

MODEL PROTOCOL

On Services for Limited English Proficient Immigrant and Refugee Victims of Domestic Violence



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Against Domestic Violence

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**The Washington State Coalition Against Domestic Violence
is a statewide non-profit organization committed to ending
domestic violence through advocacy and action for social change.**

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MODEL PROTOCOL ON SERVICES FOR LIMITED ENGLISH PROFICIENT IMMIGRANT AND REFUGEE VICTIMS OF DOMESTIC VIOLENCE

Historically, in order to avoid being targeted by authorities, immigrant and refugee communities in the United States have tended to keep a low profile. This phenomenon is linked to various factors, often based on negative experiences with law enforcement and the military in their home countries. This is particularly the case for people who are escaping war, dictatorship or an authoritarian government. Other factors are migrant status, cultural differences and language barriers.

For these reasons, immigrant and refugee women with abusive partners are often reluctant to seek the services of a domestic violence agency in the U.S. How immigrant and refugee victims of domestic violence find out that agencies are prepared to serve them in their native language depends on the efforts of the domestic violence agencies themselves. Outreach campaigns are essential in linking non-English-speaking victims to the services available. Such outreach efforts can include the distribution of posters and pamphlets and giving presentations in the community, which affirm the agency's plan and commitment to serve immigrant clients in their native languages.

Since the terrorist tragedy of September 11, 2001, immigrant and refugee communities have been targets of an increased number of investigations, and in several cases have been harassed by law enforcement authorities under the guise of improving "homeland security." This climate of fear directed against immigrants has resulted in a crisis of safety in those communities, as victims may now be more reluctant to utilize law enforcement as a part of their safety plan. Because of this, it is essential for an advocate who is working with a Limited English Proficient (LEP) immigrant or refugee to be well-informed of their immigration and legal rights. For more details and resources, see the "Know Your Rights" attachment to this document.

The goal of this protocol and policy model is to support domestic violence agencies in the state of Washington to increase and extend their services to immigrant women whose first language is not English. The statutes mentioned in this protocol (e.g., Title VI) are mandates which recipients of federal funds must adhere to and should be a part of agency policy. However, some of the procedures may not be attainable or practical for every program, although they are an ideal to which programs should aspire.

BACKGROUND

Any organization or individual that receives federal financial assistance (e.g., FVPSA, VOCA, STOP, HUD), either directly or indirectly, through a grant, contract or subcontract, must comply with several federal civil rights laws, including Title VI of the Civil Rights Act of 1964 (“Title VI”) and the Omnibus Crime Control and Safe Streets Act of 1968 (“Safe Streets Act”), as amended. These laws prohibit discrimination on the basis of race, color, religion, national origin and sex in the delivery of services.

National origin discrimination includes discrimination on the basis of limited English proficiency. To ensure compliance with Title VI and the Safe Streets Act, recipients are required to take reasonable steps to ensure that LEP persons have meaningful access to their programs. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary.

Furthermore, Title VI regulations¹ prohibit intentional discrimination as well as policies and practices that appear neutral but have a discriminatory effect. That is, an organization’s policies and practices need not be intentionally discriminatory, but may violate Title VI if they “have an adverse effect on the ability of national origin minorities to meaningfully access programs and services.” For details regarding Title VI, see <http://www.hhs.gov/ocr/lep/guide.html> or <http://www.lep.gov>.

Understanding a program’s legal obligations under federal and state laws will help protect against liability claims for discrimination based on national origin. Furthermore, having a language access policy and plan in place will help battered immigrant and refugee women get the assistance they need.

¹ 67 Fed. Reg. 4968 (February 1, 2002); 67 Fed. Reg. 19237 (April 18, 2002).

RECOMMENDED POLICY

[Name of agency] shall work to ensure meaningful language access for all recipients of services by developing and implementing a comprehensive language assistance plan that includes:

1. Developing policies and procedures for identifying and assessing the language needs of its Limited English Proficient (LEP) applicants/clients.
2. Providing for a range of oral language assistance options.
3. Communicating to LEP persons (either verbally or in written form) their right to language assistance.
4. Providing written translation of materials that are often used when working with a LEP client.
5. Developing a budget plan to implement comprehensive language assistance.
6. Periodic training of staff.
7. Monitoring of the program.

RECOMMENDED PROCEDURES

It is essential to keep in mind the legal obligations outlined in Title VI to provide services to Limited English Proficient (LEP) clients. The following procedural recommendations should be considered as models for service delivery, although not all of them may be realistic for every program to implement. These recommendations can support bilingual and non-bilingual staff and volunteers in their work with LEP clients.

Initial Contact/Crisis Intervention

This is a critical opportunity to provide support and information for the LEP victim of domestic violence. The advocate's ability to communicate through knowledge of the language or using qualified interpretation may save the victim's life and the life of her children.

During the initial contact/crisis intervention with the LEP victim, advocates should:

1. Determine the LEP person's native language.
2. Ensure that everyone who is in contact with the client knows how to access a qualified interpreter or the interpreter line.
3. Contact a qualified interpreter.²
4. Tell the client that she has the right to have a qualified interpreter.
5. With the help of a qualified interpreter, tell the LEP client how to contact the police and explain to her what her legal rights are, as well as what to expect from a police response.
6. Ensure that the information that the interpreter provides is clear for the LEP client.
7. Work with the client on a safety plan that includes language access and continuing contact with the agency.

In the Shelter

This can be a very intimidating time for the LEP victim, as she is now in an unknown environment where she may not be able to communicate with others around her. That is why it is essential that the shelter advocates communicate with her as soon as she arrives at the shelter.

² [Name of the agency] will screen potential qualified interpreters to ensure the quality of the interpretation as well as a basic understanding of domestic violence and issues of confidentiality. For a complete guide on how to work with interpreters, see the "Working Effectively with Interpreters" attachment to this document.

Shelter advocates should:

1. Contact a qualified interpreter.
2. Tell the client that she has the right to have a qualified interpreter.
3. Ensure that the client feels comfortable with the interpreter.
4. Provide intake form to the client in her own language.
5. Construct a plan for communication between shelter advocates and the LEP client in the future.
6. Provide all written materials that are essential for the client in her own language and explain them with the help of an interpreter.
7. With the help of a qualified interpreter, ensure that the LEP client will be able to participate in shelter meetings (such as house meetings, individual and support meetings, parenting meetings) by providing interpretation or by providing groups/meetings in her own language.
8. With the help of an interpreter, tell the client about the resources that are available to her and her children in the shelter (such as food, clothing, children's program, legal advocacy program) and how to access those services.
9. If the client has children with her, schedule time to meet with each child individually, along with a qualified interpreter, to assess their needs and inform them of services available.
10. With the help of a qualified interpreter, make a plan for scheduling appointments and meetings that the LEP client needs to attend.
11. Work with the client on a safety plan that includes language access and continuing contact with the agency.

In the Community Advocacy Program

When working with a LEP victim of domestic violence in the community program, this a difficult moment for the victim. It may be the first time that this individual has made a contact for support, so is very important to be prepared to serve her. Also, when talking on the phone with a LEP client, advocates need to remember that for a person who does not speak English fluently, this kind of communication can be a difficult process.

Community advocates should:

1. Contact a qualified interpreter.
2. Tell the client that she has the right to have a qualified interpreter.
3. Ensure that the client feels comfortable with the interpreter.
4. Provide intake form to the client in her own language
5. Construct a plan for communication between advocates and the LEP client in the future.

6. Make sure the community advocate voicemail message is in different languages or develop a plan with clients for them to be able to leave messages.
7. Provide all written materials that are essential for the client in her own language and explain them with the help of an interpreter.
8. Make sure that the LEP client will be able to participate in support groups by providing interpretation or by providing support groups in her own language.
9. If the client has children with her, schedule time to meet with each child individually, along with a qualified interpreter, to assess their needs and inform them of services available.
10. With the help of a qualified interpreter, make a plan for scheduling appointments and meetings that the LEP client needs to attend.
11. Work with the client on a safety plan that includes language access and continuing contact with the agency.

In the Transitional Housing Program

Because a client will remain for a longer period of time in this program, this is a key opportunity for the advocate to be able to link a LEP person with resources in the community to help her and her children. These resources may include: English as a Second Language (ESL) classes, health care providers, legal resources, community activities and culturally relevant events.

In order to do this, advocates should:

1. Contact a qualified interpreter.
2. Tell the client that she has the right to have a qualified interpreter.
3. Ensure that the client feels comfortable with the interpreter.
4. Work with the client on a safety plan that includes language access.
5. Make a plan with the LEP client that includes how to access community resources using language accessibility options.
6. Construct a plan for communication between housing staff and the LEP client during the client's transitional housing stay.
7. Provide all written materials that are essential for the client in her own language and explain them with the help of an interpreter.
8. Make sure that the LEP client will be able to participate in support groups by providing interpretation or by providing support groups in her own language.
9. Make sure that the transitional housing advocate voicemail message is in different languages or develop a plan with clients for them to be able to leave messages.
10. If the client has children with her, schedule time to meet with each child individually, along with a qualified interpreter, to assess their needs and inform them of services available.

11. With the help of a qualified interpreter, make a plan for scheduling appointments and meetings that the LEP client needs to attend.
12. Work with the client on a safety plan that includes language access and continuing contact with the agency.

Legal Advocacy

When doing legal advocacy with a LEP victim of domestic violence, advocates need to be aware that the client may feel threatened by the legal system. The legal advocate must be very clear in explaining to the client, with the help of a qualified interpreter, how the U.S. legal system works and explain to her that there might be situations in which a legal remedy will not be available for her case. Also, it is essential not to send LEP immigrant or refugee clients to Immigration and Naturalization Service (INS) for legal advice. Instead, refer them to immigration law experts, such as an immigration lawyer or immigrant rights agencies.

Legal advocates should:

1. Contact a qualified interpreter.
2. Tell the client that she has the right to have a qualified interpreter.
3. Ensure that the client feels comfortable with the interpreter.
4. Provide screening materials to the client in her own language.
5. Work with the client on a safety plan that includes language access.
6. Inform the LEP client of her legal and immigration rights.
7. Inform the client about legal resources that are available for her and her children.
8. Construct a plan for communication between legal advocates and the LEP client in the future.
9. With the help of a qualified interpreter, ensure that the legal information advocates provide to the client is clear and understandable.
10. Provide all written materials that are essential for the client in her own language and explain them with the help of an interpreter.
11. Accompany the LEP client to every legal meeting or procedure and make sure that she has an interpreter available.
12. With the help of a qualified interpreter, make a plan for scheduling appointments and meetings that the LEP client needs to attend.
13. Work with the client on a safety plan that includes language access and continuing contact with the agency.

Staff and Volunteer Training and Bilingual Recruitment

For the LEP victim of domestic violence, the language barrier is only one of many issues that she and her children are facing. Cultural differences can also play a large role, so training in cultural differences can help staff members and volunteers to better serve LEP clients. Recruiting bilingual staff and volunteers could provide an additional opportunity to meet the needs of LEP clients. Volunteers play an essential role in delivering services to victims of domestic violence; it is therefore very important to make sure that they receive the same level of training in providing services to LEP clients as other staff.

Community Collaboration

Immigrant and refugee victims of domestic violence may contact different community agencies, such as health providers or immigrant and refugee rights organizations, before they contact a domestic violence agency. That is why it is essential that domestic violence agencies collaborate closely with other social services agencies in order to expand their knowledge and options to better serve LEP victims of domestic violence.

Advocates must remain vigilant about confidentiality restrictions when collaborating with other community agencies and must have written releases if they are sharing information about the LEP client. Confidential information must be maintained by all parties, including domestic violence programs, immigrant rights agencies, health care providers and others. Confidentiality is essential in protecting the safety of all victims of domestic violence.

Critical Questions in Implementing a Plan to Work with Limited English Proficient (LEP) Immigrant and Refugee Victims of Domestic Violence

1. Our program occasionally works with people who are deaf and hard of hearing, as well as refugees and immigrants who do not speak English. What kind of policies do we need to have to cover all interpretation and language access issues?

Many people who are deaf and hard of hearing need interpreters to access services. Agency practices regarding interpretation and communication for both Limited English Proficient (LEP) clients and individuals who are deaf and hard of hearing can be similar. It is important to know that there are different laws that guide access for these populations—Title VI of the Civil Rights Act and the Safe Streets Act for LEP individuals, and the Americans with Disabilities Act for individuals who are deaf, hard of hearing or have other disabilities. We encourage you to review your existing policies to ensure access for people who are deaf and hard of hearing.

2. What are the types of written materials that should be provided to LEP clients?

Materials that are essential for the LEP client include the following:

- Intake form
- House rules list
- Children’s permission forms
- Confidentiality waivers
- Clients’ rights information sheets
- Clients’ grievance policy/procedures

3. How does one determine what are reasonable steps to ensure meaningful language access?

- **Number or Proportion of LEP Individuals.** One factor is the number or proportion of persons who would be excluded from services due to language barriers. The policy guidance documentation from the U.S. Department of Justice and the U.S. Department of Health and Human Services Office of Civil Rights advises that “even those who serve very few LEP persons . . . should utilize this balancing analysis to determine whether reasonable steps are possible” and have in place a plan to serve such persons when the need arises.

- **Frequency of Contact with the Program.** How often do LEP persons come into contact with the program? For example, the guidance explains, the obligations falling on programs that frequently interact with LEP persons are greater than those applying to programs whose contact with such persons is “unpredictable or infrequent.”

- **Nature and Importance of the Program.** The importance of the services provided also affects the determination of reasonableness. The guidance states, “More affirmative steps must be taken in programs where the denial or delay of access may have life or death implications than in programs that are not as crucial to one's day-to-day existence.”

- **Resources Available.** The resources that programs have available are also to be considered in determining reasonableness. The guidance notes that a small program with limited resources may not have the same obligations as those falling on larger programs, “where contact is infrequent, where the total cost of providing language services is relatively high, and/or where the program is not crucial to an individual's day-to-day existence.”

4. *What are some examples of prohibited practices that may violate Title VI?*

- Providing services to LEP persons that are more limited in scope or are lower in quality than those provided to other persons,
- Subjecting LEP persons to unreasonable delays in the delivery of services,
- Limiting participation in a program or activity on the basis of English proficiency,
- Providing services to LEP persons that are not as effective as those provided to those who are proficient in English, or
- Failing to inform LEP persons of the right to receive free interpreter services and/or requiring LEP persons to provide their own interpreter.

5. *How does an agency select language assistance services?*

Oral Interpretation

Agencies and providers have a number of options for providing oral language assistance. Which option to use will depend on a variety of factors, including the frequency of need and size of the population(s) being served.

Examples of oral language service options:

- Hiring bilingual staff for client contact positions
- Hiring staff interpreters
- Contracting for interpreter services

- Engaging community volunteers
- Contracting with a telephone interpreter service

6. What are the issues that arise in providing oral interpretation services?

Competency

The federal policy guidance stresses that providers should ensure that interpreters are competent, meaning:

- they should be proficient and have the ability to communicate accurately in both English and the other language,
- they should have knowledge in both languages of specialized terms,
- they should understand rules regarding confidentiality and impartiality, and adhere to their role as interpreters and not as advisors or counselors.

7. What are the kind of interpreters that the U.S. Department of Justice policy guidance discourages agencies from using?

Informal Interpreters

The policy guidance discourages the use of friends, family members and other untrained interpreters. Interpretation by friends or family of domestic violence victims is particularly problematic, and can potentially put the interpreter in harm's way. LEP individuals should never be expected or encouraged to use friends or family members as interpreters. The guidance stresses that certified interpreters should be used, particularly in the context of important legal rights such as in court and in law enforcement interrogations.

ATTACHMENTS

1. “Working Effectively with Interpreters: A Guide for Service Providers,” prepared by Refugee and Immigrant Service Center, Olympia, WA
2. “Basic Rules – Dos and Don’ts for Advocates Working with Battered Immigrants,” WSCADV Immigrant and Refugee Network Against Domestic Violence, adapted from materials by NOW Legal Defense and Education Fund and the National Immigration Project of the National Lawyers Guild
3. “Know Your Rights,” Northwest Immigrant Rights Project, Seattle, WA

**WORKING EFFECTIVELY
WITH
INTERPRETERS**

A Guide for Service Providers

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Introduction

Working with interpreters to interview, counsel, or otherwise interact with non or limited English speaking peoples is a new experience for many service providers. Communication can be greatly enhanced through proper use of interpreters. Improper technique, however, can result in subtle or gross miscommunication which can negatively impact the delivery of services.

This booklet offers some practical guidelines for service providers who use interpreters to communicate with clients. It is our hope that through applying these guidelines, service providers, interpreters, and clients will benefit from enhanced clarity of communication and develop a greater level of cross-cultural understanding.

CHALLENGES OF INTERPRETING

There are several types of interpreting which are used according to the situation in which the interpretation is being conducted.

Simultaneous interpretation: refers to an interpretation in which the interpreter carries on the interpretation at the same time that the information is being given in the first language. This type of interpretation is seen most frequently in courtrooms, at international forums such as summit meetings or United Nations conferences, or during interpreted news broadcasts. This type of interpreting requires the interpreter to listen, decode, and speak, all at the same time. The task can be particularly difficult if the two languages vary considerably in structure.

Consecutive Interpretation is mostly frequently used in social service settings, and refers to an interpretation in which the service provider asks a question or makes a statement, then pauses to allow the interpreter to repeat the question or statement in the second language, obtain a response from the client, and interpret that response to the service provider. Responses can be interpreted either in the first person:

Doctor: How do you feel?
Interpreter (to client): How do you feel?
Client: I feel fine
Interpreter (to doctor): I feel fine

or in the second person:

Doctor: How does she feel?

or

Would you ask her how she feels?

Interpreter (to client): How do you feel?

Client: I feel fine

Interpreter (to doctor): She feels fine

or

She says she feel fine.

No matter what style of interpretation is used, language interpreting is a very complex skill. An accomplished interpreter must have the ability to form rapid and frequent linguistic and cultural judgments regarding word choice, syntax, and manner of delivery. The interpreter must also know both their own language and the second language fluently, and should thoroughly understand both cultures. Consider the following often faced dilemmas of the interpreter:

"That's Not In Our Vocabulary"

Many words do not translate directly from one language to another. This may be due to technological, educational, or cultural factors. The interpreter must add descriptive words or phrases to make the meaning clear to the client. For example, a service provider who is explaining any complex medical procedure to clients will encounter many difficulties in the translation process due to all three factors mentioned above. This is especially true in cases where the client is from a small village and may not have had the benefit of much formal education.

"We Don't Think Like That"

Not only words, but often concepts or practices, do not translate directly from one language into another. For example, Western style mental health counseling is an alien concept to most SE Asians. Advising a client to participate in counseling would require much cultural explanation in order for the client to clearly understand what is expected of him in a client/counselor relationship. Interpreters must often choose between adding some brief editorial and cultural content to the interpretation, informing the service provider of the cultural discrepancy, or continuing the interpretation knowing that there may have been incomplete understanding on the part of the client. If the client does not voice his or her confusion, misinformation may be given during the rest of the interview as the client will be basing his or her responses on an incomplete or erroneous initial understanding.

"You Can't Say It Like That"

Sentence structures vary greatly from language to language, forcing the interpreter to rephrase or break down a sentence to ensure clear communication. In some cases, the client's response to a question, if given verbatim by the translator, will lead to misinformation. "Tag" questions (It's not very hot today, is it?) are particularly troublesome, with Asian clients responding to the tag, rather than the question.

"You Want Me to Say What?"

Faced with the task of asking a culturally inappropriate question, the interpreter may need to find a way to "soften" a service provider's words in order to avoid undue offense or embarrassment to the client or to explain cultural differences. Factors to consider include the ages, sexes, and prior relationship of the interpreter and the client. Generally, age and education are held in high regard by S.E. Asians, and a high degree of modesty is displayed between the sexes.

OTHER CULTURAL FACTORS which may make communication difficult between Westerners and S.E. Asians include the Asian traditional respect of authority and ingrained sense of politeness. These two cultural traits may be manifested in a reluctance to question a service provider, a general display of passivity, and a tendency to politely agree with everything which is said by the service provider. Because of Western culture's orientation toward assertiveness and self expression, this mask of reserve and agreeable politeness may prove unsettling to the service provider, who may wonder if the client is actually hearing and comprehending.

MANAGING THE INTERPRETATION

Before beginning the session clarify some working guidelines with the interpreter. For example, will you expect the interpreter to take notes and paraphrase your statements or would you prefer a verbatim translation method? Would you like the interpreter to interpret using first or third person language syntax? If the client is confused over minor issues or vocabulary, do you prefer the interpreter to explain or to refer all questions back to you? Do you wish to be advised of potential cultural issues or will you judge a client's response by yourself? It is also a good idea to find out how well the client and interpreter know one another, and if the interpreter is familiar with the client's case. Do not, however, use the interpreter as a substitute for talking to the client!

General Tips for Interpreting Sessions

1. Arrange the seating so that the client is your main focus. Seat the interpreter close beside or behind the client, thus avoiding the tendency to talk to the interpreter rather than the client. Try to speak directly to and place your attention on the client. You may even want to angle your body slightly away from the interpreter.
2. Don't ask the interpreter for personal opinions about the client. This can put the interpreter, who is bound to maintain client confidentiality, in a very awkward and ethically difficult position. Remember also, the interpreter is the language specialist, but may not be trained to respond to questions regarding the mental or physical state of the client.
3. Some clients are able to understand some English; therefore, do not talk about the client's cases with the interpreter as though the clients were not present.
4. Don't carry on side conversations with the interpreter. If you have a question, ask it before or after the interpretation is finished. It can be very uncomfortable for both client and interpreter if service providers attempt to carry on lengthy conversations during the actual interpreting session. The client may suspect his or she is being talked about, and the interpreter must then explain all the extra chit chat to the client.
5. Take responsibility for getting the information you need to do your job well. If you're not sure the client has responded appropriately, ask again, or rephrase your question. If the communication still seems unclear, ask the interpreter if there is a better way to extract the information.

6. Pause frequently as you speak to give the interpreter time to translate, and the client time to ask questions. If too much information is given at one time, the client's questions or concerns will be lost.
7. Don't interrupt randomly when the interpreter is speaking with the client. The interpreter may be responding to the client's fears or concerns, or may be explaining technical terms to the client.
8. Avoid "tag" questions, and "either/or" questions. These types of sentences commonly cause confusion due to differences in sentence patterns between Asian languages and English.
9. Respect the clients privacy - For some medical procedures it is appropriate to ask the client if they would like the interpreter to step outside.
10. Don't leave the room if the interpreter is still interpreting your final instructions. The client may have questions.
11. Ask the client to repeat any instructions back to you to be sure he has understood clearly.
12. Be aware that using an interpreter will double the normal appointment time, and schedule accordingly.
13. Try not to keep the interpreter waiting. Many interpreters are volunteers taking time off from work to provide these services, and staff interpreters may have many clients to work with in a single day.

Finally, if you have specific questions or concerns regarding the use of interpreters, contact the Refugee Center Bilingual Services Coordinator. We're here to help.

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To ensure good interpreting:

- 1) Communicate with the Interpreter Before the Appointment
 - 1.1 Communicate with the interpreter with all information you know about the patient.
 - 1.2 Communicate with the interpreter what you want accomplished during the appointment.
 - 1.3 Communicate with the interpreter with any concerns that might crop up during the appointment.
- 2) Keep the English Simple
 - 2.1 Use common syntax (10 word sentences when possible) with subject --verb-- object word order. Use simple, not complicated grammatical form.
 - 2.2 Avoid abstract words and phrases that are difficult to interpret without a lot of explanation.
- 3) Be Specific
 - 3.1 Let the Interpreter speak after every two sentences.
 - 3.2 Avoid extra words.
 - 3.3 Do not repeat yourself.
 - 3.4 Avoid excessive prepositions, (to, for, since, as) which change meaning depending on how used.
- 4) Keep Eye Contact
 - 4.1 Talk to and keep eye contact directly with the patient, not the interpreter.
- 5) Watch for Clues that Indicate Misunderstanding
 - 5.1 Body language showing Interpreter's stress or patient confusion.
 - 5.2 Use of too many words in the interpretation compared to what was said in English. This may mean you are discussing a culturally confusing issue.
 - 5.3 Inappropriate response or questions from the patient or interpreter.
- 6) Avoid Idioms
 - 6.1 Idioms tend to lose their meaning because the vocabulary has little to do with the meaning.
Examples: "Raining cats and dogs"
"Chip off the old block"
"Way off base"
"Out of line"
"Here you go" (they might think you are asking them to leave)

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7) Avoid Professional Jargon

- 7.1 Avoid using Medical "Buzz" words if possible.
- 7.2 Remember that some culture-bound concepts like "Field Trip" or "Potluck" do not interpret easily.
- 7.3 Be careful to make distinction between similar words that have very different meanings. Example: "Detention" vs. "Suspension" vs. "Expulsion"

HELPFUL HINTS

- 1) Know something about the culture of the patients you are meeting.
 - Seek cultural information from RISC staff.
 - Speak with the interpreter prior to the appointment.
 - Read cultural perspectives from the library.
- 2) Allow extra time for appointments where an interpreter is needed.

Basic Rules - Dos and Don'ts for Advocates Working with Battered Immigrants

DON'T send a battered immigrant (or any immigrant) to INS for legal advice, refer her to immigration law experts.

DON'T send a battered immigrant to DSHS (the welfare office) without first checking out the reporting polices.

Do encourage a battered immigrant (and all immigrants) to talk to an immigration law expert before traveling outside the United States.

Do advise documented and undocumented immigrant victims of domestic violence they have the right to obtain:

- Police Assistance
- Emergency Medical Care
- Protection Orders
- Shelter
- Child Custody and Support
- Can file Criminal Charges against her abuser

If INS picks up a battered immigrant, advocates should inform the immigrant that they have a right to:

- Speak to an attorney before answering any questions or signing any documents (they should never sign documents without first speaking to an immigration attorney).
- A hearing with an Immigration Judge.
- Have an attorney represent them at that hearing and in any interview with INS (these are not government-paid attorneys, as in criminal proceedings, however).

NORTHWEST IMMIGRANT RIGHTS PROJECT

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In the wake of the attack on the World Trade Center and the Pentagon, the Arab-American, Arab and Muslim communities regrettably have been among the groups most vulnerable to government conduct that violates basic civil rights.

Where the government arrests or tries to arrest someone, or when a governmental official or police officer "just wants to talk," every person in the United States has certain basic rights. These rights apply to citizens and non-citizens alike. Be familiar with your rights, and help protect others by informing them of their rights.

KNOW YOUR RIGHTS

If any governmental official (police officer, FBI agent, INS official) wishes to engage you in conversation, all persons, citizens and non-citizens, have the constitutional right to remain silent and request a lawyer. You should know that *anything* you say to a police officer can be used against you. Thus, if a police officer or other governmental official wishes to ask you questions about a suspected crime, you have the right to tell the officer: **"I wish to remain silent; I want to speak to a lawyer."** You do not have to say anything else, and do not sign anything.

Some officers may be insistent, even after you tell them you wish to remain silent. **Do not say anything until you have spoken to a lawyer.**

If the police, FBI or INS come to your home, **you have the right to refuse them entry, unless they produce a warrant from a judge.** If they do not have a warrant, you do not have to let the police, FBI, or INS into your home. You have the right to close the door. You have the right to say "I do not want to talk to you until I have spoken to a lawyer." If you give them permission, they may enter legally. If you throw the door open and wave them in you are probably giving permission. You should say politely that you do not want to speak to them, that they do not have permission to enter your home, and that if they leave a phone number, your lawyer will call them. **There are lawyers with the Public Defender Association who are on call 24 hours a day at 206-447-3900.** You may have to leave a message.

Your skin color, accent, or the language you speak are not lawful reasons for an INS agent or any other officer to question, detain, threaten, or arrest you. Your color or language do not legally justify a presumption that you are not a U.S. citizen. You do not have to speak to an INS agent, and if you do, they will usually claim later that you did so

voluntarily. However, if you answer their questions, including questions about where you were born, that may give them a "reasonable suspicion" that you are not a citizen. **You have the right to speak to an attorney before answering any questions or signing any documents (you should NEVER sign documents without first speaking to an immigration attorney).** If an INS agent or any other officer approaches you, the safest thing to do is to say that you don't want to talk, ask to speak with your lawyer, and remain silent. It is a crime to lie to a federal official or other law enforcement officer, about anything. It is much safer to say that you don't want to talk, and then remain silent until you contact a lawyer.

If you are accused of something that makes you deportable, you will have the right to a hearing with an Immigration Judge and the right to have an attorney represent you at that hearing and in any interview with INS (there are no government-paid lawyers, as there are in criminal proceedings, however). Do not give up this right. **Insist on a hearing especially if you are detained.**

Unless you have already gone through a whole proceeding and already have a final, unappealed, deportation order, the INS cannot just grab you and take you to the plane and deport you. You do get a day in court. Don't sign anything that gives it up.

If you are being questioned by the INS or police about your immigration status or about a suspected crime, tell the officer you wish to contact a lawyer at these phone numbers:

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| For immigration issues: Northwest Immigrant Rights Project (206) 587-4009 1-800-445-5771 | For criminal issues: Public Defender Association (206) 447-3900. | To report harassment, discrimination or incidents of violence: Hate Free Zone Campaign of WA 206-723-2203 1-866-439-9931 |
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