



National Association of Judiciary Interpreters & Translators
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July 26, 2024

U.S. Department of Homeland Security
Office of the General Counsel
Mail Stop 0485
Attn: Regulatory Affairs Law Division
245 Murray Lane SW
Washington, DC 20528-0485

U.S. Department of Justice
Office of Legal Policy
950 Pennsylvania Avenue NW
Washington, DC 20530-0001

Re: Comment on Petition for Rulemaking: Interpreters for Affirmative Asylum Interviews (submitted on April 15, 2024)

Dear Madam or Sir:

The National Association of Judiciary Interpreters and Translators (NAJIT) is a non-profit organization, founded in 1978, that represents over a thousand court interpreters, court translators, judicial officers, court administrators, scholars, trainers, and others, including dozens of interpreters who provide language access services at immigration-related proceedings. We are united in our commitment to advancing the professional contributions of interpreters and translators in legal settings, facilitating their professional development, and advocating for best practices that ensure equitable access to justice for non-English-speaking communities.

NAJIT firmly supports the Petition for Rulemaking filed on April 15, 2024 by the American Civil Liberties Union and other organizations asking the Department of Homeland Security and Department of Justice to promulgate regulations governing the provision of interpreters for noncitizens with affirmative asylum applications before U.S. Citizenship and Immigration Services.

First and foremost, the current requirement for Limited English Proficient applicants (LEPs) to bring their own interpreters to asylum interviews results far too often in inadequate language access and thus falls short of the Department of Justice's own guidance to state judiciaries to protect equal access to justice. Similarly problematic, from the standpoint of

professional interpreters, is that LEP applicants and their advocates often lack the expertise required to evaluate the competence and professionalism of interpreters. Moreover, LEPs who speak indigenous or rare languages may have great difficulty locating interpreters who speak their language and are available on the dates of their interviews. As a result, LEPs might unwittingly jeopardize their cases by appearing in proceedings with interpreters who are incompetent or unprofessional.

It is essential to note that the requirement to bring an interpreter to asylum interviews disproportionately impacts low-income applicants and those who speak indigenous or rare languages. A related complication posed by interview locations is that they are often in remote places that can take hours to reach, and that the interviews can be postponed at the last minute, only after the LEP has already paid for the interpreter's travel time. For advocacy groups providing asylum applicants with legal support, the time and expense involved in identifying and hiring interpreters forces difficult budgetary choices. Due to the limited resources of the LEPs personally and the advocacy groups supporting them, some LEPs unwittingly rely on uncredentialed interpreters whose lack of familiarity with legal terminology and practices can affect the outcome of cases, harm credibility determinations, and lead to referrals to removal proceedings, or to problematic disclosure of sensitive information to members of the LEP's family and community. Given that contract interpreters serve as monitors of LEP-supplied interpreters during interviews, the numerous challenges posed by the requirement to locate and secure interpreters creates inefficiencies that often contribute to delays in cases.

NAJIT supports the proposed amendments to the current regulation § 208.9(g)(1) expressed in the Petition for Rulemaking. The provision of competent interpreters for noncitizens with affirmative asylum cases is crucial for ensuring a level of quality of interpretation services and adherence to professional ethics that cannot be achieved by the use of untrained interpreters. Ensuring language access is like providing wheelchair ramps—removing barriers helps everyone enjoy the same opportunities, regardless of their limitations.

Thank you for the opportunity to participate in the DHS Office for Civil Rights and Civil Liberties listening session on May 2, 2024, and to submit this statement.

Respectfully submitted,

The NAJIT Board of Directors.