

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

July 7, 2021

A.S.,)	
)	
Complainant,)	
)	8 U.S.C. § 1324b Proceeding
v.)	
)	OCAHO Case No. 2020B00073
AMAZON WEBSERVICES INC.,)	
)	
Respondent.)	

ORDER GRANTING REQUEST FOR HINDI INTERPRETING SERVICES FOR OCAHO
PROCEEDINGS

I. INTRODUCTION AND FACTUAL BACKGROUND

This case arises under the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324b. The first prehearing conference was held on December 16, 2020, followed by a second prehearing conference on March 25, 2021. Following each prehearing conference, the Court provided a written order which included a summary of the procedural matters covered and a memorialization of any orders occurring as a result of the conference. After each prehearing conference and receipt of the Court’s written summary and order, the Complainant filed several motions, including motions to compel discovery, motions for reconsideration, and a motion for a jury trial. Complainant has also filed responses and oppositions to Respondent’s motions, to include Respondent’s motions for extensions of time, and motion to dismiss. The Complainant has timely complied with all of the Court’s written orders served on the parties after each prehearing conference.

On June 23, 2021, Complainant, for the first time, notified the Court via a written filing that the language he speaks and understands best is Hindi, not English. C’s Mot. for Interpreter at 2. According to Complainant’s filing, “[he] either couldn’t express everything that [he] wanted to . . . [and he] couldn’t understand everything that was stated in the conference.” *Id.* at 1. He further asserts that “[n]ot able to have the proper communication during these conferences would have significant disadvantages for the Complainant,” and accordingly requested the Court to appoint “an interpreter who is well versed and can translate from Hindi (Only [sic] Hindi NOT Urdu, Gujrati, Telegu or any other language) to English and vice versa.” *Id.* at 2.”

II. LAW AND ANALYSIS

It is the policy of the Executive Office for Immigration Review, including its subcomponents such as the Office of the Chief Administrative Hearing Officer, to take reasonable steps to provide limited English proficient (LEP) persons with meaningful access to EOIR services. *See generally* U.S. Dep't of Justice, The Executive Office for Immigration Review's Plan for Ensuring Limited English Proficient Persons Have Meaningful Access to EOIR Services, <https://www.justice.gov/open/language-access> (then follow "Executive Office for Immigration Review" hyperlink).

LEP persons are defined as "persons who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English. LEP persons may be competent in certain types of communication . . . but still be LEP for other purposes . . ." *Id.* at 9–10. "Self-identification by the person" is a method by which EOIR determines the propriety of an LEP designation. *Id.* at 13.

When the Court designates a party as an LEP person, the Court will provide "[l]anguage assistance that results in accurate, timely, and effective communication" so that access to OCAHO services "is not restricted, delayed, or inferior as compared to programs or activities provided to English proficient persons." *Id.* at 10. Provision of such services ensures that LEP persons have meaningful access to the Court. *Id.* at 10.

Based on Complainant's assertion on June 23, 2021, the Court now finds that he is an LEP person within the meaning of EOIR's Language Access Plan because he self-identified as such in his written filing. *See id.* at 9–10, 13; C's Mot. for Interpreter at 1–2.

Accordingly, the Court will GRANT Complainant's motion by providing the following service: Hindi to English and English to Hindi interpreting services during future OCAHO hearings and conferences.¹ These services will be provided at no cost to Respondent.

SO ORDERED.

Dated and entered on July 7, 2021.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge

¹ While Complainant's motion is granted, the Court reminds the parties that pursuant to 28 C.F.R. § 68.7(e), parties' submissions "must be in the English language or, if in a foreign language, accompanied by a certified translation."