Losing Ground on Language Access for Asian American, Native Hawaiian, and Pacific Islander Communities

Compiled by members of the NCAPA Language Access Working Group

Facts to Know: LEP Needs of Asian Americans, Native Hawaiians, and Pacific Islanders

- Nationally, an estimated 25 million Americans are limited English proficient.[1]
- About 32% of Asian Americans are considered to have limited English proficiency (LEP).[2]
- The most frequently spoken languages among U.S. residents with limited English proficiency within our AANHPI communities include the following: Chinese, Vietnamese, Korean, Tagalog, Mandarin, Cantonese, Japanese, Bengali, Hindi, Urdu, Gujarati, Punjabi, Nepali, Khmer, Hmong[3] and Fijian, Marshallese, Tongan, and Samoan.[4]
- At the state level, 12,000 Asian Americans in California relied on language assistance services to receive life saving information including evacuation orders during the Los Angeles wildfires of 2025.
- In New York City, 23% of Asian voters surveyed shared that they lacked access to language interpreters while 67% stated they received assistance from an interpreter on-site in 2024.[6]
- Thirteen states, including California, New York, and New Jersey, and Washington, D.C. have state-wide language access policies while more than 75 localities also have language access policies.[7]

Executive Order Designating English as the Official Language of the United States of 2025

- On March 1, President Trump issued Executive Order 14224, "*Designating English as the official language of the United States*," while revoking a 25-year-old policy that required federal agencies to ensure that programs and federally funded activities were accessible to individuals with Limited English Proficiency (LEP).
- EO 14224 rescinds EO 13166 related guidance, which has been the foundation for the federal government to develop reasonable steps to provide "meaningful access" for diverse populations with limited English proficiency and directs the Attorney General to issue updated guidance. Following EO 14224, the Dept. of Justice rescinded its 2002 DOJ LEP Guidance.[8]
- Executive orders cannot overturn existing statutes. Such would require Congress to pass a new law. Despite EO 14224 and the rescission of EO 13166, language access remains the law in a number of key areas. These include:
  - Civil rights protections under Title VI of the Civil Rights Act of 1965 which prohibits discrimination on the basis of race, color, and national origin which includes language in programs and activities that receive federal financial assistance.
  - Section 1557 of the Affordable Care Act prohibits discrimination based on race, color, national origin (including language), sex, age, or disability in health programs and activities.
  - Section 203 of the Voting Rights Act which requires certain jurisdictions with substantial language minority populations to provide voting related materials in languages other than English.

    - The Fair Housing Act which prohibits discrimination based on national origin, and includes ethnicity, birthplace, or language, in private and federally-assisted housing.
    - Section 616 of the Stafford Act prohibits discrimination based on race, color, religion, nationality, sex, age, English proficiency, or economic status in disaster response or recovery initiatives.
- Continuing obligations remain for all federally funded recipients under Title VI to ensure nondiscrimination.
- While a number of LEP plans have remained available on federal websites including those provided by HHS, there are others that have been taken down. See the current list of available LEP plans by federal agency.

History and Overview of Executive Order 13166 of 2000

- On August 11, 2000, President Bill Clinton signed Executive Order 13166, "*Improving Access to Services for Persons with Limited English Proficiency*," which requires federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency, and develop and implement a system to provide those services so LEP persons can have meaningful access to them.
- The Interagency Working Group on Limited English Proficiency is housed under the Federal Coordination and Compliance Section ("FCS") in the Civil Rights Division of the Department of Justice ("DOJ").
- In 2002, the DOJ issued a Policy Guidance Document, "Enforcement of Title VI of the Civil Rights Act of 1964 - National Origin Discrimination Against Persons With Limited English Proficiency" that outlined compliance standards required from recipients of federal financial assistance to ensure that their programs and activities normally provided in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of Title VI of the Civil Rights Act's prohibition against national origin discrimination.
- In November of 2022, the Attorney General issued a memorandum, "*Strengthening the Federal Government's Commitment to Language Access*". There has not been another policy guidance document provided by the DOJ since 2002, which is needed.

Language Access Protections Still Remain

- Members of the community should continue to seek language access assistance as it is their right. Federal laws still exist that require compliance from direct service providers. Civil rights protections such as Title VI of the Civil Rights Act of 1965, Section 1557 of the Affordable Care Act, Section 203 of the Voting Rights Act, The Fair Housing Act, Section 616 of the Stafford Act, and other regulations ensure that civil rights protections for language assistance remain and must continue.

References

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