

Survivors with Limited English Proficiency: Barriers to Access

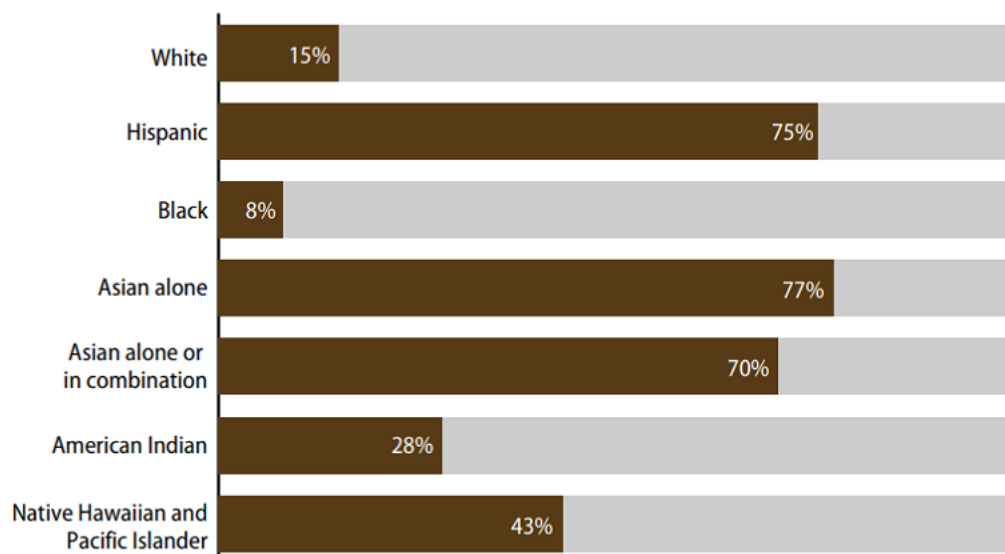
Background

All survivors and victims of domestic and sexual violence navigate complex systems and barriers—those with limited English proficiency face additional challenges. Language access policies and procedures that include the provision of qualified and culturally competent interpreters are critical to ensuring victim safety and equal access to justice.

Language services place individuals with Limited English Proficiency (LEP) on an equal footing with those who understand English. When systems do not provide bilingual services, interpretation or rely on untrained interpreters, they discriminate against LEP survivors by failing to provide the same level of access to services as English speakers have.

According to the Census, at least 350 languages are spoken in U.S. homes. 20.7% of the U.S. population speaks a language other than English at home¹.

Percent who speak a language other than English at home

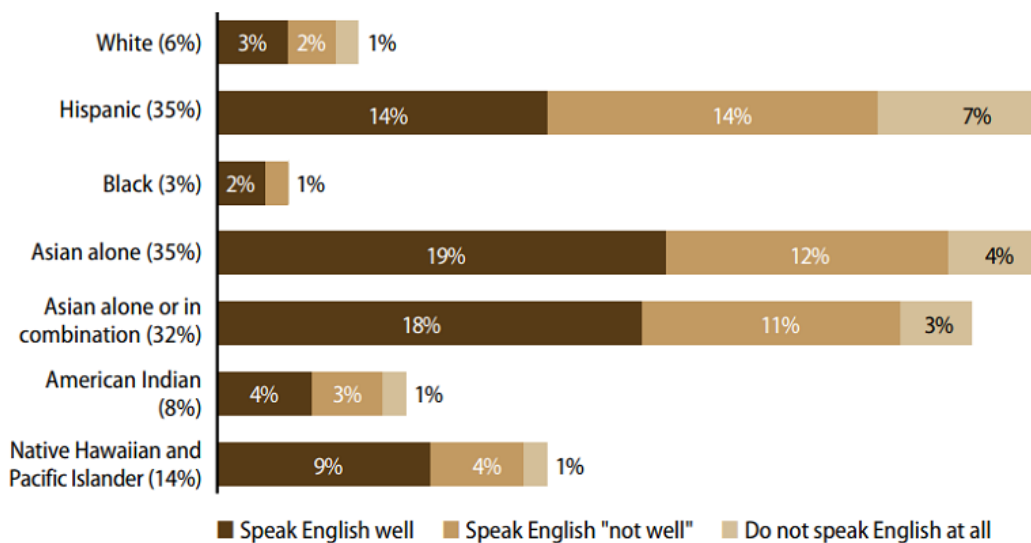


Note: Among ages 5 and older.
 Source: Authors' analysis of Public Use Microdata Sample from Bureau of the Census, "American Community Survey 2008-2012 American Community Survey 5-year Estimates," available at http://www.census.gov/acs/www/data_documentation/pums_data/ (last accessed May 2014).

¹ Data from [American Community Survey 2008-2012 "American Community Survey 5-year Estimates"](#). Graphs from [Center for American Progress](#)

Amongst households that speak a language other than English at home, the following numbers describe themselves as speaking English²:

Limited English Proficient (LEP) population by English-speaking ability



Note: Among ages 5 and older. Figures add up to the total limited English proficient population (those who speak English less than "very well")
 Source: Authors' analysis of Public Use Microdata Sample from Bureau of the Census, "American Community Survey 2008-2012 American Community Survey 5-year Estimates," available at http://www.census.gov/acs/www/data_documentation/pums_data/ (last accessed May 2014).

At the core of culturally and linguistically specific domestic violence programs are bilingual and multilingual advocates providing in-language services to survivors³. However, the demand for in-language services often exceeds the capacity of CBOs, which is further strained because service programs without a language access plan turn to these organizations for interpretation (for intakes, support groups, etc.); and/or because bilingual advocates are expected, or even forced to interpret for systems such as courts, child welfare, public benefits, etc.

A strong infrastructure for the provision of bilingual or interpretation services must ensure access to survivors at *all* points of contact and entry – first responders; law enforcement, civil, criminal and immigration systems; health and mental health; and social services; take varied locations – remote, rural, urban, large metropolitan areas, reservations, etc., into account; and be coordinated across systems. Leadership from the courts, law enforcement, legal services professionals, interpreters, federal agencies, funders, state administrators, and victim service agencies have to demonstrate political will in advocating for and applying pressure to implement language access and systems change.

² American Community Survey "Detailed Languages Spoken at Home and Ability to Speak English for the Population 5 Years and Over for United States: 2009-2013"

³ Asian Women's Shelter pioneered the Multilingual Access Model; and its current pool of staff and volunteers provide services in 40 (mostly) Asian and Pacific Islander languages, but also in Spanish.

Barriers to Access

Limited English proficiency not only affects survivors' ability to get help, but also employment, housing, benefits, health and mental health care, and to advocate for social and educational services for their children – factors compounding the vulnerability of, and the discrimination survivors face; more so for those contemplating leaving.

- Abusers who speak English deliberately misrepresent or falsify facts: (a) to first responders and law enforcement, often claiming that they were assaulted, leading to the arrest of the real victim; (b) to child protection, claiming the mother is abusive so she loses custody of their children; (c) to mental health providers so she is deemed unstable, misdiagnosed and/or medicated; (d) to custody evaluators; etc. In other words, LEP survivors are extremely vulnerable to batterer manipulation – a significant barrier.
- Lack of language access in courts mean miscarriages of justice and abrogation of civil rights.
- System failures are compounded by the failure to provide language services.
- LEP survivors can get turned away from domestic violence shelters and other core services – sometimes on a flimsy pretext or because programs decide they don't have an obligation to serve them because they must be undocumented.
- LEP survivors face multiple biases and can be viewed as uneducated (unless they are middle-class whites such as French-speaking Canadians for example), helpless, unfit for parenting, resistant to acculturation or learning English, unreliable at following-up, etc.
- Instead of trained interpreters, the use of children, family members, friends, co-workers is inappropriate, traumatic and results in errors and misinformation that negatively affect case outcomes. System failures include expecting LEP survivors to bring their own interpreter or to pay for an appointed one.
- Inadequate language services in systems: e.g., whilst translated forms/information may be available, varying literacy levels amongst LEPs, lack of bi-literacy in bilingual advocates, lack of signage in court buildings, etc. compound system barriers
- *Pro se* i.e., self-represented litigants make up a large part of family and civil court caseloads and LEP respondents are relying on a minimal understanding of English to navigate and advocate for themselves.
- Even when survivors have access to interpreters in court proceedings, courts, along with other systems (CPS, Welfare to Work) often contract with other agencies that fail to provide language access for “required” services, resulting in failure to complete mandated services, loss of children, and loss of economic resources.
- Native survivors are typically viewed as English speakers and systems are therefore not responsive to their language access needs. Jurisdictional barriers obtain, because Title VI provisions do not apply on tribal land.
- Lack of trained interpreters in languages of lesser diffusion (“rare” is an incorrect term).
- In small ethnic communities where interpreters, victims, abusers know each other, interpreters may face conflicts of interest, victims may not trust interpreters to be neutral and

impartial, and/or perpetrators may coerce or exert undue influence on interpreters because of their status in the community.

- Gender bias amongst interpreters manifests when interpreters: serve as self-appointed 'cultural experts' (which they are not) or are asked to offer commentary on cultural practices (which they should decline to do); reinforce patriarchal gender norms by victim-blaming; advise survivors to stay with abusers; or prejudicially explain the 'meaning' of terms in the target language.
- Secondary/vicarious trauma faced by interpreters when working with victims of child abuse, domestic violence, sexual assault, trafficking, and other forms of gender violence impacts their availability to work repeatedly on these cases.
- LEP individuals in deportation centers do not have access to language services and those victimized by custodial rape in these centers cannot avail themselves of PREA protections.
- LEP survivors face batterer- and system-generated barriers, exacerbated by intolerance and animosity towards them.
- Victim advocates and other human services program staff who are bilingual are often placed in the position of interpreting for systems that have greater resources, including for other parties who are not receiving services (for example, for the alleged perpetrator in court), or for other victim services programs. This reduces the capacity of their own programs to provide services to other LEP individuals accessing services.

Training, TA and Resource Development Responses

1. [Abused Deaf Women's Advocacy Services](#)
2. [American Bar Association](#)
3. Asian Pacific Institute on Gender-Based Violence
[Interpretation Technical Assistance & Resource Center](#)
 - (a) Publications include six Tip Sheets, TA Brief, list of translated materials in 30 Asian and Pacific Islander languages, Language Access Policy Template, and the [Resource Guide for Advocates & Attorneys on Interpretation Services for Domestic Violence, Sexual Assault and Trafficking Victims](#)
 - (b) Training and technical assistance on: developing and implementing language access plans and policies in organizations and systems, Federal and state laws and policies on language access in civil and criminal courts, meeting the needs of culturally diverse LEP survivors, roles and responsibilities of advocates and systems personnel at various points of contact, model programs and practices for interpretation services, training and qualifying standards for court interpretation, finding and working with interpreters, and interpreting for domestic violence, sexual assault and trafficking survivors.
4. [Ayuda](#)
5. Casa de Esperanza | National Latino Network: [Language Access Toolkit](#)
6. [Center for Court Innovation](#)

7. [King County Court's Office of Interpreter Services \(OIS\)](#): An exemplary model that can obtain interpreters for more than 155 different languages and assist LEP speakers/litigants during attorney-client consultations and arraignments, hearings, trials, and other court events. Interpreters also interpret for deaf jurors, classes for parents and truant youth, and appointments with court personnel.
8. [Language Identification Flash Cards](#) (for 37 languages)
9. [LEP.gov](#): The most comprehensive resource on language access
10. [National Association of Judiciary Interpreters and Translators \(NAJIT\)](#)
11. [National Center for State Courts \(NCSC\)](#)
12. [National Domestic Violence Hotline](#): Telephonic interpretation in up to 146 languages
13. [Registry of Interpreters for the Deaf](#)
14. [Vera Institute](#)

TA/Training/Resource Development Gaps

1. Judicial training on language access and working with interpreters and LEP litigants/respondents/complainants/petitioners.
2. Training for bilingual or multilingual advocates on basics and ethics of interpretation so when they are forced to interpret, they have some basic knowledge and skills.
3. Military bases almost entirely lack language access services on bases in the continental U.S. or territories for foreign- or US-born spouses with limited English proficiency. Policies, training, services and resources needed to be established and implemented by the DOD.
4. Training interpreters on working with victims, including building vocabulary.
5. Training interpreters to be aware of and cope with secondary/vicarious trauma.
6. Implementing practices to ensure that bilingual advocates do not interpret for attorney-victim meetings because attorney-client privilege is vitiated when a third party who is not a professional interpreter is present.
7. Model policies and training for funding agencies about the onus often placed on small, underfunded agencies that employ bilingual/bicultural advocates to provide interpretation for larger systems or other victim services agencies.
8. Model policies for child welfare, court systems, and welfare to work systems for provision of language access in contracted services that are "required" for families.
9. Funding for language services is the most significant resource gap.

The [Asian Pacific Institute on Gender-Based Violence](#) is a national resource center on gender and domestic violence in Asian and Pacific Islander communities, including domestic violence dynamics in refugee zones and language access for limited English proficient survivors. Please visit us at www.api-gbv.org or contact us at info@api-gbv.org with training or technical assistance requests.