

Building Political Power and Guaranteed Civil Rights

Expanding Language Access

Language access means providing Limited English Proficient (LEP) communities with equal access to the same services as English speaking individuals. Lack of language access is one of the most significant barriers New York's immigrant communities face to accessing critical State services. This language access issue was made more prevalent in the wake of the global pandemic. Most COVID-related information was rapid, instantaneous, and mostly in languages that were not accessible to many immigrant communities.

In April 2022, Governor Hochul codified Executive Order 26.1 (§ 202-A of the Executive Law) as part of the FY 2023 Enacted Budget. EO 26.1, signed in March 2021 by former Governor Cuomo and directs State agencies to provide for the translation of vital documents in the 10 most commonly spoken non-English languages. The current law expanded New York State's language access policy and directs all State agencies to provide interpretation services in any language with respect to the provision of agency services or benefits, and translate vital agency documents into the top 12 most commonly spoken non-English languages (Spanish, Chinese, Russian, Bengali, Yiddish, Haitian Creole, Korean, Italian, Arabic, Polish, French, Urdu). The new law took effect on July 1, 2022 with the launch of a new Office of Language Access. However, similar to the Executive Order, under the new law translation is only mandatory for the agencies under the jurisdiction of the Governor, instead of across all subdivisions of state and county government leaving out important agencies that many immigrants interact with like the Department of Motor Vehicles and the Department of Education. The law does not provide for the use of the most recent U.S Census and Community Survey data, or consideration for local variances.

Recommendations:

Ensure the Office of Language Access (OLA) is accessible to community members and Community-Based Organizations (CBOs) and Increase collaboration with the new Director

to assist with implementation of the law, provide expertise and knowledge from community organizations who interact directly with LEP communities, create a process to collect and report complaints and community feedback, provide regional language data, and policy recommendations.

Introduce new legislation to further expand on the current language access policy

to include additional State agencies such as the Department of Motor Vehicles and Department of Education, require biennial language assessment using both Census and Community Survey data, and for local variances from the state-wide languages to be accounted for by regions adding the top 3 languages for that region that do not already appear on the statewide list.

Create a Community Legal Interpreter Bank

modeled after a successful model in place in the District of Columbia since 2007 to increase the supply of trained, vetted immigration legal interpreters by committing funds to be provided to community-based nonprofit organizations.

Provide funding to create three Language Services Cooperatives

to enable immigrant community-based organizations to develop and launch three language services worker-owned cooperative--for African languages of limited diffusion (LLDs), Asian LLDs, and indigenous Latin American LLDs.