City of Santa Fe

Agenda

CITY CLERK'S OFFICE
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BY Victor Vigil
BY

IMMIGRATION COMMITTEE MEETING

Tuesday, July 10, 2018
Market Station
Caboose Room
500 Market Station
4:30 p.m.-6:00 p.m.

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes: April 10, 2018
4. Community Comments
5. New Business/Action Items:
6. Old Business:

   a. Subcommittee Updates:
   - Welcoming Communities
   - Education
   - Social Media & Communications
   - Refugee Resettlement
   - Police Department

7. Comments from the Chair and Committee Members
8. Report from Staff
9. Adjournment

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IMMIGRATION COMMITTEE
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Approval of Agenda **Amendments:** i. Report on Census particularly on citizenship questions, public comments period is open until August 7th. ii. Sponsoring: Multilingual Spaces: From Language Access to Language Justice workshop hosted and sponsored by Somos, the Sky Center and the Welcoming Subcommittee of the City of Santa Fe Immigration Committee. (Nikki Laudicina), Speaker iii. Information from Community on recent ICE activity in Santa Fe. Mr. Schiavo informed the committee they could not add an action item.	***Ms. Diaz moved to approve the agenda as amended, second by Ms. Guerrero, motion carried by unanimous voice vote.***	Page 2
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- Police Department		
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IMMIGRATION COMMITTEE
Tuesday, July 10, 2018
4:30 pm –6:20 pm

MINUTES

1. **Call to Order**
Javier Rios, Acting Chair, called the meeting to order for the Immigration Committee at 4:45 pm at the City of Santa Fe Market Station. Roll call reflects a quorum.

PRESENT:
Susan Hayre
Amparo Guerrero
Marcela Diaz
Jewel Cabeza de Vaca
Javier Rios, Acting Chair

NOT PRESENT:
Alejandra Seluja, Resigned
Maria Cristina Lopez
Elizabeth Hemmer

STAFF/OTHERS PRESENT:
Mayor Alan Webber
Lt. Judah Montano, SFPD
Nick Schiavo, Interim Community Services Director
Anna Serrano for Fran Lucero, Stenographer

Nikki Laudicina, Summer Intern at Somos un Pueblo Unido

2. **Approval of Agenda**

Amendments:
i. Report on Census particularly on citizenship questions, public comments period is open until August 7th.
ii. Sponsoring: Multilingual Spaces: From Language Access to Language Justice workshop hosted and sponsored by Somos, the Sky Center and the Welcoming Subcommittee of the City of Santa Fe Immigration Committee. (Nikki Laudicina), Speaker
iii. Information from Community on recent ICE activity in Santa Fe.

Mr. Schiavo informed the committee they could not add an action item.

Ms. Diaz moved to approve the agenda as amended, second by Ms. Guerrero, motion carried by unanimous voice vote.

3. **Approval of Minutes: May 8, 2018**

   Minutes were not presented at this meeting. They will be approved at meeting in August, 2018.

4. **Community Comments**
   None

5. **New Business/Action Items**
   Census:
   Ms. Diaz presented (Exhibit 1) Press Release from Somos Un Pueblo Unido as an organization plaintiff in the national law suit against the Trump administration for adding a citizenship question to the 2020 Census that could cost rural communities billions in federal funding by undercounting its growing Latino and immigrant population. The lawsuit was filed by the Mexican American Legal Defense and Education Fund (MALDEF) in federal court on behalf of several community-based and voter's rights groups throughout the country. In March, the US Department of Commerce issued a memo announcing its decision to include a question about every person's citizenship status. New Mexico immigrant rights group join nationwide lawsuit to block Trump administration from adding citizenship question to 2020 Census. In the Exhibit there is a list of all who are involved in the lawsuit.

   "An undercount, even a small one, in New Mexico could cost us millions of dollars in federal funding for crucial social programs," said Ms. Marcella Diaz, Executive Director of Somos Un Pueblo Unido, New Mexico's only organizational plaintiff in the lawsuit. Ms. Diaz asked the Immigration Committee on behalf of the City to make a comment and make a recommendation either through the Mayor and City Council to file a public comment by August 7th. Exhibit 1 includes links to view the complaint and to view MALDEF's national press release with more details of the lawsuit.

   Mr. Schiavo stated that a document can still be sent forward to the Mayor.

   Mayor Webber is aware of the lawsuits and has sent a comment through the US Conference of Mayors.

   Ms. Diaz talked in more detail about exhibits that are attached. She also stated that she has had discussions with Councilor Villarreal regarding the Census questions.

Multilingual Spaces: From Language Access to Language Justice (Exhibit 2)
Nikki Laudicina stated that Multilingual Spaces: From Language Access to Language Justice workshop hosted and sponsored by Somos, the Sky Center and the Welcoming Subcommittee of the City of Santa Fe Immigration Committee will take place on August 10th The first workshop is shorter, 2 hours and it is called multi-lingual spaces from English Language to English Justice. This workshop is designed to help share experiences and shared analysis on the ethics and justice system multi-lingual best practices. This workshop is valuable for those who work with interpreters or groups of people who speak another language, as well as for those who organize multilingual events with limited resources who want their voices to be heard. The end goal is for participants to share resources, explore multilingual best practices, and to begin the important conversation about what language access in Santa Fe's community could look like. The workshop will also help providers and staff ensures accurate information dissemination and diverse community input. Information on how to register is included in Exhibit 2. https://gl/forms/6JOXMDaygZ5mnpCQ2 or call 505-424-7832.

Rayos Burciaga – Introduced by Somos un Pueblo Unido
Blue Corn Café, place of employment. He stated that 3 months ago they were visited by ICE for an I-9 Audit Inspection and workers were not aware. One worker called Somos to inquire what they should do. Workers went to the Manager to ask about the inspection. Manager assured them there was no problem. After 3 months they were called to a meeting to inform them that all documents had to be turned in. Blue Corn lied to their workers. During the time workers called again to say they had not worried for three months however they noticed new people were being trained for their jobs. Many of the 55 workers have still not found new jobs. Now they are worried that ICE has all of their contact information. Some were long time workers.

Auda Marina Ordonez Perez
On May 16th she went to work through Rufina Street and saw a car with lights actually, 2 vehicles behind her. They stopped and approached her and asked her for her papers. She handed her driver's license to them and they again asked her for her papers. He thought she was undocumented and asked her to get out of her car. They asked her if she knew Alfredo Tobar. She said no. He then stated he was from Immigration, hand cuffed her and took her to the parking lot at Home Depot for processing. They said she had overstayed her Visa. They searched her in the parking lot of Home Depot at 4:30 pm and took her to the detention center in El Paso. She was detained for 14 days. They lowered the bond to $1500 and she had to spend the weekend there. She has been in Santa Fe for 8 years and she is here alone with no family. She has three children in Guatemala and she works two jobs.

Ms. Guerrero asked her what her experience was when she was detained.

Auda Maria: It was hard; they yelled at them, they demanded she take the upper bunk which she could not climb because her foot was hurt. She is 50 years old and they were demanding her to climb to the top bunk.

Ms. Guerrero said that her organization offers services for PTSD symptoms.

Estrie Aaron Santos – Same day as Auda Marina.
(*Mr. Santos came to the meeting with his wife and his small children.*)
Mr. Santos stated that they (ICE) followed him to the school and stopped him to ask if he lived in the same house as Auda Marina. (He doesn't but his mother does). He took his kids to school and behind him was a vehicle with flashing lights. The person in the car told him he was in a stolen car. His car was not a stolen car. He took out his credentials and went back to the vehicle. ICE officers asked that he exit his vehicle. Estrie asked if he could take his kids to school. His kids were worried that the car was stolen and they were crying. They took him in to custody and took him to Albuquerque, he often hears about these cases. It's one thing to hear about the stories but another to live it. Mr. Santos came with a Visa that had expired and had just had surgery. His wife told them at the scene that her husband had just had surgery and that she does not drive. They told him they would give him medicine. They gave him feminine napkins to clean his surgical sores.

Ms. Guerrero: Where were you when they asked for your papers?

Ms. Hayre responded for him, he was in a school zone. His wife does not drive so the kids were trying to get to school. The school helped him by making some phone calls. A lot of the kids at the school saw what was going on.

I-2-B record was requested by Somos.

Ms. Diaz: ICE does not have jurisdiction to stop someone because they are looking for someone else.

Ms. Guerrero: This treatment is unreal and we cannot permit this. We need to be more rational.

Ms. Diaz stated she has already talked to the Mayor and the Police Chief regarding this situation with ICE. People are confusing the two. The people are thinking that ICE and Police are one in the same. They need to know how to distinguish the two. These ICE folks need to show their identification.

Ms. Guerrero said that the situation is very complicated right now.

Mayor Webber said he called ICE in El Paso and expressed his objections. The phone call was unsatisfactory and he followed up with a letter to ICE officials.

Ms. Guerrero expressed her thanks to Mayor Webber for attending tonight's meeting and expressed that they need his help.

Officer Montano, SFPD, said that this case has been resolved.

6. **Old Business**
   a) Subcommittee Updates
      a. Welcoming Communities
      Ms. Diaz handed out the Welcoming Economies Convening Report for the Immigration Committee. (Exhibit 3) Meeting held in Louisville, Kentucky on June 18-20, 2018.

      b. Education
      c. Social Media & Communications
      d. Refugee Resettlement
      e. Police Department

7. Comments from the Chair and Committee Members
   Ms. Cabeza de Vaca commented that this committee needs to meet more often and put things back together with the membership to strengthen the presence of the Immigration Committee.

8. Report from Staff

9. Adjournment
   There being no further business to come before the Immigration Committee, the meeting was adjourned at 6:20 pm.

Signature

Javier Rios, Acting Chair

Fran Lucero, Stenographer

FOR IMMEDIATE RELEASE
Thursday, May 31, 2018

Contact:
Somos Un Pueblo Unido
(505) 424-7832
somos@somosunpueblounido.org

New Mexico immigrant rights group joins nationwide lawsuit to block Trump administration from adding citizenship question to 2020 census

SANTA FE, NM - Today, *Somos Un Pueblo Unido* joined a nationwide lawsuit to block the Trump administration from adding a question regarding citizenship to the 2020 U.S. Census that could cost rural communities billions in federal funding by undercounting its growing Latino and immigrant populations.

The lawsuit was filed by the Mexican American Legal Defense and Education Fund (MALDEF) in federal court on behalf of several community-based and voter's rights groups throughout the country.

In March, the U.S. Department of Commerce issued a memo announcing its decision to include a question about every person's citizenship status. The announcement came amid an uptick in ICE enforcement activities in New Mexico and more aggressive tactics at businesses, courthouses, and in neighborhoods. The question has been widely decried by community-based organizations and researchers claiming that it would deter hard-to-count communities from participating in the Census, especially Latinos and immigrants who are already on edge and feeling targeted by federal agencies.

"An undercount, even a small one, in New Mexico could cost us millions of dollars in federal funding for crucial social programs," said Marcela Díaz, Executive Director of *Somos Un Pueblo Unido*, New Mexico's only organizational plaintiff in the lawsuit. "It would also undercut political representation of growing Latino and immigrant populations in New Mexico's rural communities. Adding this question is another attempt by the Trump administration to attack our families and erase our contributions to the communities we call home. We must push back because the stakes are too high."

New Mexico is already vulnerable to a census undercount because of its high percentage of hard-to-count communities, including immigrants, rural residents, and Native Americans. Approximately 6 billion in federal dollars to New Mexico over the next ten years depend on an accurate count. And according to a report from the New Mexico Geospatial Advisory Committee, an undercount as small as 1 percent could cost New Mexico $600 million in federal monies.

"We are working hard to engage Latinos in the political process as part of *Viva el Voto*, our citizenship and voter registration campaign in southeastern New Mexico," said Carmen Quiñones, a long-time member of *Somos Un Pueblo Unido* who has lived in Roswell for 11

Exhibit 1

years, has three U.S. citizens children, and whose husband works in the dairy industry. "People are already afraid of the federal government because of ICE's increased presence and enforcement in our area. If they don't participate in the Census, it will mean fewer programs for our children and it will weaken our political voice."

An accurate Census count is especially critical to rural communities where Latinos and immigrants are driving growth, and in New Mexico there are several counties where this is the case according to a recent report by Headwater Economics, a research group based in Montana. They are helping keep school districts open and are sustaining local workforces in key industries such as agriculture, dairy, construction, service, and oil and gas. They also inject economic vigor, social diversity and youth into otherwise stagnant and aging rural communities.

"The future of rural New Mexico is at stake," said Polo Mendez, a former elementary school custodian and member of Somos who has lived in Clovis for 14 years and helps register Latino voters. "Trump and his allies are trying to make immigrant families invisible, even though we are vital to the survival of many rural communities. If the citizenship question is allowed to move forward, all New Mexicans will pay the price, not just immigrants. We must not be silenced. We must unite and stand up to Trump."

Previous census data shows that approximately 10% of New Mexico is foreign born and about 100,000 children born in the state have at least one immigrant parent.

Click here to view the complaint.
Click here to view MALDEF's national press release with more details of the lawsuit.

For more information about the legal claims of the lawsuit or to speak with one of the MALDEF lawyers, please contact Sandra Hernandez at shernandez@maldef.org

For more information about the impact on New Mexico, please contact Emmanuelle "Neza" Leal-Sanchez at (505) 307-5034 or neza@somosunpueblounido.org

###

Somos Un Pueblo Unido is a statewide immigrant-led civil and workers' rights organization with membership teams in eight counties and offices in Santa Fe and Roswell.

Lawsuits against the Government involving the citizenship question

Shortly after the announcement of the question, several lawsuits were against the government for the inclusion of the question:

- **New York-led, multi-state lawsuit:** This lawsuit, filed in the U.S. District Court for the Southern District of New York, includes 16 states and the U.S. Conference of Mayors.
  The 16 States are: CT, DE, IL, IA, MD, MN, NJ, NM, NC, OR, RI,VT, DC, MA,PA and VA.

- **California Suit:** California's Attorney General, Xavier Becerra filed suit against the administration over the addition of the citizenship question, claiming that the addition of the question would hurt the accuracy of the Census, with major implications for the state.

- **NAACP Suit:** The NAACP has also filed a lawsuit against the government focusing on the accuracy and integrity of the 2020 Census. The lawsuit claims that the steps the bureau has taken to prepare for the Census will significantly undercount African Americans and communities of color.

- MALDEF lawsuit: MALDEF and several state partners are suing the administration over the addition of the question. The lawsuit questions whether or not the addition of the question violates the equal protection clause of the constitution.

- ACLU lawsuit: The ACLU alongside CASA, NYIC, MTR New York, American-Arab Anti-Discrimination Committee (ADC) and the ADC Research Institute have filed suit against the Census Bureau claiming that the addition of the question will suppress participation rates and negatively impact the results, related redistricting process and community services and funding.

BILLS

Three Democratic bills on the 2020 Census have been introduced:

1. 2020 Census Improving Data and Enhanced Accuracy (IDEA) Act (Rep. Maloney)

A bill calling for Congressional oversight of questions, timely and tested inclusion of questions and a focus on accuracy to ensure integrity of the 2020 Census

2. Every Person Counts Act of 2018 (S. 2580, Sen. Menendez)

Would specifically prohibit the Census from asking about citizenship or immigration status.

3. The 2020 Census Accountability Act (H.R.5292, Rep. Soto)

Bill would establish a task force to review all new census questions and report to Congress on any effects of participation or negative impact census.

Census 2020: The Citizenship Question and What It Means for Immigrant Communities

What is the Census and why is it important?

The decennial Census is a survey conducted every 10 years to count *every* person living in the United States. The Census collects population data that is used for many purposes, including apportionment of seats in Congress and deciding how federal dollars will be distributed to local and state governments

A Look Back At the Census

The U.S. Census dates back to 1790 and is conducted every 10 years. The goal of the Census is to count individuals living in the United States, regardless of immigration status. It is a tool for the U.S. government to obtain a snap shot of our nation's demographics. Despite the current debate, the government *did* ask about citizenship on the Census short form up until 1950. After this, the American Community Survey, distributed every year, housed the citizenship question on its form.

The US government has had a history of misusing Census data against American citizens. The most notable of these was in the 1940s when the Bureau used information from the 1940 Census to help send Japanese Americans to internment camps during WWII.

In the early years of the Census, questions related to representation of African Americans ("free person") post slavery and American Indians, ("Indians not taxed") surfaced. While eventually both populations were fully included in the count, these are historical reminders of the fight for representation of communities of color in the United States and a history we cannot move backward.

Over time, the Census Bureau has made policy changes and Congress has introduced resolutions to increase protections and confidentiality for survey participants.

Census data is used to:

- Decide how many congressional districts each state will have based on the number of people (citizens and non-citizens alike) counted. This is called apportionment. The fewer people a state has, the fewer seats in Congress they get. This means fewer votes in the Presidential elections and a dilution of the political power of people of color.
- Calculate how much money state and local governments will have to spend on programs like Medicaid, SNAP, and Pell grants.
- Determine who gets new schools, hospitals and roads. Areas with higher populations might see their communities grow with money from the federal government.

If the Census doesn't count all of us, our communities could lose money for important programs and resources and even lose Congressional districts in states.

Why is there an emphasis on citizenship on the 2020 Census?
The Census counts every person who lives in the United State no matter a person's immigration status. This year, the Secretary of Commerce, Wilbur Ross, whose department oversees the Census, included a question asking about citizenship. This move by the administration is politically and racially motivated and is no doubt aimed at negatively affecting efforts to ensure a full count, particularly of immigrants and people of color.

The process is in motion to finalize the questionnaire for the 2020 Census and for now, the immigration status question is included. However, before the questionnaire is finalized, the public will be able to weigh in through a public comment period. It has been decades since the government has asked about citizenship on the Census and there's a real concern that people may be afraid to answer a citizenship question and avoid the census altogether. It is ***really*** critical that every person is counted in the Census since an accurate count of population determines many things, including critical funding streams for federal programs and political representation. We must build the groundswell of support for engagement as a way to fight back against yet another attempt by this administration at dehumanize and disempower our communities.

The intent from this Administration is clear: to exclude immigrants from the Census by causing fear *and confusion, therefore changing the electoral landscape*. Completing the Census then becomes an act of defiance. We matter, and we will be counted! This narrative needs to gain momentum through a well-designed education campaign about the importance of the Census for our communities and the importance of being counted. If we cannot stop the question from being added, we must continue this narrative, with information about our rights, how to safely answer the Census truthfully, and make sure that this administration understands that their efforts to intimidate us into not participating will not succeed.

Is there anything that we can do right now to stop this question from being officially added to the 2020 Census?
Yes! There is still time to stop the question. Before the questions for the 2020 Census are final, they are open to a public opinion comment period and comments are included in the official federal record. At this point in the process we can have an impact by generating as many comments opposing the move as possible.

The public comment period is one way in which the community members can say "no" to the addition of the citizenship question. The public period comment is open and comments must be received before August 7th. **Please see the FIRM public comment toolkit for details.**

FIRM FAIR IMMIGRATION REFORM MOVEMENT

Oppose Citizenship Question in the 2020 Census
Public Comment Toolkit

Earlier this year the Census Bureau announced the inclusion of a citizenship question to the 2020 Census. The addition of this question has caused a great deal of uncertainty in the immigrant community and could undermine accuracy of the Census and lead to an inaccurate population count. Since federal funding and political representation is determined by the population count obtained in the census, an inaccurate population count would significantly impact individuals, families and the country.

The 2020 Census Survey is not yet final and the draft survey is currently open for public comment until August 7. This public comment period allows the public to voice opposition to the inclusion of a citizenship question. FIRM is recommending that all comments be submitted in advance of the August 7th date to ensure receipt by the Department and to allow for any technical errors that may occur.

Who can submit a public comment?
Anyone concerned with the inclusion of a citizenship question can submit a comment before August 7th. Comments can be submitted from individuals, organizations, elected officials, allies and other concerned parties.

Why are public comments important?
The Census Bureau and the Trump Administration need to hear loud and clear that our communities reject the addition of this question. Public comments allow the administration to see and measure the opposition to the citizenship question. Submission of public comments also provides a public record of individuals who have spoken out against the inclusion of the citizenship question.

What is included in a public comment?
The goal of public comment is to share your perspective on the issue at hand. In this case, sharing your concerns about a citizenship question being added to the 2020 Census and the effects of this question on the accuracy of the Census, which is connected to resources for communities. FIRM is opposed to the citizenship question in the final survey.

Some questions to consider when commenting:

- How will this question specifically impact the accuracy of the Census and how will an inaccurate count impact your local community and state? Are there specific programs or projects in your community that are at risk of being underfunded?
- How will this impact your organization and the work you are doing to get an accurate count of your communities? Will you need to add additional dollars to your state Census fund to increase community engagement and participation in the Census efforts?
- How might this impact political representation in your communities?

Submitting a comment:

There are two ways to submit public comment. We suggest that comments be submitted in English. Unfortunately, regulations.gov has little capacity to translate large quantities of comments and there is a higher possibility that the comment will be considered if it is in English.

Comments must be received by the Department BEFORE 11:59pm on August 7th.

Online: **TBD INSERT THE PORTAL INFORMATION**

By Mail: **Comments must be received by the Department BEFORE 11:59pm on August 7th.**

Mail To:
Jennifer Jessup
Departmental Paperwork Clearance Officer
Department of Commerce, Room 6616
14th and Constitution Avenue NW
Washington, D.C. 20230

Sample comment:

Jennifer Jessup
Departmental Paperwork Clearance Officer
Department of Commerce, Room 6616
14th and Constitution Avenue NW
Washington, D.C. 20230

Re: Docket number USBC-2018-0005
2020 Census

Dear Ms. Jessup,

I write as part of {***SAMPLE the Fair Immigration Reform Movement (FIRM) a network of organizations committed to immigrant justice and a fair and accurate population count***]. The goal of the Census is to count ALL individuals living in the United States, regardless of immigration status. The census is a tool for the U.S. government to obtain a snap shot of our nation's demographics and one that is critical to the apportionment of seats in Congress. The addition of a citizenship question is harmful to the overall accuracy and integrity of the Census and I object to its inclusion in the 2020 Census.

In the United States, 16.7 million people live in mixed immigration status households. The members of these families are very much a part of our country and communities and adding a citizenship question to the 2020 Census threatens to erase their presence in our country.

In the early years of the Census, questions about whether to include representation of African Americans and American Indians surfaced. While eventually both populations were fully included in the count, these are reminders of the fight for representation of communities of color in the United States and a history we cannot repeat. The inclusion of the citizenship question would do exactly that.

Additionally, including a question that would make it more difficult to capture our communities accurately will lead to an increase in the cost in the Census. This would mean more taxpayer money to complete a Census count that will likely not be the most accurate. An inaccurate count could mean the loss of local funding that supports important programs and infrastructure projects in our communities.

Finally, ***[insert your own comments here. See suggestions above to help personalize and localize the message***] _____

_____

_____

_____

_____

The Census should stay committed to the goal of counting every person who resides in the United States, regardless of status. Thank you very much for your attention to these comments.
Sincerely,

Name

Dear Santa Fe community leader,

On behalf of Somos Un Pueblo Unido, we would like to invite you or a designee to attend our "Multilingual Spaces: From Language Access to Language Justice" workshop hosted and sponsored by Somos, The Sky Center, and the Welcoming Community Subcommittee of the City of Santa Fe Immigration Committee. The workshop will be facilitated by Tony Macias, American Association Certified Translator and co-founder of the Austin Language Justice Collective. It will be held on August 10th from 12pm-2pm in the Community Room at the Southside Santa Fe Public Library.

Somos Un Pueblo Unido is a statewide organization that works to protect immigrant rights. We worked with the community and Santa Fe City Council to pass one of the most protective "Welcoming Community" resolutions in the country in 2017. The resolution states that the City "commits to improve language access to City services and programs for its diverse multilingual residents".

The "Multilingual Spaces: From Language Access to Language Justice" workshop has been instrumental in helping city governments around the U.S. plan more diverse language access. In Austin, Texas, for example, the workshop was successful in training over 30 bilingual city staff members in community interpreter ethics and best practices.

The workshop is especially valuable for those who work with interpreters or groups of people who speak another language, as well as for those who organize multilingual events with limited resources and who want all voices to be heard. The end goal is for participants to share resources, explore multilingual best practices, and to begin the important conversation about what language access in Santa Fe's community could look like. The workshop will also help providers and staff ensure accurate information dissemination and diverse community input.

Please be sure to complete the application linked below by August 1 so that we can prepare appropriately. There is no charge for the workshop, but only limited availability. We very much hope you can join us on August 10! To sign up, complete the Google form at *https://goo.gl/forms/6J0XMDaygZ5mnpCQ2*. Feel free to contact us with questions at 505-424-7832 or e-mail us at SocialJusticeInterpSf@gmail.com.

Sincerely,
Nikki Laudicina
Summer Intern at Somos Un Pueblo Unido

Exhibit 2-a

MULTILINGUAL SPACES: FROM LANGUAGE ACCESS TO LANGUAGE JUSTICE

SOCIAL JUSTICE INTERPRETER TRAINING

ETHICS & THE INTERPRETER'S ROLE

AUGUST 10, 2018 | 12-2PM

Southside Library Community Room

Apply today at https://goo.gl/forms/OGTBilmSc1tq9tBv1

Exhibit 2-D

Interpretation for Social Justice Workshop

Social Justice Training

AT SOMOS UN PUEBLO UNIDO IN SANTA FE (1804 ESPINACITAS ST)

AUGUST 18-19, 2018
9AM-5PM

APPLY ONLINE:
https://goo.gl/forms/OGTBilmSc1
q9tBv1

Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs

Federal Coordination and Compliance Section
Civil Rights Division
U.S. Department of Justice

May 2011

"Whether in an emergency or in the course of routine business matters, the success of government efforts to effectively communicate with members of the public depends on the widespread and nondiscriminatory availability of accurate, timely, and vital information."

- Attorney General Eric Holder, Memorandum to All Federal Agencies Regarding Executive Order 13166, February 17, 2011

Exhibit 2-C

LANGUAGE ACCESS ASSESSMENT AND PLANNING TOOL FOR FEDERALLY CONDUCTED AND FEDERALLY ASSISTED PROGRAMS

I. OVERVIEW

The goal of all language access planning and implementation is to ensure that your agency communicates effectively with limited English proficient (LEP) individuals.[1] As the Attorney General notes in his Memorandum to all Federal Agencies Regarding the Federal Government's Renewed Commitment to Language Access Obligations Under Executive Order 13166, this requires ensuring effective communication at all points of contact between an LEP person and your agency.[2] While each agency's approach to overcoming language barriers may differ depending on a variety of factors, a useful model for providing meaningful access to LEP individuals often includes:

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A. Conducting a self-assessment to determine what types of contact your agency has with the LEP population.

The self-assessment identifies language service needs, and evaluates the bilingual, translation, and interpretation resources already available to help LEP individuals access your agency's benefits, programs, services, information, or other operations. (Part II B, below).

B. Developing language access policy directives, implementation plan, and procedures.

1. **Language Access Policy Directives-** Policy directives set forth standards, operating principles, and guidelines that govern the delivery of language appropriate services. Policy directives may come in different forms but are designed to require the agency and its staff to ensure meaningful access. Policy directives should be made publicly available.

2. **Language Access Implementation Plan-** The plan is a management document that outlines how the agency defines tasks, sets deadlines and priorities, assigns responsibility, and allocates the resources necessary to come into or maintain compliance with language access requirements. It describes how the agency will meet the service delivery standards

[1] See Exec. Order No. 13166, 65 Fed Reg. 50,121 (Aug. 11, 2000), http://www.lep.gov/13166/eolep.pdf.
[2] See Attorney General Holder Memorandum to All Federal Agencies Regarding the Federal Government's Renewed Commitment to Language Access Obligations Under Executive Order 13166 (February 17, 2011), http://www.lep.gov/13166/AG_021711_EO_13166_Memo_to_Agencies_with_Supplement.pdf.

delineated in the policy directives, including the manner by which it will address the language service and resource needs identified in the self-assessment. The plan is a roadmap that helps agencies: navigate the process of setting deadlines and priorities, and identifying responsible personnel for policy and procedures development; hire, contract, assess, and ensure quality control of language assistance services (oral and written); provide notice of language assistance services; provide staff training; and conduct ongoing monitoring and evaluation.

3. **Language Access Procedures**- Procedures are the "how to" for staff. They specify for staff the steps to follow to provide language services, gather data, and deliver services to LEP individuals. Procedures can be set forth in handbooks, intranet sites, desk references, reminders at counters, notations on telephone references, and the like.

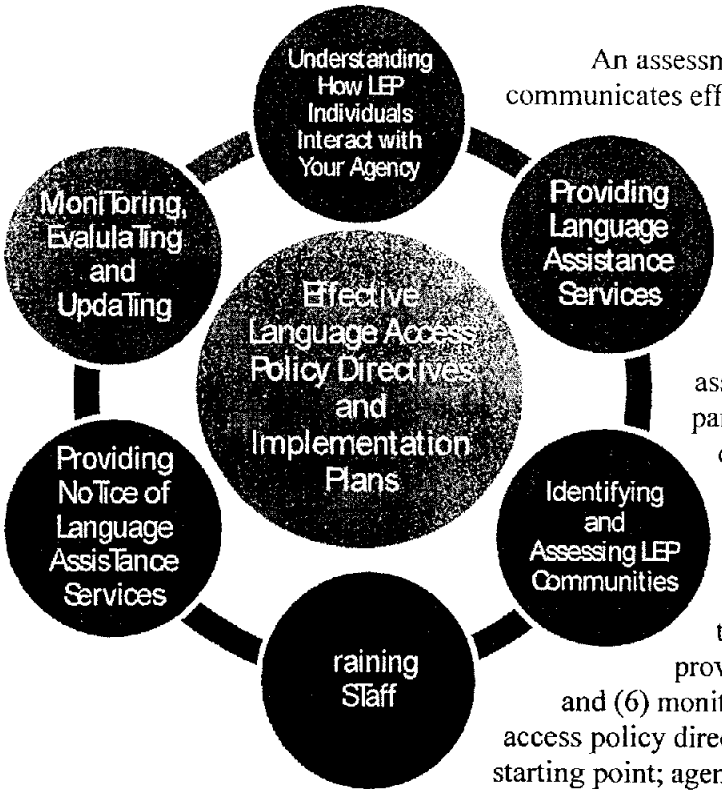
Part II will help you assess how your agency currently provides language assistance services to LEP individuals, using the Sample Self Assessment included in Part II B. Part III provides a framework for developing appropriate language access policy directives, plan, and procedures.

C. Scope

The obligations of Executive Order 13166 apply to all federal conducted and assisted programs. In his Memorandum for Heads of Federal Agencies regarding the Federal Government's Renewed Commitment to Language Access Obligations Under Executive Order 13166, the Attorney General directed federal agencies that provide federal financial assistance to draft LEP guidance for agencies that are recipients of federal financial assistance (recipients). The term federal financial assistance includes, but is not limited to, grants and loans of federal funds; grants or donations of federal property; training; details of federal personnel; or any agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

All agencies providing federal financial assistance directly or indirectly should obtain information and maintain records that ensure that they can determine which entities have received such assistance, including a list of sub-grantees, and for what purpose the assistance has been provided. When any agency provides federal financial assistance it must ensure that recipients acknowledge and agree that they will comply (and require any sub-grantees, contractors, successors, transferees, and assignees to comply) with applicable provisions of federal civil rights laws and policies prohibiting discrimination, including but not limited to Title VI of the Civil Rights Act of 1964, which prohibits recipients from discriminating on the basis of race, color, or national origin, including limited English proficiency. See 42 U.S.C. 2000d et seq. Model assurance language addressing national laws and policies prohibiting discrimination can be found at http://www.justice.gov/crt/about/cor/draft_assurance_language.pdf. Agencies must require recipients to obtain these assurances from their sub-recipients and must maintain systems that can record and track the recipient's agreement with these assurances. See 28 C.F.R. §42.105.

II. SELF-ASSESSMENT AND CONSIDERATIONS FOR YOUR PLAN



An assessment can help an agency determine if it communicates effectively with LEP individuals and can inform language access program planning. The questions in Part II B. (starting on page 8) may be used by federal agencies and recipients to conduct a self-assessment of their progress in providing language assistance services to LEP persons. Divided into six sections, the self-assessment approximates the elements that are part of effective language access policy directives and implementation plans: (1) understanding how LEP individuals interact with your agency; (2) identifying and assessing LEP communities; (3) providing language assistance services; (4) training staff on policies and procedures; (5) providing notice of language assistance services; and (6) monitoring, evaluating, and updating the language access policy directives, plans, and procedures.[3] The tool is a starting point; agencies should add or modify as appropriate for their programs and activities.

A. Guidance Regarding Self-Assessments

Provided below are additional guidance and considerations for each of these six elements. While the order may differ, your agency should consider each of these elements as it develops its plan. The sample self-assessment questionnaire is available at Part II B.

1. Understanding How LEP Individuals Interact with Your Agency

A federally conducted or funded program could interact with LEP individuals in a variety of ways. Any interaction with the public has the potential to interact with LEP individuals. These could include, but are not limited to, program applicants and participants; hotline or information line calls; outreach programs; public meetings and hearings; public access to agency websites; written materials or complaints sent to an agency; agency brochures intended for public distribution; contacts with potential witnesses, victims, defendants; and interactions with detainees and prisoners. It is important for agencies to also examine the manner in which the agency interacts with the public and/or LEP individuals (e.g. in-person consultations versus

[3] See Department of Justice, *Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*, 67 FR 41464-65 (June 18, 2002). (hereinafter "2002 DOJ Guidance"), http://www.justice.gov/crt/about/cor/lep/DOJFinLEPFRJun182002.pdf.

correspondence) as this can dictate the type of language assistance services provided by the agency.

2. Identification and Assessment of LEP Communities

A federally conducted or funded program should consider assessing the number or proportion of LEP persons from each language group in its service area to determine appropriate language assistance services. This analysis includes persons in a geographic service area with whom your agency comes into contact while carrying out agency functions. For the assessment to be accurate it must also include all communities who are eligible for services or are likely directly affected by programs or activities. Agencies may determine the linguistic characteristics of an LEP population in a service area by reviewing available data from federal, state, and local government agencies, community, and faith based organizations:

> REMINDER: Your primary goal is to effectively communicate with LEP individuals. The order in which each element is achieved may differ from agency to agency. While it may be helpful to identify and assess your LEP communities before providing language assistance services, this should not stand in the way of providing meaningful access to LEP individuals.

- Federal Agencies.
  - The *U.S. Census Bureau* through its *American Community Survey (ACS)* maintains statistics on the linguistic composition of LEP individuals in your service area: http://www.census.gov/hhes/socdemo/language/data/index.html. Beginning with the 2010 Census, the Census Bureau stopped collecting decennial census data on language use and English-speaking ability. Language data continues to be gathered on an annual basis by the ACS and can be found on the American FactFinder website, www.factfinder.census.gov. The Census Bureau has also created a website explaining how to use the ACS language data it collects: http://www.census.gov/hhes/socdemo/language/index.html.
  - *The U.S. Department of Education* maintains a Civil Rights Data Collection, http://ocrdata.ed.gov/, which has information from the nation's school districts including student enrollment and educational programs and services disaggregated by race, ethnicity, sex, limited English proficiency, and disability. The National Center for Education Statistics, http://nces.ed.gov/fastfacts/display.asp?id=96, has information on children who speak a language other than English at home.
  - *The Federal Interagency Working Group on Limited English Proficiency Website* also has demographic information available at http://www.lep.gov/demog_data.html
- State and local government agencies.
  - State social service agencies, state departments of education, local social service agencies, and school districts often gather and report information on LEP populations.
- Local community-based and religious organizations.

- Consider consulting organizations that serve and work with LEP communities to get an accurate assessment of the existing and emerging LEP communities in your service area.

An agency should also consider identifying and tracking the primary language of LEP individuals that seek and receive programs and services. This can be accomplished by determining the points of contact between agency staff and LEP individuals. Agencies may create mandatory data fields for LEP, languages spoken and the preferred language for written communication to ensure that all staff collect and input this information. By regularly collecting and updating this data, agencies will be able to accurately identify and efficiently address the changing needs of their LEP communities.

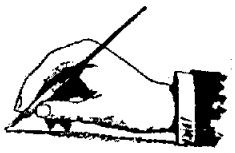
3. Providing Language Assistance Services

Effective communication with LEP individuals requires your agency to have language assistances services in place. There are two primary types of language assistance services: oral and written. Oral language assistance service may come in the form of "in-language" communication (a demonstrably qualified bilingual staff member communicating directly in an LEP person's language) or interpreting.

INTERPRETATION is an **ORAL** language assistance service.

An interpreter renders a message spoken in one language into one or more other languages. Interpretation can take place in-person, through a telephonic interpreter, or via internet or video interpreting. An interpreter must be competent and have knowledge in both languages of the relevant terms or concepts particular to the program or activity and the dialect and terminology used by the LEP individual. Depending upon the circumstances, interpreters may provide simultaneous interpretation of proceedings so that an LEP person understands what is happening in that proceeding, or may interpret an interview or conversation with an LEP person in the consecutive mode. Interpreter competency requires more than self-identification as bilingual. Agencies should avoid using family members, children, friends, and untrained volunteers as interpreters because it is difficult to ensure that they interpret accurately and lack ethical conflicts.

TRANSLATION is a WRITTEN language assistance service.



Translation is the replacement of written text from one language into another. A translator also must be qualified and trained. Federal agencies and recipients may need to identify and translate vital documents to ensure LEP individuals have meaningful access to important written information. Vital written documents include, but are not limited to, consent and complaint forms; intake and application forms with the potential for important consequences; written notices of rights; notices of denials, losses, or decreases in benefits or services; notice of disciplinary action; signs; and notices advising LEP individuals of free language assistance services. Agencies should proactively translate vital written documents into the frequently encountered languages of LEP groups

eligible to be served or likely to be affected by the benefit, program or service. When agency personnel have reason to believe that an individual is LEP, the agency must respond to that LEP individual in a language he or she understands. For example, a letter sent to a specific LEP person should be translated into the appropriate language for that individual to ensure effective communication. Agencies should also put processes in place for handling written communication with LEP individuals in less frequently encountered languages.

4. Training of Staff on Policies and Procedures

Staff will not be able to provide meaningful access to LEP individuals if they do not receive training on language access policies and procedures, including how to access language assistance services. This training should be mandatory for staff who have the potential to interact or communicate with LEP individuals, staff whose job it is to arrange for language assistance services, and managers. Training should explain how staff can identify the language needs of an LEP individual, access and provide the necessary language assistance services, work with interpreters, request document translations, and track the use of language assistance services. Bilingual staff members who communicate "in-language" to LEP individuals, or who serve as interpreters or translators, should be assessed and receive regular training on proper interpreting and translation techniques, ethics, specialized terminology, and other topics as needed. Without periodic assessment and training, bilingual staff may not be able to provide the language assistance services necessary to ensure LEP individuals have meaningful access to your agency's programs.

5. Providing Notice of Language Assistance Services

Federal agencies and recipients must inform LEP individuals of their eligibility for benefits, programs, and services in a language they understand. Agencies should assess all points of contact, telephone, in-person, mail, and electronic communication its staff has with the public and LEP individuals when determining the best method of providing notice of language assistance services. An agency should not only translate its outreach materials, but also explain how LEP individuals may access available language assistance services. Methods used to inform LEP individuals about language assistance services may include translating outreach materials into other languages, updating non-English content in key languages on the main page of the program website, and providing public service messages in non-English media describing your programs.

Current applicants or beneficiaries of your programs or services should also receive notice and information about available language assistance services. This may be accomplished through the use of effective, program specific notices such as forms, brochures, language access posters placed in conspicuous locations describing in multiple languages the availability of language assistance services, The use of "I Speak" language identification cards[4], and by including instructions in non-English languages on telephone menus.

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[4] An example of an "I Speak" card can be found at www.justice.gov/crt/lep/resources/OhioLangIDcard.pdf .

6. Monitoring, Evaluating, and Updating the Language Access Policy Directives, Plans, and Procedures

For a language access program to continue to be effective, an agency must periodically monitor, evaluate, and update the plan, policies and procedures. Some federal agencies and recipients may designate a committee or staff person to be the language access coordinator responsible for monitoring, evaluating, and updating the language access program. Federal law does not prescribe a particular program model or evaluation approach. Consequently, the approach to and design of an effective language access evaluation may vary for each agency and recipient. Monitoring the effectiveness of your program may include:

- Surveying staff on how often they use language assistance services, if they believe there should be changes in the way services are provided or the providers that are used, and if they believe that the language assistance services in place are meeting the needs of the LEP communities in the service area.
- Conducting customer satisfaction surveys of LEP applicants and beneficiaries based on their actual experience of accessing the agency's benefits, programs, information, or services.
- Observing and evaluating agency interactions with LEP individuals.
- Soliciting feedback from community-based organizations and other stakeholders about the agency's effectiveness and performance in ensuring meaningful access for LEP individuals.
- Keeping current on community demographics and needs by engaging school districts, faith communities, refugee resettlement agencies, and other local resources.
- Considering new resources including funding, collaborations with other agencies, human resources, emerging technology, and other mechanisms for ensuring improved access for LEP individuals.
- Monitoring your agency's response rate to complaints or suggestions by LEP individuals, community members, and employees regarding language assistance services provided.

Creating a record of language assistance services can help inform programs whether there should be changes to the quantity or type of language assistance services. The monitoring and review of current policies and the types of language assistance services provided should occur on an annual basis.

B. A Sample Self-Assessment

1. Understanding How LEP Individuals Interact with Your Agency

The following series of questions helps agencies understand how an LEP individual may come into contact with your agency:

1. Does your agency interact or communicate with the public or are there individuals in your agency who interact or communicate or might interact or communicate with LEP individuals?	☐ Yes	☐ No
2. Please describe the manner in which your agency interacts with the public or LEP individuals:	☐ In-Person ☐ Telephonically ☐ Electronically (e.g. email or website)	☐ Via Correspondence ☐ Other: (please specify)
3. Does your agency provide federal financial assistance to any non-federal entities? (Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance. Recipients of federal funds can range from state and local agencies, to nonprofits and other organizations.)	☐ Yes	☐ No
4. If your agency does provide federal financial assistance to non-federal entities:	Yes	No
a. Do you have an active program in place to require your recipients of federal financial assistance to comply with Title VI and language access standards?	a. Yes	a. No
b. Does your agency inform recipients of federal financial assistance that they should budget for language assistance services?	b. Yes	b. No
c. Does your agency inform recipients of federal financial assistance about which grants can be used, in whole or in part, to improve language access?	c. Yes	c. No

2. Identification and Assessment of LEP Communities

The following series of questions aims to identify the LEP population you serve:

1. How does your agency identify LEP individuals? (Select all that apply)	☐ Assume limited English proficiency if communication seems impaired ☐ Respond to individual requests for language assistance services ☐ Self-identification by the non-English speaker or LEP individual ☐ Ask open-ended questions to determine language proficiency on the telephone or in person ☐ Use of "I Speak" language identification cards or posters	☐ Based on written material submitted to the agency (e.g. complaints) ☐ We have not identified non-English speakers or LEP individuals ☐ Other (Please specify): _____
2. Does your program have a process to collect data on: a. The number of LEP individuals that you serve? b. The number of LEP individuals in your service area? c. The number and prevalence of languages spoken by LEP individuals in your service area?	Yes a. Yes b. Yes c. Yes	No a. No b. No c. No
3. How often does your agency assess the language data for your service area?	☐ Annually ☐ Biennially	☐ Not Sure ☐ Other:
4. What data does your agency use to determine the LEP communities in your service area? (Select all that apply)	☐ Census ☐ US Dept. of Education ☐ US Dept. of Labor ☐ State Agencies	☐ Community Organizations ☐ Intake information ☐ Other: _____
5. Do you collect and record primary language data from individuals when they first contact your programs and activities?	Yes	No
6. If you collect and record primary language		

data, where is the information stored?		
7. What is the total number of LEP individuals who use or receive services from your program each year?		
8. How many LEP individuals attempt to access your programs or services each month?		
9. How many LEP individuals use your programs or services each month?		
10. Specify the top six most frequently encountered non-English languages by your program and how often these encounters occur (e.g., 2-3 times a year, once a month, once a week, daily, constantly).	Language 1. 2. 3. 4. 5. 6.	Frequency of Encounters 1. 2. 3. 4. 5. 6.

3. Providing Language Assistance Services

The following set of questions will help you assess how well your agency is providing language assistance services to LEP individuals:

1. Does your agency currently have a system in place for tracking the type of language assistance services it provides to LEP individuals at each interaction?	Yes	No
2. What data, if any, do you maintain regarding language assistance services? (Select all that apply)	☐ Primary language of persons encountered or served ☐ Use of language assistance services such as interpreters and translators ☐ Funds or staff time spent on language assistance services	☐ Number of bilingual staff ☐ Cost of interpreter services ☐ Cost of translation of materials into non-English languages ☐ Other (Please specify):
3. Does your agency have a system to track the cost of language assistance services?	Yes	No
4. What types of language assistance services does your agency provide? (Select all that apply)	☐ Bilingual staff ☐ In-house interpreters (oral) ☐ In-house translators (documents) ☐ Contracted interpreters ☐ Contracted	☐ Language bank or dedicated pool of interpreters or translators ☐ Volunteer interpreters or translators ☐ Interpreters or

	translators ☐ Telephone interpretation services ☐ Video interpretation services	translators borrowed from another agency ☐ Other (Please specify):
5. Does your agency a) have a certification or assessment process that staff must complete before serving as interpreters or translators for LEP individuals? b) Does the process include use of standardized language proficiency exams?	a) Yes b) Yes	a) No b) No
6. Does your agency ask or allow LEP individuals to provide their own interpreters or have family members or friends interpret?	Yes	No
7. Does your agency have contracts with language assistance service providers (in-person interpreters, telephone interpreters, video interpreters, or translators)?	Yes	No
8. Does your agency provide staff with a list of available interpreters and the non-English languages they speak, or information on how to access qualified interpreters?	Yes	No
9. Does your agency identify and translate vital documents into the non-English languages of the communities in your service area?	Yes	No
10. Which vital written documents has your agency translated into non-English languages?	☐ Consent forms ☐ Complaint forms ☐ Intake forms ☐ Notices of rights ☐ Notice of denial, loss or decrease in benefits or services ☐ Notice of disciplinary action	☐ Applications to participate in programs or activities or to receive benefits or services ☐ Other (please specify):
11. Does your agency translate signs or posters announcing the availability of language assistance services?	Yes	No
12. When your agency updates information on its website, does it also add that content in non-English languages?	Yes	No

4. Training of Staff on Policies and Procedures

The following series of questions will help you identify whether staff receive appropriate training on your language access policies and procedures:

1. Does all agency staff receive initial and periodic training on how to access and provide language assistance services to LEP individuals?	Yes	No
2. Who receives staff training on working with LEP individuals? (Select all that apply)	☐ Management or senior staff ☐ Employees who interact with or are responsible for interactions with non-English speakers or LEP individuals	☐ Bilingual Staff ☐ New employees ☐ All employees ☐ Volunteers ☐ Others (Please specify): _____ ☐ None of the above
3. Are language access policies and LEP issues included in the mandatory training curriculum for staff?	Yes	No
4. Does your agency staff procedural manual or handbook include specific instructions related to providing language assistance services to LEP individuals?	Yes	No
5. Does staff receive periodic training on how to obtain and work with interpreters?	Yes	No
6. Does staff receive periodic training on how to request the translation of written documents into other languages?	Yes	No
7. Do staff members who serve as interpreters receive regular training on proper interpreting techniques, ethics, specialized terminology, and other topics?	Yes	No
8. Do staff members who serve as interpreters receive interpreter training from competent interpreters or other trainers familiar with the ethical and professional requirements of an interpreter?	Yes	No

5. Providing Notice of Language Assistance Services

The following series of questions will help you assess how you provide notice of language assistance services to the LEP population in your service area:

1. How do you inform members of the public about the availability of language assistance services? (Select all that apply)	☐ Frontline and outreach multilingual staff ☐ Posters in public areas ☐ "I Speak" language identification cards distributed to frontline staff ☐ Website	☐ Social networking website (e.g. Facebook, Twitter) ☐ E-mail to individuals or a list serv ☐ Other (Please specify): _____ ☐ None of the above
2. Do your translated program outreach materials inform LEP individuals about the availability of free language assistance services?	Yes	No
3. Does your agency regularly advertise on non-English media (television, radio, newspaper, and websites)?	Yes	No
4. Does your agency inform community groups about the availability of free language assistance services for LEP individuals?	Yes	No
5. Does your agency inform current applicants or recipients about the availability of language assistance services?	Yes	No
6. Does the main page of your agency website include non-English information that would be easily accessible to LEP individuals?	Yes	No
7. Does your agency have multilingual signs or posters in its offices announcing the availability of language assistance services?	Yes	No

6. Monitoring and Updating a Language Access Procedures, Policy, and Plan

The following set of questions will help you assess whether you have an effective process for monitoring and updating your language access policies, plan and procedures:

1. Does your agency have a written language access policy?	Yes	No
2. If so, is a description of this policy available to the public?	Yes	No
3. How often is your agency's language access policy reviewed and updated?	☐ Annually ☐ Biennially	☐ Not Sure ☐ Other:

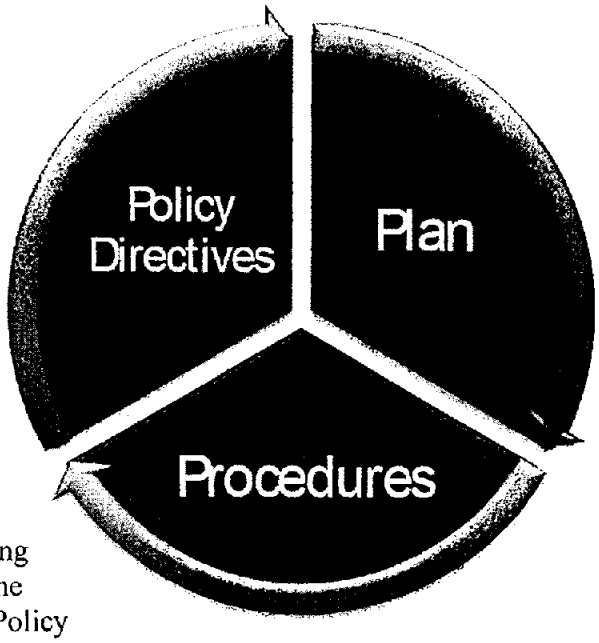
4. When was the last time your agency's language access policy was updated?	Month_____	Year_____
5. How often does your agency update its data on the LEP communities in your service area?	☐ Annually ☐ Biennially	☐ Not Sure ☐ Other:
6. Does your agency have a language access coordinator?	Yes	No
7. Does your agency have a formal language access complaint process?	Yes	No
8. Has your agency received any complaints because it did not provide language assistance services?	Yes	No
9. Do you monitor the system for collecting data on beneficiary satisfaction and/or grievance/complaint filing?	Yes	No
10. Do you obtain feedback from the LEP community on the effectiveness of your language access program and the language assistance services you provide?	Yes	No

III. Developing Language Access Directives, Plans, and Procedures

This section will provide federal agencies and organizations, as well as agencies that receive federal financial assistance (recipients), with a framework to develop, modify, and implement language access policy directives, plans, and procedures. This framework should help agencies plan their organizational approach to providing language assistance services when an LEP individual seeks or encounters an agency contact. Language access policy directives, plans, and procedures will differ depending on a variety of factors including the nature or method of operation of the agency and its points of contact with the public. Some steps that are reasonable for an agency that serves a few LEP persons in a year may be different than those expected from an agency that serves several LEP persons each day. Accordingly, we recommend tailoring this framework to your agency's mission, the population served (both their language needs and the cultural context), the importance of the service provided by the program, and the available resources.

Many federal agencies and recipients have found that it is useful, when developing or revising their language access program, to establish a work group that includes administrators, professional and administrative support staff, potential beneficiaries, and members of community organizations. By working with a diverse group that includes stakeholders, you will receive more comprehensive input from those whose support and efforts may be important to the success of your language access policy directives, plan, and procedures. Inclusive approaches in plan design and development also tend to promote overall community awareness and support. By leveraging personnel from different departments, an agency is able to build institutional knowledge and resources that will lead to long-term policy coherence and consistency. In addition, these individuals will be valuable resources to draw upon during evaluation and improvement activities.

A. Components of a Language Access Program



While we describe language access policy directives, plans, and procedures as three distinct concepts, you may notice significant overlap between the three areas as you begin to develop your agency's language access program. We have provided the framework below to help you conceptualize the task ahead and provide you with a model flexible enough to tailor to your agency's particular needs.

1. **Language Access Policy Directives.** A policy directive sets forth standards, operating principles, and guidelines that will govern the delivery of language appropriate services. Policy directives may be in the form of a public directive, order, rule, regulation, guidance,

or other policy document. The purpose and authority for a policy directive may come from federal, state, or local laws, orders, or ordinances. A policy directive often includes the following components:

> **Example General Policy Statement:**
> " It is the policy of this agency to provide timely meaningful *access for LEP persons to all agency programs and activities. All personnel shall provide free language assistance services to LEP individuals whom they encounter or whenever an LEP person requests language assistance services. All personnel will inform members of the public that language assistance services are available free of charge to LEP persons and that the agency will provide* these services to them."

a. *A General Policy Statement.* This section explains the goals and expectations of the agency in terms that bind the agency and its employees.

b. *Purpose and Authority.* This section provides the legal basis or administrative authority for the agency policy and may explain the nexus between the policy directives and the agency's mission. For example:

   " he purpose of this policy is to establish effective guidelines, consistent with Title VI of the Civil Rights Act of 1964 and Executive Order 13166, for agency personnel to follow when providing services to, or interacting with, individuals who have limited English proficiency (LEP). Following these guidelines is essential to the success of our mission to [insert]."

c. *Language Assistance Measures.* This section sets forth the standards for language assistance services to be provided to LEP individuals. Language assistance measures should be written in a manner that requires staff compliance consistent with the agency's culture. The measures define acceptable methods of communication with LEP persons and may further elaborate requirements such as those for data gathering and recording, notice, and training. In the sample general policy statement, the decree that all personnel "shall provide free language assistance services to LEP individuals whom they encounter or whenever an LEP person requests language assistance services" describes the standards for how and when the agency must communicate with LEP persons.

d. *Staff Compliance.* This section describes the responsibility of each division, unit, or staff member. For example, the sample general policy statement above denotes that "all personnel" are required to provide free language assistance services to LEP individuals and must inform the public about available language assistance services.

e. *Definitions.* A policy directive may also explain any terms referenced in the policy. These terms may include agency-specific classifications of bilingual staff, interpreter, language assistance services, LEP, primary language, translation, vital documents, etc.

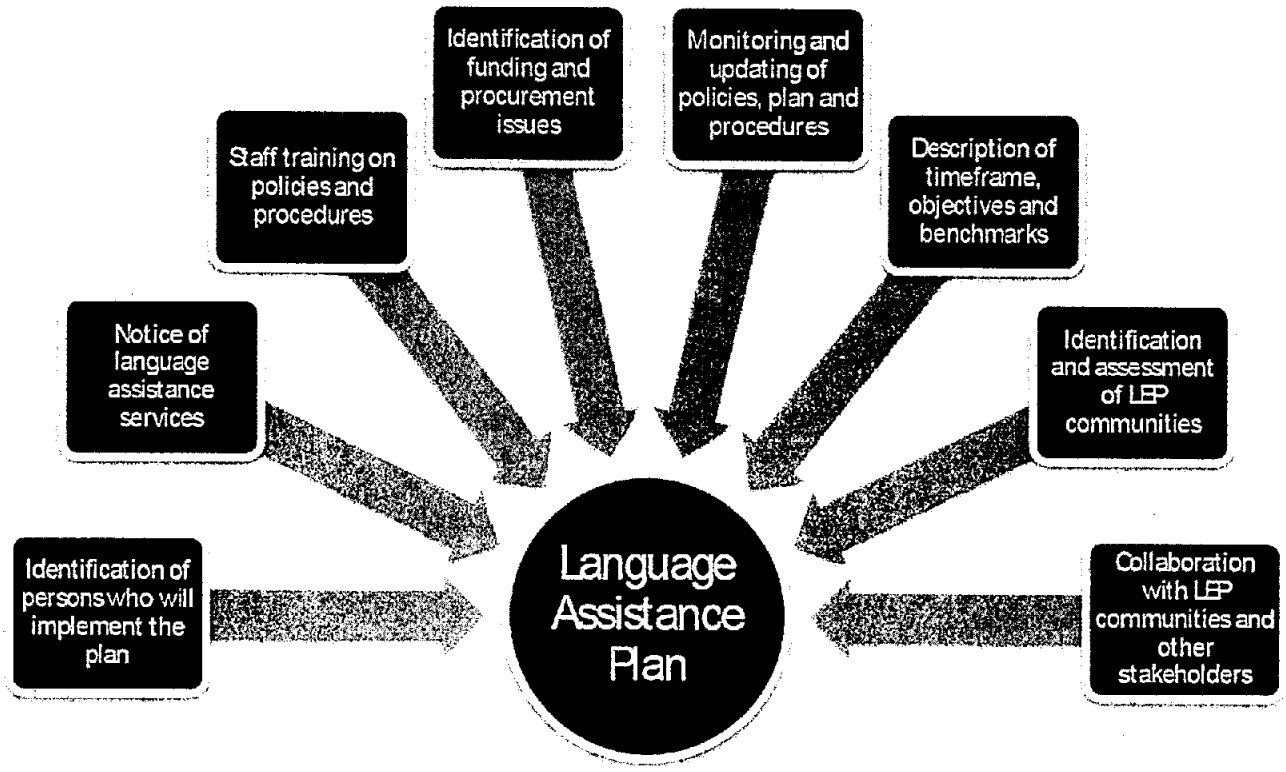
Additional Language Access Policy Directives. An agency may have more than one policy directive. For example, an agency may have a policy directive that explains its overall obligation to provide services to LEP individuals and secondary or topical policy directives that support the agency's overarching LEP goals and objectives. Additional policy directives may include formal guidelines that describe the agency's rules and regulations, for example:

- *Staff Training.* A policy directive on staff training may dictate the frequency, curriculum, and target personnel for ongoing training. For example, this policy directive may mandate training particular to management, interpreters, translators, or frontline staff who encounter LEP individuals.

- *Bilingual Staff.* A policy directive on bilingual staff may state a policy that second language skills are a desired characteristic, prescribe the hiring process for bilingual staff, provide the mechanism for designating jobs as bilingual, when and how to test the competency of prospective or current bilingual staff, define which staff are "bilingual," and/or additional remuneration for bilingual staff.

- *Performance Measurement.* A policy directive on performance measurement may order the frequency and manner of monitoring and oversight. For example, an agency may elect to conduct an audit of language assistance services on an annual basis.

2. **A Language Access Plan.** The plan is a management tool that provides an administrative blueprint for bringing the agency into compliance with language



access requirements. The plan describes how the agency will implement the standards for service delivery delineated in the policy directives, including explaining how the agency will increase its capacity to address the language service and resource needs identified in the self-assessment. The plan is a roadmap that helps agencies: navigate the process of setting deadlines, priorities, and identifying responsible personnel for policy and procedures development; hire, contract, assess, and ensure quality control of language assistance services (oral and written); provide notice of language assistance services; provide training of staff; and conduct ongoing monitoring and evaluation. Key components of a language access plan include:

a. *Identification of persons charged with implementing the plan.* A plan should describe the management staff, workgroup, committee, or other agency staff who will be responsible for creating and overseeing the policy directives, developing and modifying the language access plan, and establishing and implementing operational procedures. The plan should also detail the chains of command for authority and oversight and explain any coextensive responsibility and coordination with other agencies, divisions, and offices.

b. *Identification and assessment of LEP communities.* A plan should address what resources will be needed to assess the number or proportion of eligible LEP persons from each language group in an agency service area and the resources that will be needed to provide language assistance services. The plan should also outline the work needed to install or maintain systems for data collection and management.

c. *A description of the timeframe, objectives, and benchmarks for work to be undertaken.*

d. *Identification of funding and procurement issues and the steps needed to address them.*

e. *Notice of language assistance services.* A plan should also describe how the agency intends to implement the changes needed to inform LEP individuals of the benefits, programs, and services for which they may be eligible and the available language assistance services.

f. *Training staff on policies and procedures.* A plan will identify training needs and explain how they will be addressed.

g. *Monitoring and updating the plan, policies, and procedures.* A plan will explain the agency's approach to monitoring how it provides services to LEP individuals, how it monitors plan performance, and the process for reviewing, and, if appropriate, modifying current language access plans, policies, and procedures.

h. *Collaborating with LEP communities and other stakeholders.* Organizations that have significant contact with LEP persons, such as schools, religious

organizations, community groups, and groups working with new immigrants can be very helpful in linking LEP persons to an agency's programs and its language assistance services. The plan can include provisions for creating and conducting outreach and the actions needed to implement an effective system to gather feedback and involve outside entities or individuals in the review process.

3. **Language Access Procedures.** Procedures are detailed explanations that specify the steps to be followed to provide language assistance services, gather data, and deliver services to LEP individuals. Procedures can be set forth in handbooks, intranet sites, desk references, and reminders at counters. Procedures may entail use of forms or software. Language access procedures often explain the following:

- How staff are to respond to telephone calls from LEP individuals.
- How staff together, track, and record language preference information.
- How staff inform LEP individuals about available language assistance services.
- How staff will identify the language needs of LEP individuals.
- How staff are to respond to correspondence (letters and email) from LEP individuals.
- How staff will procure in-person interpreter services.
- How staff will access telephone or video interpreter services.
- How to use bilingual staff for LEP services and which staff are authorized to provide in-language service.
- How to obtain translations of documents.
- How staff will process language access complaints.

B. Appointing a Language Access Coordinator or Other Responsible Personnel

Some agencies have found it helpful to appoint a language access coordinator and other responsible personnel. These individuals are responsible for devising and ensuring that the agency adheres to its language access policy directives, plan and procedures to provide meaningful access to LEP persons. The language access coordinator should be or report to a high-ranking official within the agency since high level support is essential to successful implementation. The coordinator is responsible for language assistance services and may delegate duties but should retain responsibility for oversight, performance, and implementation of the language access plan. Agencies with multiple offices and divisions may find that each component or field office should designate an individual as a local language access coordinator. The language access plan should set forth the name and contact information of the responsible official(s). The language access coordinator should consider creating a working group of key stakeholders to assist in creating and implementing language access procedures for the agency.

The language access coordinator may also oversee personnel and performance of employee and non-employee interpreters and translators, including:

- Identifying qualified interpreters and translators to be included in an interpreter database;

- Creating interpreter, translator, and bilingual staff qualifications and ethical standards;
- Outlining measures to ensure quality control of interpreters and translators;
- Training and testing bilingual individuals including staff who provide language assistance services;
- Assigning qualified interpreters, translators and bilingual employees to perform language assistance functions;
- Maintaining a regularly updated list of all competent bilingual employees, contract interpreters, and contract translators that includes their availability, non-English language(s) spoken, and contact information;
- Changing hiring and personnel practices to increase staff language capacity (e.g., providing pay incentives for bilingual employees);
- Developing a procurement strategy for contract language assistance services providers;
- Searching for funding and other resources to support interpretation and translation; technological and other infrastructural support, and staffing;
- Providing input in budgetary and procurement matters related to implementation of the language access policy, plan, and procedures; and
- Coordinating procurement for interpreter and translator compensation for services rendered.

C. Community Outreach and Disseminating Language Assistance Services Information

When language assistance services are not readily available at a given agency, LEP individuals will be less likely to participate in or benefit from its programs and services. As a result, many LEP persons may not seek out agency benefits, programs, and services; may not provide beneficial information or file complaints; and may not have access to critical information provided by your agency because of limited access to language assistance services. Thus, self-assessments of the number of current LEP contacts may significantly underestimate the need for language services. Agencies should make every effort to conduct effective outreach, including:

- Providing information to the public and to LEP communities regarding the language assistance services available free of charge. Information should be provided in English and in the appropriate other languages using, for example, signage, websites, translated documents, telephone tree options, kiosks, and community-focused outreach;
- Coordinating with other agencies and stakeholders to ensure consistent identification of LEP status, primary language, and similar information; and
- Exchanging promising practices and challenges with other governmental and non-governmental agencies.

The Federal Interagency Working Group on Limited English Proficiency welcomes and encourages your comments regarding this tool. To provide written comments, please write:

The Federal Interagency Working Group on LEP
C/O Federal Coordination and Compliance Section
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Ave., NWB
Washington, DC 20530

Welcoming Economies Convening Report for Immigration Committee

Louisville, Kentucky--June 18-20, 2018

Submitted by Marcela Díaz

for Welcoming Communities Subcommittee

July 10, 2018

What is Welcoming America?

The City of Santa Fe is a part of the Welcoming America network of municipalities and counties that are deliberately creating immigrant-friendly, welcoming communities. Welcoming America connects leaders in community, government, and nonprofit sectors, builds on the great work happening in local communities by providing tested methods and approaches to creating inclusive, welcoming places for immigrants, and works to help local governments change systems and cultures (creating policy, reinforcing welcoming principles, and communicating the socioeconomic benefits of inclusion).

Welcoming Economies Convening

Along with the WE Global Network, Welcoming America organized the Welcoming Economies Convening to bring together leaders across the country who are building regions that embrace immigrants as valuable contributors and to merge cutting edge policies and innovative ideas from the field of immigrant economic development with successful practices and inspiring stories of welcoming communities.

Welcoming Economy Models, Resources & Opportunities

Guide to Immigrant Economic Development & Seeds of Growth

Welcoming America's new **Guide to Immigrant Economic Development** provides guidance for building or growing a regional infrastructure to welcome, support, nurture, and integrate immigrants and refugees in your region in a manner that can both create more meaningful opportunities for immigrants and refugees, and that can provide tangible benefits and opportunities to receiving communities. This guide showcases the role immigrants play in economic growth, job creation, and prosperity for their community

Strategies in rustbelt cities include

1. Entrepreneurship
2. International Student Retention
3. Workforce Development
4. Highly-Skilled Worker Initiatives
5. Connector Programs (between employers and workers)
6. Rural Development
7. Immigrant Investor Visas
8. Export Promotion
9. Corporate Diversity and Inclusion
10. Encouraging Homeownership
11. Urban Agriculture
12. Integration Services (citizenship, language access strategic plans, ESL classes, etc)

The guide can be found here: https://www.welcomingamerica.org/sites/default/files/wp-content/uploads/2015/06/Guide-to-Immigrant-Economic-Development_Final.pdf

Exhibit 3

Seeds of Growth: Building Your Local Economy by Supporting Immigrant Entrepreneurs can be found here:
https://www.welcomingamerica.org/sites/default/files/SeedsofGrowth_FINAL_web.pdf

Gateways for Growth

The Gateways for Growth Challenge is a competitive opportunity for local communities to receive tailored research, direct technical assistance, and/or matching grants from New American Economy and Welcoming America in support of the development of multi-sector plans for integrating immigrants into local communities and fostering economic growth. Funded initiatives include city programs that support immigrant and U.S.-born entrepreneurs, promote citizenship and financial empowerment, improve public safety and access to services, and advance education and workforce goals to help regions compete in the global economy. Communities can apply for assistance in one or more of the following areas:

1. Local customized research including immigrant tax contributions and spending power, roles in the local labor force, population, and demographic trends that can be used to inform existing planning processes or to develop an immigrant integration strategy.
2. Direct technical assistance to support the development and execution of strategic integration plans.
3. Matching grants toward begin strategic planning processes.
4. Participation in Peer Learning Program with other municipal grantees.

More information can be found at: https://www.newamericaneconomy.org/feature/gateways-for-growth-challenge-to-highlight-enhance-immigrants-economic-contributions/

Language Access Resources:

As part of its larger economic development strategies, several cities throughout the country have developed language access policies and strategic plans. Many have also hired language access coordinators to oversee implementation. One easy to use tool to gauge where we are at in the language access spectrum is: Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs
(https://www.lep.gov/resources/2011_Language_Access_Assessment_and_Planning_Tool.pdf)