

## IMPROVING ACCESS FOR LATINOS IN THE COURTS

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### GOALS/OBJECTIVES

- ◉ Identify “red flags”
- ◉ Identify barriers preventing access to the courts
- ◉ Identify specific measures you will take to enhance access to the courts

VIDEO

### IDENTIFYING BARRIERS:

#### IMMIGRANT REALITIES:

- ◉ Language
- ◉ Cultural and religious pressure
- ◉ Lack of Immigration Status (potential for deportation)

### IMPORTANCE OF LANGUAGE ACCESS

- ◉ Services and legal protections effectively closed to survivors without language access
- ◉ No access violates federal law
- ◉ Medical records, counseling records, and police reports with incorrectly interpreted information can:
  - Lead to “conflicts” between testimony and written record
  - Undermine victim/witness credibility

### WHAT IS LEP

- ◉ Limited English Proficiency
- ◉ English is not the primary language
- ◉ Limited ability to read, write, speak or understand English

## LANGUAGE FOR LEP INDIVIDUALS CAN BE A BARRIER

- ◉ Access to benefits or services
- ◉ Understanding and exercising legal rights
- ◉ Complying with responsibilities
- ◉ Understanding other information provided by federally funded programs and activities

## TERMINOLOGY

- ◉ Interpreters - spoken word
- ◉ Translators - written word

## TRUE OR FALSE?

Are the following statements true or false?

- If you receive federal funding, you are mandated to have an interpreter for all clients that access your services
- Failure to provide appropriate language assistance to LEP individual may constitute discrimination based on national origin
- Using bilingual staff is best practice in providing language accessibility
- Using a friend or family member to interpret is a safe practice

Adapted from Legal Momentum Immigrant Women Project

## TITLE VI REQUIREMENTS FOR LEP ACCESS

Recipients of federal financial assistance have a responsibility to take REASONABLE steps to provide Limited English Proficient (LEP) individuals with MEANINGFUL Access to their programs and activities

Adapted from Legal Momentum Immigrant Women Project

## TITLE VI NON-DISCRIMINATION AND LEP LANGUAGE ACCESS

- Recipients of federal funding prohibited from discriminating on the basis of race, color, or national origin. (42 USCS § 2000d).
- Failure to provide appropriate language assistance to LEP individuals may constitute a form of discrimination on the basis of national origin because, in effect they do not have access to the same benefits, services, information or rights.

Adapted from Legal Momentum Immigrant Women Project

## HOW TO IMPLEMENT LEP LANGUAGE ACCESS REQUIREMENTS

- ◉ Assess language needs of the community
- ◉ Develop comprehensive written policy language access
  - Oral interpretations
  - Translation of written materials
  - Notice about free language access
- ◉ Train staff
- ◉ Vigilant monitoring/oversight of language assistance program

Adapted from Legal Momentum Immigrant Women Project

## ASSESS LANGUAGE NEEDS OF CLIENT COMMUNITY

What is reasonable access?

- ◉ Contingent on numbers/proportion of LEP individuals
- ◉ Frequency of contact with program
- ◉ The importance of the program or activity to the LEP person (including the consequences of lack of language services or inadequate interpretation/translation)
- ◉ Resources available

Adapted from Legal Momentum Immigrant Women Project

## ASSESS LANGUAGE NEEDS OF CLIENT COMMUNITY (CONT'D)

How to identify needs?

- Identify language needs of each client, recording the information in file
- Identify points of contact in the program where language assistance is likely to be needed
- Identify the resources that will be needed to provide effective language assistance
- Identify location, availability of language resources
- Identify arrangements that need to be made to access these resources in timely fashion

Adapted from Legal Momentum Immigrant Women Project

## LANGUAGE ACCESS

- ◉ What experiences have you or your agency had with language access for your clients?
- ◉ What challenges have you encountered?
- ◉ What have you or your agency done to overcome these challenges?
- ◉ Do you find that the services you have provided have been effective?

## WHAT STEPS CAN YOU TAKE TO IMPROVE LANGUAGE ACCESS

- ◉ What steps can you take as an individual to improve language access for your clients?
- ◉ What steps can your agency take to improve language access to make their services more accessible to the community you are working with?

## CULTURAL COMPETENCY

- ◉ What is cultural competency?
  - Understanding the community you work with without imposing your own biases and prejudices
  - Do not make assumptions
  - Do not make judgments
- ◉ Why is it important?
  - Helps you adapt your access to services based on the community you work with
  - Increases the effectiveness of the services

Adapted from Family Violence Prevention Fund

## HOW TO MAKE YOUR ORGANIZATION CULTURALLY COMPETENT

- ◉ Collaborate with diverse agencies in your community
- ◉ Ensure your staff represents the population served
- ◉ Provide an atmosphere that allows for staff members to share ideas, experiences, and questions
- ◉ Engage members of the community

## IMMIGRATION STATUS: IS IT IMPORTANT?

- Why is immigration status important when accessing the courts?
  - Fear of “removal” (deportation) is the most common reason why immigrant survivors do not access the courts
  - Many immigrant survivors have been repeatedly threatened by their abuser...
    - Calling the police will lead to their deportation;
    - They will lose custody of their children;
    - The court will not believe them;
    - Police will not believe them

## HOW IS LANGUAGE ACCESS, CULTURE AND IMMIGRATION STATUS SO INTERTWINED WHEN ACCESSING SERVICES?

## WRAP UP

- Language
- Cultural Competency
- Immigration Status

## RESOURCES

- Legal Momentum: [www.legalmomentum.org](http://www.legalmomentum.org)
- Family Violence Prevention Fund: [www.endabuse.org](http://www.endabuse.org)