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EXECUTIVE SUMMARY OF VLAC

The Virginia Latino Advisory Commission's first task was to identify and prioritize the most pressing issues confronting the Latino population in the Commonwealth of Virginia. The VLAC continued its work through 2005 by working with the recommendations presented to the Governor on September 30, 2004. We have included final reports and recommendations from the six committees, including **Business, Education, Health, Identification, Language Access, Law Enforcement, and Implementation of HB1798 & SB1143** for the 2004-2005 year. The VLAC is also proud to have launched its web portal with information regarding meetings and forums across the Commonwealth at www.vlac.virginia.gov

We are pleased that the Virginia Latino Advisory Commission has been signed into law and became a permanent board on **October 15, 2005**. The VLAC will continue to meet its objectives to best inform the Governor on issues that are pertinent to the Latino community, as well as informing the Latino community of the various services and resources available to them.

I. INTRODUCTION

The Virginia Latino Advisory Commission (VLAC) was created by executive order of Governor Mark Warner on October 7, 2003, to provide information about the Latino community in the Commonwealth of Virginia. The VLAC was signed into law by Governor Mark R. Warner on March 2005 that did not take effect until October 15, 2005.

Latinos are among the fastest growing ethnic groups in Virginia and the nation as a whole. The diversity within the Latino community is vast. Latinos are native-born U.S. citizens, and foreign-born residents. The Commonwealth includes Latinos from all parts of the United States and the world. The community is relatively young with unique needs and skills. In recognition of the growth in the Commonwealth, Governor Warner established the Virginia Latino Advisory Commission.

II. VIRGINIA LATINO ADVISORY COMMISSION (VLAC)

A. Authorizing Executive Order

NUMBER FIFTY-SEVEN (03)

ESTABLISHING THE GOVERNOR'S VIRGINIA-LATINO ADVISORY COMMISSION

By virtue of the authority vested in me by Section 2.2-134 of the Code of Virginia, I hereby establish the Governor's Virginia-Latino Advisory Commission (hereinafter referred to as "the Commission").

The Commission is classified as a gubernatorial advisory commission in accordance with Sections 2.2-134, 2.2-135, and 2.2-2100 of the Code of Virginia. The purpose of this Commission shall be to:

1. Advise the Governor regarding the development of economic, professional, cultural, educational, and governmental links between the Commonwealth of Virginia, the Latino community in Virginia, and Latin America.
2. Undertake studies, symposiums, research, and factual reports to gather information to formulate and present recommendations to the Governor relative to issues of concern and importance to the Latino community in the Commonwealth.
3. Advise the Governor as needed regarding any statutory, regulatory, or other issues of importance to the Latino community in the Commonwealth.

The Commission shall consist of 21 members to be appointed by the Governor and serving at his pleasure. The 21 members of the Commission shall represent business, education, the arts, and government. At least 15 of the 21 members shall be of Latino descent. The Secretaries of Commerce and Trade, Commonwealth, Health and Human Resources, Transportation, and Education, or their designees, shall serve as ex officio members of the Commission. The Governor shall designate the Chairman and Vice-Chairman of the Commission.

The Commission shall submit an interim report to the Governor by December 15, 2003, and a final report by September 1, 2004. The reports shall detail the activities of the Commission and make such recommendations to the Governor, as the Commission deems appropriate.

The Governor may appoint additional members to the Commission at his discretion. Members of the Commission shall serve without compensation. They may receive reimbursement for expenses incurred in the discharge of their official duties upon approval by the Governor's Chief of Staff or his designee.

Such staff support as is necessary for the conduct of the Commission's work during the term of its existence shall be furnished by the Office of the Governor and such other executive agencies as the Governor may designate. An estimated 500 hours of staff time will be required to support the Commission. An estimated \$10,000 is required to support the work of the Commission. Such funding as is necessary for the term of the Commission's existence shall be provided from sources, including both private and appropriated funds, contributed or appropriated for purposes related to the work of the Commission, as authorized by Section 2.2-135(B) of the Code of Virginia. The Commission shall be able to apply for, accept, and expend gifts, grants, or donations from public, quasi-public, or private sources to enable it to better carry out its purposes for the Commonwealth of Virginia and its community.

This Executive Order shall be effective October 7, 2003 and shall remain in full force and effect until October 6, 2004, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 7th day of October 2003.

Mark R. Warner, Governor

B. Commissioners and Ex Officio Members

Mr. Walter Tejada
Chairperson
Arlington County
Board of Supervisors
Arlington, VA

Ms. Beatriz Amberman
Vice Chairperson
Hispanic Community Dialogue
Virginia Beach, VA

Ms. Lou Arnatt, Ex Officio
Governor's Office
Richmond, VA

Ms. Fabiana Y. Borkowsky
Blue Ridge Hospice
Winchester, VA

Mr. Ricardo Cabellos
Vienna, VA

Ms. Dannah Card
Beans and Rice, Inc.
Pulaski, VA

Mr. Pablo Julian Davis
South Atlantic
Humanities Center
Virginia. Foundation
for the Humanities
Charlottesville, VA

Ms. Claudia Flores De Franko
Hollins University
Roanoke, VA

Ms. Veronica Donahue
Nelson Migrant Education
Program
Amherst, VA

Ms. Cecelia M. Espenoza
United States DOJ
Executive Office for
Immigration Review
Arlington, VA

Mr. Jorge E. Figueredo
Executive Director
Hispanic Committee of Virginia
Springfield, VA

Ms. Leni Gonzalez, Ex Officio
Sec. of Education
Representative
Arlington, VA

Ms. Tanya M. Gonzalez
City of Richmond
Hispanic Liaison Office
Richmond, VA

Mr. Jorge Mora
John Tyler Community College
Chesterfield, VA

Maricel Quintana-Baker, PhD
Ex Officio
Secretary of Commerce and
Trade Representative
Richmond, VA

Ms. Jenifer H. Nalli, Ex Officio
Sec. of Health & Human
Services Representative
Fairfax, VA

Mr. Esteban Nieto
Cargill Turkey Products
Dayton, VA

Ms. Maribel Ramos, Ex Officio
Latino Liaison for Governor
Warner
Richmond, VA

Ms. Gaby Lopez Rengifo
Peninsula Tidewater Hispanic
Chamber of Commerce
York, VA

Ms. Gresilda A. Tilley-Lubbs
Virginia Polytechnic Institute
and State University
Montgomery, VA

Mr. Andres Tobar
Executive Director
Shirlington Employment and
Education Center Arlington, VA

Mr. Philip Vasquez, Ex Officio
Deputy Commissioner
Department of Motor Vehicles
Sec. of Transportation
Representative
Richmond, VA

Mr. Michel Zajur
President
Virginia Hispanic Chamber of
Commerce
Richmond, VA

III. COMMISSION ACTIVITIES FOR 2004-2005

A. VLAC Public Meetings

The Commission held public meetings on December 10, 2004 (Richmond), January 28, 2005 (Chester), March 18, 2005 (Harrisonburg), April 15, 2005 (Alexandria), May 20, 2005 (Hampton), September 9, 2005 (Pulaski). The HB1798 & SB1143 subcommittee hosted a meeting in Richmond on June 3rd and September 23, 2005 and attended a training organized by DMAS and DSS regarding the implementation of this new law.

The following speakers addressed the commission. Peter VonDer Lippe, Multicultural Manager of the American Red Cross Richmond Chapter, presented the creation of the Virginia Hispanic Leadership project. Deputy Secretary of Commerce and Trade John Sternlicht and Director of the Department of Housing and Community Development Bill Shelton presented on the Community Development Bank initiative. Jeff Lake, Deputy Commissioner for the Department of Health presented on access to prenatal care. Rebecca Mendoza, Outreach Manager, Division of Maternal & Child Health, DMAS and Mayra Granados, Latino Outreach Coordinator for FAMIS, updated the group on the enrollment numbers of children in FAMIS. Wanda Hamilton, Instructional Supervisor for ESL, Language Arts, Foreign Language and English at Harrisonburg City Public Schools presented on the number of students in need of ESL. Dr. Emily Richardson, President of the Virginia Career Education Foundation presented on her non-profit organization. Dr. Mirta Martin, Executive Director for JTCC Foundation presented on the need for funding their program at JTCC.

C. Commission Subcommittees

The VLAC continued with the following committees that were addressed in the first report, which were tasked with following up on the previous recommendations made. Each of these committees had several Commission members assigned, to carry out its duties in a more efficient manner: They are listed and reported in alphabetical order: Business Issues, Education Issues, Health Issues, Identification Issues, Language Access Issues, Law Enforcement Issues and the addition of the HB1798 & SB1143 committee. The HB1798 & SB1143 Subcommittee was formed as a directive of Governor Warner's request that VLAC assist in planning for implementation of the act, provide awareness of what is and is not covered by the legislation, guidance to local agencies, unanticipated costs for localities and other issues as may seem appropriate. The Governor had also requested a report to him by November 15, 2005. This report was completed by Wayne Turnage, Policy Director at DMAS and Senior Advisor to the Governor, DSS and VLAC.

Final reports were received from each subcommittee. The Commission evaluated these issues and recommendations and chose the top twelve which are listed as the priorities presented in Part 1 of this report.

The continued work of the Commission demonstrates the importance in giving voice to the Latino community.

IV Reports and Recommendations

A. BUSINESS SUBCOMMITTEE

The VLAC Business Committee continues to be very concerned with the dismal participation of Virginia's Latino businesses that are doing business with the Commonwealth of Virginia. In its 2004 Minority Business Study Report conducted by the Department of Minority Business Enterprise, it was reported that Latino businesses received only 0.29% of the total contract dollars awarded by the Commonwealth of Virginia. Considering that there are over 20,000 Latino businesses in Virginia and a population approaching 6%, the results are appalling.

The VLAC Business Committee has identified 36 Latino owned businesses that have been minority-certified by the Virginia Minority Business Council. The Committee attempted to contact these businesses to determine the obstacles they faced in getting minority-certified and in doing business with the Commonwealth. Regrettably, only a few of the 36 businesses responded to the questions presented to them, so it is not a fair sample. However, some of those that **responded**, indicated that they did not pursue any government contracts, while others complained about the difficulty of the process.

Recommendation

- **The Department of Minority Business Enterprise should:**
 - 1) **Study why there are so few Hispanic-owned DMBE certified businesses;**
 - 2) **Assist Latino businesses obtain DMBE Certification, and;**
 - 3) **Conduct an aggressive publicity campaign to attract more minority businesses to compete for contracts to do business with the Commonwealth of Virginia.**

B. EDUCATION SUBCOMMITTEE

During the 2004-2005 year the education committee continued to meet with and address concerns of members of the Latino community in Virginia regarding issues facing education. In furtherance of the goal of insuring access to higher education for all Latino residents, members of the committee testified before the state legislature and advocated against efforts to restrict access to higher education. The committee also established a working group to provide a network for professors at Virginia Colleges and Universities who work to support the needs of Latino students who are enrolled. It is the hope of the committee that once the information is compiled it will be made available as an online resource for parents and students.

Recommendation

- **One of the most prominent concerns presented to the committee was the need to support adult ESL classes. Especially in the rural portions of the state, the Commission was told that the demand for the classes exceeded the opportunities. The people we spoke to indicated that the desire for these classes as a means to more fully integrate into their communities was extremely high. The Commission would urge greater coordination at the state level to ensure that "best practices" for providing ESL are disseminated throughout the state.**

Finally, during the year the education committee began to work with the State School Board Association's Limited English Proficient (LEP) Caucus. Through collaboration the

Commission believes we can efficiently obtain information on the needs in the different school divisions. We would urge that all efforts be taken to ensure that children who are making significant progress in their acquisition of English, are supported in their efforts. We would recommend that the Commonwealth consider supplementing funding displaced from LEP budgets at the local level as a result of No Child Left Behind requirements.

C. HEALTH SUBCOMMITTEE

Our health is a precious gift and is a fundamental necessity in order to provide for our families and be productive citizens in our communities. In VLAC's 2004 report, health was identified by the Commission as one of the six substantive areas most pressing to the Latino community. The Health Issues Subcommittee identified several critical issues in the 2004 report, including: language access in health care settings; effective use of state resources; development of bilingual services directories; promotion of cultural competence; the lack of bilingual and bicultural professionals; and the lack of knowledge about the United States health system and programs. The Health Issues Subcommittee would like to reemphasize these same critical issues, and supports the efforts of the Virginia Office of Minority Health as they work to expand their scope to be more inclusive.

- The Health Issues Subcommittee submitted slides regarding committee work and focuses for the VLAC power point presentation by the deadline on May 10, 2005.
- As part of its key tasks, Commissioners Gonzalez and Nalli, and Maribel Ramos, Latino Liaison to Governor Mark R. Warner met with the Director of the Virginia Office of Minority Health, Rene S. Cabral-Daniels, JD, MPH, on May 23, 2005, to discuss their current initiatives and partner opportunities. Ms. Cabral-Daniels indicated that the office is going through a major reorganization and is planning to broaden its minority focus as well as to include cultural and linguistically appropriate services. The OMH is currently applying for grants to increase their staff, which is currently nine people. Ms. Cabral-Daniels also indicated that she would like to have more diversity on their Minority Health Advisory Committee (Commissioner Figueredo currently serves on this Committee). The OMH also finished a study on Virginia's uninsured and submitted a report to the Governor in September. The OMH would like VLAC to support their efforts for increased staffing in order to expand their focus.
- The Chair of the Health Issues Subcommittee, also a member of the Committee on HB1798/SB1143 attended a Committee meeting on June 3rd, 2005 to discuss with VLAC members and Governor's staff next steps in regards to the report due November 15th.
- The Chair of the Health Issues Subcommittee, attended a meeting with Sheryl Garland, Vice-President of Community Outreach for VCU Health System in regards to a strategy for bilingual nurse recruitment and a discussion about the Office of Language and Interpretation Services that VCU Health System will be soon opening.
- On August 15, 2005, the Chair of the Health Issues Subcommittee met with a Kate O'Leary, a City Attorney from the City of Richmond that is assigned to the Department of Social Services, regarding HB1798. Ms. O'Leary indicated that the Department had not received notice of any foreseeable impact by this law, and by her analysis, programs such as General Relief may be affected, but the other programs already adhere to this law. She indicated that the persons most impacted by this would be U.S.Citizens.
- On August 23, 2005, the Chair of the Health Issues Subcommittee spoke via phone with Dr. Michael Muse, the Benefits Human Services Manager from the City of Richmond's Department of Social Services, regarding the HB1798. Dr. Muse indicated that the Department has not yet been made

aware of any procedural changes and/or training that will be necessary once the new law is in effect. He also felt that the greatest impact of the law would be U.S. Citizens.

- The Health Issues Subcommittee continues to compile submissions of model health programs from around the state.

Recommendations:

The Health Issues Subcommittee held a meeting on April 15, 2005 prior to the VLAC public meeting to decide key tasks for 2005. The Health Issues Subcommittee presented the following key tasks for 2005 on the VLAC Public meeting that was held on April 15, 2005.

- 1) Partner with the Office of Minority Health to develop possible action steps in regards to recommendation, “Direct the Office of Minority Health (OMH) to develop a comprehensive plan to assess needs, identify resources and recommend policy changes in regards to increasing access to health services and mental health services for Virginia’s Latino population.”
- 2) Further expand our recommendation regarding new ways to leverage state and local funds with private and federal funds to meet the growing health needs of our communities. The Health Issues Subcommittee plans to explore opportunities for additional federal or grant funding that Virginia may not be utilizing.
- 3) Identify model programs throughout the state of Virginia that can be replicated in other communities, and facilitate dialogue between appropriate contacts within these communities.
- 4) Identify and undertake other task as appropriate.

D. IDENTIFICATION SUBCOMMITTEE

The Commission is deeply concerned about the “REAL ID Act” passed in 2005 and signed into law by President Bush. This law creates national standards for state-issued driver's licenses *if they are to be used for “federal purposes”*. The “Real ID Act” comes a year after Virginia implemented a “Legal Presence” law which requires those applying for a driver’s licenses or identity cards to offer proof that they are in the United States present in a lawful manner pursuant to U.S. immigration laws and incorporates many of the same requirements that Virginia’s “Legal Presence Law” requires.

The “REAL ID Act” has major implications for motor vehicle departments in Virginia and throughout the country, and increases the cost of receiving a driver's license. Under the “REAL ID Act”, states will need to verify the authenticity of identification for every applicant, establish a database, issue tamper-proof cards, and meet other regulations in order for them to be used for “federal purposes”, ostensibly boarding a plane and entering federal property. Cost estimates to implement the program nationally range from \$700 million to \$1 billion. Congress has only proposed approximately \$100 million in funding to be distributed among the states.

You are well aware of the fiscal and societal ramifications of this act. While you were Chair of the National Governors Association, you urged Congress not to pass such a law and if the law was to be passed, you asked that the states work “hand in hand” with the federal government to effectuate a law that would not be so burdensome on the states and their residents.

It is strongly believed among the members of the Commission and the members in the Latino community of Virginia that the “REAL ID Act” is an ill-conceived proposal and designed to confuse the public by cloaking it in the guise of national security.

As the **National Council of La Raza** pointed out:

“The “REAL ID Act” would make us less safe. “REAL ID” would have done nothing to prevent the 9/11 terrorist attacks, and its adoption now would actually leave us more vulnerable to terrorists.

It would force immigrant communities further underground and accelerate the growing black market in documents, thereby making it easier for terrorists and other criminals to operate.

The “REAL ID Act” repeals better federal driver’s license standards just passed by Congress and signed by the President. The Intelligence Reform Act, enacted in December 2004, contained detailed and comprehensive federal standards on state-issued driver’s licenses and IDs to improve security and reduce fraud, which were recommended and endorsed by the 9/11 Commission. These standards go into effect in just 18 months after a process of consultation with states, law enforcement, and other experts.

The “REAL ID Act” would not have stopped the 9/11 terrorists. The terrorists had visas and entered the U.S. legally. They obtained valid driver’s licenses in their own names using valid and accurate documents. Federal requirements that a license expire with immigration visas would not have stopped them either. In fact, nothing in the “REAL ID Act” would prevent them from doing so again. They did not need driver’s licenses to board planes or enter federal buildings because they all had valid passports from their home countries.

Immigrant driver’s license restrictions make us all less safe. Denying driver’s licenses to large segments of the population only increases the number of unlicensed, uninsured drivers on our roads. Immigrant driver’s license restrictions take away a key law enforcement tool by excluding large numbers of residents from the most comprehensive government database of all, one that is constantly used to track down and capture criminals as well as terrorists. Restrictions also increase the black market for fraudulent documents.

A federal requirement that driver’s licenses expire with immigration visas reflects a misunderstanding of the immigration system and is ineffective. Visas and immigration statuses do not have uniform documentation nor do they have simple expiration dates. Many non-citizens are still lawfully in the country even though their immigration document may have expired. For example, a nonimmigrant who has applied for extension of a visa is lawfully present while awaiting a decision on the application. But for driver’s license purposes, they will appear to be out of status. The Department of Homeland Security is hopelessly behind on processing immigration applications and changes in or extensions of status. DHS backlogs will prevent many non-citizens from obtaining or proving their status in order to get a driver’s license. DHS backlogs will only increase if the agency’s resources must be consumed in proving immigration status for driver’s license purposes.

The driver’s license provisions will result in increased discrimination and civil rights abuses. The “REAL ID Act” would create a multi-tiered system in which drivers have distinct licenses; U.S. citizens and legal permanent residents would have one type of license, and lawful temporary immigrants would have an easily distinguishable distinct license. It is also possible for undocumented immigrants to have a driver’s license that singles them out as well. This type of system opens the door to widespread discrimination and civil rights violations”.

The “REAL ID Act” among many other “anti discriminatory requirements”, allows for the issuance of drivers licenses and ID cards which cannot be used for “federal purposes”. These cards may be issued by states and do not require the applicant to prove legal presence.

In October of 2005, you appointed a task force with responsibilities that include:

- Reviewing the Real ID Act and raising public awareness about its potential impact on Virginia, including but not limited to the potential increased cost of licensure, administrative burdens on the public and businesses, and the potential benefits of the Act;
- Exploring options for compliance with the Act while protecting the security and integrity of Virginians' personal information;
- Recommending action steps to be taken at the federal and state levels to minimize the impacts of any unfunded federal mandates, remove impediments to compliance, and to ease the cost and administrative burden of the Act;
- Identifying a timeline for implementation.

Recommendation:

- It is the Commission’s recommendation that you support and strongly recommend the issuance of limited duration Driving Certificates for those unable to prove their Legal Presence, these documents should only be used to drive and to obtain insurance, and should not be used for purposes of identification.
- The Identification Issues Committee recommends to accept the Passports and Consular Identification Cards extended to foreign born residents by their Embassies and Consular Offices as valid documents for identification purposes only.

E. LANGUAGE ACCESS

This year, the Language Access Committee of VLAC created a full, professional-quality Spanish translation of the Commission's 2004 Final Report, and also continued our inquiry into language- related challenges facing Virginia's Latino population. The following are very brief summaries of what we consider the most salient points:

- The current situation in Virginia, in terms of language access, is highly inconsistent, even chaotic, with a lack of coordination from locality to locality, not to mention statewide. In part this reflects how different the Spanish-dominant population is from place to place in size, nationality, and length of residence in Virginia.
- There is widespread reliance on what could be called an "improvised" approach to language access, with agencies tapping employees who happen to speak Spanish as translators and interpreters. This causes difficulties with both human resources (individuals asked to translate are often not compensated or recognized for the extra work) and quality (speaking Spanish does not equal professional competence in translating/interpreting).

- Substantial education of the public (both ordinary residents, journalists and other opinion-shapers, and government officials) is needed regarding language access, especially: **I**) translation and interpretation are professional skills, just as those of an electrician, nurse, engineer, or doctor; **II**) providing language access to residents with limited English-language skill is a moral, and in many cases a legal, obligation - as with Title VI; **III**) learning a foreign language takes years, even for a child; **IV**) in emergency, health, legal, and law-enforcement situations, language access is an absolute necessity.
- Fairfax County's Language Coordinator position offers a model that, though not directly applicable at the state-wide level, offers potential to be adapted and reshaped to function for Virginia as a whole. Particularly promising approaches include the concept of serving the public mainly by working with government employees to increase their awareness and provide them a range of tools (contracted interpreting/translation services, some advisory and other uses of community volunteers, and quality-control mechanisms, among others).

Recommendations:

- We hope that the successor to this Subcommittee will explore more comprehensively the creation of a state-wide position to coordinate language-access services. Serving a state with 135 counties, many tens of thousands of employees and hundreds of individual agencies is a colossal task. This Committee believes that Virginia's state and local governments, and all of its residents, would benefit greatly from creation of a position that would:
 - Coordinate language access issues for the entire Commonwealth of Virginia
 - Create efficiencies based on collaboration, sharing of translated materials, quality control, avoiding duplication, and the economies of scale based on state-level contracts for service provision
 - Educate officials as well as journalists and the general public statewide, using the forum provided by a state-level position

F. LAW ENFORCEMENT SUBCOMMITTEE

During the 2004-2005 year, the law enforcement subcommittee continued to receive reports from members of the Latino community which indicated that there is an increase in mistrust between the police and the Latino community in many parts of the state. Many local police agencies are working to alleviate the fear that exists by providing outreach to the Latino community. We are hopeful that the desire to work cooperatively will continue. **One example of success continues to take place in Virginia Beach, where the Police and the Hispanic Community Dialogue Organization work together fostering education, better understanding and communication between the department and the community through regular forums and discussions.**

V. CONCLUSION

It is the request of the Virginia Latino Advisory Commission that the Administration take into consideration the recommendations made above. The VLAC will continue to work closely with various agencies to help meet many of the needs that have been included in all reports to the Governor. The recommendations listed above are in addition to the final report that was presented to the Governor on September 2004. The VLAC has taken a proactive approach by hosting several open meetings and forums across the Commonwealth and has captured that information in the minutes following each meeting.