

# Accessing SSA Services for LEP Individuals

Denny Chan, Justice in Aging  
Tracey Gronniger, Justice in Aging

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# About NCLER

The National Center on Law and Elder Rights (NCLER) provides the legal services and aging and disability communities with the tools and resources they need to serve older adults with the greatest economic and social needs. A centralized, one-stop shop for legal assistance, NCLER provides Legal Training, Case Consultations, and Technical Assistance on Legal Systems Development. Justice in Aging administers the NCLER through a contract with the Administration for Community Living's Administration on Aging.

# About Justice in Aging

Justice in Aging is a national organization that uses the power of law to fight senior poverty by securing access to affordable health care, economic security, and the courts for older adults with limited resources.

Since 1972 we've focused our efforts primarily on populations that have traditionally lacked legal protection such as women, people of color, LGBT individuals, and people with limited English proficiency.

# Key Lessons

- **LEP individuals must have reasonable access to government programs and services.**
  - Under Title VI of the 1964 Civil Rights Act, the federal government, and those receiving federal financial assistance, must take reasonable steps to ensure that LEP persons have meaningful access to the programs, services, and information they provide. Entities covered by this law can include state and local agencies, as well as private and nonprofit entities.
- **Language assistance includes multiple services.**
  - Language assistance services are not limited only to in-person oral interpretation. It can include such things as having bilingual staff providing program services, telephone interpreter lines, and written language translation.
- **LEP Services are available through the Social Security Administration (SSA).**
  - SSA's Language Access Plan is meant to provide access to benefits and services for LEP individuals.
- **You may need to advocate for clients who need LEP services.**
  - Despite the rules requiring LEP individuals to have reasonable access to government programs and services, there are times when you may need to advocate on behalf of your clients in order for those services to be adequately provided.

# LEP DEFINED

# LEP Population

- Limited English Proficiency or Limited English Proficient (LEP) refers to people who do not speak English as their primary language and have a limited ability to speak, read, write, or understand English.
- In 2013 approximately 25 million individuals living in the U.S. were considered Limited English Proficient.

# LEP Population - Demographics

- Age
  - 75% - between age 18 and 64
  - 15% - age 65 or older
  - 10% - between age 5 and 17
- Language
- Education
- Poverty

# Language Access Rights



# Language Access Rights Laws

- Title VI of the Civil Rights Act of 1964
- Executive Order 13166
- State and local laws

# Title VI

- Title VI prohibits discrimination on the basis of race, color, or national origin in any program or activity receiving federal funds.
- Been interpreted to include language access as a part of national origin. *Lau v. Nichols*, 414 U.S. 563 (1974).
- Enforcement limited by *Alexander v. Sandoval*, 532 U.S. 275 (2001).

# Executive Order 13166

- Made DOJ responsible for LEP guidance
- Ensure LEP people have meaningful access for interpretation and translation
- Four factor test: number or proportion of LEP individuals, frequency of contact, nature and importance of program, and resources
- Safe harbor provision for translation (1,000 or 5%)

# Examples of Language Access Services

- Interpretation
  - Facilitates *oral* communication between people who speak difference languages
- Translation
  - Translates *written* materials from one language to the other
- LEP Guidance safe harbor provision for translation (1,000 or 5%)

# Language Access and the Social Security Administration

# SSA Language Access Overview

- SSA Language Access Plan
- SSA Multilanguage Gateway
  - 18 languages
  - Limited written translations
- Interpreter Services
  - **Free** interpreters
  - Telephone Interpreter Services (TIS)
    - Toll-free number: 800-772-1213

# SSA Policies for LEP Individuals

- Program Operations Manual System (POMS)
  - POMS GN 00203.011
  - POMS DI 23040.001

# Case Example

- Tam: 68-year old woman living in California
  - LEP Vietnamese speaker
  - Received letters in English from SSA
  - When she goes to a field office she is turned away and told to come back another time
- What should you do when Tam comes to your office for help?
  - POMS GN 00203.011B.5
  - Complaint form: SSA-437-BK



# Elder Justice Toolkit

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## Elder Justice Toolkit

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Practice-oriented, national online resource with information on pursuing civil legal remedies in elder abuse cases, practice tips, and sample documents for attorneys.

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Contribute to the Toolkit! Customize a state-specific financial exploitation guide, or share your documents, letters, and pleadings at [ConsultNCLER@acl.hhs.gov](mailto:ConsultNCLER@acl.hhs.gov).

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# Case Consultations

Case consultation assistance is available for attorneys and professionals seeking more information to help older adults. Contact NCLER at [ConsultNCLER@acl.hhs.gov](mailto:ConsultNCLER@acl.hhs.gov).