

Lost in Translation

Two years after the Office for Civil Rights of the United States Department of Health and Human Services issued a Letter of Findings stating that there were widespread civil rights violations against limited English proficient (LEP) and hearing-impaired New Yorkers within New York City's Human Resources Administration, Make the Road by Walking and the New York Immigration Coalition interviewed 220 LEP welfare claimants to see if New York City and State had complied with federal law and fixed these problems.

A report by
Make the Road by Walking



and
The New York Immigration Coalition



November 2001

“LOST IN TRANSLATION” - ABOUT THIS REPORT:

In October of 1999, the Office for Civil Rights of the United States Department of Health and Human Services issued a Letter of Findings that condemned widespread civil rights abuses within New York City’s Human Resources Administration (HRA). The Letter of Findings stated that:

1. Within HRA, limited-English proficient (LEP) welfare claimants were “denied language interpreter assistance during visits to public assistance offices;”
2. “Bilingual staff resources were insufficient” to serve LEP clientele; and
3. “The lack of adequate translation or interpreter services imposes significant barriers” on applicants and recipients of Public Assistance.

Almost two years later, Make the Road by Walking and the New York Immigration Coalition investigated whether or not city and state administrators had managed to correct the civil rights violations identified by the federal government at HRA.

From April to August of 2001, Spanish and Creole speaking members of Make the Road by Walking visited eight Public Assistance offices throughout New York City and interviewed two hundred and twenty LEP welfare applicants and recipients. The results of those interviews are summarized in this report.

MAKE THE ROAD BY WALKING:

Make the Road by Walking is a membership-led organization. We promote economic justice and participatory democracy by increasing low-income people’s power to achieve self-determination through collective action. Our multi-faceted approach includes:

Organizing and Activism to build a stronger community, to make governing institutions subject to democratic community control, and to mobilize resistance to oppression based on race, class, gender, age, national origin, and sexual orientation.

Collaborative Learning to share ideas and experiences, to analyze the root causes of the problems we face, and to strategize about how we can take action together to resolve these problems in a way that values the voice, perspective and contribution of every person.

A Community of Support to provide badly needed services to members and leaders, to draw people into our educational and organizing activities, and to affirm an ethic of cooperation, mutual support, dignity and *animo*.

THE NEW YORK IMMIGRATION COALITION:

The New York Immigration Coalition (NYIC) is an umbrella advocacy organization for approximately over 150 groups in New York State that work with “newcomers” to our country – immigrants, refugees, and asylees.

The NYIC successfully brings together multi-ethnic, multi-racial, and multi-sector constituencies to pursue common goals: to improve access to services and public agencies; to combat discrimination and ensure civil rights protections; to advocate for equitable immigration policies; to promote newcomer civic participation and political empowerment; to educate both newcomer communities and the public at large about immigration issues; and to foster improved quality of life for New York’s diverse newcomer and native-born communities.

Summary of Spanish and Creole Surveys

I have seen a lot of discrimination in welfare centers. Immigrants suffer more from this problem because when we go to the center to correct their errors, nobody understands us. It is common to wait more than five hours for interpreters -U. Perez

They (caseworkers) don't understand Spanish and the clients do not understand English...they always say "I have no time to talk to you now."

-A. Gomez

The only problem that I have is communicating with my caseworker. I cannot speak with the caseworker because he/she does not speak Spanish. -V. Octavo

She (caseworker) always says, "English! English!" And hangs up the phone

- N. Almanzar

When I got to the Center, my worker did not want to help me because she didn't know Spanish and I didn't know English.

- C. Tineo

Notwithstanding New York City and State's stated commitment to provide free translation and interpretation services, and their legal obligation under the Civil Rights Act of 1964 and the federal Food Stamps Act to provide these services:

- 1) Of the Spanish and Creole speaking LEP claimants who reported needing a bilingual caseworker, **76%** reported that they were not assigned one.
- 2) **84%** of LEP claimants had not even been informed about the availability of interpretation services at their Center.
- 3) **77%** of LEP claimants received no interpretation services from any staff at the Center.

For LEP claimants, there are severe consequences of HRA's failure to provide legally required translation and interpretation services:

47% reported that they did not receive their benefits, or that they had their benefits cut unjustly

32% felt discriminated against

30% felt humiliated

SUMMARY OF SPANISH LANGUAGE SURVEYS

Notwithstanding New York City and State's stated commitment to provide free translation and interpretation services, and their legal obligation under the Civil Rights Act of 1964 and the federal Food Stamps Act to provide these services:

- 1) Of the Spanish-speaking LEP claimants who reported needing a bilingual caseworker, **71%** reported that they were not assigned one.
- 2) **83%** of Spanish-speaking LEP claimants had not even been informed about the availability of interpretation services at their Center.
- 3) **73%** of Spanish-speaking LEP claimants received no interpretation services from any staff at the Center.

For LEP claimants, there are severe consequences of HRA's failure to provide legally required translation and interpretation services:

47% reported that they did not receive their benefits, or that they had their benefits cut unjustly

26% felt discriminated against

24% felt humiliated

This is the second time that I applied for assistance. The first time I applied I went to the interview and the interviewer did not speak any Spanish and he told me to leave because I do not speak English.

-I. Enriquez

Ever since I first applied, I have been mistreated and discriminated against within the welfare system because I do not speak English. I have been told that I need to bring my own interpreter every time that I go to the Center or I won't be helped... I have seen with my own eyes that in the centers there are many people being victimized and discriminated against as a result of their language or their national origin. The abuses and the discrimination are not just hurting our feelings, though. They are hurting our ability to feed our children healthy food.

- N. Paradis

There are very few workers who speak Spanish. People don't understand me. I can't explain to them what I need.

-L. Abedoga

SUMMARY OF CREOLE LANGUAGE SURVEYS

My experience with welfare is that I spent a long period of time without receiving any benefits and it was very difficult to care for my four children because I couldn't even communicate with my caseworker because of our language difference. It is very difficult to live under these circumstances. I was only able to survive during that time period because of the help I received from my church and my mother, but many people do not have a church or anyone from whom they can ask for help.

- S. Evangelista

My experience is that when I want to talk to my caseworker, I can't communicate with her because I don't speak English. I have been fighting for a year to get my caseworker to help me pay my rent. I'm a single mother with four children. My caseworker doesn't take my calls or when I go to the center in person, she won't attend to me. Because of this system, my four children go hungry and I could end up on the street unable to pay my rent.

- A. Gomez

Notwithstanding New York City and State's stated commitment to provide free translation and interpretation services, and their legal obligation under the Civil Rights Act of 1964 and the federal Food Stamps Act to provide these services:

- 1) Of the Creole-speaking LEP claimants who reported needing a bilingual caseworker, **97%** reported that they were not assigned one.
- 2) **91%** of Creole-speaking LEP claimants had not even been informed about the availability of interpretation services at their Center.
- 3) **97%** of Creole-speaking LEP claimants received no interpretation services from any staff at the Center.

For LEP claimants, there are severe consequences of HRA's failure to provide legally required translation and interpretation services:

51% reported that they did not receive their benefits, or that they had their benefits cut unjustly

66% felt discriminated against

57% felt humiliated

APPENDIX 1: SAMPLE SURVEY INSTRUMENT IN ENGLISH

Interview

1. Are you applying for public assistance or are you currently receiving public assistance?

APPLYING

RECEIVING

2. Do you speak English?

YES

NO

3. Does your caseworker speak Spanish?

YES

NO

4. Do you need a caseworker that speaks Spanish?

YES

NO

5. If your caseworker does not speak your language, in the last three months has he/she informed you of your right to translation services in the welfare center?

YES

NO

6. In the last three months, when you've spoken to other employees at the welfare center that are not caseworkers, have they spoken to you in your language or have looked for a translator in order to understand you?

YES

NO

7. If you did not received translation services at your welfare center, what were the resulting consequences for your family?

Didn't receive benefits

Benefits were cut off unjustly

Inconvenience

Humiliation

Felt discriminated against

Anything else:

8. Would you like us to ask for a caseworker that can speak your language?

YES

NO

9. If you answered YES to the above question, what is your name? _____ And what is your case number? _____

Interviewed By _____ ***Center:*** _____ ***Date:*** _____

RECOMMENDATIONS:

In order to adequately serve New York City's LEP welfare applicants and recipients

New York State must:

- Sign a corrective action agreement with the Office for Civil Rights of the Department of Health and Human Services to ensure equal access to benefits for limited English proficient (LEP) individuals.

HRA must:

- track primary language data of all LEP individuals who seek or receive services at their offices
- inform all LEP individuals who enter their offices that they have the right to free interpreter and translation services
- match all LEP welfare recipients with trained and certified bilingual caseworkers who speak their language
- hire adequate bilingual caseworkers and interpreters to serve LEP clients
- regularly train all HRA staff on their obligations under Title VI of the Civil Rights Act to provide equal access to all services for LEP individuals

The City Council should:

- pass the Equal Access to Health and Human Services Bill. This bill will require many city agencies, and large agency contractors, to provide free translation and interpretation services to LEP individuals.

The Mayor should:

- sign the Equal Access to Health and Human Services Bill into law to ensure equal access to services at HRA and other City agencies, and to protect immigrant families by ending national origin discrimination against *all* New Yorkers.

The organizations listed below have endorsed the Equal Access to Health and Human Services Bill:

Make the Road by Walking
The New York Immigration
Coalition
UJA Federation of NY
SEIU Local 32BJ
UNITE
United Neighborhood Houses
Council of Senior Centers and
Services of New York City
NY Association for New Americans
Alianza Dominicana
NY ACORN
Hispanic Federation
Transportation Workers, Local 100
NOW Legal Defense & Education
Fund
Asian Americans for Equality
Asian American Legal Defense
and Education Fund
Communications Workers of
America Local 1180
Community Service Society of NY
Puerto Rican Legal Defense and
Education Fund
National Employment Law Project
The Welfare Law Center
NY Lawyers for the Public Interest
Gay Men's Health Crisis
Hunger Action Network of NYS
Federation of Protestant Welfare
Agencies
Greater NY Labor-Religion
Coalition
Urban Justice Center
Community Food Resource Center

The Arab-American Family
Support Center, Inc.
Chinese Progressive Association
National Korean American Service
and Education Consortium
Jews for Racial and Economic
Justice
Committee Against Anti-Asian Violence
AFGE Local 1151
Northern Manhattan Improvement
Corporation
Community Voices Heard
South Asian Youth Action
NYC Environmental Justice Alliance
Center for Constitutional Rights
Cabrin Immigrant Services
National Association of Korean
Americans – NY Chapter
Marymount Manhattan College,
Institute for Immigrant Concerns
Child Care, Inc.
Housing Works, Inc.
Advocates for Children
Immigrants and Child Welfare
Project
Fifth Avenue Committee
Haitian Women for Haitian
Refugees
Southside United Housing
Development Fund Corporation
North Brooklyn Welfare Education
& Community Advocacy Network
Latin American Integration Center
Central American Refugee Center
American Association of Jews

From the Former USSR, New
York Chapter
Coalition for the Homeless, FIRST
STEP Job Readiness Program
Center for Immigrant Families
Welfare Rights Initiative
Shorefront YM – YWCA of
Brighton/Manhattan Beach, Inc.
South Jamaica Services
Gloria Wise Boys and Girls Club
Coalition for the Human Rights of
Immigrants
New York City AIDS Housing
Network
The New York City Gay and
Lesbian Anti-Violence Project
Industrial Workers of the World, NYC
New York Asian Women's Center
Alliance for Better Immigration
Laws
Church Alive Development Corp.
Sunset Park Adult and Family
Education Center
Neighborhood Youth and Family
Services
African and Caribbean Immigrants
Network of CPO Ministry, Inc
Flushing Greens
Literacy Assistance Center
City Budget
Metro NY Health Care for All
Campaign
Haitian Americans United for
Progress
United Hebrew Trades

Jewish Labor Committee
Child Welfare Organizing Project
West Side Campaign Against
Hunger
Good Old Lower East Side

Supportive Housing Network of NY
Women's Housing and Economic
Development Corp.
Center for Family Life in Sunset
Park

Refugee Women Council
Brooklyn Perinatal Network, Inc.
The Samaritan Women Family
Restoration Through Faith Project,
Inc