

**Joint Legislative Audit and Review Commission  
of the Virginia General Assembly**



**Acclimation of Virginia's  
Foreign-Born Population**

**Staff Briefing  
Linda Ford  
November 10, 2003**

# Introduction

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## Staff for this study:

**R. Kirk Jonas, Deputy Director**

**Linda Ford, Project Leader**

**Eileen Fleck**

**Tracey Smith**

**Laura Whiteley**

**Jeff Geiger**

# Presentation Outline

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- Introduction and Background**
- What federal government policies and programs affect the immigrant populations in Virginia and have an impact on State and local initiatives?**
- What State, regional, and local government services do immigrants need that are unique or typically exceed those of the general population?**
- What are the benefits and costs of the major immigrant populations to the Commonwealth and its economy?**
- What options are available for State, regional, and local governments to facilitate acclimation of the immigrant populations into the Commonwealth's economy and social fabric while preserving ethnic and cultural identity?**

# Study Mandate

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- **House Joint Resolution 604 (2003) directs JLARC to study the acclimation of the Commonwealth's ethnically diverse population. The resolution specifically directs staff to evaluate:**
  - **The potential need for State, regional, and local government services to the immigrant populations that are unique or typically exceed those of the general population**
  - **The benefits and costs of the major immigrant populations to the State**
  - **Federal government policies and programs that affect the immigrant populations and that could impact State initiatives**
  - **Options for local, regional, and State governments to facilitate acclimation of the immigrant populations into the State's economy and social fabric**
  - **Possible changes in the State's laws and regulations, as appropriate, to ensure equal opportunity for all ethnic groups**

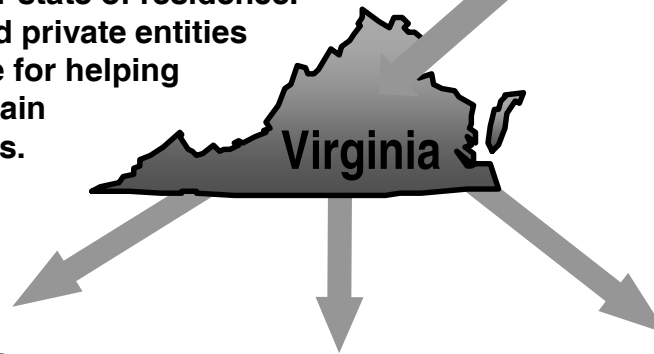
# Sources of Policies and Services Affecting Immigrants



U.S. federal government sets immigration policies.



Over 570,000 immigrants have chosen Virginia as their state of residence. State, local, and private entities are responsible for helping immigrants obtain needed services.



## State Government

Limited direct contact with State entities, including:

- Department of Social Services
- Virginia Employment Commission
- Department of Health
- Department of Motor Vehicles
- Institutions of Higher Education

## Local Government Agencies

Provide majority of public services, through:

- Public Schools
- Health Departments
- Community Service Boards
- Social Services Agencies
- Local Law Enforcement
- Housing Assistance

## Private, Non-Profit Sectors

Provides a variety of services, through:

- Ethnic Communities
- Faith-Based Organizations
- Community-Based Organizations

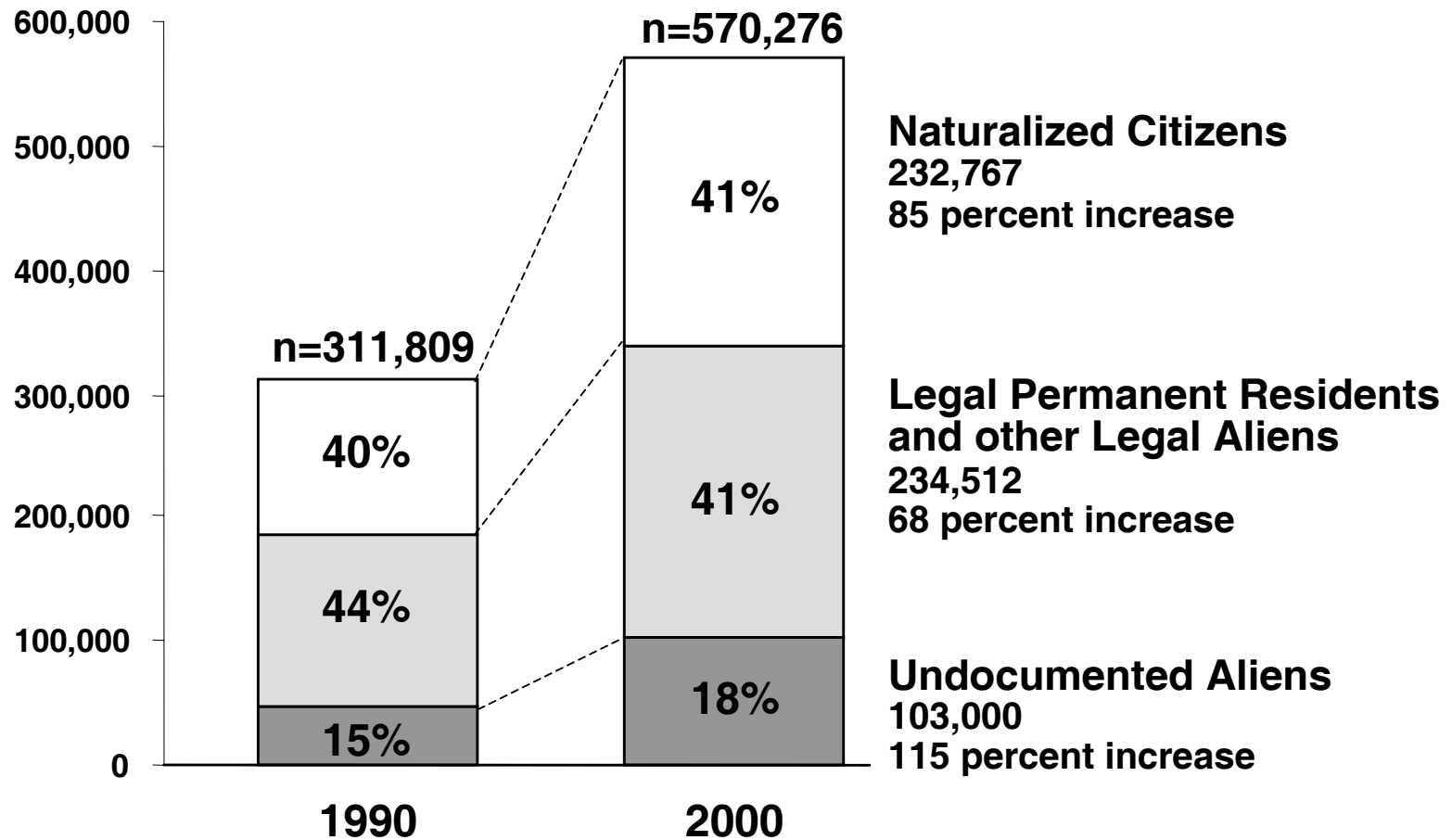
# Virginia's Foreign-Born Population

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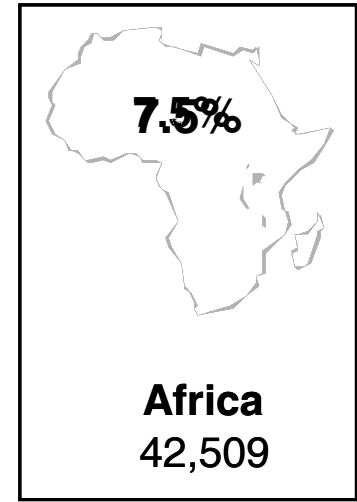
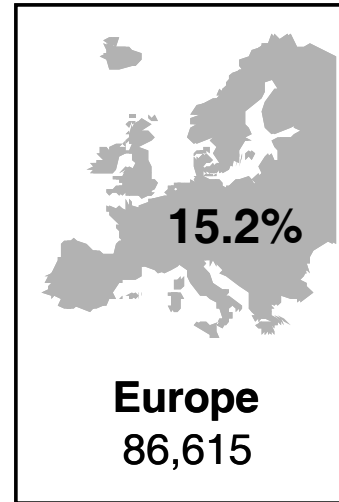
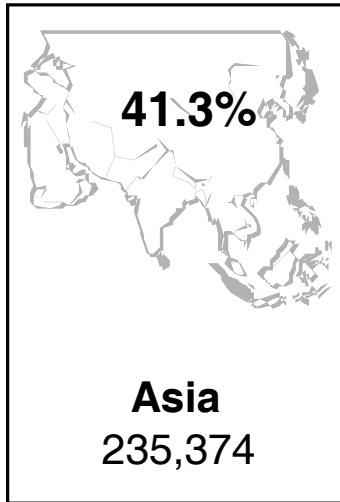
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- **Between 1990 and 2000, Virginia experienced an 83 percent increase in the number of its foreign-born residents. As of 2000, there were over 570,000 foreign-born residents in Virginia**
- **Virginia's foreign-born residents increased from two percent of the State's population in 1970 to eight percent in 2000**
- **Virginia ranks 11<sup>th</sup> in the nation in the number of foreign-born residents**

# Comparison of Foreign-Born Residents in Virginia, 1990 and 2000



# The 570,279 Foreign -Born Persons Currently Residing in Virginia Emigrated from . . .



Korea	6.5%
Philippines	6.4
India	5.4
Vietnam	5.4
China	4.1
Pakistan	2.4
Other	11.1
<b>Asia</b>	<b>41.3%</b>

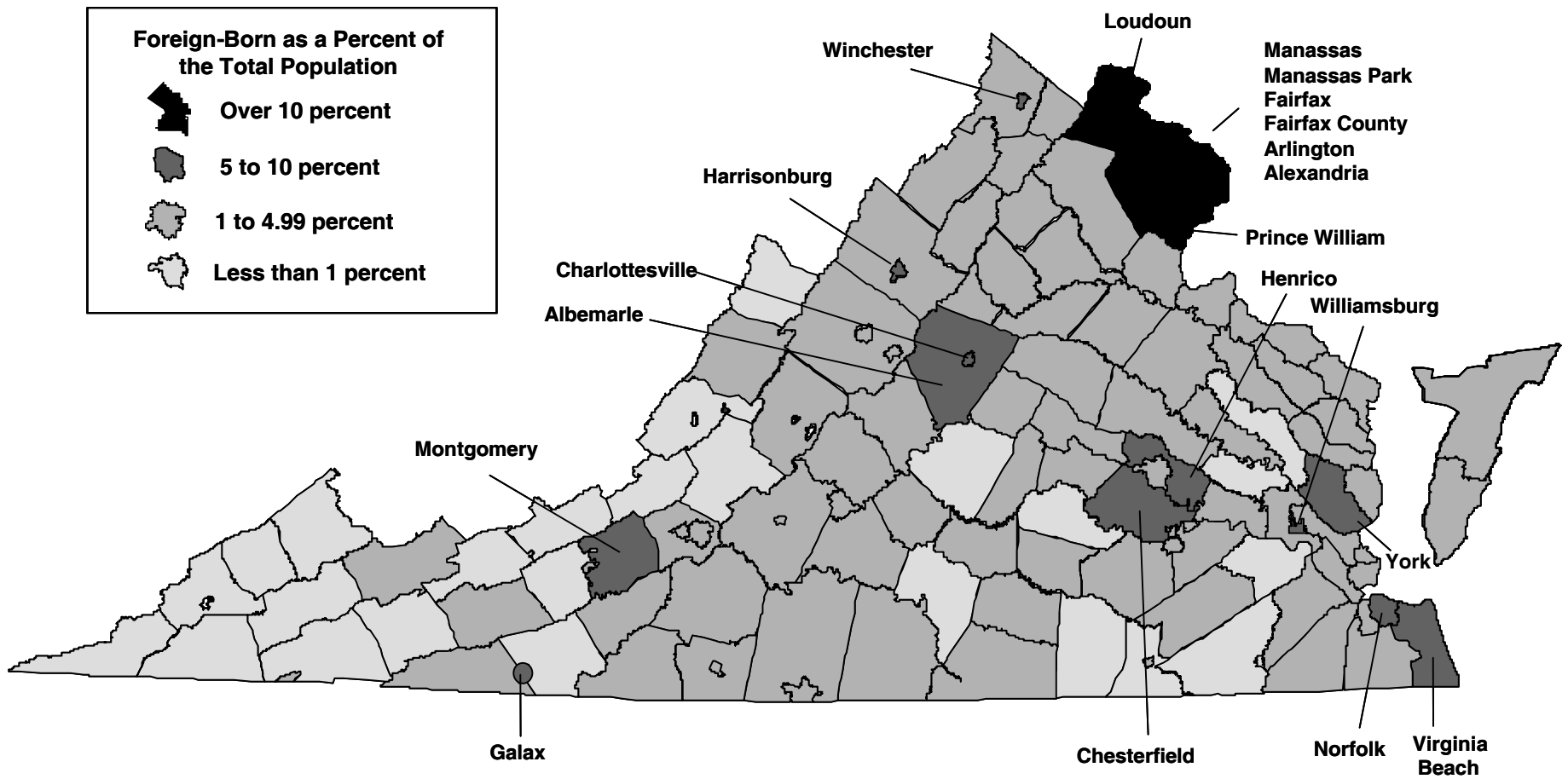
El Salvador	9.6%
Mexico	5.7
Bolivia	2.7
Peru	2.4
Guatemala	2.1
Other	10.8
<b>Latin America</b>	<b>33.3%</b>

United Kingdom	3.5%
Germany	3.4
Other	8.3
<b>Europe</b>	<b>15.2%</b>

Ethiopia	1.4%
Ghana	1.0
Other	5.1
<b>Africa</b>	<b>7.5%</b>

# Percent of Population in Virginia Localities that Is Foreign-Born

## 2000 Census



# Study Issues

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- **What federal government policies and programs affect the immigrant populations in the Commonwealth and have an impact on State or local initiatives?**
- **What are the potential needs for State, regional, and local government services to the immigrant populations in the Commonwealth that are unique or typically exceed those of the general population?**
- **What are the benefits and costs of the major immigrant populations to the Commonwealth and its economy?**

# Study Issues

(continued)

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- **What options are available for local, regional, and State governments to facilitate acclimation of the immigrant populations into the Commonwealth's economy and social fabric while preserving ethnic and cultural identity?**
- **What changes in the Commonwealth's laws and regulations, if any, are necessary to ensure equal opportunity for all ethnic groups?**

# Research Activities

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- **Meetings with ethnic community leaders and non-profit service providers**
- **Interviews with State and local government agencies**
- **Survey of non-profit service providers**
- **Analysis of U.S. Census and other secondary data**
- **Document reviews**
- **Review of federal laws and regulations**
- **Discussion forum on JLARC web site**
- **Review of best practices in other states**

# Summary of Findings

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- **Virginia's foreign-born population plays an integral role in the Virginia economy. Constituting approximately 12 percent of the State's civilian labor force and 44 percent of Virginia's labor force growth over the last decade, the foreign-born participate in every major sector of the State's economy. The foreign-born are also active members of the U.S. armed forces, accounting for over six percent of Virginia active duty armed forces**
- **In comparison to Virginia's native-born population, there are three primary needs that are unique or disproportionately experienced by the foreign-born – need for opportunities to improve English proficiency, need for interpreter and translation services, and need for affordable health care**

# Summary of Findings

(continued)

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- **While the foreign-born, in general, do not appear to use major governmental services at disproportionate rates, the State and local governments do incur substantial costs in attempting to meet the unique needs of this population**
- **Despite current efforts, it appears that there are steps the State could take to more effectively and efficiently acclimate its foreign-born population, as well as assist local governments in their efforts to acclimate this population**

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# Federal Government Sets Key Policies

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- **The federal government plays four main roles that affect Virginia's immigrant populations and State and local initiatives:**
  - **Controls immigration policy**
  - **Controls process for foreign-born residents to attain citizenship**
  - **Mandates that non-English speakers have equal access to services and information provided by federally funded entities**
  - **Controls immigrants' eligibility for major public services, such as education and public benefits programs**

# Federal Government Establishes All Immigration and Naturalization Policies

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- **The federal government has sole responsibility for setting U.S. immigration policy**
  - **Current immigration policies have their roots in legislation passed in the 1950s – the Immigration and Nationality Act**
  - **Since then, Congress has passed legislation to change the number of immigrants allowed into the country, to set a priority system for certain immigrant groups, and to prevent foreign nationals from illegally entering and remaining in the country**
  
- **The federal government also controls the naturalization process**
  - **Federal law generally requires that immigrants be lawfully present in the U.S. for five years before becoming eligible for citizenship**
  - **In addition, applicants must: be at least 18 years old, pass English and U.S. civics tests, and be of good moral character**

# **Title VI of the Civil Rights Act of 1964 Mandates Language Services**

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- **Title VI states:**

- No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance**

- **This provision has been interpreted to require meaningful access to information and services for non-English speaking individuals. Assistance must be provided at no cost to clients**

- **Federal guidance makes clear that, even in jurisdictions in which English has been declared the official language – as in Virginia – federal fund recipients must still ensure compliance with Title VI**

- **If an agency is found to be non-compliant and the matter is not resolved, federal assistance may be terminated**

# Welfare Reform of 1996

## Limits Services to Immigrants

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- **Welfare reform limited eligibility of non-citizens for major federal public benefits programs:**
  - **Temporary Assistance for Needy Families (TANF)**
  - **Food Stamps**
  - **Supplemental Security Income (SSI)**
  - **Full-scope Medicaid**
  - **State Child Health Insurance Program (SCHIP)**
  
- **Federal funds are available for benefits programs for immigrants arriving in the U.S. prior to passage of the law and for those arriving after passage of the law, following a five-year waiting period. States have the option to provide these benefits to legal immigrants using federal funds**
  
- **Also, states can create state-funded benefits programs *during* the five-year period**

# Welfare Reform in Virginia

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- **Virginia, along with most states, chose to extend TANF and Medicaid benefits to qualified foreign-born residents who had entered the country prior to welfare reform and to those entering after this time, following the five-year waiting period (using federal funds)**
- **Virginia has not developed a State-funded TANF substitute program for immigrants during the five-year bar**
- **Virginia created substitute Medicaid programs for two groups of immigrants affected by the five-year waiting period:**
  - **Immigrants who were made ineligible for Medicaid after welfare reform, but who had already been enrolled in Medicaid and were residing in nursing facilities as of the enactment of the law**
  - **Children under the age of 19 who were or would have been eligible for full Medicaid benefits prior to the passage of welfare reform, regardless of their date of entry into the country**

# Federal Law Requires Foreign-Born Students' Access to Public Education

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- In *Plyler v. Doe* (1982), the Supreme Court held that, based on the 14<sup>th</sup> Amendment, children are eligible for elementary and secondary education regardless of immigration status
- Also, the Equal Educational Opportunity Act (1974) requires states to take appropriate action to overcome language barriers that impede equal participation by their students in instructional programs
- The federal government does not specify that schools must adopt a particular approach to meeting the needs of limited English proficient (LEP) students. Likewise, the State has not mandated the structure of English-as-a-Second-Language (ESL) programs in local schools

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# Needs of Virginia's Foreign-Born Residents

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- **A wide range of needs were identified through meetings with ethnic community leaders, non-profit providers, and local government staff**
  - **Challenges ranged from broad, complex problems, such as the lack of affordable healthcare, to specific problems, such as concerns with the new legal presence law for obtaining a driver's license**
  
- **Some of the issues raised, such as the need for public transportation and affordable housing, transcend issues of national origin. Fully addressing such complex issues was beyond the scope of this study**
  
- **JLARC staff found that there are three primary needs that are unique or disproportionately experienced by the foreign-born:**
  - **access to opportunities to improve English proficiency**
  - **access to services and information in native languages**
  - **access to affordable health care**

# Language Barrier Is the Greatest Challenge to Acclimation

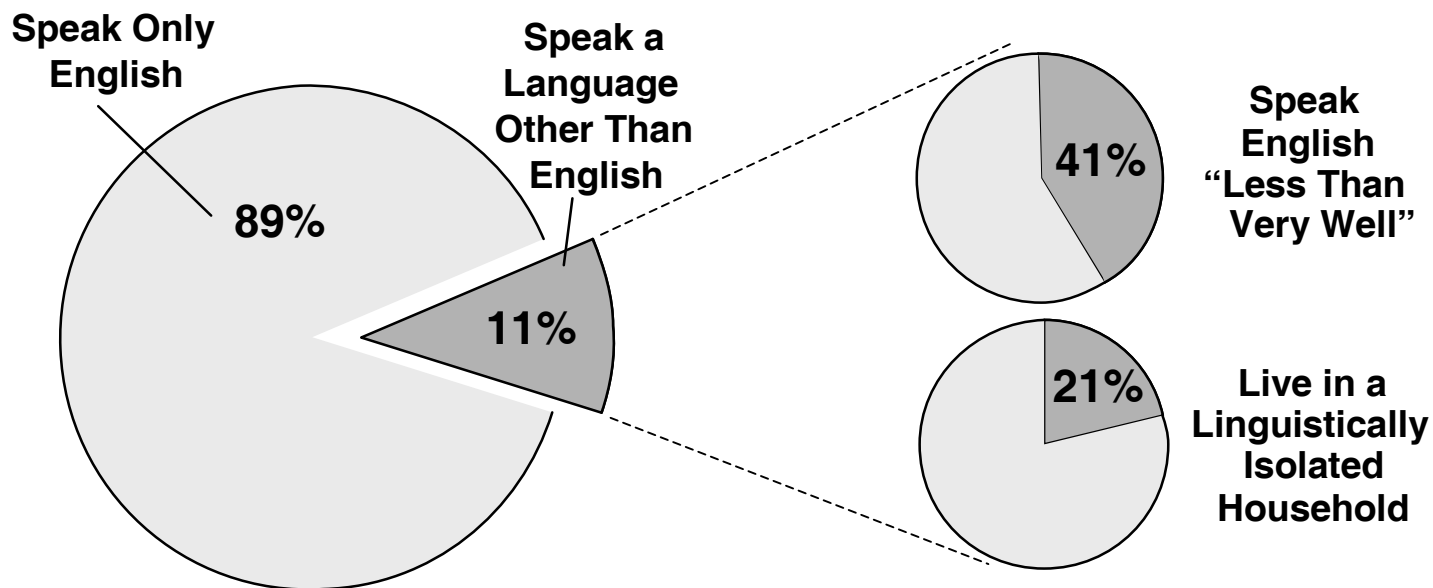
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- **Based on the 2000 Census, 11 percent of Virginia residents over age five speak a primary language other than English**
  
- **As would be expected, English proficiency varies by duration in the U.S.**
  - **Only 34 percent of Virginians who entered the U.S. prior to 1980 are limited English proficient, while 63 percent of those entering since 1990 are not proficient**

# English Proficiency of Virginia Residents Based on 2000 Census

Of 6.6 Million Virginia Residents  
Ages Five and Older:



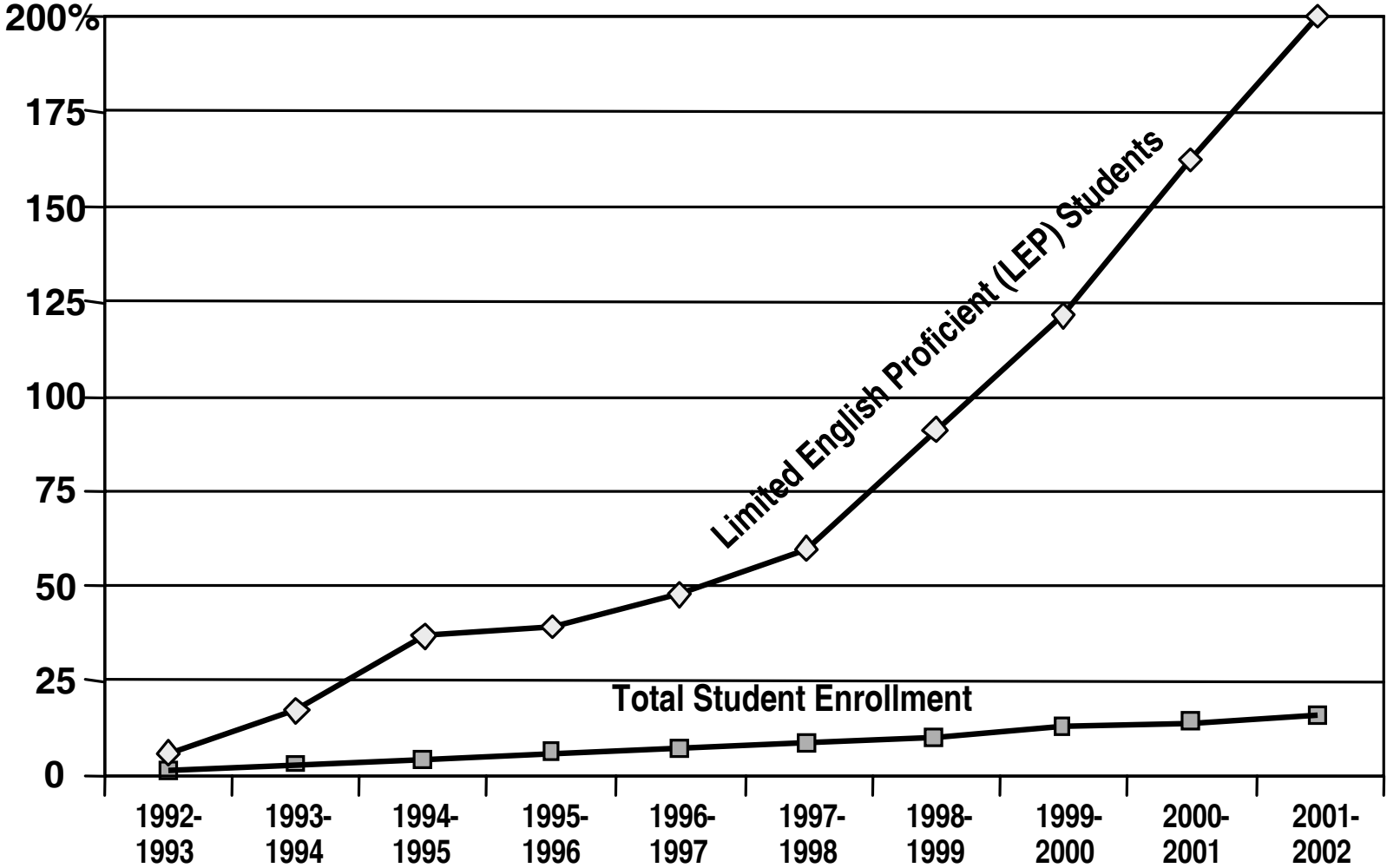
# English Training Is Provided Through K-12 Curricula

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- As of September 30, 2002, there were 49,840 limited English proficient (LEP) students enrolled in K-12 programs in the State, which is 4.3 percent of total student enrollment
- Localities with the largest percentage of LEP students in 2002-2003 were Harrisonburg (30 percent), Arlington (26 percent), Alexandria (22 percent), and Manassas Park (21 percent)
- LEP enrollment increased 200 percent during the past ten years -- nearly double the national growth. In comparison, the increase in total school enrollment in Virginia was only 16 percent over this time period
- For some localities, substantial growth in LEP enrollment occurred over a short period of time. For example:
  - Harrisonburg City schools experienced an increase in LEP population of 128 percent between 1999 and 2002
  - Chesterfield County LEP enrollment increased by 125 percent between 1999 and 2002

# Percent Increases in Total Student and LEP Student Enrollments



# Virginia's LEP Students Speak a Variety of Languages

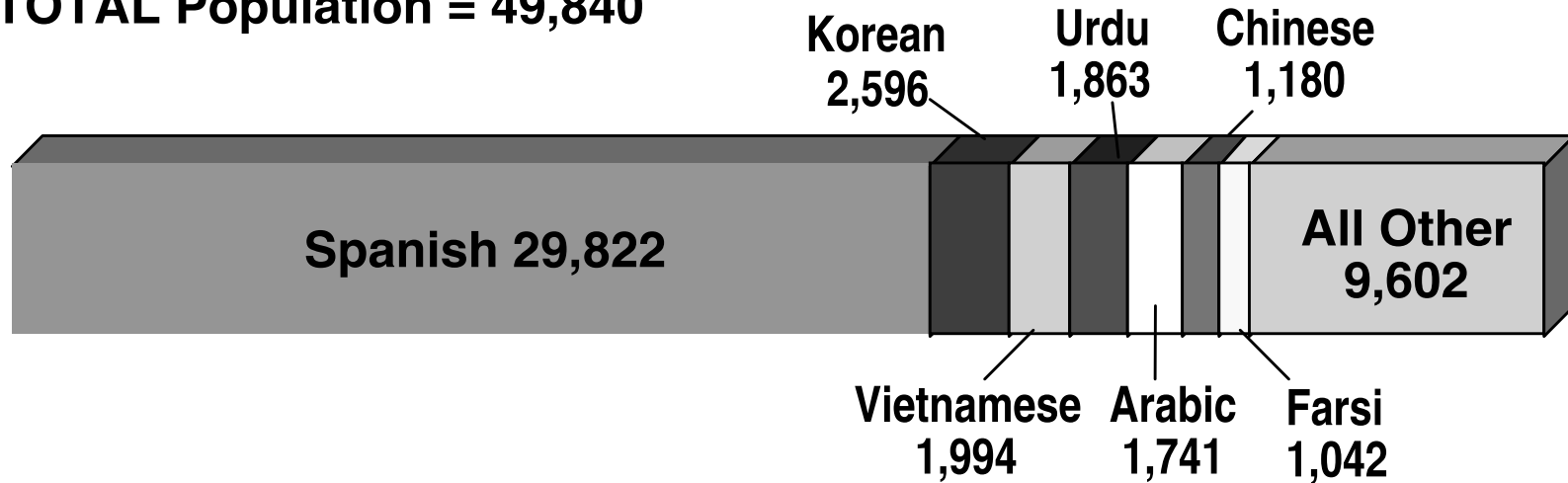
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- Virginia schools reported a total of at least 118 languages spoken by LEP students in 2002-2003
- School districts with the largest number of languages spoken include Fairfax (77), Arlington (68), Prince William (62), Henrico (57), Virginia Beach (45), and Harrisonburg (34)
- The large number of languages spoken adds to the complexity of providing services to these students and to communicating with their parents

# LEP Student Population by Language Spoken

TOTAL Population = 49,840



# Demand for Adult English Language Instruction Is Increasing

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- Both the public and private sectors provide opportunities for English language classes, although the full extent of privately initiated efforts could not be determined
  - Public adult ESL programs are primarily provided through local school divisions' adult education programs. Some community colleges also offer adult ESL classes
- More than 16,000 adults took at least 12 hours of ESL classes from local, public adult education programs in 2002. Adult ESL enrollment in Virginia's public schools increased 45 percent between 2000 and 2002
- Case study evidence from adult ESL instructors indicates that they are unable to meet the growing demand for ESL classes

# Foreign-Born Are More Likely to Lack Health Insurance

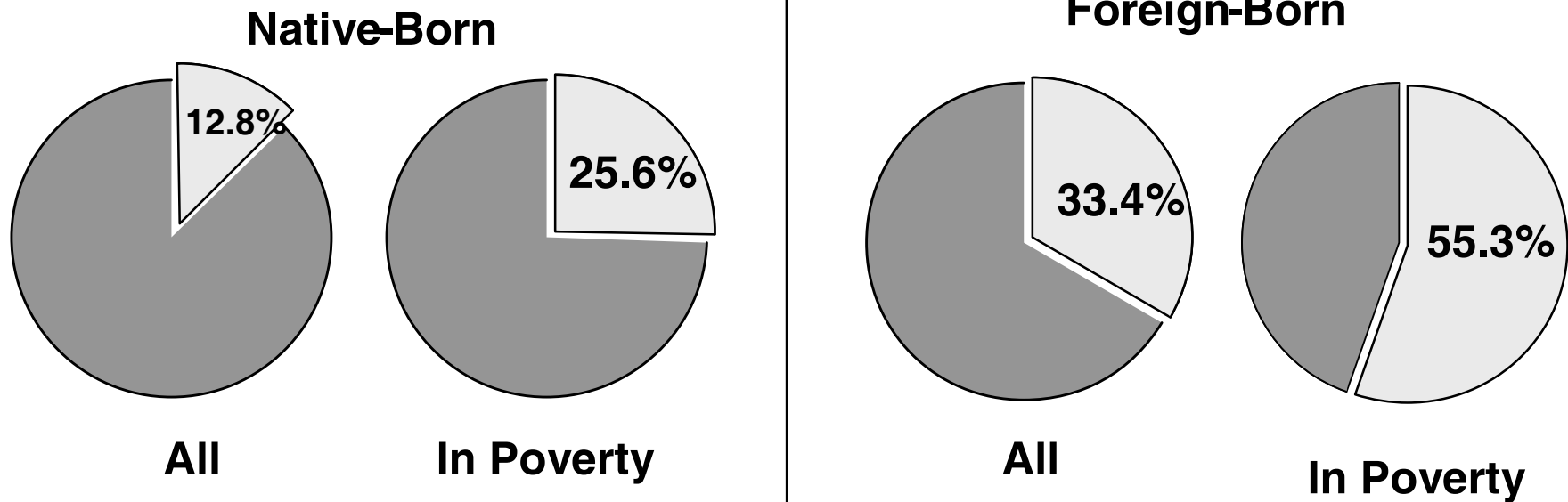
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- **According to Census data, the foreign-born are more than twice as likely to lack health insurance**
- **One factor that likely impacts these rates is the fact that immigrants who have been in the U.S. less than five years are ineligible for Medicaid and FAMIS**
- **The greater likelihood that foreign-born residents will be without health insurance means that they are more likely to have health care needs that go unmet or are met by local health departments**
- **One key health care need is access to prenatal care**

# Foreign-Born Are More Likely to Lack Health Insurance

People in U.S. Without Health Insurance in 2002



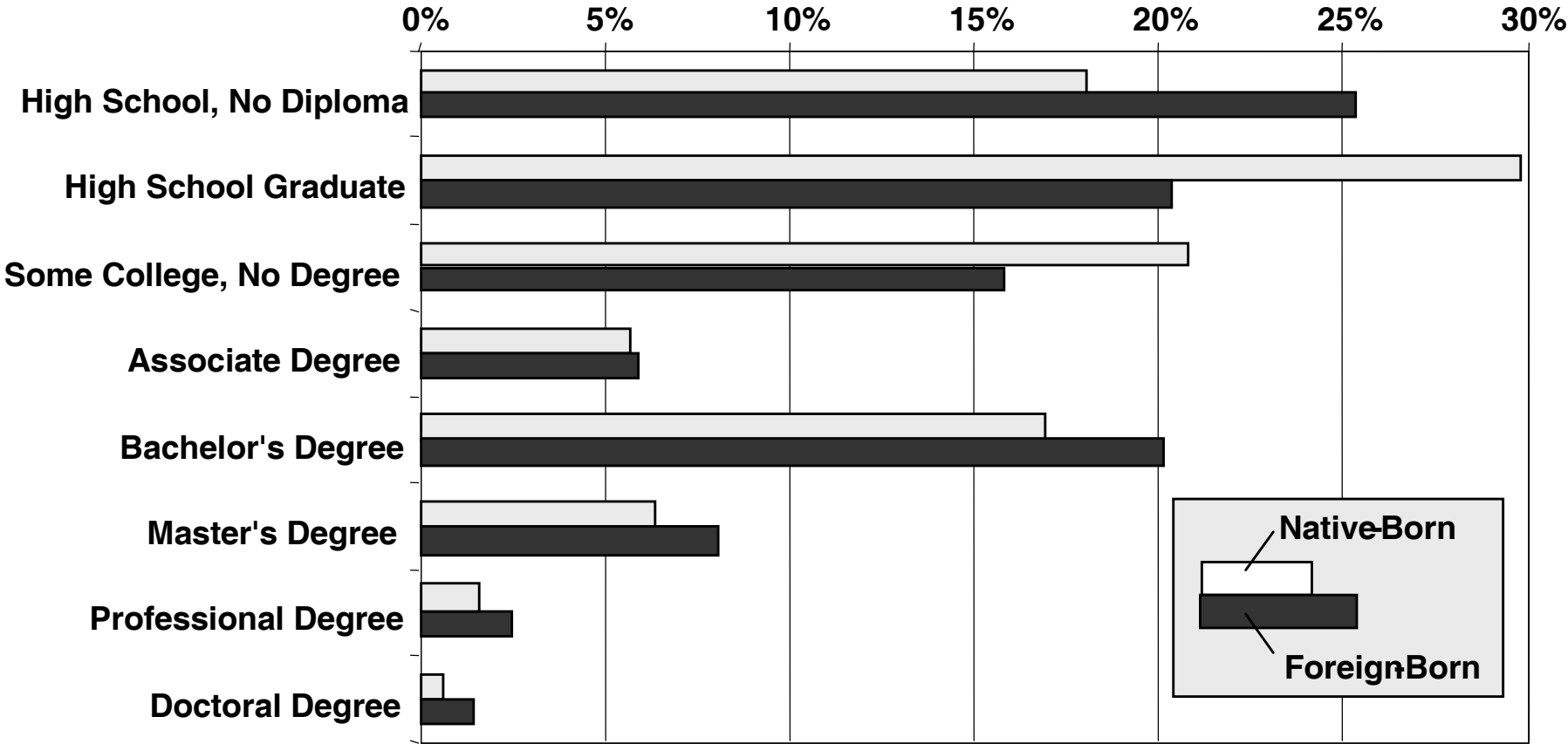
# **Socioeconomic Conditions Contribute to the Needs of Some Immigrants**

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- **Two factors raise concerns about the ability of some of Virginia’s foreign-born residents to become fully participating members of Virginia’s social and economic structures:**
  - **lower educational attainment of some immigrants**
  - **higher poverty rates for recent immigrants**
  
- **Those with little education are more represented in the low-income sector, and are more likely to need assistance**
  
- **However, because poor immigrants are more likely to be recent arrivals, access to “safety net” services are restricted**

# Educational Levels of Virginia's Foreign-Born Vary

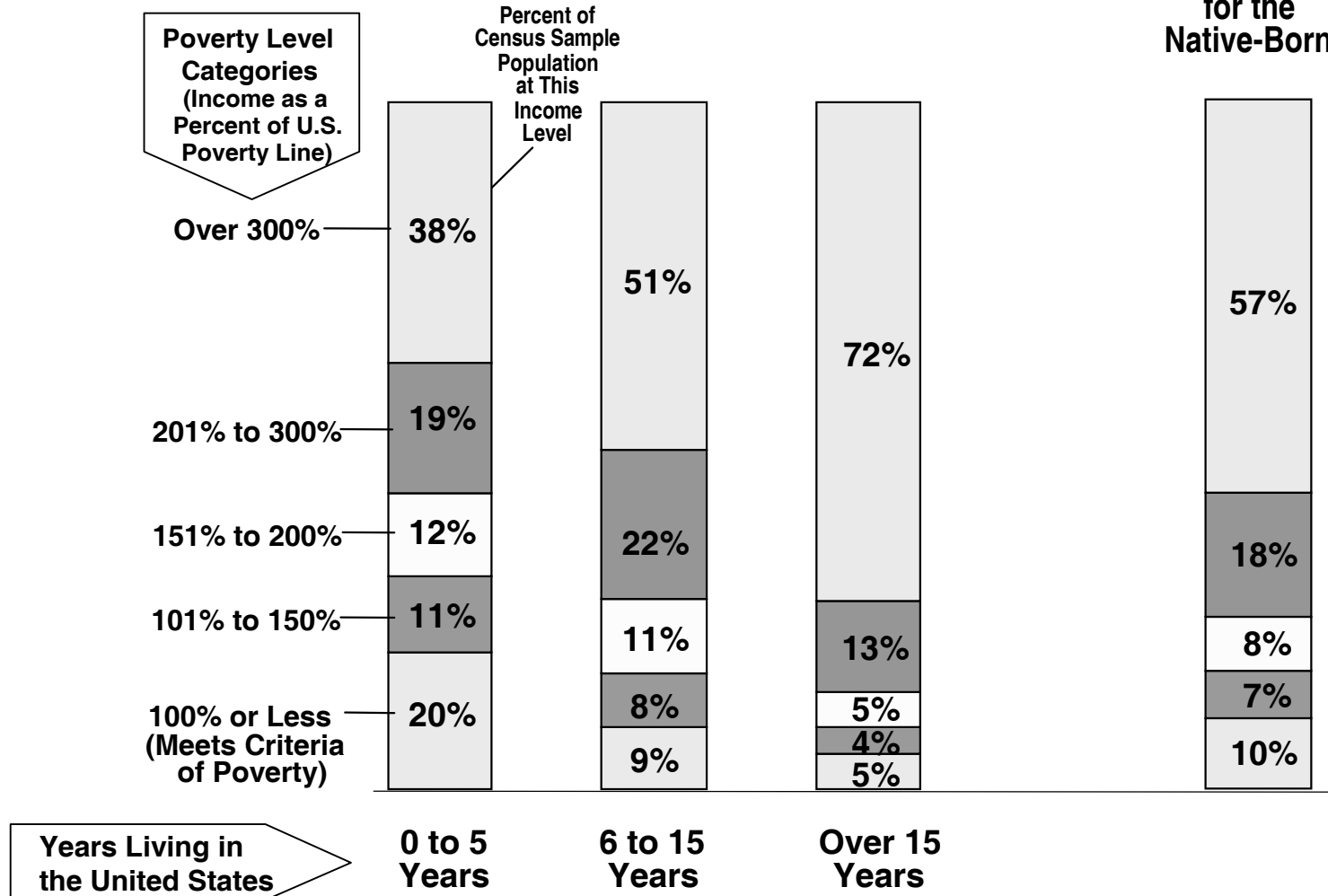


# More Recent Immigrants Have Higher Poverty Rate

Foreign-Born Poverty Levels Based on Years in the U.S.

Poverty Levels for the Native-Born

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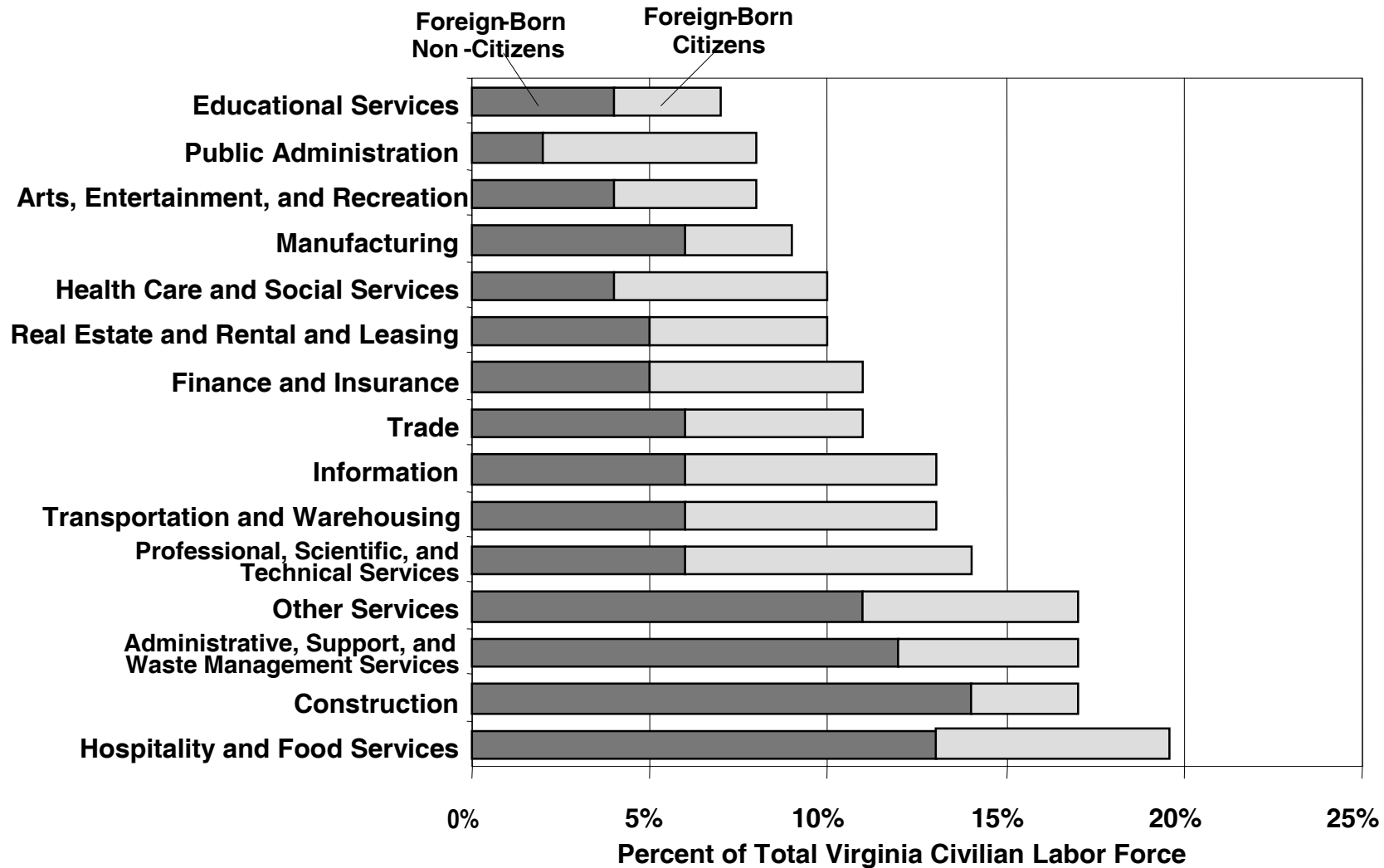
# Foreign-Born Participation in Virginia's Economy

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- **Census data indicate that the foreign-born population accounted for 12 percent of the Virginia civilian labor force**
- **Over the last decade, new immigrants accounted for 44 percent of Virginia's labor force growth**
- **The foreign-born are represented in every major sector of the Virginia economy**
- **They play a particularly significant role in the hospitality/food services and construction industries, accounting for 19 percent and 17 percent of the workers in these industries, respectively**

# Foreign-Born Labor Force Participation in Virginia's Economy, 2000



# Foreign-Born Participation in Agriculture

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- **As stated by industry representatives in Virginia, the hand crop agricultural industries such as fruit, vegetables, and tobacco are dependent on the foreign-born labor force**
- **The National Agricultural Workers Survey indicated that approximately 90 percent of the migrant farmworker labor force is foreign-born**
- **A 1997 Virginia Tech study surveyed farm owners in Virginia and asked what alternative uses for land they would consider if the current supply of migrant and seasonal farmworkers was unavailable. Over 80 percent of farm owners reported that they would retire from farming and sell their farms**

# Foreign-Born Participation in Manufacturing

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- **The 2000 Census indicates that the foreign-born represent approximately nine percent of Virginia's manufacturing industry**
  
- **In some portions of the manufacturing industry, the foreign-born are heavily represented**
  - **The Virginia Poultry Federation estimated that the foreign-born account for over half of the poultry processing labor force**

# Foreign-Born Participation in the Hospitality Industry

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- **The foreign-born constitute 19 percent of hospitality and food services employment in Virginia**
- **Staff at Virginia hotels reported that they are “very dependent on the foreign-born”:**

**We rely heavily on foreign workers to be able to operate during the summer tourist season. In recent years a large enough percentage of qualified domestic students have not submitted applications**

**Without the foreign workers, many restaurants [and] motels/hotels would not have enough of a labor force to operate with a full house**

# Foreign-Born Participation in Other Sectors of Virginia's Economy

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- The foreign-born are active participants in the armed forces located in Virginia. Census data indicate that the foreign-born represent approximately 6.5 percent of Virginia active duty armed forces
- The total buying power of the foreign-born in Virginia as compared with the native-born is unclear. However, using ethnicity as a rough approximation, a University of Georgia study reported that Asians in Virginia had buying power in excess of \$6.6 billion in 2000 and Virginia Hispanic buying power was approximately \$5.7 billion in that same year
- The University of Georgia study indicates that the Hispanic and Asian population segments positively impact Virginia's economy and, by extension, its tax base

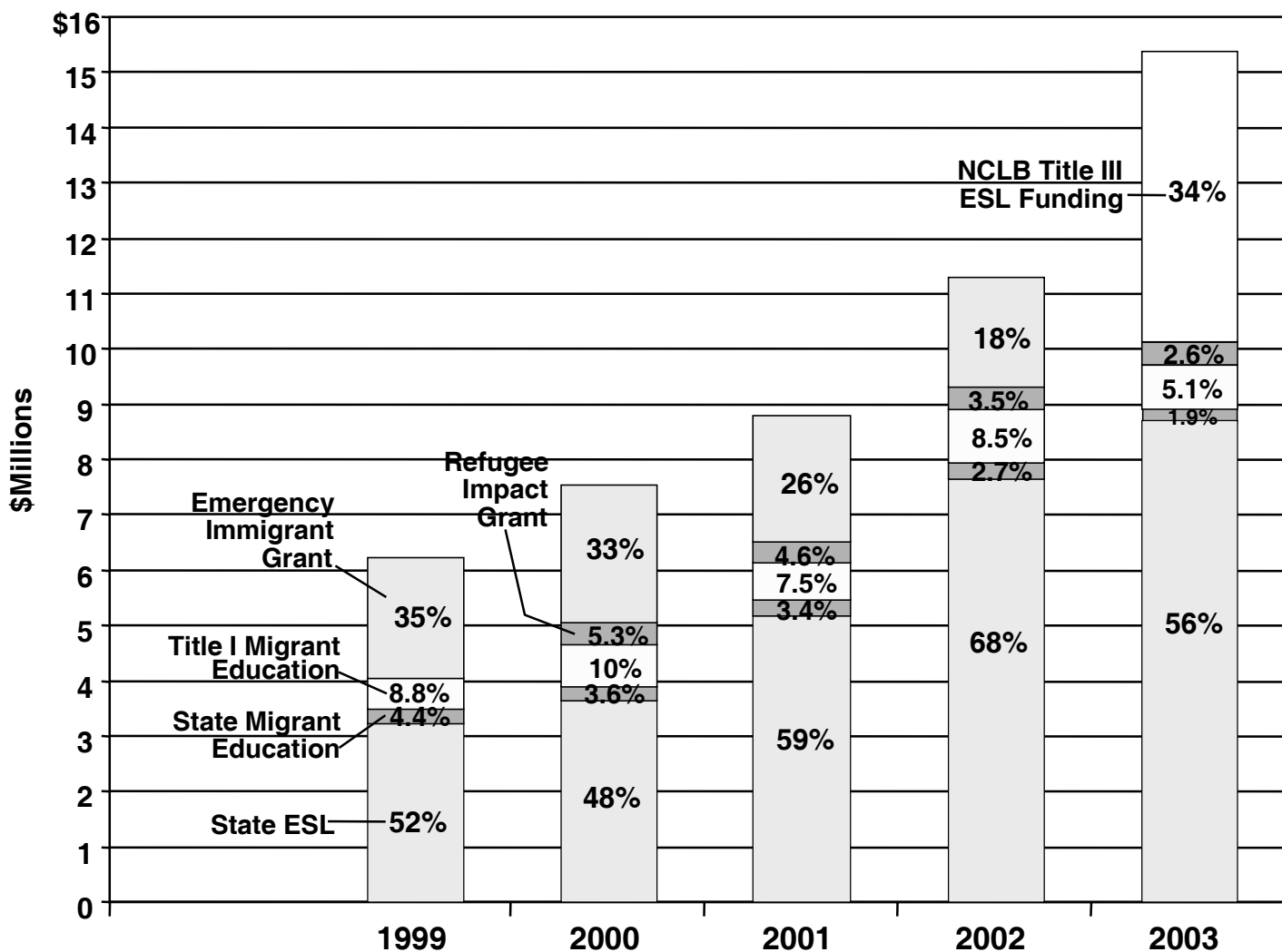
# Costs Associated with the Foreign-Born Population

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- **JLARC staff examined two types of costs associated with the foreign-born population:**
  - **Unique Costs**
    - **English-as-a-second-language (ESL) training in the primary and secondary educational system**
    - **Adult ESL programs**
    - **Interpretation and translation costs**
    - **Refugee programs**
  - **Costs based on disproportionate use of services**
    - **In general, it appears that the foreign-born do not use government services disproportionately, with one exception – public health services**

# State and Federal ESL Funding Total and by Type, FYs 1999-2003



# ESL Costs in Public Schools

(continued)

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- **Local governments provide the majority of funding for ESL programs in the localities for which JLARC staff obtained cost data. For example:**
  - **Fairfax County reported that its total ESL budget has increased from \$24.3 million in FY 1998 to \$54.1 million in FY 2004. The additional per-pupil cost for providing ESL services in FY 2004 is \$2,964. The County received \$4.5 million from the State and federal governments in FY 2003 for ESL**
  - **Chesterfield County estimated its total FY 2004 ESL budget at \$2.6 million, which includes about \$1.6 million for ESL teachers, \$340,000 for support staff, and \$75,000 for materials and teacher travel. About 75 percent of ESL students are bussed to their ESL classes, costing approximately \$500,000. In FY 2003, the county received \$422,000 in State and federal funding for ESL**
- **Demands placed on the budgets of local governments may increase given the requirements of the No Child Left Behind Act**

# Recommendation

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- *The Department of Education should conduct an examination of the add-on costs of operating ESL programs and other initiatives for limited English proficient students. This assessment should take into account educational costs incurred that extend beyond the classroom, as well as the amounts of local funding provided for these efforts*

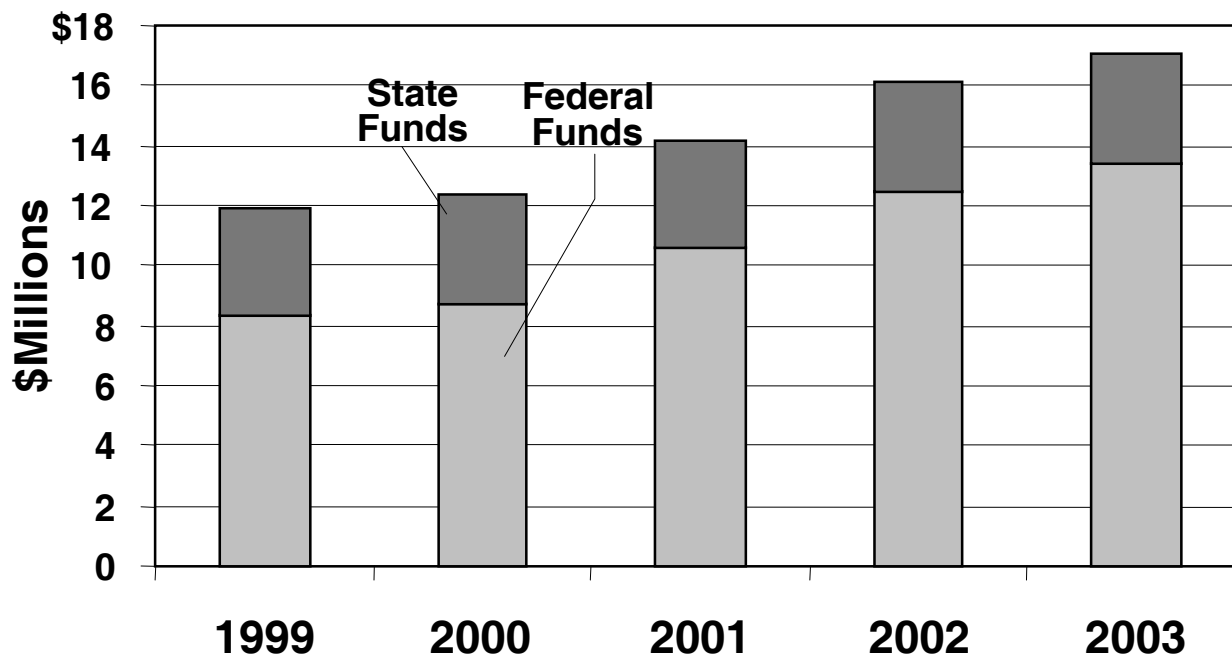
# Adult ESL Costs

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- **Funding for public adult ESL is appropriated through the Adult Basic Education (ABE) program**
- **Due to the funding structure for ABE, it was not possible to determine what percentage was specifically earmarked for ESL instruction**
  - **The percentage of funding appropriated for adult ESL is determined by the individual localities**

# State and Federal Adult Basic Education Funding (FYs 1999-2003)



# Adult ESL Costs

(continued)

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- **Some localities were able to provide funding information regarding their adult ESL programs. For example:**
  - **Fairfax County receives approximately \$4.2 million per year in federal, State, and local funding for its ABE programs. Approximately 46 percent of that total is dedicated to the ESL program**
  - **Charlottesville receives approximately \$169,000 per year in federal, State, and local funding for ABE. It appropriates about 55 percent of this funding to ESL.**

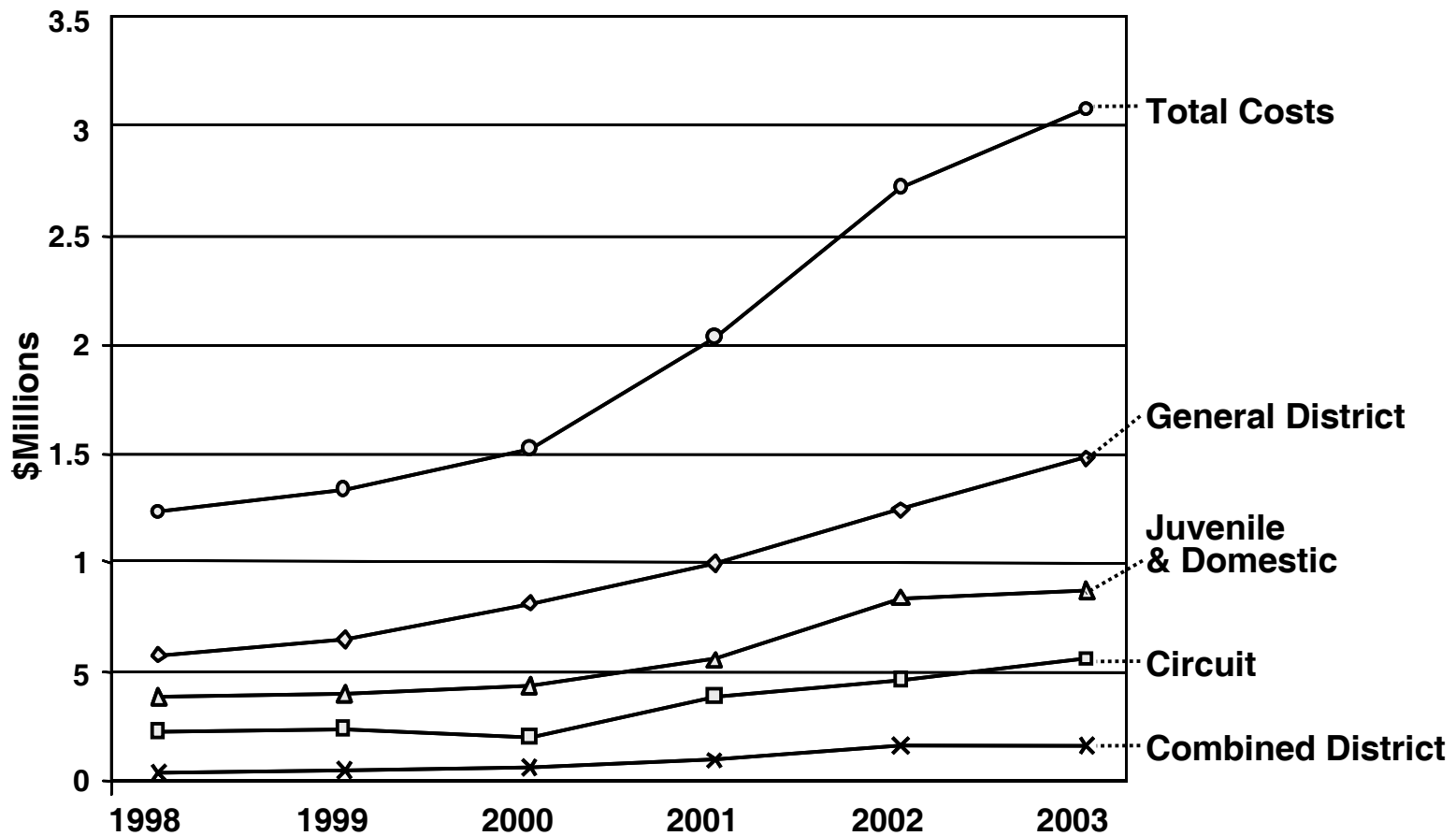
# Interpretation and Translation Costs

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- **Costs of interpretation and translation are borne across all services including health, social services, and criminal justice**
- **In one area, comprehensive interpreter costs were available – the Virginia Court System**

# Interpretation Costs in the Virginia Court System (FYs 1998-2003)



# **Costs Associated with Disproportionate Use of Services are Low**

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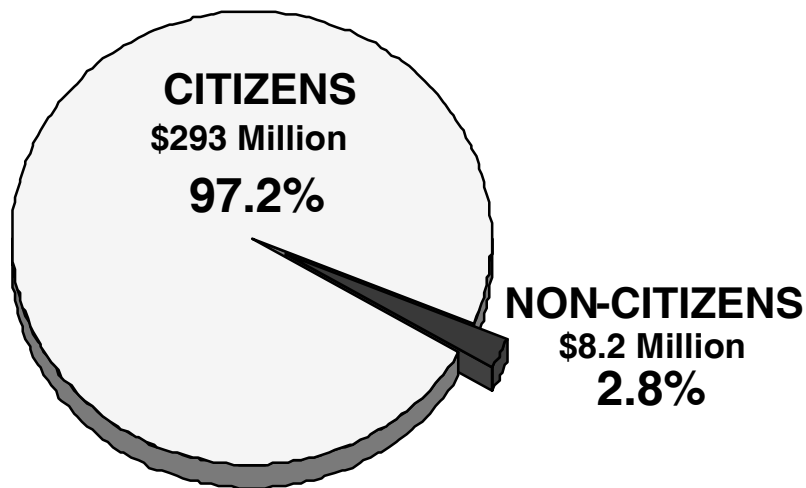
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- **In general, JLARC staff found that the foreign-born do not appear to use State services at a disproportionate rate**
- **Usage levels, in fact, are lower than expected given foreign-born poverty rates and income levels**

# Non-Citizen Usage of Major Social Services Benefit Programs Is Low

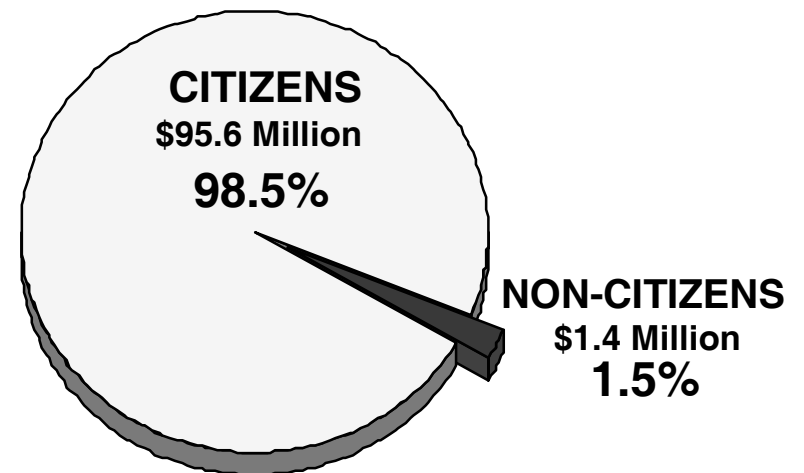
Food Stamp Payments on Behalf of Citizens and Non-Citizens

FY 2002



TANF Payments on Behalf of Citizens and Non-Citizens

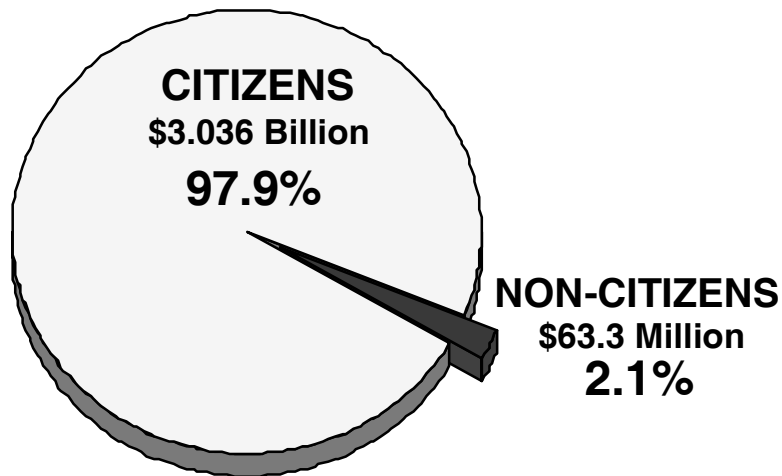
FY 2002



# Non-Citizen Usage of Medicaid and FAMIS Is Low

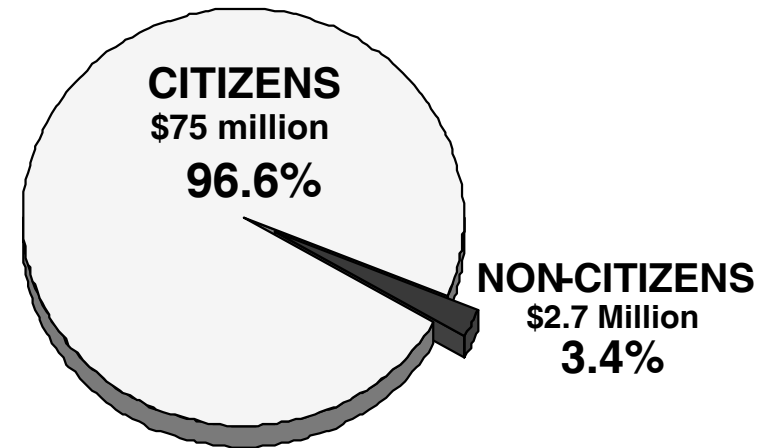
Medicaid Payments on Behalf of Citizens and Non-Citizens

FY 2002



FAMIS Payments on Behalf of Citizens and Non-Citizens

FY 2002



# **Increased Use of Locally-Provided Health Services by Foreign-Born**

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- **The greater likelihood that Virginia's foreign-born residents will be without health insurance means that they are more likely to use:**
  - **The services provided by local health departments**
    - **Chesterfield County health department staff reported that in March 2003, 45 percent of their maternity and 24 percent of their family planning patients were non-English speaking**
    - **The Alexandria health department general medical clinic serviced 1,500 unduplicated cases in 2002 compared to 600 in the 1970s. Staff attribute this growth to the increase in the foreign-born**
  - **Charity care services of local hospitals**
  - **Local free clinics and federally qualified health centers**

# State Prisons Not Disproportionately Impacted by Foreign-Born

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- The foreign-born represented ten percent of the inmate population as of June 30, 2003
- Because they have substantially lower average prison sentences than native-born inmates, foreign-born inmates account for only six percent of correctional costs

# Federal Government Could Fund More Costs of Undocumented Inmates

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- The federal government, through the State Criminal Alien Assistance Program (SCAAP), provides funding to the State and some localities toward the costs associated with inmates who are undocumented immigrants
- SCAAP reimbursement for State and local facilities totaled approximately \$6.5 million in 2002
- Not all Virginia jurisdictions are currently participating in the program. It appears that improved data collection on inmate nativity could enable more localities to obtain reimbursement for undocumented inmate costs

# Recommendation

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- *The State Compensation Board should require all jails to routinely enter information into the data system to identify an inmate's country of birth and citizenship status*

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# No Coordinated State Approach to Addressing LEP Needs

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- **Individual localities have taken the lead in addressing the language barrier**
  - **Local governments are using their own resources to translate documents, finance interpreter services, recruit bilingual employees, and coordinate training. They have also independently begun to develop their own comprehensive policies for serving this population**
  
- **Some State agencies have begun efforts to ensure LEP customers are given meaningful access to services. However, other agencies have taken few actions in this area**

# Current Approach Is Inefficient

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- **The lack of a coordinated approach has resulted in inefficiencies and excessive costs in the handling of interpretation and translation activities. For example:**
  - **Health Department staff reported that several of the same documents have been translated by multiple local departments. For example, the “Patient Application and Consent for Health Care” form has been separately translated in Spanish by three different local health departments. The “Patient Eligibility Information” document has been translated into Spanish by two different departments**
  
- **Agencies tend to “reinvent the wheel” in developing policies and identifying available resources**

# Current Approach May Not Address Title VI Requirements

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- It appears that the federal government is increasingly examining the ability of Virginia's service providers to comply with Title VI
  - The U.S. Health and Human Services' Office for Civil Rights is currently conducting three audits of local social services offices in Virginia, based on complaints that have been filed
  - Past reviews were also conducted of two Northern Virginia health departments. These cases were closed with "voluntary corrective action"
- Increased attention to language access policies may be needed to ensure compliance with federal requirements

# **State Comprehensive Plan for Addressing Language Access Is Needed**

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- **The State, in cooperation with local governments, could develop a comprehensive plan for dealing with language access issues**
  
- **Development of a comprehensive plan would:**
  - **Better address the needs of Virginia's LEP residents**
  - **Increase the efficiency and cost-effectiveness of efforts**
  - **Help ensure compliance with Title VI**

# Factors to Consider in Plan Development

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- **The State could establish a multi-agency committee to develop the plan, coordinated by the Secretary of Health and Human Services**
- **Agencies should conduct assessments of their current capabilities to address the LEP population, as well as the current level of need for language assistance. The committee could develop guidance regarding how to conduct such an assessment**
- **To avoid duplicating federal government efforts, federal resources available to Virginia should be cataloged**
- **The committee should explore the cost-effectiveness of various approaches to language access and identify ways to economize**
- **The committee should explore strategies to improve the ability of local and State government agencies to hire qualified bilingual staff**

# Recommendations

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- *The Governor should develop a State comprehensive plan for addressing the language access needs of Virginia's limited English proficient residents, in accordance with Title VI of the Civil Rights Act of 1964. To develop this plan, the Governor should establish a secretarial-level committee overseen by the Secretary of Health and Human Services*
- *The Secretary of Health and Human Services, in coordination with the secretarial committee, should develop guidelines for agencies to follow in assessing their current language access capabilities and level of potential LEP clientele. Agencies should carry out assessments in accordance with the Secretary's guidance*
- *In developing the comprehensive plan, the secretarial committee should identify federal resources that could be used in providing appropriate language access to services in Virginia*

# Recommendations

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- *As part of its deliberations, the secretarial committee should evaluate various options for obtaining interpretations and translations and identify cost-effective methods for such activities. In particular, the possible use of a statewide contract for telephone interpretation should be explored*
- *The comprehensive plan should identify services for which accurate interpretation and translation is particularly critical and identify a method, or methods, for ensuring high quality interpretations and translations in those services*

# Support for Local Adult ESL Programs

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- **By all accounts, the most important factor in a foreign-born person's acclimation to Virginia is the acquisition of English language skills**
- **The Virginia Commonwealth University Adult Learning Resource Center was created to help strengthen local adult education programs. The center could be encouraged to actively assist the private ESL providers in using effective curricula and "best practices"**
- **The Department of Education and Department of Business Assistance could work with local adult learning centers to develop additional opportunities for workplace ESL classes**
- **Some localities have experimented with establishing or raising the amount of fees collected for registration and tuition, and have reported positive results with both students and their budgets. In addition, increases in State funding could complement the funding sources coming from the private sector and increases in fees**

# Recommendations

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- *The VCU Adult Learning Resource Center should offer assistance to private ESL providers in identifying effective curricula and best practices that may be useful for the private providers*
- *The Department of Education should encourage local adult learning centers to develop contracts with private sector businesses for the provision of workplace ESL classes. The Department of Business Assistance business services specialist should help the local centers in developing opportunities for workplace ESL classes*

# Support for K-12 ESL Programs

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- **Based on the provisions of the No Child Left Behind Act, it is clear that school divisions will need to focus additional attention to improving the academic performance of their LEP students**
  
- **The State could assist school divisions by collecting information from each school division on the structure of their ESL programs and their approaches to educating LEP students. These data:**
  - **could be used to identify “best practices” for improving English proficiency**
  - **could help provide assistance to school divisions that are seeking to develop more formal approaches to serving their growing LEP populations**
  - **may provide examples for how some school divisions are successfully addressing common challenges faced by educators and school administrators in working with LEP students**

# Recommendation

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- *The Department of Education should begin to collect information on the structure and operation of each school division's approach to meeting the needs of limited English proficient students. This information should be used to identify particularly successful approaches to improving the academic performance of these students, and should be shared among school divisions*

# Additional Outreach Efforts Are Needed

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- **Local governments, private providers, and ethnic community leaders expressed the need for more information on the basic rights and responsibilities of Virginia's residents and on available resources**
  
- **Initiatives have been undertaken both inside and outside Virginia to provide basic institutional information to immigrants. For example:**
  - **A company in Virginia developed an orientation for new employees who are also new to the U.S. The booklet includes practical information about housing leases, telephones, banking, shopping for groceries, schools, and cultural issues such as making eye contact, among other topics. The booklet is available in both English and Spanish**
  
  - **Santa Clara County, California developed a guidebook for immigrants titled "Immigrant Rights, Responsibilities, and Resources in Santa Clara County." This guidebook is issued in 11 languages and covers a wide range of topics, including: How Does Local Government Work?, Housing and Tenant Rights, Child Abuse and Discipline in the U.S., What Happens When You Are Arrested?, Child and Youth Care, and Starting a Small Business**

# Additional Outreach Efforts Are Needed

(continued)

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72

- Immigrants groups and service providers suggested that Virginia develop a similar resource tailored to Virginia laws and resources. In doing so, the State could build on the efforts by other groups
- Additional outreach to immigrant community leaders and organizations appears needed
- Use of federally-funded AmeriCorps volunteers to develop outreach programs should be encouraged
- ***Recommendation: State and local government agencies should work together to develop strategies for better informing immigrant communities of the resources available to Virginia residents, as well as their basic rights and responsibilities. Agencies should include ethnic community leaders and organizations in ongoing efforts to provide information to immigrant communities***

# Reducing Victimization Through Outreach Efforts

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- **Local police and ethnic community leaders stated that unreported crime is a significant problem in Virginia's immigrant communities**
- **The combination of a cash-based culture and a reluctance to approach police make some immigrants a particular target for criminals**
- **One way to reduce victimization is through improved access to banking**
  - **Some banks in Virginia are now allowing the use of alternative identification cards to open an account, and are actively marketing banking services to immigrant communities**

# Reducing Victimization Through Outreach Efforts

(continued)

74

- Another way is to provide education and outreach to immigrant communities. Additional outreach by the police is needed to educate the local communities about the role of the police in assisting the community
- Local law enforcement departments currently receive a grant – the Local Law Enforcement Block Grant – that could be used to fund additional outreach activities
- Consideration should also be given to marketing the Crime Stoppers organization to immigrant communities
- ***Recommendation:*** Local law enforcement departments in localities with a growing immigrant population should consider using their allocation of the LLEBG for outreach efforts aimed at immigrant communities. In addition, outreach initiatives could encourage the use by immigrants of crime-fighting services such as the Crime Stoppers hotline

# State Could Assist with Naturalization Process

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- **The State could serve as a “clearinghouse” for information about the naturalization process. This information could then be widely disseminated to ethnic community and faith-based groups**
- **The State could also identify resources that could be used by immigrants to help them acquire the knowledge necessary to become a U.S. citizen**
- **The State could explore the feasibility of offering an on-line citizenship preparation course**

# Recommendations

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- *The General Assembly may wish to designate a State government entity, such as the Department of Social Services' Office of Newcomer Services, to serve as a clearinghouse for information about the naturalization process, and to work with non-profit organizations and immigrant groups to disseminate this information to Virginia's non-citizens. The office should also examine the feasibility of maintaining a web-based citizenship preparation course*
- *The Virginia Department of Education should ensure that Virginia's local adult learning centers obtain copies of the free civics education textbooks developed by the federal government once they become available. The department should also examine other avenues for disseminating information about the naturalization process through the public adult learning centers*

# State Could Sponsor Regional Forums on Immigrant Issues

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- Several local service providers reported duplication of effort and lack of coordination across local government agencies with respect to addressing the needs of immigrants
- To facilitate resource and information sharing, local agencies have suggested that the State sponsor regional forums on immigrant issues
- A possible federal funding source for these meetings has already been identified
- ***Recommendation:*** *If approved by the federal government, the Department of Social Services should use federal grant funds to sponsor regional forums for local governments and other immigrant service providers to discuss ways of addressing the needs of Virginia's immigrants and to identify "best practices" among localities*

# State Could Seek Out Additional Sources of Federal Funding

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- **Three possible federal grant programs were identified that entities within Virginia have not obtained but for which they would appear to be eligible**
  - **College Assistance Migrant Program**
  - **Migrant Education – High School Equivalency Program**
  - **Migrant Education – Even Start**
  
- **In addition, the State could request reimbursement for the costs of language services provided to recipients of Medicaid**

# Recommendations

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- *The Department of Planning and Budget, in cooperation with the Department of Education and institutions of higher education, should examine the feasibility of submitting grant applications for the Even Start Program, High School Equivalency Program, and College Assistance Migrant Program*
- *The Department of Medical Assistance Services should finalize a plan for obtaining Medicaid reimbursement for interpretation and translation services and submit such application in a timely manner to the federal government*

# Implementation of “Legal Presence” Law May Warrant Review

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- **Based on legislation passed during the 2003 General Assembly Session, effective January 1, 2004, Virginia residents will be required to submit documentation proving that they are legally allowed to reside in the U.S. in order to obtain a driver’s license or identification card**
- **Since this new law has not yet been implemented, it is too early to determine its impact on Virginia’s foreign-born population. However, concerns were raised that, depending on how the law is implemented, it may result in discrimination against foreign-born residents**
- **Given the far-reaching impact that this process could have on Virginia’s foreign-born residents, it may be appropriate to evaluate its implementation after a six-month period**

# Recommendation

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- ***The General Assembly may wish to require that the Department of Motor Vehicles review its process for determining the legal presence of applicants for drivers' licenses and identification cards after six months. The review should include an in-depth review of applications for drivers' licenses and identification cards that were denied and a survey of customers to solicit input on process problems and possible improvements needed***

# Areas for Possible Further Research

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- Continued analysis of 2000 Census Sample data
- Identification of additional federal funding opportunities, including examining whether funding is available to assist faith-based organizations in their ESL activities
- Identification of additional local jurisdictions that may be eligible for federal funds through SCAAP
- Identification of additional “best practices” of other states and local governments
- Continued examination of options to reduce victimization of immigrants
- Tracking of pending federal legislation, including: the Clear Law Enforcement for Criminal Alien Removal Act; Workforce Reinvestment and Adult Education Act; and Immigrant Children’s Health Improvement Act