



SOUTHEAST ASIAN MUTUAL ASSISTANCE ASSOCIATION COALITION, INC.

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SAMMEN
Executive Director

August 30, 2002

By Fax: (717) 783-2664

Independent Regulatory Review Commission
333 Market Street
Harrisburg, PA 17101

Attention: Jim Smith

Dear Commissioners:

I am writing concerning the DPW Extended TANF regulations. I am the Community Development Coordinator at the Southeast Asian Mutual Assistance Association Coalition (SEAMAAC). SEAMAAC is both a coalition and a direct service provider, and we also play a facilitative role in much of the coordinated work undertaken by the Language Communities Coalition of Philadelphia (RCCP). RCCP is a coalition comprised of eight refugee service agencies: the Cambodian Association of Greater Philadelphia, the Greater Philadelphia Overseas Chinese Association, the Hmong United Association of Philadelphia, the Hmong Community Association of Greater Philadelphia, the Laotian Family Community Association of Greater Philadelphia, the New World Association of Emigrants from Eastern Europe, the Vietnamese United National Association of Greater Philadelphia, and the Southeast Asian Mutual Assistance Association Coalition.

RCCP agencies provide a wide range of critical services to refugee and immigrant populations in the Greater Philadelphia area, and work with Philadelphia's most vulnerable immigrants, particularly those confronted by language barriers. In fact, RCCP agencies are often viewed as social service resources for any immigrant who speaks a language other than English or Spanish. In recent years RCCP agencies have served an increasing number of refugees from places like Sri Lanka, Eritrea, Indonesia, Haiti and Liberia. RCCP agencies serve populations with substantial numbers of persons. Philadelphia is home to approximately 45,000 Russians, 30,000 Vietnamese, 25,000 ethnic Chinese, 20,000 Cambodians, 12,000 Laotians, 5,000 Ethiopians and 500 Hmong families. Many if not most of these immigrants are still in the process of mastering the English language and are therefore still limited in their English proficiency.

Since RCCP services are targeted at especially vulnerable individuals and families, many of the refugees and immigrants served by RCCP agencies are eligible for government-administered cash assistance, medical assistance, and/or food stamps. Staff members at RCCP agencies have extensive experience with the problems faced by persons on welfare or in need of welfare benefits. We are frequently called upon accompany refugees and immigrants to appointments at



A United Way Agency

Cambodian-American Senior Association, Inc. • Greater Philadelphia Overseas Chinese Association, Inc.
Hmong United Association of Pennsylvania, Inc. • Laotian Family Community Association of Greater Philadelphia, Inc.
Vietnamese United National Association of Greater Philadelphia, Inc.

the welfare office. We are therefore very familiar with the problems experienced by low-income refugee and immigrant families as they seek help from DPW.

Because of the extent and serious nature of the difficulties encountered by people with limited English proficiency in trying to access help from DPW, ROCP filed a civil rights complaint with the Office of Civil Rights of the United States Department of Health and Human Services, in January, 2001, detailing DPW's violations of Title VI of the Civil Rights Act, and particularly focusing on DPW's failure to administer welfare-to-work services in a non-discriminatory manner. The complaint was filed because DPW had failed to remedy the numerous and complex language access violations which exist in the DPW County Assistance Offices and welfare-to-work programs, despite numerous requests by advocates and individuals with limited English proficiency for corrective action.

DHHS is currently in the process of investigating our complaint about its failure to properly serve people with limited English proficiency in the welfare-to-work context. It has already found "major deficiencies in the provision of language assistance services in the TANF program"¹ in the DPW County Assistance Offices, in Findings it issued in March, 2002, after investigating the Philadelphia, Lehigh, Lancaster and Northampton County Assistance Offices.

I am writing to you today to express my concern about two aspects in particular of the Extended TANF regulations.

First, it is extremely important that DPW staff be responsible for obtaining medical records for people with limited English proficiency. In addition to all the difficulties that other clients will have in trying to get their own medical records, the language and cultural barriers for people with limited English proficiency will make it extremely difficult, if not impossible, for them to succeed in gathering their own medical records. Furthermore, a policy that says DPW staff will provide assistance "when necessary," rather than as a matter of routine, will harm people with limited English proficiency. We have extensive experience with the failure of DPW staff to assist refugees and immigrants in getting verification of various types, and we know that our clients are unable to get the help they need unless it is built into the regular, normal, day-to-day routine system at DPW.

Secondly, it is critical that individuals with limited English proficiency get appropriate services and placements in the MPP and WPP programs. We are particularly concerned about access to welfare-to-work services, because they are essential so that families will be able to overcome barriers to employment. At almost every stage in the welfare to work process, DPW has failed to make critical information and services available or accessible to limited English proficiency participants. DPW offers an unequal and inferior program for limited English proficiency participants, severely frustrating their efforts to receive assistance and find and keep substantial employment. In a program in which participants must succeed in order to avoid falling further into poverty, DPW is setting up for failure limited English proficient participants who already face added barriers to employment. As a result, participants with limited English proficiency are exhausting their time limited Extended TANF benefits without gaining the skills they need to find and keep a job. It is therefore critically

¹ US Department of Health and Human Services Office for Civil Rights, Statement of Findings, March 2002.

important that the Extended TANF program effectively address the needs of people with limited English proficiency.

We therefore urge that the Extended TANF regulations be clarified to provide that persons with limited English proficiency be allowed to participate in classes as a Second Language classes and vocational education as their principal activity under WPP. This is needed because these services have not been available to them, and they have not had the same opportunities to participate in meaningful educational vocational training programs offered to English speakers, as required by Title VI and fundamental fairness. We also urge that the regulations be clarified to acknowledge that severe language limitations are a functional limitation which may be a basis for referral to MPP.

In making these requests, we recognize that DPW has begun efforts to improve its services to limited English proficient persons. However there are still numerous problems which have not been effectively addressed, and which need to be resolved. See, for example, the survey conducted by Community Legal Services of welfare-to-work programs attached to their letter of 8/23/02, which shows that many of the providers listed in DPW's Employment and Training Provider Guide do not actually provide the services listed in the Guide. The Extended TANF regulations should be revised in order to meet DPW's obligations to serve people with limited English proficiencies, rather than perpetuating or exacerbating the difficulties refugees and immigrants have faced in accessing services from DPW.

Thank you for giving this your consideration.

Sincerely,



Leah Lorelei Lim
Community Development Coordinator

Cc : Secretary Houstoun, DPW (fax: 717-787-1229)
Jack Kane, DPW (fax: 717-772-0717)

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FAX COVER SHEET

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FROM: Leah Lim

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Number of pages including cover sheet: 4

Message: