

Social Security

Program Operations Manual System (POMS)

TN 39 (12-14)

GN 00203.011 Special Interviewing Situations: Limited English Proficiency (LEP) or Language Assistance Required

A. Policy for LEP interviewing situations

SSA is committed to providing fair and equitable world-class service to the American public, regardless of an individual's inability to communicate effectively in English.

SSA recognizes that using qualified interpreters efficiently facilitates our processes, deters fraud, and assures that individuals with limited English proficiency (LEP) are not disadvantaged.

SSA will provide an interpreter **free of charge** to individuals requesting language assistance or when it is evident that such assistance is necessary to ensure that the individual is not disadvantaged. **SSA does not require individuals needing language assistance to provide their own interpreters.**

If the individual prefers to use his or her own interpreter, such as a family member, friend, or third party, SSA will determine if the interpreter meets SSA's requirements for a Qualified Interpreter.

Generally, SSA will not permit a child under age 18 to serve as an interpreter due to the nature and complexities of SSA's business processes.

NOTE: For more information regarding SSA's Limited English Proficiency (LEP) services, visit the "Serving Multilanguage Audiences" on the SSA website.

B. Definitions used in LEP interviewing situations

1. Interpreter

An interpreter is an individual who speaks both English and another language fluently and facilitates communication between an individual needing language assistance and SSA staff who are not proficient in the individual's preferred language.

2. Qualified interpreter

A qualified interpreter is an individual or vendor who is able to read, and speak fluently in English and the language or dialect of the individual needing language assistance, and who meets the following criteria:

- Provides an accurate interpretation of questions and responses by both the individual being interviewed and the SSA interviewer; i.e. does not self-initiate follow-up questions or infer facts or dates not provided by the individual or the SSA interviewer;
- demonstrates familiarity with basic terminology used in SSA materials and interviews, including medical and social welfare terminology when necessary;
- has knowledge of and experience in applying the protocols and procedures for delivering interpreter services;
- agrees to comply with SSA's disclosure and confidentiality of information requirements; and
- Has no personal stake in the outcome of the case that would create a conflict of interest. An individual who is a potential or actual claimant or beneficiary on the same record as the individual needing language assistance can act as an interpreter, providing that there is no other conflict of interest.

3. Translator

A translator is an individual who can read and write English and another language to accurately translate **written** material from one language to the other.

NOTE: See GN 00301.330 for document translation standards and DI 23045.001 for translation of foreign language documents for the Disability Determination Service (DDS).

4. Authorized translator

An authorized translator is a translator who SSA certifies through an official process to accurately translate **written** documents and evidence in a non-English language into English. See GN 00301.340.

5. Telephone Interpreter Service (TIS)

SSA has a nation-wide agreement with a private company, Language Select, to provide telephone interpreter services in more than 120 languages and dialects. SSA authorizes all SSA public contact employees to use this service. Interpreters are available immediately, with no appointment necessary, 24 hours a day and 7 days a week. Features of Language Select telephone interpreter services include:

- Interpreter on call 24 hours a day, 7 days a week who can interpret over 120 languages or dialects;
- connection with the appropriate interpreter within 1 minute if the SSA representative knows the language or dialect of the caller;
- trained operators who can identify the needed language or dialect if the SSA representative is not able to identify the requested language or dialect; and
- if the requested language or dialect is not one of the languages available or an interpreter is unavailable, Language Select will offer to try to locate an interpreter and call you back.

6. Individual with Limited English Proficiency (LEP)

An individual with LEP is someone who has limited or no ability to read, write, speak, or understand English.

7. Good cause for late filing based on English ability

Consider good cause for late filing if an individual's lack of facility with the English language:

- prevented him or her from filing a timely request; or
- prevented him or her from understanding; or
- prevented him or her from knowing about the need to file a timely request for appeal. See GN 03101.020A.3.d.

Fully document all actions taken to ensure the individual's understanding of the claims process and of reporting responsibilities to support or deny any future determinations on good cause.

C. Procedure for identifying the need for an interpreter

Interviewers should follow these steps.

1. Be alert to the language needs of any individual having difficulty in understanding or speaking English and be sensitive to the cultural differences that could affect the interview;
2. Determine whether the individual wishes to conduct the interview in English or what language other than English he or she prefers to use;
 - Offer to obtain the services of an in-office interpreter prior to an interview if an appointment is being scheduled for a future in-office interview;
 - Offer to obtain an interpreter by telephone through the nation-wide TIS if the future appointment is a telephone interview, or you need immediate service.
3. Provide an interpreter when the individual requests one, whenever it is difficult to understand the individual, or when it is evident that language assistance is needed to ensure that the individual is not disadvantaged, even if the individual does not request an interpreter.
4. Use the following options when you do not know the language that you need assistance.
 - For in-office interviews, use the interpreter poster or language card available in all field offices and at the Multilanguage Gateway Internet. The interpreter poster and language card explains SSA interpreter policy in many languages and may be helpful in identifying the individual's preferred language;
 - Contact the TIS, the trained operators can identify key words in foreign languages and effectively determine the language that you need assistance.
5. For information inquiries, provide available pamphlets and fact sheets in the language that the individual prefers. See the Multilanguage Gateway on the SSA website. These sites are updated frequently and provide expanded information about SSA's interpreter services and materials available in languages other than English.
6. If the individual has access to the Internet and materials are available for his or her language, refer the individual to the Multilanguage Gateway on the SSA website.

7. Assure the individual that SSA will provide him or her with service equal to that provided to individuals who speak English well.
8. Inform him or her that SSA will provide interpreter services free of charge.
9. Follow instructions in GN 00203.011H if the individual prefers to use his or her own interpreter.

D. List of qualified interpreter sources

In priority order, SSA will accept the following list of qualified interpreters provided they satisfy the requirements outlined in GN 00203.011B.2.

1. SSA bilingual employees.
2. Also included as qualified interpreters, with the same priority as SSA bilingual employees, are:
 - employees of the Veterans Administration Regional Office in Manila,
 - U.S. Military Consular Officers,
 - officials of foreign government liaison agencies, or
 - designated employees of the Federal Benefits Unit of a U.S. Foreign Service Post, who are fluent in the language they will interpret.
3. Bilingual consultative examination providers for disability claimants.
4. Non-SSA interpreters in the community who have an agreement with SSA to provide interpretations and who do not charge a fee for interpreter services; e.g., members of church groups, university employees or students, employees of other Federal, State or local agencies, ethnic social service agencies, or members of advocacy groups.
5. Employees of vendors contracted by SSA to provide interpreter services. This category also includes all interpreters working for the nation-wide SSA TIS;
6. Non-SSA interpreters in the community who charge a fee for interpreter services; e.g., members of church groups, university employees or students, employees of other Federal, State or local agencies, ethnic social service agencies, or members of advocacy groups.

E. Authorization of paid interpreters

1. Third party interpreters for in-office interviews are hired through authorization or prior approval of the FO manager and are paid for by government credit card or a third-party draft. After the initial authorization of the individual as a qualified interpreter, no SSA-795 or other verification is required for SSA provided interpreters.
2. Telephone interpreters are provided through a national contract with a professional language interpreter service. Since the company is a contractor for SSA, no SSA-795 or other verification is required. No local authorization is required to use the TIS.

F. Procedure for obtaining a telephone interpreter

To contact a Language Select interpreter for all languages, follow these instructions.

- Call 1-800-200-7236 (use the conference feature on your phone)
 - DO NOT RELEASE THIS NUMBER TO THE PUBLIC.
 - SSA employees are responsible for connecting the interpreter and the LEP individual via a three-way call
- State language or dialect required (Language Select can assist with language identification).
- Provide your 3-digit DOORS office code. (**IMPORTANT:** Do not precede the office code with the office code acronym (i.e., DO Code, DO, Office Code, OC). This confuses the Language Select agent who is not familiar with SSA acronyms.)
- For "Medicare" related calls, advise the Language Select operator this is a "**Medicare case.**"
- For additional instructions on the use of Language Select Telephone Interpreter Services, go to "Serving Multilanguage Audiences" on the SSA website

G. Procedures for interviewing with the assistance of an interpreter

The SSA interviewer must:

1. direct all questions and comments to the individual being interviewed, not the interpreter. For example, ask, "What is your Social Security number?" rather than "Ask him what his Social Security number is."

2. ask one question at a time and listen to the interpreted response before asking the next question.
3. use short sentences to help the interpreter provide exact interpretations.
4. avoid jargon or words that have two or more meanings. Provide examples if they are needed to explain a question. For example, instead of saying "What is your living arrangement?" say "Do you live alone or with others?"
5. If the interpreter lapses into third-party references ("he/she says"), intervene and redirect the interpreter to ensure that the interview continues in the first person ("I").
6. When using an in-person interpreter, think carefully about the physical positioning of the interpreter to minimize the likelihood that the interview will become a conversation between the claimant and the interpreter. Have the interpreter sit next to the SSA interviewer, when possible, rather than next to the claimant.
7. document the file with the individual's language preference using the "Transfer remarks" field(s) on the Title II or Title XVI Information screen in EDCS. Annotate "LEP [specify language] interpreter needed". See DI 81010.080 for more information on how to document EDCS.
8. include the following statement on an SSA-795 or RMKS screen in MCS or DPST screen in MSSICS over the individual needing language assistance's signature.
"The interview was conducted in (state language) which is my preferred language. This statement was read to me in (state language). I understand it."
The statement should also include any additional actions taken to ensure his or her understanding of material covered during the interview over the individual's signature.
9. make appropriate systems entries to identify the preferred spoken and written language of the individual (CLLG screen) and to issue non-English language notices, if available. Currently, only English and Spanish notices are systems generated for Title II and Title XVI claims.

H. Procedure when the individual prefers to provide own interpreter

The SSA interviewer must:

1. explain to the individual that SSA will provide a qualified interpreter at no cost to assist him or her in conducting business with SSA, so he or she is not disadvantaged.

2. explain the role of an interpreter is only to communicate accurately what is being said by SSA and the individual. The interpreter must not add, omit, or change anything that is being said.
3. determine the qualifications and identity of the interpreter before beginning the interview.
4. explain that SSA only pays for interpreter services provided by SSA.
5. have the individual's own interpreter sign an SSA-795 with the following statement and information.
 - "I am acting as an interpreter for (individual's name) to provide accurate communication between (individual's name) and SSA";
 - I can read, speak, and understand English and (language), which is the language or dialect of (individual's name);
 - interpreter's name, address and telephone number;
 - relationship, if any, of the interpreter to the individual (e.g. son, mother, friend, minister);
 - any relevant comments that the interpreter wishes to include; and
 - any relevant comments the interviewer deems necessary to document over the interpreter's signature.

NOTE: Interpreters provided by SSA, whether in the office or by telephone, do not have to sign the SSA-795.

6. 6. Take the following actions when you conduct the interview by telephone with an individual's own interpreter.
 - Explain the LEP policy and procedure as outlined in this subsection, including the need for a signed SSA-795;
 - Terminate the interview if the interpreter states that he or she will not sign the SSA-795 that will be mailed, and follow the procedures in GN 00203.011H.3.; or
 - Continue the interview and proceed without the signed SSA-795 if the interpreter agrees to sign the SSA-795;
 - Mail the SSA-795 to the interpreter's address; or
 - Mail the SSA-795 with the application package **if** the interpreter and the individual have the same address.

- Do not finally adjudicate the claim to an allowance or denial until the interpreter returns the signed SSA-795.
7. See RM 10205.097 when obtaining the SSA-795 in conjunction with an interview for an SSN.
 8. Take the following actions when attempts to obtain the interpreter's signed SSA-795 fail.
 - Locate a second interpreter using the qualified interpreter listing found in GN 00203.011D.
 - In disability claims, notify the DDS, if appropriate, that you are re-interviewing the individual with a second interpreter.
 - Use the second interpreter to re-interview the individual. Verify the information on the application and related forms.
 9. Take the following actions, if the individual insists to use a child under age 18 as an interpreter. (Generally, SSA will not permit a child under age 18 to serve as an interpreter due to the nature and complexities of SSA's business processes.)
 - Advise the individual that SSA cannot use a child under age 18 as a qualified interpreter and that you must call a telephone interpreter through the TIS. If the TIS cannot provide an interpreter because the individual speaks a rarely used language or dialect, or if business cannot be completed that day because no TIS interpreter is available through the day, use the child solely for the purpose of obtaining contact information for the individual and scheduling a later appointment so you can locate a qualified interpreter in the community. Do not attempt to conduct an interview using the child as an interpreter.
 - Document your actions in an SSA-795.
 - Determine from SSA systems and any documents that the individual may have with him/her, if the individual has been notified of any adverse action with regard to benefits received. If the individual has been subject to any adverse action, assume that the individual wishes to appeal the adverse action and wishes to receive benefits pending resolution of the matter. Take the necessary action to reinstate or continue benefits. If such an appeal is not timely, there is good cause for late filing of such an appeal because SSA has not been able to provide a qualified interpreter. If the individual is attempting to apply for benefits, use the contact date as the protective filing date for any such claim that is subsequently filed.

- If business cannot be completed that day while using the TIS interpreter, use the TIS interpreter to schedule the next appointment, not the minor child.

I. Procedure when SSA interviewer is not satisfied with the interpreter provided by the LEP individual

1. The interviewer should take the following steps when the interpreter:
 - is not acting in the individual's best interest; or
 - is not providing accurate information to SSA; or
 - does not agree to sign the SSA-795; or
 - is engaging in fraudulent activity or possible interpreter fraud.
2. Advise the individual needing language assistance that SSA will provide free interpreter service to ensure the individual is not disadvantaged.
3. Offer to continue the interview, but only with the additional assistance of an interpreter SSA provides.
4. If the services of a qualified **in-office** interpreter are necessary:
 - terminate the interview;
 - inform the individual that SSA will provide a qualified in-office interpreter at the time of his or her rescheduled appointment date and time;
 - document the file giving the reason the interview was terminated; and
 - protect the individual's filing date as outlined in GN 00204.010 and SI 00601.015 through SI 00601.025 for title XVI.
5. If the services of a telephone interpreter would be suitable, explain that the TIS must be called before the interview can continue.
 - Tell the individual that his or her interpreter can remain during the interview, if he or she requests it, but that you will direct all questions to the individual interviewed and you must receive all responses from that individual.
 - Call the TIS and obtain an interpreter before continuing the interview.

6. Follow the procedures in GN 04101.005 through GN 04101.010 if fraud is suspected at any time during the interview or development of the case.

J. Procedure for submitting a complaint about SSA-provided interpreters

To submit a complaint about an SSA-provided interpreter not performing completely or appropriately, contact the regional office (RO) with the information below:

- Date of incident;
- Time of incident;
- Office Code – office that has the complaint against Language Select
- Interpreter identification number;
- Details regarding the nature of the complaint;
- The RO should call Language Select at 1-800-200-7068 or email customer@languageselect.com to report the complaint and provide Language Select with the detailed information.

K. References

- GN 03101.020, Good Cause for Extending Time Limit
- GN 04010.001, Reopening – Good Cause
- GN 04120.005, Promise of Confidentiality to an Informant - Policy
- SM 01005.545, FV Field - Foreign Language Code - MSSICS
- SM 00510.523, Language Preference (LANGUAGE PREFERENCE) Data Line - MBR
- DI 23040.001, Foreign Language Interpreters - DDS
- DI 33010.030 Foreign Language Interpreters - DHU
- DI 23025.010 Identifying Cases that are High Risk for FSF
- HALLEX I-2-1-70 , Foreign Language Interpreters
- HALLEX I-2-6-10 , Hearing Procedures-Foreign Language Interpreters

To Link to this section - Use this URL:

<http://policy.ssa.gov/poms.nsf/lnx/0200203011>

GN 00203.011 - Special Interviewing Situations: Limited English

Proficiency (LEP) or Language Assistance Required - 10/15/2015

Batch run: 10/15/2015

Rev: 10/15/2015

