



Language Access in Newark

How the city can improve its services and information for residents with limited English proficiency, and why it should

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Executive Summary

The Language Access Project is an effort to work with the City of Newark to adopt a policy ensuring that LEP (Limited English Proficient) immigrants can access the City, its services, and essential information without difficulty. This is a three-year partnership policy project between Rutgers Law School and the American Friends Service Committee Immigrant Rights Program. Student fellows designed a survey to capture data from limited English proficient individuals in Newark and used this data to draw policy recommendations for Newark. Federal laws and policies have made it possible for state and local governments to provide meaningful language access to LEP community members. City-wide policies from Washington, D.C. and New York City can serve as a model for the city of Newark.

Survey findings

- Nearly 40% of respondents reported that they read, write, or speak English “not very well,” or not at all.
- Survey respondents indicated the services most needed were hospitals and doctors (26%), followed by public education and transportation (16% and 10%).
- Respondents reported that their greatest limitation to accessing city services has been language: over 41% of respondents identified broken English and gestures as their main form of communication.
- Preferred means of communication and getting information: almost 45% of respondents prefer using an on-site interpreter, followed by “translated documents,” which were identified as a helpful resource by 27% of respondents.
- Approximately 42% of respondents claimed that the quality of treatment they received when interacting with public services had then negatively affected them.

Policy recommendations

1. The city of Newark should adhere to its already established commitment demonstrated in the Fair and Welcoming Policy in place for its immigrant population by passing and implementing language access legislation.
2. This legislation should provide equity in access to city services for the LEP residents of Newark by means of interpretation services and translated documents made easily available for these residents, and provide signage that notifies residents of the availability of such services.
3. The language access legislation should include periodic oversight (annually or biannually) and a quality control mechanism to ensure effective implementation.

Authors' Words

Throughout this project, we—as drafters of the survey, interpreters of data, authors of this report, and representatives of this accumulation of data—have seen the legitimate need experienced by the Limited English Proficient (LEP) population. The objective of this project was to engage in an analysis of the City of Newark and the access to city services experienced by those who are limited in their English proficiency. The work required of us in this project has brought us close to the needs of our focus population and has urged us to make a positive impact on their behalf. Going into this project, we assumed there would be a portion of the population that is limited in their English proficiency and, thus, would have difficulty in accessing their local public services. We were floored to learn how large a portion of the population this is. We were also disheartened to learn that LEP access to local public services was described as nearly impossible. What struck us most is the overwhelming negative impact this lack of access has had on the LEP population, which was expressed to us in personal accounts.

Establishing effective communication with residents is a legal imperative for local government; and when language is the prominent barrier to the government's ability to do this effectively, reforms must be made. In order to comply with federally mandated language access requirements and to prevent discrimination against those from a different national origin within its own jurisdiction, per Title VI of the Civil Rights Act of 1964, we recommend to the City of Newark that it begin taking steps toward developing meaningful language access policy.

What is language access?

We define “language access” by its legal definition, which is the establishment of effective communication by government agencies with Limited English Proficient (LEP) individuals.¹ LEP individuals are those “who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.” Additional definitions of LEP individuals include those who report that [they do] not speak English ‘very well.’² Language access is intended to provide individuals assistance in accessing services, benefits, or encounters to which they are entitled.

¹ Limited English Proficiency: A Federal Interagency Website, Commonly Asked Questions and Answers Regarding Limited English Proficient (LEP) Individuals, Federal Coordination and Compliance Section, 1 (2011), https://www.lep.gov/faqs/042511_Q&A_LEP_General.pdf

² David Jung and Noemi O. Gallardo, Language Access Laws and Legal Issues: A Local Official's Guide, 10 Hastings Race & Poverty L.J. 31, 32 (2013). Available at: http://repository.uchastings.edu/faculty_scholarship/283.

The Language Access Project

The Language Access Project is an effort to work with the City of Newark to adopt a policy to ensure that LEP (Limited English Proficient) immigrants can access the City, its services, and essential information without difficulty. This is a three-year partnership policy project between Rutgers Law School and the American Friends Service Committee Immigrant Rights Program. In the first year of this project, a survey was administered to assess the scale of the problem of language access facing immigrants in Newark. The survey was designed in late 2015 and implemented from January to September 2016 in appropriate foreign languages including Spanish, Portuguese, and French. The following years, we followed up with data analysis and comparison to get raw and reflective statistics for the City of Newark and drafted a model language access policy. In 2018, this language access report will be disseminated widely, and a model policy will be shared with city council members and the Mayor's office. This project is intended to inspire the long-delayed adoption of meaningful legislation that would ensure access to appropriate language services in the City of Newark. These services would connect LEP individuals with the local government and the necessary social services it provides.

Survey implementation and data analysis

The survey was designed to capture data from limited English proficient individuals in Newark.³ Included in the survey were quantitative and qualitative questions, covering statistical information and drawing on the personal experiences of respondents. For consistency, the survey was based on language found in the U.S. Census.

We conducted our outreach in areas where previous research indicated large populations of immigrants reside. Newark is segmented into five wards; North, South, East, West, and Central; the communities we chose to focus on within these wards were identified with the assistance of the Mayor's aides for each Ward and the organizations that provide services to immigrant and LEP residents, including the Newark Municipal ID office, St. Stephan's Grace Church (East Ward), St. James Church (East Ward) and St. Lucy's Church (North Ward). The surveys were translated into French, Portuguese, and Spanish, the most highly spoken languages other than English in Newark based on our demographic research. Survey instructions were developed for community partners to help us implement surveys in our absence. Our intent was to reach as many LEP individuals in Newark as possible; although we did not have community partners in certain wards like South Ward and West Ward, we have enough data to support our recommendation that Newark implement strong language access policies.

Over the period of nine months in 2016, a total of 252 surveys were collected. Seventy-five percent of survey participants filled out Spanish surveys; of these, 70% said Spanish is their primary language. Several data cross-feeds were created upon the completion of our surveys to show correlations between respondents' needs and experiences. For example, a cross-feed was created to show correlation between "Primary Language" and/or their "Speaking Ability" with their needs and experiences. The majority of LEP respondents expressed the need to understand information about available services and how to access them in their primary language. When respondents were unable to understand and communicate in English, they either didn't receive the service or felt they were being treated poorly.

³ See Index A: Language Access Survey (EN).

Policy Review

Federal: Executive Order 13166

President Clinton signed Executive Order 13166 in 2000 “to improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency.” The executive order requires federal agencies to “examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency.”⁴ Each agency shall also work to ensure that recipients of federal financial assistance provide meaningful access to their LEP applicants and beneficiaries. The executive order makes mention of the role of the Department of Justice (DOJ) in assisting implementation. As a result of this requirement for compliance, the DOJ has issued a Policy Guidance Document.⁵ This document sets forth that the compliance standards necessary to ensure programs and activities normally provided in English be accessible to LEP persons. All agencies and bodies receiving funds from the federal government fall within the mandate of application. This includes but is not limited to, courts, law enforcement, and public benefits agencies.

Civil Rights Act of 1964 (Title VI)

Section 601 of Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in programs and activities that receive federal financial assistance. “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”⁶ Section 602 of Title VI then authorizes and directs federal agencies that are empowered to extend federal financial assistance to any program or activity to assure effective issuance of Section 601 via rules, regulations, and orders. The funds indicated in the Act are those associated with federal agencies, federally assisted programs, and any program or activity receiving federal financial assistance.

The City of Newark

The local government in Newark, by way of the Mayor’s Office of International Relations and Diaspora Affairs (MOIRDA) led by the Deputy Mayor Ugo Nwaokoro and Mayor Ras Baraka, have pledged in different ways to support the immigrant communities of Newark. Such efforts include the development of Municipal Identification and its corresponding agency. This agency serves all individuals in Newark—undocumented and documented, alike—who do not have other government-issued identification that could give them access to city services and the ability to hold a bank account.

In 2017, Mayor Baraka signed the “Fair and Welcoming Policy” executive order in which “the City of Newark and all its contractors shall make best efforts to provide free language assistance services as

⁴ U.S. Dep’t of Justice, Executive Order 13166: Improving Access to Services for Persons With Limited English Proficiency, (Aug. 11, 2000) <https://www.justice.gov/crt/federal-coordination-and-compliance-section-180>

⁵ https://www.lep.gov/guidance/guidance_DOJ_Guidance.html

⁶ U.S. Dep’t of Justice, Title VI of the Civil Rights Act of 1964 42 U.S.C. § 2000D Et Seq. <https://www.justice.gov/crt/fcs/TitleVI-Overview>

required by this order to Limited English Proficient (LEP) individuals.”⁷ The order represents the initial commitment of ensuring language access in the City of Newark.

⁷ City of Newark, Executive Order: “Fair and Welcoming Policy,” July 19, 2017.

Language Access Analysis

Newark's Demographics

Newark is located just eight miles west of New York City and is the largest city in the state of New Jersey. The Black/African-American community is the largest in Newark.⁸ This community makes up over one-half of the population but is broken down into several separate ethnicities. There is a large group of individuals within this community that has limited English proficiency, mostly African immigrants, but smaller than in the Hispanic/Latino community. The second largest community in Newark is the Hispanic/Latino community, which makes up roughly one-third of the city's entire population. Like the Black/African-American community, this group is divided ethnically. This community also includes a large number of foreign-born individuals, almost 60% of whom are limited in their English proficiency. The most commonly spoken languages among this community are Spanish and Portuguese. The third largest community in Newark is the White population. This community is as large as the Hispanic/Latino population but is not as ethnically divided. This population largely speaks English as its native language.

Newark is among the top 10 cities in New Jersey home to foreign-born individuals. Newark boasts a population of 281,944, and roughly one-quarter (or 81,187 people) are foreign-born. Further, the 2015 American Community Survey indicates that 119,966 persons living in Newark speak a language other than English at home.

Findings: English Proficiency

Our survey provided first-hand information regarding the immigrants of the City of Newark. For instance, respondents provided information about their ethnic and racial identities and through their survey responses we identified 29 different ethnic groups and five separate races.⁹ Fifteen different languages were identified as commonly spoken among surveyed individuals.¹⁰

Our respondents reported different levels of English proficiency in speaking, reading, and writing. Most respondents identified as being limited in their English proficiency.

- 27% to 31% reported that they read, write, or speak English “very well.”
- 28% to 31% reported that they are “able to get by.”
- 27% to 28% reported that they read, write, or speak English “not very well.”
- 8% to 13% reported that they “not at all” read, write, or speak English.

Findings: Type of Services Needed

The results of our survey regarding services needed by LEP indicated a spectrum of services.

- The highest incidence of interactions was with hospitals and doctors according to 26% of LEP individuals.

⁸ U.S. Census Bureau, New Jersey QuickFacts: Newark City (Dec. 12, 2016), <http://www.census.gov/quickfacts/table/PST045216/3451000,34>

⁹ These races are: White, Hispanic/Latino, Black/ African American, Native American, Asian/ Pacific Islander.

¹⁰ See Appendix “Survey Data”

- Public education and transportation services were also used at a high rate of 16% and 10%, respectively.
- City administration, courts, and the police had similar levels of interaction with the respondents - 10%, 9%, and 8%, respectively.

Lastly, 4% of respondents noted their use of shelters and food pantries. This portion of our data indicated overall that LEP individuals are interacting with a multitude of city services in Newark, but this interaction has come with obstacles.

Findings: Obstacles to City Services

Respondents reported that their greatest limitation to accessing city services has been language. Some respondents did identify their immigration status as a limitation, as well. Over 41% of respondents identified that broken English and body language is their main form of communication. Otherwise, third-party translation and family member assistance were also used, as reported by 13% and 12% of the respondents, respectively. Almost 6% of respondents indicated that they shy away from any form of communications with the city in accessing city services, as they are limited in their abilities to do so.

Survey participants identified the following to be most helpful in helping them access city services:

- Almost 45% of respondents prefer using an on-site interpreter.
- Translated documents were also identified as a helpful resource by 27% of respondents.
- Other favored resources included multilingual signs, according to 9.4% of respondents.

The same holds true for the ways respondents receive information:

- 30% of respondents noted that they receive their information through friends and family —groups that make them comfortable.
- 19% noted that they receive information through the mail.
- Respondents also rely on community-based organizations and social media/internet (18% and nearly 15%, respectively).

Considering these results, Newark would best assist its LEP population by providing direct and on-site interpreters, developing mailers that are bilingual, and creating multilingual social media resources.

We also asked how LEP individuals are communicating with Newark in return.

- 47% of respondents noted that they mainly contact city services in-person.
- 36% of respondents noted they are likely to call city services. What this indicates to us is that interpreters and translation services (such as having a non-English option for the telephone) are most necessary.
- Email and regular mail are the two lowest-ranked methods by which residents contact city services, with email being used by 4% of respondents and regular mail being used by nearly 2%.

There are currently very limited non-English options available for some LEP individuals for the use of some city services. Almost 55% of respondents indicated utilizing the non-English option when it has been provided, but about 8% identified that there is no such option for them to use. Over 48% of respondents indicated that access to bilingual services is difficult; and although 20% of those

surveyed found bilingual services easily accessible—another 10% of those surveyed indicated that it is instead impossible for them to access such services.

Findings: Experience Seeking Services in Newark

We also found through this project that many LEP individuals were having negative experiences when interacting with public services. Individuals with limited English proficiency face continued mistreatment by public service staffers. A significant number of respondents noted experiencing negative treatment toward them or a family member solely for this reason. Some public service staffers have shown resentment toward LEP individuals in some cases, deterring them from interacting with public services going forward.

According to our data,

- Roughly 42% of respondents claimed that the quality of treatment they received when interacting with public services had then negatively affected them, e.g. respondents noted that they were disinclined to seek further assistance, and “will not ask questions” or “feel they can’t go anywhere” as a result of their limited English proficiency.
- Less than half of that number (20% of respondents) had claimed that it had not.
- The remaining 40% did not answer that question.

A large percentage of the LEP individuals surveyed claim that despite this, they continue to interact with public services when needed, but through broken English. These respondents also noted the difficulty of doing this. Specifically, one respondent wrote that he/she “does not feel welcomed,” and another wrote that he/she is “not treated well.” A third respondent felt discriminated against because the service[s] he/she used would not send him/her a translation of his/her bills. Other respondents wrote that “sometimes we [the respondent and his/her family] are penalized,” and that “it is difficult to explain.” Others said:

- “sometimes they [personnel] don’t care about you.”
- “I [the respondent] often leave places without receiving any attention as a result of my language.” “It is depressing and frustrating.”
- “It [access city services] is seriously very difficult.”

Many other respondents described having similar experiences, using the descriptors “problem,” and “discrimination.”

Comparable Language Access Policies

City-level Comparison: Washington, D.C.

Local government in Washington, D.C. had concluded, between the years 2000 and 2004, that there was a need for language access programs when it found that a significant portion of the population had no or limited English proficiency and that this disadvantage was preventing them from accessing basic public services that are offered to all. According to census data from 2000, Washington D.C. was home to 73,561 immigrants, many of whom did not speak English, or did so very poorly. Roughly 13% of the District's population at that time was foreign-born. Just over 50% of those who were foreign-born came from countries in Latin America, a demographic that is similarly found in Newark.¹¹

In response, local government passed the Language Access Act of 2004. This Act was meant to address the need for language access to the immigrant population by providing LEP individuals with access to public services that are considered essential (e.g. hospitals, courts) using a language threshold of 3% (if a language is spoken by more than 3% of the residents), or 500 individuals for its implementation.¹²

Given budgetary constraints, the Act allows for discretion in prioritizing language access needs in the community and how they are addressed. Public services that were considered most essential for the LEP population were reformed first, resulting in the hiring of interpreters and the printing of translated documents.

To ensure that LEP individuals can access public services, the Act designated the responsibility for overseeing the implementation of language access to the Office of Human Rights (OHR). The Act also established the position of the Language Access Director within the OHR to rectify instances of non-compliance.

City-level Comparison: New York City

New York City (NYC) also has a similar demographic makeup to Newark: NYC has a large and growing population of foreign-born and LEP individuals (about one-fourth of the population), and among these individuals Spanish is the most commonly spoken language.¹³ While the population is much larger in NYC, the number of foreign-born and LEP individuals who identify as Hispanic/Latino is comparable to what we find in Newark.

In NYC, Language Access Programs have been implemented for use in some public services, essentially health and human services, mandated by NYC's local law 73 of 2003. According to the law, the agency and contractors shall promptly determine language needs, inform LEP's rights to free language assistance, provide oral translation for forms and documents, post conspicuous signs in every covered language at

¹¹ U.S. Census Bureau, American Fact Finder:
https://factfinder.census.gov/bkmk/table/1.0/en/DEC/10_SF1/QTP10/1600000US3451000.

¹² American University Washington College of Law, Access Denied: The Unfulfilled Promise of the D.C. Language Access Act, 4 <https://www.wcl.american.edu/news/documents/AccessDenied.pdf>

¹³Anita Khashu, Translating Justice: a guide for New York City's justice and public safety agencies, Vera Institute of Justice, 2 (May 31, 2005) <https://archive.vera.org/pubs/translating-justice-guide-new-york-citys-justice-and-public-safety-agencies>

agency offices, and make reasonable efforts to provide language assistance in person by bilingual personnel. Language access has been determined particularly problematic and essential in the health care system and the public education system. In the health care system, a large number of LEP patients who were dependent upon public health care were not receiving meaningful treatment due to a gap in communication between themselves and health care professionals. In the public education system, children were negatively affected by their parents' limited English proficiency. Parents were unable to be involved in their children's education because they could not communicate with teachers or read documents their kids brought home.

In 2008 NYC Mayor Bloomberg issued Executive Order 120 that required all city agencies to provide meaningful access to public services and take reasonable steps to develop and implement agency-specific language assistance plans regarding LEP persons. In addition, the order also required agencies to designate a language access coordinator, provide trainings to frontline workers, and establish an appropriate measuring and monitoring system.

Policy Recommendations

We recommend to the city of Newark that it take steps toward developing a meaningful language access policy. Our recommendations include:

4. The city of Newark should adhere to its already established commitment demonstrated in the Fair and Welcoming Policy in place for its immigrant population by passing and implementing language access legislation.
5. This legislation should provide equity in access to city services for the LEP residents of Newark by means of interpretation services and translated documents made easily available for these residents, and provide signage that notifies these residents of the availability of such services.
6. The language access legislation should include periodic oversight (annually or biannually) and a quality control mechanism to ensure effective implementation.

Appendix: Survey Data

Demographics

Cultural identity			#	%	
Guatemalan	6	2.4	Haitian	3	1.2
Honduran	10	4.0	Argentinian	5	2.0
Brazilian	15	6.0	Cuban	2	.8
Dominican	17	6.3	Chinese	2	.8
Colombian	9	3.6	Japanese	1	.4
Peruvian	18	7.1	Mexican	12	4.8
Ethiopian	1	.4	Sudanese	1	.4
Spanish	3	1.2	Togolese	1	.4
Ecuadorean	69	27.4	Ivory Coast	1	.4
Puerto Rican	12	4.8	Italian	4	1.6
American	8	3.2	Costa Rican	7	2.8
Bolivian	1	.4	Salvadorian	4	1.6
Uruguyan	1	.4	Hisp./Latino	4	1.6
Nicaraguan	1	.4	No Answer	10	4.0

Primary language			#	%	
Spanish	179	71.0	Japanese	1	.4
French	4	1.6	Cantonese	1	.4
Arabic	1	.4	Twi	1	.4
Ibo	1	.4	Black/ Afr. Am.	16	.4
Mandarin	1	.4	Amharic	1	.4
Creole	2	.8	African	8	3.2
Italian	1	.4	English	35	13.9
Tagalog	2	.8	Alemao	1	.4
Portuguese	19	7.5	No Answer	2	.8

Race	#	%
White	11	4.4
Hisp./Latino	194	77.0
Black/Afr. Am.	30	11.9
Native Am.	2	.8
Asian/Pac. Is.	5	1.9

Age	#	%
18–24	35	13.9
25–34	67	26.6
35–44	55	21.8
45–54	47	18.7
55–64	31	12.3
65+	14	5.6

English Proficiency

Read English	#	%	Speak English	#	%	Write English	#	%
Very well	69	27.4	Very well	79	31.3	Very well	67	26.6
Able to get by	80	31.7	Able to get by	71	28.2	Able to get by	71	28.1
Not very well	72	28.6	Not very well	78	31.0	Not very well	69	27.4
Not at all	28	11.1	Not at all	21	8.3	Not at all	33	13.1
Other: Learning	1	.4	Other: Learning	1	.4	Other: Learning	0	0

Daily communication	#	%
Broken English	118	41.1
Family Assisted	36	12.5
Translator (Other)	38	13.2
No Communication	17	5.9
Other	40	13.8
No Answer	39	13.5

Services needed

Services needed	#	%
Court/Legal	26	5.7
Police	21	4.6
Emergency Services	26	5.7
Hospital/Medical	130	28.4
Transportation	67	14.6
City Administration	46	10.0
Educational	87	19.0
Shelter/Pantry	18	3.9
Other	4	.9
None	18	3.9
No Answer	15	3.3

Services interacted with	#	%
Court/Legal	45	8.6
Police	41	7.8
Emergency Services	32	6.1
Hospital/Doctors	136	26.0
Transportation	53	10.1
City Administration	50	9.6
Educational	87	16.6
Shelter/Pantry	21	4.0
None	37	7.1
No Answer	17	3.2

Access and obstacles

Agency contact	#	%
In-Person	141	47.0
Telephone	109	36.3
Email	13	4.3
Mail	5	1.7
Other	14	4.7
No Answer	18	6.0

Info reception	#	%
Community Organizations	64	18.3
Friends/Family	103	29.4
Info mailed	67	19.1
Internet	52	14.9
Newsletters/T.V.	42	12.0
Other	2	.6
No Answer	20	5.7

Preferred method of access	#	%
Multilingual Signs	26	9.4
Interpreters	123	44.4
Translations	75	27.1
Web Translations	5	1.8
No Answer	48	17.3

Access to bilingual services	#	%
Impossible	25	10.0
Difficult	122	48.3
Easy	50	20.0
Not Tried	27	10.6
No Answer	28	11.1

Use non-English option	#	%
Yes	137	54.4
No	95	37.7
Not Available	20	7.9
No Answer	17	6.7

Limitations to access	#	%
Immigration Status	70	25.0
Language	95	34.0
Financial	44	15.7
Confusion	32	11.4
No Answer	39	13.9

Quality of treatment	#	%
Affected	105	41.7
Not Affected	46	18.3
No Answer	101	40.0