



Executive Summary

Stakeholder Engagement Use of Interpreters in USCIS Domestic Office Interviews December 11, 2012

Background

On December 11, 2012, U.S. Citizenship and Immigration Services (USCIS) hosted a national stakeholder engagement to discuss the use of interpreters in USCIS domestic field office interviews. Participants included attorneys, community and faith-based organizations, professional interpreters, and other stakeholders.

During the session, USCIS outlined its current guidance related to the use of interpreters and discussed anticipated policy development regarding the use of interpreters in USCIS domestic field office interviews. The discussion focused on who would be eligible to serve as an interpreter and possible good cause exceptions to the use of an otherwise restricted interpreter. In particular, USCIS sought stakeholder feedback on the following anticipated policy provisions:

- Minors, less than 14 years old, may not serve as interpreters;
- Attorneys and representatives may not serve as interpreters;
- Witnesses may not serve as interpreters; and
- Appropriate good cause exceptions that may allow for the use of an otherwise restricted interpreter.

Stakeholder Feedback

During the engagement, participants shared a number of concerns and suggestions related to current interpretation practices in USCIS field offices, as well as the anticipated policy development regarding the use of interpreters in USCIS domestic field office interviews. The chief issues raised were:

- the current absence of a comprehensive, standard national policy on who may serve as an interpreter;
- the prevalence of unauthorized practitioners posing as interpreters to take advantage of clients or defraud USCIS;
- the possibility of USCIS providing interpreters or telephonic monitors to applicants in need of interpreter services; and

- a request to ensure that BIA accredited representatives won't be restricted from serving as interpreters when they are attending the interview solely in their capacity as interpreters, not as a practitioner representing an applicant or petitioner before USCIS. (i.e., the restriction against attorneys and representatives will apply only to dual roles and the title alone should not preclude an attorney or representative from serving as an interpreter).

Age Requirement

Many stakeholders agreed with the proposed provision restricting minors under 14 years old from serving as interpreters. Some participants proposed raising the age limit, arguing that in some instances, 14 years old may still be too young to serve adequately as an interpreter. Others recommended prohibiting children of all ages, as well as spouses and other relatives, from serving as interpreters. One participant suggested that USCIS prohibit interpretation by all family members and allow only BIA accredited representatives to provide interpretation services. Conversely, some stakeholders felt that it was important to continue to allow all children who speak English well, regardless of age, to serve as interpreters, as these children are accustomed to interpreting for their parents and the applicants often feel most comfortable having their children serve in this role.

Attorneys and Representatives

As noted above, many participants expressed concern about the proposed provision restricting attorneys and representatives from serving as interpreters. Specifically, these stakeholders sought to ensure that the proposed attorney and representative restriction will only apply to those attorneys and representatives who attempt to simultaneously serve as both an attorney or representative and the interpreter. These stakeholders wanted confirmation that simply having the professional title of an attorney or BIA accredited representative would not automatically preclude someone from serving as an interpreter. In particular, one stakeholder requested that USCIS instruct officers who can speak an applicant's language not to trump or dismiss an attorney or representative that is serving as an interpreter and, instead, conduct the interview in the language of the applicant. One commenter stated that he did not understand the conflict of interest with an attorney simultaneously serving as an attorney and interpreter, given that the government does not provide interpreter services for applicants.

Witnesses

Stakeholders appeared to be largely in agreement with the proposed restriction on witnesses serving as interpreters, although one commenter suggested that the witness restriction, as it relates to family members, should apply only to spouses and not to adult children, thereby allowing adult children to serve as interpreters, even if they are also testifying as witnesses in a case.

Good Cause Exceptions

Stakeholders also provided input on possible good cause exceptions to the anticipated policy. One participant sought to ensure that certain applicants, including those with certain medical conditions such as HIV/AIDS, be allowed to have the individual with whom they are most comfortable sharing sensitive, personal information, serve as their interpreter. Another stakeholder suggested that if an applicant's interpreter does not appear at the interview, it should

trigger a good cause exception that would allow an otherwise restricted individual, such as an attorney, to provide interpretation services.

Other Comments

A number of stakeholders were interested in expanding the role of telephonic interpreters and requested clarification on scenarios in which telephonic interpreters are currently permitted and whether widespread telephonic interpretation services, including telephonic monitors, will be an option in the future. A few stakeholders commented that the government should provide telephonic or in person interpretation services at all interviews at little or no cost to the applicant, while at least one stakeholder suggested that interpreters should be provided for all interviews even if it requires raising fees or charging the cost to the applicant. Several stakeholders commented on the importance of training USCIS officers to recognize and dismiss incompetent interpreters.

Stakeholder opinions were divided on the use of certified interpreters or an approved list of interpreters who meet certain standards. Specifically, some commenters thought that using certified interpreters would ensure the integrity of the interview and eradicate rampant problems with the unauthorized practice of immigration law and relieve applicants of the burden of finding and bringing their own interpreters to interviews. In direct contrast, other stakeholders argued that the high cost of hiring a certified interpreter made this approach cost prohibitive for low income applicants.

Several stakeholders suggested ways to improve services through the National Customer Service Center's 800 number for customers requiring interpreters. These suggestions include recording messages in additional languages, expanding the number of languages spoken by customer service representatives, and upgrading the interactive voice response system to better understand requests for accommodation, including requests for sign language interpreters.

A few participants highlighted the challenges that deaf and hard of hearing applicants have in accessing USCIS information and services, including interviews, and suggested that USCIS provide sign language interpreters for these customers. One stakeholder recommended video teleconferencing with closed captioning as a useful alternative to the current outdated TDD technology. Assistance is currently provided for deaf or hard of hearing applicants when requested, but USCIS appreciates these comments and will continue to explore other ways to improve services for this population.

Finally, a number of participants expressed interest in ensuring that USCIS provides an opportunity for the public to comment on any draft or interim policy guidance on this topic and having another engagement to discuss general issues related to improving access to USCIS information and services for LEP individuals.