff also explained, through her son, that he needed to be vaccinated. Again, Noemi did not understand why. Without proper interpretation, Noemi was unable to fully consent to these medical procedures for herself or her son.

Finally, meaningful access to mental health care is unavailable for indigenous women and children. Indigenous families are especially likely to be suffering from Post-Traumatic Stress Disorder (PTSD) or other mental illnesses as a result of trauma in their home countries and ongoing trauma in detention where they are severely isolated.¹⁶ For example, **Carolina**, who was detained at the Dilley detention center from February 22, 2015 to August 1, 2015, an extremely long time as a result of language-related delays, suffered from clinical depression as a result of the prolonged period she spent in detention.

Denial of educational opportunities

Children in immigration detention are entitled to education.¹⁷ However, current practices within family detention centers for ensuring indigenous language-speaking children access to education are unevenly implemented and contradict ICE's own policies. ICE's Family Residential Standards require that all children who are detained and eligible for educational

¹⁵The CARA Project has previously filed two complaints, on behalf of thirty-two immigrant families detained at Dilley, Karnes and Berks, County, PA, highlighting concerns regarding inadequate medical care at all three facilities, one on July 30, 2015, available at <http://www.aila.org/advo-media/press-releases/2015/deplorable-medical-treatment-at-fam-detention-ctrs>, and October 6, 2015, available at <http://www.aila.org/advo-media/press-releases/2015/crcl-complaint-family-detention>.

¹⁶See e.g. K. O'Connor, C. Thomas-Duckwitz, G. Nuñez--Mchiri, *No Safe Haven Here: Mental Health Assessment of Women and Children Held in U.S. Immigration Detention*, Unitarian Universalist Service Committee, October 2015, available at http://www.uusc.org/sites/default/files/mental_health_assessment_of_women_and_children_u.s._immigration_detention.pdf (last visited Nov. 25 2015).

¹⁷See *Plyler v. Doe*, 457 U.S. 202 (1982)(states cannot constitutionally deny children a free public education on account of their immigration status); see also *Reno v. Flores*, 507 U.S. 292, 298 (1993)(mandating detention facilities provide services that comply with child welfare standards, including education).

services receive an individual educational needs assessment within three days of arrival at the detention center.¹⁸ The individual needs assessment must be provided in the child's primary language. If an interviewer is not conversant in the language, an interpreter and telephonic services must be used.¹⁹ Additionally, linguistically appropriate educational materials should be provided for the children.²⁰ Despite all this, however, education provided at the family detention centers is conducted only in English and Spanish, leaving indigenous children confused and without any meaningful educational opportunities.

For example, **Inez** attested that her children "do not know very much Spanish and even less English . . . [but] all of their schooling [in detention] is in Spanish." In Guatemala, Inez's children attended school in their native language, Akateco, with just one hour of Spanish instruction each day. As a result at the STFRC, Inez explained that it was, "very difficult for them to learn." While detained, Inez posited, "Maybe they are learning. But I don't know because they aren't able to answer anything because nothing is in our language."

Ariela is an Akateco-speaking mother from Guatemala who was detained at the Dilley detention center with her six-year-old son from September 20, 2015 to October 31, 2015. During that almost six-week period, her son struggled in school. He spoke no Spanish, and his mother was not even able to explain what he did in the school at the STFRC.

Failure to explain conditions of release, including ankle monitors

The documents that indigenous families receive upon release are often in English and occasionally in Spanish. These documents include technical legal language incomprehensible even to some attorneys.²¹ As a result, indigenous families stand little chance of understanding that they must charge their electronic ankle monitors, how to go about charging the monitors, how long they will have to wear the ankle monitors, and the consequences of an accidental violation of ankle monitor policy.

In late October 2015, for example, **Alvera**, a Quiche-speaking mother from Guatemala held at the Dilley detention center with her seven-year-old daughter, unknowingly signed papers consenting to release on an electronic ankle monitor. Around 9 pm, four ICE officials called Alvera, along with eight or nine other women, into a playroom. There, they explained to Alvera and the other women, including one Mam speaker who also did not understand Spanish, that they had to sign papers in order to leave. Alvera felt confused and scared and did not know what she was signing. However, anxious to be released from detention with her child, she signed the papers anyway. Alvera later learned that by signing the papers, she had inadvertently consented to wear an ankle monitor. Since her release, Alvera has worried that people in her community will think that she is a criminal. Because she did not understand her options, she never had an opportunity to exercise her right to a bond hearing before an immigration judge in lieu of accepting release on an ankle monitor.

¹⁸ See ICE Family Residential Standards, Education Plan at IV. 2. (a) https://www.ice.gov/doclib/dro/family-residential/pdf/rs_educational_policy.pdf.

¹⁹ *Id.* at IV 2 (e).

²⁰ *Id.* at IV 4 (b).

²¹ Advocates raised this issue at the August 28, 2015, White House Office of Public Engagement Access to Counsel Stakeholder Meeting for unaccompanied minors and families.

U.S. Citizenship and Immigration Services (USCIS)

Lack of interpretation or inadequate interpretation during interviews with asylum officers

Asylum officers sometimes interview indigenous language-speaking mothers in Spanish. In some cases, this occurs because CBP misidentified a woman as Spanish-speaking and ICE never corrected the error. In other cases, it occurs despite a woman having been correctly classified as an indigenous language speaker. Mothers are presented with the choice of proceeding with an asylum interview in Spanish or waiting in detention with their children, potentially for several weeks, so that the asylum office can secure an appropriate interpreter. Faced with this choice, many mothers proceed with the interview, which — predictably — often results in a negative credible or reasonable fear determination. Where a Judge affirms a negative determination in a case involving an indigenous language speaker who did not have an interpreter, the CARA Project generally submits a request for reconsideration and re-interview with USCIS. The results of such re-interviews, with appropriate interpretation, are overwhelmingly positive. Nonetheless, the effect of this process is to extend the time a family spends in detention.

Some indigenous families never receive credible or reasonable fear interviews because USCIS cannot find qualified interpreters. For example, **Catherin**, a Kanjobal speaker from Guatemala, was detained at the Dilley detention center with her fourteen-year-old son from October 25 to November 7, 2015, and then released with a Notice to Appear without ever being interviewed. Similarly, **Mabelle**, another Guatemalan Kanjobal speaker, was detained on October 10, 2015, with her four-year-old child and waited more than two weeks at the Dilley detention center before DHS issued a Notice to Appear, which prompted their release. Another mother, **Nathalia**, a Quiche speaker from Guatemala, was detained at the Dilley detention center with her seven-year-old child from October 18 to November 1, 2015, without ever undergoing a credible or reasonable fear interview. A Mam-speaking mother from Guatemala, **Rosa**, was detained at the Dilley detention center with her two-year-old son from September 22 to October 23, 2015. DHS took more than a month to issue a Notice to Appear and never secured an interpreter for the credible fear interview.

Other families move forward with a credible or reasonable fear interview with inadequate interpretation. One father, **John**, detained at the Berks detention center since September 8, 2015 with his one-year-old daughter, is an Achi speaker from Guatemala. The asylum office conducted John's credible fear interview in Quiche, rather than Achi, although the relevant documentation indicates that it was conducted in Spanish. Unable to properly communicate his fear of return, John received a negative determination. He was unrepresented until October 27 2015, when the immigration judge who reviewed his case asked an attorney for another detainee if she would represent John. At this hearing, once again, a Quiche interpreter was provided. The immigration judge did not rule on the case because the Record of Determination/Credible Fear Worksheet (Form I-870) from the asylum office did not include the proper legal analysis. Thus, this family remains in legal limbo while the immigration judge awaits additional paperwork from the asylum office. Meanwhile, John's pregnant wife, who speaks very little Spanish, is detained at the El Paso processing center, where she faces similar language barriers.

A very recent example of inadequate interpretation comes from another CARA Project client who, as of this writing, is detained at the Dilley detention center with her four children, ages four, five, nine, and thirteen. **Eliana**, a Guatemalan Mam-speaking mother, and her children have been detained for more than a month, since November 6, 2015. Eliana's credible fear interview on November 18, 2015, lasted for four hours. The first two hours were spent on introductions because the asylum officer spoke to a telephonic Spanish speaker, who in turn spoke to a Mam interpreter, who then communicated with Eliana. The interview transcript revealed clear communication difficulties, including multiple occasions when Eliana asked for a different interpreter because she could not understand the dialect of Mam that the interpreter was using. Eliana explained that she only understood "some words," and her interpreted answers were often awkward or disjointed, strongly suggesting miscommunication in both directions. At two points of the interview, the interpreter service was disconnected, first for twenty minutes and then for five minutes. The asylum officer also interviewed Eliana's eldest child, who also said he did not understand the Mam dialect used by the interpreter. Although this family is genuinely afraid of being returned to Guatemala where they face gang violence, they have been unable to articulate their fear due to inadequate interpretation. Eliana's request for a re-interview has been denied, and she is scheduled for deportation on Friday December 10, 2015. This is the second time that Eliana has unsuccessfully sought protection in the United States; she first fled to the U.S. in 2013, but was deported because she was similarly unable to express her fear of return to Guatemala due to inadequate interpretation.

Other cases are delayed at different points in the system. **Claudia**, a Quecha speaker from Peru, was first detained with her nine-year-old daughter on September 29, 2015 and held at the Dilley detention center. Although she had her credible fear interview on October 7, 2015, her immigration judge review was not scheduled until October 27, 2015. The immigration judge quickly vacated the asylum officer's negative credible fear determination.

Recommendations:

The following recommendations are intended to address the problems described above. DHS should:

- (1) Provide qualified interpreters for all indigenous language speakers, either by phone or in person, at the time of apprehension and during any period of detention.
- (2) Provide translations of written materials that are reflective of literacy and education levels in the following languages: Akateco, Kanjobal, Quiche, Kekchi, Mam, Maya, Popti, Achi, Garifuna, Kaqchikel, Chuj, Ixil, and Lenca. Undertake a comprehensive review of the availability of interpreters in the above-referenced languages.
- (3) Appoint counsel for indigenous language speakers who would otherwise be unrepresented at any stage of the removal process.
- (4) Indigenous language speakers identified at apprehension should be immediately released with a Notice to Appear. Families released by CBP should be given clear instructions on when and where to appear in court.
- (5) Where indigenous language speakers have been issued *in absentia* removal orders, DHS should move to reopen those orders.

- (6) End the inhumane and problematic practice of detaining immigrant children and their mothers, which would resolve many of the problems described in this document.

Given the pervasive and troubling concerns highlighted in this complaint, we urge your offices to undertake swift and comprehensive reviews of the language access policies for indigenous language speakers held in family detention centers. While modifications and improvements to the current system of detaining families are urgently needed, nothing in this complaint should be read to undermine our longstanding position that there is no humane way to detain children and their families.

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