



Testimony of

Jacob Hofstetter

Policy Analyst, National Center on Immigrant Integration Policy

Migration Policy Institute

Language Access for Individuals with Limited English Proficiency

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Chair Garza, Vice Chair Nourse, and Members of the Commission,

Good morning and thank you for inviting me to testify today. My name is Jacob Hofstetter, and I am a Policy Analyst with the Migration Policy Institute's (MPI's) National Center on Immigrant Integration Policy. MPI is an independent, non-partisan think tank headquartered in Washington, D.C. that seeks to improve immigration and integration policies through authoritative research and analysis, opportunities for learning and dialogue, and the development of new ideas to address complex policy questions. I appreciate having the opportunity to testify today on the topic "Language Access for Individuals with Limited English Proficiency."

More than 26 million individuals in the United States have limited proficiency in English.¹ Language barriers can negatively impact this population's ability to access important public information as well as government services for which they are eligible. Such barriers may also hinder these individuals' economic mobility, wellbeing, and safety by disrupting their ability to access government programs such as healthcare, emergency services and education for themselves or their children. Language barriers can also disrupt government agencies' and other service providers' efforts to conduct outreach and provide information to linguistically diverse communities. These constraints limit the effectiveness and impact of government programs by hindering their ability to provide services and information to all eligible individuals and communities. As the COVID-19 pandemic and other emergencies have amply demonstrated, limited capacity to deliver important communications in languages other than English can also have serious consequences related to public health and safety.

As the Members of this Commission are well aware, providing language access also carries important civil rights implications. Without effective language access measures, an individual may be denied access to a government program for which they are otherwise eligible solely due to their level of proficiency in English. Providing language access to limited English proficient (LEP) individuals has been a requirement under federal civil rights law and regulations for decades.² Federal, state, and local efforts to better support language access in government programs have also expanded in the past 25 years with particularly notable growth at the state and local levels in the last five years. Yet despite long-standing civil rights requirements and the growth of such efforts across levels of government, language access remains a work-in-progress, one that is challenging to fully assess due to the limited availability of relevant data and metrics as well as the vast reach of government programs across the country.

My testimony addresses several key topics. First, I will describe the size and distribution of the LEP population in the United States, drawing from various MPI data analyses. Second, I will discuss the current framework that aims to guide the provision of language access in federal programs as well as gaps and challenges facing these efforts, including the recent revocation of *Executive Order 13166* by the Trump administration. I will then turn to state and local language access laws and policies, describing the nature, key features, and impact of these efforts before concluding with some comments on the future of language access in government programs.

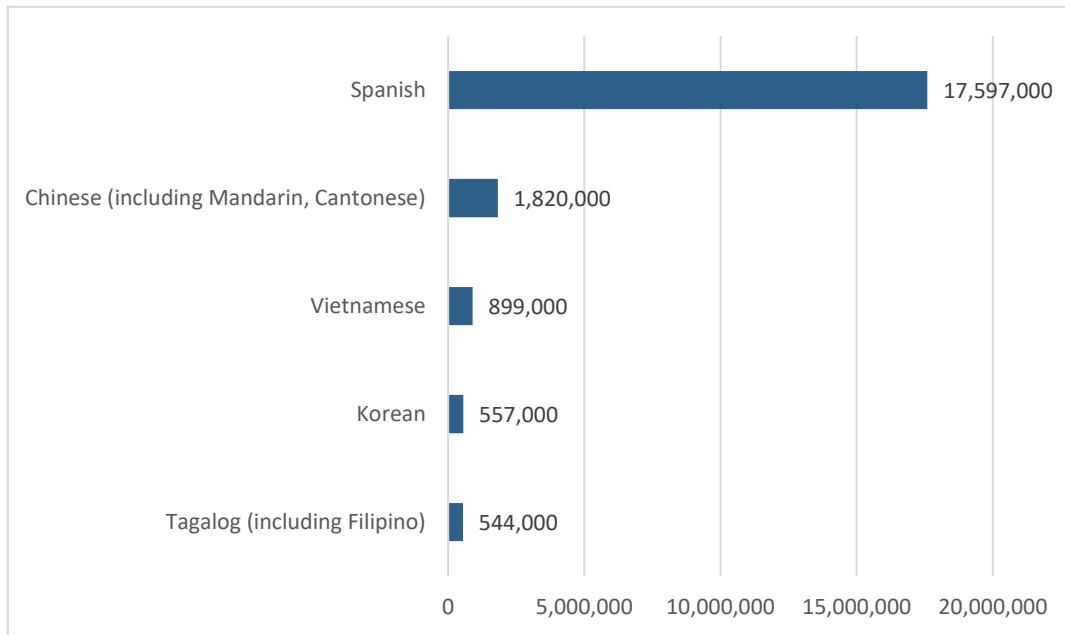
¹ Migration Policy Institute, "[United States: Language and Education](#)," accessed February 25, 2025.

² English proficiency is self-reported on Census and American Community Survey forms, with those who report classified speaking English "well," "not well," and "not at all" being classified as Limited English Proficient (LEP).

I. The Limited English Proficient Population in the United States

MPI analysis of Census and American Community Survey data indicate that there were 26.5 million LEP individuals in the U.S. as of 2022, comprising 8.4 percent of the country’s population.³ This total reflects notable growth since 1990 when there were 13.9 million LEP individuals.⁴ The LEP population exhibits significant linguistic diversity. The top 5 languages by number of LEP speakers in the country were Spanish along with four Asian languages (see Figure 1).⁵ Speakers of these five languages comprised over 75 percent of all LEP individuals in the U.S. The remaining share of the country’s LEP population speaks dozens of other languages from the Americas, Europe, Asia, Africa, and Oceania.⁶

Figure 1. Top Five Languages Spoken by LEP Individuals (ages 5 and older) in the United States, 2023



Notes: English proficiency is self-reported in the American Community Survey (ACS). Limited English proficient (LEP) individuals are those who report speaking English less than “very well” but represent a range of proficiency levels—“well,” “not well,” and “not at all.” Languages are grouped in this figure according to ACS categories. The number of LEP speakers for each language has been rounded to the nearest thousand.

Source: Migration Policy Institute tabulation of 2023 ACS data.

LEP individuals reside in all 50 states, but several states had notably larger LEP populations. The six states with the largest LEP populations as of 2022 were California, Florida, Illinois, New Jersey, New York, and Texas. These states accounted for just under two-thirds (65 percent) of the country’s LEP population.⁷ Yet

³ Migration Policy Institute tabulation of data from the 2022 American Community Survey. For more detail see: Jeanne Batalova, “[Frequently Requested Statistics on Immigrants and Immigration in the United States](#),” *Migration Policy Institute*, March 13, 2024. This data includes all LEP individuals over the age of 5.

⁴ Migration Policy Institute tabulation of data from the U.S. Census Bureau’s 1990 Decennial Census and 2022 American Community Survey.

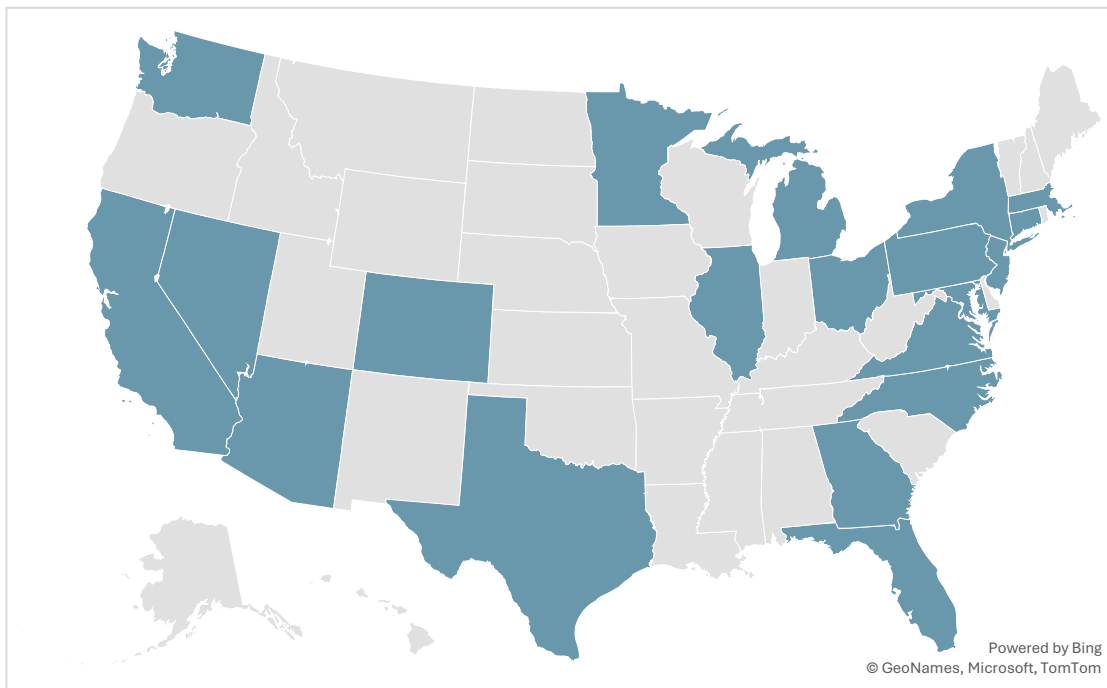
⁵ Migration Policy Institute, “[United States: Language and Education](#),” accessed February 25, 2025.

⁶ For a more complete list of languages spoken by LEP individuals, see Migration Policy Institute, “[United States: Language and Education](#).”

⁷ Migration Policy Institute tabulation of data from the 2022 American Community Survey.

20 states also had LEP populations of over 250,000 individuals (see Figure 2), indicating the extent to which language access has become an increasingly important issue across the entire country. Even Vermont, the smallest state by total LEP population, had 7,000 LEP residents in 2022.⁸ The LEP population is largely made up of those born outside of the United States, with 75 percent of the population being foreign-born; however, the LEP population also includes 9.2 million naturalized citizens and over 5.3 million U.S.-born citizens.⁹

Figure 2. U.S. States with LEP populations over 250,000 individuals, 2022



Source: Migration Policy Institute (MPI) tabulation of 2022 ACS data.

While these data are useful in understanding the size and distribution of the country’s LEP population, several additional factors add important context to their consideration. First, limited proficiency in English is a classification based on self-reported proficiency in English, meaning that these Census data likely do not precisely capture the number of individuals who would require (or not require) language assistance to access government services or public information. In addition, the impact of the level of an individual’s proficiency in English may also depend on the specific context of the service or information being provided. For example, though an individual may have a high enough level of proficiency in English to communicate with frontline staff of a government program, this does not necessarily mean they would be able to sufficiently understand or navigate complex settings such as a court hearing.

In addressing English proficiency, it is important to note that individuals can and frequently do learn English, whether via their jobs, regular contact with English-speakers in their communities, or participation in formal classes intended to promote English acquisition. Many individuals, however, whether due to factors like limited formal education in their own languages or advanced age, may face severe barriers in becoming proficient in English. Federally assisted adult educational programs that

⁸ Migration Policy Institute tabulation of data from the 2022 American Community Survey.

⁹ Migration Policy Institute, “[United States: Language and Education](#),” accessed February 25, 2025.

support local providers in delivering English acquisition courses are also seriously underfunded and face capacity constraints, with a recent MPI analysis estimating that they meet less than 3 percent of the need for English instruction nationwide.¹⁰

II. Language Access in Federal Agencies and Programs

Federal civil rights law and regulations, including Title VI of the *Civil Rights Act of 1964*, require that all recipients and subrecipients of federal funding ensure that individuals are not denied access to their programs due to limited proficiency in English. Previously *Executive Order 13166* required federal agencies themselves take steps to provide language access; however, the Trump administration rescinded this policy on March 1, 2025, with its Executive Order *Designating English as the Official Language of the United States*.¹¹ This shift has removed a key plank from the policy framework that sought to ensure access to federal programs for LEP individuals, and it will likely have a significant impact on language access in such programs, most notably those delivered to the public directly by federal agencies.

Prior to the revocation of *Executive Order 13166*, language access requirements previously covered two categories of federal programs: those that were federally conducted and those that are federally supported.¹² Federally conducted programs are those delivered by federal agencies directly to the public. Examples include Social Security, immigration processing and enforcement, and public health activities conducted by the Centers for Disease Control. In these types of programs, federal agencies themselves integrate language assistance (whether via translated written or web materials, multilingual staff, or interpreters) into their services and communications delivered to the public. *Executive Order 13166* previously required that federal agencies provide language access in these types of programs and that agencies develop language access plans to support such efforts.¹³ Dozens of federal agencies developed language access plans in response to *Executive Order 13166* and subsequent memos from the Attorney General in 2010 and 2022. In its revocation of *Executive Order 13166*, however, the Trump administration removed both of these requirements while clarifying that agencies may continue to provide multilingual “documents, products, or other services” at the discretion of agency leaders.¹⁴

Federally supported programs are those funded or supported by the federal government but delivered directly to the public by other entities like state and local government agencies, non-profit organizations, and for-profit companies. Due to Title VI and, in some cases, other federal regulations, these entities as well as any organization they pass federal funding to must ensure that individuals are not denied access their services solely due to their level of English proficiency.¹⁵ Because of the reach of Title VI and federal funding, this includes a vast array of state and local entities throughout the country stretching across a

¹⁰ Jacob Hofstetter and Margie McHugh, [Leveraging Data to Ensure Equitable and Effective Adult Skills Programming for Immigrants](#) (Washington, DC: Migration Policy Institute, 2023), 15.

¹¹ The White House, ["Designating English as the Official Language of The United States"](#) (executive order, March 1, 2025).

¹² Jacob Hofstetter and Margie McHugh, [Expanding Language Access in Federally Supported Programs: Practical Solutions for Persistent Problems](#) (Washington, DC: MPI, 2024).

¹³ The President, ["Executive Order 13166 of August 11, 2000: Improving Access to Services for Persons with Limited English Proficiency,"](#) Federal Register 65, no. 159 (August 16, 2000).

¹⁴ The White House, ["Designating English as the Official Language of The United States."](#)

¹⁵ Hofstetter and McHugh, [Expanding Language Access in Federally Supported Programs: Practical Solutions for Persistent Problems](#), 5-7.

variety of sectors such as healthcare, education, human services, law enforcement, and emergency services. For these types of programs, federal agencies provide oversight, guidance, and accountability measures that aim to ensure that recipients and subrecipients provide language access. Other federal programs carry additional requirements related to language access for recipients. For example, Section 1557 the *Affordable Care Act* and its regulations require “covered entities” of the law to take additional measures and follow more defined standards to provide LEP individuals access to their services.¹⁶ The recent Executive Order does not eliminate the obligation of federally supported programs to provide language access. However, the Executive Order has ordered the Attorney General to rescind long-standing guidance documents issued by the Department of Justice and other federal agencies that provided critical information to federally supported programs on how to achieve compliance with language access requirements. To replace this guidance in light of the revocation of *Executive Order 13166*, the recent Executive Order prompts the Attorney General to “provide updated guidance, consistent with applicable law.”¹⁷

The existing policy framework on language access in federal programs has helped ensure that federal agencies took steps to provide language assistance, developed language access plans, and issued guidance for their recipients and subrecipients on how to comply with civil rights requirements related to LEP individuals.¹⁸ Although difficult to quantify, the past 25 years have also seen an increase in the level of coordination by federal agencies to address language access as well as greater efforts by federal agencies themselves to provide program access and communications to LEP individuals. With the revoking of *Executive Order 13166*, it remains to be seen the extent to which federal agencies may continue to provide language access in their own programs. The elimination of the existing requirements and increased leeway for agency leadership to determine the extent of the provision of language assistance provision could mean a reduction in the extent and consistency of efforts to provide access to LEP individuals.

Partly in response to existing obligations under Title VI as well as guidance from federal agencies, many state and local government agencies have also developed their own language access plans and/or expanded their efforts to serve LEP individuals and communities. For example, recent MPI research in assessing language access measures in Colorado state agencies found that all the examined agencies were taking steps to provide access to their programs and services for LEP individuals, at least in part due to federal civil rights requirements.¹⁹ At the same time, efforts by the federal government to ensure language access in federally supported programs have faced challenges. Barriers to the success of these efforts explored in MPI research include limited specialized technical assistance and accountability

¹⁶ Ben D’Avanzo and Gabrielle Lessard, “[New Policies Strengthen Language Access Protections in Health](#),” National Immigration Law Clinic, April 30, 2024.

¹⁷ The White House, “[Designating English as the Official Language of The United States](#).”

¹⁸ For an example of the guidance released after Executive Order 13166, see U.S. Department of Justice (DOJ), “[Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons](#),” Federal Register 67, no. 117 (2002). Due to the Trump administration’s recent Executive Order, this guidance has been rescinded and will be updated and then reissued.

¹⁹ Jacob Hofstetter and Margie McHugh, [Language Access in Colorado State Agencies: Existing Efforts and Opportunities for Expansion](#) (Washington, DC: Migration Policy Institute, 2024).

mechanisms for recipients as well as insufficient embedding of language access considerations into the awarding, reporting, and review of federal funding.²⁰

The revocation of *Executive Order 13166* is likely to have less of an immediate impact on state and local programs that receive federal funding since their obligations to provide language access stem from long-standing law and regulations. The rescission of federal agencies' LEP Guidance documents, however, may disrupt efforts by recipients and subrecipients to serve LEP individuals given that these guidance documents provided important models and standards related to providing language assistance as well as planning for language access. New guidance from the Department of Justice may also seek to lessen the requirements for federally funded programs to provide language access, though this remains to be seen.

III. State and Local Language Access Laws and Policies

Many states and localities have developed their own laws, policies, and initiatives that aim to ensure language access in the programs they deliver. These vary both in formality (ranging from legislation to less formal actions such as agency working groups) as well as scope (extending across all the agencies and/or offices of a government versus focusing on a specific sector or agency). These efforts often aim to better comply with federal civil rights requirements, reinforcing federal guidance to agencies and staff while also providing operational directions on how language assistance should be provided. Though federal civil rights requirements play a role in state and local language access efforts, many of these initiatives have also come about as a result of practical concerns that these governments and their agencies face related to language access such as changing demographics, increased demand for language assistance from communities, and larger events like the COVID-19 pandemic that spotlighted the need for government agencies and staff to be able to communicate with a multilingual public.

MPI analysis of state and local language access laws and policies has revealed both a growth in their number and reach across the country as well as set of common features that are shared across many jurisdictions.²¹ Currently, 13 states (California, Delaware, Hawaii, Illinois, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New Mexico, New York, Nevada, and North Carolina) as well as the District of Columbia have language access laws or policies that apply across their agencies. California's *Dymally-Alatorre Bilingual Services Act* was the first such law, passed in 1973, while Illinois, for example, recently passed its law in 2024.²² Over 75 localities also have such laws or policies. Notable examples of long-standing and advanced local policies include New York City's *Local Law 30* as well as San Francisco's *Language Access Ordinance*.²³

²⁰ Hofstetter and McHugh, [Expanding Language Access in Federally Supported Programs: Practical Solutions for Persistent Problems](#), 7-13.

²¹ Jacob Hofstetter, Margie McHugh, and Anna O'Toole, [A Framework for Language Access: Key Features of U.S. State and Local Language Access Laws and Policies](#) (Washington, DC: MPI, 2021). This report analyzes only state and local language access laws and policies that apply across a jurisdiction's agencies, not those that apply to only one sector, program, or agency.

²² State of California, [Dymally-Alatorre Bilingual Services Act](#), California Statutes of 1973, Chapter 1182 (1973); State of Illinois, [Language Equity and Access Act](#), Illinois Combined Statutes (2024).

²³ City of New York, [A Local Law to Amend the New York City Charter and the Administrative Code of the City of New York, in Relation to Improving Access to City Services for Limited English Proficient Individuals](#), *Local Laws of the City of New York for the Year of 2017*, No. 30 (2017); City of San Francisco, [Language Access Ordinance](#), Chapter 91, Administrative Code of the City of San Francisco (2024).

These state and local language access laws and policies generally share features related to both the provision of language assistance by agencies and government staff as well as the administration of the policies. Often mirroring or expanding on federal guidance, they generally require the use of qualified interpreters or multilingual staff to provide oral language assistance to LEP individuals and the translation of vital written materials into a set number of pre-determined languages. Some also require agencies to provide public notice of language rights, train their staff on how to serve LEP individuals, designate language access coordinators, and develop language access plans or similar documents. In addition to elements such as these that address front-end provision of language access, some laws and policies also often designate offices to provide oversight and guidance for agencies and staff, create accountability mechanisms (such as complaint procedures), and require the tracking of relevant data along with the input of affected communities.²⁴

State and local language access laws and policies have generally been successful in expanding efforts to plan for and coordinate language assistance measures for LEP individuals in the jurisdictions in which they exist. They have prompted numerous state and local agencies to develop language access plans as well as appoint language access coordinators and have brought about greater coordination related to the provision of language access provision across many jurisdictions (depending on the exact requirements of the laws and policies). Though data that tracks and aggregates the scope of such gains is limited, the steps required by these laws and policies have undeniably led to much greater use of language services by government agencies in these jurisdictions as well as improved access to government services for their LEP residents. The growth in the number of state and local language access policies nationally also stands as its own success, indicating greater awareness of and responsiveness to the need to remove barriers that impede access to government information and services for LEP individuals.

Limited resources and agency capacity are among the challenges those implementing state and local language access laws face. Broadly speaking, their implementation requires government staff to integrate quality and timely language assistance into the many public touchpoints (whether they are online, via call centers, or in-person) of government programs. Providing sufficient language assistance, which is often sourced via interpreting and translation contracts with language service vendors, can also require budget resources. Although changes at the federal level will likely have downstream impacts, state and local laws and policies related to language access do not appear to be heavily impacted by the new executive order at the moment.

IV. Conclusion

My remarks thus far have detailed the various structures and policies that seek to support language access at the federal, state, and local levels, but the existence of these important efforts alone does not necessarily mean language access is occurring at every public touchpoint of government programs where it is needed or required. MPI's own research and analysis as well as available evidence suggests that LEP individuals are able to access government services in many cases though the exact frequency, consistency, and quality of such interactions at a nationwide scale is difficult to quantify.

Looking across the country, it is clear that significant progress on language access has been made in the past 25 years, particularly since the issuance of *Executive Order 13166* and LEP guidance documents by

²⁴ For more details on these various features, see: Hofstetter, McHugh, and O'Toole, [A Framework for Language Access: Key Features of U.S. State and Local Language Access Laws and Policies](#).

the Department of Justice and other federal agencies. The exact impact of the revocation of this policy and guidance is yet to unfold, but it could very well lead to less intensive efforts by federal agencies to serve LEP individuals and/or lessen some federal agencies' efforts to ensure recipients of their funding provide language access to federally supported programs. Nevertheless, state and local efforts do not appear to be directly implicated by the Trump administration's recent Executive Order, and future policies at the federal level may reestablish *Executive Order 13166's* requirements and related guidance.

In addition to the expansion of federal, state, and local efforts and policies over the past two decades, technology has also played a significant role in improving language access across government services. Most notably, advances in remote interpreting have meant that government staff anywhere in the country can have relatively quick access to an interpreter for most languages, arrangements that were not as widely available even five to ten years ago. Other technological advances may contribute to similar gains in capacities to provide language assistance in the future. Coupled with ongoing growth in language access policies, initiatives, networks, expertise, and models, coming decades hold the promise for expanded abilities at all levels of government to serve LEP individuals, despite current uncertainties around language access efforts at the federal level.

Thank you to the Commission for the opportunity to testify before you and for your attention to this important issue. I would be pleased to answer any questions you may have.