MOVING TOGETHER TOWARDS LANGUAGE JUSTICE FOR ALL VIRGINIANS

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Hamkae Center (f.k.a. NAKASEC VA) is a community-based grassroots 501(c)3 organization with the mission to organize Asian Americans in Virginia to achieve social, racial, and economic justice.

Through community organizing, grassroots policy advocacy, civic engagement, community service provision, and youth leadership development, Hamkae Center builds a future in which low- and middle-income communities, immigrants, people of color, and other targeted and marginalized communities can fully participate in U.S. society and work together as makers of lasting change.

Addressing language access is the first step to achieving language justice, which can be thought of as

"the freedom to live independently, make choices, and self-advocate without language-based barriers."

Language justice goes beyond an access framework by prioritizing communication, preserving identity, and directly rejecting oppression based in dominant-language supremacy. Ultimately, this framework aims for all communities to communicate, understand, and be understood.

All Virginians deserve to be able to communicate in their preferred language and have access to resources for a safe and healthy life. Yet, state and local government agencies continue to provide services primarily in English, resulting in a lack of meaningful and equitable access for all linguistically marginalized communities (LMC).

While the pandemic highlighted this issue and forced some progress, lawmakers and state leaders must take a number of key steps to eliminate language barriers and make sure that services are accessible to all people. Moving forward, language access must be implemented proactively with consideration towards LMC experiences and unique needs.

Note: "Linguistically Marginalized Communities" (LMC) is used in this report to describe groups and individuals who "use any non-dominant spoken or sign language, and are not fully proficient in the dominant language[1]," which, in the United States, is English. LMC is an alternative to the legal term "Limited English Proficient" (LEP). LMC emphasizes the systemic barriers faced by non-dominant language users in societies that grant privilege to "dominant-language" proficiency, while LEP reinforces a deficit view of non-English language users. Reference to communities as "LEP" is for data reporting and referencing only.
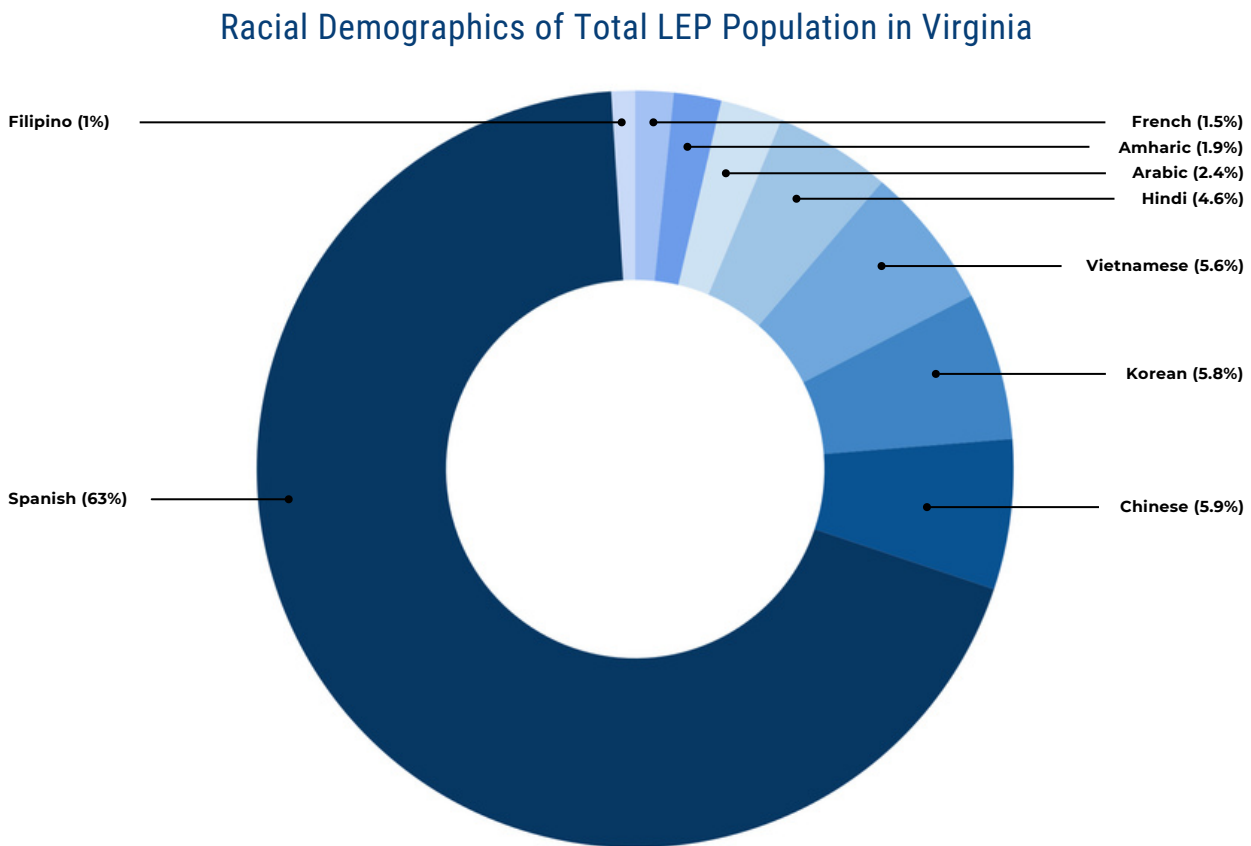
[1] California Rural Legal Assistance - CRLA Glossary of Interpreting Terms

DEMOGRAPHICS

Roughly 485,270 Virginians (6% of total state population) identified as limited English proficient (LEP) in 2019.[2] That is a 14% increase from 2010 and is expected to keep growing over the next decade.[3]

Over 30[4] non-English languages are represented in this number. Of these, the top 10 most common languages are (in order): Spanish, Chinese, Korean, Vietnamese, Hindi, Arabic, Amharic, Farsi, French, and Filipino *(Figure 1)*.[5]

Non-English Languages Spoken by LEP-identified Virginians

Racial Demographics of Total LEP Population in Virginia

Filipino (1%)
French (1.5%)
Amharic (1.9%)
Arabic (2.4%)
Hindi (4.6%)
Vietnamese (5.6%)
Korean (5.8%)
Chinese (5.9%)
Spanish (63%)

(Figure 1: Percentage of top languages reported by total LEP-identified population - by language) [6]
[6] TCI IPUMS analysis of 2019 American Community Survey data

[2] Steven Ruggles, Sarah Flood, Sophia Foster, Ronald Goeken, Jose Pacas, Megan Schouweiler and Matthew Sobek. IPUMS USA: Version 11.0 [dataset]. Minneapolis, MN: IPUMS, 2021. https://doi.org/10.18128/D010.V11.0; provided by The Commonwealth Institute for Fiscal Analysis (TCI)
[3] United States Census Bureau, American Community Survey data, 2010
[4] This number only represents the languages reported in the IPUMS data and does not fully represent all languages spoken in the Commonwealth of Virginia
[5] United States Census Bureau, American Community Survey 5-year data, 2014-2019 ; provided by The Commonwealth Institute for Fiscal Analysis (TCI)
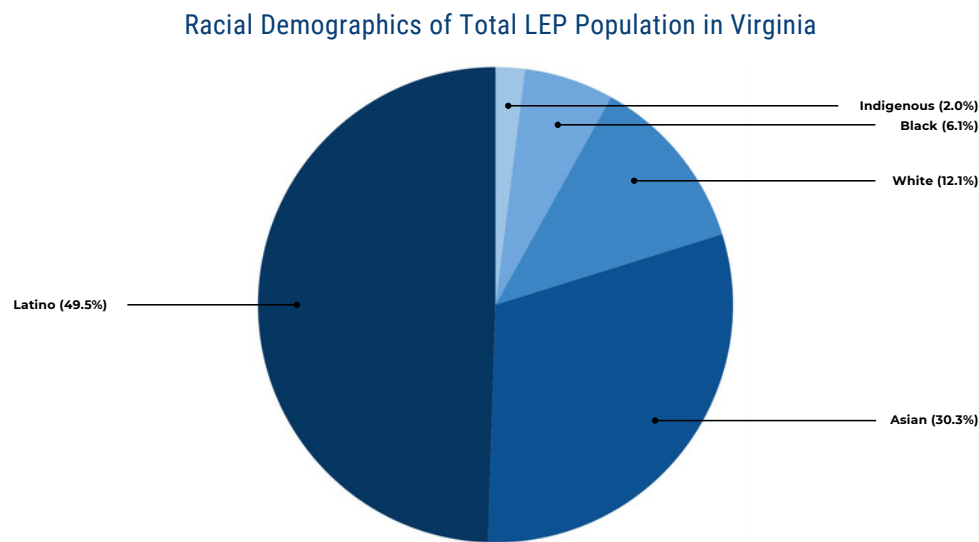[6] TCI IPUMS analysis of 2019 American Community Survey data

DEMOGRAPHICS

## LMC Communities in Virginia Tend to be Latino and Asian American [9]

According to the most recent Census, Latino and Asian American Virginians make up the majority of community members who identified as LEP *(Figure 2)* and have high rates of LMC community members within their own communities *(Figure 3)*.

LEP-Identified Communities in Virginia by Race

Racial Demographics of Total LEP Population in Virginia

Indigenous (2.0%)
Black (6.1%)
White (12.1%)
Asian (30.3%)
Latino (49.5%)

(Figure 2 - Racial demographics of total LEP-identified population)[7]
[7] TCI IPUMS analysis of 2019 American Community Survey data

% of LEP in Each Racial Group in Virginia
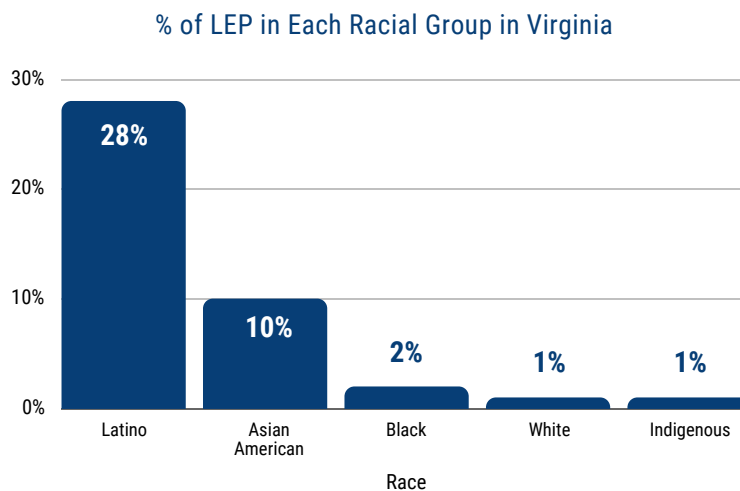
(Figure 3 - Percent of LEP-identified in each racial group)[8]
[8] TCI IPUMS analysis of 2019 American Community Survey data

DEMOGRAPHICS

LMC Communities Exist Across the Commonwealth

LMC communities can be found in all regions of the state *(Figure 4)*. However, it is important to note that languages will vary between regions and localities. Localities should do a deeper assessment of existing data and community surveys to properly understand local linguistic diversity.

LEP-Identified Communities in Virginia by Region

% of LEP in Total Population in Virginia - by Region
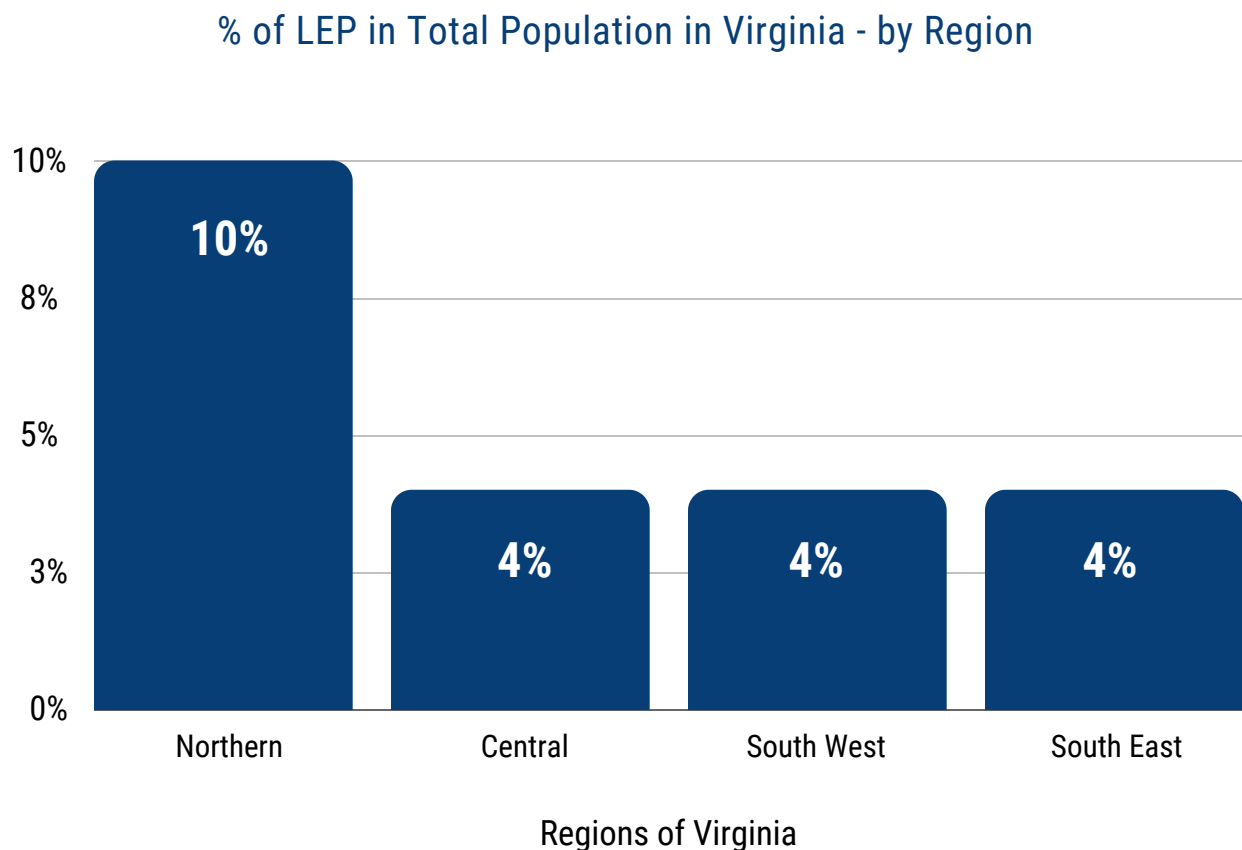
(Figure 4 - Percentage of LEP-identified in total population - by Region) [10]
[10] TCI IPUMS analysis of 2019 American Community Survey data

Without proper language access, LMC Virginians face higher risk factors and disparities compared to non-LMC Virginians. For example, 44.3% of LEP-identified Virginians do not have health insurance[11]. In education, the average Standard of Learning (SOL) pass-rate across all subjects for English Language Learner (ELL) students is 38.8%, which is 43 percentage points lower than non-ELL students (81.4%).[12] And, the average income for LEP-identified Virginians is $15,000 less than non LEP-identified[13] Virginians.

Looking across just three key state agencies, it is clear that the current language access infrastructure in public agencies is unclear, inconsistent, or confusing to navigate for LMC residents seeking to access these critical services.

The Virginia Department of Medical Assistance Services (DMAS), for example, offers comprehensive interpretation and translation options upon request to the Civil Rights Officer. However, it is unclear how an LMC person would make the request by themselves if they cannot speak, read, or write in English.

The Virginia Department of Motor Vehicles (DMV) offers its driver's permit knowledge test in 25 non-English languages. But, other than the test and some publications in Spanish, the DMV does not offer language support for its other in-person and online motor vehicle or licensing services as of July 2021.

The Virginia Department of Social Services (DSS) website offers virtual translation in over 100 languages. While the site provides information on programs and encourages the user to apply for benefits, the application is only available in English and Spanish on the website and on CommonHelp, Virginia's online benefit and application management portal.

[11] TCI IPUMS analysis of 2019 American Community Survey data
[12] Test Results Build-a-Table - Standards of Learning 2019 results. Virginia Department of Education. (2021).
[13] TCI IPUMS analysis of 2019 American Community Survey data

PROBLEMS AND IMPACTS

When language access is not provided by state agencies, informal translators (such as friends and family) who may not be equipped to assist with services become responsible.

These situations disturb relationships, especially between children and parents, and pose risks inherent in relying on underage and untrained interpreters.

New research shows the effects of this practice and found it had long-term behavioral impacts on both the LMC person and the English-speaking relative. [14] [15]

These experiences (especially for children) could result in symptoms of chronic or complex trauma, [16] [17] such as severe anxiety and depression; hypervigilance; chronic physical health issues due to stress (e.g. hypertension); and difficulty with healthy relationship dynamics in adulthood.

> "[The community member] couldn't be seen without providing an interpreter. So, he called me for help because I helped him get the appointment. I'm not a professional or medical interpreter, but he didn't have anyone else to help him. When I got to the clinic, we spent half the appointment time just doing the intake! There were so many questions, and I could tell he was frustrated because he didn't know all the answers off the top of his head. It was upsetting because we lost time with the doctor for something he could have prepared. I think the clinic assumed we'd make another appointment to make up for the time we lost, but I don't think [the community member] wanted to go back after that."

Experience from a Korean-speaking community member recounted to Kevin Han, Health Navigator at Hamkae Center

[14] Angelelli, C. V. (2020). Ethics in child language brokering. In *The Routledge Handbook of Translation and Ethics* (pp. 383-397). Routledge.

[15] Crafter, S., & Iqbal, H. (2021). Child language brokering as a family care practice: Reframing the 'parentified child' debate. Children & Society.

[16] Shen, Y., Tilton, K. E., & Kim, S. Y. (2017). Outcomes of language brokering, mediators, and moderators: A systematic review. Language Brokering in Immigrant Families, 47-71.

[17] Morales, A., & Wang, K. T. (2018). The relationship among language brokering, parent–child bonding, and mental health correlates among Latinx college students. Journal of Mental Health Counseling, 40(4), 316-327.

PROBLEMS AND IMPACTS

And while some LMC Virginians, especially older adults, may not have anyone who can provide language assistance, other LMC Virginians avoid seeking support entirely, even if the benefits would improve their quality of life.

> **My parents tried hard not to let [our low-income status] impact our lives growing up. But, not being able to afford heat and proper food was hard to hide. English is not my parents' first language, which made it harder for them to get food stamps and Medicaid for our family. I was only 8 years old at the time so I wasn't able to do anything to help — except translate and fill out the paperwork. I was happy to do it for my family. But, it got overwhelming sometimes, especially when it came to words that were hard for me to explain in Cantonese like "deductions" and "gross income." It felt like I was the 'parent' and my parents were my 'children.' But, I had to do it despite my feelings. If it weren't for the services we were given, my family wouldn't have been able to live.**

One community member's experience translating vital documents for her parents to get social support resources for her family

These stories are two of thousands in Virginia where quality language support could have helped everyone be safe and supported.

PROBLEMS AND IMPACTS

The pandemic forced progress. We need to keep going.

During the COVID-19 pandemic, LMC communities were at high risk of disparity and mortality because of English-proficiency access barriers. In response to community member demands, Virginia local and state agencies implemented new language solutions to support LMC Virginians during the pandemic. Some solutions include:

- **The Virginia Department of Medical Services**
  - Multilingual outreach for dental expansion and end of 40 Quarter Rule was attempted in five languages - including Tagalog, Vietnamese, and Korean - through social media, posters, brochures, and targeted traditional and digital advertisements
  - DMAS website and new language and disability access plan featured the contact for its Civil Rights Coordinator, who can connect residents to comprehensive language support for DMAS services

- **The Virginia Department of Health: COVID Vaccine "Vax-in-VA" Line**
  - Direct connection to interpreter in languages represented in multilingual phone menu (with keys for Spanish, Korean, Arabic, Mandarin, Cantonese, Vietnamese, and ASL), and over 100 languages via language line
  - Wait times for LMC callers were less than five minutes, resulting in increased successful connections to priority vaccine appointments for LMC callers

- **The Virginia Employment Commission: Unemployment Insurance**
  - Created a new language access coordinator position and featured contact information on the agency website
  - Following the August 2021 special session, additional staff (including bilingual staff) were hired to address the tremendous backlogs

These partial solutions indicate an awareness of language diversity statewide and demonstrate positive potential for comprehensive language access. Despite this progress, however, state agency support remains broadly inaccessible to linguistically marginalized residents.

Informed by the experience of LMC community members and their support networks, and in collaboration with language justice organizers and advocates, Hamkae Center has identified six key recommendations to ensure comprehensive access to resources and support for LMC communities in Virginia.

* Note on the "four factor analysis:" This analysis is a well-known framework used as a needs assessment tool for language assistance services and the extent to which an agency is obligated to provide said services. While it can be a useful starting point, the data used for the analysis should be supplementary to additional measures and recommendations. This is because the four factor analysis framework depends heavily on usage of services by existing LMCs, which can often be skewed, misrepresented, or incomplete. In fact, the four factor analysis has been harmful in language access implementation and enforcement efforts by prioritizing numerical conditions and offers funded entities an option to not provide this critical support by stating that providing language services is too resource intensive. Rather than frequency of usage, needs assessment should prioritize the nature and impact of the provided program or service, the significance of such to the participating individual/community, and consider what support is needed to connect the two. Whether or not the funded entity has clear plans and protocols to do so should also included in the assessment.

RECOMMENDATIONS

1 **Ensure interpretation is available at each state agency and their local branches to communicate with residents in real-time.**

- Provide telephonic language lines at each state agency and visibly advertise it for residents
- Prioritize support from interpreters or staff in bilingual service roles, with phone lines for real-time interpretation and translations in any language requested as a secondary resource
- Match any translated outreach materials, advertisements, or agency publications with real-time, on-site oral interpretation

2 **Translate public-facing materials and communications in top 10 languages served by agency.**

- Ensure that links to translated materials and other language access resources are widely visible, accessible, and easy to find on agency websites
- Translate vital documents - such as program applications, eligibility information, and notices (both virtual and mailed) - and have them readily available in the agency's top 10 languages served
- Provide matching in-language phone, paper, and other alternatives for online application services to support LMCs with low-literacy, disabilities, limited tech access, and other barriers that prevent them from applying remotely.
- Develop and implement "plain language" guidelines and agency standards to simplify writing for translation
- Have translations reviewed by a person (internally or externally) with appropriate knowledge of the language before publishing
- Make internally-written website content (program descriptions, statements, etc.) available in top 10 languages
- Provide in-language context or descriptive notes for any words with non-English equivalents to maintain the integrity of the documents (for English and non-English languages), especially when paraphrasing is prohibited or verbatim translation is required

RECOMMENDATIONS

3 **Regularly track agency language access usage (services used, complaints, top languages, etc.) and make reporting publicly accessible.**

- Identify most-common languages (after English and Spanish) in each agency's service areas to provide appropriate language support in each local branch
- Proactively assess needs for spoken, signed, and written language services at the earliest point and confirm throughout the life of a case, claim, application, service, or benefit
- Track and publish reporting of which language resources (language line, in-person interpretation, translation, etc.) are most requested and used by LMC residents
- Publish, promote, and implement agency-wide language access plan, and revise it annually or bi-annually after initial implementation
- Publish and promote an annual agency-wide language access report

4 **Develop formal advocacy and accountability protocol for internal and community-facing language access violations.**

- Establish grievance procedures for internal and community-facing language access violations through the Office of Diversity, Equity, and Inclusion
- Implement unannounced checks of language line quality, cultural competency of state agency staff in connecting Virginia residents to language access options by Office of Diversity, Equity, and Inclusion's (ODEI) Statewide Language Access Coordinator
- Regularly convene a language access community advisory board to review and investigate federal Title VI and state language access violations. Community advisory board should (at minimum) be comprised of:
  - LMC community board members
  - community-based organizations
  - legal aid organizations
  - state agency staff
- Ensure that services are extended or not disrupted when language access complaints are in the process of being resolved (e.g. a Medicaid consumer's benefits should not end while in the middle of a complaints process)

RECOMMENDATIONS

5 **Build and allocate resources for administrative infrastructure to ensure equitable language access management, support, and resourcing.**

- Establish a dedicated language access coordinator role at each state agency to develop agency-specific language access plans liaison among agencies
- Actively recruit and train multilingual staff to provide meaningful language services
- Regularly train all public-facing staff on various aspects of serving and providing ongoing-support to LMCs. Topics may include:
  - internal protocols on obtaining language services in real-time
  - working with interpreters
  - local demographics and identifying language needs
  - legal mandates
  - interpreting skills
  - ethics
- Allow local offices to provide language support at the discretion of each local community's identified language needs (ex: Nepalese in Richmond and Henrico)
- Designate an overseeing entity that sits in the Governor's administration to coordinate language access statewide - for example in Office of Diversity, Equity, and Inclusion
- Codify language access efforts, language access coordinators, and the Office of Diversity, Equity, and Inclusion (as the overseeing body of state language access) in Virginia's State Code
- Include language access as a priority line item for all state agencies in the General Assembly and Governor's budget
- Ensure that public facing third party vendors also have the necessary resources to provide meaningful language access and comply with legal mandates
- Convene a designated body for community stakeholders to promote state language access improvements and make advisory recommendations to state agencies - for example, a Language Access Task Force

RECOMMENDATIONS

6 **Collaborate with LMC communities and community advocates on agency-wide language access decisions and reporting.**

- Establish a statewide advisory panel within each agency, comprised of LMC community members from across the Commonwealth, to review initiatives, current projects, and reporting
- Convene quarterly meetings between state agency language access task force and community stakeholder task force to discuss advocacy opportunities including, but not limited to:
  - community impact of current practices
  - agency reporting
  - new and ongoing initiatives
  - proposed policy changes
- Provide opportunities for state agencies, regional overseeing bodies, and local branches for language advocates (such as the Office of Diversity, Equity, and Inclusion, community organization and groups, individual language access advocates, and the general public) to participate in decision-making. Examples of opportunities include:
  - public commenting periods
  - internal task forces
  - location-specific or agency-specific town halls

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