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## D.C. Language Law Breaks New Ground -- But Lacks Teeth



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New America Media, News Report, Archana Pyati, Posted: Jun 23, 2012

*Photo 2: Language interpretation and culturally-competent services are crucial for immigrants. The District of Columbia even has an Office of African Affairs to assist the many newcomers from Africa, like the family in this photo posted on the office's website.*

WASHINGTON, D.C.--Mangamana Kao made multiple trips last year to the District of Columbia's public benefits office to get the medical assistance and food stamps he could rightfully receive as a legal immigrant from Togo. On each visit, he made a simple request that was always --and illegally--denied: He asked for an interpreter who could translate into French, his primary language in Togo.

Kao, 42, felt frustrated during these exchanges with government employees, yet he never understood that D.C. officials were breaking the law until he met a language-access advocate last summer at a Togolese social event. She told him about his rights under the Language Access Act, signed into law by then-Mayor Anthony Williams in 2004.

"That's when I realized that when you don't know your rights, you are being mistreated," Kao said in an interview.

### Lacks Enforcement of Groundbreaking Law

The advocate Kao met asked him to fill out an anonymous survey so he could share his experience. He was one of 258 people with limited or no English proficiency (LEP/NEP) who responded to the survey.

The results are published in a new report casting a critical eye on D.C.'s lack of enforcement of its groundbreaking language access law.

Often called a gateway or sanctuary city for immigrants, the nation's capital is one of the few cities offering legal protections and substantial benefits to those seeking refuge in the United States.

### Ten Things You Need to Know

The District of Columbia's language access law is one of many local or state laws to enhance federal legislation prohibiting discrimination based on national origin, including discrimination in language access, stemming from the 1964 Civil Rights Act.

According to the National Senior Citizens Law Center (NSCLC), "These civil rights protections have become well-established through an Executive Order and various federal regulations. Any recipient of federal



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[“Access Denied: The Unfulfilled Promise of the D.C. Language Access Act,”](#) co-written by student attorneys at American University’s Immigrant Justice Clinic and advocates from the D.C. Language Access Coalition, faults the District government for falling short of its obligations spelled out in the law.

The D.C. statute requires government agencies to offer language interpretation consistently, such as through bilingual staff or telephone service, translation of vital documents in languages covered by the law, tracking of language needs among people across agencies, and training of frontline employees on offering language access in a culturally competent manner.

The law is one of many local and state statutes enhancing federal legislation prohibiting discrimination in language access, beginning with the 1964 Civil Rights Act. (See sidebar to this article.

Kao was among the nearly 60 percent of survey participants who faced obstacles when trying to accessing services in their own language, according to the report. Also, 74 percent encountered problems specifically related to oral interpretation, particularly if they spoke Asian or African languages, or African dialects of French.

### **Unequal Services Tested in Eight Languages**

The reports says the breakdown in communication usually happens the moment an LEP individual walks up to an agency’s front desk.

“The majority of the problems come from that first point of contact,” said Jennifer Koduru, a former student attorney who contributed to the report. “It’s not illegal to make an individual wait, but it is illegal if you’re making them wait because of their language needs because it’s not equal service under the law.”

In addition to surveying community members, the coalition also recruited bilingual volunteers to test access to agencies in eight languages, such as through office visits, phone calls and website reviews.

After asking for an interpreter, testers often got rude or confrontational responses from agency employees. What’s needed is a change in deeper, prejudicial attitudes towards LEP/NEP immigrants among some employees, addressed through cultural competency training, said Sapna Pandya, executive director of Many Languages, One Voice, the group administering the D.C. Language Access Coalition.

“Some of them don’t know, some of them don’t care, and some of them are of the opinion that LEP folks shouldn’t be getting access to services anyway,” Pandya stated.

Monica Palacio, who directs the District government’s language access program, said her two-person office trains between 100 to 200 employees a week, and the demand is growing so much she’s exploring the use of language-access trainings via webinars. “Agencies are requesting the training more proactively as opposed to us having to chase after them,” Palacio asserted.

### **Failure to Track Language Needs**

The D.C. government does audit its language-access performance annually, assigning each agency a score, based on language testing by an independent service. But the authors of “Access Denied” say these compliance reviews paint a rosier picture than what agencies truly deserve. The yearly reviews rely on self-reporting by each agency and testers hired by the government.

“Every single agency got an above average rating, even ones that we found problems with,” said

funds is required to take reasonable steps to ensure meaningful access to programs by LEP individuals. Many states and localities also have enacted additional specific requirements for language services for Limited English Proficiency individuals.

Immigrants and their advocates of any age can find useful information and links to important national resources by downloading NSCLC’s handy, three-page fact sheet titled, [“Ten Things You Need to Know About Language Access Advocacy for Seniors.”](#)

Koduru.

As a newcomer to the District, Kao has made the rounds to various offices, such as the Department of Motor Vehicles, Public Benefits Office and—now that his family has joined him from Togo—the local school district. Yet there’s no single database tracking his language needs, another systemic flaw identified in “Access Denied” and one acknowledged by city officials.

“Each agency has its own customer management database,” said Gustavo Velasquez, who directs D.C.’s Office of Human Rights, which oversees the city’s compliance with the law.

“Across 34 agencies [covered by the law], there’s variety in how consistently people do this, but this is vital information.”

The underlying problem with the D.C.’s language access law, advocates say, is that people can’t sue the government if their rights have been violated.

In 2011, only seven people filed complaints with the Office of Human Rights (OHR), which “doesn’t mean these violations aren’t happening,” said Laura Varela, director of the Immigrant and Refugee Rights Project at the Washington Lawyers’ Committee for Civil Rights and Urban Affairs.

“My biggest issue with this law is that it has no teeth,” Varela said. “There’s no deterrent effect.”

### Fear of Filing Complaints

Legal Aid housing attorney David Steib said many of his clients are unwilling to file complaints because their main concern is accessing services or getting an issue resolved.

Undocumented clients may not want to draw attention to their immigration status, which has no bearing on their right to make a complaint. Also, filing complaints requires time off from work to be interviewed by OHR staff, which may lead nowhere, even with the newly proposed appeals process.

Additionally, complainants can’t recover damages for lost wages, transportation costs or attorney’s fees, so there’s no financial incentive for people to make their voices heard and keep the government accountable.

“If someone brings a language-access complaint, they’re doing it for the community,” he said. “It’s a very altruistic thing.”

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