

ACCESS TO JUSTICE: LANGUAGE ACCESS FOR VICTIMS WITH LIMITED ENGLISH PROFICIENCY

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Goals for Today



1. Create awareness around improving accessibility of your program's services to LEP survivors of domestic and sexual violence
2. Support you in better understanding, and meeting your obligations as service providers
3. Provide with the tools and resources to support you in developing an Effective Language Access Plan

Video and Discussion



LEP Limited English Proficiency -- La Historia de Lucía, con subtítulos

Unlisted

Discussion

1. What issues are being raised in the video?
2. What challenges/gaps can you identify?
3. How do these issues relate to what you are experiencing in your work with Limited English Proficient individuals?
Similarities? Differences?

Part I: Overview of Demographics and Advocacy Framework

Foreign Born Population in the US

- Of the total foreign-born population in U.S. (39.9 million):
 - 53% were born in Latin America and the Caribbean
 - 9.3% are from the Caribbean
 - 28% were born in Asia
 - 12% were born in Europe
 - 4% were born in Africa
 - 2% were born in Northern America
 - 0.5% were born in Oceania
- Foreign-born residents make up approximately 13% of the population today,
- compared to 15% in 1910 at peak of immigration influx

(U.S. Census; 2010 American Community Survey Report)

Barriers to Seeking Help

- Lack of knowledge and misinformation about the U.S. legal system
- Fears of the Police and Judicial System, of deportation, of social services and child welfare agencies, etc.
- Linguistic and Cultural barriers
- Discrimination
- Economic and Employment challenges
- Isolation from family and community

Why provide Meaningful Language Access?

- **1. It's the right thing to do**



- As organizations dedicated to working with Victims of Crime we all work toward ensuring safety, healing and justice for those harmed or affected
- If we invest in being proactive we can ensure that all individuals with LEP/Deaf individuals have meaningful access to critical services

Why provide Meaningful Language Access?

- **2. The rise in immigration and the shift in US settlement patterns**
 - Approximately 25.2 million people with Limited English Proficiency (LEP) currently live in the US
 - The number of individuals with LEP living in the United States has increased by approximately 80 percent between 1980 and 2010¹
 - The languages spoken by this population with LEP are more diverse than ever

¹Limited English Proficient Individuals in the United States: Number, Share, Growth, and Linguistic Diversity, Migration Policy Institute, December 2011.

Why provide Meaningful Language Access?

- **3. Language access improves services and enhances outcomes**
- Research shows that domestic violence survivors with LEP/Deaf survivors were more likely to seek out services if those services were provided in their language
- Language access clearly enhances safety if you consider that without the survivor cannot interact fluently with an advocate, other service providers and systems
- Research in the domestic and sexual violence fields shows that survivors appreciate and feel more supported when language access services are provided

Languages Spoken in the US

- According to the Census, there are 300 languages spoken in the United States:
 - Spanish accounts for 66% of LEP population
 - Chinese: 6%
 - Vietnamese: 3%
 - Korean: 2.5%
 - Tagalog: 1.9%
 - Russian: 1.7%
 - French Creole: 1.3%
 - Arabic: 1.3%
 - Portuguese or Portuguese Creole: 1.1%
 - African languages: 1.1%

Part II: Ensuring Meaningful Access for Victims of Crime with Limited English Proficiency

What is Meaningful Access?

- “Meaningful Access” is defined in the US Department of Justice’s own Language Access plan as:
- “Language assistance that results in accurate, timely and effective communication at no cost to the LEP individual. For LEP individuals, meaningful access denotes access that is not significantly restricted, delayed or inferior, as compared to programs or activities provided to English proficient individuals”

Who are individuals with Limited English Proficiency (LEP)?

- Individuals with LEP are those individuals who do not speak English as their primary language and have a limited ability to read, write, speak or understand English”
- Deaf (uppercase ‘D’) refers to an identity with its own culture, language and diverse communities
 - ‘deaf’ refers to a physical condition/impairment
 - Deaf and hard of hearing often misunderstood as a disability issue, is also a language access issue

Language Access Issues

- Recipients of Federal funding must ensure “Meaningful Access” to those with Limited English Proficiency (LEP) under Title VI of the Civil Rights Act of 1964.
- Recipients of Federal funds are not allowed to discriminate based on race, color, or national origin.

Title VI of the Civil Rights Act of 1964

- “No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” Section 601 of Title VI, 42 U.S.C. sec. 2000d

Title VI of the Civil Rights Act of 1964

- Meaning:
- Government & government funded programs must provide meaningful access to programs & benefits to persons with limited English proficiency.

Implementation of Title VI



Figure 1

The U.S. Supreme Court stated that one type of national origin discrimination is discrimination based on a person's inability to speak, read, write or understand English

- (*Lau v. Nichols* (1974))

Source: Historical Photograph Collection of San Francisco Public Library's San Francisco History Center.

President Clinton signed Executive Order 13166 in Aug. 2000: "Improving Access to Services for Persons with Limited English Proficiency."

Requirements of Executive Order 13166

The Executive Order requires Federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them. Agencies are supposed to develop an LEP plan.

The Executive Order also requires that the Federal agencies work to ensure that **recipients of Federal financial assistance** *provide meaningful access* to their LEP applicants and beneficiaries.

Who qualifies as a Recipient of Federal Assistance

Federal financial assistance includes grants and training. Sub recipients are also covered, when federal funds are passed on from one recipient to another (e.g., state funds that are a pass through of federal dollars).

Recipients of federal funds range from state and local agencies, to nonprofits and other organizations.

Group Question

If an organization gets only some federal funding to support a specific project or program, what part of the organization's activities are affected by Title VI LEP requirements?

Only that project/program within the organization that receives federal funding

- A. Only projects specifically focused on immigration services or outreach to underserved communities
- B. All of that organization's activities, including those not funded by federal dollars

What part of an organization's activities are covered under Title VI?

- Title VI covers a recipient's entire program or activity.
- This means all parts of a recipient's operations are covered. This is true even if only one part of the recipient receives the federal assistance.

Policy Guidance - 4 Factors

67 Fed. Ref. 41455

1. Number or proportion of LEP individuals served or encountered in the eligible service population
2. Frequency of contacts
3. The nature and importance of the programs, activity or services
4. Resources available

Group Question

True or False?

- If my county or city has an “English only” law, then my organization does not have to comply with Title VI LEP Requirements.

What if my state or jurisdiction has an “English only” law?

- Despite a state's or local jurisdiction’s official English-only law, Title VI and the Title VI regulations apply. Recipients continue to have a legal obligation under federal law to provide meaningful access for LEP persons (also true regardless of immigration status).
- State and local laws may provide additional obligations to serve LEP individuals, but cannot compel recipients of federal financial assistance to violate Title VI.

Part III: Language Access Plan, Work with Interpreters and Resources

Language Access Plan



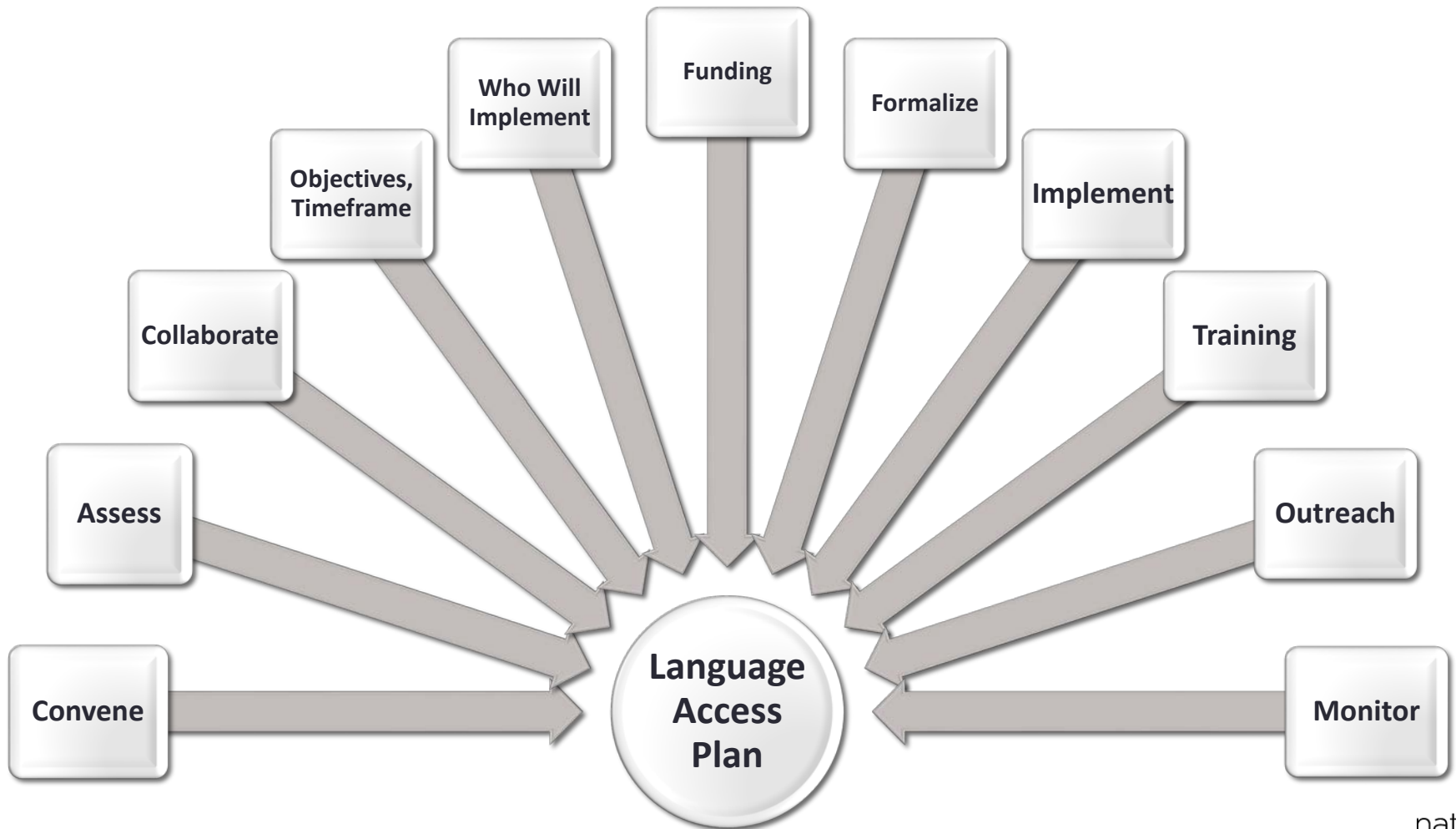
- A Language Access Plan is a strategy to assess, identify, and manage a system to ensure that individuals with limited English proficient (LEP) or Deaf/hard of hearing individuals are able to fully access services, and experience them as any other individual would.

Building Organizational Access



- Best strategy for providing meaningful access is to be prepared and develop a Language Access Plan.

Steps to Language Access Planning



Monitoring and Compliance



- Now that you have a comprehensive plan to provide meaningful language access to LEP victims of crime, follow up with a built-in plan to monitor the implementation.

Monitoring and Compliance



1. Establish an annual review of your plan.
2. Examine the following:
 - How have the demographics changed?
 - How has your plan affected services?
 - How did you respond to language needs as they arose?
 - How do you address unexpected languages?
 - What should you adapt or change for next year?
 - How are you progressing on your language access plan to build capacity in the long-term, i.e. fundraising, participation satisfaction, staff hiring and training, etc.

Monitoring and Compliance



- Include the input of staff, participants and partners engaged in the plan by utilizing listening sessions, surveys, interviews and other feedback tools to gather information on how LEP victims of crime feel about the services they received and their ability to fully access those services.

National Resource Center on Reaching Underserved Communities

- **Language Access Training & Technical Assistance**
 - What is the National Resource Center?
 - How do I reach out to them?
 - What kind of training and technical assistance do they provide?

Where to Start

National Latin@ Network Toolkits

Hover over the bubbles to access our
toolkits.



engage
**men and
boys**

courts
language
access

language
access

building
evidence

<http://nationallatinonetwork.org/lep-toolkit-home>

<http://nationallatinonetwork.org/learn-more/courts-language-access>

Additional Resources

- **Language Access Plan Development Resources**
 - **U.S. Department of Justice**
 - Civil Rights Division
 - Federal Coordination & Compliance Section (FCS)
www.justice.gov/crt/cor
 - www.lep.gov
 - NIWAP Translations for Immigrant Legal Rights
 - <http://niwaplibrary.wcl.american.edu/cultural-competency/multilingual-materials-for-victims/are-you-safe-at-home>
 - Migration Policy Institute's Language Access Portal
 - http://www.migrationinformation.org/integration/language_portal





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