

Court Interpreters Say When They're Mistreated, Immigrants Suffer Too

Translation: Better pay and higher standards mean a more just system for all.

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WASHINGTON — For 14 years, Carmelina Cadena has worked as an immigration court interpreter, serving as a bridge between judges, attorneys and immigrants who can't explain in English why they came to the U.S. or fear being deported.

Cadena has seen a change in the courts in the past year. She says standards have deteriorated, as has her compensation: She no longer gets reimbursed for many of the expenses she incurs traveling around the country for court hearings, and her total pay now is lower.

But what Cadena is most worried about is the immigrants who will suffer — or already are suffering — when experienced immigration court interpreters are replaced with new hires who are willing to accept lower pay.

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Some highly skilled interpreters are leaving immigration court work because of the compensation complaints. They're being replaced with people with less experience who may make mistakes, interpreters say. Sometimes there are shortages that lead to no interpreter showing up or to courts making do with an interpreter who speaks the immigrant's second or third language rather than the one best understood. In addition, immigration courts don't require interpreters to have the same types of certification required by other state and federal courts, which, interpreters say, leads to jobs going to people who may not be prepared.

"This is somebody's life that is relying on your ability to relay their story," said Cadena, who is originally from Guatemala and speaks two Mayan dialects: Acateco and Canjobal. "If the [interpreter] doesn't know what something means and they get stumped on it and they don't say it, that could be the difference between that person having to go back to a country where they're facing danger."

She is part of a group of immigration court interpreters pushing back on what they argue is unfair pay and lower standards from SOSi, the corporation that in 2015 received a contract to handle interpretation for immigration courts using independent contractors, such as Cadena.

The interpreters' fight is happening on multiple fronts this week. On Monday, a group of immigration court interpreters sued the government contractor in federal court, claiming they are not being paid for all of their work and expenses.

Also Monday, a union leader and immigrant rights organizer wrote to the Department of Justice that immigrants' due process is suffering because of poor labor practices and low standards for certification for interpreters.

And Wednesday, immigration court interpreters will join a protest in Washington, D.C., over low wages for federal government contract workers.

It's a labor battle with high stakes for immigrants in court proceedings, many of whom need an interpreter to communicate with the judges who will decide their fate. The federal government often outsources the work in an effort to save money, but interpreters and attorneys say that outsourcing this service to SOSi has hurt both the workers and the people they're trying to help.

In their suit, interpreters allege that they are not compensated for all of the time they work and are not properly reimbursed for costs. They are required to arrive at court 30 minutes before a hearing and go through security screenings, for example, but that time doesn't count toward their pay, nor does wait time between hearings or the time it takes to set up, according to the complaint.



Terry Why via Getty Images

"SOSi is committed to contracting with the top providers of interpretive services and serving the DOJ at a very high level," responds a company spokeswoman.

Labor problems hurt due process for immigrants, argued Bernard Lunzer, News Guild-CWA president, and Gustavo Torres, executive director of the immigrant advocacy group CASA de Maryland in their letter to the Department of Justice, which asked for an investigation into whether SOSi is meeting standards for quality in interpreting. (Although they are not unionized, many SOSi immigration court interpreters are part of the Interpreters Guild of America, which is affiliated with the News Guild-CWA.)

The Department of Justice did not respond to a request for comment on the letter or the complaints about SOSi.

An SOSi spokeswoman said in a statement that the company does not typically comment on litigation but that it "has successfully recruited many independent contractors who provide interpretive services in 300 languages and dialects" in support of the Executive Office for Immigration Review. She said the

complaint was from “one former independent contractor” and that its allegations “are baseless and do not accurately represent the Company’s business.”

“Founded more than 25 years ago as an interpretation agency, SOSi is committed to contracting with the top providers of interpretive services and serving the DOJ at a very high level,” said the spokeswoman, who asked not to be identified by name.

But interpreters and organizers say the training standards seem to be weaker, not stronger, than those for other courts’ interpreters. Angie Birchfield of the Interpreters Guild of America, who does not work for SOSi, said court interpreters required to take one of the often-used certification exams often study for more than a year and usually don’t pass on the first try, given the difficulty of the job.

“I have to be a judge, I have to be an attorney, I have to be a doctor, I have to be a layperson, I have to be a gang member, and I have to be an expert witness, and I have to have all of that vocabulary at the tip of my tongue in a different language,” Birchfield said of interpreting. “That in itself can tell you the hours upon hours upon hours of training that we have to go through in order to be as proficient as we need to be in order to be able to handle these kinds of cases.”

Some of the newer immigration court interpreters don’t know all of the necessary language, said Victor Nieblas, former president of the American Immigration Lawyers Association. For example, he said, he has had interpreters not know what an “LPR” means — the common shorthand for “legal permanent resident.”

He said he has noticed more problems in how the system operates since SOSi took over, along with what he’s heard from interpreters he talks to.

“The labor dispute is now spilling into the immigration courts, and it’s having an impact on the immigration judges, the attorneys like myself and, more importantly, ... the individuals that are before the courts,” Nieblas said. “That shouldn’t be the case.”

For her part, Cadena said she supports higher certification standards and has taken steps to get certification for the state. She said she works hard to keep her language skills up, including by traveling back to Guatemala and learning new language that’s always evolving, such as terms related to technology.

The high level of skill required for the job should be reflected in its pay, she argued.

“We are the foot soldiers that are going out there, we’re doing a lot of work and we’re not getting the respect that we deserve,” she said.