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AMERICAN UNIVERSITY  
WASHINGTON  
COLLEGE OF LAW

Asian & Pacific Islander  
Institute on Domestic Violence

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idv

**CALCASA**  
CALIFORNIA COALITION  
AGAINST SEXUAL ASSAULT

# WEBINAR

## ABC'S OF LANGUAGE ACCESS ADVOCACY ASSESS YOUR PRACTICES. BUILD A PLAN. COMPLIANCE ADVOCACY WE WILL START SOON

Presented by: U.S. Department of Justice Office on Violence Against Women and the State Justice Institute in partnership with the National Immigrant Women's Advocacy Project (NIWAP), Asian Pacific Institute on Gender-Based Violence, and The California Coalition Against Sexual Assault (CALCASA)

**NIWAP**

National Immigrant Women's Advocacy Project,  
American University Washington College of Law  
Asian & Pacific Islander Institute on Domestic Violence

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# How to Use this Technology



- Raise hand
- Text chat
- PowerPoint slides
- Polling questions
- Phone

Please send a private chat message for help.

Call iLinc Technical Support at 800.799.4510.

Byenvei

Bienvenue

어서 오십시오

ברוך הבא



Welcome

Mabuhay

Bienvenidos

خوش آمدید

Willkommen

Benvenuto



**Leslye Orloff**

שלום

Director  
National Immigrant  
Women’s Advocacy  
Project,  
American University  
Washington College  
of Law



**Cannon Han**

안녕

Project Coordinator  
Asian Pacific Institute on  
Gender-Based Violence  
Interpretation Technical  
Assistance & Resource  
Center



**Benish Anver**

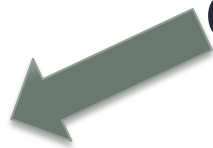
السلام عليكم

Policy Staff Attorney  
National Immigrant  
Women’s Advocacy  
Project,  
American University  
Washington College of Law

# Let's see who is on the call with us. Please check the box that best describes you:

- A. Victim advocate
- B. Victim's lawyer
- C. Work for a government agency
- D. Other

Answer  
on the left



Feedback

A

B

C

D

No Answer

# Learning Objectives:

**By the end of this training, you will be better able to:**

- Understand Title VI obligations of recipients of federal funded victim assistance programs and agencies
- Identify the critical elements of a language access plan and be prepared to develop one within your program
- Utilize U.S. Census and local demographic data to assess the number or proportion of LEP persons by language
- Plan effective advocacy with other agencies to ensure language access

# Raise Your Hand

How many of you have  
language access plans?

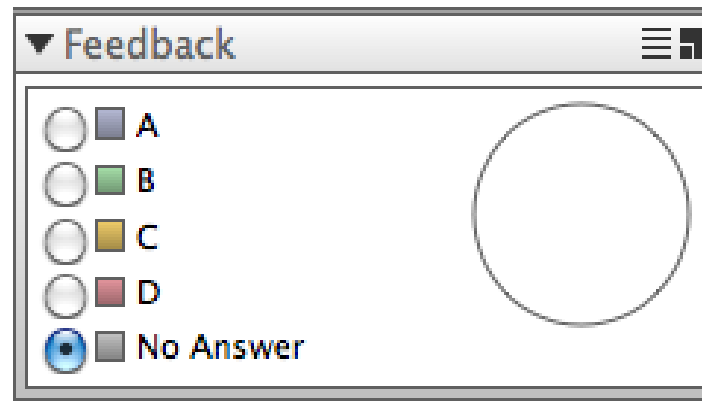




# If you get federal funding, you...

- A. Are mandated to have an interpreter for all clients that access your services
- B. Should take reasonable steps to provide LEP individuals with meaningful access to programs and activities
- C. Must have available material translated for all clients
- D. None of the above

Answer  
on the left



The image shows a screenshot of a 'Feedback' window. The window title is 'Feedback'. On the left side, there are five radio button options: A (blue square), B (green square), C (yellow square), D (red square), and No Answer (grey square). The 'No Answer' option is selected, indicated by a blue dot in the center of its radio button. To the right of the options is a large empty circle. A grey arrow points from the text 'Answer on the left' to the 'No Answer' radio button.

# Importance of Language Access

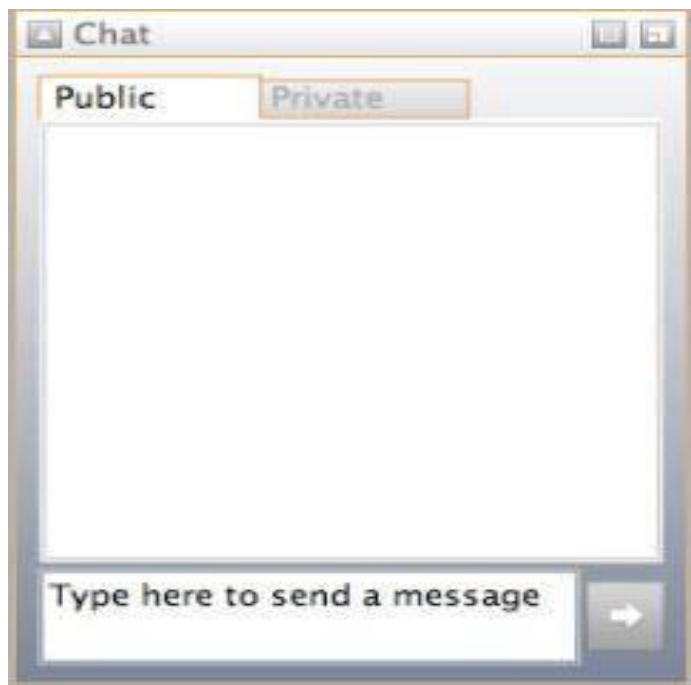
- Services and legal protections effectively closed to victims without language access
- Medical records, counseling records, and police report with incorrectly interpreted information can:
  - Lead to “conflicts” between testimony and written records
  - Undermine victim/witness credibility
  - Incorrect information could impact safety and well being
- No access violates federal law

# What is LEP?

- Limited English Proficiency
  - English is not primary language
  - Limited ability to read, write, speak or understand English
- Barrier to
  - access to benefits or services
  - understanding and exercising legal rights
  - complying with legal responsibilities
  - understanding information provided by federally funded programs and activities
- **Determination is by person, not by agency**

# Top 10 Languages

What languages are included in the Top 10 spoken in the United States?



# Top 10 Spoken at Home\*

- Spanish - 35.3 Million
- Chinese – 1.64 Million
- Tagalog-Filipino 1.34 Million
- Vietnamese 1.14 Million
- French – 1 Million
- Korean – 959,673
- German – 857,642
- Russian – 665,369
- Arabic – 652,879
- Italian – 589, 509
- French or Haitian Creole 551,916

\*Data obtained from 2010 U.S. Census

# Emerging Languages: Refugee Populations\*

- Somali
- Arabic (Iraqi)
- Pashto
- Urdu
- Farsi
- Dari

\*Data obtained from 2010 U.S. Census

# Title VI of the Civil Rights Act 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*.”

Civil Rights Act of 1964, Title VI, 42 U.S.C. § 2000d

# Title VI of the Civil Rights Act 1964

Meaning:

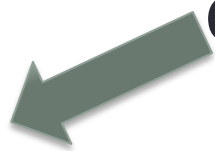
Government & government funded programs must provide meaningful access to programs & benefits to persons with limited English proficiency



# Who is covered by Title VI and federal language access laws?

- A. Federal conducted programs
- B. State/local government grantees
- C. Non-governmental organization grantees
- D. All of the above

Answer  
on the left



Feedback

A

B

C

D

No Answer

# Executive Order 13166

- Goal: provide meaningful access to people with limited English proficiency (LEP)
- Set plan for federally conducted services to LEPs
- Issue guidance for federal grantees

# Policy Guidance: Four 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 program, activity or services
4. Resources available

# What is the Number or Proportion of LEP Individuals in Your Service Area?

- Must include language minority populations that are eligible for programs or activities **but may be underserved because of existing language barriers.**

# How Determine Number of LEP Individuals?

- Data from
  - Census
  - School systems
  - Community organizations
  - State and local governments
- Community agencies, school systems, religious organizations, legal aid entities, and others
  - Can often assist in identifying populations for whom outreach is needed and who would benefit from the recipients' programs and activities were language services provided

# Step-by-Step Guide on How to Use the Census

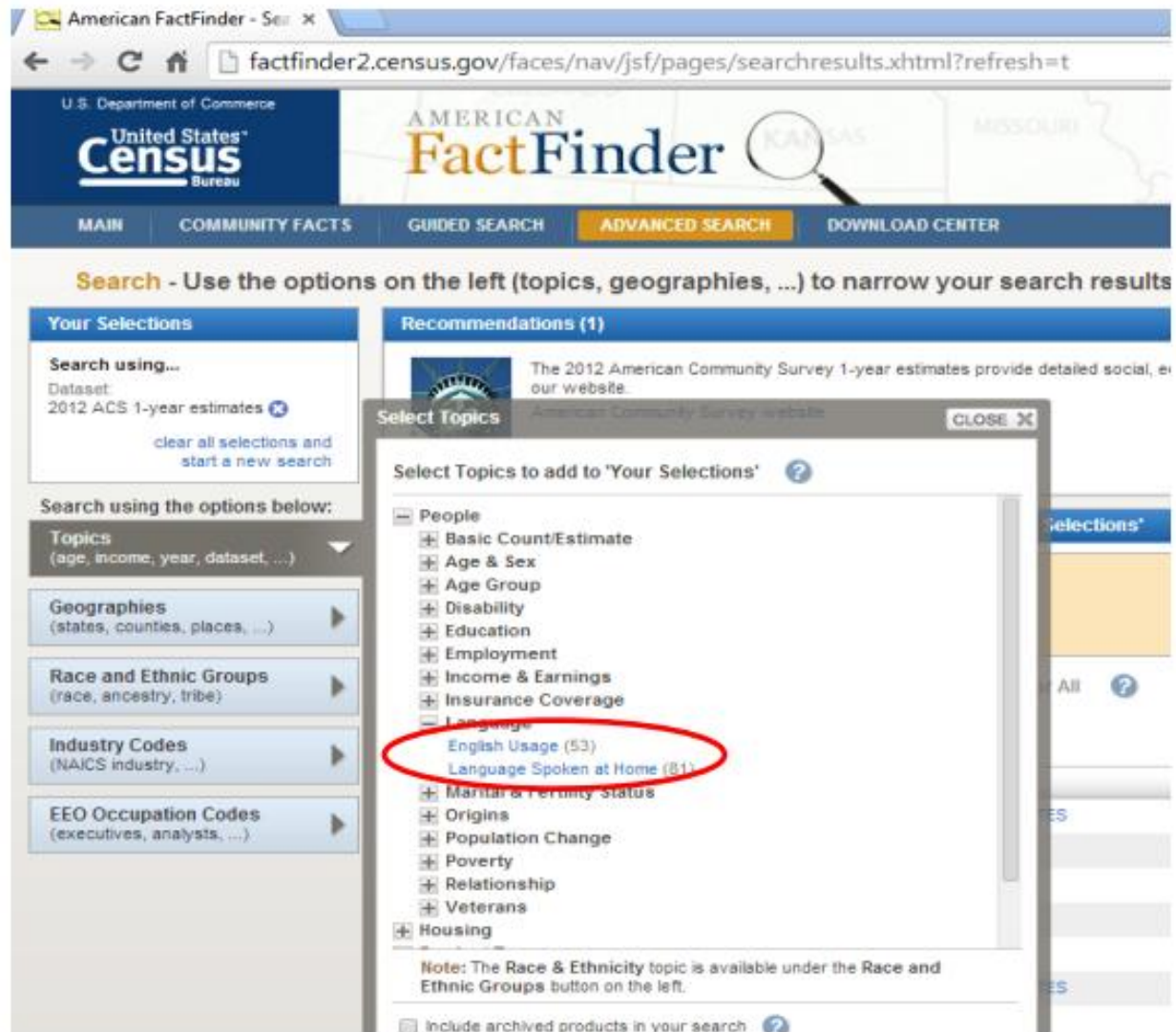
Step-by-step directions on accessing LEP population data provided by the American Community Survey:

- Go to <http://www.census.gov/acs/www/>.
- Click on “Language.” You will find this link under the heading “Data by Topic.” The heading is located towards the bottom right corner of your screen.

The screenshot displays the American Community Survey website interface. On the left, there are navigation links for 'Language Brochures' in various languages including Arabic, Chinese, English, French, Haitian Creole, Korean, Polish, Portuguese, Russian, Spanish, and Vietnamese. The main content area features several informational boxes: 'What is the American Community Survey?', 'How do I respond to the survey?', and 'How do I get started using ACS data?'. A prominent blue banner announces '2008 - 2012 American Community Survey 5-Year Estimates Now Available'. Below this, there are sections for 'Explore the dataset using these tools' and 'New topics for small communities'. The 'Data by Topic' section on the right lists various categories, with 'Language' highlighted in a red circle. Other categories include People (Age and Sex, Ancestry, Disability, etc.), Housing (Financial Characteristics, Physical Characteristics), and Website Feedback.

# Step-by-Step Guide on How to Use the Census

- Click on “Topics.” When the Topics menu appears, select the “People” option to expand the menu. From the expanded menu, select “Language.” Add both of the only two options available under “Language” to your selections.



# Other Sources of Language Demographics

- Census Bureau instruction on how to use the American Community Survey language data:  
<http://www.census.gov/hhes/socdemo/language/index.html>
- U.S. Department of Education Civil Rights Data Collection:  
<http://ocrdata.ed.gov/>
- National Center for Education Statistics:  
<http://nces.ed.gov/fastfacts/display.asp?id=96>
- Federal Interagency Working Group on Limited English Proficiency: [http://www.lep.gov/demog\\_data.html](http://www.lep.gov/demog_data.html)
- Also try state and local government agencies and local and community-based and religious organizations



# What is the Frequency of Contact with LEP Persons within your Agency?

- LEP persons contacting agency on a daily basis means higher responsibilities
- But even recipients that serve LEP persons on an unpredictable or infrequent basis should have a plan to provide access
- Ex: being prepared to use telephonic interpretation services to obtain immediate interpreter services.

***Recipients should take care to consider whether appropriate outreach to LEP persons could increase the frequency of contact with LEP language groups***

# What is the Nature and Importance of the Program, Activity, or Service Provided by Your Program?

**Will the denial or delay of access to services or information have serious or even life-threatening implications for the LEP individual?**

Example:

- Safety
- Law enforcement services
- Services that impacts rights

versus

- Recreational
- Less urgent services

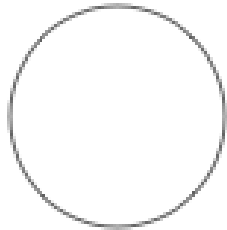
# True or False?

Cost is a defense to not providing language access

▼ Feedback



- True
- False
- No Answer



# What Resources Are Available?

- **Cost is not defense to non-compliance**, but programs can look to cost-sharing strategies
  - Share resources with other community groups
  - Train bilingual staff to act as interpreters and translators
  - Use telephonic and video conferencing interpretation services
  - Pool resources and standardize documents to reduce translation needs
  - Use qualified translators and interpreters to ensure that documents need not be “fixed” later and that inaccurate interpretations do not cause delay or other costs
  - Develop formal use of qualified community volunteers

# We Can't Afford Language Access

- Financial limitations do not provide an exemption from language access requirements.
  - Demonstrated previous success
  - Whether other essential services are being restricted or defunded
  - Whether additional revenues secured or technology used
  - Whether the grantee has an implementation plan
  - Nature and impact on LEP persons

# Oral vs. Written Options

- Recipients have two main ways to provide language services:
  - Oral interpretation either in person or via telephone interpretation service.
  - Written translation, likewise, can range from translation of an entire document to translation of a short description of the document.
    - Need to translate VITAL DOCUMENTS
- Example:
  - A police department in a largely Hispanic neighborhood may need immediate oral interpreters available and should give serious consideration to hiring some bilingual staff.

## Americans with Disabilities Act and Section 504 of the Rehabilitation Act

“Public accommodations and state entities are required to provide ASL interpreters, and other auxiliary aids, to ensure effective communication with deaf and hard of hearing individuals. Deference must be given to the deaf or hard of hearing individual’s choice.”

28 C.F.R. S28 C.F.R. S35.160 (b)(2) (NAD Law Center, 2002).

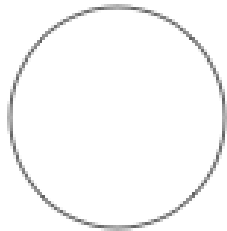
# True or False?

Using a friend or accompanying family member to interpret is a safe practice

▼ Feedback

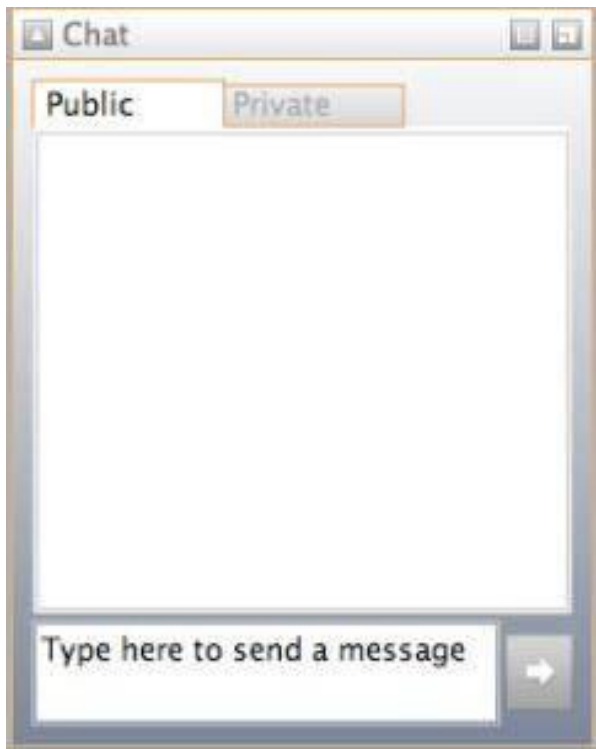


- True
- False
- No Answer





# Using Accompanying Family Members



What are the dangers?

# A qualified interpreter is not...

- A friend, child, or other family member of the immigrant survivor
- Untrained

# Signs a Language Access Plan is Needed

- Relying on relatives or friends to interpret for clients
- Turning away LEP individuals
- No formal arrangements are in place to hire professional interpreters
- Staff does not understand basics of interpretation
- No translated materials
- Using non-professional interpreters

# Creating Language Accessibility

- Policy: Standards and Guidance
- These include:
  - Definitions
  - Authorities cited
  - The relation to organizational work

# Creating Language Accessibility

- Plan: Map/Blueprint
  - Who will implement
  - Staff training and procedures
  - Identifying LEP/Deaf and hard of hearing communities
  - Monitoring effectiveness and updating policies
  - Outreach and Notices to LEP communities
  - Timeframes and benchmarks
  - How will you provide meaningful access

# Creating Language Accessibility

- Procedures
- Detailed explanations that specify steps to achieve access including
  - Staff roles
  - Phone numbers
  - Interpreter contact process

# Creating Language Accessibility

- Train all staff on language access requirements and procedures to carry out the organization plan
- Train staff members on how to work with interpreters
- Determine what materials need to be translated to ensure ethical and court compliance

# Interacting With LEP Clients

- Ensure that staff members interacting with clients ascertain LEP individual needs
  - Allowing the LEP individual to identify his/her preferred language (i.e., “I speak...” card)
  - Be able to communicate to the LEP individual that an interpreter is available
  - Using family or friends as interpreters can cause discomfort for many clients, including issues of bias
    - It is important to offer other means of confidential interpretation, if possible



# Creating Language Accessibility Recommendations/ Considerations – Part I

- Language Access Coordinator- an individual devoted to coordinating, implementation, monitoring, etc.
- Listing local guidance, federal guidance, ABA guidelines as part of policy
- Complaint and/or grievance procedure
  - Separate or similar to HR
  - Will it violate any union agreements?
- Organizational wide plan or separate for each satellite office

# Creating Language Accessibility

## Recommendations/ Considerations – Part II

- Assessment of LEP community AND assessment of international language programs, interpreter programs, and ASL programs in the area
  - Assess organizational capacity, benchmarks, strengths, and gaps
- Cultural Competency Training for staff – organization commitment
- Budgeting for Language Access when applying for grants (speak to your OVW Program Specialist)

# Assessing Language Fluency

- Interagency language roundtable self assessment
- Having bilingual staff assess
- Using glossaries and dictionaries
- Using articles and texts in the target language
- Paying for a professional assessment

# Assessing Your Plan

- Establish benchmarks to measure the effectiveness of your plan.
- Assess the quality of interpretation and translation services.
- Are you meeting the language needs of your clients
- Is your staff in compliance with your policy.
- Do you have a complaint process in place

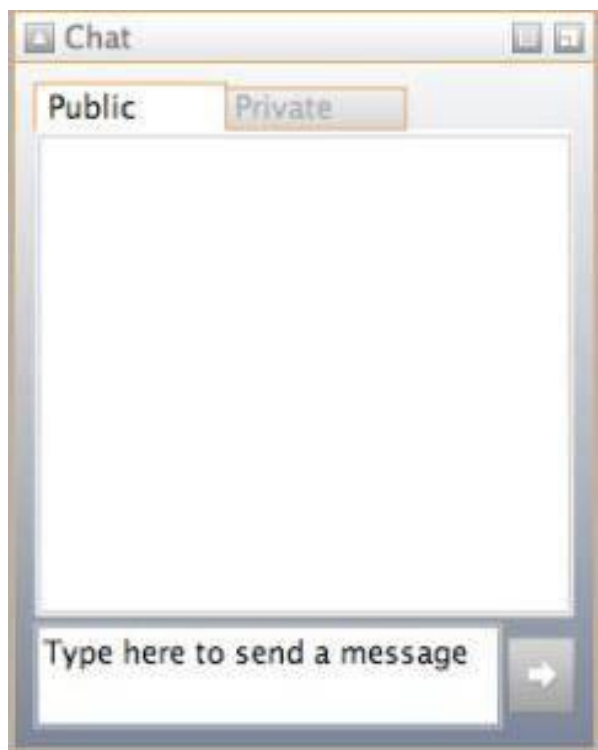
# Translation

- Programs should provide translation of vital written materials into the language of each frequently-encountered LEP group eligible to be served and/or likely to be affected by the recipient's program



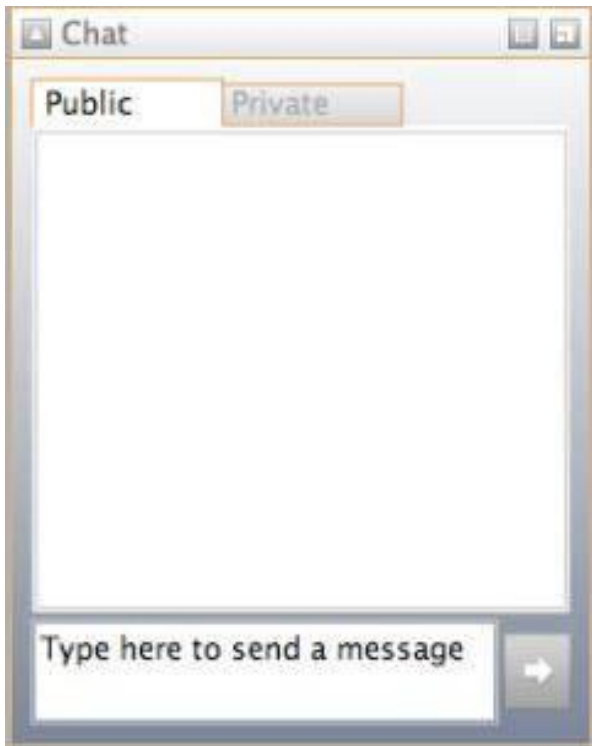
# “Vital Materials”

What materials are  
considered vital?



What documents might be considered vital for?

- Police
- Courts
- Victim services programs



# Vital Documents to Translate

- Notice of free language services
- Legal rights and outreach information
- How to call 911
- Notice of rights and eligibility for agency services
- Law enforcement/Justice system materials
- Intake forms



# Examples of Vital Documents for the Courts

- Notices that interpreters are available at no cost to the client
- Pro se form
- Court orders forms
- Public information on legal rights

# Factors in Identifying Vital Documents for Translation

- Importance of the program information encountered, services involved AND
- Consequence to LEP if information not provided in a timely manner



# Safe Harbor Provisions: Translation

- Accessibility to written translations provides strong evidence of grantee compliance with Title VI language access obligations
- Translate vital documents in all languages spoken by the lesser of 1000 or 5% of
  - Persons eligible to be served or likely to be encountered or affected
  - If less than 50 persons are a group that =5%
    - Notice of right to receive oral interpretation of document free of charge

# DHS Immigration Options for Victims of Crime Brochure




- Languages Offered
  - Spanish
  - Mandarin
  - English
  - Korean
  - Russian

# DO YOU HAVE PROBLEMS *at HOME?*

*Read about your rights in this country*

**AVEZ-VOUS DES  
PROBLÈMES  
À LA MAISON?**  
*Informez-vous sur vos droits dans ce pays.*



**VAINCRE LA VIOLENCE CONJUGALE AUX ETATS-UNIS.**  
**1-800-799-7233**

- Languages Offered
  - Arabic
  - French
  - Gujarati
  - Haitian Creole
  - Hindi
  - Korean
  - Russian
  - Spanish
  - Tagalog
  - Vietnamese
  - (Japanese in progress)

# KNOW *your* RIGHTS

*Read about your rights in this country*

**ЗНАЙ СВОИ ПРАВА**  
*Прочитайте о ваших правах в этой стране*




**ВЪЖИВАНИЕ ЖЕРТВ ДОМАШНЕГО НАСИЛИЯ В США**  
**1-800-799-7233**

- Languages Offered
  - Arabic
  - French
  - English
  - Spanish
  - Tagalog
  - (Korean and Japanese in progress)

# RIGHTS & OPTIONS

## *for Battered Immigrant, Migrant, and Refugee Women*

حقوق وخيارات  
للنساء المهاجرات أو المقيمتات  
أو اللاجئات المعتقات



مقاومة العنف الأسري في الولايات المتحدة  
1-800-799 SAFE (7233)

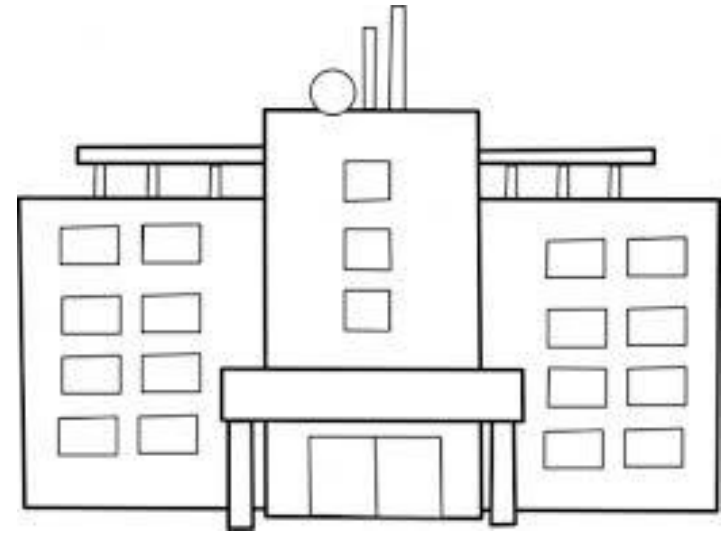
- Languages Offered
  - Arabic
  - French
  - Hindi
  - Spanish
  - Russian

# Best Practices

- Hire bilingual/bicultural who have or receive interpretation training
- Develop qualified interpretation resources and train them on DV/SA
  - Contractors
  - Volunteers
- Arrange/contract for use of telephone interpreters for languages not covered
- Translate written materials that are regularly provided in English for clients



# Systems Advocacy



# Systems Advocacy Challenges

What problems do you encounter in advocating for language access for LEP survivors?



# Programs LEP Victims Need: Federal Funding Sources

- Law enforcement, prosecutors (DOJ)
- Courts (DOJ)
- Legal services (DOJ, LSC)
- Victim services (DOJ, HHS, CDC)
- Family justice centers & supervised visitation centers (DOJ)
- Federal public benefits (HHS, HUD, Agriculture, DOE)
- Housing assistance (HUD, Agriculture)
- Shelters and transitional housing (HHS, HUD, DOE, FEMA)
- Hospitals, health clinics, mental health care (HHS)
- Welfare, job training (HHS, DOL, SSBG, JOLI)
- Education & Head Start (DOE, HHS)
- Child care (HHS)
- Nutrition (Agriculture)

# Raise Your Hand if You Have

- Worked with immigrant victims who encountered language access problems with
  - Police
  - Courts
  - Health care
  - Public benefits



# DOJ GUIDANCE FOR POLICE



# DOJ Model Guidance

- Police provide free language access to:
  - LEP persons who request it
  - *When an officer decides it is helpful to the criminal investigation or prosecution*
- Police will inform members of the public that language assistance is available free of charge
- Language access is provided in person's primary language

# DOJ and Exigent Circumstances

- Use the most reliable *temporary* interpreter available to address exigent circumstances:
  - Fleeing suspect
  - Weapons
  - Threat of life to an officer, victim, or the public

# Exigent Circumstances: What You Do Now Matters Later

## PROS

- Safety
- ID offender
- Locate weapons
- Admissible statements  
(Excited Utterances)

## CONS

- Mistaken ID of offender
- Arrest of victim
- Misinterpretation results in inaccurate statements
- Trauma to children



# DOJ REQUIREMENTS OF COURTS



# DOJ Courts Letter (2010)

- Dispensing justice fairly, efficiently, and accurately is a cornerstone of the judiciary. Policies and practices that deny LEP persons meaningful access to the courts undermine that cornerstone.
- Court systems receiving federal financial assistance, either directly or indirectly, must provide meaningful access to LEP persons

# Raise Your Hand if You Have

- Successfully advocated for immigrant survivors with
  - Police
  - Courts
  - Health care
  - Public benefits



# Systems Advocacy

- Key part of
  - Case planning
  - Safety planning
- Building relationships grows services
  - Police
  - Courts
  - Health care
- Advocacy to secure language access before arrival at
  - Court
  - Benefits granting agencies

# Systems Advocacy

- Person devoted to Language Access
  - Coordinate
  - Support other organizations language access advocacy efforts
  - Funding



# Systems Advocacy

- Advocate –
  - Massachusetts, Washington D.C., New Mexico, Maryland, Los Angeles
- Educate and organize –
  - Washington D.C.
- Support, complaints, tools
  - Washington State, D.C.

# Consequences of Non-Compliance with Language Access Requirements

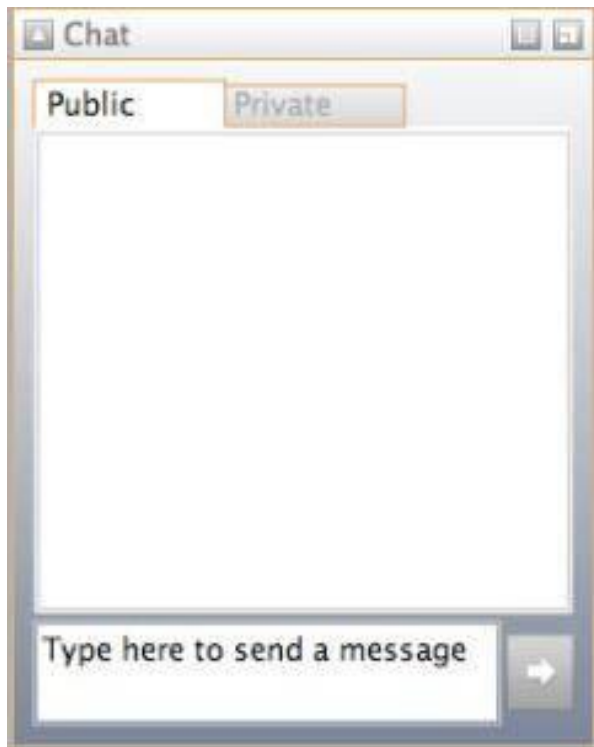
- Informal efforts to encourage voluntary compliance
- If no voluntary compliance, withdrawing of federal funds
- Under federal law, LEP persons have no private right of action
- Use of unqualified persons to interpret, particularly in interactions with the justice system and health care can undermine the ability of those systems to help victim
  - E.g., “conflicting” statements, improper health care treatment

# Complaint Procedure

- Complaint form through Office of Civil Rights, Compliance and Review
- Department of Justice will look favorably on intermediate steps that recipients take given that compliance will take time



From what you learned today, what would you take back to your agency?



# Technical Assistance and Materials

- Power Point presentations and materials for this conference at [www.niwap.org/go/LEP](http://www.niwap.org/go/LEP)
- **API Institute Technical Assistance:**
  - Call (415)568-3326
  - [chan@api-gbv.org](mailto:chan@api-gbv.org)
- API Institute LEP Resources
- **NIWAP Technical Assistance:**
  - Call (202) 274-4457
  - E-mail [niwap@wcl.american.edu](mailto:niwap@wcl.american.edu)
- Web Library: [www.niwaplibrary.wcl.american.edu](http://www.niwaplibrary.wcl.american.edu)

# Questions



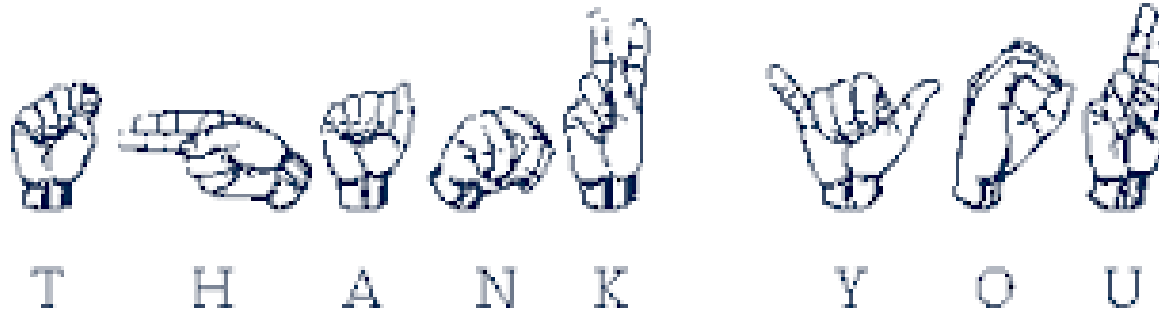
# Evaluations

Grazie

תודה רבה

Danke

어서 오십시오



Merci

شكريه

Gracias

Salamat

Thank you