REPORT OF THE
JOINT SUBCOMMITTEE STUDYING

THE NEEDS OF FOREIGN-BORN INDIVIDUALS RESIDING IN THE COMMONWEALTH

TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA

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Report of the Joint Subcommittee Studying the Needs of Foreign-Born Individuals in the Commonwealth
to
The Governor and General Assembly of Virginia
Richmond, Virginia 1996

Introduction

"Anyone who lives inside the United States can never be considered an outsider anywhere within its bounds."

Dr. Martin L. King
Birmingham Manifesto, 1963

We are a nation of immigrants, and approximately one million new immigrants arrive in this country each year. Interestingly, our foreign-born population is eight percent of our population nationwide, only one-half of what it was in the peak immigration era of the first decade of the 1900s. Prior to the 1980s, most of the newcomers came from European countries represented by the majority of members of this study committee. Now, approximately four-fifths arrive from Latin America and Asia.

Currently, four states have the predominant number of immigrants-California, New York, Florida, and Texas. The 1990 census revealed that approximately 311,000 immigrants lived in the Commonwealth of Virginia. Two-thirds of this number is concentrated in Northern Virginia.

The challenge to local governments and to Virginia is to balance the demands of new residents seeking hope in a new culture with the costs of assisting these residents and their children to become productive members of American society and to become citizens. America has benefited from immigration since its beginning. This legislative study seeks to help immigrants to continue that tradition.

The public policy of Virginia can be developed within a continuum. At one end is the significant *restriction* of health and social services and educational programs to residents in America. On the other hand, provision of these services and programs can be seen as an *investment* that would keep immigrants off welfare and speed up their assimilation in their newly-chosen American culture.

L. Karen Darner
Chair, Joint Subcommittee

Executive Summary

America has a long history of providing safe haven and opportunities to those persons of other nations who seek to improve their lives. Immigrants who apply for admittance based on family ties or occupational skills constitute the largest share of newcomers and numbered over 900,000 in 1994. Refugees, limited in numbers by federal quotas, seek to escape religious, social, political, or racial persecution, and are entitled to cash and medical assistance, social services, and preventive health care. Their common desire is for a better life . . .but at what cost? At a time of federal cutbacks and budgetary crises among the states and the federal government, the assimilation of increasing numbers of foreign-born individuals into American culture demands innovative and practical public policy.

While professing a moral obligation to provide funds to the states to aid refugees and certain legalized aliens, previous federal administration policies ran counter to stated intentions. States have experienced drastic cuts in funding while the federal government continues to allow more individuals to enter the country each year. Not only are services more expensive today, but the variety of services needed by foreign-born individuals has also expanded. As recently as 1993, proposed federal budget cuts for refugee program funding was halved-from $410 million to $227 million-on top of already reduced spending. Although federal law mandates 100 percent reimbursement to state for mandated services in some categories, assistance has been provided only "to the extent of available appropriations." This insufficiency has translated into severe reductions to state resettlement units and states are making up the difference.

The states are addressing assimilation problems by providing bilingual staff and information about services, educating about daily living and work skills, treating mental stress and illness which result, in many cases, from the acculturation process, and diagnosing and treating diseases. The needs are great and the waiting list for services often lengthy. The extent of a client's success in any given program can be directly linked to mutual understanding, agreement, and the realization that the interpretation of any given situation, no matter how minor, is shaded by ethnic background. States must emphasize mulitculturalism, which is the ability to recognize, understand, and appreciate cultures other than one's own. It is only when differences are ignored that intolerance flourishes.

The Joint Subcommittee Studying the Needs of Foreign-Born Individuals in the Commonwealth has, over the four years of its work, addressed certain major issues which fall under the control of state agencies, including education, literacy, health, social programs, daily living skills, and information. Recommendations were:

Literacy and comprehension

- Many state agencies currently print some publications in at least one other language, usually Spanish. With the influx of immigrants from a variety of other countries in recent years, the need for publication in other languages is increasing, especially in the Northern Virginia area. While the state must be cognizant of costs, agencies may need to reevaluate the need for alternative language publications on a local or regional basis. The goal is to help immigrants understand important information the first time it is presented. A letter requesting an evaluation of this proposal was sent to the Secretary of Administration by the Chairman of the Subcommittee.

- State statute (§ 22.1-253.13:4) currently requires all students to pass the Literacy Passport test prior to being classified as ninth graders. To fail to do so would delay classification and prohibit students from participating in a number of activities. Handicapped students are exempted as long as they are progressing according to their individualized education programs. The Joint Subcommittee, while endorsing the concept of literacy attainment, expressed concern that new students for whom English is a second language might need additional leeway in passing the test prior to the ninth grade. In many instances, participation in school scholastic and social organizations might be more conducive to learning English. The 1993 Session of the General Assembly adopted legislation, House Bill No. 1926, which created a window of opportunity for those students by delaying the requirements of the Literacy Passport. The legislation had a one-year sunset, but that was removed by the 1994 General Assembly. (A copy of the bills are attached.)

- Underlying all of the issues which were brought to the attention of the Joint Subcommittee and constituting the greatest barrier to the success of every foreign-born individual living in the U.S. is the lack of literacy in the English language. Without this skill, efforts to find work and succeed at daily living are limited at best. Inability to converse, read instructions, use public transportation, and other necessary skills hinders the upward mobility of any individual. Currently, English as a Second Language (ESL) classes are offered in most, if not all localities, but demand far outweighs supply. To compound this issue, supply is often provided in a time-limited fashion which does not allow for true competency. In 1992, approximately $74 million additional dollars were designated to go to ESL programs in the localities, but anecdotal information provided indicated that some localities may have reduced local spending which was above their required contribution in their programs and therefore the additional funds supplanted rather than supplemented local efforts. The Joint Subcommittee felt that this is a crucial area of concern, but given the current financial status of the state budget, any action would have to be considered at a later date.

- The Department of Motor Vehicles is probably one agency with which most individuals will come into physical contact at some point in time. DMV has and continues to initiate programs, some at the behest of the Subcommittee, to (i) provide

sensitivity training for employees, (ii) encourage the employment of bilingual staff, (iii) solicit comment from the public, (iv) further expand the multi-lingual publication of vital information, (v) develop a community advisory group, (vi) develop policies for document verification and other needs which are clear, consistent, and understandable, and (v) implement the Cultural Outreach Program to identify and establish agency policy for responding to the needs of non-English speaking customers.

Assuring a fair trial

- Court interpreters for non-English speaking persons are provided in Virginia courts for criminal, but not civil, actions. The subcommittee indicated an interest in expanding this provision since the basis for the provision of interpreters is based on the concept that while a potential loss of liberty would justify such an expense, the loss of home or children should be considered to be equally as dire consequences. The subcommittee reviewed some of the problems, other than cost, inherent in such a program and introduced a resolution in the 1993 Session to request the Judicial Council to study and make recommendations about the implementation of such a system. The resolution remained in the Rules Committee as a result of time constraints during the session, but was reintroduced in 1994 and passed. (Copies of the resolutions and the executive summary of the report of the Council are attached.)

- During 1994 and 1995, the Judicial Council of the Supreme Court of Virginia continued to examine the issues surrounding the use of interpreters in courts. As a result of its findings about the quality of interpreter work being done in the Commonwealth, it developed a certification program for use by the state in selecting qualified interpreters. Testing was done for the first time during the fall of 1995. The Court hopes to continue this program in such a way as to provide assistance to those persons who want to be certified as a court translator, to continue to provide testing, and to operate the program in a cost efficient manner so as to not increase the costs to the state or to litigants. The subcommittee supported these recommendations.

  In addition, the joint subcommittee supported the passage of House Bill No. 1467, 1996, which adds permissive language, similar to language for criminal cases, to allow the court to appoint language interpreters for civil cases in which a non-English-speaking person is a party or witness. To the extent of available appropriations, compensation for such interpreters may be paid from the general fund, but may be assessed against either party as a cost of the case. Interpretations in such cases would be protected if the communications would be considered privileged. Item 29 (E) of the 1996 Appropriations Act designated a maximum of $73,000 per year to implement the provisions of this bill in the 19th Judicial Circuit and District, to be used as a pilot project.

- One additional issue with court interpreters is the payment by the state. Currently, the Supreme Court reimburses localities by a preset amount for interpreters in criminal cases, but many localities and judges, especially in Northern Virginia, feel that this process is inefficient and more expensive than it need be. As a result, the Supreme Court agreed to work with a Northern Virginia locality to develop a pilot project whereby funds approximating the amounts currently being expended by the country for interpreters would be paid to the county in a lump-sum fashion. With these funds, the county can experiment with hiring translators on a full-time basis, rather than for each case, who would be available on a daily basis. These full-time translators might also be available to other county agencies who may have need of translators for the conduct of their business. The pilot program is currently limited to criminal cases in courts since costs can be approximated on historical data.

Health

- During the course of the study, the Joint Subcommittee heard a great deal of testimony about the health needs of the foreign-born. Many immigrants bring serious health problems with them, resulting from lack of information about personal health care, lack of immunizations, or susceptibility to diseases which were heretofore thought to be eradicated in the U.S. Compounding these problems is the lack of English proficiency and various religious and cultural differences which make treatment difficult or impossible. To begin resolution of some of these problems, the Joint Subcommittee recommended the prioritization of various health functions, most of which are labor-intensive, which would begin to address many of the identified health needs. Among these were clinic support and public outreach to provide information, public contact, and treatment; multi-lingual support personnel; environmental health specialists to restore inspections of restaurants, migrant labor camps, and shellfish quality; and funding of outreach workers under the Center for Disease Control Refugee Grant to expand standardized screenings for communicable diseases and comprehensive health assessments for refugees. In 1993, the total request was $409,334 and 27 FTE's.

- One of the key health issues centers around the lack of health professionals who either represent a minority ethnic group or who speak the language of a cultural minority. The ability to understand the language as well as the cultural nuances is crucial in the provision of care. As a result, the Board of Health Professions conducted a study to review the reciprocity procedures in credentialing health professionals and potential programs to help acclimate foreign-born professionals so that they could receive accreditation to practice in this country. The initial report found that there is a need to address this issue, but, given the new push for health care reform by the federal government and the jurisdiction of the Joint Commission on Health Care, the report recommended and the Subcommittee concurred that the issue would best be studied in a comprehensive manner by the Joint Commission on Health Care.

- In addition, legislation was offered to counteract the serious problem of treating patients with active tuberculosis who refuse medical treatment, especially in the highly populated areas of the state. In conjunction with the AIDS Legislative Subcommittee, legislation was offered and passed which would provide for the temporary detention of those individuals who have demonstrated a lack of willingness to be treated for TB. While providing legal protection for the individual, this legislation allows health officials an opportunity to place the individual in treatment and remove him from situations in which others could be contaminated. (A copy of HB 2391, 1993 is attached.)

Interaction with the federal government

- The federal Department of Health and Human Services Administration for Child and Families Office of Refugee Resettlement (ORR) proposed to implement a private resettlement program (PRP) to begin January 1, 1993. Under this program states would no longer administer Refugee Cash and Medical Assistance. Instead, a program of Transitional Cash Assistance (TCA) would be administered by public and private nonprofit agencies which have access to the targeted newly-arrived refugees. Grants would be made on a competitive basis and amounts based on a per capita amount determined by ORR. Only refugees who are ineligible for AFDC or SSI were targeted to receive TCA. The PRP would have also provided for case management and employment services for new arrivals. States would continue to administer the Unaccompanied Minors Program, Targeted Assistance Program, and Refugee Social Services Program. This concept is similar to the Oregon state program. Great concern was expressed by all states because the program appeared to begin with short notice and little planning. After a campaign by the states, in which this Joint Subcommittee participated, the plan was enjoined by the courts and put on hold until further consideration by a new federal administration. (Copy of the letter from the Joint Subcommittee is attached.)

Migrant workers in the Commonwealth

- During the course of this study, issues were raised about migrant workers on whom the state depends in many agricultural areas, especially in the Shenandoah Valley and the Eastern Shore. Although tangential to this study, the Joint Subcommittee felt that certain issues were critical and may need further attention. The Subcommittee did recommend that (i) state safety and health code boards examine field sanitation issues for those farms employing ten and fewer migrant workers who are not currently covered in regulations, (ii) the Department of Health add a check-off on its biweekly inspections of migrant camps to ensure the proper posting of informational signs for workers, and (iii) the Joint Housing Commission review and update its report on migrant housing.

Continuing Oversight

- After spending two years evaluating the plight of the foreign-born and the impact of immigration on the Commonwealth, the Joint Subcommittee unanimously concluded that the issue was too broad and complex for a part-time legislative body. While recommending general policy guidelines was clearly in the purview of the Joint Subcommittee, overview of the daily operation of the state agencies which deal with immigrant issues was not its desire. Demonstrated clearly during the study was the overlap and possible duplication of efforts by various state agencies to implement consistent and productive policy with regard to the foreign-born population. Therefore, the Joint Subcommittee endorsed the idea of requesting the Governor, by executive order, to organize an interagency policy committee on immigrant and refugee issues to be comprised of the individuals in state agencies who currently deal with the provision of services on a daily basis. The resolution cited the great needs of this population and the necessity for streamlining services to better serve them. The intent was to develop a working relationship between all agencies of state government to better serve this population in a responsible fashion. The 1994 resolution met opposition and was stricken from the House docket. (Copy of the resolution is attached.)

OVERVIEW

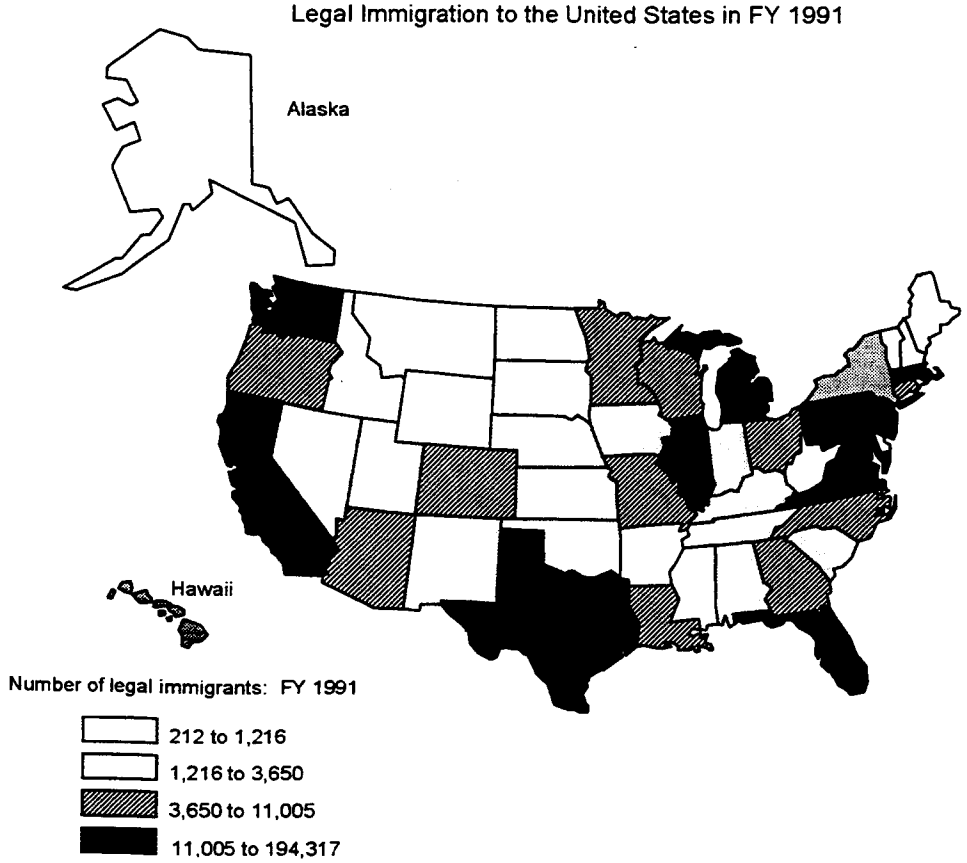
Interesting facts about today's newcomers:

- Most immigrants - over 85 percent - come to the U.S. legally.
- Most legal immigrants, about 8 out of 11, come to join close family members.
- As of 1990, about eight percent of the U.S. population were foreign-born. By comparison, from 1870 to 1920, the foreign-born made up approximately 15 percent of the total population.
- A little more than 1.1 million immigrants arrive in the U.S. each year. Of these, about 700,000 enter as lawful permanent residents and another 100,000-150,000 enter legally as refugees or others fleeing persecution. Roughly 300,000 undocumented immigrants (people without legal status) enter the U.S. each year.
- According to the 1990 census, six percent of all foreign-born Americans had entered the country as refugees or people seeking asylum from various kinds of persecution. Most refugees and asylum-seekers go through the process to become legal permanent residents as soon as they are eligible.
- One-third of immigrants living in the U.S. in 1990 were naturalized citizens and nearly half were legal permanent residents.
- Undocumented immigrants constitute about one percent of the total U.S. population and roughly 13 percent of the foreign-born population.

- Most undocumented immigrants don't come to the U.S. by crossing a border illegally. Six out of ten enter the U.S. legally with student, tourist or business visas and become "illegal" when they stay in the U.S. after their visas expire.[1]

Of the approximately one million immigrants (Figure 1) who will enter the U.S. each year, approximately 16,321 will settle in Virginia, ranking it 8th (Figure 2) among the states. The Commonwealth can expect more than 7,000 refugees (Figure 3) each year, with a disproportionate share, 62 percent, going to Northern Virginia. At a time of cutbacks and budgetary crises among the states and federal government, the assimilation of increasing numbers of foreign-born individuals is challenging all state governments.

Figure 1
Legal Immigration to the United States in FY 1991



Note: Data do not include the 1986 IRCA amnesty population and are presented according to the immigrant's state of intended residence. Total non-IRCA immigration is 1,123,162.

Source: Statistics Division, Immigration and Naturalization Service, , as prepared in "America's Newcomer: An Immigrant Policy Handbook," Ann Morse, Ed., National Conference on State Legislatures, Washington, D.C., 1994.

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[1] Michael Fix and Jeffery S. Passel, *Immigration and Immigrants, Setting the Record Straight*, Washington, D.C.: Urban Institute, 1994.
U.S. Immigration and Naturalization Service Statistics Division, *INS Fact Book: Summary of Recent Immigration Data*, Washington, D.C., U.S. Department of Justice, June 1994.
Prepared by the National Immigration Forum, Washington, D.C., 1994.

Figure 2

Where They Come From, Where They Go

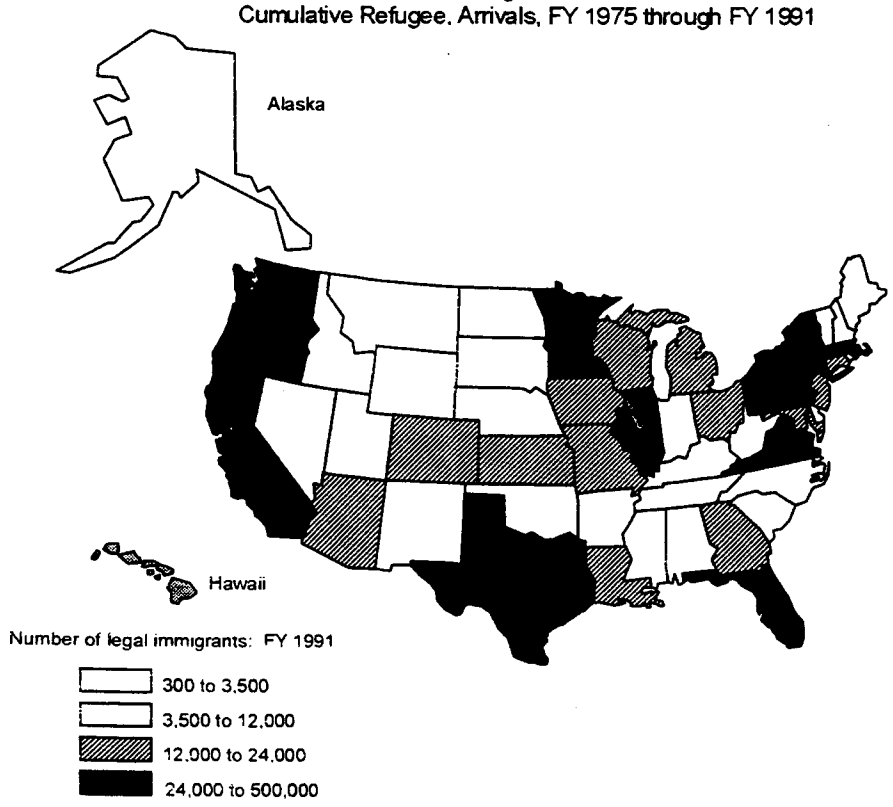
The majority of legal immigrants in 1991 were from Mexico, Central America, or Asia. Below are lists of the 10 principal countries of origin and the 10 most popular states of intended residence for legal immigrants. In 1991, the top countries of origin accounted for 62.9 percent of all legal immigrants to the United States; the top 10 states of intended residence received 79.1 percent of all legal immigrants to the United States.

Top 10 Countries of Origin		Top 10 States of Residence	
Soviet Union	56,839	California	194,317
Philippines	55,376	New York	135,707
Vietnam	55,278	Florida	50,897
Mexico	52,866	Texas	42,030
China	31,699	New Jersey	38,529
India	31,165	Illinois	31,633
Dominican Republic	30,177	Massachusetts	19,537
Korea	21,628	Virginia	16,321
Jamaica	18,025	Pennsylvania	14,464
Iran	18,019	Maryland	13,586*
TOTAL	443,292*	TOTAL	557,021*
	(62.9%)		(79.1%)*

*Figures do not include estimates of illegal immigrants or amnesty immigrants under the 1986 Immigration Reform and Control Act. In 1991, there were 1,123,162 amnesty immigrants, mostly Mexicans, and most of this population settled in California.

Source: Immigration and Naturalization Service, as prepared in "America's Newcomer: An Immigrant Policy Handbook," Ann Morse, Ed., National Conference on State Legislatures, Washington, D.C., 1994.

Figure 3
Cumulative Refugee. Arrivals, FY 1975 through FY 1991



Source: Office of Refugee Resettlement. U.S. Department of Health Services; and Ron Spendal, Oregon Refugees Coordinator, as prepared in "America's Newcomer: An Immigrant Policy Handbook." Ann Morse, Ed., National Conference on State Legislatures, Washington, D.C., 1994.

Definitions

Although foreign-born persons, now referred to as "newcomers," are generally grouped together under classifications such as immigrants, refugees, or aliens, each of these terms is defined differently and generates different treatment and eligibility for services.

- **Immigrants**, admitted to this country through a "preference system" that considers family ties and specific occupational skills, generally are entitled to no special services and represent the largest segment of newcomers.
- **Refugees** are escaping religious, racial, social, or political persecution. The current national limit is set at 125,000, and states must provide cash assistance and services.
- **Asylees** are individuals already legally in this country who fear persecution in their home country should they return, and apply for protection and permission to stay. Asylees are not entitled to the same services as refugees, and, although both groups may apply for permanent residency, only 5,000 asylees are granted residency each year.
- **Legalized aliens**, former illegal aliens who were granted one-time amnesty under the Immigration Reform and Control Act of 1986 (IRCA), are entitled to federally subsidized services. Temporary residence was the initial step; once residency was established and proficiency in English and U.S. government principles demonstrated, permanent residency ("green card") was available and application for citizenship could be made after five years.
- **Undocumented (illegal) aliens** have no legal status and are not entitled to services, but many localities do not discriminate in the provision of services. Indeed, the courts, in certain narrow cases regarding education and some benefits have set precedent in mandating the provision of some services, such as education, to all children regardless of their legal status.

Legislative History - A Chronology of Immigration Legislation

1920's A ceiling was placed on most immigration and a per-country quota was established based on the national origin of the U.S. population in the 1910 census.

1952 - The Immigration and Nationality Act, P.L. 82-414, known as the McCarran-Walter Act, was the first codification of immigration and nationality law and is still the basic code. It set a ceiling at 150,000 for non-Western hemisphere countries and established a preference system for distributing visas within each country's allotment (favoring highly skilled workers). Regarding refugees, Section 212(d)(5) empowered the U.S. Attorney General to admit for up to two years any person whose admission would be in the American interest. Originally meant for emergencies (medical treatment), it has been broadly interpreted to permit mass admission of refugees.

1965 - The Immigration Act of 1965 ended the national origins quota system and added a new preference system oriented toward family reunification. Innovations in the Act

were a ceiling on visas for immigration from the Western hemisphere at 120,000 and 170,000 for all other countries, and no more than 20,000 from any one country. Also, all non-relative and nonrefugee immigrants were required to obtain a labor clearance certifying that American workers were not available and the immigrants would not lower prevailing wages and working conditions. The Act established a seventh preference to refugees, which was limited to persons fleeing from a communist-dominated country or the Middle East.

1978 saw the combination of the two ceilings for "Western hemisphere" and "other" into a single annual ceiling of 290,000 visas.

1980 - The Refugee Act, PL 96212, brought the definition of refugee into conformity with the international definition; it dropped the seventh preference and reduced the worldwide quota to 270,000. Refugee admissions were split off from immigration and organized as a separate process. Refugees became entitled to certain federally-reimbursable social and medical services (while appropriations were authorized for three years, the length of reimbursement to the states decreased from 36 months to nothing currently). Also, 5,000 asylees a year were allowed to adjust their status from asylee to permanent resident. The President, in consultation with Congress, sets admission levels for refugees within six priority levels.

1982 - Refugee Assistance Amendments, PL 97-363, extended authorization of appropriations for refugee assistance and domestic resettlement for FY 1983, while FY 1984 and 1985 were authorized through continuing resolutions.

1986 - Refugee Assistance Extension Act, PL 99-605, extended funding for two years for domestic resettlement activities under the Refugee Act of 1980. The appropriations included $100 million for social services; $50 million for target assistance to heavily impacted areas; and "such sums as are necessary" for cash and medical assistance, special educational assistance, matching grant program, and administrative costs. Since 1975, the federal government has maintained a policy of reimbursing state and local governments for 100 percent of the costs they incur in resettling refugees, "subject to appropriations." Total funding, after federal offsets, was $347 million.

1986 - Immigration Reform and Control Act, IRCA, PL 99-603, (popularly known as the Simpson-Rodino Act), acted to control illegal or undocumented immigration chiefly by establishing penalties for employment of undocumented aliens, and to provide legalization of certain aliens illegally resident in the U.S.

1988 - Immigration Amendments, PL 100-658, was enacted to promote diversification in the legal immigration system by providing for issuance over a two-year period of 50,000 visas for countries that have sent few immigrants over recent years.

1989 - Immigration Nursing Relief Act, PL 101-238, allows State Legalization Impact Assistance Grant (SLIAG) funds to be used for public education and outreach, including unfair discrimination in employment, for the Phase II legalization process under IRCA.

1990 - The Immigration Act of 1990, PL101-649, was the first major overhaul of immigration policy since 1952, and altered the process for immigration as well as increased the number of legal visas for immigration from 570,000 to 700,000. In 1995, the number will decrease to 675,000. This legislation created a new preference system with three categories: (i) 71 percent go to immigrants related to U.S. citizens or permanent resident aliens; (ii) 21 percent to specially skilled immigrants; and (iii) 8 percent to "diversity" immigrants from countries awarded few visas over the previous five years[2].

Funding

In 1980, the federal government adopted a refugee policy which states that "because refugees admitted to the United States are as a result of a national policy decision and by federal action, the federal government clearly has a responsibility to assist states and local communities in resettling refugees - assisting them until they are self-supporting and contributing members of their adopted communities. Congress, in 1990, raised the limits on the number of regular immigrants - those having family ties or valued occupational skills-by 40 percent, from 492,000 to 675,000. Refugees fleeing persecution number about 140,000 per year, and an estimated 300,000 persons enter the U.S. illegally each year. Federal law also permits the President to admit additional refugees for "humanitarian concerns."[3]

While professing a moral obligation to provide funds to the states to aid refugees and certain legalized aliens, current administration policies have run counter to stated intentions. States have experienced drastic cuts in funding while the federal government continues to allow more individuals to enter the country each year. Not only are services more expensive today, but the variety of services needed by foreign-born individuals has also expanded. (Figures 4, 4A, and 4B)

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[2] Ann Morse, *United States Immigration and Refugee Policy: Federal Policy and Its Impact on States*, State-Federal Issue Brief, National Conference of State Legislatures, Vol. 3, No. 2, June 1990.
[3] 8 USCS § 1157.

Figure 4
Refugee Program Funding by Type of Service: FY 1984 and FY 1992

	1984 (70,601 refugees)			1992 (131,611 refugees)			
Types of Service	Total funding /1,000	Dollars per refugee [a]	Dollars per refugee (Adjusted)	Total Funding (/1000)	Dollars per refugee	Dollars per refugee (Adjusted)	Percent change in dollars per refugee (Adjusted)
All Services	**$541,897** [b]	**$7,675**	**$7,387**	**$410,630**	**$3,120**	**$2,224**	**-69.9%**
Cash and medical assistance	357,127	5,058	4,869	232,477	1,766	1,259	-74.1%
Social services	66,972	949	913	67,009	509	363	-60.3%
Preventive health	8,400	119	115	5,631	43	30	-73.4%
VOLAG matching grant program	4,000	57	55	39,036	297	211	287.7%
Targeted assistance	37,530	532	512	48,796 [c]	371	264	-48.3%
Demonstration/special projects: discretionary social service allocations	2,213	31	30	12,476	95	68	124.0%
MAA grant program	3,279	46	45	3,467	26	19	-58.0%
Other [d]	22,412	317	306	1,739	13	9	-96.9%

Note: Adjusted for inflation using the Consumer Price Index for All Urban Consumers (CPI-U), base 1982-84=100. This means that each dollar amount shown is expressed in terms of a weighted 1982-1983-1984 expenditure average and is therefore comparable over time. (Source: The Economic Report of the President, Table B-56, January, 1993, as prepared in "America's Newcomer: An Immigrant Policy Handbook." Ann Morse, Ed., National Conference on State Legislatures, Washington, D.C., 1994.

a. Dollars per refugee are based on program funds allocated and refugees admitted in that year.

b. Includes $39,964,000 on targeted assistance funds available from the previous fiscal year.

c. Includes $4,880,000 provided as targeted assistance under discretionary allocations as well as $43,916 provided under state formula allocation.

d. Programs such as Education Assistance for Children, Federal Administration, demonstration/special projects, privately administered and Wilson/Fish projects.

Source: Office for Refugee Resettlement, U.S. Department of Health and Human Services, *Annual Report to Congress*, FY 1984 and FY 1992, as prepared in "America's Newcomer: An Immigrant Policy Handbook." Ann Morse, Ed., National Conference on State Legislatures, Washington, D.C., 1994.

Figure 4A
Refugee Admissions and Refugee Resettlement Funding: 1980-1994

Fiscal Year	Number of refugees admitted [a]	Refugee resettlement funding ($ millions)	Dollars per refugee [b]	Dollars per refugee (adjusted) [c]	Percent change in dollars per refugee (adjusted)	Percent change 1982 to 1992 (adjusted)
1980	207,116	$ 516.9	$ 2,496	--	--	
1981	159,252	901.6	5,661	--	--	
1982	97,355	689.7	7,084	$7,341	+17.9%	
1983	60,036	585.0	9.744	9,783	+33.3%	
1984	70,601	541.8	7,674	7,386	-24.5%	
1985	67,167	444.4	6,616	6,149	-16.7%	
1986	60,554	315.8	5,215	4,758	-22.6%	
1987	58,865	339.6	5,769	5,078	+6.7%	
1988	76,733	346.9	4,521	3,822	-24.8%	
1989	106,538	382.4	3,589	2,895	-24.3%	
1990	122,263	389.8	3,188	2,439	-15.7%	
1991	113,582	410.6	3,615	2,654	+8.8%	
1992	131,611	410.6	3,120	2,224	-16.2%	-69.7%
1993	107,887	381.5 [d]	3,126	--	--	
1994	121,000 [e]	400.0	3,306	--	--	

a. Includes Amer-asians and their accompanying family members.
b. Dollars per refugee are based on program funds allocated and refugees admitted in that year.
c. Adjusted for inflation using the Consumer Price Index for All Urban Consumers (CPI-U), base 1982-84 = 100.
This means that each dollar amount shown is expressed in terms of a weighted 1982-1983-1984 expenditure average and is therefore comparable over time. (Source; The Economic Report of the President, Table B-56, January 1993.)
d. Congress gave ORR special authority to use 1992 surplus funds for 1993, which are not included in this table.
e. Admission ceiling.

Source: Office for Refugee Resettlement, U.S. Department of Health and Human Services, as prepared in "America's Newcomer: An Immigrant Policy Handbook," Ann Morse, Ed., National Conference on State Legislatures, Washington, D.C., 1994.

Figure 4B
Reductions in Refugee Cash and Medical Assistance

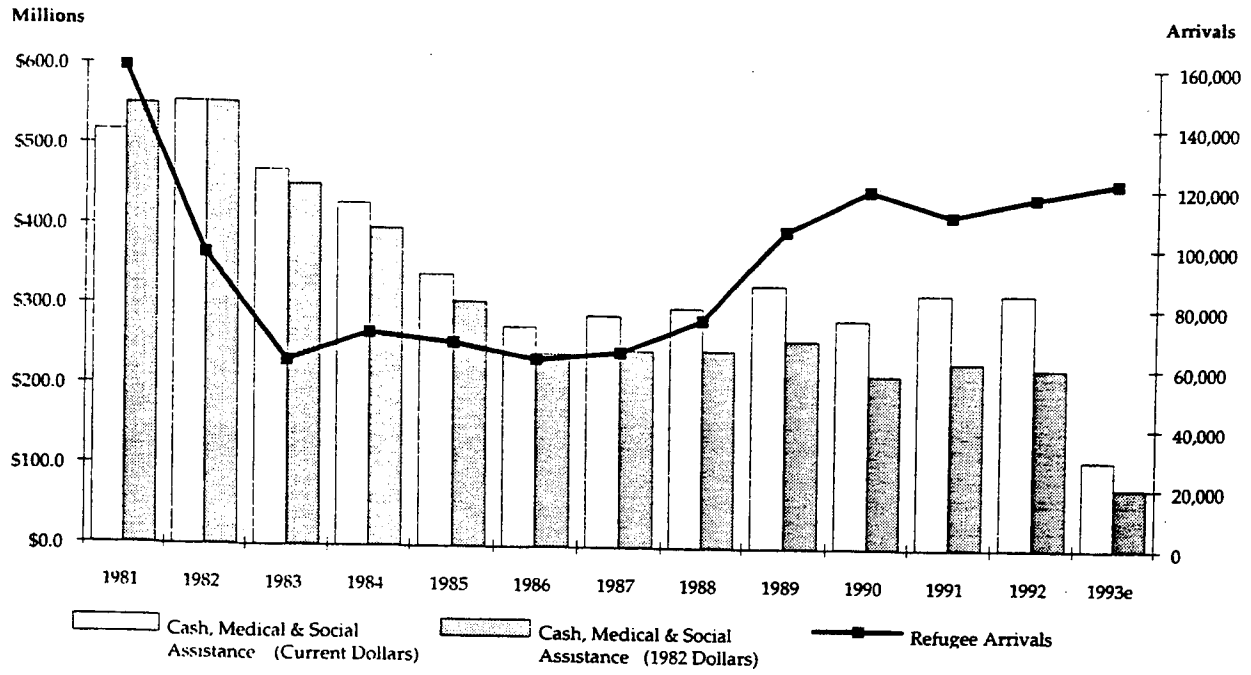
	Funding Period		
	Categorical Programs	Special refugee cash and medical assistance	
Effective date	Reimbursement nonfederal share	RCA/RMA	General Assistance (GA) reimbursement
4/1/80	36 months	36 months	None
4/1/82	36 months	18 months	18 months
3/1/86	31 months	18 months	13 months
2/1/88	24 months	18 months	6 months
10/1/88	12 months	12 months	12 months
1/1/90	4 months (maximum)	12 months	None
1/1/91	None	12 months	None
10/1/91	None	8 moths	None

Source: Joyce C. Vialet. "Refugee Admissions and Resettlement Policy." *Congressional Research Service Issue Brief*, March 3, 1992, as prepared in "America's Newcomer: An Immigrant Policy Handbook," Ann Morse, Ed., National Conference on State Legislatures, Washington, D.C., 1994.

According to a recent study by the American Public Welfare Association and the Urban Institute, the reduction of federal assistance to immigrants to the states has shifted the costs to localities and states. Even though federal dollars are targeted only to specialized groups of newcomers, i.e., refugees and IRCA legalized aliens, this funding has been reduced dramatically, from $7,300 per refugee in 1982 to about $2,200 in 1992 (adjusted for inflation). Increased dollars are being spent but inflation and increased numbers of newcomers eligible for services have not kept an equal pace. (See Figures 5 and 5A) Federal reimbursement for refugees dropped from the original 36 months of assistance to 8 months for special cash and medical assistance, and ended completely for AFDC, Medicaid, SSI and general assistance. Because the federal government has reduced its share of reimbursement for costs, many states have absorbed the costs. Nineteen states reported AFDC costs for refugees alone amounting to $87.5 million; fifteen states paid out a $9.8 million share of Medicaid costs, and six states reported $9.6 million in general assistance payments. In addition, six states reported costs of $24.5 million for providing non-reimbursable services such as child care, food, shelter, and child protective services.[4] (Figure 6)

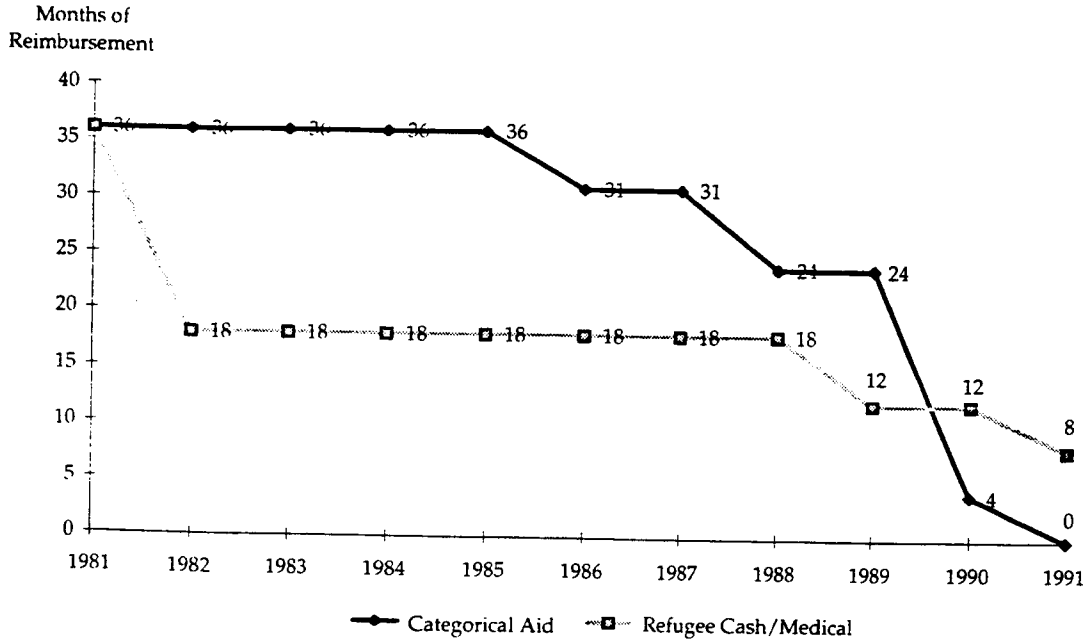
[4] *Immigrant Policy News, The State-Local Report*, Immigrant Policy Project, Vol. 1, #2, 11/9/94.

Figure 5
Refugee Resettlement Funds vs. Refugee Arrivals



Prepared by the National Conference of State Legislatures, October 1993

Figure 5A
Federal Refugee Assistance: Reimbursement to the States: 1981 to 1991



Prepared by the National Conference of State Legislatures from data from the U.S. Department of Health and Human Services

Figure 6
State Reported Uncompensated Refugee Costs by Program: FY 1991

State/State Group	Total reported costs	AFDC	Medicaid	SSI	GA
TOTAL ALL STATES	$107,700,924	$87,494,340	$9,775,940	$822,355	$9,608,289
Total 4 Large States	94,200,507	86,079,939	4,862,568	54,000	3,204,000
California[a]	81,000,000	81,000,000			
Washington*	8,881,900	4,212,900	3,565,000		1,104,000
Illinois*	3,734,000	700,000	880,000	54,000	2,100,000
Florida	584,607	167,039	417,568		
Total 6 Medium States	12,831,317	1,089,168	4,806,149	751,000	6,185,000
Pennsylvania*	6,870,000	325,000	500,000	45,000	6,000,000
Colorado*	2,985,000	350,000	1,850,000	600,000	185,000
New Jersey#	2,109,863	195,315	1,914,548		
Massachusetts#	546,454	108,853	391,601	46,000	
Arizona*	270,000	60,000	150,000	60,000	
Tennessee*	50,000	50,000			
Total 9 Small States	669,100	325,233	107,223	17,355	219,289
Hawaii	445,879	210,966		15,624	219,289
Nebraska	100,958	55,149	44,078	1,731	
North Carolina	58,978	14,630	44,348		
South Carolina	25,194	9,639	15,555		
Nevada[b]	16,202	16,202			
New Hampshire#	7,478	6,294	1,184		
Alabama	5,082	5,082			
Idaho[c]	5,070	3,012	2,058		
Louisiana	4,259	4,259	0		

Note: Actual or estimated state and local costs for providing services to refugees who have been in the country for 36 months or less as reported by states in the Urban Institute/APWA Survey.

a. California's AFDC table is an estimate of its costs for FY 1994.

b. Nevada's costs are for FY 1992.

c. Idaho provided costs for refugees here less than 24 months.

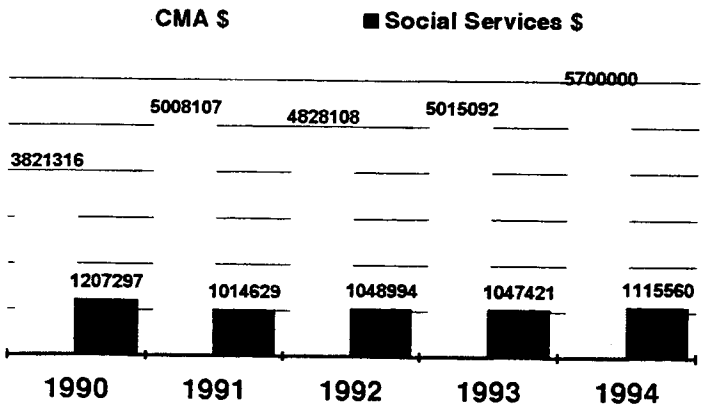
*These states provided estimated costs. Washington's Medicaid costs are estimated; its AFDC and GA costs are actual costs.

#These states provided costs for refugees here less than four, not 36, months.

Source: As prepared in "America's Newcomers: An Immigrant Policy Handbook," Ann Morse, Ed., National Conference on State Legislatures, Washington, D.C., 1994.

State Legalization Impact Assistance Grants (SLIAG) were authorized by IRCA to reimburse states for expenses of newly legalized aliens who were ineligible for federal aid for five years. Assistance in the form of money, housing, education, and health care was to be provided through a four-year grant with a seven-year spending cycle. Unfortunately, although SLIAG program funds were finally fully appropriated, documentation requirements have been so burdensome to the states that many have simply absorbed the costs. Even at the original funding level, approximately $1600 per person would have been available to cover all program costs. The SLIAG program expired in September 1993, but many states report continuing to provide the same services to needy clients. The reduction in dollars without a reduction in commitments as well as delays in reimbursement all contribute to the hardships faced by the states in the provision of services. At least one state was forced to shut down its refugee program and other states have continued to scale back services. Spending in Virginia's Refugee Resettlement Program has remained relatively constant for about 2100 arrivals reach year, with the majority of the funds going to the cash and medical assistance program (CMA). (Figure 7)

Figure 7
Refugee Arrivals and Funding, 1990-1994



Are Immigrants a Financial Burden?

As in any issue, especially those which have tremendous financial ramifications, there are many sides to this issue. Julian Simon, author of *The Economic Consequences of Immigration*, argues that immigrant families pay more in taxes than native families and use fewer welfare services. Although initially occupying existing job slots, they often create new businesses that create additional job openings. Studies have shown that immigration has had no significant impact on wages or employment. Additional studies have demonstrated that at least 11 million immigrants are employed, earning $240 billion per year and paying $90 billion in taxes per year. Estimates report that immigrants receive $5 billion in welfare annually. (George Borjas, *Businessweek*, July 1992) To counter this, though, nearly two-thirds of the taxes paid by immigrants are paid to the federal government through the income and Social Security taxes while only one-third goes to the states. With recent and continuing cuts in spending in this area by the federal government.

even though there is a statutory obligation to cover immigrant expenses, states and localities are being forced to spend more on resettlement. The federal government receives most of the immigrant revenue while the states incur most of the costs.[5]

However, contradictory studies indicate that the immigration of unskilled workers has a tendency to depress wages in low-skill jobs, which affects all workers, and leads sometimes to poorly enforced labor standards and increased inequity between the wealthy and poor (Vernon Briggs, Cornell University, *America's Newcomers* , 1993).

Other State Approaches

Virginia is not alone in dealing with newcomer issues; all states are trying to meet the situation in innovative and efficacious ways.

- Iowa has combined all private and public refugee functions into one agency which provides resettlement, money, and services to eliminate gaps or overlaps.
- Pasadena, California, sends out bilingual newsletters about available services as well as providing a telephone information line to encourage immigrant groups to provide more services within their communities.
- Arlington County, Virginia, has developed a videotaped series on fundamental life skills and set up locally-based training centers.
- Oregon has emphasized simultaneous job training and English language programs, and payment of benefits is contingent upon participation. As a result, only 46 percent instead of 80 percent of the refugee population relies totally on cash assistance when their benefits run out.

As an outgrowth of the Fish-Wilson Amendment to the Refugee Act of 1980, which called for the examination of alternative strategies for the delivery of cash assistance, social services, and case management to refugees, the Refugee Early Employment Project (REEP) operates in Oregon as a federally-funded demonstration project. In 1993, after seven years of operation, REEP identifies refugees within approximately four days after their arrival in the state and uses a "front-loaded" service system to promote early employment and economic self-sufficiency compared to traditional models that provide such services only when welfare assistance eligibility is due to expire. While developing better mechanisms to monitor progress on the part of the refugees, the program also recognizes that the requirements for and employment potential of the entire family or household, not just the traditional breadwinner, need to be emphasized. Increased expenditures early in the resettlement process have resulted in higher levels of employment for refugees and lower total costs to the system.

Prior to REEP, 90 percent of Oregon's refugee population were unemployed at the end of 18 months and were relying on cash assistance as their sole source of income.

[5] America's Newcomers, Immigrant Policy Project, National Conference of State Legislatures, 1993.

In 1991, that number was only 46 percent. To reach this goal in a budget-neutral manner, the program utilizes the private sector through three components: cash assistance and management; employment services; and medical assistance. While the first two components are handled by agencies which have specific experience in refugee resettlement and training, clients may access the third component through a full service medical provider.

Initial cost savings of 18.5 percent in the first three years (1985-1988) of the program exceeded expectations of budget neutrality; cost savings for subsequent years are not available.

The effective performance of the early program resulted from (i) a good working relationship between program components; (ii) a coordinated, integrated system of services enhanced by mandatory referrals, formal reporting on client progress, and joint efforts between case managers and employment specialists; (iii) a lack of system inhibitions as found in traditional state processes; (iv) the use of money payments as an incentive for client compliance; (v) low caseloads for workers; (vi) treatment of the family as a whole; and (vii) transitional health care for clients after they are employed.

In subsequent years, while the program design remained virtually the same, administration and immigration changes have adversely affected the outcome to some degree, as has happened in other states. Because of lower national resettlement figures, fewer clients need services. Specific programs have had to adapt constantly to new needs generated by changes in immigration patterns. For example, in the 1970s and 1980s, immigration came primarily from Southeast Asia; today, immigrants from the former Soviet Union form the bulk of new refugees. With these demographic changes also come differences in occupational background, education, and language, all of which have a significant impact on caseload size and may prevent the initial level of individualized attention envisioned by the program.

Changes in federal commitment has changed as have various legal requirements. Federal spending for cash assistance to eligible clients has decreased, and the state is beginning to assume some of the functions previously performed by the private agencies. Ironically, these changeovers have generated the most criticism for the program because they inhibit rapid and effective response to client problems. In all, though, program evaluation remains positive.

Statement of Policy Goals by the National Conference of State Legislatures

At its annual meeting in June and August of 1991, the National Conference of State Legislatures adopted policy goals for refugee assistance and immigration reform. Each position was approved by at least three-fourths of the states and territories present and voting. In summary, the statement indicated that state and federal policies should reflect that:

- Domestic assistance should provide for the health and welfare of individuals who are allowed to settle in the U.S. as well as adequate funding for the states. The federal government should live up to its promises to provide 100 percent reimbursement for services for the full 36 months of eligibility for refugees.
- Persons who flee because of political persecution should be given priority status for entry, regardless of the country of origin.
- When admission ceilings are raised, the federal government must raise funding accordingly.
- The track record of domestic assistance program need to be improved in order to help refugees become truly self-sufficient.
- The federal government should provide English instruction and job training prior to entry into the U.S.
- The federal government should avoid further placements in areas already heavily affected by refugee populations.
- Health screening with follow-up should be continued and expanded.
- The State Legalization Impact Assistance Grant (SLIAG) should be fully funded and released to states in a timely manner. (This program has now expired.)
- (A complete version of these directives is contained in Appendix C.)

U.S. Commission on Immigration Reform

The U.S. Commission on Immigration Reform released its first report in September 1994. Its recommendations addressed border management, worksite enforcement, and benefits eligibility for immigrants. It also spoke to the inequity of funding as a result of unfunded mandates to the states and the cost-shifting which has occurred. The Commission is scheduled to issue its final report in 1997.

Recommendations which affect localities include: (i) extending authority to state and localities to condition benefits consistent with federal benefits for immigrants; (ii) enforcing sponsor responsibility to make the promises legally binding; (iii) revising immigrant categories to simplify determination of eligibility for work and public benefits; and (iv) providing federal impact aid for states conditioned on "appropriate cooperation" with federal authorities. The Commission report also recommends a short-term authorization of impact aid to offset at least a portion of the fiscal burden of unlawful immigration, including emergency medical care, education, and incarceration.[6]

Although momentum has been building for some time, the passage of Proposition 187 in California and the institution of suits against the federal government by a number of states to require the federal government to reimburse the states for the costs of undocumented aliens residing in their states has brought this issue to the forefront. Currently federal constitutional and statutory law prevents the states from denying some services to undocumented aliens, including education, benefits, and medical care. Current

[6] *Immigrant Policy News, The State-Local Report*, Immigrant Policy Project, Vol. 1, #2, 11/9/94.

Supreme Court and other cases have invoked the right to equal protection under the 14th Amendment, but these new cases hope to have those opinions reviewed and overturned. States which currently have active lawsuits include Texas, New Jersey, New York, California, and Arizona. Florida's case was recently dismissed because the judge felt he had no jurisdiction and no power to require the federal government to reimburse the state. Proposition 187 in California, which would deny publicly-funded health care (except emergency), social services, and education to undocumented persons was immediately enjoined and is currently in court.

THE VIRGINIA IMMIGRATION EXPERIENCE

Virginia Statistics

In Virginia, as across the nation, refugee problems do not affect every locality equally. As previously noted, 64 percent of all refugees settle in Northern Virginia where they live in distinct neighborhoods. Refugee arrivals have remained relatively static over the last five years (1990-94) ranging from approximately 2000 to 2100. Similarly, Northern Virginia also has a high concentration of all other categories of newcomers. (Figure 8) Contrary to popular belief, the number of newly admitted immigrants in Virginia has decreased 34 percent over the past three years - from 24,942 in 1991 to 16,451 in 1993, the latest year for which information is available.

Foreign Born Population in Virginia's Regions

Three regions of the state account for almost nine of every ten foreign-born persons in Virginia. The Hampton Roads area is second in the number of foreign born, with about one quarter the Northern Virginia total.

Top 5 Regions by Number of Foreign Born Residents

1.	NORTHERN VIRGINIA	206,752	63.3%
2.	HAMPTON ROADS	49,268	15.8%
3.	RICHMOND REGIONAL	19,247	6.2%
4.	THOMAS JEFFERSON	4,908	1.6%
5.	NEW RIVER VALLEY	4,748	1.5%
	ALL OTHER	26,886	8.6%
	VIRGINIA	311,809	100%

Source: ("Northern Virginia's Foreign Born: Their Numbers and Characteristics," presentation to the Joint Subcommittee by the Northern Virginia Planning District Commission. September 27, 1993.)

These enclaves of new populations have had considerable impact on all areas of public services - transportation, education, social services, health, mental health, corrections, and labor. With decreased federal dollars, the state is forced to provide necessary services with either constant or reduced dollars. Although many state efforts have been supplemented by established ethnic community efforts or by groups such as the Jewish community which is matching federal money dollar for dollar to help Soviet Jewish refugees, such funds are neither constant nor guaranteed.

Specific Issues

Specific issues which were considered during the course of this study included:

- Refugees, service providers, and employers all agree that the lack of English proficiency often limits job opportunities, even for entry level positions, and slows acculturation. Additionally, placement of bilingual staff in service agencies incurs extra, but necessary, costs. In the past, refugees generally found jobs in manufacturing which required only minimal English, but times have changed, and clients are forced to adapt to the rapidly expanding service industry.
- Many health departments in this country do not provide complete physicals for new arrivals. As a result, parasite, gynecological, and other health problems are not diagnosed and treated. In addition, dental and vision problems are common.
- Refugee families are often forced to live in areas of high crime as a result of a lack of affordable housing and zoning regulations which limit the number of persons who may occupy an apartment. Ironically, these violent areas are much like the ones that the refugees wanted to leave behind.
- Many refugees are either completely unskilled or have few job skills.
- A lack of public transportation in many areas hampers the ability of refugees to find and keep jobs.
- The cost of providing numerous specialized services to newcomers is not given adequate consideration in state funding formulas.
- Although the aforementioned problems have, for the most part, specific remedies, there are other intangible problems with which service workers must contend. Many newcomers come from countries which have not kept up with the pace of the world around them. In many cases, these residents may appear acculturated by their command of the English language and mode of dress, but in reality they still cling to ancient beliefs. Teaching some to use modern appliances and convincing them to utilize modern health technologies are but a few of the problems. As noted by social services observers, for example, " . . .society expects Southeast Asians to become successful overnight, but it didn't happen to any of us in this country . . .".[7]

[7] Rob Gurwith, "Back to the Melting Pot." *Governing*, June 1992, 35.

Services

Social Services

In compliance with the Refugee Act of 1980, the Department of Social Services is designated as Virginia's lead agency in the provision of refugee services. Major components of the program include assistance for: (i) foster care for children who arrive without an accompanying adult; (ii) job referral, workshops, and counseling; (iii) English language training; (iv) intensive employment training through the Targeted Assistance Program (TAP) for refugees in areas of high need such as in Arlington and Fairfax Counties; (v) vocational training; (vi) medical needs; (vii) health screening; and (viii) support services for interpretation, transportation, and other daily living needs. Additionally, other state agencies provide services to refugees and other foreign-born individuals, including the Department of Education, Medicaid, Department of Motor Vehicles, the Department of Labor and Industry, and the Department of Health.

Refugees, limited in number by federal rule, comprise only a small segment of the foreign-born who receive services of some sort from the local, state and federal governments. Assistance comes in the form of cash, medical care, food, education, and housing. Eligibility by category for the various services is found in Figure 9.

In addition, the Department of Social Services cooperates with a number of voluntary agencies (VOLAGS) who provide assistance in the resettlement of refugees. These organizations are nonprofit and assist in the initial reception and placement of newcomers and work through the federal Department of State. Services are provided for the first 90 days of the refugee's stay with a set amount of money allotted for each person along with other cash and in-kind contributions from private sources. The following are VOLAGS which have affiliates in Virginia engaged in refugee resettlement:

- United States Catholic Conference
- Church World Services
- Lutheran Immigration and Relief Committee
- Ethiopian Community Development Council
- International Rescue Committee
- Episcopal Migration Ministries
- Hebrew Immigration Society
- American Council for Nationalities Services
- World Relief Refugee Services

Figure 9
Overview of Alien Eligibility for Federal Programs

	ALIEN'S STATUS							
Program	**LPR**	**Family Unity**	**Refugee/ Asylee**	**Parolee, Cuban/ Haitian Entrant**	**TPS**	**DED**	**Asylum Applicant**	**Undocu-mented**
CASH								
AFDC	Yes	Same as amnesty alien	Yes	Yes	Yes	Arguably yes as PRUCOL*	No**	No
SSI	Yes	Yes	Yes	Yes	No	Yes	Arguably yes as PRUCOL*	No
Unemployment Insurance	Yes	Yes	Yes	Yes	Yes	Yes	Yes (if work-authorized	No
Refugee Assistance	Yes, if Amer-asian, former refugee or asylee	No	Yes	Yes, if paroled as refugee or asylee or if national of Cuba or Haiti	No	No	No, unless national of Cuba or Haiti	No, unless national of Cuba or Haiti
MEDICAL								
Medicaid	Yes	Same as amnesty alien	Yes	Yes	Emergency services	Yes	Emergency services**	Emergency services
FOOD								
Food stamps	Yes	Yes	Yes	Yes	No	No	No	No
WIC	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
School Lunch and Breakfast	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
EDUCATION								
Headstart K-12	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Title IV Federal Loans	Yes	Yes	Yes	Yes	Arguably Yes	Arguably Yes	Arguably Yes	No
JTPA	Yes	Yes (if work-authorized	Yes	Yes	Yes (if work-authorized)	Yes (if work-authorized)	Yes (if work-authorized)	No
HOUSING								
Federal Housing	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

*PRUCOL=permanently residing in the U.S. under cover of law
**Some states, such as Florida and Massachusetts, recognize as PRUCOL.

LPR=Lawful Permanent Resident
TPS=Temporary Protected Status
DED=Deferred Enforced Departure

Table prepared by the National Immigration Law Center 9/93

Health

Medical services provided to newcomers are the same services provided to the citizens of the Commonwealth, including both documented and undocumented individuals because the health of all persons residing in the state is important. Some of these services are more critical and in greater demand in the foreign-born population because certain diseases have a higher incidence and prevalence in the native country of those persons than here in the U.S. Examples of such diseases include tuberculosis, typhoid, Hepatitis A and B, and various parasitic diseases. The most important of these at the moment is tuberculosis because of the resurgence of the disease, especially among those with AIDS, and the evolution of drug-resistant strains of the disease.

Prenatal care and the need for immunizations of children have increased the workload in health department clinics. Due to cultural differences and religious constrictions, some newcomers are less likely to participate in family planning clinics and to accept care. There also is no payment source for undocumented aliens, except for what they are able to pay.

Communication with patients is crucial in the provision of good health care, but language barriers make the provision of services much more difficult and expensive. Dealing with communication differences is time-consuming and hiring bilingual staff is costly, but necessary.

The needs of health departments are generally divided into three categories: (1) to reduce or eliminate language barriers; (2) to identify the medical needs of the non-documented newcomer; and (3) to create a method of payment for medical services which are provided to nondocumented individuals.

As a group, newcomers residing in the U.S. have higher rates of tuberculosis than persons indigenous to this country, and many are already infected when they arrive. Although not all persons who are infected will develop active TB, foreign-born individuals are nine times more likely to develop the active form than their U.S.-born counterparts. Most develop the disease within five years of entrance. Foreign-born persons accounted for 125 (33 percent) of the 379 cases of TB reported in Virginia in 1991. The proportion of TB cases represented by this population group has increased every year since 1987. In 1991, 77 percent of the 116 cases of TB reported in Northern Virginia occurred among the foreign-born. Virginia Beach also reported more in that time period. In many cases, noncompliance with drug therapy for a variety of reasons has resulted in the spread of the disease.

The most effective strategy for successful treatment of TB infection and disease, as well as for administering other medical treatment, has been through culturally sensitive and linguistically compatible outreach workers. These outreach workers enhance understanding and promote trust in the foreign-born patients they serve. Among their many duties, TB outreach workers currently monitor and directly observe the therapy for

diagnosed TB cases who are at risk for, or with a history of, noncompliance. In most instances, such direct contact removes the need for isolation.

Additional concern was raised during the course of this study about the prevalence of newcomers who test positive for the human immunodeficiency virus (HIV). The State Department of Health conducted a survey of their health districts, especially those in Northern Virginia, which have high numbers of newcomers as well as those on the Eastern Shore which treat large numbers of migrant workers. By law, all immigrants must be screened for HIV infection before they enter the U.S. This, of course, would not apply to illegal immigrants and migrant workers do not have to comply since they are not requesting admission as permanent residents. The survey findings are in concert with the AIDS surveillance information in that, during the period 1982 through 1993, only 3 percent of persons with AIDS have been foreign-born and those figures do not imply that these persons contracted the HIV infection prior to coming to this country. The Health Department has developed programs to educate foreign-born persons about disease prevention, including demonstration site grants in Northern Virginia as well as the valley area of the state. At the present time, this does not appear to be a significant problem.

Recommendations

During the 1993 Session, and reendorsed during the 1994 Session, the Joint Subcommittee supported the following projects in descending priority:

- Increases of $185,225 and 17 full-time employees (FTEs) are needed to support prevention and treatment of TB infection in the foreign-born. This will be accomplished through the employment of additional culturally-sensitive and linguistically-compatible Public Health Outreach Workers. Currently there are 10 federally-funded TB outreach workers operating in the state, three of whom are supported by FTEs. The Health Department projects an additional requirement of 10 outreach workers, with FTEs and funding ($185,225), as well as seven more FTEs to support existing part-time TB outreach workers. Five of the ten new outreach workers will be stationed in Northern Virginia; the remaining five will be assigned primarily in the Tidewater-Hampton Roads metropolitan areas.
- Increases of $168,109 and 3 FTEs to support the activities of clinics (family planning, prenatal care, well child, immunizations, general medical, etc.) and home visits conducted by VDH's local health departments. Interpreters will convey questions, comments, and instructions from medical staff to foreign-born patients, and in turn interpret the patients' responses to health care workers (3 wage employees-$45,848). Public Health Outreach Workers augment and enhance clinical services by identifying people in need, educating patients and health department workers alike about cultural and religious preferences, and by providing comprehensive and accurate data on available health care services, both public and private (3 full time, 4 wage employees - $122,261). The three full time outreach workers would be deployed in Northern Virginia, where the need for addressing health care needs of the foreign-born is

greatest. Assignments would not be made by specific locality, but rather by ethnic, cultural, or linguistic group.

- Support legislation in concert with the AIDS Joint Subcommittee to provide for temporary detention of those persons infected with TB to ensure isolation and treatment. Since TB is an airborne disease which is rapidly becoming drug-resistant, it is imperative that steps be taken to quarantine those infected individuals who resist treatment and refuse to limit their contact with other citizens.
- Support the study by the Joint Commission on Health Care, in concert with other affected entities, of the issue of reciprocity for licensure among health professionals. The Joint Subcommittee requested the Board of Health Professions, which endorses the concept of licensure by endorsement or reciprocity, to study the obstacles to such programs being utilized by the various boards under the purview of the Board of Health Professions. At the time of this study, and as the result of a previous study done by the Joint Legislative and Audit Review Commission, all statutory impediments had been removed, but few professions had shown any inclination to utilize those provisions. Licensure by endorsement or reciprocity is either fragmented or nonexistent. As a result, the Board recommended that the study be taken up by the Joint Commission on Health Care so that the issue could be reviewed and evaluated in the broader scope of the provision of health care services given the new and upcoming proposed overhaul of the national health care system. (A copy of the report by the Department of Health Professions is attached as Appendix H.)

Court Services -Interpreters in Civil Cases

The courts in many jurisdictions, especially those in Northern Virginia, are continuing to experience large caseloads involving language minorities. While the Supreme Court provides for reimbursement of interpreters during formal hearings and trials for criminal cases, there are many needs outside of the courtroom for better communication with language minorities, whether they are defendants, victims, or witnesses. When communication fails, the consequences can be severe. Most serious may be the unfairness in the treatment of defendants or victims whose side of the story is never correctly heard. The court can operate most efficiently if everyone understands at every step of the way what is happening, why it is happening, and what needs to happen next.

Four areas of concern have been identified which limit the ability of the courts to deal most effectively with cases involving language minorities:

- The need for certification of interpreters serving the court;
- The need for an improved system of reimbursement for court interpreters;
- The need for improved access to volunteer interpreters; and
- The need for interpreters in critical areas of civil law: landlord-tenant cases, small claims court, and family cases including custody/visitation, non-criminal child abuse and neglect, and spouse abuse cases.

("Assessing the Needs of Language Minorities in the Courts of Virginia," Report by the state courts in the Northern Virginia jurisdictions, 1993 and 1994, found in Appendix G.)

Recommendations

- The Joint Subcommittee, by resolution, requested the Judicial Council of the Virginia Supreme Court to investigate the potential need for and costs of providing court interpreters in civil cases in the Commonwealth. The Council, in its initial report released in December 1994, concluded that the number of civil cases involving a person who does not speak English warrants the appointment of interpreters. The committee also recommended a statewide program to certify interpreters. The recommendation also indicated that the state's general fund would pay interpreter's fees and courts could try to recoup them from litigants. The report estimates a cost of $641,766 during the 1995-96 fiscal year to pay the average cost of $130 per case for an interpreter. (This report can be accessed through the Supreme Court of Virginia.)
- Payment of interpreters is done on a reimbursement basis by the Supreme Court, but some localities, especially those who use interpreters frequently, feel that the current system is burdensome and inefficient. At the recommendation of the Joint Subcommittee, the Supreme Court agreed to work with a pilot program in a Northern Virginia locality to develop a different methodology which will better meet the needs of the county without appropriating additional funds. The pilot program is in the development stages and no evaluation has been done at this point. If successful, the program has potential to be expanded to other localities.
- 1996 legislation added language similar to that for criminal cases which would allow the courts, within available appropriations, to provide for appointment of language interpreters in civil cases. The joint subcommittee agreed that there is a need for interpreters in civil cases, especially those involving domestic relations and child custody, in order for parties to a case to be able to participate in an effective prosecution or defense. The language is permissive so as to allow leeway for the courts and to provide an opportunity to evaluate the program, especially with the new interpreter certification program, and to estimate the costs of such a program. (See House Bill 1467, 1996 attached in Appendix A.)

Corrections

The Joint Subcommittee heard testimony at the initiation of this study from the Department of Corrections and the Department for Youth and Family Services regarding the numbers and cost of incarcerating foreign-born persons who have committed crimes or offenses in the Commonwealth. According to their data, the population is small and number below five percent of the entire correctional population. No figures were available about undocumented aliens.

Several of the pending suits by states against the federal government are for the reimbursement of the costs of incarcerating illegals in the states. Although no case which invokes this complaint has been heard, new funds have been made available for states with incarcerated undocumented felons. $130 million was included in the federal crime bill (PL 103-322), with the majority of that going to the seven states with the highest impact: California, New York, Texas, Florida, Arizona, New Jersey, and Illinois. The remaining funds will be distributed to states that apply for them.

Mental Health

Newcomers to this country experience tremendous adjustment and acculturation stresses that results from a combination of factors. They include the lack of ability to communicate, an intergenerational and cultural upheaval, and a lack of resources they were perhaps forced to leave behind when fleeing their homeland. Orthodox mental health methods may not always be useful because of cultural traditions or lack of acceptance. The inability of many mental health professionals to even communicate with newcomers, given the huge variety of languages and dialects, hinders the provision of help even more.

Major contributors to refugee mental health problems include the following:[8]

1. Changes in socioeconomic status;
2. Loss of a sense of individuality;
3. Torture, persecution, imprisonment, and traumatic departure from the country of origin;
4. Unemployment (and underemployment relative to one's level of education);
5. Unrealistic expectations regarding life in the United States;
6. Shortage of mental health professionals willing or able to work with culturally different populations; and
7. Separation from family and social support systems.

Mental health clients who happen to be foreign-born need the same services as do other persons, but the delivery of those services must be specialized. Virginia has endeavored, as other states, to design innovative delivery systems in a culturally-sensitive manner to provide treatment for substance abuse prevention; early intervention for "at-risk" children; emergency mental health services; and mental health and substance abuse treatment, both outpatient and residential, case management, and inpatient services. In addition, this distinct population needs (i) this delivery to be performed by bilingual staff as well as staff who have received specialized cross-cultural training in foreign customs and beliefs, (ii) treatment for post-traumatic stress disorder, and (iii) services which can be performed in affiliation with community ethnic and cultural minority associations.

The provision of mental health services was reimbursed by the federal government through the SLIAG program until its expiration in September 1993. Even at that, the

[8] *America's Newcomers: An Immigrant Policy Handbook*, Ann Morse, Ed., Immigrant Policy Project, National Conference on State Legislatures, September, 1994.

program was directed only to a specialized group of legalized aliens and it did not cover outreach services. Administrative barriers also limited state access to funds. Although this payment source is no longer available, the State Department of Mental Health, Mental Retardation, and Substance Abuse Services continues to provide necessary services to this population.

Education

During the course of its work, the Joint Subcommittee heard repeatedly about the importance of education and training in the instruction of the English language. Newcomers consider mastering English, even in a rudimentary fashion, the key to their success in the United States. They acknowledge that without this skill, they will not be able to find jobs nor to acculturate and provide for their families. In each and every public hearing, pleas for additional language skills training overshadowed requests for any other program. Their consensus was that other assistance programs would only be needed temporarily until they can help themselves.

Newcomers receive educational training through three different programs: English as a Second Language (ESL); Migrant Education; and Adult Education.

English as a Second Language

The Department has served increasing numbers of students in the English as a Second Language (ESL) program each year. In the spring of 1990, 15,133 students, including migrant students, were served; by the fall of 1992, that number had risen to 17,766. Prior to 1990, there was no funding for this program, but $1.7 million was added in the 1990-92 biennium, and $3.6 million for the 1992-94 biennium. Legal precedents require the provision of programs to accommodate students whose primary language is other than English. ESL students are prohibited from being assigned to handicapped classes and from being excluded from gifted programs solely because of their lack of proficiency in English. While the ESL program design is nonspecific, it must be based on sound theory and the results must be successful in order to continue to receive funds. Certification of personnel who teach ESL is also not specific beyond general certification; but states, once formal qualifications have been established, must hire qualified personnel or require that current staff work toward that goal.

Recommendations

- Qualifications for ESL instructors. The Virginia Board of Education adopted standards more stringent than those required for ESL instructors, effective July 1993. The Joint Subcommittee questioned whether the standards were too stringent and precluded many otherwise qualified individuals from participating in the instruction of ESL students. Reduction of teaching personnel in an area where gross shortages are

occurring may compound the state's attempts to help newcomers become self-sufficient. After much debate, the Joint Subcommittee agreed that the higher standards should prevail to keep the quality of the program consistent, but urged the Department not to include the category of volunteer instructor which would severely limit the availability of classes of instruction. The Department assured the Joint Subcommittee that the new standards did not affect the use of volunteers as long as they were not hired as teachers.

- Standardization of ESL designation. Currently there is no definition of an ESL student in the Commonwealth. There are federal guidelines, but each locality has some latitude in determining which students need ESL education. The Joint Subcommittee recommended that the Department of Education consider developing a standard definition for a student for whom English is not a primary language to enable localities to provide a consistent model of education.
- Maintenance of ESL effort by localities. Article 8, § 2 of the Constitution of Virginia states that "the General Assembly shall determine the manner in which funds are to be provided for the cost of maintaining an educational program meeting the prescribed standards of quality, and shall provide for the apportionment of the cost of such program between the Commonwealth and the local units of government comprising such school divisions. Each unit of local government shall provide its portion of such cost by local taxes or from other available funds." Funding and apportionment is accomplished through the Composite Index in the Budget. In 1992, approximately $74 million extra dollars were designated to go to ESL programs in the localities, but anecdotal information indicated that some localities may have reduced local spending in their programs which was above the required contribution and therefore the extra funds supplanted rather than supplemented local efforts. The Joint Subcommittee suggested that the Department of Education consider including language in the Budget in the future which would require funding by localities for ESL programs to remain at least equal to the previous year's contribution in order to receive additional state dollars.

- Literacy Passport. State statute (§ 22.1-253.13:4) requires all students to pass the Literacy Passport test prior to being classified as ninth graders. To fail to do so would delay classification and prohibit the student from participating in a number of activities. Handicapped students are exempted as long as they are progressing according to their individualized education programs. The Joint Subcommittee, while endorsing the concept of literacy attainment, expressed concern that students for whom English is a second language might need additional leeway in passing the test prior to the ninth grade. In many instances, participation in school scholastic and social organizations might be conducive to learning English. The General Assembly adopted legislation in 1993 to delay the Literacy Passport requirements for these students, but a sunset requirement was attached. The 1994 Session removed that sunset provision from the legislation.

APPENDICES

A. All legislation offered by the Joint Subcommittee
B. Executive Summaries of Reports by the Judicial Council of the Supreme Court of Virginia on Courtroom Interpreters
C. Goals for State-Federal Action, National Conference of State Legislatures, 1991-92
D. Education data on language programs
E. Northern Virginia's Foreign-Born: Their Numbers and Characteristics
F. Correspondence to the Office of Refugee Resettlement, Department of Health and Human Services
G. Addressing the Language Minorities in the Courts of Virginia - Report of the Courts of Northern Virginia
H. Licensure Reciprocity for Health Professionals - Report

Appendix A

All legislation offered by the Joint Subcommittee

1992 SESSION

LD4306196

HOUSE JOINT RESOLUTION NO. 97

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rules
on February 28, 1992)

(Patron Prior to Substitute—Delegate Darner)

Requesting that a joint subcommittee be established to study the needs of foreign-born residents in the Commonwealth and the impact of non-U.S. citizens on the state and local health care delivery system.

WHEREAS, the population of foreign-born residents throughout Virginia has increased sharply in the past decade, both in the number of persons and the number of countries represented; and

WHEREAS, many foreign-born residents are refugees who enter Virginia with significant health problems which places an additional strain on an already overburdened system of health care delivery; and

WHEREAS, many of these newcomers also need assistance in housing, transportation, employment, education, and social services; and

WHEREAS, a more accurate assessment of the needs, as well as projections of growth, of the served and unserved segments of the foreign-born population is vitally needed; and

WHEREAS, issues which need to be resolved include (i) development of a state policy on the appropriate relationship between state agencies and the federal Immigration and Naturalization Service; (ii) assessment of communicable diseases and other health care needs of non-U.S. citizens; (iii) assessment of the cost of care taking into account utilization patterns, number of uninsured and eligibility for federal programs; (iv) development of a policy delineating what services should be offered to undocumented foreign-born residents; (v) placement of bilingual staff in appropriate agencies; and (vi) consideration of the added costs of providing services to the foreign-born in state funding formulas; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be requested to examine the aforementioned issues with regard to foreign-born individuals residing throughout the Commonwealth as well as other issues deemed relevant. The joint subcommittee shall consist of eight members: four members of the House of Delegates to be appointed by the Speaker of the House; three members of the Senate to be appointed by the Senate Committee on Privileges and Elections; and the Commissioner of Health, who shall serve as a nonvoting ex-officio member of the subcommittee.

All agencies of the Commonwealth shall, upon request, assist the subcommittee in its study.

The joint subcommittee shall complete its work in time to submit its findings and recommendations to the Governor and the 1993 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for processing legislative documents.

The indirect costs of this study are estimated to be $10,860; the direct costs of this study shall not exceed $5,760.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.

1993 SESSION

LD9031196

HOUSE JOINT RESOLUTION NO. 660

Offered January 26, 1993

Continuing the Joint Subcommittee Studying the Needs of Foreign-Born Individuals in the Commonwealth.

Patrons—Darner, Connally, Cunningham, R.K., Fisher, Harris, Hull, Mayer, O'Brien, Scott, Tata, Van Landingham and Van Yahres; Senators: Calhoun, Holland, E.M., Howell, Lucas, Waddell and Woods

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Referred to the Committee on Rules

WHEREAS, throughout its history the United States has offered asylum and humanitarian aid to foreign victims of persecution; and

WHEREAS, although the federal government supplies funds, albeit limited, and develops policy, states have the key responsibility in the assimilation of refugees into our culture; and

WHEREAS, refugees, or those who flee their native country for fear of persecution, make up only a small portion of the foreign-born population in the Commonwealth; and

WHEREAS, many refugees and other foreign-born persons are confronted with a variety of barriers to assimilation, including a lack of English proficiency; exposure to diseases and subsequent, inadequate health care; lack of job skills in a new culture; inadequate transportation; and lack of accessibility to adequate, low-income housing for their families; and

WHEREAS, over the years, while federal policy has continued to allow additional persons to immigrate, federal budget contributions for eligible refugees have decreased approximately 67 percent since 1986; and

WHEREAS, most of the adverse fiscal impact has continued to be shifted to the state; and

WHEREAS, the federal administration is currently proposing a privatization of refugee resettlement which has not been adequately developed and reviewed and which will most likely substantially affect state programs; and

WHEREAS, the Joint Subcommittee Studying the Needs of Foreign-Born Individuals in the Commonwealth began its study pursuant to House Joint Resolution Number 97 in 1992 but subsequently determined the enormity and complexity of this problem; and

WHEREAS, the Joint Subcommittee recommends the continuation of the study, especially in light of anticipated federal actions, in order to develop a coherent and encompassing solution and policy to address the needs of foreign-born individuals living in the Commonwealth so that they might become self-sufficient and to address the unique problems inherent among the transient migrant labor population; and

WHEREAS, the members of the Subcommittee feel that similar problems being studied by the AIDS Subcommittee and other state agencies require continued coordination among all entities in order to address these problems in a consistent, efficacious manner; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Subcommittee Studying the Needs of Foreign-Born Individuals in the Commonwealth be continued. The membership on the subcommittee shall continue and vacancies shall be filled according to the provisions of the original resolution.

The joint subcommittee shall complete its work in time to submit its findings and recommendations to the Governor and the 1994 General Assembly as provided in the procedures of the Division of Legislative Automated Systems for processing legislative documents.

The indirect costs of this study are estimated to be $11,070; the direct costs of this study shall not exceed $5,040.

Implementation of this resolution is subject to subsequent approval and certification by

the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of this study.

Official Use By Clerks

Agreed to By The House of Delegates		Agreed to By The Senate	
without amendment	☐	without amendment	☐
with amendment	☐	with amendment	☐
substitute	☐	substitute	☐
substitute w/amdt	☐	substitute w/amdt	☐

Date: _____ Date: _____

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Clerk of the House of Delegates Clerk of the Senate

1993 SESSION

LD9248196

HOUSE JOINT RESOLUTION NO. 661

Offered January 26, 1993

Requesting the Judicial Council of Virginia to study the use of foreign language interpreters in civil cases in the Commonwealth.

Patrons—Darner, Almand, Connally, Hull, Mayer, Scott, Tata, Van Landingham and Van Yahres; Senators: Calhoun, Holland, E.M., Howell, Lucas and Waddell

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Referred to the Committee for Courts of Justice

WHEREAS, a large number of individuals from foreign countries settle in the Commonwealth each year with hopes of making a better life for themselves and their families; and

WHEREAS, one of the greatest handicaps which these foreign-born individuals will encounter is their lack of proficiency in English; and

WHEREAS, while many individuals are desirous of learning English, it is a time-consuming process and there are insufficient numbers of language programs to accommodate those in need of services; and

WHEREAS, lack of proficiency in English may have an adverse impact on their ability to assimilate into this culture or their ability to negotiate our legal system; and

WHEREAS, Virginia currently provides foreign language interpreters for those who cannot afford them in criminal cases, based on the theory that when loss of freedom is involved, a person must be able to participate in his own defense; and

WHEREAS, most would consider that civil litigation cases, such as housing and domestic relations, involve a loss of rights as injurious as criminal penalties; and

WHEREAS, some areas of the Commonwealth, especially Northern Virginia, receive a disproportionate share of foreign-born individuals to settle and, therefore, have a greater impact on the legal system; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Judicial Council of Virginia be requested to study the use of foreign language interpreters in civil cases in the Commonwealth. The Council shall, in its discretion, include in its deliberations any other individuals such as court clerks and judges from areas of the Commonwealth having large numbers of civil cases involving foreign-born individuals. The Council is requested to evaluate, among other things determined to be appropriate, (i) the need for foreign language interpreters in civil matters, (ii) the training and certification requirements of interpreters, (iii) courtroom training for interpreters, judges, personnel of clerks' offices, and attorneys, (iv) legal issues which may arise from the use of interpreters, and (v) the fiscal impact of such a program.

The Council shall complete its study in time to report its findings to the Joint Subcommittee Studying Foreign Born Individuals in the Commonwealth, the Governor, and the 1994 Session of the General Assembly according to the procedures of the Division of Legislative Automated Systems for processing legislative documents.

HP9247196

1993 SESSION
ENGROSSED

HOUSE JOINT RESOLUTION NO. 662

House Amendments in [ ] - February 4, 1993

Requesting the Department of Health Professions to study reciprocity [and endorsement] for licensure between the Commonwealth and other states and foreign countries.

Patrons—Darner, Dillard, Fisher, Hull, Keating, Mayer, Tata, Van Landingham and Van Yahres; Senators: Calhoun, Holland, E.M., Howell, Lucas and Waddell

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Referred to the Committee on Health, Welfare and Institutions

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WHEREAS, health regulatory boards are empowered, pursuant to § 54.1-2400 of the Code of Virginia, to establish qualifications for registration, certification, and licensure of practitioners of various health professions; and

WHEREAS, these boards are responsible for assuring competency and integrity for engaging in regulated professions; and

WHEREAS, while the health and safety of the citizens of the Commonwealth is of paramount concern, availability of trained health care professionals is crucial to maintaining an optimum level of health; and

WHEREAS, during its proceedings in 1992, the Joint Subcommittee Studying the Needs of Foreign Born Individuals in the Commonwealth heard testimony from numerous persons across the Commonwealth about the lack of medical, mental health, and other health professionals who were fluent in the languages of these patients; and

WHEREAS, in many cases, refugee and other legal aliens are trained health care professionals but cannot work in their chosen field when they come to this country; and

WHEREAS, utilization of these trained persons could greatly enhance the health and welfare of many of our citizens, particularly those who do not speak English and who may be at great risk for medical and mental health problems; and

WHEREAS, licensure for each health profession is generally controlled by widely varying standards, processes, and rules adopted by a number of different professional organizations; and

WHEREAS, the joint subcommittee has determined that the license reciprocity [and endorsement] for health professionals between Virginia and other states and foreign counties is inconsistent and fragmental, thus detering many professionals from locating in the Commonwealth; and

WHEREAS, increased consistency in rules applied to reciprocity [and endorsement] of licensure could increase availability of health care; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Department of Health Professions study and evaluate the licensure reciprocity [and endorsement] process among the professions under its purview to determine, among other relevant issues, (i) what current rules apply to reciprocity [and endorsement] within each profession, (ii) what would constitute an optimum reciprocity [and endorsement] process, (iii) what benefits may be incurred from streamlining this process, and (iv) what legal and organizational impediments exist which might prevent the development of increased reciprocity [and endorsement] .

The Department of Health Professions shall include the Joint Subcommittee Studying the Needs of Foreign Born Individuals in the Commonwealth in its deliberations. The Department shall complete its study in time to submit its findings and recommendations to the Joint Subcommittee, the Governor and 1994 General Assembly according to procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

1993 SESSION

LD7713196

SENATE BILL NO. 1057

Offered January 26, 1993

A BILL to amend and reenact § 22.1-253.13:4 of the Code of Virginia, relating to Literacy Passports.

Patrons—Howell, Holland, E.M., Lucas and Waddell; Delegates: Connally, Darner, Dillard, Hull, Mayer, Tata and Van Landingham

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Referred to the Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-253.13:4 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-253.13:4. Standard 4. Literacy Passports, diplomas and certificates.—A. The General Assembly and the Board of Education recognize the need to reduce the illiteracy rate in the Commonwealth and the need to prescribe requirements for completion of high school programs and, to this end, establish the requirement for a Literacy Passport for all students prior to grade nine and criteria for diplomas and certificates.

B. Each local school board shall award Literacy Passports to all students, including ~~handicapped~~ students *with disabilities* , who achieve passing scores on the literacy tests established by the Board of Education. Reasonable accommodation to take the literacy tests shall be provided as needed for ~~handicapped~~ students *with disabilities* . In order to be ~~promoted to grade nine~~ *classified as a ninth-grade student or above* , students shall be required to obtain a Literacy Passport ~~, except for those students who are identified as handicapped and are progressing according to their individualized education programs~~ . *However, this requirement shall not apply to those students who are identified as disabled under the Regulations Governing Special Education Programs for Children and Youth with Disabilities in Virginia and those students who are identified as having limited proficiency in English because English is not their first or native language.*

C. Each local school board shall award diplomas to all secondary school students who earn the units of credit prescribed by the Board of Education, pass the prescribed literacy tests and meet such other requirements as may be prescribed by the local school board and approved by the Board of Education. Provisions shall be made for students who transfer between secondary schools as outlined in the standards for accreditation. Further, reasonable accommodation to meet the requirements for diplomas shall be provided for otherwise qualified ~~handicapped~~ students *with disabilities* as needed.

D. Students identified as ~~handicapped~~ *disabled* who complete the requirements of their individualized education programs shall be awarded special diplomas by local school boards.

E. Students who have completed a prescribed course of study as defined by the local school board shall be awarded certificates by local school boards if they do not qualify for diplomas.

Official Use By Clerks	
Passed By The Senate	**Passed By The House of Delegates**
without amendment ☐	without amendment ☐
with amendment ☐	with amendment ☐
substitute ☐	substitute ☐
substitute w/amdt ☐	substitute w/amdt ☐
Date: _____	Date: _____
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Clerk of the Senate	Clerk of the House of Delegates

1994 SESSION
ENGROSSED

LD4307196

SENATE JOINT RESOLUTION NO. 93

Senate Amendments in [ ] — February 14, 1994

Requesting the Judicial Council of Virginia to study the use of foreign language interpreters in civil cases in the Commonwealth.

Patrons—Calhoun and Howell; Delegates: Darner, Mayer, Tata and Van Landingham

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Referred to the Committee on Rules

WHEREAS, a large number of individuals from foreign countries settle in the Commonwealth each year with hopes of making a better life for themselves and their families; and

WHEREAS, one of the greatest handicaps which these foreign-born individuals encounter is their lack of proficiency in English; and

WHEREAS, while many individuals wish to learn English, it is a time-consuming process and there are insufficient numbers of language programs to accommodate those in need of services; and

WHEREAS, lack of proficiency in English may have an adverse impact on their ability to assimilate into this culture and negotiate our legal system; and

WHEREAS, Virginia currently provides foreign language interpreters for those who cannot afford them in criminal cases, based on the theory that when loss of freedom is involved, a person must be able to participate in his own defense; and

WHEREAS, most would consider that civil litigation cases, such as housing and domestic relations, involve a loss of rights as injurious as criminal penalties; and

WHEREAS, a disproportionate share of foreign-born individuals settle in some areas of the Commonwealth, especially Northern Virginia and, therefore, have a greater impact on the legal system; and

WHEREAS, there are potential alternatives to current funding and payment for courtroom interpreters which could effect economies in the current system, thereby creating an opportunity to expand coverage to civil cases; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Judicial Council of Virginia be requested to study the use of foreign language interpreters in civil cases in the Commonwealth. The Council shall, in its discretion, include in its deliberations any other individuals such as court clerks and judges from areas of the Commonwealth having large numbers of civil cases involving foreign-born individuals. The Council is requested to evaluate, among other things determined to be appropriate, (i) the need for foreign language interpreters in civil matters; (ii) the training and certification requirements of interpreters; (iii) courtroom training for interpreters, judges, personnel of clerks' offices, and attorneys; (iv) legal issues which may arise from the use of interpreters; and (v) the fiscal impact of such a program.

The Council shall complete its study in time to report its findings to the Joint Subcommittee Studying Foreign-Born Individuals in the Commonwealth, the Governor, and the 1995 General Assembly according to the procedures of the Division of Legislative Automated Systems for processing legislative documents.

[Implementation of this resolution is contingent upon funding provided from a separate appropriation for the office of the Executive Secretary of the Supreme Court to conduct this study.]

1994 SESSION
ENGROSSED

LD4305196

HOUSE JOINT RESOLUTION NO. 262

House Amendments in [ ] — February 11, 1994

Requesting the continuation of the Joint Subcommittee Studying the Needs of Foreign-Born Individuals in the Commonwealth.

Patrons—Darner, Mayer, Tata and Van Landingham; Senators: Calhoun and Howell

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Referred to Committee on Rules

WHEREAS, 1990 Census figures revealed that the United States is experiencing its largest influx of immigrants since the turn of the century; and

WHEREAS, one-third of the population growth in this country during the 1980s resulted from immigration; and

WHEREAS, state and local governments are attempting to meet the needs of immigrants for education, job placement, and health and human services; and

WHEREAS, although the federal government determines immigration policies and has accepted the moral obligation of payment for services for refugees who flee their country for fear of persecution, in reality, federal dollars have continually declined while the numbers of persons allowed to enter the country has increased; and

WHEREAS, the responsibility of providing services for immigrants has fallen [~~on the backs of~~ to] state and local governments; and

WHEREAS, some of these services are provided to immigrants not because the state and local government are reimbursed, but because state policy has to consider the health and well-being of all its inhabitants; and

WHEREAS, although several studies have demonstrated that immigrants are contributors to the economic system, two-thirds of the income provided by immigrants flows to the federal level while only one-third flows to the states who have the primary responsibility for the provision of services; and

WHEREAS, the Joint Subcommittee Studying the Needs of Foreign-Born Individuals in the Commonwealth has spent two years investigating this issue and has traveled the state to hear from the many foreign-born individuals who are affected by the programs and policies of the state; and

WHEREAS, the joint subcommittee has made a number of recommendations for change but recognizes that this is an ongoing dilemma which needs constant attention from a variety of agencies; and

WHEREAS, to accomplish this, the joint subcommittee has requested the Governor to create by executive order an interagency immigrant and refugee policy committee, comprised of representatives of the various affected agencies, which can examine immigrant issues in the context of agency response and effectuate a streamlined, consistent policy approach to these unique issues; now, therefore, be it

RESOLVED by the House of Delegates, [the Senate concurring,] That the Joint Subcommittee Studying the Needs of Foreign-Born Individuals in the Commonwealth be continued to assist in the briefing of and to receive the first report from the Interagency Immigrant and Refugee Policy Committee. The membership of the joint subcommittee shall continue as provided in the original resolution.

The direct costs of this study shall not exceed $2,100.

The Division of Legislative Services shall provide staff support for the study. All agencies of the Commonwealth shall provide assistance to the joint subcommittee, upon request.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.

LD4306196

HOUSE JOINT RESOLUTION NO. 263

House Amendments in [ ] — February 11, 1994

Requesting the Governor by Executive Order to establish an Interagency Immigrant and Refugee Policy [~~council~~ Committee] .

Patrons—Darner, Mayer, Tata and Van Landingham; Senators: Calhoun and Howell

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Referred to Committee on Rules

WHEREAS, the United States has always prided itself on taking care of those less fortunate and providing haven for the weak and persecuted; and

WHEREAS, immigrants have come to our shores from the beginning, all foreign born, looking for an opportunity to create a safer and better life for themselves and their families, and this country has benefited from the great contribution made by persons of foreign ancestry; and

WHEREAS, the influx of immigrants into this country during the past decade rivals that at the turn of the century, but the motives remain the same; and

WHEREAS, Virginia ranks eighth in the nation with regard to the number of immigrants who settle in the United States; and

WHEREAS, while the federal government sets immigration policy and determines on a yearly basis how many newcomers will enter the country; and

WHEREAS, it sets policy about what social and other services will be provided to these newcomers, it has not kept its promises; and

WHEREAS, even though the federal government has accepted the moral obligation to reimburse states for these services to newcomers, it has continued to reduce its financial contributions to this partnership; and

WHEREAS, as a result, the states are picking up the burden for the provision of services to newcomers and the provision of programs under increasing federal mandates; and

WHEREAS, the cost of these services is increasing due to the multiplicity and specialized nature of the services needed; and

WHEREAS, these services cut across all state agencies and need to be addressed in a comprehensive fashion which envisions a more streamlined approach in dealing with the needs of newcomers with less duplication and a more consistent policy; and

WHEREAS, to do so would require interagency cooperation and agreement which currently exists but in no formalized manner; and

WHEREAS, the Joint Subcommittee Studying the Needs of Foreign-Born Individuals in the Commonwealth has spent two years studying the various problems of the foreign-born, of which there are many, and has traveled the state to talk to individuals from other countries who ask only for a chance to succeed; and

WHEREAS, the joint subcommittee recognizes that the need for services to address the needs of this population are complex and ongoing and require constant attention from the agencies responsible for the direct provision of services; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Governor of Virginia is requested to issue an executive order creating the Interagency Immigrant and Refugee Policy Committee. The joint subcommittee recommends that the responsibilities of the committee include, but not be limited to (i) review of current state and federal statutes, rules and policies applicable to immigrants, refugees, and undocumented aliens in order to eliminate duplication and provide more efficient and effective enforcement within existing resources; (ii) examine the delivery of state, federal and private programs to evaluate how they complement or juxtapose each other, (iii) establish and implement policy and coordinate enforcement and provide assistance in accordance with state and federal law, (iv) discuss and communicate problems and concerns that exist among state

LD6098196

SENATE JOINT RESOLUTION NO. 349

Offered January 23, 1995

Requesting the Executive Secretary of the Supreme Court, under the auspices of the Judicial Council, to develop information and educational programs for pre-bench orientation sessions as well as for inclusion in materials used for continuing educational programs for judges in the Commonwealth that address the specialized problems encountered in dealing with persons of limited English ability in the courtroom.

Patrons—Calhoun; Delegates: Callahan, Darner, Mayer and Van Landingham

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Referred to the Committee on Rules

WHEREAS, this Commonwealth, as well as the nation as a whole, has always prided itself on providing safe haven for those persons of other nations who suffer from political, racial, or cultural persecution as well as those who aspire to better themselves and take advantage of opportunities which are unavailable in their homeland to better the lives of their families; and

WHEREAS, the Joint Subcommittee Studying the Needs of the Foreign-Born has, for the past three years, examined the many needs of those who emigrate to this country, and has identified English language proficiency as the primary life skill that virtually all newcomers to this country need to master, so that they can begin to assimilate into this country and take control of their lives and futures; and

WHEREAS, one of the issues examined by the Joint Subcommittee was the need for foreign-language interpreters in the courtroom and the potential impact such a requirement could have on the Commonwealth; and

WHEREAS, since 1974, Virginia statutes have permitted reimbursement for foreign-language interpreters in criminal cases, based on the fundamental proposition that when loss of freedom in involved, it is essential that a person be able to participate in his own defense; and

WHEREAS, current statute also provides for interpreters for speech- or hearing-impaired persons; and

WHEREAS, the Joint Subcommittee agreed that while a loss of freedom is certainly a hardship, so too is the potential loss of children and home; and

WHEREAS, at the behest of the Joint Subcommittee and through a joint resolution passed by the General Assembly, the Judicial Council undertook the first part of a study to determine the need for interpreters and to assess the impact such a program might have on services; and

WHEREAS, the Judicial Council released its initial report in December 1994 and found that there are compelling reasons why the Commonwealth should also develop a system of interpreters for persons who are of limited English proficiency for use in her courts; and

WHEREAS, of the stated mission of Virginia's courts, the provision of interpreters met many of the criteria underlying the core values and fundamental aims of the court system, including (i) the need to provide effective access to the courts to all persons, (ii) the duty of the courts to provide fair access, (iii) the need to preserve the integrity of the fact-finding process, (iv) the need to promote efficient and uniform administration of justice, (v) the need to establish and maintain public confidence in the courts, and (vi) the need to ensure a judicial system that is responsive to change; and

WHEREAS, the Judicial Council agreed that there are compelling arguments favoring the provision of interpreters for non-English-speaking persons who are parties or witnesses to civil proceedings; and

WHEREAS, it was the recommendation of the Council that state statute be amended to allow for the provision of such interpreters, but the Joint Subcommittee felt that implementing such a program would be premature, because the second part of the Council's study will be to determine competency and training qualifications for potential interpreters in such a program, an undertaking that will benefit the current criminal justice procedure since there are currently no accreditation standards for language interpreters in criminal proceedings; and

WHEREAS, the Council recommended and the Joint Subcommittee concurred that training materials for use by the judges in the courts of the Commonwealth need to be developed and implemented; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Office of the Executive Secretary, under the auspices of the Judicial Council, develop materials and courses for (i) pre-bench orientation of newly elected judges and training sessions for new clerks of court and magistrates, (ii) educational programs for presentation at mandatory training conferences, and (iii) inclusion in all benchbooks.

Official Use By Clerks

Passed By The Senate		**Passed By The House of Delegates**	
without amendment	☐	without amendment	☐
with amendment	☐	with amendment	☐
substitute	☐	substitute	☐
substitute w/amdt	☐	substitute w/amdt	☐

Date: _____ Date: _____

_____ _____

Clerk of the Senate Clerk of the House of Delegates

1995 SESSION
ENGROSSED

LD6097196

HOUSE JOINT RESOLUTION NO. 599

House Amendments in [ ] — February 4, 1995

Continuing the Joint Subcommittee Studying the Needs of Foreign-Born Persons in the Commonwealth.

Patrons—Darner, Almand, Callahan, Crittenden, Mayer and Van Landingham; Senators: Calhoun and Howell

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Referred to Committee on Rules

WHEREAS, the United States is a nation of immigrants, from the first "boat people," the Pilgrims, to the latest ones who come here for a variety of reasons, including political asylum, economic opportunity, and reunion with family members; and

WHEREAS, although the federal government provides some, if limited, funds for certain types of immigrants, namely refugees, state and local governments have had to accept responsibility for providing programs to assist immigrants in assimilating into our society; and

WHEREAS, many immigrants soon become successful, productive members of our society with only little assistance and go on to contribute positively to the economy of the nation; and

WHEREAS, in many cases, immigrants need only minimal assistance, such as English language training, to acculturate and become self-sufficient; and

WHEREAS, the Joint Subcommittee Studying the Needs of Foreign-Born Persons in the Commonwealth has, over the past two years, actively examined the varied needs of immigrants and has made numerous recommendations for positive improvements in the provision of education, health services, legal services and daily life skills training; and

WHEREAS, at the behest of the joint subcommittee, the Judicial Council started a two-part study on the provision of language interpreters in civil matters in the courts of the Commonwealth; and

WHEREAS, the Council found compelling reasons to recommend that language interpreters be made available in civil cases but also recommended that additional study is needed to resolve issues of interpreter competency, court personnel training, coordination, and other strategic planning; and

WHEREAS, the joint subcommittee desires to oversee the completion of this study and to make recommendations regarding its implementation; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Subcommittee Studying the Needs of Foreign-Born Individuals in the Commonwealth be continued for one additional meeting to review the report of the conclusion of the study of language interpreters in the courtroom by the Judicial Council and to allow the joint subcommittee to act on those recommendations at the 1996 Session of the General Assembly.

The direct costs of this study shall not exceed $1,200.

The Division of Legislative Services shall provide staff support for the study. All agencies of the Commonwealth shall provide assistance to the joint subcommittee, upon request.

The joint subcommittee shall [~~complete its work in time to submit its~~ be continued for one year only and shall submit its final] findings and recommendations to the Governor and the 1996 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.

CHAPTER 559

An Act to amend the Code of Virginia by adding in Article 5 of Chapter 13 of Title 8.01 a section numbered 8.01-384.1:1, relating to courtroom interpreters.

[H 1467]

Approved April 3, 1996

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 5 of Chapter 13 of Title 8.01 a section numbered 8.01-384.1:1 as follows:

§ 8.01-384.1:1. Interpreters for non-English-speaking persons in civil cases.

A. In any trial, hearing or other proceeding before a judge in a civil case in which a non-English-speaking person is a party or witness, an interpreter for the non-English-speaking person may be appointed by the court. A qualified English-speaking person fluent in the language of the non-English-speaking person may be appointed by the judge of the court in which the case is to be heard unless the non-English-speaking person shall obtain a qualified interpreter of his own choosing who is approved by the court as being competent.

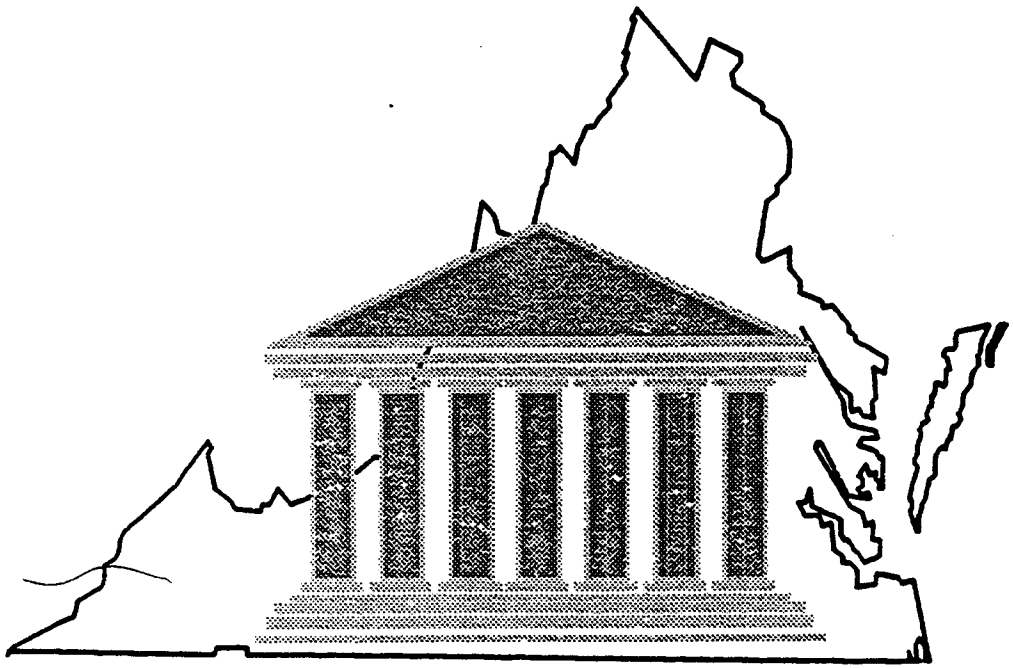
B. To the extent of available appropriations, the compensation of such interpreter shall be fixed by the court and shall be paid from the general fund of the state treasury as part of the expense of trial. The amount allowed by the court to the interpreter may, in the discretion of the court, be assessed against either party as a part of the cost of the case and, if collected, the same shall be paid to the Commonwealth.

C. Whenever a person communicates through an interpreter to any person under such circumstances that the communications would be privileged, and such persons could not be compelled to testify as to the communications, this privilege shall also apply to the interpreter. The provisions of this section shall apply in circuit, family and district courts.

Appendix B

Executive Summaries of Reports by the Judicial Council of the Supreme Court of Interpreters

Foreign Language Interpreters in Virginia's Courts



Judicial Council of Virginia
December, 1994

Foreign Language Interpreters in Virginia's Courts

"Growing cultural diversity will continue to increase the need for interpreter services at all levels of the justice system. Attention must be given to ways in which other types of forms and assistance will be delivered to those not conversant in English."

from *Courts in Transition: The Report of the Commission on the Future of Virginia's Judicial System, 1989*

Introduction

As the Commission on the Future of Virginia's Judicial System forecasted in 1989, the increasing diversity of Virginia's population is having and will continue to have an impact upon the operation of Virginia's justice system, and in particular, the trial courts. This was evidenced most recently in the passage of Senate Joint Resolution No. 93 during the 1994 General Assembly session. The resolution was introduced as a result of concerns raised by the Joint Legislative Subcommittee Studying Foreign-Born Individuals in the Commonwealth. The resolution requested that the Judicial Council of Virginia evaluate several policy issues relating to the use of foreign language interpreters in judicial proceedings in the Commonwealth. Specifically, SJR No. 93 asked the Council to evaluate:

(1) the need for foreign language interpreters in civil matters;

(2) the training and certification requirements of interpreters;

(3) courtroom training for interpreters, judges, personnel of clerks' offices and attorneys;

(4) legal issues which may arise from the use of interpreters; and

(5) the fiscal impact of such a program.

The rationale for requesting a study of the need for language interpreters in civil cases was premised, in part, on the conclusion that civil litigation, such as in housing and domestic relations cases, can involve a loss of rights as injurious as criminal penalties. The resolution further noted that a disproportionate share of foreign-born individuals settle in some areas of the Commonwealth, especially Northern Virginia and, therefore, have a correspondingly disproportionate impact on the legal system. Finally, the measure pointed to potential alternatives in the current funding and payment system for court interpreters that may create opportunities to expand coverage to civil cases. A copy of the resolution is included on page A-2 of the Appendix to this report.

Following the enactment of the resolution, a two-phase research design was developed. The first phase included a nationwide review and analysis of: (1) statutes regarding the use of court interpreters for linguistic minorities in civil cases at public expense; (2) the qualifications set forth either by statute or administrative policy for those who serve the courts as foreign language interpreters either in civil or criminal cases; (3) the types of and means by which training is provided both to judges and court staff; and (4) methods used in other states for payment of interpreters. This report presents the results of the first phase of the project.

The General Assembly appropriated $50,000 to conduct this study. These funds have been reserved for the second phase of the project due to the potential costs involved in pursuing development of a statewide court interpreter certification and training program, should the General Assembly decide, based upon the Council's evaluation and their further discussions, to develop such requirements for court interpreters. If so, the Council will begin the second phase of the project to address the qualitative aspects involved in the provision of foreign language interpreters. Activities in the second phase would include establishment of a statewide interpreter testing and certification program, the designation of languages for which there should be certification programs, the establishment of standards of practice and professional conduct for interpreters, and an examination of the legal issues which may arise in using interpreters.

The Judicial Council referred the study of foreign language interpreters to the Judicial Administration Committee, a standing committee of the Council. This report represents the work of that Committee. Following completion of the study, the Council received the report and voted to transmit it to the Governor and members of the 1995 General Assembly, in particular to members of the Joint Subcommittee Studying the Needs of Foreign-Born Individuals in the Commonwealth.

The Presence of Linguistic Minorities in Virginia

Changing Demographics

Like the nation and the world, Virginia's population is becoming more diverse. African Americans, Asians and other minorities form the fastest growing segment of the state's population. In 1993, Virginia's population was 19.2% African-American, and 3.2% Asian or other non-white racial group. By 2020, the proportion of African-American will grow to 21.6% while the number of Asians will constitute 5.7% of the state's total population. Stated another way, Virginia's African- American population is expected to increase by 45.9% between 1993 and 2020; the Asian population should increase by nearly 144%.

While the state is becoming more racially diverse, it is also experiencing dramatic changes in ethnic composition. By 2020, the Hispanic population in Virginia is projected to grow by nearly 117%, from 2.8% of the total population in 1993 to nearly 5%. This change will be reflected in the numbers of citizens speaking languages other than English. In 1990, the estimated number of home speakers, aged five years and older, of non-English languages in Virginia was 419,000, or 6.7% of the total population. Other than English, there are 11 different languages spoken in the state by more than 10,000 people each. (See Table 1). Among these, the most commonly spoken language is Spanish with 153,000 speakers, or nearly 3% of the state's total population.

Table 1

Language Spoken At Home
Virginians: Persons 5 Years and Over, 1990

Language	Number	Percent
Speak Only English	5,327,989	92.7%
German	32,069	0.6%
Yiddish	641	0.0%
Other West Germanic Languages	3,012	0.1%
Scandinavian	2,710	0.0%
Greek	7,453	0.1%
Indic	17,117	0.3%
Italian	9,567	0.2%
French or French Creole	40,353	0.7%
Portuguese	3,240	0.1%
Spanish or Spanish Creole	152,663	2.7%
Polish	3,286	0.1%
Russian	1,484	0.0%
South Slavic	888	0.0%
Other Slavic	2,487	0.0%
Other Indo-European	16,123	0.3%
Arabic	11,399	0.2%
Tagalog	21,018	0.4%
Chinese	18,037	0.3%
Hungarian	1,698	0.0%
Japanese	5,370	0.1%
Non-khmer	3,319	0.1%
Korean	25,736	0.4%
Native No. American Language	556	0.0%
Vietnamese	19,025	0.3%
Other and Unspecified Languages	19,270	0.3%
Total	5,746,510	100.0%

This percentage is expected to increase in the future given the projected growth in the Hispanic population. Significant increases can also be expected in the number of Virginians who speak Korean, Vietnamese, and other Asian languages.

Economically, language and cultural minorities are disproportionally below the poverty level. In 1993, the poverty rate was 12.2% for whites, 33.1% for African-Americans, and 30.6% for persons of Hispanic origins. For Asians, the largest component of persons of other races, the

poverty rate was 15.3% in 1993. (Even though the poverty rate for whites was lower than that for the other racial and ethnic groups, the majority of poor persons were white--66.8%). The poverty rate was 35.6% for families with a female householder with no husband present. When the head of the household was African-American with no husband present, the poverty rate stood at 49.9%.

Reports issued in Virginia indicate that the low socio-economic status of language and cultural minorities makes it more difficult for them to meet basic needs for housing, employment and transportation, as well as their need for education, language training, and other kinds of services. In addition to economic barriers, language and cultural barriers to equal access to services faced by linguistic minorities need to be addressed when trying to respond to their needs.

Assistance to Linguistic Minorities by Governmental Branches

The presence of linguistic minorities in Virginia varies considerably among the localities. Some counties have large populations of persons who speak languages other than English, while negligible populations of such persons are found in others. Among the localities where there are larger populations of linguistic minorities, numerous issues regarding the provision of services by the government to non-English speaking citizens are being brought to the fore.

As an example, in 1992, the Criminal Justice Policy Group of Fairfax County created a Subcommittee on Access to the Criminal Justice System by Language and Cultural Minorities. The subcommittee was established as a result of meetings held with representatives of the Hispanic community, the criminal justice system, and the County. Its charge was to: (1) evaluate existing practices in the criminal justice system to determine if defendants who have limited or no understanding of the English language can understand the charges against them, understand the consequences of the court action, and make informed decisions during the process; (2) examine the role of cultural differences as they affect both the defendant's view of the criminal justice system and the response of the criminal justice system to the defendant; and (3) make recommendations to the full Policy Group on these issues and to develop long range strategies to improve the process for foreign language and cultural minorities. As a result, the Policy Group submitted a number of proposals to the Joint Legislative Subcommittee Studying the Needs of the

Foreign Born in Virginia. These proposals served as impetus, in part, for the Subcommittee's introduction of SJR No. 93.

In courts in Northern Virginia and throughout the Commonwealth, measures have been taken to try to accommodate the needs of language and cultural minorities while continuing to ensure due process. These measures include the translation of court forms and information pamphlets and the hiring of persons in the clerks' offices' who are bilingual, particularly Spanish-speaking employees. A foreign language interpreter program using volunteers has been established in the Fairfax Juvenile and Domestic Relations District Court. These volunteers help staff the court's information desk, interpret for lawyers interviewing their clients in the hall, and assist clients by reviewing information in case files, according to the chief judge. However, they do not act as interpreters in the courtroom.

Within the executive branch of Virginia's government, numerous agencies have begun to address in more comprehensive ways the policy issues presented by increasing linguistic diversity in Virginia. Some already have moved to adopt efforts to guarantee that non-English speaking persons have access to those benefits and services to which they are entitled by law. Among these agencies are the Department of Social Services, the Department of Mental Health, Mental Retardation, and Substance Abuse Services, the Virginia Employment Commission, and the Department of Motor Vehicles.

For example, the Department of Social Services has many forms translated, at least into Spanish, and has identified all bilingual staff in local offices. The Virginia Employment Commission also has bilingual staff members in numerous local offices (mostly Spanish speaking). In any of the VEC's administrative adjudication processes (which are "civil" in nature), if the person cannot speak English, an interpreter is secured to translate during the hearing.

The General Assembly long has recognized the need for interpreters in court proceedings. The legislature has authorized the use of foreign language interpreters in criminal cases and interpreters for the deaf or hearing impaired persons in both civil and criminal proceedings.

In other actions by the legislature, it is interesting to note that in 1981, Section 22.1-212.1 of the *Code of Virginia*

was adopted designating English as the official language in Virginia, as guidance for school boards. The law says that school boards have no obligation to teach their curricula in a language other than English, but should endeavor to provide instruction in English to promote the education of those for whom English is a second language.

In 1992, the Assembly established the Joint Subcommittee Studying the Needs of the Foreign Born to assess and make recommendations regarding the issues and problems facing the foreign born in Virginia in numerous areas. The Subcommittee's work has been continued since to complete, among other tasks, the development of a coherent and encompassing solution and policy to address the needs of foreign-born individuals living in the Commonwealth so that they might become self-sufficient.

Thus, at present, all three branches of government are seeking ways to determine and respond appropriately to the moral, legal and administrative obligations that are perceived to exist in ensuring effective and efficient delivery of services to linguistic minorities. Given the expected increases in the population of ethnic minorities, it appears that non-English speaking citizens of the Commonwealth will seek services from all public institutions and the judicial system certainly will not be an exception.

Among the state's most significant trends for the 1990's and beyond are those related to immigration and cultural diversity. These trends amplify the significance of court interpretation as a management issue for the courts. Today, the volume of interpreted proceedings, as allowed by law in criminal and traffic cases, varies substantially by locality and by type of court. Clearly, the courts in Northern Virginia are impacted most significantly at present. For most courts in the remainder of the Commonwealth this is still an emerging issue. Thus, an excellent opportunity exists for the the General Assembly and the council to adopt and implement uniform and consistent policies and procedures governing the provision of foreign language interpreters in all courts.

In completing this report, the Judicial Council was aided and informed substantially by the research on foreign language interpretation in courts that has been undertaken in recent years by the National Center for State Courts.

Organization of the Council's Phase I Report

- Section I - presents the findings and recommendations regarding the need for provision of foreign language interpreters in civil cases and the financial analysis on the projected costs for such services;

- Section II - discusses the findings and recommendations regarding the establishment of a certification procedure for those who serve Virginia's courts as foreign language interpreters; and

- Section III - offers the findings and recommendations regarding the need for training for judges and court personnel in the handling of cases involving such interpreters.

A summary of the recommendations on each of these topics follows.

SUMMARY OF RECOMMENDATIONS

RECOMMENDATION 1: It is recommended that the *Code of Virginia* be amended to provide that in any civil case in which a non-English speaking person is a party or witness, an interpreter for the non-English speaking person may be appointed by the court and that payment for such interpreters shall be made from the general fund of the state treasury, and further, that the court be given the discretion to assess the amount paid to the interpreter as costs against either party to the case. (See page A-57 of the Appendix for copy of the draft of this proposed statute.)

RECOMMENDATION 2: It is recommended that the Judicial Council develop and implement a statewide interpreter testing and certification program for Spanish language interpreters and that the Council should maintain a statewide list of persons certified to provide such services as well as a location and referral system for such interpreters.

RECOMMENDATION 3: It is recommended that the Council also identify and maintain a list of any foreign language interpreters certified by the federal courts who live in Virginia. The list should contain information on the language or languages for which these persons are so certified.

RECOMMENDATION 4: It is recommended that under the auspices of the Council, the Office of the Executive Secretary administer and manage the certification program for foreign language interpreters. Funds should be provided for the Office to carry out the following responsibilities:

a. establishing interpreter proficiency standards;

b. establishing procedures for the recruitment, testing, evaluation, and certification of interpreters consistent with the proficiency standards;

c. designating other languages for certification as the need arises;

d. establishing standards for the professional conduct of court interpreters;

e. adopting and disseminating to each court guidelines for the compensation of certified interpreters; and

f. assisting trial courts in assessing the need for establishing interpreter positions as full-time court employees, where significant cost savings may be achieved as a result.

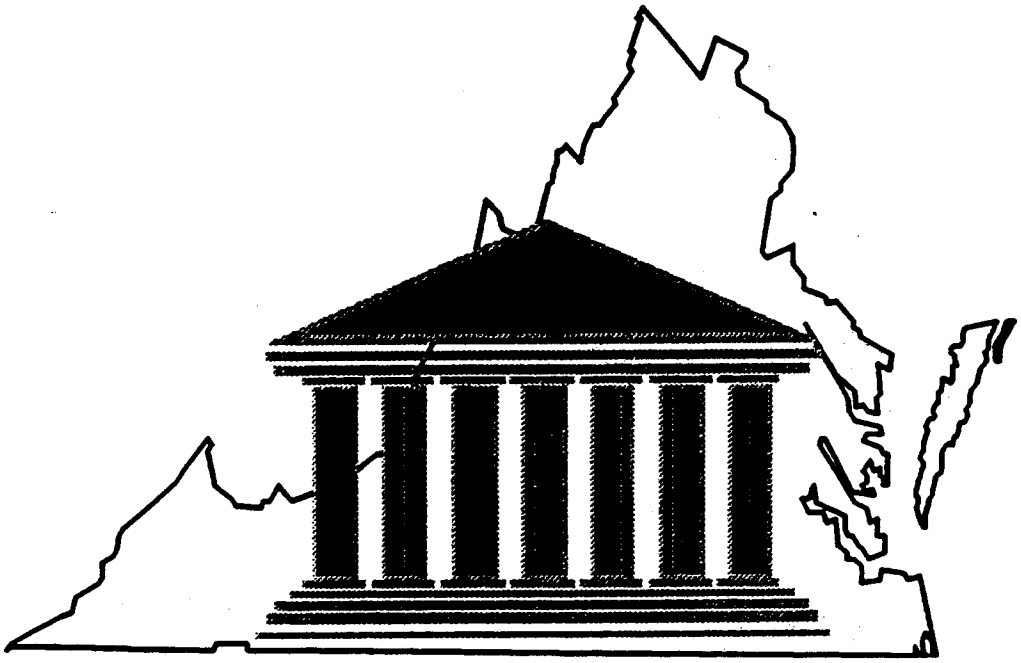
RECOMMENDATION 5: Information on dealing with non-English speaking persons and on working with interpreters should be included in the pre-bench orientation sessions for newly elected judges. Similar information should be included in training sessions for new clerks of court and magistrates.

RECOMMENDATION 6: Educational programs on cross-cultural communication and on working with interpreters should be presented at mandatory conferences for judges, clerks of court, and magistrates.

RECOMMENDATION 7: A section on interpreted proceedings and working with foreign language interpreters should be added to all benchbooks.

RECOMMENDATION 8: Efforts should be made to cooperate in planning and delivering educational sessions for the bar on interpreted proceedings and working with interpreters.

Presentation to the Members of the Joint Subcommittee Studying the Needs of Foreign-Born Individuals in the Commonwealth on the Voluntary Certification Process for Spanish Language Interpreters Serving Virginia's Courts



Briefing by the
Office of the Executive Secretary
Supreme Court of Virginia
November 28, 1995

Introduction

The 1994 General Assembly adopted Senate Joint Resolution No. 93 requesting that the Judicial Council of Virginia evaluate several policy issues relating to the use of foreign language interpreters in judicial proceedings in the Commonwealth. As a result, a two-phased effort was undertaken. The first phase involved the completion of a comprehensive examination of (1) the need for such interpreters in civil matters; (2) training and certification requirements of interpreters; (3) courtroom training for interpreters, judges, personnel of clerks' offices and attorneys; (4) the legal issues which may arise from the use of interpreters; and (5) the fiscal impact of such a program. A study of these issues was prepared under the auspices of the Council's Judicial Administration Committee and presented to Council during its December, 1994 meeting. Council approved the transmittal of the report to the Governor and 1995 General Assembly.

During the 1995 Session, the Joint Legislative Subcommittee Studying the Needs of Foreign-Born Individuals in the Commonwealth met to consider the Council's report. While the Joint Subcommittee did not pursue funding for expansion of interpreter services in civil cases, it did urge Council to continue with the second phase of the effort. In addition, the legislature adopted House Joint Resolution No. 599, which continued the life of the Joint Subcommittee in 1995 in part so that members could oversee the completion of the two second phase activities. They are (1) developing a testing and certification program for interpreters to better ensure their competence to perform such services; and (2) providing training to judges and court system personnel in the handling of interpreted proceedings. A sum of $50,000 was appropriated under the original resolution for the implementation of these activities.

In March, 1995 the Council met and adopted a plan for the development and implementation of the certification process. In so doing the Council decided to begin with the Spanish language because it is the most frequently spoken language in cases involving non-English speaking persons in court proceedings in Virginia. Further, given that the current statute provides for the determination of competency for foreign language interpreters to be in the discretion of the judge, the Council decided to initiate the certification process as voluntary for participants. The end product of this process will be the distribution of a list of Spanish language interpreters who have satisfied the certification requirements. All courts will be encouraged to utilize certified interpreters but there will be no requirement that they do so.

This document describes (1) the requirements for certification; (2) the steps taken to implement the process statewide; and (3) the results to date. Training programs for judges and court personnel have been developed and offered in 1995 and will be continued in 1996.

Background

Among the state's most notable trends for the 1990's and beyond are those related to immigration and cultural diversity. These trends amplify the significance of court interpretation as a management issue for the courts, which are increasingly compelled to use language interpreters in court proceedings.

Studies conducted in recent years by state judicial systems and the National Center for State Courts have concluded that often interpreters used in the courts are not properly qualified for interpreting in courts and justice system settings. A 1995 report by the Center concluded that "language barriers and barriers erected by cultural misunderstanding can render criminal defendants virtually absent from their own court proceedings, can result in misinterpretation of witness statements made to police or triers of fact during court proceedings, and can deter civil linguistic minority litigants from the justice system as a forum for redress of grievances."

The Center's study concluded that the causes of these problems are fourfold:

- underestimation and misunderstanding by the legal community of the skills required for court interpreting;
- absence of standards for court and legal interpreter qualifications;
- lack of effective and efficient mechanisms for locating qualified interpreters; and
- a shortage of qualified court interpreters.

To address the causes and problems with court interpreting, both the Center and the reports of individual state court systems have recommended that comprehensive, statewide mechanisms and procedures be formalized by statute and implemented in order to ensure that interpreters who possess the appropriate minimum skills for interpreting in court settings are available and used when they are required. Thus, in the Council's December, 1994 report, the Judicial Administration Committee recommended the development and implementation of a statewide interpreter testing and certification program for Spanish language interpreters serving

Virginia's courts. As previously stated, the Joint Legislative Subcommittee Studying the Needs of Foreign-Born Individuals in the Commonwealth similarly favored the establishment of such a process and providing funding for this purpose.

It is important to note that, at present, no specific statutory authority exists to require interpreters to be certified. Section 19.2-164 of the *Code of Virginia* prescribes that, in criminal cases, English speaking persons fluent in the language of the accused or victim may be appointed as interpreters by the trial judge. If the accused or a crime victim obtains an interpreter of his/her own choosing, such interpreter must be approved by the court as being "competent". However, the determination of competence is entirely within the discretion of the judge. At present, there are no statewide guidelines available to judges to assist them in making determinations of interpreter competence.

General Principles Guiding the Development of the Certification Process

Three assumptions guided the establishment of the Council's voluntary certification process for Spanish language interpreters in Virginia's courts:

1. Optimally, all interpreters assigned to a court should be screened for their qualifications prior to sending them to a courtroom.

2. Determination of interpreter qualifications should be conducted by individuals who are trained in language and interpreting proficiency screening techniques.

3. Formalized testing of language and interpreting proficiency (certification testing) is recognized as the best way to assess interpreter qualifications.

These assumptions are based on the premise that it is unreasonable to expect judges to be the sole determiners of an interpreter's qualifications, based on the limited information they can obtain in the context of a specific court proceeding. Further, the development of a statewide testing and certification program helps to assure uniformity in the procedures used to select and compensate foreign language interpreters in courts.

The following goals were adopted by the Council for the program:

1. To ensure that all interpreted proceedings in court are accurately and completely rendered;

2. To identify individuals who are ready to work in courts as qualified court interpreters and certify their competence through a testing program;

3. To maintain a pool of certified interpreters that is large enough to provide qualified interpreters to the courts in a timely manner;

4. To establish standards for the minimum acceptable level of competence for court interpreting; and

5. To establish and maintain an effective program at the lowest possible cost to the public.

Requirements for Certification

Following a review of certification processes used in other states and the federal courts, the Council adopted three basic requirements for persons who wish to become court-certified Spanish language interpreters. They must:

1. agree to adhere to a *Code of Professional Responsibility for Interpreters in the Judiciary*;

2. complete training requirements as established by the Council; and

3. successfully complete a Spanish language certification test.

The first requirement is agreement by the interpreter to adhere to a Council-approved *Code of Professional Responsibility for Interpreters in the Judiciary*. Particularly in a court setting, interpreters must adhere to strict codes of appropriate behavior. At times, they may face unusual problems of law and ethics. For example, interpreters may be asked for legal or behavioral advice, which they must decline to give; they may overhear private conversations between foreign language speaking defendants that contain evidence; defendants may even "confess" to an interpreter during private moments. Thus, the articulation of a code of professional conduct for court interpreters was regarded as an essential component of the certification process. Until now, no guidance regarding professional conduct was provided for court interpreters in Virginia.

A copy of the suggested *Code* is included in this document as Appendix A. It was developed by a ten person advisory committee of judges, court officials and certified interpreters working under the auspices of the National Center for State

Courts. The black letter principles of the *Code* are principles of general application and are recommended as appropriate for use in Virginia's courts.

Secondly, the Council required that, in order to be certified, interpreters must attend periodic training sessions in order to:

1. receive basic training about the profession of court interpreting and its unique demands;

2. receive instruction and study materials to improve the interpreter's understanding of courts and the legal environment; and

3. receive information about how they can improve their language proficiency and what techniques they can use to develop the specific skills required for interpreting.

Additional information about the training schedule and contents offered to participants appears later in this report.

The third requirement for certification is successfully passing an examination in which candidates must demonstrate proficiency in three modes of interpretation:

- sight interpretation of English documents into Spanish;

- consecutive interpretation, English to Spanish and Spanish to English; and

- simultaneous interpretation from English to Spanish.

Formalized testing of interpreting proficiency in all three modes is a prerequisite in each of the state court systems reviewed as well as in the federal courts. More state court systems are in the process of developing such tests.

Getting Started

Following Council's action in March, 1995, two key decisions were made regarding the implementation of the voluntary certification process. Early on, it was determined that the $50,000 appropriation would be insufficient to (1) employ a full-time staff member to oversee the implementation process; (2) conduct the training sessions required of all candidates for certification; and (3) develop "from scratch" a Spanish language certification test instrument. Regarding the latter, court officials in

other states estimated the costs for developing a single interpreter examination at $25,000.

Thus, the first decision was to employ a part-time consultant to guide the effort. The administrative office was very fortunate to secure a national expert in the field of foreign language court interpreters, Ms. Patricia Michelsen, who lives in Richmond. Ms. Michelsen is the former Chief of Interpreter Services for the Southern District of New York, is federally certified, has developed and delivered numerous training programs both for interpreters and judges and court personnel throughout the country, and has authored numerous articles dealing in the requirements for court interpretation. She also serves as a member of and a consultant to the National Center for State Court's Advisory Council on Foreign Language Interpreters. Her duties included the following:

- providing policy guidance and technical assistance to staff in the conduct of implementing the certification process;

- developing and delivering the four training sessions for candidates for certification;

- developing and delivering training sessions for judges and court personnel in the handling of interpretered proceedings; and

- establishing the procedures for administering the tests (including securing qualified personnel to administer and to score the tests) and reporting the results to interpreters.

The second decision was related to the selection of a certification test instrument that would be relevant to the Spanish-speaking population in Virignia. As stated above, the development of such tests are considered to be extremely time-consuming and expensive for individual judicial systems. In addition, the creation of another such test for Spanish was considered unnecessary due to the fact that such test instruments already had been developed and are in use in the federal court system. Each of these tests is considered by experts to be "dialect neutral;" that is, it does not favor the vocabulary, slang or idioms used in Puerto Rico or Spain over that used in Central or South America.

In 1995, the National Center for State Courts established the State Court Interpreter Consortium in order to pool resources between judicial systems for developing and administering court interpreter testing and training programs. Thus, Virginia was fortunate to be able to avoid the substantial costs for test development

by joining the Consortium. The Consortium establishes court interpretation test development and administration standards, and provides testing materials in order that individual states and jurisdictions may have the necessary tools and guidance to implement certification programs.

Under the Consortium rules, each member state contributes a one-time fee of $25,000. Thus, one-half of the appropriation by the General Assembly went towards payment of this fee to secure Virginia's participation in the Consortium. In return, each state receives Consortium developed and approved tests for Spanish (two versions), Haitian (Creole), Portuguese, Vietnamese and Korean. Tests for additional languages are under development and will be provided to the state court administrator's office at no further charge. In addition, membership in the Consortium entitles each state court system to assistance from the National Center in numerous other ways, including providing computerized scoring and evaluation of the test results for increased accuracy. As a result of this move, it is doubtful that Virginia will ever need to pay for development of a language test for use with the certification of court interpreters.

Notification of the Certification Process to Spanish Language Interpreters

In early summer, the Office of the Executive Secretary circulated information on the new voluntary certification process for Spanish language interpreters (see Appendix B). Circuit and district judges, circuit and district clerks, chief magistrates, interpreters who had previously served in courts and were reimbursed through the Office of the Executive Secretary for whom addressees through payroll records were available, and foreign language departments at colleges and universities throughout the state were notified regarding the upcoming process. In addition, the administrative office responded to numerous requests for information from interested individuals as a result of media coverage concerning the new certification process.

The Training Sessions for Candidates for Voluntary Certification

Between July 27 and August 31, 1995, approximately 200 persons attended one of four 1½ day training workshops, free of charge to participants, in locations throughout the state (Richmond, Hampton, Fairfax or Blacksburg). The workshops' curriculum provided candidates with training regarding the role of the interpreter, the different modes of interpreting, an overview of the criminal justice process and the requirements of the job. In further preparation for testing, candidates also received instruction on self-study techniques and available resources and take-home materials, including a glossary, to improve their understanding of the courts and legal

procedures. All training sessions were conducted by nationally known experts on court interpretation for Spanish speakers and Supreme Court personnel (see Appendix C).

Further, during the training sessions, candidates were able to register to take the certification examination on selected days in October and November at one of four locations throughout the state (Richmond, Hampton, Arlington or Blacksburg). By September 20, 1995, every candidate registered for an examination had been mailed the necessary information for proceeding with the voluntary certification process. Each candidate received (see Appendix D):

- a letter confirming their appointed test time;
- a candidate information packet containing basic information describing the purpose and general nature of the test, an explanation and rationale for determining test scores and detailing the procedures to be followed during testing so candidates would know in advance what to expect the day of the test;
- a copy of the *Code of Professional Responsibility for Interpreters in the Judiciary*;
- two forms for candidates to sign, one ensuring each candidate had received and reviewed a copy of the *Code of Professional Responsibility*, and one an agreement not to divulge information about test items after completion of the examination; and
- a list of addresses for the test sites.

The Certification Test

The Spanish language interpreting proficiency test used in Virginia is an oral test designed to determine whether candidates possess the *minimum* levels of language knowledge and interpreting proficiency required to perform competently during court proceedings. It measures what a court interpreter *should and must be able to do to meet minimum professional requirements.* The test was developed by the National Center for State Courts in cooperation with judges, court administrators and interpreters from around the United States. The test is substantially similar in structure and content to examinations which have been developed and used extensively in other states and federal courts. The tests are designed and developed by teams of experts throughout the country who have extensive knowledge of courts and court proceedings, the job requirements for court interpreters, and advanced training or high levels of fluency in

English and Spanish. These experts include federally certified court interpreters, judges, lawyers, academics and legal professionals.

The test measured a candidate's demonstrated ability to:

- speak Spanish and English fluently and without hesitation;
- transfer all meaning faithfully from English to Spanish and from Spanish to English, while interpreting in both the consecutive and simultaneous modes, and while sight translating (sometimes called sight interpreting); and
- pronounce Spanish and English in a way that does not systematically interfere with meaning and understanding.

The test is constructed so each of the four portions can be graded *objectively* by test raters. This is accomplished by building "scoring units" into the text of the test. Scoring units are particular words and phrases selected to represent various features of language that interpreters encounter in their work and that they must render accurately and completely, without altering any of the meaning or style of speech. The examiners determine whether those scoring units are interpreted correctly or incorrectly. Only these parts of the test are actually graded. In order to be included in the test, all of the language, especially the scoring units, have been confirmed by professional interpreters and knowledgeable court professionals to be "dialect neutral" (see Appendix E).

All test examiners, themselves professional trained and certified, received detailed instructions for administering the Virginia certification examination for court interpreters. On October 9, 1995 the examiners each participated in a day of comprehensive training (see Appendix F).

Test Results and Notification to Candidates

On November 20, 1995, each candidate who took the examination was mailed a letter regarding notification of test results. Included in this mailing was a copy of the test raters' scoring sheet, and, if the candidate passed the examination, a certificate and forms requesting information for the list of certified Spanish language interpreters to be distributed to courts throughout the state (see Appendix G).

The *minimum* acceptable overall score on all four parts of the test (average score) was 70%. Qualifying candidates who scored less than 70% on any one part of

the test must do well enough on another part to raise their overall score. Of 91 candidates who took the test, 24 passed and 67 failed. The breakdown of scores is as follows:

		Scores on Individual Test Components					
	Pass Rate	Sight-Spanish	Sight-English	Consecutive	Simultaneous	Total Score	Result
Average - Richmond	31%	67%	69%	64%	43%	58%	P=4 F=9
Average - Arlington	31%	67%	69%	66%	49%	61%	P=17 F=37
Average - Hampton	30%	60%	64%	67%	42%	57%	P=3 F=7
Average - Blacksburg	0%	57%	61%	58%	33%	49%	P=0 F=14
Average - Statewide	26%	65%	67%	65%	45%	58%	P=24 F=67

Interestingly, these figures compare favorably to the national average for passage of Spanish language certification tests, reported to be approximately 5%. However, comparisons between states and with federal court examinations are difficult due to differences in test procedures and scoring systems. For example, in some other states, candidates must pass each section of the test with a 70% accuracy rate. In Virginia, candidates were required to score 70% correct overall.

Developing and Distributing Lists of Certified Interpreters to Courts

The final step will be distribution to the courts of the names, addresses and telephone numbers of all certified Spanish language interpreters. In addition, upon request and with proof, the names of any individuals who have passed the federal courts certification test also will be included on the list, as they were deemed presumptively eligible under the program.

Again, the certification process recommended herein is voluntary. While the Council may encourage the use of certified interpreters, there will be no requirement that only certified interpreters be used for providing Spanish language translation services in courts. Nonetheless, the list of certified interpreters should be of

substantial assistance to judges and court personnel. Given the expected increases in the number of interpreted proceedings, the development of this process provides the opportunity for the Council to assist the judiciary in improving the accuracy and completeness of interpreted proceedings as well as enhancing professionalism among foreign language interpreters working in the court system.

Evaluation of the Certification Process

The establishment of the certification, training, and testing program has been heralded universally by judges, justice system officials, and interpreters themselves. The evaluation forms submitted by interpreters attending the training were uniformly positive. Regarding the latter, the only recommendation offered regarding improvement of the training was that it be more extensive.

The conduct of the initial study and the experience gained to date through the certification and training effort has revealed that:

1. the skills and abilities of some persons providing foreign language interpreter services in courts today do not meet minimum standards;

2. there is a need for the establishment of procedures for the recruitment, testing, evaluation, and certification of foreign language interpreters consistent with the proficiency standards established by the Council;

3. there is a need to develop, adopt, and disseminate to each court guidelines regarding the fees to be paid for interpreter services;

4. assistance must be provided to the trial courts in assessing the need for establishing interpreter positions on a contract basis or as full-time court employees, where significant cost savings may be achieved; and

5. educational programs on cross-cultural communications and on working with interpreters must be presented to all newly elected judges and at mandatory conferences for judges, clerks of court, and magistrates.

The exercise of developing the certification process has helped to identify the magnitude of the existing problems and the need for improvement in court interpreter skills. As previously noted, an increasing number of non-English speakers are utilizing the services of the courts as victims, witnesses, defendants, and parties. The initial results of the Spanish language voluntary certification program have

demonstrated in dramatic fashion the immediate need to continue and expand this program. Absent such an effort, judges will be at a distinct disadvantage in evaluating the competency of interpreters in criminal proceedings.

These facts suggest the need for state funding to maintain the Spanish language certification and expand the program to other languages in the upcoming biennium. Due to membership in the Consortium, there will be no additional costs for securing tests in other languages. However, maintenance and continuation of the process will require the establishment of a permanent position (Court Interpreter Certification Program Manager) within the state court administrator's office and funding for additional training to be conducted on a statewide basis. The position is required due to the fact that there are no personnel available in the Office of the Executive Secretary to carry out these activities. To date, the effort has been carried out through the use of part-time consultant services.

The Court Interpreter Certification Program Manager will carry out the following responsibilities:

Work Performed	Percent of Time
1. Managing all aspects of the program including developing and recommending policy on foreign language interpreter issues to the Judicial Council and to the Executive Secretary of the Supreme Court of Virginia, including making recommendations on (1) the languages for which certification programs should exist, and (2) uniform fees schedules for court interpreters;	40%
2. Designing, coordinating, delivering, and evaluating (1) initial training programs for new participants in the voluntary certification programs, and (2) training programs for enhancing professional skills of existing court interpreters;	30%
3. Supervising all aspects of certification testing on a statewide basis including determining the schedule for same, securing and training examiners, and providing on-site observation of examiners to ensure proper administration of the test procedures;	10%
4. Providing expert training and technical assistance to judges and court system personnel in the area of court interpreting; assisting	10%

the courts in developing contracts for court interpreter services, where cost savings might be achieved as a result of such contracts; and

5. Advising personnel in the state court administrator's office on the development of multi-lingual forms, pamphlets, and other public information materials in order to assist non-English speakers in understanding the procedures and services of the courts; and serving as a liaison on behalf of the judiciary to the linguistic minority community of the Commonwealth and related government offices. 10%

Additional Recommendation

The information learned through the establishment of this process is equally applicable to civil litigation and demonstrates that renewed attention should be given to the provision of foreign language interpreters in civil cases. Thus, a review of the proposal made by the Judicial Administration Committee in the Judicial Council's December, 1995 report regarding the extension of such services to civil cases is recommended.

Under that proposal, the *Code of Virginia* would be amended to provide that in any civil case in which a non-English speaking person is a party or witness, an interpreter for the non-English speaking person may be appointed by the court. It was further recommended that payment for such interpreters be made from the general fund of the state treasury, and that the court be given the discretion to assess the amount paid to the interpreter as costs against either party to the case. (See Appendix H for a copy of the draft of this proposed statute.)

In proposing such a change, the Judicial Administration Committee concluded that there were compelling arguments favoring the provision of interpreters for non-English speaking citizens of the Commonwealth who are parties to or witnesses in civil proceedings. The Committee further stated that the legitimacy of the legal system is a function of the opportunity which citizens have for meaningful, effective access to the system, whether to vindicate rights allegedly violated or to defend against claims directed against them. The mission of the court is undercut if, for a significant number of people, there is no effective access to the courts as a forum for resolving disputes. Basic to effective access is the ability to communicate with the court and for the court, in turn, to be able to communicate with citizens in all types of disputes.

Such a legislative change would demonstrate the commitment both of the judiciary and the General Assembly in providing an accessible, responsive, and fair justice system for all Virginians, according to the Committee.

Appendix C

Goals for State-Federal Action, National Conference of State Legislatures, 1991-92

APPENDIX C

GOALS FOR STATE-FEDERAL ACTION
1991-92

REFUGEE ASSISTANCE AND IMMIGRATION REFORM

Refugee Assistance

The National Conference of State Legislatures (NCSL) supports federal efforts to assist individuals and families forced to flee their native land for fear of personal safety. We must emphasize, however, that the problem of political refugees is an international one, and consequently demands the cooperative efforts of many countries. The federal policy of accepting refugees and Cuban and Haitian Entrants necessitates a federal domestic assistance program to provide for the health and welfare of these individuals when they are settled in the states.

NCSL urges the federal government to carefully screen prospective refugees, giving priority status to people fleeing for fear of political persecution, regardless of their country of origin. In cases where the federal government deems it appropriate to provide a special refugee status to groups of individuals, making them eligible for state and local government services, the federal government should be prepared to provide financial assistance to impacted state and local governments.

While refugees and Entrants continue to be accepted, federal support which provides income and medical assistance, social services, employment and training and other needed support has continued to diminish, shifting these costs to state and local governments. The existing federal domestic assistance program appropriately provides 100 percent federal funding for income and medical assistance after settlement. States should be reimbursed for cash and medical assistance for 36 months during the resettlement period. States have been willing to accept refugee policy decisions that are made by the federal government; to continue this coordination, the federal government must provide adequate financial assistance to aid refugees in resettlement. The cost of resettlement must not be shifted to the states.

When admissions exceed the designated ceiling for a single fiscal year, federal funding should correspondingly be increased. The federal government should not raise the admissions ceiling without adequately compensating states for resettlement costs. NCSL is disturbed by the recent trend to admit refugees under "refugee-like" categories that are not eligible for federally reimbursed services. States must then provide different services to family members with different status whose needs may be exactly the same.

The primary goal of the federal domestic assistance program is to assist the refugees and Entrants to become independent and self-sufficient members of the community. In areas where large numbers of refugees have settled, refugees often represent a significant proportion of the welfare dependent population. NCSL believes things can be done to improve the track record of the domestic assistance program in meeting the goals of self-sufficiency and independence for refugees.

To start, the federal government should provide English instruction as well as job training to the refugees, where possible, before they arrive in the United States. This up-front investment should reduce costs in the domestic assistance program and should result in a more successful effort in producing self-sufficient and independent citizens. In addition, NCSL strongly urges the federal government to avoid further placements in areas that are already heavily impacted with refugee or Entrant populations, experiencing a shortage of rental housing for low-income households, and experiencing overcrowding in the local school system. State legislators believe that HHS should grant waivers that would allow states to not enforce provisions of federal law and regulations that are barriers to refugee self-sufficiency.

NCSL urges the federal government to continue health screening that is currently provided to the refugees, where possible, before they arrive in the United States and to improve follow-up. Follow-up should include, but not be limited to, providing instruction for continued medical care to refugees in the home.

State and local governments will continue to work closely with refugees, Entrants, their families and support groups to foster independence and self-sufficiency. However, continued federal assistance is very important. NCSL believes that the targeted assistance program should be specifically authorized in the Refugee Act and not left to the discretion of the Office of Refugee Resettlement in the U.S. Department of Health and Human Services. This targeted assistance program helps highly impacted states and localities provide needed services to refugees and should be adequately funded.

It is imperative for the federal government to work closely with state and local governments in this area. Coordination and consultation with state and local governments is a integral component of a successful placement policy and we urge the federal government to improve its efforts in this area. It is equally important to have the voluntary agencies and organizations representing refugees participate in this coordinated effort.

Immigration Reform

The Congress enacted the Immigration Reform and Control Act of 1987 (IRCA). While the Act did not authorize 100 percent reimbursement for state and local government costs associated with the passage of the legislation, it did establish a State Legislation Impact Assistance Grant (SLIAG) which has an automatic appropriation of $1 billion annually for four years.

Unfortunately, SLIAG has not fared well in the appropriations process. SLIAG has been vulnerable to budget cuts and threats of recission to fund other federal budget needs. The U.S. General Accounting Office concluded that states expect to spend the full SLIAG appropriation by the program's end in 1994. NCSL supports the release of the remaining $1.1 billion in SLIAG program funding.

In addition to the SLIAG program, IRCA also authorizes the Systematic Alien Verification for Entitlement (SAVE) program. NCSL opposed this mandated program and would urge the Congress to carefully study and evaluate the cost effectiveness of implementing the program on a nationwide basis.

Finally, states are permitted to certify that prospective employees are authorized to work under the provisions of the law. The law does not provide funding for State Employment Services offices to serve in this capacity. Many states would like to provide this service, but cannot due to state fiscal constraints. NCSL urges the Congress to appropriate funds for this purpose. In addition, we urge the Immigration and Naturalization Service (INS) to work closely with the states on guidelines for program administration and in their anti-discrimination efforts.

Source: **Goals for State-Federal Action 1991-92** National Conference of State Legislatures,1991

Appendix D

Education data on language programs

THE DEPARTMENT OF EDUCATION SERVES FOREIGN-BORN RESIDENTS DIRECTLY IN THREE PROGRAMS

• English as a Second Language (ESL) Program

◊ Number of students served (includes migrant students):

15,133 - spring, 1990
16,290 - fall, 1991
17,766 - fall, 1992

◊ Funding

No funding prior to 1990
$1.7 million for the 1990-92 biennium
$3.6 million for the 1992-94 biennium

• Migrant Education

◊ Number of students served (included in ESL count above):

549 in 1991-92
826 in 1992-93

◊ Funding

$420,696 federal, $300,000 state in 1991-92
$428,050 federal, $300,000 state in 1992-93
$449,394 federal, $300,000 state in 1993-94

• Adult Education

◊ Number of adult students with limited English proficiency (LEP) served:

14,515 in 1989-90
7,664 in 1990-91
11,051 in 1991-92

◊ Funding

$9 million budget (state and federal) to serve 1,109,466 adult Virginians who have not finished high school. Only a small percentage of this population is served.

ENGLISH AS A SECOND LANGUAGE PROGRAM (ESL)

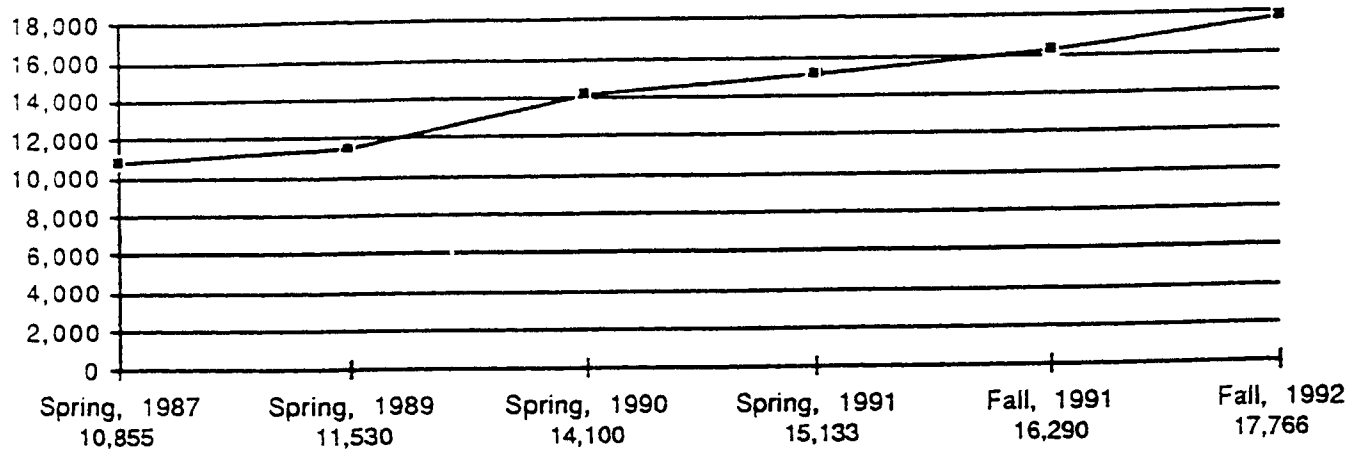
David E. Cox, Principal Specialist, Foreign Language
Helen Jones, Associate Specialist, Foreign Language/ESL

Virginia Public School ESL Enrollment: K-12

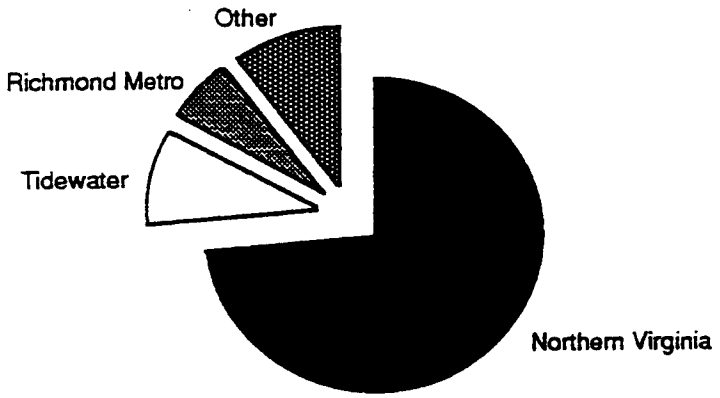
	(Fall, 1992)	(Fall, 1991)	(Spring, '91)	(Spring, '90)	(Spring, '89)	(Spring, '87)
• Total ESL enrollment	17,766	16,290	15,133	14,100	11,530	10,855
• Number of LEA's reporting ESL enrollment	98	89	83	86	64	68
• Number of language backgrounds represented	95+	95+	95+	95+	81+	78+
• Geographic concentrations:						
Northern Virginia	73.8%	74.4%	76.5%	77.0%	79.4%	76.5%
Tidewater	9.8%	9.8%	9.4%	9.8%	10.9%	10.4%
Richmond Metro Area	6.2%	6.3%	6.6%	6.3%	6.2%	7.2%
Other	10.2%	9.5%	7.5%	6.9%	3.5%	5.9%
• Language Populations:						
Spanish	47.6%	46.1%	44.2%	43.0%	40.2%	33.7%
Vietnamese	11.8%	11.1%	11.2%	11.2%	10.7%	12.9%
Korean	7.7%	9.1%	9.6%	10.0%	10.5%	9.9%
Chinese	3.7%	4.0%	3.9%	3.8%	3.7%	-
Urdu	3.3%	3.1%	2.9%	2.8%	2.5%	-
Tagalog	3.2%	3.2%	3.5%	3.5%	3.8%	-
Persian/Farsi	2.6%	3.0%	3.4%	3.9%	4.7%	5.4%
Khmer/Cambodian	2.5%	2.9%	3.4%	3.9%	4.5%	7.2%
Other	17.6%	17.5%	17.9%	17.9%	19.4%	30.9%

Virginia Department of Education, Richmond
November, 1992

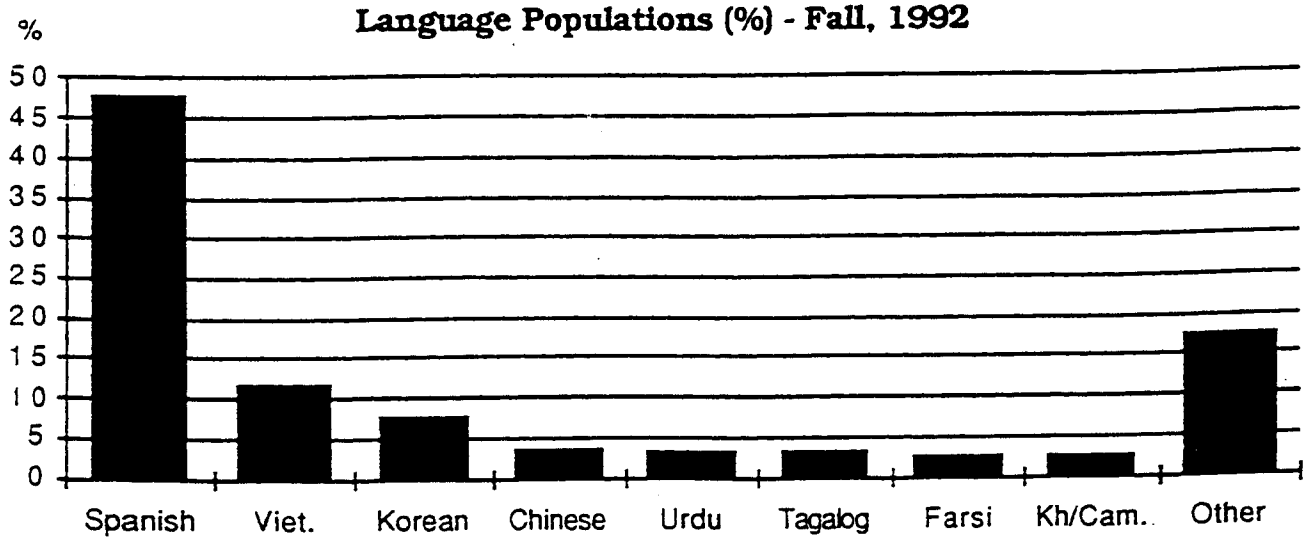
LEP Enrollments: 1987-1992



Geographic Concentrations - Fall, 1992



Language Populations (%) - Fall, 1992



Fall, 1992 ESL per Pupil Expenditure

LEA	Students	Budget	Per Pupil
Accomack	165	$59,588	$361.14
Albemarle	310	52,280	168.65
Alleghany Highlands*	4		
Amelia	1	2,322	2,322.00
Amherst	0	0	0.00
Appomattox	0	0	0.00
Arlington	2,906	5,380,785	1,851.61
Augusta	14	25,400	1,814.29
Bath*	1		
Bedford	17	22,990	1,352.35
Bland	0	0	0.00
Botetourt	5	5,066	1,013.20
Brunswick	0	965	0.00
Buchanan	0	0	0.00
Buckingham*	1		
Campbell	16	2,994	187.13
Caroline	9	10,265	1,140.56
Carroll	9	2,428	269.78
Charles City	0	0	0.00
Charlotte*	5		
Chesterfield	230	532,887	2,316.90
Clarke	5	7,275	1,455.00
Craig	0	0	0.00
Culpeper	12	35,314	2,942.83
Cumberland*	2		
Dickenson	0	0	0.00
Dinwiddie	0	0	0.00
Essex	0	0	0.00
Fairfax	8,391	8,845,253	1,054.14
Fauquier	54	45,883	849.69
Floyd	4	5,350	1,337.50
Fluvanna	0	0	0.00
Franklin County	14	2,747	196.21
Frederick	26	59,941	2,305.42
Giles	0	0	0.00
Gloucester	11	13,090	1,190.00
Goochland	0	0	0.00
Grayson	14	1,948	139.14
Greene	0	0	0.00
Greensville	0	0	0.00
Halifax	6	4,721	786.83
Hanover	16	4,700	293.75
Henrico	633	352,594	557.02
Henry	32	17,400	543.75
Highland	0	0	0.00
Isle of Wight	3	25,201	8,400.33
King and Queen	0	0	0.00
King George	3	300	100.00
King William	0	0	0.00
Lancaster	0	0	0.00
Lee	28	19,710	703.93
Loudoun	64	153,493	2,398.33
Louisa	1	223	223.00
Lunenburg	4	1,003	250.75
Madison	2	795	397.50
Mathews*	1		
Mecklenburg	0	0	0.00
Middlesex*	3		

*No budget information provided.

VA Department of Education, November, 1992

Fall, 1992 ESL per Pupil Expenditure

LEA	Students	Budget	Per Pupil
Montgomery	59	26,038	441.32
Nelson	25	68,514	2,740.56
New Kent	1	1,000	1,000.00
Northampton	128	27,975	218.55
Northumberland*	2		
Nottoway	6	6,480	1,080.00
Orange	3	391	130.33
Page	8	8,000	1,000.00
Patrick	27	7,000	259.26
Pittsylvania	15	5,450	363.33
Powhatan	2	3,050	1,525.00
Prince Edward	4	4,534	1,133.50
Prince George	24	18,153	756.38
Prince William	460	1,039,500	2,259.78
Pulaski	16	4,850	303.13
Rappahannock	0	0	0.00
Richmond County	10	4,820	482.00
Roanoke County	32	69,094	2,159.19
Rockbridge	2	1,709	854.50
Rockingham	182	53,010	291.26
Russell*	2		
Scott*	1		
Shenandoah	18	20,160	1,120.00
Smyth	0	0	0.00
Southampton	0	0	0.00
Spotsylvania	24	71,500	2,979.17
Stafford	71	95,252	1,341.58
Surry	0	0	0.00
Sussex	0	0	0.00
Tazewell	0	0	0.00
Warren	1	3,456	3,456.00
Washington	0	250	0.00
Westmoreland	29	4,194	144.62
Wise	0	0	0.00
Wythe	0	0	0.00
York	33	12,000	363.64
Alexandria	1,043	2,224,201	2,132.50
Bristol	3	3,317	1,105.67
Buena Vista	0	0	0.00
Charlottesville	25	28,205	1,128.20
Chesapeake	81	51,100	630.86
Colonial Heights	31	18,800	606.45
Covington	0	0	0.00
Danville	20	9,899	494.95
Falls Church	66	108,662	1,646.39
Franklin City	0	0	0.00
Fredericksburg	35	5,626	160.74
Galax	6	1,631	271.83
Hampton	135	163,200	1,208.89
Harrisonburg	101	56,548	559.88
Hopewell	24	7,455	310.63
Lexington	0	0	0.00
Lynchburg	16	22,610	1,413.13
Manassas	80	87,450	1,093.13
Manassas Park	30	31,168	1,038.93
Martinsville	1	814	814.00
Newport News	550	519,355	944.28

*No budget information provided.

Fall, 1992 ESL per Pupil Expenditure

LEA	Students	Budget	Per Pupil
Norfolk	73	174,566	2,391.32
Norton*	1		
Petersburg*	28		
Poquoson	17	3,759	221.12
Portsmouth	19	62,850	3,307.89
Radford	5	646	129.20
Richmond City	134	250,600	1,870.15
Roanoke City	110	76,578	696.16
Salem	20	2,173	108.65
South Boston*	4		
Staunton	0	199	0.00
Suffolk	16	3,300	206.25
Virginia Beach	814	889,832	1,093.16
Waynesboro	18	3,501	194.50
Williamsburg/James City	11	58,500	5,318.18
Winchester	24	33,557	1,398.21
Colonial Beach	18	2,020	112.22
West Point	0	0	0.00
Totals	17,766	$22,153,413	$1246.96

*No budget information provided.

VA Department of Education, November, 1992

MIGRANT EDUCATION PROGRAM

Dianne B. Pollard
Education Associate Specialist
Virginia Department of Education
Migrant Education and Chapter 1

Migrant Education

I. Funds

YEAR	STATE	FEDERAL	TOTAL
1992-93	$300,000.00	$428,050.00	$728,050.00
1993-94	$300,000.00	$449,394.00	$749,394.00

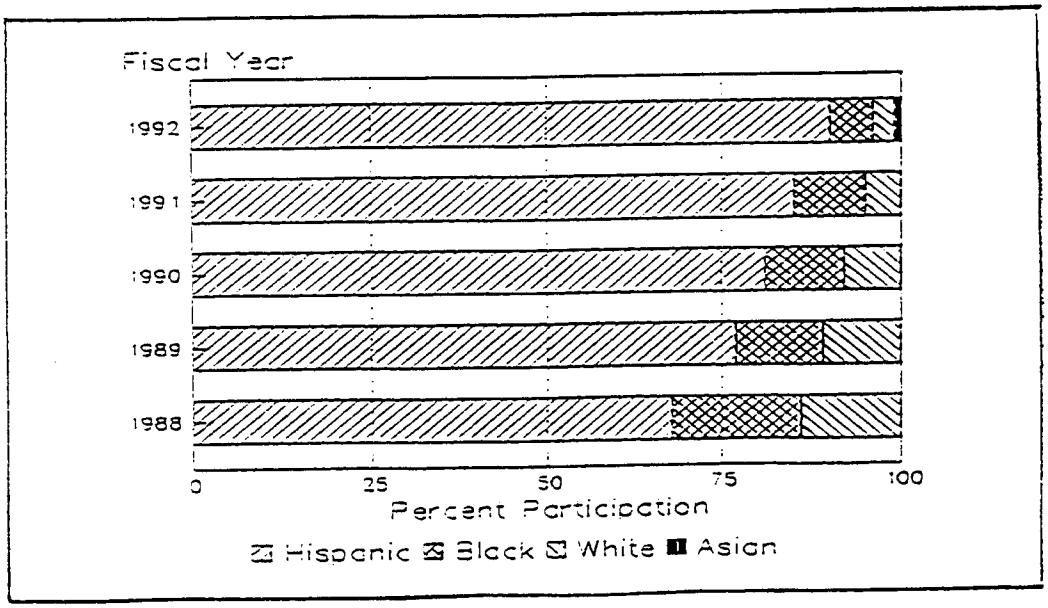
Subgrants to School Divisions

	1992-93	1993-94
Accomack County	$205,000	$206,086
Albemarle County	73,430	74,516
Carroll County (Regional Program)	88,840	89,930
Colonial Beach	56,608	60,608
Nelson County (Regional Program)	68,378	63,378
Northampton County	120,036	121,122
Winchester City	115,254	123,254
Nottoway (New Program as of FY94; previously served through Nelson)		10,000

II. Demographics

Data for the 1992-93 school term is being compiled through the Migrant Student Record Transfer System (MSRTS) in Little Rock, Arkansas and Virginia's center for MSRTS in Accomack County. The graph below indicates trends in the populations of migrant students over a five year period. Hispanic enrollment has climbed steadily, from 67 percent of the total enrollment in FY88 to 90 percent in FY92. It is expected that the 1992-93 data will follow these trends.

Migrant Enrollment by Ethnic Group, FY88-92



III. Instructional and Support Services

Approximately 826 students received instructional and support services during the period 7/1/92 - 6/30/93. This represents a 66% increase in the number of migrant students who received services during the same time period in the previous report.

Instructional services include English as a Second Language(ESL), reading, other language arts, mathematics, vocational/career education, and fine arts. Support services include social work/outreach, health, dental, nutrition, and pupil transportation.

IV. Staffing Data

7 Administrators	4 Curriculum Specialists
40 Teachers	4 Counselors
22 Instructional Assistants	10 Bus Drivers
5 Recruiters	2 MSRTS Data Entry Specialists

V. Achievement Data and Dropout Statistics

Because of the transient lifestyle of migrant populations, test data and dropout statistics are very difficult to obtain. However, the local school divisions are gathering as much information as possible for the 1992-93 regular and summer school projects. Conclusive data is not available at this time, but should become accessible prior to December 30, 1993.

VI. Specific Needs for the Virginia Migrant Education Program

- Increase advocacy and awareness efforts on behalf of migrant families
- Improve parental involvement opportunities
- Expand services to the growing population of preschool age children and young adult males
- Although federally funded, Virginia receives very limited funds. The state supplements these funds in order to assist local school divisions in meeting the needs of migrant populations. The Department of Education subgrants all migrant education funds to the local school divisions. These funds must be maintained and improved if the programs are to meet the growing needs of migrant families.

VII. National Recognition for Exemplary Programs

Northampton and Albemarle Counties were recognized for their exemplary 1991-92 migrant education projects. Both school divisions received plaques that were presented in May, 1993 at the International Reading Association conference in San Antonio, Texas. The programs were also recognized at the annual Virginia Migrant Education Conference in Accomack County on June 24, 1993.

Adult Education Data

submitted

September 17, 1993

Lennox L. McLendon, Principal Specialist
Rebecca J. Moak, Associate Specialist
Adult Education
225-2075

PREFACE

The following adult education information is submitted in response to House Joint Resolution No. 97 in preparation for a meeting with the joint subcommittee on September 27 and 28, 1993 in Northern Virginia.

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GLOSSARY

Each profession has its vernacular. Below are listed some of the acronyms associated with educating foreign-born adults.

ESL English as a Second Language is an educational program devoted to teaching English to limited English speakers. Instruction is conducted in English and does not use the native language. Because English may actually be a third or fourth language, the ESOL term is sometimes substituted by ESL.

ESOL English for Speakers of Other Languages means the same, instructionally, as ESL but recognizes that English may be the third or fourth language for some adults.

BILINGUAL Bilingual instruction describes the process of teaching English using the native language of the learner. Bilingual instruction requires either a multi-lingual teacher or a mono-lingual class of students. Few programs have either.

LEP Limited English Proficiency is used to describe an ESL student.

SLIAG State Legalization Impact Assistance Grants is a federally funded program for illegal immigrants who were living in the county prior to 1982, have identified themselves as illegal, and requested legal status. The adult education portion of SLIAG provided financial support for ESL classes to help the immigrants prepare for meeting the English language portion of the legalization requirements. This grant funding ends September 30, 1993.

ABE Adult Basic Education is a program that responds to the basic academic skill needs of adult learners below the ninth grade level. Some LEP students progress to fluency through ESL classes and enter ABE classes with native born Americans.

GED General Educational Development programs provide instruction in preparation for the GED Test, a high school equivalency test. Successful examinees are granted a GED Certificate. Many employers, technical schools, and institutions of higher education accept the GED as evidence of high school completion level ability.

Introduction

Adult Education programs are offered in each locality in the Commonwealth. In a 1990 study, all but one of these localities (Greene County), reported serving Limited English Proficient (LEP) students.

Attendance in adult education programs is voluntary. Class time and duration varies. In the rural areas, classes are usually three (3) hours per day, two (2) days a week. In suburban and urban areas, in addition to part-time classes, entire school buildings may be devoted to adults with all or part being LEP adults.

The number of foreign-born who require service

The target population for LimitedEnglish Proficiency (LEP)is derived from the 1990 census data. These data provide a total state target population for adults 16 years of age and older without a high school diploma (1,097,040). They also provide a population number for those with a diploma, but whose ability to speak English is either "not well" or "not at all" (12,426).

In addition to the target population, the number of LEP adults served can be reported.

- Table 1 reports the number of LEP enrollees and their percentage of the total adult education enrollment.
- Table 2 reports the hours of attendance of LEP enrollees.
- Table 3 reports the hours of attendance of LEP enrollees compared with the total number of hours for the entire adult education enrollees.

(**Note:** a new data collection system was initiated in FY 1991 and that data is incomplete.)

Table 1: LEP Enrollment and Percent of Total Adult Education Enrollment

	1989-90	1990-91*	1991-92
Target Population	Number of Adults Served		
1,109,466	31,000	25,456	31,364
Percentage of Target Population Served			
	3%	2.3%	3%
Target Population	Number of LEP Adult Students Served		
85,080	14,515	7,664	11,051
Percentage of Target Population Served			
	17%	9%	13%

*New Data System – Incomplete Data

Table 2: LEP Hours of Attendance

	1989-90	1990-91*	1991-92
Number of Adult LEP Students			
Beginning	7,991	5,385	8,314
Intermediate	4,816	1,630	1,889
Advanced	1,708	649	848
Total	14,515	7,664	11,051
Average Hours of Attendance			
Beginning	64	65	79
Intermediate	74	79	77
Advanced	57	75	94
All Levels	66	69	80

*New Data System – Incomplete Data

Table 3: LEP Hours of Attendance and Percent of Total Adult Education Hours

	1989-90	1990-91*	1991-92
Number of Hours of Attendance for LEP Students			
Beginning	512,454	222,597	244,444
Intermediate	355,294	46,795	80,397
Advanced	96,851	224,610	185,341
Total	964,599	494,002	510,185
Hours of Attendance of All Adult Education Students			
All Students	2,043,183	1,595,065	2,235,470
Percentage of LEP Hours of Total			
	47%	31%	23%

*New Data System – Incomplete Data

Types of Services Provided

Adult Education supports a variety of instructional activities for LEPs as well as a variety of support resources for their teachers, tutors, and program managers.

Instructional Services--Types of Services: Adult education offers English as a Second Language instruction for the LEPs enrolled:

- English as a Second Language not Bilingual: Due to the multitude of languages, bilingual instruction is not feasible for personnel or fiscal reasons. It is not feasible to find multi-lingual teachers nor is it feasible to hire a bilingual teacher for each nationality or language.

- Conversational to Fluency: Most instruction is conversationally based beginning with survival and literacy skills and progressing toward fluency. If further basic skills (reading, writing, and arithmetic) are needed, successful ESL students can enter an Adult Basic Education (ABE) or GED General Educational Development class.

Instructional Services -- Settings: ESL instruction takes a variety of formats depending on the number of LEP adults in a locality.

- Integrated into ABE Classes: In the rural areas, one or two LEP students may attend an ABE class with native born adults.

- ESL Classes: In areas of higher concentration, multiple nationalities of varying levels of English proficiency may compose a class of LEP students.

- Learning Centers: In the areas of highest concentrations, ESL in varying levels is offered in adult learning centers. In northern Virginia, for example, entire school buildings (adult learning centers) are devoted to ESL and courses are divided into levels to match the students levels of proficiency.

- Workplace English Literacy: Businesses and industries that employ large numbers of LEP adults contract with local adult education programs to provide job-related ESL for their employees.

- Family Literacy: In conjunction with head start and other pre-school programs, LEP parents and their children go to school together.

- Tutors: In many areas, tutors (volunteer and paid) offer one-to-one instruction for LEP students.

GED Testing: In addition to English, the GED Tests are offered in Spanish and French, each of which include the language test in English.

Support Services: There are no bachelor degrees in adult education. Therefore, most personnel come to the profession with little or no training. It is therefore important to provide support services for all adult education personnel including those working in ESL. Adult education offers a number of support services for ESL programs:

- Summer Institute: A portion of the federal staff development funds is used to provide a summer institute for 200 ESL teachers, tutors, and administrators each summer.

- Resource Center: A portion of the federal staff development funds is used to support an instructional and administrative resource center which is accessible by toll free phone service to all adult educators in the state including ESL teachers, tutors, and administrators. The Resource Center collects, evaluates, and disseminates information regarding instructional materials and methods and administrative practices.

- Research Network: A portion of the federal staff development funds is used to support a research network that engage teachers and administrators in action research to add to the limited body of knowledge regarding adult learning. This one-year old network will soon be expanding into the ESL area.

- Research and Development: A portion of the federal special experimental and demonstration funds will, in 1992-1993, develop a training program to better prepare volunteer ESL tutors.

Funding Sources

Sources of Funding: A combination of state and federal funds are used to support Adult instructional and support services.

- Adult Education Act -- Federal: A portion of these federal funds support ESL classes, workplace English literacy, family literacy, the summer institute, the resource center, and the research network, and research and development activities.

- Adult Literacy Funds -- State: A portion of these state adult literacy funds support ESL classes, workplace English literacy, and family literacy activities.

- Local: Local funds are used to match federal funding and to expand programs beyond federal and state capability.

- SLIAG: As described in the glossary above, SLIAG funds supported ESL classes for illegal aliens who were residents prior to 1982.

Use of Funds: Adult education and literacy funds are scarce and severely limited. Currently, there is enough adult education funding to serve five percent (5%) of the adults in the state who have not completed high school. Needs in any Virginia locality far outweigh the available funds to address those needs.

Therefore, local adult education administrators have the responsibility to establish the priorities for the scarce resources. There are no state guidelines on directing funds to LEP adults.

Allotment of Funds: The funds are allocated to a locality based on the number of adults in the locality that have not completed high school. LEP adults may or may not be included in that count depending on their response to the census question regarding educational level. For example, if an LEP adult from Haiti responded to the census as completing high school, he or she would not be in the count even though they may be in need of English instruction.

Specific Needs of the Department

Funding: The limited funds for adult education and literacy hinders service provision for native born as well as foreign born adults.

- About a million (1,109,466) adult Virginians have not completed high school or have limited English proficiency. That is almost one fifth (17.9%) of adult Virginians.
- With a total budget of nine million dollars, funding equates to **less than $9 per eligible student**.
- Waiting lists (especially in large ESL programs) are numerous.

Data: A reliable source of data regarding the number and location of foreign born adults is needed. The absence of that data prohibits the department from including those adults in the funding formula.

Policy Discussion: Because the language is so critical to their survival, LEP adults are aggressive in the acquisition of educational services. They are so assertive that they absorb a large portion of the funding available. Note that in Table 1, for example, in 1990 46% of the total state enrollment was LEP students. It is assumed that 46% of the state population is not LEP adults. Even allowing for significant local funding in the metropolitan and suburban areas, the LEP portion of the adult education participation seems to represent a disproportional high portion.

This national trend seems to limit services to native born adults who need to improve their basic skills to get or keep a job or to help their children with their homework. As a result, concerns and questions arise regarding limiting access. More reliable data needs to be gathered and a policy discussion held in order to further understanding of related issues and options.

Future Trends

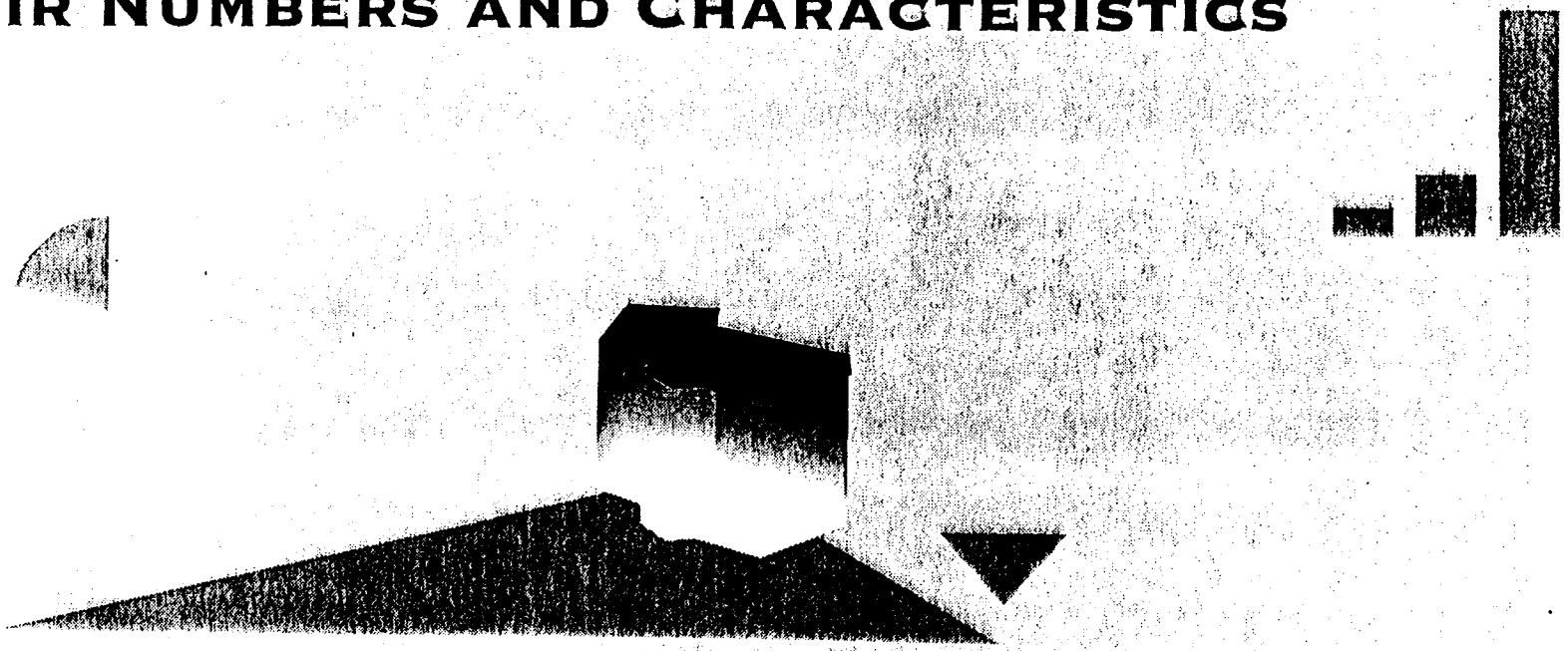
Reactive vs. Proactive: ESL is one area where forecasting is unreliable. Geo-political activities that evade prediction influence immigration. Adult Education's posture has been, and continues to be, a reactive one. Because the geo-political climate has calmed somewhat, especially in Latin America, it is anticipated that immigration will slow. However, prediction remains guess work.

On the proactive side, the adult education promotes training and support activities to maintain and improve the skills of the instructional and administrative staff members.

Appendix E

Northern Virginia's Foreign-Born: Their Numbers and Characteristics

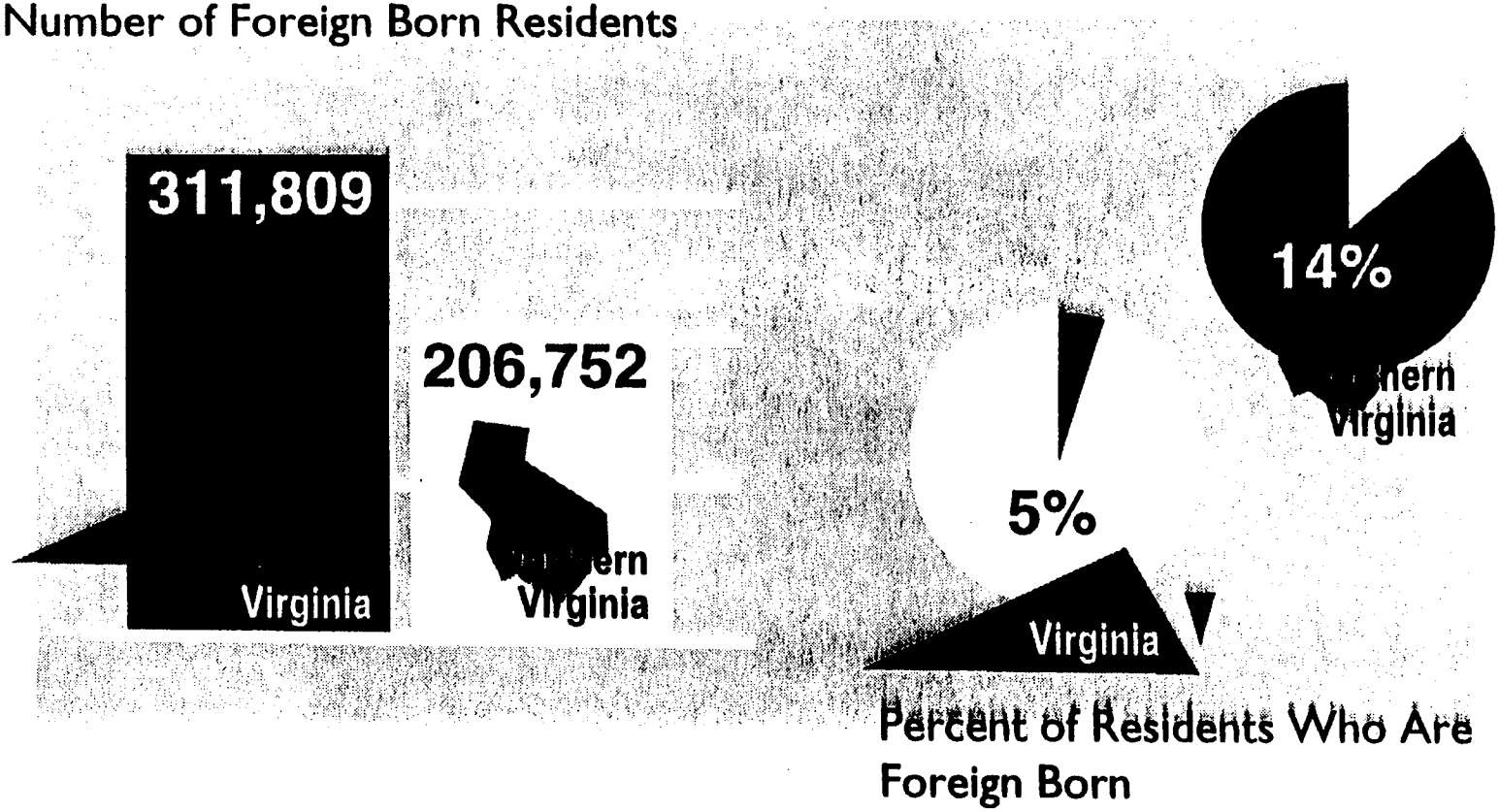
NORTHERN VIRGINIA'S FOREIGN BORN:
THEIR NUMBERS AND CHARACTERISTICS



Presented To
The Joint Subcommittee Studying the Needs of the Foreign Born
in the Commonwealth of Virginia
by the Northern Virginia Planning District Commission
September 27, 1993

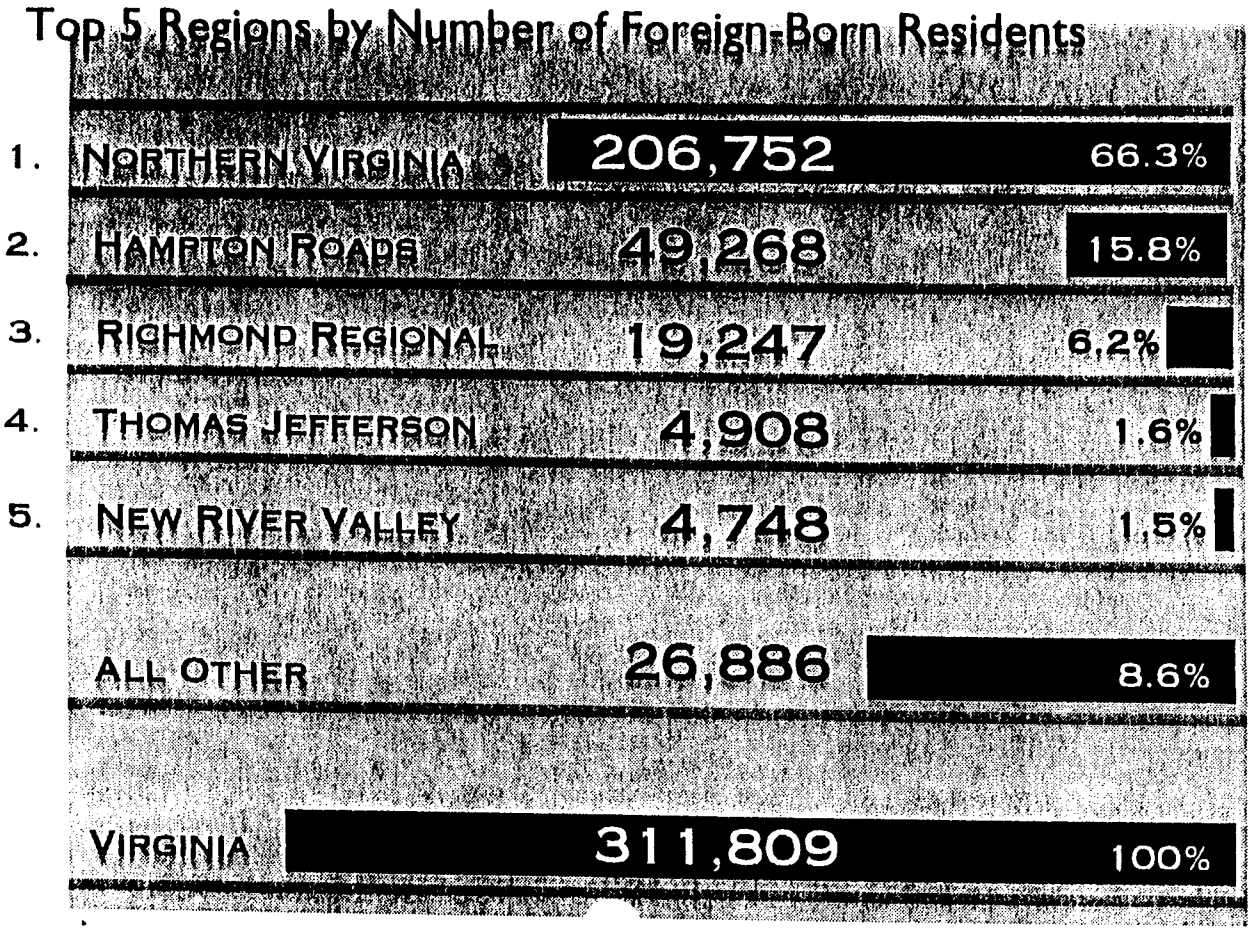
FOREIGN BORN POPULATION IN VIRGINIA

Two of three foreign-born residents in the state live in Northern Virginia where the percentage of foreign-born is almost three times that of the state as a whole, and is equal to the national proportion following the great immigrant wave at the turn of the century.



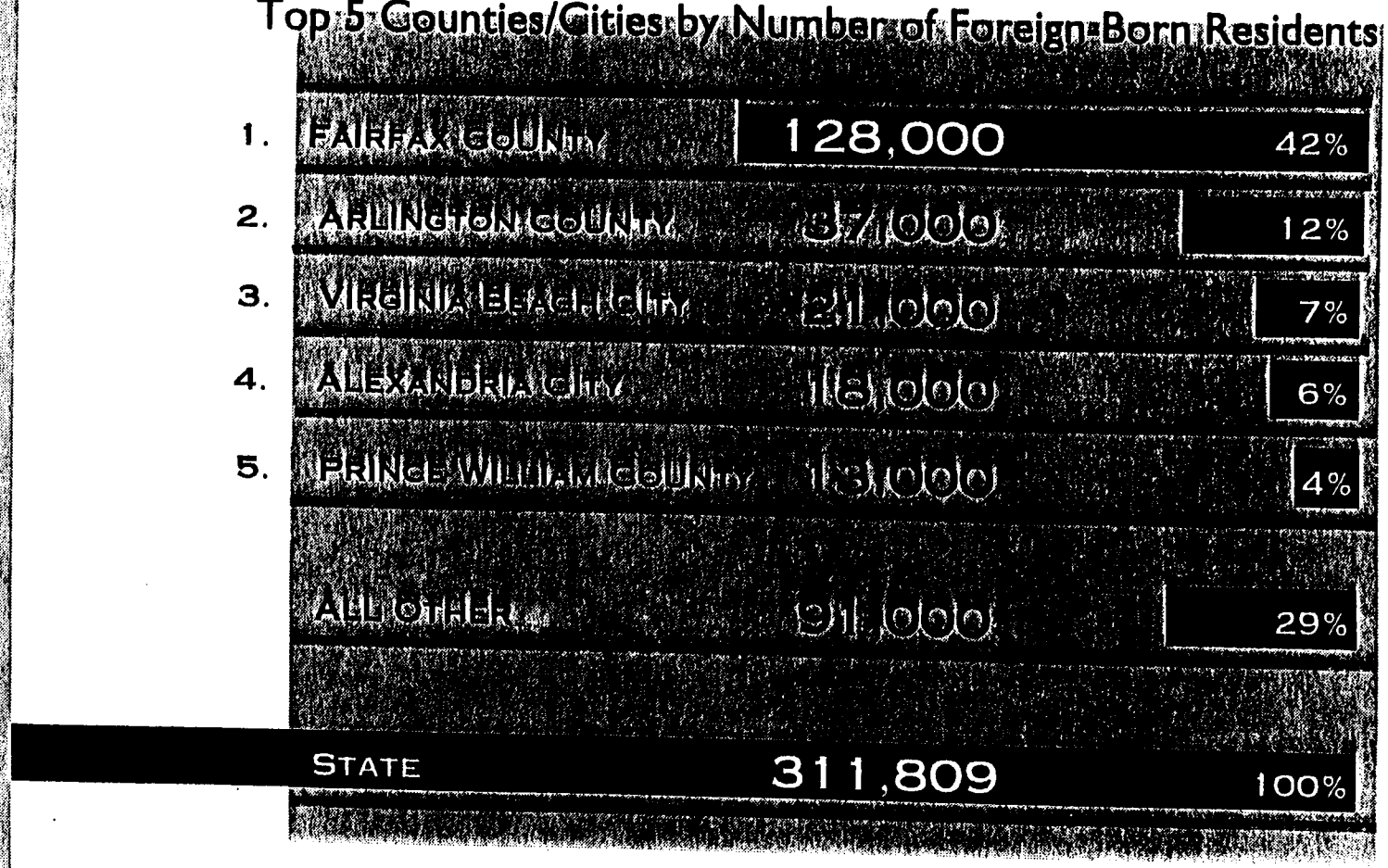
Foreign Born Population in Virginia's Regions

Three regions of the state account for almost nine of every ten foreign-born persons in Virginia. The Hampton Roads area is second in the number of foreign born, with about one-quarter the Northern Virginia total.



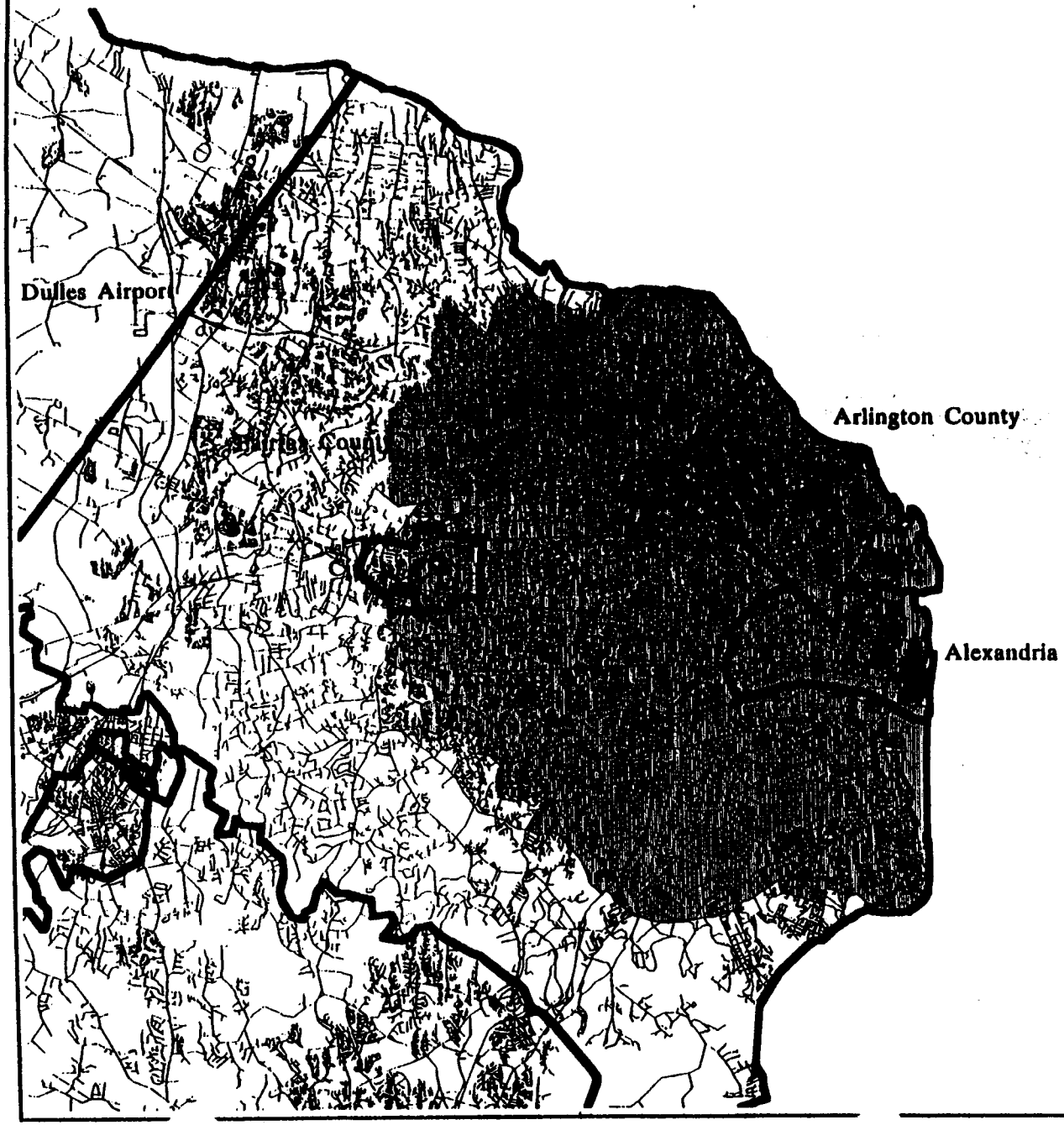
Foreign Born Population in Virginia's Localities

Five localities in Virginia are home to seventy-one percent of the state's foreign born, with two out of every five living in Fairfax County.



Foreign Born Population

150,000 Foreign Born Persons Reside Within 15 Mile Radius Of Nation's Capital



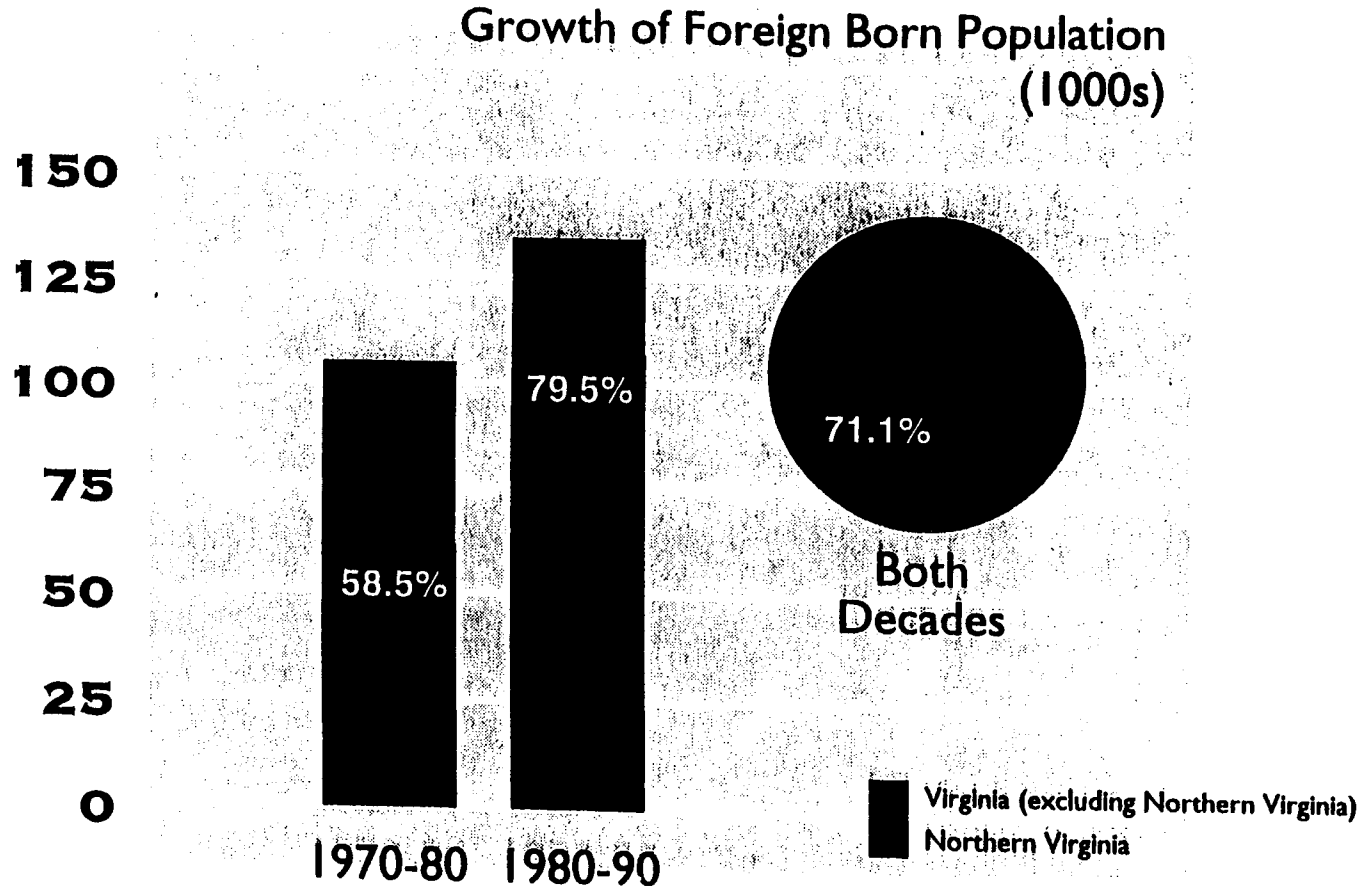
NVPDC

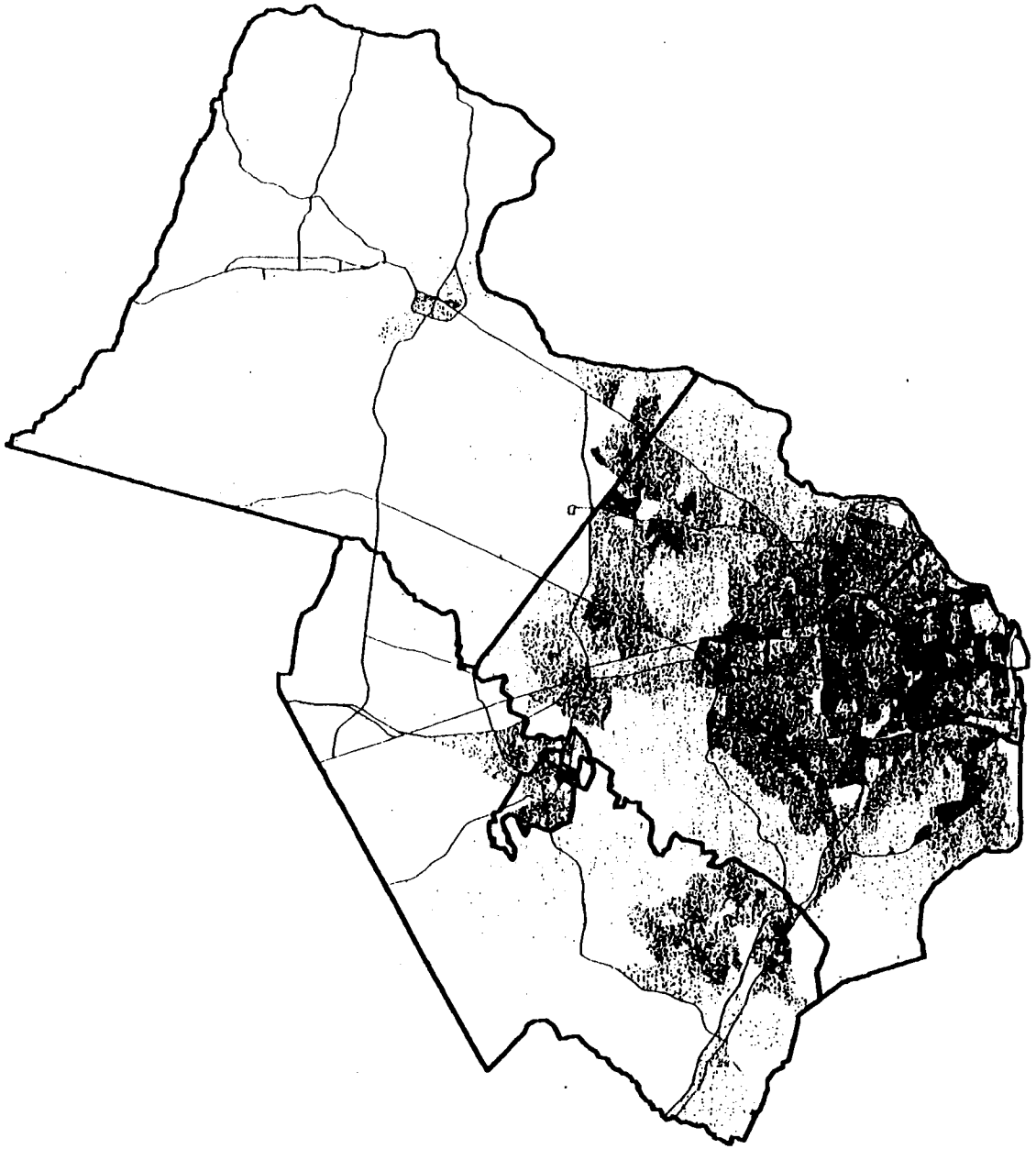
Division Of Demographics
And Information Services

1990 Census

Growth in Foreign Born Population

Almost a quarter of a million foreign-born have been added to Virginia's population over the past two decades. More than seventy percent of this number have settled in Northern Virginia.





Location of Foriegn Born Population

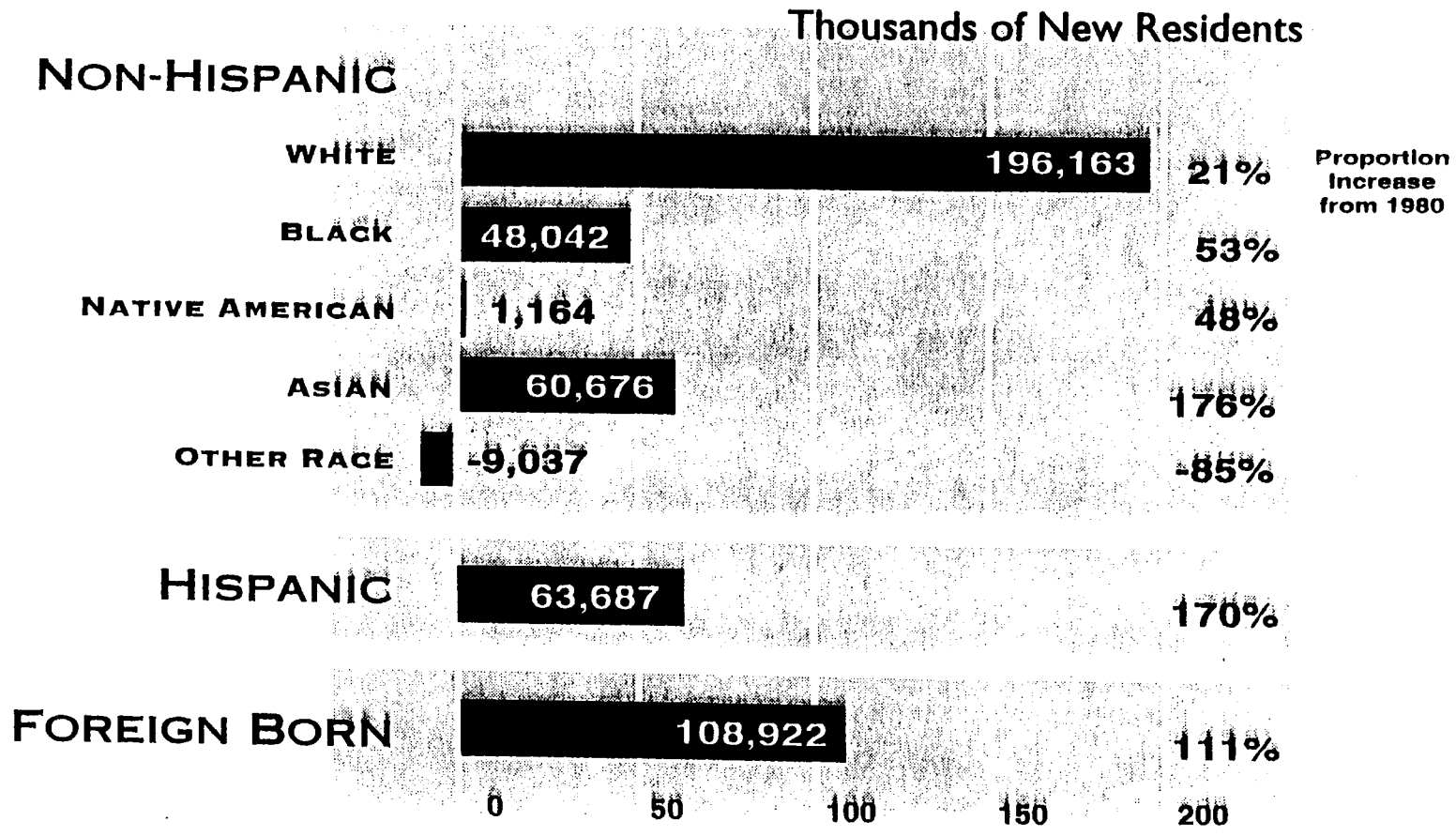
One dot equals one person

Source: 1990 Census

NVPDC
Division of Demographics
And Information Services

Sources of Northern Virginia's Population Growth

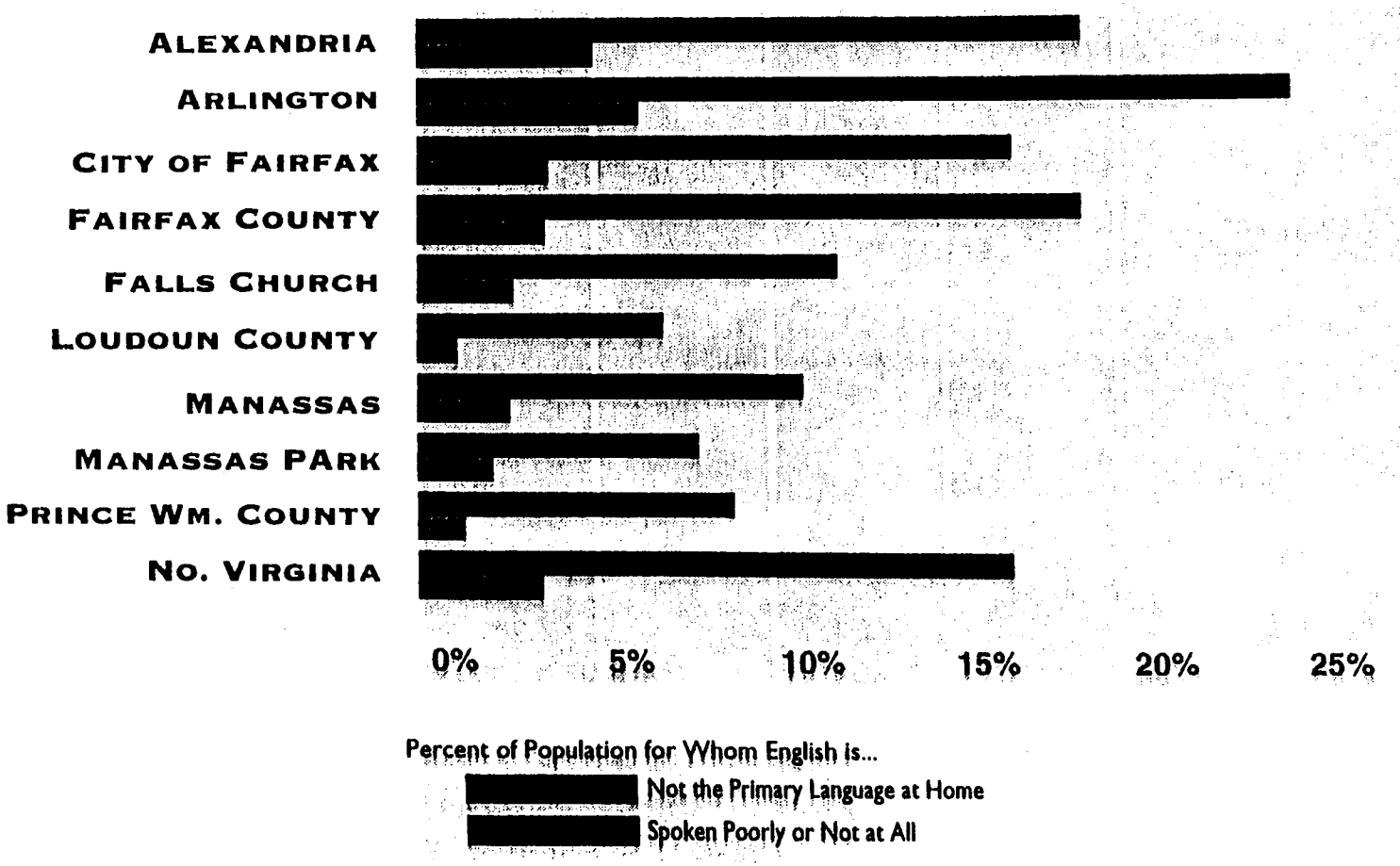
During the 1980s, Northern Virginia's population increased by 360,695, the largest numerical gain in the region's history. The chart below shows the contribution of different ethnic and racial groups and the foreign born to the growth.



Note: "Native American" includes American Indians, Eskimoes, and Aleuts. "Asian" includes Pacific Islanders.

Language Spoken

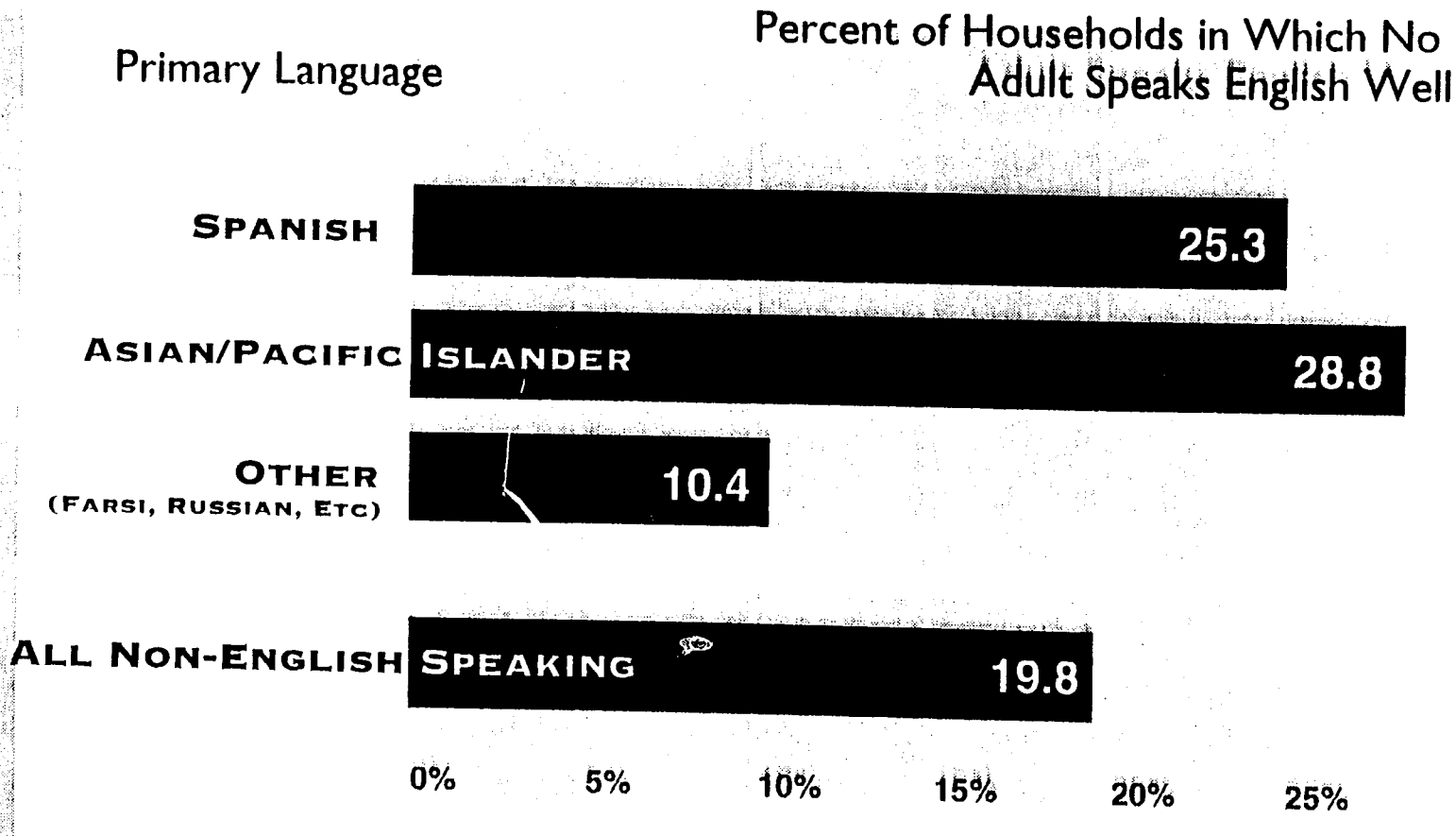
In five Northern Virginia localities, English is not the primary language spoken at home for more than 15 percent of the population. In addition, almost 48,000 Northern Virginians speak English poorly or not at all. Most (27,000) live in Fairfax County but another 15,400 live in Arlington and Alexandria.



Note: "Native American" includes American Indians, Eskimoes, and Aleuts. "Asian" includes Pacific Islanders.

LINGUISTIC ISOLATION

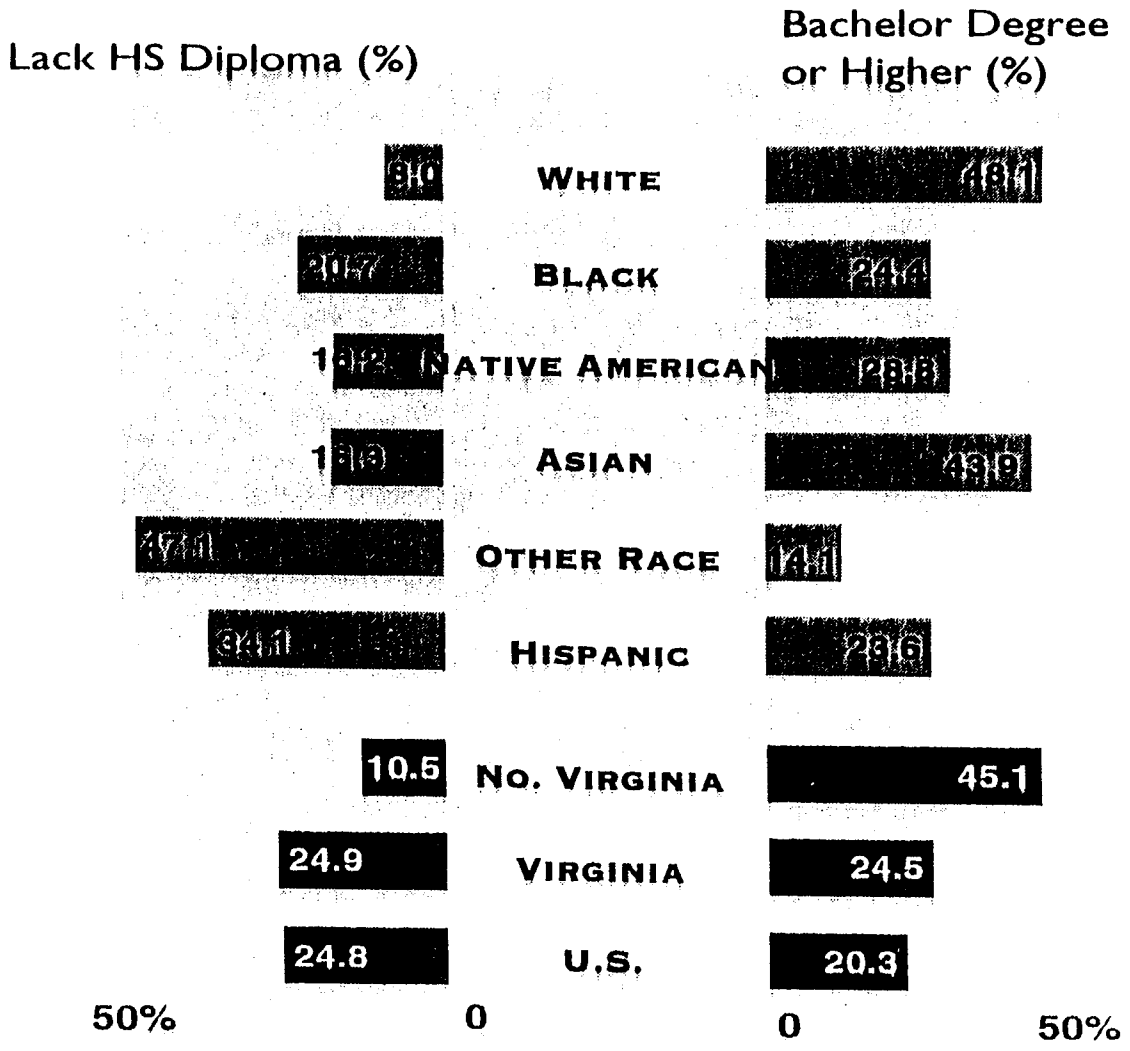
English is not the primary language spoken in more than 100,000 Northern Virginia households. One in five -- 20,000 households -- do not have an adult present who speaks proficient English. Of households where the primary language is Spanish, 25.3 percent have no adult present who speaks English well.



Note: "Language Isolation" is a new concept developed by the Census Bureau to identify the number of households in which no adult speaks English well.

Education Levels

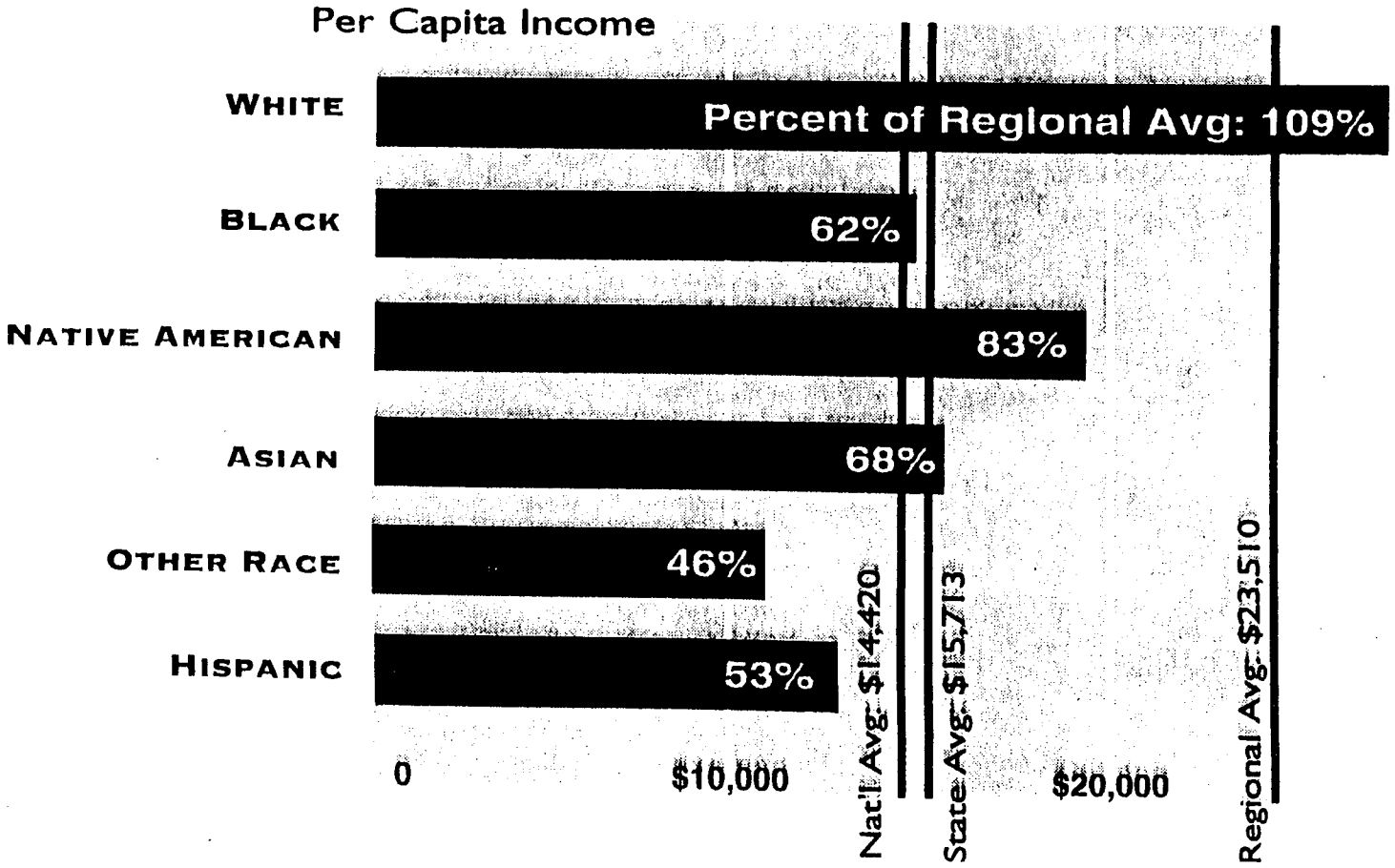
Over one-third of Hispanic adults in Northern Virginia lack a high school diploma. The proportion rises to 43 percent in Alexandria and Arlington. Asians and Whites have comparable education levels, and Black averages are comparable to those of the state and nation.



Note: "Na... ...erican" includes American Indians, Eskimoes, and Aleuts. "Asian" include... ...c Islanders.

Per Capita Income

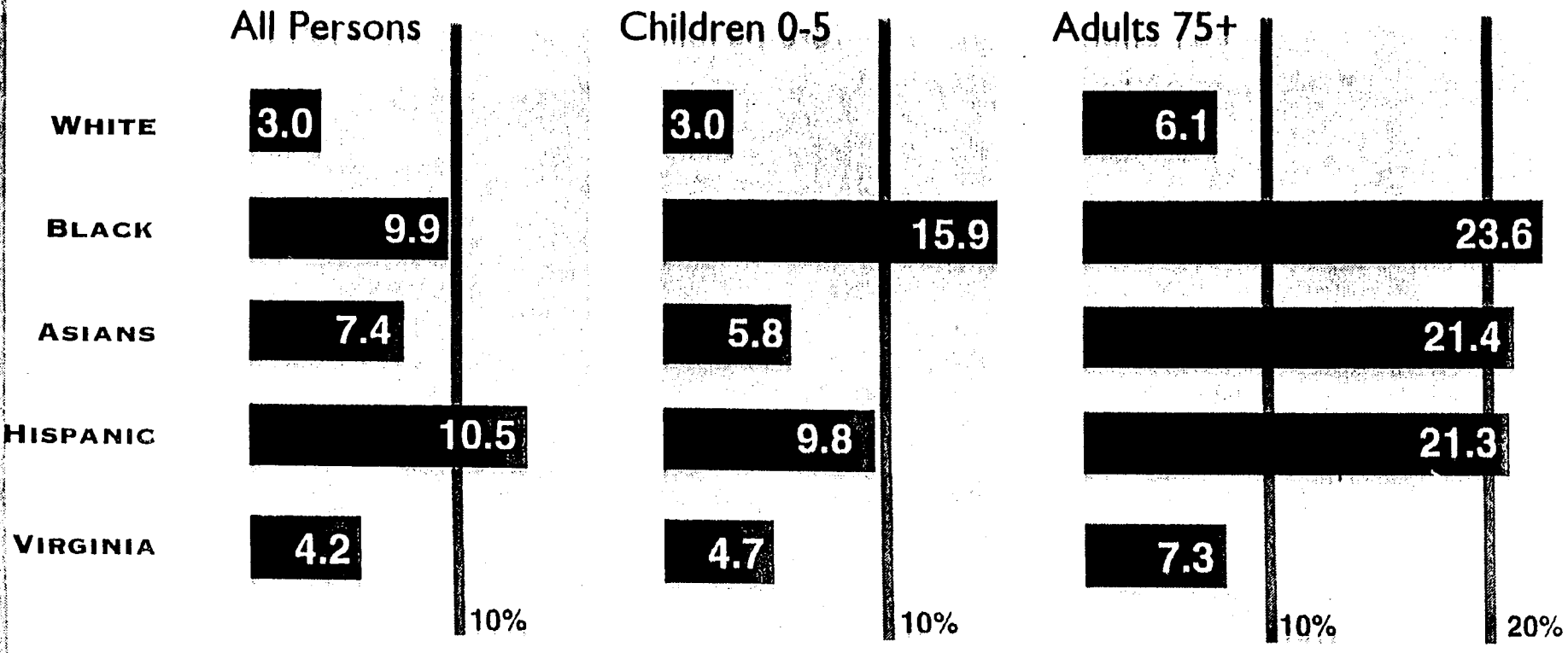
As a group, only whites have a higher-than-average per capita income in Northern Virginia. Asians and Blacks are near the state and national average. The average Hispanic person has less than half as much money as the average white person in Northern Virgina.



Note: "Native American" includes American Indians, Eskimoes, and Aleuts. "Asian" includes Pacific Islanders.

Poverty In Northern Virginia

An Hispanic in Northern Virginia is three and a half times as likely -- and an Asian twice as likely -- as a white person to be living below the poverty level. For Northern Virginia as a whole, the 18-24 age group has the highest percentage living in poverty. The next highest is the 75+ age group.

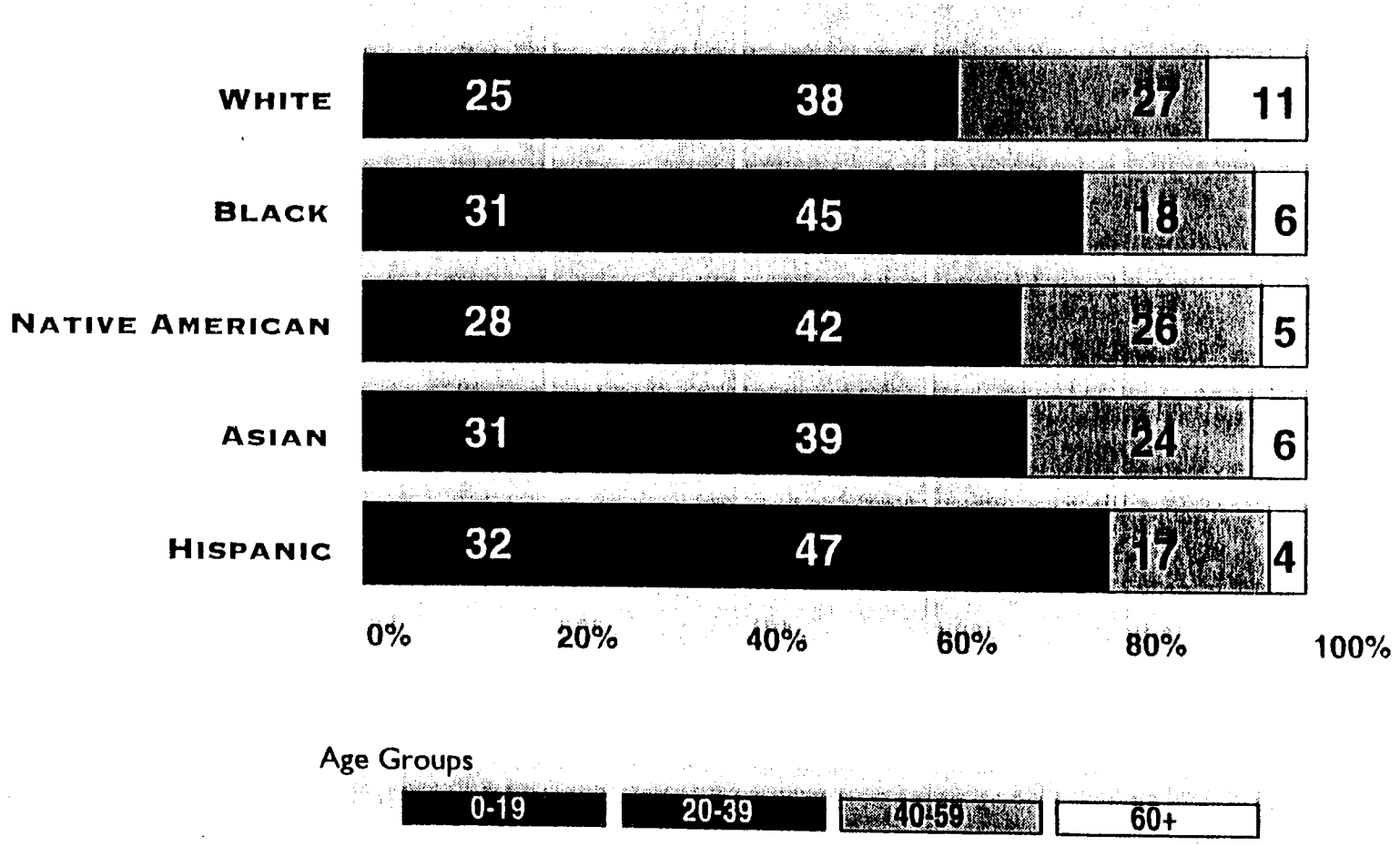


The federal government's poverty threshold in 1989 for a family of five is $14,798 – or $284 per week. This calculation does not adjust for cost-of-living differences among areas of the country. Therefore, the same poverty thresholds are applied to households living in rural Mississippi, downtown Manhattan, and Northern Virginia.

Note: "Asian" includes Pacific Islanders.

Age Structure

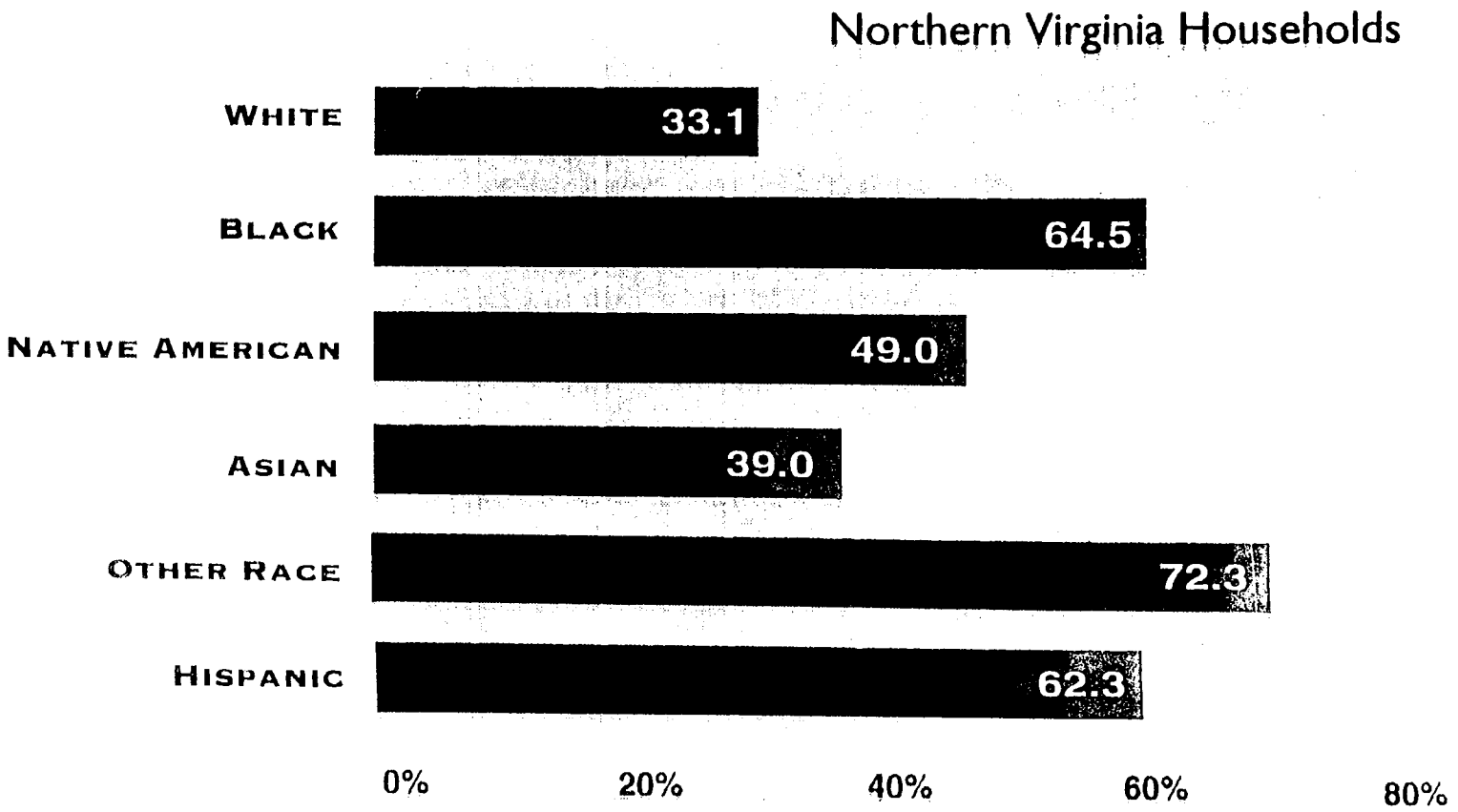
Northern Virginia's Hispanic population is significantly younger than the population as a whole, but its age structure is similar to that of Blacks.



Note: "Native American" includes American Indians, Eskimoes, and Aleuts. "Asian" includes Pacific Islanders.

Living in Rented Housing

A higher proportion of Black and Hispanic housholds live in rental housing than households of other racial and ethnic groups. In Alexandria and Arlington, more than 80 percent of Hispanic households live in rental units. A little over one-third of all Northern Virginia households live in rental housing, about the same percentage as the country as whole.



Note: "Native American" includes American Indians, Eskimoes, and Aleuts. "Asian" includes Pacific Islanders.

FOREIGN BORN POPULATION IN VIRGINIA

RANKED BY NUMBER OF FOREIGN BORN

	Locality	1990 Population	Foreign Born	Percent Foreign Born	Change in Foreign Born Past 20Years
1	Fairfax County	818,584	127,506	15.6%	111,367
2	Arlington County	170,936	36,516	21.4%	24,715
3	Virginia Beach City	393,069	20,517	5.2%	17,388
4	Alexandria City	111,183	17,998	16.2%	13,323
5	Prince William County	215,686	13,447	6.2%	11,535
6	Norfolk City	261,229	9,766	3.7%	2,292
7	Henrico County	217,881	7,923	3.6%	5,504
8	Newport News City	170,045	6,932	4.1%	4,229
9	Chesterfield County	209,274	6,244	3.0%	5,336
10	Loudoun County	86,129	4,880	5.7%	4,382
11	Montgomery County	73,913	4,062	5.5%	3,573
12	Hampton City	133,793	3,858	2.9%	1,862
13	Richmond City	203,056	3,720	1.8%	521
14	City of Fairfax	19,622	2,900	14.8%	2,383
15	Albemarle County	68,040	2,883	4.2%	2,295
16	Chesapeake City	151,976	2,652	1.7%	2,152
17	Manassas City	27,957	2,129	7.6%	—
18	Stafford County	61,236	1,833	3.0%	1,654
19	York County	42,422	1,623	3.8%	805
20	Roanoke City	96,397	1,515	1.6%	883
21	Roanoke County	79,332	1,470	1.9%	1,105
22	Charlottesville City	40,341	1,452	3.6%	820
23	Portsmouth City	103,907	1,388	1.3%	192
24	James City County	34,859	1,211	3.5%	859
25	Prince George County	27,394	1,144	4.2%	413
26	Fauquier County	48,741	1,119	2.3%	848
27	Lynchburg City	66,049	1,108	1.7%	777
28	Spotsylvania County	57,403	1,026	1.8%	922
29	Falls Church City	9,578	1,008	10.5%	677
30	Hanover County	63,306	839	1.3%	580
31	Harrisonburg City	30,707	740	2.4%	611
32	Petersburg City	38,386	707	1.8%	304
33	Rockingham County	57,482	676	1.2%	522
34	Colonial Heights City	16,064	670	4.2%	433
35	Frederick County	45,723	610	1.3%	454
36	Hopewell City	23,101	598	2.6%	198
37	Williamsburg City	11,530	558	4.8%	402
38	Winchester City	21,947	556	2.5%	472
39	Fredericksburg City	19,027	550	2.9%	343
40	Culpeper County	27,791	501	1.8%	387
41	Bedford County	45,656	477	1.0%	375
42	Gloucester County	30,131	464	1.5%	378
43	Radford City	15,940	438	2.7%	366
44	Suffolk City	52,141	433	0.8%	335
45	Accomack County	31,703	405	1.3%	272
46	Salem City	23,756	401	1.7%	315
47	Waynesboro City	18,549	400	2.2%	193
48	Manassas Park City	6,734	368	5.5%	—
49	Staunton City	24,461	367	1.5%	89
50	Danville City	53,056	359	0.7%	158
51	Warren County	26,142	354	1.4%	289
52	Shenandoah County	31,636	354	1.1%	236
53	Campbell County	47,572	354	0.7%	96
54	Orange County	21,421	327	1.5%	288
55	Henry County	56,942	319	0.6%	247
56	Augusta County	54,677	316	0.6%	104
57	King George County	13,527	293	2.2%	221
58	Washington County	45,887	262	0.6%	220
59	Franklin County	39,549	239	0.6%	225
60	Amherst County	28,578	237	0.8%	119
61	Northampton County	13,061	234	1.8%	156
62	Prince Edward County	17,320	231	1.3%	182
63	Page County	21,690	224	1.0%	145
64	Isle of Wight County	25,053	213	0.9%	170
65	Westmoreland County	15,480	213	1.4%	158
66	Goochland County	14,163	211	1.5%	157
67	Tazewell County	45,960	211	0.5%	72
68	Fluvanna County	12,429	208	1.7%	173

FOREIGN BORN POPULATION IN VIRGINIA

RANKED BY NUMBER OF FOREIGN BORN

	Locality	1990 Population	Foreign Born	Percent Foreign Born	Change in Foreign Born Past 20Years
69	Wythe County	25,466	206	0.8%	176
70	Wise County	39,573	201	0.5%	126
71	Botetourt County	24,992	195	0.8%	124
72	Rockbridge County	18,350	193	1.1%	157
73	Clarke County	12,101	188	1.6%	96
74	Mecklenburg County	29,241	180	0.6%	129
75	Powhatan County	15,328	175	1.1%	81
76	Lancaster County	10,896	162	1.5%	142
77	Caroline County	19,217	162	0.8%	101
78	Louisa County	20,325	160	0.8%	125
79	Buchanan County	31,333	156	0.5%	131
80	Pulaski County	34,496	152	0.4%	68
81	Bristol City	18,426	152	0.8%	54
82	Dinwiddie County	20,960	152	0.7%	-46
83	Carroll County	26,594	151	0.6%	135
84	Lexington City	6,959	149	2.1%	89
85	Martinsville City	16,162	142	0.9%	40
86	Pittsylvania County	55,655	139	0.2%	53
87	Madison County	11,949	137	1.1%	119
88	Nelson County	12,778	124	1.0%	107
89	Alleghany County	13,176	122	0.9%	122
90	Halifax County	29,033	121	0.4%	114
91	Rappahannock County	6,622	118	1.8%	84
92	New Kent County	10,445	109	1.0%	77
93	Bedford City	6,073	105	1.7%	69
94	Brunswick County	15,987	101	0.6%	87
95	Nottoway County	14,993	96	0.6%	5
96	Essex County	8,689	87	1.0%	8
97	Middlesex County	8,653	83	1.0%	66
98	King William County	10,913	83	0.8%	-3
99	Greene County	10,297	81	0.8%	62
100	Southampton County	17,550	78	0.4%	66
101	Grayson County	16,278	73	0.4%	43
102	Patrick County	17,473	73	0.4%	21
103	Northumberland County	10,524	72	0.7%	44
104	Buckingham County	12,873	72	0.6%	41
105	Lunenburg County	11,419	68	0.6%	63
106	Mathews County	8,348	68	0.8%	27
107	Smyth County	32,370	65	0.2%	-25
108	Emporia City	5,306	62	1.2%	45
109	South Boston City	6,997	57	0.8%	40
110	Bath County	4,799	55	1.1%	30
111	Cumberland County	7,825	54	0.7%	41
112	Buena Vista City	6,406	54	0.8%	34
113	Greensville County	8,853	53	0.6%	30
114	Giles County	16,366	51	0.3%	5
115	Richmond County	7,273	50	0.7%	50
116	Norton City	4,247	48	1.1%	32
117	Covington City	6,991	47	0.7%	39
118	Galax City	6,670	46	0.7%	46
119	Russell County	28,667	45	0.2%	40
120	Floyd County	12,005	45	0.4%	23
121	Dickenson County	17,620	45	0.3%	20
122	Amelia County	8,787	43	0.5%	31
123	Appomattox County	12,298	42	0.3%	36
124	Lee County	24,496	41	0.2%	25
125	Scott County	23,204	41	0.2%	-5
126	Charlotte County	11,688	40	0.3%	40
127	Franklin City	7,864	39	0.5%	17
128	Bland County	6,514	32	0.5%	32
129	Sussex County	10,248	30	0.3%	-18
130	Charles City County	6,282	26	0.4%	26
131	Surry County	6,145	20	0.3%	-12
132	Craig County	4,372	18	0.4%	18
133	King and Queen County	6,289	16	0.3%	16
134	Clifton Forge City	4,679	7	0.1%	-7
135	Highland County	2,635	4	0.2%	4
	State of Virginia	**6,187,358**	**311,809**	**5.0%**	**236,913**

Racial Composition
1990

	Alexandria	Arlington	City of Fairfax	Fairfax County	Falls Church
WHITE	76,789	130,873	16,830	665,399	8,533
BLACK	24,339	17,940	966	63,325	298
AM. INDIAN, etc	333	537	43	2,038	42
Am. Indian	325	505	41	1,947	41
Eskimo	7	17	0	41	0
Aleut	1	15	2	50	1
ASIAN/PACIFIC ISLANDER	4,632	11,560	1,409	69,338	456
Asian					
Chinese	629	1,799	173	9,514	96
Filipino	740	1,591	184	7,674	82
Japanese	240	751	36	2,626	36
Asian Indian	662	1,555	231	9,942	47
Korean	898	1,403	464	17,868	54
Vietnamese	437	1,967	172	11,994	71
Cambodian	50	552	31	1,338	7
Hmong	0	2	0	4	0
Laotian	78	267	5	1,269	2
Thai	196	372	20	1,524	18
Other Asian	577	1,155	83	5,035	41
Pacific Islander					
Polynesian					
Hawaiian	37	69	4	239	2
Samoan	19	24	0	62	0
Tongan	0	0	0	1	0
Other Polynesian	2	1	0	19	0
Micronesian					
Guamanian	43	48	6	184	0
Other Micronesian	20	1	0	21	0
Melanesian	0	0	0	1	0
Other Pac. Islander	4	3	0	23	0
OTHER RACE	5,090	10,026	374	18,484	249
TOTAL	111,183	170,936	19,622	818,584	9,578

	Loudoun County	Manassas	Manassas Park	Prince William	Northern Virginia
WHITE	77,095	23,332	5,941	179,709	1,184,501
BLACK	6,168	2,889	490	25,078	141,493
AM. INDIAN, etc.	177	90	7	718	3,985
Am. Indian	174	7	3,836		
Eskimo	1	0	71		
Aleut	2	0	78		
ASIAN /PACIFIC ISLANDER	2,101	867	169	6,569	97,101
Asian					
Chinese	302	138	12	674	13,337
Filipino	296	115	23	1,430	12,135
Japanese	99	18	2	502	4,310
Asian Indian	394	185	17	796	13,829
Korean	222	80	32	1,165	22,186
Vietnamese	368	148	44	517	15,718
Cambodian	126	39	10	100	2,253
Hmong	0	0	0	0	6
Laotian	41	57	19	255	1,993
Thai	45	15	6	207	2,403
Other Asian	180	52	2	637	7,732
Pacific Islander					
Polynesian					
Hawaiian	9	11	1	146	518
Samoan	2	2	0	17	126
Tongan	0	0	0	0	1
Other Polynesian	0	0	0	5	27
Micronesian					
Guamanian	15	0	1	93	390
Other Micronesian	1	7	0	15	65
Melanesian	1	0	0	1	3
Other Pac. Islander	0	0	0	9	39
OTHER RACE	588	779	127	3,612	39,329
TOTAL	86,129	27,957	6,734	215,686	1,466,409

Source: U.S. Department of Commerce, Bureau of the Census, *1990 Census of Population, General Population Characteristics, Virginia.*

Language Spoken at Home

	Alexandria		Arlington		City of Fairfax	
Speak only English	85,241	(81.1%)	120,906	(74.8%)	15,401	(83.0%)
German	696	(0.7%)	1,393	(0.9%)	199	(1.1%)
Yiddish	6	(0.0%)	26	(0.0%)	13	(0.1%)
Other West Germanic language	60	(0.1%)	144	(0.1%)	15	(0.1%)
Scandinavian	65	(0.1%)	236	(0.1%)	7	(0.0%)
Greek	122	(0.1%)	529	(0.3%)	13	(0.1%)
Indic	747	(0.7%)	1,288	(0.8%)	174	(0.9%)
Italian	275	(0.3%)	557	(0.3%)	41	(0.2%)
French or French Creole	1,436	(1.4%)	2,336	(1.4%)	108	(0.6%)
Portuguese or Portuguese Creole	130	(0.1%)	574	(0.4%)	7	(0.0%)
Spanish or Spanish Creole	9,673	(9.2%)	20,650	(12.8%)	1,054	(5.7%)
Polish	57	(0.1%)	246	(0.2%)	59	(0.3%)
Russian	73	(0.1%)	116	(0.1%)	15	(0.1%)
South Slavic	44	(0.0%)	83	(0.1%)	19	(0.1%)
Other Slavic language	54	(0.1%)	185	(0.1%)	26	(0.1%)
Other Indo-European language	1,522	(1.4%)	1,103	(0.7%)	87	(0.5%)
Arabic	657	(0.6%)	1,504	(0.9%)	158	(0.9%)
Tagalog	359	(0.3%)	1,104	(0.7%)	176	(0.9%)
Chinese	667	(0.6%)	1,675	(1.0%)	118	(0.6%)
Hungarian	69	(0.1%)	129	(0.1%)	26	(0.1%)
Japanese	129	(0.1%)	408	(0.3%)	31	(0.2%)
Mon-Khmer	41	(0.0%)	535	(0.3%)	14	(0.1%)
Korean	702	(0.7%)	1,136	(0.7%)	559	(3.0%)
Native North American languages	20	(0.0%)	91	(0.1%)	0	(0.0%)
Vietnamese	345	(0.3%)	2,156	(1.3%)	133	(0.7%)
Other and unspecified languages	1,875	(1.8%)	2,576	(1.6%)	107	(0.6%)
Persons 5 years and over	105,065		161,686		18,560	

	Fairfax County		Falls Church		Loudoun County	
Speak only English	617,680	(81.2%)	7,930	(87.8%)	72,725	(92.6%)
German	6,464	(0.8%)	78	(0.9%)	736	(0.9%)
Yiddish	83	(0.0%)	0	(0.0%)	0	(0.0%)
Other West Germanic language	544	(0.1%)	0	(0.0%)	29	(0.0%)
Scandinavian	867	(0.1%)	0	(0.0%)	92	(0.1%)
Greek	2,348	(0.3%)	0	(0.0%)	50	(0.1%)
Indic	9,648	(1.3%)	29	(0.3%)	366	(0.5%)
Italian	1,967	(0.3%)	32	(0.4%)	137	(0.2%)
French or French Creole	7,195	(0.9%)	75	(0.8%)	496	(0.6%)
Portuguese or Portuguese Creole	1,253	(0.2%)	12	(0.1%)	14	(0.0%)
Spanish or Spanish Creole	44,771	(5.9%)	541	(6.0%)	1,930	(2.5%)
Polish	980	(0.1%)	14	(0.2%)	35	(0.0%)
Russian	564	(0.1%)	0	(0.0%)	62	(0.1%)
South Slavic	314	(0.0%)	13	(0.1%)	16	(0.0%)
Other Slavic language	931	(0.1%)	0	(0.0%)	51	(0.1%)
Other Indo-European language	9,764	(1.3%)	0	(0.0%)	324	(0.4%)
Arabic	6,070	(0.8%)	11	(0.1%)	95	(0.1%)
Tagalog	4,774	(0.6%)	25	(0.3%)	157	(0.2%)
Chinese	8,089	(1.1%)	49	(0.5%)	137	(0.2%)
Hungarian	604	(0.1%)	16	(0.2%)	4	(0.0%)
Japanese	1,487	(0.2%)	15	(0.2%)	61	(0.1%)
Mon-Khmer	1,021	(0.1%)	0	(0.0%)	103	(0.1%)
Korean	15,458	(2.0%)	41	(0.5%)	190	(0.2%)
Native North American languages	74	(0.0%)	0	(0.0%)	7	(0.0%)
Vietnamese	10,662	(1.4%)	86	(1.0%)	512	(0.7%)
Other and unspecified languages	7,486	(1.0%)	61	(0.7%)	206	(0.3%)
Persons 5 years and over	761,098		9,028		78,535	

Source: U.S. Department of Commerce, Bureau of the Census, *Census of Population and Housing, 1990: Summary Tape File 3A* on CD-ROM (Virginia).

	Manassas		Manassas Park		Prince William	
Speak only English	22,588	(89.4%)	5,603	(92.1%)	178,128	(91.0%)
German	208	(0.8%)	20	(0.3%)	1,795	(0.9%)
Yiddish	0	(0.0%)	0	(0.0%)	10	(0.0%)
Other West Germanic language	0	(0.0%)	0	(0.0%)	25	(0.0%)
Scandinavian	23	(0.1%)	0	(0.0%)	111	(0.1%)
Greek	110	(0.4%)	0	(0.0%)	158	(0.1%)
Indic	101	(0.4%)	0	(0.0%)	558	(0.3%)
Italian	85	(0.3%)	13	(0.2%)	392	(0.2%)
French or French Creole	167	(0.7%)	0	(0.0%)	1,283	(0.7%)
Portuguese or Portuguese Creole	9	(0.0%)	17	(0.3%)	169	(0.1%)
Spanish or Spanish Creole	1,161	(4.6%)	238	(3.9%)	7,343	(3.8%)
Polish	14	(0.1%)	0	(0.0%)	75	(0.0%)
Russian	0	(0.0%)	0	(0.0%)	50	(0.0%)
South Slavic	0	(0.0%)	0	(0.0%)	18	(0.0%)
Other Slavic language	0	(0.0%)	0	(0.0%)	24	(0.0%)
Other Indo-European language	94	(0.4%)	5	(0.1%)	721	(0.4%)
Arabic	108	(0.4%)	18	(0.3%)	515	(0.3%)
Tagalog	23	(0.1%)	0	(0.0%)	970	(0.5%)
Chinese	105	(0.4%)	0	(0.0%)	576	(0.3%)
Hungarian	0	(0.0%)	0	(0.0%)	83	(0.0%)
Japanese	29	(0.1%)	5	(0.1%)	226	(0.1%)
Mon-Khmer	42	(0.2%)	4	(0.1%)	54	(0.0%)
Korean	165	(0.7%)	75	(1.2%)	931	(0.5%)
Native North American languages	9	(0.0%)	19	(0.3%)	9	(0.0%)
Vietnamese	150	(0.6%)	54	(0.9%)	395	(0.2%)
Other and unspecified languages	62	(0.2%)	15	(0.2%)	1,144	(0.6%)
Persons 5 years and over	25,253		6,086		195,763	

	Northern Virginia	
Speak only English	1,126,202	(82.7%)
German	11,589	(0.9%)
Yiddish	138	(0.0%)
Other West Germanic language	817	(0.1%)
Scandinavian	1,401	(0.1%)
Greek	3,330	(0.2%)
Indic	12,911	(0.9%)
Italian	3,499	(0.3%)
French or French Creole	13,096	(1.0%)
Portuguese or Portuguese Creole	2,185	(0.2%)
Spanish or Spanish Creole	87,361	(6.4%)
Polish	1,480	(0.1%)
Russian	880	(0.1%)
South Slavic	507	(0.0%)
Other Slavic language	1,271	(0.1%)
Other Indo-European language	13,620	(1.0%)
Arabic	9,136	(0.7%)
Tagalog	7,588	(0.6%)
Chinese	11,416	(0.8%)
Hungarian	931	(0.1%)
Japanese	2,391	(0.2%)
Mon-Khmer	1,814	(0.1%)
Korean	19,257	(1.4%)
Native North American languages	229	(0.0%)
Vietnamese	14,493	(1.1%)
Other and unspecified languages	13,532	(1.0%)
Persons 5 years and over	1,361,074	

Nativity and Place of Birth
1980 and 1990

Year	Population	Native			Foreign Born		
		Born in Virginia	Born in Other State	Born Abroad	Naturalized Citizen	Non-Citizen	Total Foreign Born
ALEXANDRIA							
1980	103,217	29,453 (29%)	61,391 (59%)	1,505 (1%)	3,572	7,296	10,868 (11%)
1990	111,183	24,520 (22%)	66,534 (60%)	2,131 (2%)	4,711	13,287	17,998 (16%)
ARLINGTON							
1980	152,599	29,724 (19%)	98,095 (64%)	2,443 (2%)	6,512	15,825	22,337 (15%)
1990	170,936	26,805 (16%)	103,886 (61%)	3,729 (2%)	9,181	27,335	36,516 (21%)
CITY OF FAIRFAX							
1980	19,390	6,480 (33%)	11,089 (57%)	360 (2%)	593	868	1,461 (8%)
1990	19,622	5,414 (28%)	10,841 (55%)	467 (2%)	994	1,906	2,900 (15%)
FAIRFAX COUNTY							
1980	596,901	152,078 (25%)	377,410 (63%)	13,304 (2%)	21,044	33,065	54,109 (9%)
1990	818,584	182,613 (22%)	487,397 (60%)	21,068 (3%)	47,111	80,395	127,506 (16%)
FALLS CHURCH							
1980	9,515	2,339 (25%)	6,128 (64%)	141 (1%)	418	489	907 (10%)
1990	9,578	1,902 (20%)	6,513 (68%)	155 (2%)	371	637	1,008 (11%)
LOUDOUN COUNTY							
1980	57,427	28,288 (49%)	26,504 (46%)	795 (1%)	1,066	774	1,840 (3%)
1990	86,129	34,103 (40%)	45,575 (53%)	1,571 (2%)	2,186	2,694	4,880 (6%)
MANASSAS							
1980	15,438	7,034 (46%)	7,801 (51%)	143 (1%)	226	234	460 (3%)
1990	27,957	10,504 (38%)	14,751 (53%)	573 (2%)	810	1,319	2,129 (8%)
MANASSAS PARK							
1980	6,524	3,758 (58%)	2,606 (40%)	53 (1%)	34	73	107 (2%)
1990	6,734	3,511 (52%)	2,736 (41%)	119 (2%)	160	208	368 (6%)
PRINCE WILLIAM							
1980	144,703	51,995 (36%)	84,124 (58%)	2,843 (2%)	3,215	2,526	5,741 (4%)
1990	215,686	70,079 (33%)	125,877 (58%)	6,283 (3%)	6,067	7,380	13,447 (6%)
NORTHERN VIRGINIA							
1980	1,105,714	311,149 (28%)	675,148 (61%)	21,587 (2%)	36,680	61,150	97,830 (9%)
1990	1,446,409	359,451 (25%)	846,110 (59%)	36,096 (3%)	71,591	135,161	206,752 (14%)

*Native: Persons born in the United States or one of its outlying areas; or at sea or in a foreign country if they have at least one American parent.

Source: U.S. Department of Commerce, Bureau of the Census. *Census of Population and Housing, 1990: Summary Tape File 3A on CD-ROM (Virginia);* and *1980 Census of Population, General Social and Economic Characteristics, Virginia.*

Year of Entry into the United States
Foreign Born Population
1990

Year of Entry	Alexandria	Arlington	City of Fairfax	Fairfax County	Falls Church
1987 to 1990	4,907 (27%)	10,263 (28%)	663 (23%)	26,854 (21%)	169 (17%)
1885 or 1986	2,573 (14%)	5,291 (14%)	479 (17%)	14,758 (12%)	63 (6%)
1982 to 1984	2,477 (14%)	5,001 (14%)	248 (9%)	15,481 (12%)	202 (20%)
1980 or 1981	1,934 (11%)	3,623 (10%)	281 (10%)	12,885 (10%)	115 (11%)
1975 to 1979	2,036 (11%)	4,183 (11%)	443 (15%)	21,267 (17%)	45 (4%)
1970 to 1974	1,471 (8%)	2,786 (8%)	302 (10%)	13,172 (10%)	128 (13%)
1965 to 1969	826 (5%)	1,700 (5%)	147 (5%)	7,553 (6%)	86 (9%)
1960 to 1964	625 (3%)	1,133 (3%)	90 (3%)	5,365 (4%)	40 (4%)
1950 to 1959	634 (4%)	1,318 (4%)	117 (4%)	6,470 (5%)	81 (8%)
Before 1950	515 (3%)	1,218 (3%)	130 (4%)	3,701 (3%)	79 (8%)
Foreign-Born	17,998	36,516	2,900	127,506	1,008

Year of Entry	Loudoun	Manassas	Manassas Park	Prince William	Northern Virginia
1987 to 1990	799 (16%)	267 (13%)	59 (16%)	2,206 (16%)	46,187 (22%)
1885 or 1986	341 (7%)	346 (16%)	24 (7%)	1,462 (11%)	25,337 (12%)
1982 to 1984	627 (13%)	280 (13%)	74 (20%)	1,551 (12%)	25,941 (13%)
1980 or 1981	404 (8%)	360 (17%)	30 (8%)	1,197 (9%)	20,829 (10%)
1975 to 1979	780 (16%)	303 (14%)	79 (21%)	1,884 (14%)	31,020 (15%)
1970 to 1974	482 (10%)	110 (5%)	20 (5%)	1,488 (11%)	19,959 (10%)
1965 to 1969	384 (8%)	186 (9%)	18 (5%)	1,272 (9%)	12,172 (6%)
1960 to 1964	487 (10%)	110 (5%)	33 (9%)	1,058 (8%)	8,941 (4%)
1950 to 1959	441 (9%)	104 (5%)	15 (4%)	947 (7%)	10,127 (5%)
Before 1950	135 (3%)	63 (3%)	16 (4%)	382 (3%)	6,239 (3%)
Foreign-Born	4,880	2,129	368	13,447	206,752

Source: U.S. Department of Commerce, Bureau of the Census, *Census of Population and Housing, 1990: Summary Tape File 3A* on CD-ROM (Virginia).

Origin of Hispanic Population
1990

	Alexandria		Arlington		City of Fairfax		Fairfax		Falls Church	
	Number	%	Number	%	Number	%	Number	%	Number	%
Mexican	1,175	11.3	1,921	8.4	118	8.9	6,821	13.5	86	15.0
Puerto Rican	626	6.0	1,110	4.9	135	10.2	4,305	8.5	17	3.0
Cuban	280	2.7	482	2.1	46	3.5	2,503	5.0	0	0.0
Other Hispanic:										
Dominican	94	0.9	163	0.7	0	0.0	665	1.3	0	0.0
Central American:										
Guatemalan	332	3.2	1,028	4.5	49	3.7	2,472	4.9	0	0.0
Honduran	243	2.3	355	1.6	28	2.1	589	1.2	0	0.0
Nicaraguan	282	2.7	726	3.2	88	6.6	2,039	4.0	0	0.0
Panamanian	124	1.2	192	0.8	11	0.8	828	1.6	0	0.0
Salvadoran	3,693	35.4	7,251	31.9	299	22.6	10,234	20.3	120	21.0
Other Central American	58	0.6	91	0.4	18	1.4	533	1.1	0	0.0
South American:										
Colombian	277	2.7	705	3.1	15	1.1	2,181	4.3	12	2.1
Ecuadorian	158	1.5	625	2.7	0	0.0	1,077	2.1	0	0.0
Peruvian	586	5.6	1,406	6.2	98	7.4	3,524	7.0	105	18.4
Other South American	1,212	11.6	3,815	16.8	191	14.4	5,869	11.6	115	20.1
Other Hispanic	1,300	12.5	2,872	12.6	229	17.3	6,886	13.6	117	20.5
	10,440		22,742		1,325		50,526		572	

	Loudoun		Manassas		Manassas Park		Prince William		Northern Virginia	
	Number	%	Number	%	Number	%	Number	%	Number	%
Mexican	600	28.3	892	54.9	96	30.2	2,985	32.6	14,694	14.9
Puerto Rican	407	19.2	177	10.9	35	11.0	2,201	24.0	9,013	9.1
Cuban	174	8.2	19	1.2	17	5.3	274	3.0	3,795	3.8
Other Hispanic:										
Dominican	12	0.6	18	1.1	0	0.0	31	0.3	983	1.0
Central American:										
Guatemalan	142	6.7	10	0.6	0	0.0	181	2.0	4,214	4.3
Honduran	0	0.0	0	0.0	0	0.0	133	1.5	1,348	1.4
Nicaraguan	7	0.3	0	0.0	0	0.0	93	1.0	3,235	3.3
Panamanian	59	2.8	20	1.2	0	0.0	186	2.0	1,420	1.4
Salvadoran	110	5.2	259	15.9	74	23.3	830	9.1	22,870	23.1
Other Central American	9	0.4	14	0.9	41	12.9	148	1.6	912	.9
South American:										
Colombian	50	2.4	0	0.0	15	4.7	169	1.8	3,424	3.5
Ecuadorian	48	2.3	23	1.4	0	0.0	29	0.3	1,960	2.0
Peruvian	91	4.3	27	1.7	0	0.0	426	4.7	6,263	6.3
Other South American	111	5.2	50	3.1	6	1.9	473	5.2	11,842	12.0
Other Hispanic	301	14.2	117	7.2	34	10.7	1,002	10.9	12,858	13.0
	2,121		1,626		318		9,161		98,831	

Note: The information contained in this tabultation was derived from sample data which accounts for a slight discrepancy in the total population count for Hispanics observed in this and other tables. Origin can be viewed as the ancestry, nationality group, lineage, or country of birth of the person or the person's parents or ancestors before their arrival in the United States. Persons of Hispanic origin may be of any race.

Source: U.S. Department of Commerce, Bureau of the Census, *1990 Census of Population, General Population Characteristics, Virginia.*

Change in Racial Composition
1980-1990

ALEXANDRIA

	— 1980 —		— 1990 —		Increase	Percent
	Number	%	Number	%	'80-'90	Change
White	74,726	72.4	76,789	69.1	2,063	2.8
Black	23,006	22.3	24,339	21.9	1,333	5.8
American Indian, Eskimo, Aleut:	269	0.3	333	0.3	64	23.8
Asian or Pacific Islander:	2,888	2.8	4,632	4.2	1,744	60.4
Japanese	197	0.2	240	0.2	43	21.8
Chinese	560	0.5	629	0.6	69	12.3
Filipino	409	0.4	740	0.7	331	80.9
Korean	651	0.6	898	0.8	247	37.9
Asian Indian	473	0.5	662	0.6	189	40.0
Vietnamese	535	0.5	437	0.4	-98	-18.3
Other race	2,328	2.3	5,090	4.6	2,762	118.6
Hispanics*	4,042	3.9	10,778	9.7	6,736	166.7
Total	103,217		111,183		7,966	7.7

ARLINGTON

	— 1980 —		— 1990 —		Increase	Percent
	Number	%	Number	%	'80-'90	Change
White	126,121	82.6	130,873	76.6	4,752	3.8
Black	14,028	9.2	17,940	10.5	3,912	27.9
American Indian, Eskimo, Aleut:	384	0.3	537	0.3	153	39.8
Asian or Pacific Islander:	6,631	4.3	11,560	6.8	4,929	74.3
Japanese	457	0.3	751	0.4	294	64.3
Chinese	1,033	0.7	1,799	1.1	766	74.2
Filipino	788	0.5	1,591	0.9	803	101.9
Korean	1,004	0.7	1,403	0.8	399	39.7
Asian Indian	1,231	0.8	1,555	0.9	324	26.3
Vietnamese	2,027	1.3	1,967	1.2	-60	-3.0
Other race	5,435	3.6	10,026	5.9	4,591	84.5
Hispanics	8,863	5.8	23,089	13.5	14,226	160.5
Total	152,599		170,936		18,337	12.0

CITY OF FAIRFAX

	— 1980 —		— 1990 —		Increase	Percent
	Number	%	Number	%	'80-'90	Change
White	18,099	93.3	16,830	85.8	-1,269	-7.0
Black	585	3	966	4.9	381	65.1
American Indian, Eskimo, Aleut:	49	0.3	43	0.2	-6	-12.2
Asian or Pacific Islander:	479	2.5	1,409	7.2	930	194.2
Japanese	35	0.2	36	0.2	1	2.9
Chinese	83	0.4	173	0.9	90	108.4
Filipino	43	0.2	184	0.9	141	327.9
Korean	145	0.7	464	2.4	319	220.0
Asian Indian	81	0.4	231	1.2	150	185.2
Vietnamese	88	0.5	172	0.9	84	95.5
Other race	178	0.9	374	1.9	196	110.1
Hispanics	379	2	1,159	5.9	780	205.8
Total	19,390		19,622		232	1.2

* Hispanic is an ethnic classification, not a racial category. See glossary for explanation.

Source: U.S. Department of Commerce, Bureau of the Census, *1990 Census of Population, General Population Characteristics, Virginia*; and *1980 Census of Population, Summary Tape File 1-A.*

FAIRFAX

	— 1980 —		— 1990 —		Increase	Percent
	Number	%	Number	%	'80-'90	Change
White	529,325	88.7	665,399	81.3	136,074	25.7
Black	34,994	5.9	63,325	7.7	28,331	81.0
American Indian, Eskimo, Aleut:	1,235	0.2	2,038	0.2	803	65.0
Asian or Pacific Islander:	22,725	3.8	69,338	8.5	46,613	205.1
Japanese	1,710	0.3	2,626	0.3	916	53.6
Chinese	3,479	0.6	9,514	1.2	6,035	173.5
Filipino	2,918	0.5	7,674	0.9	4,756	163.0
Korean	6,660	1.1	17,868	2.2	11,208	168.3
Asian Indian	3,456	0.6	9,942	1.2	6,486	187.7
Vietnamese	4,240	0.7	11,994	1.5	7,754	182.9
Other race	8,622	1.4	18,484	2.3	9,862	114.4
Hispanics	19,535	3.3	51,874	6.3	32,339	165.5
Total	596,901		818,584		221,683	37.1

FALLS CHURCH

	— 1980 —		— 1990 —		Increase	Percent
	Number	%	Number	%	'80-'90	Change
White	8,846	93	8,533	89.1	-313	-3.5
Black	223	2.3	298	3.1	75	33.6
American Indian, Eskimo, Aleut:	10	0.1	42	0.4	32	320.0
Asian or Pacific Islander:	282	3	456	4.8	174	61.7
Japanese	25	0.3	36	0.4	11	44.0
Chinese	62	0.7	96	1.0	34	54.8
Filipino	53	0.6	82	0.9	29	54.7
Korean	43	0.5	54	0.6	11	25.6
Asian Indian	32	0.3	47	0.5	15	46.9
Vietnamese	63	0.7	71	0.7	8	12.7
Other race	154	1.6	249	2.6	95	61.7
Hispanics	315	3.3	604	6.3	289	91.7
Total	9,515		9,578		63	0.7

LOUDOUN

	— 1980 —		— 1990 —		Increase	Percent
	Number	%	Number	%	'80-'90	Change
White	51,529	89.7	77,095	89.5	25,566	49.6
Black	5,018	8.7	6,168	7.2	1,150	22.9
American Indian, Eskimo, Aleut:	94	0.2	177	0.2	83	88.3
Asian or Pacific Islander:	430	0.7	2,101	2.4	1,671	388.6
Japanese	47	0.1	99	0.1	52	110.6
Chinese	109	0.2	302	0.4	193	177.1
Filipino	52	0.1	296	0.3	244	469.2
Korean	64	0.1	222	0.3	158	246.9
Asian Indian	97	0.2	394	0.5	297	306.2
Vietnamese	55	0.1	368	0.4	313	569.1
Other race	356	0.6	588	0.7	232	65.2
Hispanics	853	1.5	2,156	2.5	1,303	152.8
Total	57,427		86,129		28,702	50.0

MANASSAS

	— 1980 —		— 1990 —		Increase	Percent
	Number	%	Number	%	'80-'90	Change
White	13,736	89	23,332	83.5	9,596	69.9
Black	1,403	9.1	2,889	10.3	1,486	105.9
American Indian, Eskimo, Aleut:	22	0.1	90	0.3	68	309.1
Asian or Pacific Islander:	174	1.1	867	3.1	693	398.3
Japanese	11	0.1	18	0.1	7	63.6
Chinese	30	0.2	138	0.5	108	360.0
Filipino	7	0	115	0.4	108	1542.9
Korean	29	0.2	80	0.3	51	175.9
Asian Indian	42	0.3	185	0.7	143	340.5
Vietnamese	52	0.3	148	0.5	96	184.6
Other race	103	0.7	779	2.8	676	656.3
Hispanics	194	1.3	1,601	5.7	1,407	725.3
Total	15,438		27,957		12,519	81.1

MANASSAS PARK

	— 1980 —		— 1990 —		Increase	Percent
	Number	%	Number	%	'80-'90	Change
White	6,138	94.1	5,941	88.2	-197	-3.2
Black	286	4.4	490	7.3	204	71.3
American Indian, Eskimo, Aleut:	17	0.3	7	0.1	-10	-58.8
Asian or Pacific Islander:	27	0.4	169	2.5	142	525.9
Japanese	5	0.1	2	0.0	-3	-60.0
Chinese	0	0	12	0.2	12	
Filipino	5	0.1	23	0.3	18	360.0
Korean	5	0.1	32	0.5	27	540.0
Asian Indian	6	0.1	17	0.3	11	183.3
Vietnamese	5	0.1	44	0.7	39	780.0
Other race	56	0.9	127	1.9	71	126.8
Hispanics	97	1.5	314	4.7	217	223.7
Total	6,524		6,734		210	3.2

PRINCE WILLIAM

	— 1980 —		— 1990 —		Increase	Percent
	Number	%	Number	%	'80-'90	Change
White	128,947	89.1	179,709	83.3	50,762	39.4
Black	11,918	8.2	25,078	11.6	13,160	110.4
American Indian, Eskimo, Aleut:	358	0.2	718	0.3	360	100.6
Asian or Pacific Islander:	2,080	1.4	6,569	3.0	4,489	215.8
Japanese	326	0.2	502	0.2	176	54.0
Chinese	312	0.2	674	0.3	362	116.0
Filipino	556	0.4	1,430	0.7	874	157.2
Korean	378	0.3	1,165	0.5	787	208.2
Asian Indian	168	0.1	796	0.4	628	373.8
Vietnamese	230	0.2	517	0.2	287	124.8
Other race	1,400	1	3,612	1.7	2,212	158.0
Hispanics	3,272	2.3	9,662	4.5	6,390	195.3
Total	144,703		215,686		70,983	49.1

NORTHERN VIRGINIA

	— 1980 —		— 1990 —		Increase	Percent
	Number	%	Number	%	'80-'90	Change
White	957,467	86.6	1,184,501	80.8	227,034	23.7
Black	91,461	8.3	141,493	9.6	50,032	54.7
American Indian, Eskimo, Aleut:	2,438	0.2	3,985	0.3	1,547	63.5
Asian or Pacific Islander:	35,716	3.2	97,101	6.6	61,385	171.9
Japanese	2,813	0.3	4,310	0.3	1,497	53.2
Chinese	5,668	0.5	13,337	0.9	7,669	135.3
Filipino	4,831	0.4	12,135	0.8	7,304	151.2
Korean	8,979	0.8	22,186	1.5	13,207	147.1
Asian Indian	5,586	0.5	13,829	0.9	8,243	147.6
Vietnamese	7,295	0.7	15,718	1.1	8,423	115.5
Other race	18,632	1.7	39,329	2.7	20,697	111.1
Hispanics	37,550	3.4	101,237	6.9	63,687	169.6
Total	1,105,714		1,466,409		360,695	32.6

Births, Immigration Revise Census View Of 21st Century U.S.

By Barbara Vobejda
Washington Post Staff Writer

An increase in births among American women coupled with massive immigration will add more people to the nation's population during the 1990s than any time since the baby boom decade of the 1950s, the Census Bureau projected in a report released today.

The new population projections also underscore the nation's rapidly changing ethnic profile: By the middle of the next century, virtually half of the population will be made up of blacks, Hispanics, Asians and American Indians and our terminology of "majority" and "minority" will become meaningless.

The Census Bureau, in revising its projections from those released in the late 1980s, was forced to take into account recent and far-reaching changes in society: Fertility rates are higher among American women than they were in the early '80s, illegal immigration remains high and new legislation will allow more legal immigrants into the country.

Together, these factors led the agency to forecast much higher population growth over the coming decades than previously assumed.

In the late 1980s, the bureau projected that the population would peak around 2038 and decline to about 300 million by 2050. But the revised figures add another 80 million to that figure and assume that population will not peak, but continue to grow into the late 21st century.

"When you look at 80 million more people by 2050, that's quite a bit," said Carl Haub, a demographer at the Population Reference Bureau. "That's not small change."

The bureau, which for the first time broke out population changes by race and ethnic group, projects that the number of Hispanics will surpass that of blacks in two to three decades. And by the middle of the next century, the number of Hispanics will nearly quadruple to 81 million, or more than a fifth of the population.

Asians, including Pacific Islanders, will remain the fastest growing racial group, increasing from their current number of 9 million to 41 million by 2050. Over the same period, the number of black Americans will nearly double to 62 million, or 16 percent of the population.

And non-Hispanic whites will grow slowly in number but decrease rapidly as a fraction of the population, from three quarters now to just about half in the mid-21st century.

"We will have a much smaller proportion who are of European descent and what we will be calling majority or minority at that point is anybody's guess," said Jeffrey Passel, a demographer with the Urban Institute.

Overall, the American population is expected to grow by about 50 percent from its current level of 255 million. And while some of that increase is driven by higher fertility rates, the overwhelming engine of growth is immigration.

The projections, which in the last decade assumed about 500,000 immigrants into the country each year, now include 880,000 a year.

That change reflects the recognition that the 1986 Immigration and Reform Act did not reduce undocumented immigration as much as expected. "In fact, there is no evidence of any reduction in the undocumented movement," wrote Jennifer Day, author of the Census Bureau report.

Also, the Immigration Act of 1990 increased by nearly 40 percent the number of immigrants allowed legal entry into the country each year.

Over time, the effects of immigration on population are multiplied by higher birth rates among immigrant groups.

At the same time, fertility rates among all American women increased "dramatically" in the late 1980s, the report said, from 1.8 births per woman to almost 2.1 births. Demographers believe that increase is the result of many baby boom women—the generation born between 1946 and 1964—who delayed childbirth for many years but then gave birth in great numbers since the mid-1980s.

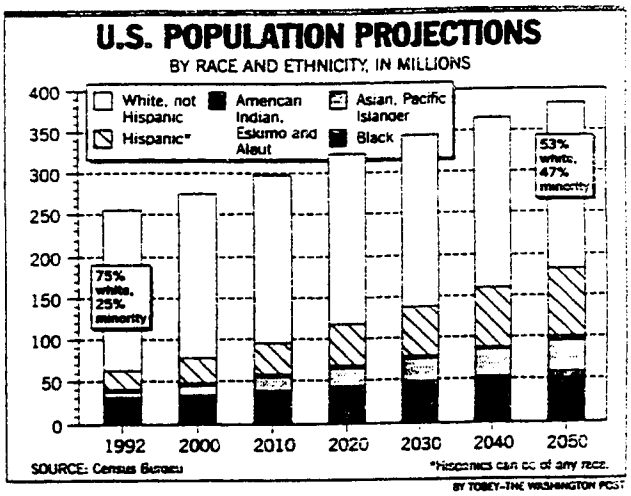
The "total fertility rate" for American women is now projected to increase to over 2.1 births by 2050, signaling that the population will continue to grow even without immigration. By contrast, the bureau's earlier projections assumed that total fertility rates would drop to 1.8 per woman by 2050, below the "replacement" level that ensures population growth.

Even in the current decade, the nation's population will grow rapidly, adding 25.4 million people, the largest numerical increase since the 1950s, when the population increased by nearly 28 million over the decade.

Over the past 60 years, the nation grew by 130 million, the same figure projected for the next 60 years. "In a way, it looks like a steady line," said Day, although the long-term trend masks the post-World War II baby boom and the so-called baby bust years that followed.

The Census Bureau releases its projections in multiple "series," ranging from a low series that assumes less growth, placing the population at the turn of the century at 268 million, to a high series that sets the figure at 281 million. The most often cited numbers are derived from the "middle series," which projects the population will be about 275 million in the year 2000 and about 383 million in 2050.

The revised projections assume that life expectancy will increase slowly, negated somewhat by the effect of AIDS on the population. The bureau also assumed that the impact of the disease would diminish after the turn of the century as a result of behavior changes and, perhaps, discovery of a vaccine or cure.



Appendix F

Correspondence to the Office of Refugee Resettlement, Department of Health and Human Services

L. KAREN DARNER
769 SOUTH BUCHANAN STREET
ARLINGTON, VIRGINIA 22204

FORTY-NINTH DISTRICT

COMMONWEALTH OF VIRGINIA

HOUSE OF DELEGATES

RICHMOND

COMMITTEE ASSIGNMENTS
ROADS AND INTERNAL NAVIGATION
HEALTH, WELFARE AND INSTITUTIONS
CLAIMS
CHESAPEAKE AND ITS TRIBUTARIES

November 27, 1992

Ms. Toyo Biddle
Office of Refugee Resettlement
Administration for Children and Families
Department of Health and Human Services
370 L'Enfant Promenade S.W. 6th floor
Washington, DC 20447

Dear Ms. Biddle:

I write to you as a Virginia legislator and in my capacity as Chair of the Joint Legislative Subcommittee Studying the Needs of the Foreign-Born in the Commonwealth. Our intent is to make sure that programs are in place now and in the future to assist newly-arrived residents in their resettlement in a new culture and home. We became quite alarmed at our meeting this week when we were told of the drastic changes in Refugee Cash and Medical Assistance Programs slated for January 1, 1993.

First, we urge the delay of this implementation, particularly since there has not been enough time to develop a responsible alternative. We all know too well that announcement of proposed changes on November 2 of one year cannot be responsibly and effectively implemented 60 days later. We in Virginia are living proof that major changes in healthcare coverage and providers cannot be accomplished in this timeframe when the bulk of those affected are native English speakers. Boy... did we hear about that! Unfortunately, most affected by the CMA changes cannot speak in English for themselves. (I can only say "Look out!" when they do.)

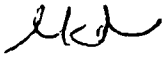
Considerable discussion among the various federal, state and local agencies must be done in "good faith". We are talking about at least 51 separate government agencies, and the health and *well-being* of over 100,000 human beings. I know for sure that these people **want** to achieve self-sufficiency in their new country, and any help we can provide in a <u>timely</u> fashion and on a <u>temporary</u> basis is critical to their success. We most definitely are inhumane if we forge ahead with privatization-on-paper, and not in reality.

There is no state and no population group unaffected by the current crisis in health care. And that goes for our foreign-born residents too. To eliminate prevention of diseases from coverage, and to ignor the spectre of a nationwide epidemic in tuberculosis will be disastrous.

Speaking for members of the Virginia Joint Legislative Subcommittee Studying the Needs of the Foreign-Born in Virginia, I urge the Department of Health and Human Services Office of Refugee Resettlement to extend the implementation date for privatization, and to work with the states to ensure equitable assistance to our new residents of the United States.

Thank you for your cooperation. Please feel free to contact me if you have any questions. (703 271-5284)

Sincerely,



L. Karen Darner

cc: Members of Congress from Virginia
U.S. Senators from Virginia
Transition Team for President-Elect Bill Clinton
The Honorable Thomas Downey, Health & Human Services
Governor L. Douglas Wilder

Appendix G

Addressing the Language Minorities in the Courts of Virginia - Report of the Courts of Northern Virginia

ADDRESSING THE NEEDS OF LANGUAGE MINORITIES

IN THE COURTS OF VIRGINIA

The courts of the urban jurisdictions in Northern Virginia have all experienced a large and growing caseload of cases involving language minorities. While the principal language minority is Hispanic, there are also many cases involving persons who speak only Arabic, Vietnamese, or Korean, as well as smaller numbers of a variety of other languages.

While the Supreme Court provides for reimbursement of interpreters who serve in the courtroom to interpret during formal hearings and trials for criminal cases, there are many needs outside of the courtroom for better communication with language minorities, whether they are defendants, victims, or witnesses. At every stage in the criminal justice process it is essential to be able to communicate with the involved persons clearly and directly: before the magistrate, with the defense attorney or Commonwealth's Attorney, in the detention facility, When this communication fails, the consequences can be severe. Most serious may be the unfairness in the treatment of defendants or victims whose side of the story is never correctly heard, but the costs to the system can also be severe, if difficult to measure. Persons who do not understand when released pretrial that they must return for a trial will have to be arrested again, detained, and tried on additional charges of failure to appear. Persons who do not understand what happened to them in court will fail to carry out the requirements of the sentence, such as going to Probation and Parole or obtaining drug treatment, again leading to further charges, arrests, etcetera. The court can operate most efficiently if everyone understands at every step of the way what is happening, why it is happening, and what needs to happen next.

Four areas of concern have been identified which limit the ability of the courts to deal most effectively with cases involving language minorities:

- the need for certification of interpreters serving the court;
- the need for an improved system of reimbursement for court interpreters;
- the need for improved access to volunteer interpreters; and
- the need for interpreters in critical areas of civil law: landlord-tenant cases, small claims court, and family cases including custody/visitation, non-criminal child abuse and neglect, and spouse abuse cases.

Recommendations to address these concerns are proposed in the following pages. An attachment presents data on the costs of interpreter services in four Northern Virginia courts since 1988.

A. CERTIFICATION OF COURT INTERPRETERS

RECOMMENDATION: *That the Supreme Court of Virginia begin immediately to develop a program and procedure for the certification of interpreters to serve in the courts of the Commonwealth whenever victims, witnesses, or defendants are not fluent in English. The program of certification could be developed in partnership with one or more of the public universities in the State; it should begin with Spanish, and should include competence in both English and Spanish and knowledge about court processes, legal terms, and the requirements involved in interpreting in the courtroom.*

DISCUSSION:

Courts must have some way to be sure that the interpreters who serve in formal court hearings and trials are competent in the language involved, in the English language, and in an understanding of court procedures and technical terms. A few states, such as the state of New Jersey, and the federal courts, have already developed certification standards and procedures for interpreters, and Virginia could look to these states for models in developing its own standards and procedures. It could also agree to accept persons who have been certified to do court translation by the federal courts or by another state.

It cannot be expected that a program could be developed to certify interpreters in every possible language that might turn up in the courtroom. In cases where the language involved is obscure or rare, the court may have to accept whatever resources it can find to interpret, and in non-frequent languages, interpreters may be referred by private companies who supply interpreters, with the expectation that some level of competence will be available. However, for languages where the need for interpreters is frequent and growing, certification programs should be made available through a phased development process.

B. PAYMENT FOR INTERPRETER SERVICES

[Recover costs from those who can pay!]

RECOMMENDATION: *The Supreme Court of Virginia should be requested to develop an alternative process for the payment of interpreters, which would be available to any courts which require interpreter services in any given language more than 20 hours per week. For this language, the local court should be permitted to hire interpreters or to contract with individual interpreters or interpreter firms for interpreter services on an hourly, daily, weekly, monthly, or annual basis, as appropriate. Such interpreters, when present under contract in the courthouse, would provide translation and interpreter services wherever needed by the court.*

DISCUSSION:

Interpreters serving the local courts are currently paid by the Supreme Court on a case-by-case basis. A local court provides a voucher to the Supreme Court for each case which requires interpreter services; the State pays the interpreter directly based on an agreed-upon local payment scale. This is a reasonable payment system in courts where only one or two cases per week require interpreter services. In Northern Virginia's urban courtrooms, where 20 to 30 cases per day may involve Spanish-speaking persons, some of whom may be barely literate in their own language, several interpreters may need to be available throughout the working day. Paying on a case-by-case basis becomes costly, inefficient, and ineffective. In these courts the State is buying services in wholesale amounts, at high retail prices. The system also places a heavy demand on clerical support services to collect, verify, transcribe, and transmit cost information.

If interpreters for the most commonly used languages (especially Spanish) were regular or contract employees of the court, their time could be allocated in a more planned, effective way, and the gaps in their courtroom demands could be utilized to assist the court in other ways. The Supreme Court could establish a committee to oversee interpreter services by:

- establishing threshold caseloads for the adoption of alternate payment methods;
- developing a basic contract for services for use by the courts in acquiring interpreter services, with the Supreme Court as signatory; and
- determining which courts could hire interpreters as full-time regular employees.

C. IMPROVING THE AVAILABILITY OF VOLUNTEER INTERPRETERS

RECOMMENDATION: ***The State should authorize a position of Volunteer Coordinator to serve the courts in large urban areas of the State where the need for interpreters is high. The Volunteer Coordinators would develop groups of volunteers available to provide translation and interpretation in non-courtroom situations in all three courts, including interviews with defense attorneys and Commonwealth's Attorneys; referrals to other agencies such as Probation and Parole, ASAP, Victim Assistance Services, detention facilities, and treatment programs: interactions with clerks over payment of fines and costs, getting information about court dates, or getting information about court orders and sentences; and communication with families of victims or defendants.***

DISCUSSION:

While the need for qualified interpreters assisting in hearings and trials is critical, there are many other needs for interpretation and translation throughout the courthouse and with its related agencies. Volunteer interpreters can be recruited and made available to provide assistance at a number of critical points outside the courtroom itself. Volunteers might include persons who are working toward certification as courtroom interpreters or retired persons who have are bi-lingual and bi-cultural and have professional backgrounds that would make them suitable for assisting court and court-related functions.

A Volunteer Coordinator could arrange for the provision of services worth many times the value of the Coordinator's salary. The more that interpreters are available to help clerks, attorneys, and other court personnel who must interact with non-English speaking persons, the less the number of persons that return to court as failures because they never really understood the rules, requirements, or findings of the court.

The Fairfax General District Court has experimented with a vigorous volunteer program which includes some bi-lingual volunteers; these volunteers have been used very successfully to interview defendants to determine eligibility for court-appointed counsel. Their availability has freed up official court interpreters to work in the courtrooms. Volunteer interpreters have also provided assistance in the municipal courts of Fairfax City and the towns of Vienna and Herndon.

The Volunteer Coordinator position should be designated to assist all three courts and court-related agencies, such as the Office of Probation and Parole.

D. AUTHORIZATION OF INTERPRETERS IN CERTAIN CIVIL CASES

RECOMMENDATION: The General Assembly should modify the Code of Virginia, §19.2-164 to require the provision of interpreter services not only in criminal cases, but also in civil cases meeting the following criteria:

- *any indigent party or witness is unable to speak English;*
- *serious deprivation may result from the inability to understand the court proceeding, such as the loss of housing or the loss of parental rights.*

DISCUSSION:

A large number of family cases in Juvenile Court and landlord/tenant cases in General District Court are categorized as civil cases, and therefore ineligible for provision of interpreter services by the State. (It should be noted that §8.01-384.1 of the Code of Virginia does authorize provision of interpreters for the hearing-impaired in civil cases. While the inability to speak English is not precisely the same kind of disability as hearing impairment, it serves as a precisely equal handicap in a courtroom.) These cases can have tragic consequences for involved individuals, who may appear unrepresented by attorneys and unable to comprehend the proceedings. These tragedies may not be limited to the single individuals or families, however; broken families and homeless persons engender endless social costs including welfare costs, poor health, delinquency, and other unfortunate outcomes.

The kinds of civil cases in Juvenile Court where interpreters are often needed but are not authorized by the State include custody/visitation, non-criminal child abuse and neglect, spouse abuse, and termination of parental rights. In these cases, as with Landlord/Tenant and Small Claims Courts, persons who do not speak English usually do not have and cannot afford attorneys, let alone interpreters, and they may be embarrassed to bring someone they know to interpret for them, even if they know someone who is capable. When an interpreter is not available, these cases take longer and tend to come back again, because the issues have not been effectively resolved. The denial of interpreter resources places a greater demand on many other resources, of the courts and the social services agencies. In Landlord/Tenant court, persons who are evicted as a result of proceedings they did not understand may become homeless; the expenses of providing services to and trying to solve the problems of the homeless can greatly exceed the costs of supplying an interpreter for a court hearing.

If the State makes the courts available for the resolution of conflicts, they should be available to all, and the courts should be given the resources they need to resolve conflicts efficiently and effectively.

ATTACHMENT 1

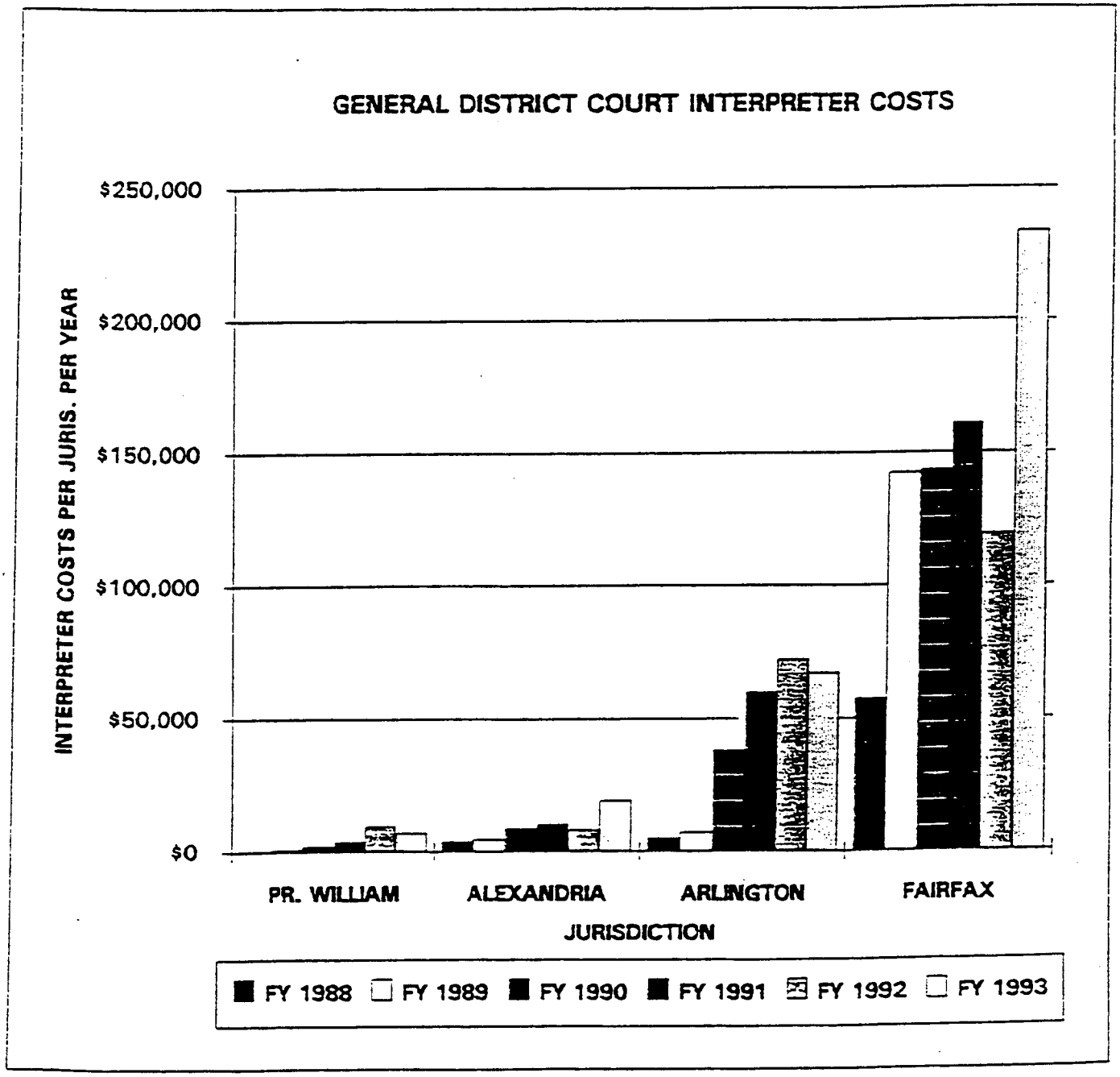
DATA ON INTERPRETER COSTS IN NORTHERN VIRGINIA COURTS

DATA SOURCE: SUPREME COURT OF VIRGINIA

*INTERPRETER COSTS IN NORTHERN VIRGINIA COURTS **

GENERAL DISTRICT COURT

	FISCAL YEAR					
JURISDICTION	FY 1988	FY 1989	FY 1990	FY 1991	FY 1992	FY 1993
PR. WILLIAM	$100	$866	$1,950	$3,800	$9,635	$7,065
ALEXANDRIA	$3,698	$4,674	$8,793	$10,431	$8,255	$19,270
ARLINGTON	$4,980	$7,268	$38,403	$59,783	$72,158	$66,963
FAIRFAX	$57,327	$142,370	$143,345	$161,041	$119,125	$233,446

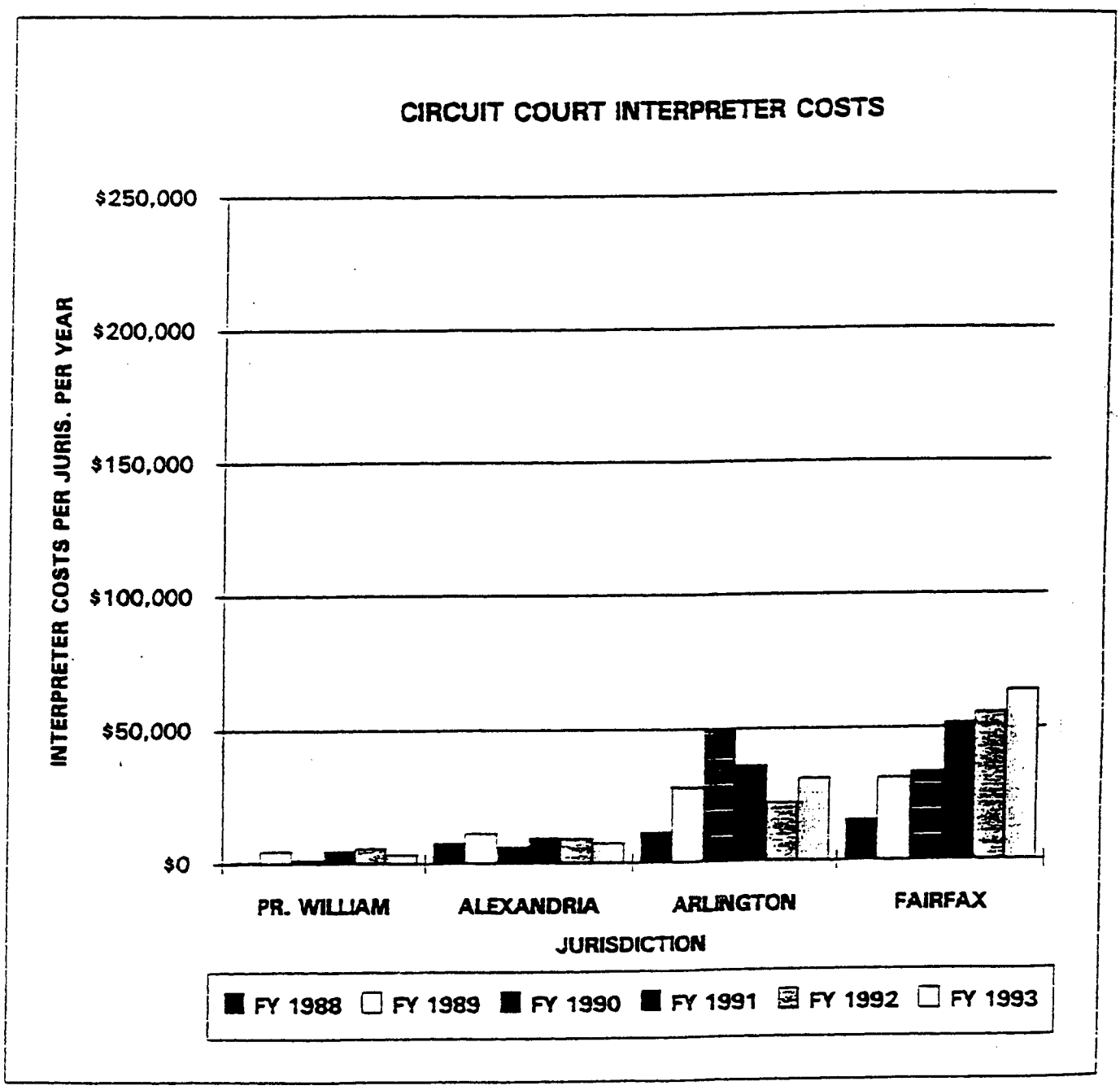


* Data source: Supreme Court of Virginia

*INTERPRETER COSTS IN NORTHERN VIRGINIA COURTS **

CIRCUIT COURT

	FISCAL YEAR					
JURISDICTION	**FY 1988**	**FY 1989**	**FY 1990**	**FY 1991**	**FY 1992**	**FY 1993**
PR. WILLIAM	$464	$4,528	$1,410	$4,778	$5,730	$3,312
ALEXANDRIA	$7,723	$11,288	$6,206	$9,555	$9,220	$7,446
ARLINGTON	$11,504	$28,700	$49,683	$36,032	$22,025	$31,190
FAIRFAX	$15,190	$31,116	$33,353	$51,711	$55,513	$63,911

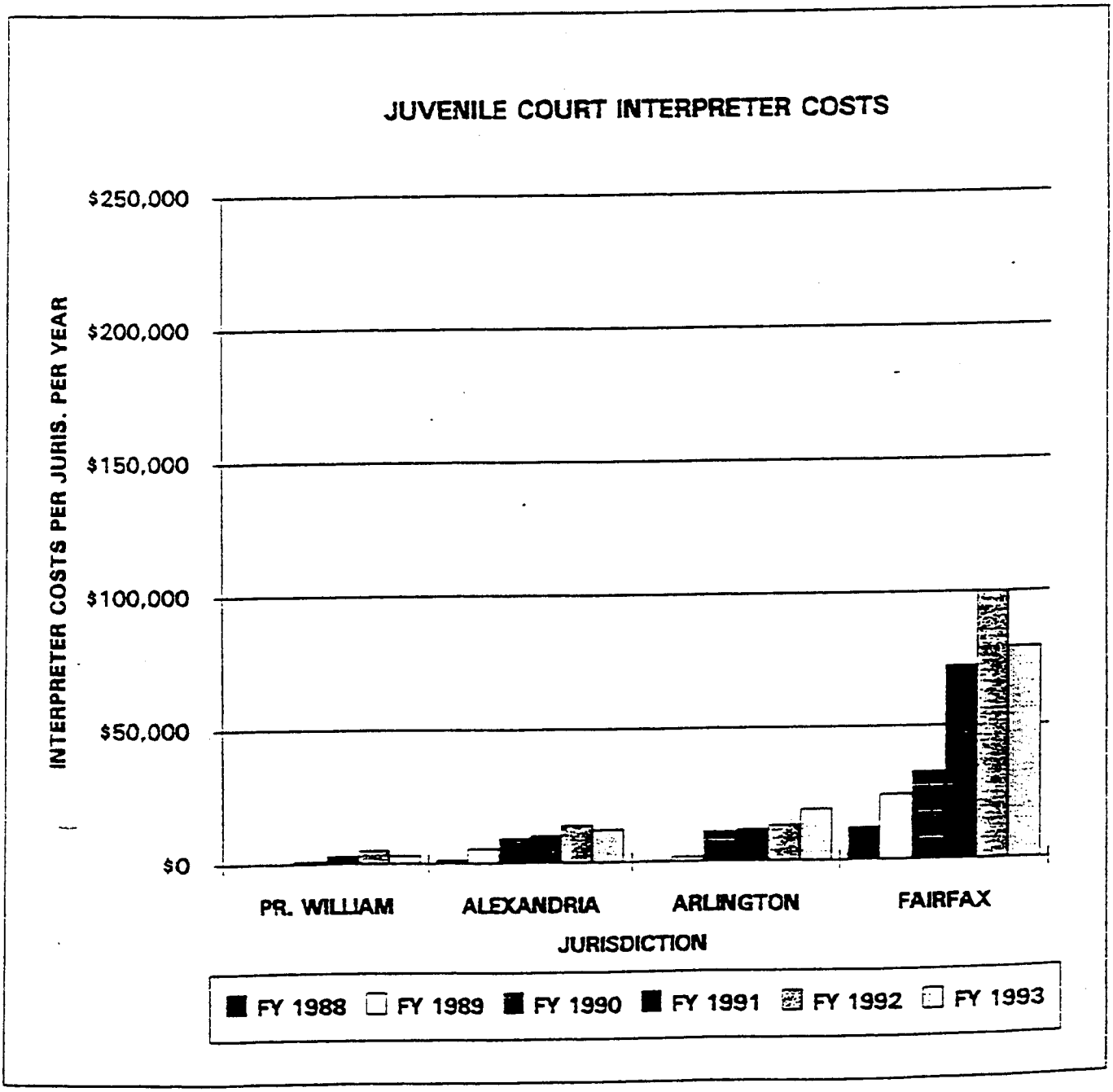


* Data source: Supreme Court of Virginia

*INTERPRETER COSTS IN NORTHERN VIRGINIA COURTS **

JUVENILE COURT

	FISCAL YEAR					
JURISDICTION	FY 1988	FY 1989	FY 1990	FY 1991	FY 1992	FY 1993
PR. WILLIAM			$960	$3,060	$4,990	$3,021
ALEXANDRIA	$1,443	$5,489	$9,541	$10,467	$14,196	$12,276
ARLINGTON	$441	$1,881	$11,397	$12,248	$13,567	$19,448
FAIRFAX	$12,357	$24,454	$32,735	$72,236	$99,954	$79,094

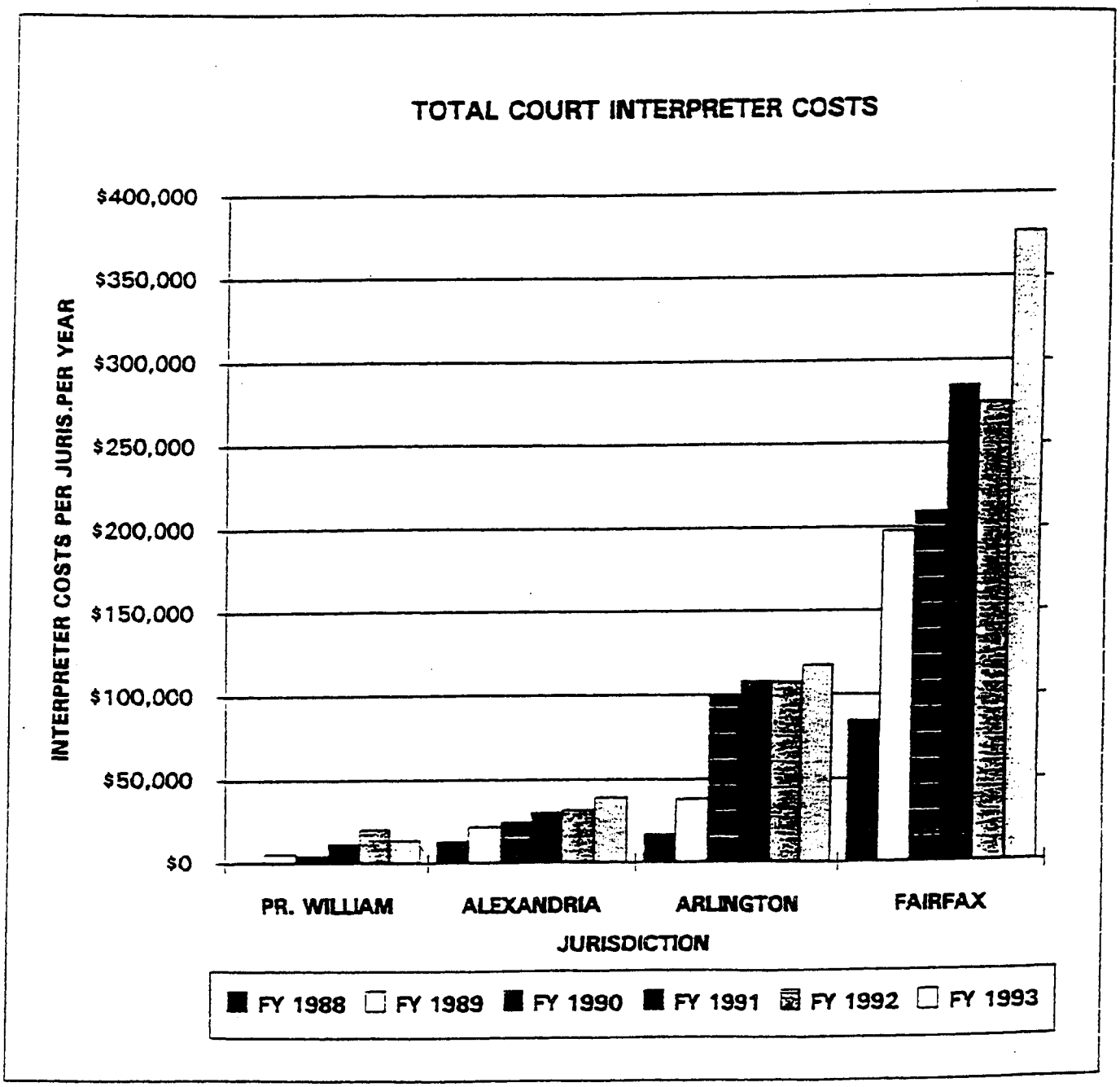


* Data source: Supreme Court of Virginia

*INTERPRETER COSTS IN NORTHERN VIRGINIA COURTS **

ALL COURTS

	FISCAL YEAR					
JURISDICTION	FY 1988	FY 1989	FY 1990	FY 1991	FY 1992	FY 1993
PR. WILLIAM	$564	$5,394	$4,320	$11,638	$20,355	$13,398
ALEXANDRIA	$12,863	$21,450	$24,540	$30,453	$31,671	$38,992
ARLINGTON	$16,925	$37,849	$99,483	$108,063	$107,751	$117,601
FAIRFAX	$84,874	$197,940	$209,434	$284,987	$274,593	$376,451



* Data Source: Supreme Court of Virginia

Appendix H

Licensure Reciprocity for Health Professionals - Report

PROGRESS REPORT

HOUSE JOINT RESOLUTION NO. 662 (1993 SESSION)
LICENSURE OF HEALTH PROFESSIONS
BY RECIPROCITY AND ENDORSEMENT

TO

JOINT SUBCOMMITTEE STUDYING THE NEEDS
OF FOREIGN BORN INDIVIDUALS IN VIRGINIA

by

Richard D. Morrison, Ph.D.
Deputy Director for Research
Virginia Department of Health Professions

December 17, 1993

Madame Chairman and members of the Subcommittee, I am Dick Morrison, Deputy Director for Research of the Department of Health Professions. I have been asked by the Department Director, Bernard L. Henderson, Jr. and your staff to brief you informally on progress related to House Joint Resolution No,. 662 which was passed by the 1993 Session and sponsored by this Joint Subcommittee.

I am accompanied by Mr. Charles Shasky, a research associate who is working with me on this review. Mr. Shasky is a doctoral student in health administration at VCU/MCV, and he is a licensed pharmacist who holds a masters degree in business administration. As a pharmacist who has been quite mobile, Chuck's assistance in this review has been very helpful since he can speak not only to policy questions related to the interstate or international mobility of licensed health professions, but from the perspective of a practitioner who lives "where the rubber hits the road."

My remarks will be brief. I would like to review what you asked the Department to do, some of the history of consideration of issues related to licensure by reciprocity or endorsement, and a little of what is known from the research literature on these issues, and then to outline a set of current forces which may have a profound impact on how we license health professions in the future. It may well be that you will wish to continue this study until these implications are more fully known.

Scope of the Review HJR 662 asks our Department to study and evaluate the licensure by reciprocity and endorsement processes among the more than 50 health professions and occupations under the agency's purview to determine, among other relevant issues: (1) what rules now apply to reciprocity and endorsement; (2) what would constitute an optimum process; (3) what benefits might accrue from streamlining the process, and; (4) what legal and other organizational impediments exist which could prevent an optimal process. In response, our agency has collected information on licensure and endorsement provisions governing each of the health occupations and professions licensed or certified by boards in the Department. We have also surveyed other states and reviewed the body of literature bearing on this subject. And we have pondered recommendations that might be presented for your consideration and for the submission to the 1994 Session of the General Assembly. Our descriptive report we will be prepared by mid-January and provided to you in timely fashion. In terms of substantive recommendations, however, I would like to recommend that this review be placed into the context of two important new initiatives: the context of national health care reform, and the context of international treaties and agreements bearing on the mobility of health professionals. As you know, the Health Security Act of 1993 is now before the Congress, and the North American Free Trade Agreement has now been ratified by Congress and will begin to be implemented in 1994.

History of the Issues. In the 1960s and 1970s a national literature on professional regulation developed that was sharply critical of the restrictive effects of state licensure laws. A focal concern of this literature was the contribution made by barriers to interstate mobility of licensed professionals to increased costs of goods and services and to decreased access to these services. The literature also documented that the effects of these restrictions on the quality of services actually delivered was questionable. That is, the benefits did not seem to outweigh the costs. What these studies showed then remains valid today.

In medicine, licensure barriers to interstate mobility did not appear to negatively affect U.S. trained physicians. In nursing -- the largest health profession -- conclusions were contradictory. Some reviews found no substantial difficulty to interstate mobility for registered nurses, others found that other segments of the nursing profession -- nurse practitioners, nurse midwives, and licensed practical nurses were more affected by differing requirements for licensure among the states.

The strongest evidence that licensure barriers to interstate mobility drive up costs, reduce access, and do not contribute to increased quality come from studies of dentistry, optometry, and clinical laboratory personnel. Unfortunately, few if any studies been directed to professions other than medicine, dentistry, nursing, optometry, or clinical laboratory workers, and no systematic studies have been conducted to determine the effects of restrictions on **international** mobility of health professionals.

It seems likely that interstate and international mobility will increasingly become sources of concern as health care reform and international treaties become realities.

These findings come from national reviews, but issues of reciprocity and endorsement for health professionals in Virginia have been reviewed in two major studies over the past decade.

In 1982-83, JLARC issued reports that were critical of the barriers to interstate mobility created by licensure requirements within the (then) Department of Commerce and Department of Health Regulatory Boards. JLARC recommendations led directly to the 1984-86 regulatory reform initiatives of Governor Robb. As a result of these initiatives, a further review of statutes and regulations of all boards in our agency showed cause for substantial concern relative to licensure by reciprocity and endorsement. A task force of the Board of Health Professions formed to undertake this review recommended in 1985 that each regulatory board within the agency study its statutes, regulations and procedures governing interstate mobility of health manpower, including assessments of individuals seeking to locate in the Commonwealth, and reciprocal agreements with other states. The recommended study would have involved a detailed assessment of a five-year history for each board related to the numbers of credentials issued or denied under reciprocal agreements. The individual board studies would then be reviewed by the Board of Health Professions which is authorized to coordinate policy

among the health regulatory boards and to advise the Governor and the General Assembly on all matters related to health professional regulation.

This study did not materialize, due largely to the transition in the Executive Branch that led to a new Governor and a change in agency heads in 1986. Nonetheless, the agency and the Board of Health Professions have continued to support removal of unnecessary barriers to interstate and international mobility of competent health professionals.

In 1987-1988, the Code Commission conducted a recodification of Title 54, the section of the Code that pertains to occupational and professional regulation. That exercise resulted in the enactment of uniform authority for all boards in the Departments of Health Professions and Commerce to enter into agreements with other states for the mutual recognition of credentials (i.e. for reciprocity). This authority removed statutory barriers to reciprocity, but left the question of licensure by endorsement to individual boards.

What occurred thereafter was interesting. Two years later, no board had entered a reciprocity agreement with any other state, claiming most often that other states were unwilling to reciprocate with Virginia. Several boards, including pharmacy and dentistry expressed an interest in exploring licensure by endorsement -- i.e. by the unilateral recognition of credentials acquired in other jurisdictions -- but claimed that they were unable to do so because they lacked statutory authority for this process.

The Board of Dentistry actually proposed regulations to govern licensure by reciprocity or endorsement. Our agency rushed to provide the necessary statutory authority, and in emergency legislation enacted in 1990, all boards were provided with this authority. Despite this clear authority, the Board of Dentistry subsequently withdrew its proposed regulations as a result of substantial pressure from organized dentistry. Since that time -- 1990 -- we are aware of other pressures on boards to relax unnecessary restrictions, but we remain concerned that these pressures have not led to substantial change in regulations or policies. Let me provide two examples of opportunity for change that may or may not materialize.

Two years ago, the General Assembly approved legislation, subject to reenactment, to provide for the licensure of nonphysician acupuncturists. This development responded to substantial pressures from the Asian communities in the Commonwealth who sought access to alternative medicine. In the past, only licensed physicians with additional training could perform acupuncture in Virginia despite trends to license or certify nonphysician acupuncturists in other states. The 1992 legislation was reenacted in 1983 and the Board of Medicine was directed to prepare regulations to govern this program with all due speed. Just today, final regulations governing this program have been delivered to the Registrar for publication. The regulations will become effective within the next 60 days unless the Governor or the General Assembly

challenge them. It is a matter of record that the regulations adopted by the Board of Medicine are not viewed positively by those who have pressed for more liberal provisions over the last decade. Among other provisions, the Board will require a passing score on a test of English language ability that is higher than in any other U.S. jurisdiction. Proponents of nonphysician acupuncture claim that this requirement will eliminate a large majority of all nonphysician acupuncturists who seek to practice in the Commonwealth.

A second example comes from the Board of Dentistry. That Board has again proposed regulations to permit licensure of dentists from other states by "endorsement." This is a positive development, but it may well be strongly resisted by organized dentistry in the Commonwealth. This resistance could lead the Board to withdraw this proposal, as it has in the past. In addition, the Board of Dentistry has also proposed in this same package of regulatory initiatives requirements for continuing education of dentists. If these requirements are eventually effected, the Board could declare that only those dentists from states having identical requirements be permitted to be licensed by endorsement in Virginia.

These two examples illustrate the complexity of barriers to interstate or international mobility. While statutes allow licensure by reciprocity or endorsement, very particularistic requirements within regulations promulgated by boards, or within the provisions of agencies delegated by boards to review credentials or to examine candidates may

effectively cancel the provisions enacted by the General Assembly. Licensure requirements, generally, and requirements for licensure by reciprocity or endorsement are very much like an onion. The more one probes into the particulars, the more restrictions are found.

Here are just a few of the dimensions of that complexity:

- what, exactly, is the language of board regulations affecting licensure of professionals from other U.S. jurisdictions by reciprocity or endorsement;

- what, exactly, appears in board regulations affecting the licensure of professionals from other countries;

- what are the examination requirements for practitioners from other U.S. jurisdictions or other countries: tests required, "cut scores," timing of exams, etc.

- what, if any, compacts has the board entered into for evaluation of credentials of professionals from other U.S. jurisdictions or other countries?

- what requirements exist for additional education or supervised experience (internships, residencies, etc.) for professionals from other jurisdications in the U.S. or from other countries, and how do these compare with "standard" requirements?

- what is the board's record with regard to the licensure of practitioners from other jurisdictions in the U.S. or from other countries over the past decade?

While our review to date has faithfully assessed the first of these dimensions -- the actual language of board regulations -- we are acutely aware that the entire onion must be peeled to determine the real extent of regulatory barriers to professional mobility. We would like to have time to do that, and to address the impact of other major forces that may affect our recommendations.

Recent Developments. Two major initiatives in the nation, and a recent development in Virginia would seem to indicate that this Subcommittee may wish to continue this review so that the full implications of these developments can be assessed.

The Health Security Act of 1993 mandates universal access to a menu of health care services. At the same time the federal legislation would cap health care expenses, creating a need both to expand the numbers of health professionals in practice and reducing the restrictions placed by health professional licensure. The Act, if enacted, will continue the states' role in assuring quality of practice through professional licensure, but it will also insist that all licensure requirements be demonstrably related to practice competence. In theory, this relationships exists, but in practice, we are award that many restrictions bear little relationship to minimum standards for safe, effective health care. Should states fail to demonstrate that licensure requirements are competency-based, the Health Security Act provides that the federal government may preempt state licensure systems.

A second initiative relates to NAFTA and other international trade agreements. As you know, in the European Community, professionals may freely move across the boundaries of nation states. While NAFTA provisions related to international professional mobility are not as liberal as those in the EC, NAFTA will require that no restriction be placed on professionals from Canada or Mexico that are not also place on nationals from any other "most favored nation." This may have significant implications for language requirements. In addition, NAFTA will also require that all restrictions be demonstrably related to practice competency.

Finally, in Virginia, the Joint Commission on Health Care has recently formed a special subcommittee charged with examination of all issues related to health manpower. The Health Care Workforce Subcommittee, chaired by Senator Schewel, will spend the next year examining barriers to cost-effective health care services that are created by educational, licensure, and utilization restrictions. The Subcommittee is working with a coalition of providers, payers and consumer representatives to identify and remove these barriers. The coalition is funded by the Pew Health Professions Commission. It has prepared an agenda for work throughout 1994, including examination of barriers created by limitations on interstate and international mobility of health professions. The coalition has termed this effort "Virginia Health Care Workforce 2000."

In light of the complexity of regulatory provisions affecting professional mobility, and in deference to the studies underway within the Joint Commission and the "Workforce 2000" project, we would respectfully ask that the study this Subcommittee began as a result of HJR 662 be continued, and that the Joint Commission and the "Workforce 2000" project be requested to oversee the continuing review and to prepare explicit recommendations for consideration by the 1995 General Assembly, by the Board of Health Professions within the Department of Health Professions, and by the twelve health regulatory boards within that agency.

To this end, we will be pleased to work with your staff in developing a draft Resolution to effect these activities. It is my personal belief that the questions you have raised can only be answered by more careful review and evaluation than we have had available for this study to date.

Madame Chairman, this concludes my remarks. I will be pleased to answer any questions you may have.

DRAFT ELEMENTS FOR A RESOLUTION

WHEREAS the Joint Subcommittee on the Needs of Foreign Born Virginians has for the past two years reviewed issues related to interstate and international mobility of occupations and professions including health occupations and professions, and

WHEREAS the Joint Subcommittee requested the Department of Health Professions to conduct an assessment of licensure and other regulatory barriers to interstate and international mobility of health professionals during 1993, and

WHEREAS the Department has provided the Joint Subcommittee with a descriptive report that details intricate and complex dimensions of regulatory barriers to mobility and identifies major new developments that may affect these barriers in the future, and

WHEREAS these new developments include the Health Security Act of 1993 now before the U.S. Congress and the North American Free Trade Agreement (NAFTA) and other international treaties, and

WHEREAS these developments may impact the supply and demand for health practitioners as well as the cost and accessibility of health services, and

WHEREAS the Joint Commission on Health Care has recently formed a Health Care Workforce Subcommittee charged to review these and other health manpower issues, and

WHEREAS the Pew Health Professions Commission has funded a review of regulatory barriers to cost effective health care services, entitled "Virginia Health Care Workforce 2000" which includes representation by the Joint Commission, the Secretary of Education, the Secretary of Health and Human Resorces, the Department and Board of Health Professions, major provider groups, and others, now thererfore be it

RESOLVED that the Joint Commission on Health Care, the Board of Health Professions, and the parties to the "Health Care Workforce 2000" project be requested to continue the study of regulatory barriers to interstate and international mobility of health professionals and to recommend changes in statute, regulation, and policy necessary to ensure an adequate supply of competent, safe, and effective health care providers in the Commonwealth to the Governor and the 1995 Session of the General Assembly.